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COMMITTEE ON GENERAL WELFARE

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON GENERAL WELFARE

October 31, 2019  
Start: 1:18 p.m.  
Recess: 5:04 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: STEPHEN LEVIN  
Chairperson

COUNCIL MEMBERS:

VANESSA L. GIBSON  
BARRY S. GRODENCHIK  
ROBERT F. HOLDEN  
BRAD S. LANDER  
ANTONIO REYNOSO  
RAFAEL SALAMANCA, JR.  
RITCHIE J. TORRES  
MARK TREYGER

COMMITTEE ON GENERAL WELFARE

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A P P E A R A N C E S (CONTINUED)

1  
2  
3 Nancy Fortunato  
Senior Parent Leader at Rise

4  
5 Ray Watson  
Parent Leader at Rise

6 Hope Lyzette Newton  
Parent Advocate with the Center for Family  
7 Representation

8 Joyce McMillan  
Advocate, Child Welfare Organization Project,  
9 CWOP

10 David Hansell  
Commissioner of the New York City Administration  
11 For Children's Services, ACS

12 William Fletcher  
Deputy Commissioner of Child Protection Services,  
13 CPS

14 Sandra Davidson  
Assistant Commissioner with the Administration of  
15 Child Services Division of Child Protection

16 Stephanie Gendell  
Acting Deputy Commissioner for the Division of  
17 External Affairs

18 Susan Chin  
Assistant Director in the Political Action  
19 Department of District 37

20 Careena Farmer  
Parent Leader at Rise

21 Alisa McCoy  
22 Parent, Resident of New York City

23 Nicole White  
24 Parent, Resident of Brooklyn

25 Betsy Kramer  
Lawyers for Children

A P P E A R A N C E S (CONTINUED)

Rachel Stanton  
Children's Law Center

Shomari Ward  
Attorney with the Legal Aid Society's Juvenile  
Rights Practice

Chris Gottlieb  
Co-Director of the New York University School of  
Law Family Defense Clinic

Nijah Leak  
Foster Child

Jessica Prince  
Bronx Defenders

Andrew Ford  
Senior Staff Attorney at the Center for Family  
Representation

Brian Holbrook

Ayami Hatanaka  
Parent Advocate at the Neighborhood Defender  
Service of Harlem

Meryleen Mena  
Policy and Budget Analyst at Citizens Committee  
For Children of New York

Melissa Moore  
Drug Policy Alliance

Arlene Rodriguez  
Senior Staff Attorney with the Kinship Caregiver  
Law Project at Mobilization for Justice

Tasfia Rahman  
Policy Coordinator at the Coalition for Asian  
American Children and Families, CACF

Stephen Forrester  
Director of Government Relations and  
Administration at the New York Society for  
Prevention of Cruelty to Children

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COMMITTEE ON GENERAL WELFARE

A P P E A R A N C E S (CONTINUED)

Marcia Kresge  
ADT Fourth World Movement

Mashon Baines  
Parent Advocate

Quadria Coles  
Policy Manager at Girls for Gender Equity, GGE

[gavel]

CHAIRPERSON LEVIN: Good afternoon

everybody, happy Halloween. I'm Council Member Steve Levin, I'm Chair of the Council's Committee on General Welfare. Today we are joined by Council Members Barry Grodenchik, Brad Lander, Bob Holden, Vanessa Gibson I think is here as well, we expect other Council Members to join us and I want to thank you all for being here. I understand... you know I'm sensitive to the fact that it is Halloween and we want to get people home to their children to go trick or treating even if the weather is pretty dismal but trick... trick or treating is still happens when it's raining. So, so I want to be sensitive to everyone's time. So, we'll, we'll... we, we apologize for the late start and we will do our best to move this hearing along quickly. Today the Committee will be hearing nine bills and two resolutions related to child welfare... the child welfare system in New York City. This legislation is intended to improve accountability through additional reporting and disclosure requirements for the agency and to empower families in the system through accessibility to know their right... to know... to know your rights information

1  
2 and access to counsel. Our proposed legislation  
3 consists of Intro 1715 by Council Member Adrienne  
4 Adams and... which would create a program to provide  
5 legal services for parents during the fair hearing  
6 process. Intro 1716 which is sponsored by Council  
7 Member Diana Ayala which would require additional  
8 reporting requirements by ACS regarding emergency  
9 removal data and dig... desegregation by race,  
10 household income and single parent status. Intro 1717  
11 by Council Member Alicka Ampry-Samuel which would  
12 require similar reporting by ACS on race, ethnicity,  
13 and income levels of families but apply to every step  
14 of the child's welfare system process. Intro 1718 by  
15 Council Member Margaret Chin which would provide  
16 multilingual disclosure forms to parents during an  
17 investigation and contain know your rights  
18 information and resources available to families.  
19 Intro 1719 by... also by Council Member Margaret Chin  
20 would require reporting to the Council by ACS  
21 regarding how long it takes for families to reach  
22 their children after placement or transfer as well as  
23 how many children are placed outside of their home  
24 boroughs. Intro 1727 by myself, Council Member Levin  
25 would require ACS to report on emergency removal

1 cases which means the removal of a child out of a  
2 home prior to a court hearing when during the  
3 investigation of a report of abuse or neglect ACS  
4 determines that such a child is not safe at home.  
5 Intro 1728 also by myself would create a legal  
6 services program for parents following the first  
7 contact of ACS with the family. Intro 1729 also by  
8 myself would require that ACS provide parents  
9 regarding their rights to appeal, to expunge a case  
10 record after an indicated report following an  
11 investigation. Intro 1736 by Council Member Rivera  
12 would require ACS to orally disseminate know your  
13 rights information about their rights at the initial  
14 contact at the start of an investigation and  
15 Resolution 736 by Council Member Laurie Cumbo would,  
16 would call upon the state and governor to develop a  
17 print of bill of rights to be distributed to families  
18 and posted online. And finally, Resolution 1066 by  
19 Council Member Debi Rose which would call on the  
20 state to reduce the length of time that parents,  
21 guardians and caretakers can remain on the statewide  
22 registry list. An investigation conducted by Child  
23 Protective Services and the subsequent steps through  
24 the process can be very stressful and difficult for  
25

1  
2 parents and children in the system. It is imperative  
3 that families have a fair and fully informed  
4 opportunity to make decisions regarding the response  
5 to the agency's actions which can have dire  
6 consequences for the family's future and the  
7 wellbeing of their children. Ensuring that  
8 information is sufficiently accessible and known to  
9 families as well as a right to representation will  
10 help the process become appropriately balanced. As  
11 advocates have stated such steps as right to counsel  
12 can help reduce trauma for children as parents are  
13 more likely cooperate and make necessary changes when  
14 they have the guidance and support of an attorney.  
15 The Council also seeks to address the racial and  
16 economic disparities in investigations conducted by  
17 the agency with low income black and Latino families  
18 comprising the majority while 75 percent of the  
19 children in foster care are black and Latino and only  
20 six percent of the children in the system are white.  
21 We know that New York state is one of only seven  
22 states in addition to Washington DC that has the  
23 lowest standard of some credible evidence for a case  
24 to be indicated and a parent or guardian to be put on  
25 the state central registry. Further, New York City

1  
2 has a relatively high indication rate at 40 percent  
3 compared to 20 percent nationwide. These bills seek  
4 to ensure that families in the system are aware of  
5 how to access the resources available to them and  
6 ensure that they have the support and guidance that  
7 they deserve in moving through the system. I want to  
8 thank my colleagues on the Committee who are here  
9 today. We've also been joined by Council Member  
10 Ritchie Torres and Council Member Vanessa Gibson as  
11 well as all of the advocates, the administration,  
12 Commissioner Hansell and his staff and commissioners  
13 for joining us and I look forward to hearing from all  
14 of you on these critical issues today. I also want to  
15 thank my staff Jonathan Boucher, my Chief of Staff  
16 Elizabeth... my Chief of Staff Jonathan Boucher,  
17 Legislative Director Elizabeth Adams and Committee  
18 Staff Aminta Kilawan, Senior Counsel Crystal Pond,  
19 Senior Policy Analyst, Natalie Omary Policy Analyst  
20 and Daniel Kroop Finance Analyst and with that I'll  
21 call up the first panel. We're going to hear from a,  
22 a, a panel of the public first Nancy Fortunato of  
23 Rise, Hope Newton Center for Family Representation,  
24 Ray Watson also from Rise and Joyce McMillan as well.  
25 So, we'll... we will be setting the, the time limit at

1  
2 five minutes for testimony just in, in the interest  
3 of making sure that we all are able to get to the  
4 trick or treating later, thanks. Whoever wants to  
5 begin.

6 NANCY FORTUNATO: Hello, okay. Oh, okay,  
7 happy Halloween everybody. I'm the Senior Parent  
8 Leader at Rise and thank you for giving me the  
9 opportunity to speak about these important bills  
10 today. I'm here to support the City Council on  
11 calling on Governor Cuomo to sign the legislation  
12 related to the central state register to reduce the  
13 length of time a parent remaining on it and  
14 automatically responds to records of parents who  
15 child abuse and neglect cases was dismissed. I also  
16 support the proposed bill to provide legal right to  
17 counsel for parents who are fighting those records  
18 with the state central registry, to provide legal  
19 counsel during an investigation and to require that  
20 the parent be informed of their rights. Without these  
21 changes many families will not be able to get a job  
22 and flourish. If you want to keep children safe you  
23 need to support parents from the beginning not after  
24 you remove children from their homes and their  
25 families. We have a voice; we know what's best for

1  
2 our children, and we cannot keep allowing this system  
3 to dictate what's best for our children when they  
4 don't even know my children better than we do.  
5 Families are entitled to have clear information from  
6 the start and real support, no cookie cut outs. We  
7 need to change the narrative of how this system views  
8 black and brown families, the agency needs to be  
9 accountable when they do violate parent's rights and  
10 needs to stop pushing their perspective of what they  
11 think is best for us and our families. Every parent  
12 should have time, legal representation at the  
13 beginning and informed of their rights just like the  
14 Miranda, Miranda rights. When parents have  
15 investigation because of a call that went into  
16 central state registry, they automatically are  
17 criminalized and looked upon as monsters before  
18 anything had been... before anything has happened, or  
19 anything been proven against them. ACS wants to  
20 dictate what's best for our children when we know  
21 what's best for our children. Many parents are coming  
22 in blindsided with no real guidance and no clear  
23 information from the start. It's really hard for  
24 parents to come to court and not feel like a criminal  
25 and not having a lawyer that could assist them from

1 the very beginning that's really hard. Parents have  
2 rights and that should be addressed at the very  
3 beginning of an investigation, most parents feel  
4 powerless to fight a system that's bigger than they  
5 are and feel like they have no voice when they come  
6 in contact with the system. Legal representation for  
7 families and parents should not be overseen by ACS,  
8 it needs to be legally independent. We can't have the  
9 same system that's trying to remove our children be  
10 responsible for, for, for providing legal  
11 representation. I also want to say that we need to  
12 mobilize these packets of bills so that parents could  
13 be the best version of themselves, live their dreams  
14 and have a better future for their family. This  
15 system cannot keep doing business as usual, it  
16 doesn't work anymore. ACS needs a big improvement and  
17 with these bills it can happen, it will happen. The  
18 agency needs to be transparent about the data on  
19 race, low income parents and children living in poor  
20 communities with limited resources that are  
21 disproportionately impacted by ACS. Black and brown  
22 families should not be penalized for being poverty  
23 stricken. The city must pass these bills and provide  
24 more funding for resources in our community if they  
25

1 want to be intentionally about building up families  
2 and keeping children safe. We live in the wealthiest  
3 city in the world so why aren't we surviving and  
4 thriving? It's so important to reduce the fear of  
5 unnecessary investigation and removal and support  
6 parent's power. Thank you so much.  
7

8 [applause]

9 CHAIRPERSON LEVIN: Thank you so much.

10 NANCY FORTUNATO: Thank you.

11 RAY WATSON: Good afternoon Council

12 Members. My name is Ray Watson, I'm here on behalf of  
13 Rise as a Parent Leader. I'm part of a 70, 70.1  
14 million estimated throughout this nation part of two  
15 million with custodial rights, I'm part of a  
16 staggering nine percent of that two million which  
17 have three or more children of dependent age in their  
18 care, I have four. I can't give a further percentage  
19 of the me's [sp?] out there because of the  
20 aforementioned nine percent of the two million, the  
21 information I could find on if studies dot org only  
22 states that the majority of them are well off  
23 Caucasian men thus this means I'm an anomaly, I'm an  
24 African American father with as many layers as there  
25 are shades of melanin within my culture, I'm a dad

1  
2 and though it's implied I am also a parent. The goal  
3 of my testimony today is hopefully to support and aid  
4 in the passing of the proposed law for provisions of  
5 Council at first point of contact and the proposal  
6 requiring child protective services to orally  
7 disseminate information about the parent's rights  
8 during their initial contact. See in March 2016 ACS  
9 knocked on my door, this was the third time they were  
10 called in a week, you know the ACS worker said that  
11 there was another case called on me so I asked her  
12 for what and by who, she said my children's mother  
13 called and said that I told her to smoke weed then  
14 how to clean out her system so I'm looking at the  
15 worker like well why are you here, they said that  
16 they wanted me to continue taking urine tests or to  
17 take more urine tests even somewhere else. So, I had  
18 to further adjust my schedule what I was doing for  
19 the three children that were in my home at the time  
20 to take more urine tests than I was already taking,  
21 you know I, I told them no and asked them to speak to  
22 a supervisor. When a supervisor called me the  
23 supervisor then says well you know you have our  
24 children inside of your home. So, this woman that  
25 works for child protective services told me that I

1  
2 have her children inside of my home, after a few  
3 choice words, you know I, I asked the questions like  
4 do you even know the names of their siblings, do you  
5 know their ages, their favorite foods, you know was  
6 that you whose been running around and taking them to  
7 the doctors and ripping and running to make ends meet  
8 and make meets end and she couldn't answer so I hung  
9 up on her. See with three children on trial discharge  
10 no concerns, biweekly urine tests and even a foster  
11 care agency documented this is the best that my  
12 children had ever been doing since they had  
13 interaction with them, I knew I didn't have to comply  
14 but this is in 2016. I caught my initial ACS case in  
15 2007 so it took me ten years to learn what I did and  
16 have... and didn't have to comply to but see this is  
17 information that should have been given to me the  
18 same way the police mirandarize people when they  
19 arrest them. This is again why I urge that you pass  
20 the provisions for Counsel at point of contact and  
21 for all dissemination of a parent's rights during the  
22 initial contact because if I didn't know my rights my  
23 children might have been in foster care for another  
24 ten years. How many parents don't know their rights

1  
2 and their children will be stuck in foster care for  
3 another ten years. Thank you.

4 [applause]

5 CHAIRPERSON LEVIN: Thank you for your  
6 testimony.

7 HOPE LYZETTE NEWTON: Hello, okay. Good  
8 morning, well good afternoon. I'd like to thank the  
9 New York City Council for having me here today. My  
10 name is Hope Lyzette Newton, I am a parent advocate  
11 with the Center for Family Representation, I also  
12 serve on the Board of Directors of Rise Magazine, an  
13 organization that trains parents impacted by child  
14 welfare system, how to write and speak about their  
15 experience and I am also a member of the steering  
16 committee for Voices of Women, an organization that  
17 works to improve systems women and children go to  
18 when escaping domestic violence. I'm a mother of  
19 three now young adult children awarded sole legal  
20 custody twice while navigating multiple systems  
21 including family, family and criminal court. In 2006  
22 the murder of Nixzmary Brown Gonzalez prompted  
23 reforms in child welfare. These reforms which  
24 included how ACS approaches investigations had a life  
25 changing impact on my family. That same year my

1 husband and father of my children called in a false  
2 and malicious report to the New York State central  
3 registry. In the midst of a heated custody proceeding  
4 he introduced my family to both family and criminal  
5 court, it was the first of many false and malicious  
6 reports called in to prove that I was an unfit  
7 mother. Prior to this case no one in my family had  
8 contact with either of these systems. Unlike most  
9 parents investigated by ACS, I was able to hire a  
10 criminal attorney and had family resources to help me  
11 during my family and criminal court cases. Today I  
12 recognize that as privilege. Even though it was a  
13 significant financial burden to me and my family I  
14 was able to pay an attorney, go home and back to work  
15 within less than 24 hours of turning myself into the  
16 authorities, that privilege did not protect me from  
17 ACS coming into my home as the legal enforcement  
18 agency with the right to interrogate my entire  
19 household and remove my children. If ACS has the  
20 right to come into my home and remove children, I  
21 should have the right to legal counsel to guide me  
22 through the process during the investigative stage of  
23 the case. As someone who successfully cleared their  
24 name through the New York State central registry I  
25

1 know it would have changed the outcome. After my  
2 experience I know now that the investigation is the  
3 start of this process, it lays the foundation for how  
4 a case is going to proceed. Parents are asked to  
5 engage in services that they may not need or that  
6 conflict with other obligations, they don't  
7 understand that they have the right to say no.  
8 Parents are usually in shock, frustrated, angry and  
9 annoyed during the start of a case. Having someone  
10 present during an investigation to tell you how to  
11 protect your rights could change the trajectory of  
12 the case. It's beyond difficult to think when  
13 emotions are clouding judgement which can result in  
14 decisions being made in a child removal and for  
15 parents already engaged in services addressing family  
16 challenges, having reached out to schools, doctors,  
17 and law enforcement for help only to have a case  
18 called in on them especially a false and malicious  
19 report, the emotional response to the threat of a  
20 removal is high. The right to counsel at the earliest  
21 possible moment in the life of an investigation helps  
22 everyone focus on the right issues and leads to  
23 better communications to and for families. My  
24 criminal court case was dismissed, and I was offered  
25

1  
2 a six-month adjournment and contemplation of  
3 dismissal in family court unfortunately for the next  
4 nine years the children's father called in several  
5 cases against me all of which resulted in new  
6 investigations. I learned from each investigation but  
7 looking back now I believe having legal counsel  
8 present during all of the investigations would have  
9 potentially cut the time, energy and resources spent  
10 on false and malicious reports in half. Having  
11 someone present can help identify issues earlier on  
12 in the process and address them quickly and  
13 effectively. The work that I do now has offered me  
14 the opportunity to support families that are going  
15 through the child welfare system. Time and time again  
16 the parents I work with talk about the fear that  
17 stays with them even after the ACS investigation,  
18 from the very beginning and throughout the entire  
19 investigation process parental authority is being  
20 decimated. Parents often become paralyzed by fear  
21 when taking their child to the doctor or school  
22 because they are afraid that another case will be  
23 called in and result in their child being removed,  
24 the fear is real and it makes it difficult for them  
25 to make the most basic parenting decisions. Having

1  
2 someone to walk you through the investigation and be  
3 with you during the first initial meetings can help a  
4 parent feel empowered and maintain confidence to  
5 parent their child in a positive manner. ACS  
6 investigations have the ability and.. to inflict harm  
7 and can shred family bonds and undermine parental  
8 authority. It often feels as if.. as though ACS takes  
9 advantage of the fact that disenfranchise of black  
10 and brown families, they investigate do not know that  
11 they can refuse to answer their questions or submit  
12 to the often-intrusive nature of their.. of their  
13 request. They come to their homes asking to speak to  
14 our children outside of our presence, they want to  
15 know how much food is in our cupboards and whether  
16 they can speak to our children's pediatricians. They  
17 want us to tell them everything but don't even tell  
18 us what our rights are sometimes even when they're  
19 there. In closing, all parents need legal counsel at  
20 the very beginning of an investigation to protect  
21 their families from unnecessary trauma. Thank you for  
22 listening.

23 [applause]

24 CHAIRPERSON LEVIN: Thank you for your  
25 testimony.

1  
2 UNIDENTIFIED FEMALE: No clapping in the  
3 chambers please.

4 CHAIRPERSON LEVIN: To approve you could  
5 do this [jazz hands] it'll get on the record.

6 JOYCE MCMILLAN: Good afternoon everyone.  
7 My name is Joyce McMillan and I am an... [cross-talk]

8 CHAIRPERSON LEVIN: Joyce your microphone  
9 is not on.

10 JOYCE MCMILLAN: Oh, forgot to turn it  
11 on, you know my voice is a little baritone, it's not  
12 necessarily needed. Okay, my name is Joyce McMillan  
13 and I am an advocate working to abolish the current  
14 negative policies and practices and their impact on  
15 families in New York City and beyond by child  
16 welfare. My family and I were affected by child  
17 welfare in 1999 and that experience changed every  
18 relationship within my family but especially the ones  
19 between myself and my children. Thank you to the New  
20 York City Council for the opportunity to submit  
21 testimony today about the need for the administration  
22 of children services to be accountable to the  
23 community and the families they claim to serve. My  
24 hope is that this accountability package will bring  
25 balance in the interactions between ACS and the

1 communities they are here to serve but that they  
2 actually take advantage of and abuse. I know  
3 firsthand what they do because I was one of the  
4 families that it happened to and I work with families  
5 everyday who continue to experience the same abuse  
6 that I experienced and that my family experienced.  
7 The fact that we need the accountability package to  
8 legislate these commonsense practices on behalf of  
9 communities highly impacted by ACS and their  
10 aggressive ways is quite disturbing. Like with the  
11 police families fear and are terrified of ACS. It is  
12 more than concerning that ACS top officials still  
13 believe their employees are making great decisions  
14 when snatching children out of homes without court  
15 orders and that they are protecting children even  
16 though the children in the care of ACS have the  
17 poorest outcomes. What ACS does to families and  
18 children under the guise of protecting children is  
19 completely outrageous and for that we should all be  
20 accountable because we all know what they do, we all  
21 know how they do it and we all know how they get away  
22 with it. It is our responsibility to make sure it  
23 changes; it is not just the responsibility of people  
24 who have been affected by it. The responsibility of  
25

1  
2 being a parent is a very serious responsibility and a  
3 difficult job but the responsibility of being a  
4 parent with the lack of resources can make the job of  
5 being a parent even more difficult and can actually  
6 put children at risk. We look at the risk factors of  
7 leaving children at home when the home lacks needed  
8 resources without ever looking at the risk factors of  
9 separating a child from everyone, everything that  
10 they know and love and have become familiar with.  
11 Families who cannot afford legal representation is  
12 the population of families most affected by ACS, they  
13 bully their way into homes without acknowledging the  
14 family has the right to refuse them entry even  
15 calling the police and escalating the situation at  
16 times when there is no imminent risk. I would love to  
17 have the data and the reports to show how many  
18 children are removed without court orders and I would  
19 love to have the data to show the abuse of children  
20 while in care, how many hospital visits for black  
21 eyes, for the rapes and all of the other things that  
22 happen under the care of ACS that no one talks about  
23 or has data for. Once in the home ACS force parents  
24 to sign HIPAAs, provide them copies of sensitive  
25 documentation like birth certificates, social

1 security numbers, medical records even when the case  
2 is not related to anything medical without ever  
3 advising the family that anything they say or provide  
4 a copy of could later be used against them and I say  
5 later because with ACS at any time the case can  
6 change and be about something that they was not  
7 called to the house for because the only thing ACS  
8 wants is surveillance of the household so that they  
9 can investigate and find something. ACS chooses to  
10 focus on things that they were not called for because  
11 most of the time the things they were called for by  
12 the anonymous caller are things that don't actually  
13 exist, they were only things to antagonize the  
14 family. I'm grateful for the package but this has to  
15 only be the beginning. There is so much for ACS to be  
16 accountable for like how a family who complies with  
17 everything that ACS asks for and still never reached  
18 the point of unsupervised visits against the  
19 suggestion of licensed mental health practitioners  
20 without any explanation just a veto from our  
21 commissioner but through all of the mayhem caused by  
22 ACS they always manage to find at least three  
23 children, at least three of them who fared well, they  
24 exploit that child, putting them in papers, showing  
25

1  
2 their pictures, talking about how well the system is  
3 but that's only for about three percent, can we talk  
4 about the other 97? I have a neighbor who was a  
5 foster child who is also doing well, she would never  
6 support ACS because she knows firsthand how she was  
7 treated as a foster child, she was just lucky enough  
8 to still be successful today. The real accountability  
9 is ensuring children remain at home with the proper  
10 support. That ten million dollars that we just spent  
11 to give every child in foster care a mentor could  
12 have went to the communities to provide the resources  
13 families are lacking. Like I said we are all  
14 accountable, spend your money to cut off the beast  
15 not feed it. Thank you.

16 [applause]

17 CHAIRPERSON LEVIN: Remember [jazz  
18 hands], no applause. Okay, thank you. I want to thank  
19 you very much this panel for, for, for speaking your  
20 truth and telling your stories, I know that that's  
21 not easy in a public setting and so I, I very much  
22 want to thank you and set the tone... thank you for  
23 setting the tone for today's hearing and starting this  
24 conversation around what the reality is for, for  
25 parents many of whom have done nothing wrong

1  
2 whatsoever to be on the receiving end of that knock  
3 on their door and what... and what that reality looks  
4 like and so I want to thank you so much for your  
5 testimony, I look forward to continuing to work with  
6 you after this hearing on this set of legislation to,  
7 to make sure that it is the best legislation it can  
8 be so, thank you so much.

9 JOYCE MCMILLAN: Thank you... [cross-talk]

10 HOPE LYZETTE NEWTON: Thank you.

11 CHAIRPERSON LEVIN: Okay, so we'll be  
12 calling up members of the administration now. From  
13 ACS Commissioner David Hansell, Assist... Associate  
14 Commissioner Stephanie Gendell, Nicole White,  
15 Assistant Commissioner Sandra Davidson and Deputy  
16 Commissioner William Fletcher. And before you start  
17 your testimony, I will ask Counsel to the Committee  
18 to swear you in.

19 NICOLE WHITE: You want my name? Nicole  
20 White...

21 CHAIRPERSON LEVIN: Yes, we... I think  
22 we'll; we'll be able to get you a chair.

23 NICOLE WHITE: Okay.  
24  
25

CHAIRPERSON LEVIN: Oh, I'm sorry, I... we, we had you... I'm sorry, we had you as a member of the administration and... I'm sorry. I apologize.

DAVID HANSELL: You can join us.

COMMITTEE CLERK: Please raise your right hand, do you affirm to tell the truth, the whole truth and nothing but the truth in your testimony before this committee and to respond honestly to Council Member questions?

DAVID HANSELL: I do.

SANDRA DAVIDSON: Yes.

COMMITTEE CLERK: You may begin.

DAVID HANSELL: Thank you very much. Good afternoon Chair Levin, members of the Committee on General Welfare. I'm David Hansell, the Commissioner of the New York City Administration for Children's Services and with me today to my left are William Fletcher, Deputy Commissioner for the Division of Child Protection; Sandra Davidson, Assistant Commissioner in DCP and to my right Stephanie Gendell, Acting Deputy Commissioner for the Division of External Affairs. Before we begin I do want to also thank the parents who just testified, it was very powerful testimony, we obviously don't always

1  
2 have the same perspective but it is very important to  
3 us as I'm going to talk about in my testimony that we  
4 always listen to the voices of parents and children  
5 affected by the child welfare system and so I very  
6 much appreciate their being here and sharing their  
7 stories with us today. And we at ACS also appreciate  
8 this committee and the progressive caucus for  
9 focusing on the children, youth and families who come  
10 to the attention of the child welfare system. We take  
11 very seriously our obligations to assess child safety  
12 and to provide families with the supports and  
13 services they need so that children can be safe in  
14 their homes whenever possible. At the same time, we  
15 recognize and respect parent's rights, as well as  
16 their bonds with and love for their children. We also  
17 know that deep rooted structural racism exists in our  
18 country, and that the child welfare system has  
19 historically had a disproportionate impact on low  
20 income families and communities of color. Since I  
21 joined ACS as Commissioner, we have faced these  
22 issues directly by focusing on the safety of the  
23 children who come to our attention, by providing high  
24 quality community based services to families in need,  
25 by elevating the voices of family and community to

1  
2 inform and improve our work, and by continuing to  
3 shape New York City's child welfare system as a  
4 progressive national model that addresses historical  
5 disproportionalities. We're proud of the progress  
6 we've made but there is much more to do, and we  
7 appreciate the Council's focus on these important  
8 issues. The bills that are the subject of this  
9 hearing reflect a set of core principles to which ACS  
10 is committed: parents should be fully informed about  
11 the child protective investigative process at all  
12 stages; we should provide the supports to families  
13 that enable parents and caregivers to address  
14 challenges that affect children's wellbeing and we  
15 should do so while keeping families together whenever  
16 safely possible; we must confront head on the history  
17 of racial disproportionality in the child welfare  
18 system and ensure that we are treating all families  
19 equally and we must listen to the perspectives of  
20 parents and others with lived experience in the child  
21 welfare system to inform our efforts to improve our  
22 work. I'd like to explain what we're doing in each of  
23 these areas before turning to the specific bills  
24 under consideration by the Council. Our child  
25 protective specialists are the first responders for

1  
2 keeping children safe and, and supporting families 24  
3 hours a day, seven days a week. When a concerned  
4 citizen or mandated report is worried about a child's  
5 safety, he or she calls the New York statewide  
6 central registry, commonly known as the SCR and  
7 whenever the state accepts a report of alleged abuse  
8 or maltreatment regarding a New York City child, ACS  
9 is legally required by statute to conduct an  
10 investigation and assess the safety of that child and  
11 in this past year we investigated about 55,000  
12 reports of abuse or neglect that involved about  
13 90,000 children. We understand that when a child  
14 protective worker comes to a family's home after  
15 there's been a report alleging possible abuse or  
16 neglect it can be a very stressful event for parents,  
17 caregivers and children. Our staff are highly trained  
18 to engage with families from a strengths-based  
19 perspective using trauma informed techniques such as  
20 motivational interviewing. Core values of respect,  
21 empathy, and genuineness are reinforced with CPS  
22 throughout their training and in their daily  
23 practice. All of this helps us assess safety, lessen  
24 the stress of the child protective investigation, and  
25 partner with parents and families to best connect

1  
2 them, as needed, with services and supports. State  
3 social services law requires that after seeing to the  
4 safety of the child or children, ACS notify the  
5 subject of the report and other persons named in the  
6 report of the... in writing of the existence of the  
7 report and of their rights during and after the  
8 investigation. In addition... in addition to verbally  
9 explaining to parents why they're at home if they're  
10 home and why they need to see their children child  
11 protective staff give parents the state's form called  
12 a notice of existence which we're required to do but  
13 we also provide the ACS parent's guide which I think  
14 you all have copies of at the very beginning of a  
15 child protective investigation. The state required  
16 notice of existence includes information about the  
17 investigative process, information about how to  
18 appeal at the end of an investigation, how to request  
19 a copy of the case record and the contact information  
20 for the caseworker and their supervisor. In response  
21 to ACS's request, the state has made this form  
22 available in multiple languages, including New York  
23 City's ten designated languages. Our parent guide  
24 which is written in plain language explains the child  
25 protective process to parents and caregivers, gives

1 information about prevention services, explains the  
2 definitions of abuse and neglect, includes ACS  
3 caseworker contact information, and provides  
4 information on how to appeal if the report is  
5 indicated. The parent's guide also informs parents  
6 about the ACS Office of Advocacy, which is a resource  
7 for parents, children and others impacted by the  
8 child welfare system. As recommended by the foster  
9 care task force, ACS worked with providers, parents  
10 and advocates to revise the guide to make it more  
11 user friendly and we are very thankful to the parents  
12 and the advocates who's feedback has been  
13 incorporated into the newly updated parent's guide  
14 that we're including with our testimony today. In  
15 about 63 percent of the cases we investigate, we find  
16 no credible evidence of abuse or neglect and in those  
17 cases we unfound the case and we take no further  
18 action although we may offer the family voluntary  
19 services. In the vast majority of investigations  
20 where we do identify safety concerns, we address them  
21 by connecting parents to services that can keep  
22 children safe at home. In most cases, ACS works with  
23 our community-based prevention service providers to  
24 deliver trauma informed services like substance abuse  
25

1  
2 counseling, domestic violence intervention, mental  
3 health services so families can remain safely  
4 together. Our robust nationally recognized continuum  
5 of prevention services served almost 20,000 families  
6 with more than 45,000 children in fiscal year 2019.  
7 As a result of the unprecedented investment and  
8 prevention services, we've seen a dramatic reduction  
9 in the number of children in foster care in New York  
10 City to historically low levels currently about  
11 8,300, a big shift from about 50,000 25 years ago and  
12 about 16,000 ten years ago. Through the new set of  
13 prevention services and programs that we will  
14 implement next year, we will establish uniform access  
15 to every prevention model in every community  
16 citywide. Providers will be required to engage  
17 families, to incorporate their feedback, and to offer  
18 meaningful opportunities for their voices to shape  
19 the services they receive. The data show and, and the  
20 chart is on page six of the testimony, the data show  
21 that our efforts to transform New York city welfare  
22 are working. As you can see in the chart below from  
23 fiscal year 2018 to fiscal year 2019 reports to the  
24 FCR from New York City our indication rate in  
25 investigations, the number of children removed, the

1  
2 number of court filings by ACS, the number of new  
3 court ordered supervision cases and foster care  
4 entries all decreased, while the number of children  
5 receiving prevention services increased. In other  
6 words, we are identifying safety concerns, and  
7 initiating court action and child removals in fewer  
8 cases, while engaging more families in prevention  
9 services, trends that we hope and expect will  
10 continue in future years. Over the past 30 years,  
11 numerous studies have highlighted racial and ethnic  
12 disparities in the child welfare systems across the  
13 country and have generally shown that children of  
14 color are more likely to be reported, investigated,  
15 substantiated and placed in care and that they stay  
16 longer in care and are less likely to be reunified  
17 with their families. As data from the national  
18 adoption and foster care analysis and reporting  
19 system, the AFCAR system shows, racial and ethnic  
20 disparities in the child welfare system at each stage  
21 is a national issue and it's an issue in New York  
22 City. Throughout my tenure as Commissioner it's been  
23 a central priority to address, address racial  
24 disproportionality and other inequities throughout  
25 ACS and to provide our staff with a deeper

1  
2 understanding of how implicit bias and institutional  
3 racism impact the way we engage with and provide  
4 services to families. The truth is; the causes of  
5 disproportionality and inequity are multiple and  
6 deeply rooted within the history and fabric of our  
7 country. The child welfare system does not exist in a  
8 vacuum and it is connected to larger political,  
9 social, historical and economic structures. We  
10 recognize that fundamental to the work of ACS is to  
11 help address the systemic inequities that affect our  
12 work and the families that we serve. It is crucial  
13 for us to build trust, engagement and relationships  
14 in order to make a meaningful impact on disparities,  
15 infusing this across everything we do. And while I'm  
16 pleased to say that ACS is at the forefront  
17 nationally in tackling this issue head on, we have a  
18 great deal of work to do. We're addressing  
19 disproportionality through a comprehensive set of  
20 both internal and external activities. Internally,  
21 we've created institutional structures to focus our  
22 attention on these issues, we've developed implicit  
23 bias training programs for all of our staff, and  
24 we've developed and begun implementing an equity  
25 action plan, a plan that will allow us to measure our

1 progress. Externally, we are investing in community  
2 based strategies in historically marginalized  
3 neighborhoods to reduce child welfare involvement,  
4 we're addressing concerns about implicit or explicit  
5 bias in the reporting of possible maltreatment by  
6 mandated reporters, and we're supporting legislative  
7 reforms to reduce unnecessarily onerous impacts of  
8 the investigative system on low income families and  
9 families of color and I'd like to describe each of  
10 these activities in more detail because I think they  
11 are very important. We recently created an office of  
12 equity strategies to provide focus and direction to  
13 our work in this area. The office leads ACS's efforts  
14 to develop and advance specific policies and  
15 practices that reduce disparities and outcomes for  
16 children and families that are the result of bias  
17 based on race, ethnicity, gender and gender  
18 expression and or sexual orientation. Our data  
19 confirm that much like the national data, racial  
20 disproportionality exists in New York City's child  
21 welfare system. This begins with the racial  
22 composition of children and families that are  
23 reported to the SCR and that ACS is then obligated to  
24 investigate and it continues through case indication,  
25

1 foster care placement, and length of stay in foster  
2 care. At all stages, there are disparities for  
3 children of color, particularly black and African  
4 American children and families. This does not mean  
5 that decisions made by mandated reporters or  
6 caseworkers or others are incorrect on individual  
7 cases, but it certainly means that more broadly,  
8 black families experience child welfare differently  
9 from white, Hispanic and Asian families. As required  
10 by Local Law 174 of 2017, we developed an equity  
11 action plan as part of our commitment to confront and  
12 address the inequities identified in our equity  
13 assessment. The Mayor's Office released the equity  
14 action plans just last month but we have many  
15 concrete actions already underway. For example, we  
16 have begun to take a deeper look into SCR reports in  
17 several pilot communities so that we can better  
18 understand the drivers as a first step toward  
19 developing partnerships with key stakeholders and  
20 mandated reporters. Our workforce institute developed  
21 it's understanding and undoing implicit bias learning  
22 program to help staff identify the connection between  
23 institutional racism, structural inequity and  
24 implicit bias and to begin to service and address  
25

1  
2 implicit bias in decision making and in conversations  
3 with coworkers. All child protective staff learn  
4 about implicit bias as part of the core training they  
5 take as they begin their jobs. All of our direct  
6 service employees and supervisors at ACS have now  
7 been required to take a new full day, instructor led  
8 program on implicit bias. And we've also launched a  
9 new e-learning course that is mandatory for all ACS  
10 employees to complete, including me. Child welfare  
11 agencies from other parts of the state and country  
12 have been reaching out to us to learn more about our  
13 implicit bias trainings so they can bring them to  
14 their jurisdictions. Our racial equity and cultural  
15 competence committee includes a diverse  
16 representation of ACS staff, external stakeholders,  
17 and professionals who are committed to promoting  
18 racial equity throughout the child welfare, juvenile  
19 justice and early care systems. Among other things,  
20 the committee informs policies, training, hiring  
21 practices, and program practice guidelines where  
22 needed to ensure continuity and sustainability in  
23 promoting fairness in process and equitable outcomes  
24 for children, families and our staff. We are also  
25 focusing on the external factors that drive



1  
2 parent leaders. They offer parent cafes, where  
3 participants share personal experience and knowledge  
4 to identify ways to promote protective factors.  
5 Parents are engaged to lead these parent cafes and  
6 program ideas arise from these, these discussions and  
7 some of the programs that have resulted from the  
8 parent impact have been things like financial  
9 empowerment classes, mommy and me classes, stress  
10 release activities, family game nights and many more.  
11 Our primary prevention work also includes strong  
12 efforts to inform families about important ways to  
13 keep children safe. We've provided information on  
14 safe storage of potentially dangerous medications,  
15 reducing fire hazards in homes, look before you lock  
16 to ensure that infants aren't left alone in cars and  
17 of course safe sleep for newborns and infants to help  
18 prevent accidental sleep related infant deaths in New  
19 York City. In fact, today marks the end of safe sleep  
20 awareness month. This past year, the state passed a  
21 law banning crib bumper pads which are dangerous  
22 because they increase the risk of suffocation. To  
23 help publicize the new law and to explain the danger  
24 of crib bumper pads and remind New Yorkers about safe  
25 sleep, we organized a crib bumper safe sleep swap for

1  
2 parents to engage... to exchange crib bumpers for  
3 wearable blankets to safely keep babies warm. So,  
4 while there's much more that we at ACS and in New  
5 York City can do to both strengthen the child welfare  
6 system and address disparities, there are also state  
7 budget, legislative and policy barriers, making it  
8 critical for New York City to have a voice in Albany.  
9 This past year, many of our colleagues worked  
10 together to put forward a proposal to reform the SCR  
11 system to heighten the indication rate in New York  
12 City... New York State from some credible, credible  
13 evidence to a fair preponderance of the evidence  
14 which is more consistent with national practice; to  
15 reduce the length of time an individual with an  
16 indicated case remains on the register for employment  
17 screening purposes and to expand the due process  
18 rights for those seeking to overturn or expunge an  
19 indicated case. We were pleased to see the passage of  
20 a bill aimed at bringing more fairness and equity to,  
21 to the child welfare system and reducing the  
22 collateral consequences of having an indicated SCR  
23 case and we hope it will be signed into law. ACS will  
24 also be working at the state level to have training  
25 on implicit bias added to the mandated reporter

1 training, which is provided by the state. We believe  
2 it's imperative for the thousands of school  
3 personnel, medical personnel, law enforcement  
4 professionals, social workers and others who are  
5 mandated reporters and from whom we receive the  
6 majority of reports to be aware of how implicit  
7 biases can impact decisions about reporting suspected  
8 abuse or neglect so that reports to the SCR are  
9 objective and result in help for children when truly  
10 needed. So, with internal strategies such as implicit  
11 bias training, affirming policies and specific  
12 efforts to ensure that our services are culturally  
13 appropriate, along with external strategies such as  
14 primary prevention and impacting state law, we're  
15 taking important steps to address the systemic issues  
16 that contribute to disproportionality. We do have of  
17 course a tremendous responsibility to serve children,  
18 parents and the public and for our efforts to be  
19 successful we must build relationships with  
20 communities so we can provide the right services to  
21 the right families at the right time both to prevent  
22 tragedies and to ensure that families have what they  
23 need long before there's a crisis. The only way for  
24 us to do this is to listen to, elevate, and  
25

1  
2 incorporate the voices of parents, caregivers, and  
3 children including those who are currently or  
4 previously have experienced a child protective  
5 investigation, participated in prevention services,  
6 served as foster parents, or who were in our foster  
7 care system. We've long understood and valued the  
8 role that parent advocates who play early on in our  
9 cases when parents come to the attention of our  
10 system and understandably have many questions and  
11 concerns. To provide support for parents during the  
12 initial child safety conference where families and  
13 the ACS child protective team meet to develop a child  
14 safety plan, we contract with two community based  
15 organizations to provide parent advocates and those  
16 advocates draw on their extensive personal and  
17 professional experiences to support, counsel and  
18 guide parents. This past spring, we achieved a new  
19 milestone with the addition of a new staff position  
20 at ACS, parent engagement specialist, to increase the  
21 crucial work of empowering and engaging parents with  
22 lived experience in the design, development and  
23 implementation of ACS policies and programming. Sabra  
24 Jackson, a highly experienced parent, parent advocate  
25 with lived experience, who previously worked at the

1  
2 child welfare organizing project and the center for  
3 family representation, has served in this role since  
4 April. She's brought her wealth of experience and  
5 invaluable perspective to the agency including  
6 through spearheading a new commissioner's parent  
7 advisory council. And while we at ACS want to hear  
8 directly from parents and children, we also meet  
9 regularly with advocates and lawyers for children and  
10 parents so we can hear their concerns, their  
11 suggestions and their feedback. We greatly value the  
12 roles that our colleagues play in bringing their  
13 expertise and experience to our... to... on the ground to  
14 our attention. We regularly engage in collaborative  
15 problem solving and believe strongly that these joint  
16 efforts benefit the children and families that we  
17 collectively serve. The interdisciplinary team  
18 approach that's used in New York City, actually was  
19 pioneered in New York City, with parent advocates  
20 working side by side with lawyers and social workers  
21 at the parent legal organizations, was recently  
22 evaluated and shown to decrease foster care length of  
23 stay. We're strongly encouraging other child welfare  
24 programs to adopt New York City's model of  
25 multidisciplinary parent and child representation

1 especially with new federal funding that's now  
2 available for that purpose. And as an example, I was  
3 part of a New York City delegation with  
4 representatives of, of the family court and the  
5 center for family representation that provided  
6 guidance to child welfare leadership in Oakland,  
7 California on our representation model. So, now let  
8 me turn to the legislation that's before this  
9 committee. The large package of bills that we're hear  
10 to discuss today certainly shows that the Council  
11 shares our vision of ACS as the progressive child and  
12 family serving agency that we strive to be every day.  
13 I'll comment briefly on each of the bills and we look  
14 forward to working with you on them in more depth.  
15 Beginning with Intro 1717, it would amend the  
16 administrative code of the city of New York to  
17 require ACS to produce an annual report of  
18 demographic information, including race/ethnicity..  
19 race/ethnicity, gender and income level for each step  
20 in the child welfare system by parent and by child  
21 and then create a plan to address the disparities. As  
22 I previously mentioned, we have conducted a thorough  
23 data analysis and we have created an equity action  
24 plan. We look forward to meeting with the bill  
25

1 sponsors and actually all members of the committee to  
2 discuss our current plan and to discuss the actions  
3 we have underway to address disparities in our  
4 system. Intros 1716 and 1727 would both amend Local  
5 Law 20 of 2006, the child welfare indicators report  
6 created by that Local Law to add a section on  
7 emergency removal data. Whenever possible, ACS seeks  
8 a court order prior to removing children from their  
9 families. As we discussed more fully at last  
10 November's hearing that was focused on child  
11 protective removals, if the CPS worker, in  
12 consultation with his or her supervisor, manager and  
13 Deputy Director, believes that a child is at imminent  
14 and emergency risk of serious harm and there is not  
15 enough time to seek a court order in advance, the law  
16 authorizes CPS to conduct an emergency removal. This  
17 most often happens on weekends and at night, when the  
18 court is closed and when there is no immediate  
19 intervention available to keep the children safe. We  
20 look forward to discussing the two proposed data  
21 reports on emergency removals with the Council. Intro  
22 1719 would also amend Local Law 20 of 2006, the  
23 report to add a new section for ACS to report on the  
24 length of time between a child and parent's first  
25

1  
2 contact after the child enters foster care and to  
3 report on the number of foster youth placed into care  
4 in their home borough. Family time is a key priority  
5 for ACS and enhancing family time is an important  
6 recommendation from our foster care task force. We  
7 know that regular parent/child visits and contact can  
8 help minimize trauma and speed reunification. Given  
9 the importance of having the first parent/child visit  
10 within two days of foster care placement which is our  
11 policy, I've directed my team to take a deep look  
12 into barriers that may inhibit this so that we can  
13 address them. through this analysis, its become clear  
14 that ACS is trying to accomplish many things in that  
15 two... initial two day period; the parent/child visit;  
16 parent to parent meetings between the foster parent  
17 and the birth parent; transition meetings between  
18 child protection staff and foster care agency staff;  
19 and also likely, court appearance. Aside from the  
20 mandatory court appearances, the parent/child visit  
21 is our top priority to meet within that two day  
22 deadline and so we're in the process of issuing  
23 revised guidance to ACS and agency staff that  
24 prioritizes the visit and that we hope will better  
25 ensure that children see their parents within two

1 days of removal. We also recognize the need for ACS  
2 and agency staff to implement more standardized data  
3 entry practices within the state connection system so  
4 that we can track the first visit in a way that can  
5 be aggregated for monitoring purposes. As for  
6 borough-based placement, it is important to keep in  
7 mind that when children come into foster care there  
8 are a number of considerations when determining the  
9 best placement. While we want to place children in  
10 their home boroughs, our first priority is to place  
11 children with either a family member or someone else  
12 the child knows well when they are available and  
13 willing. This preference for kinship placement, which  
14 research shows produces better outcomes for young..  
15 for children and youth, is a key factor that  
16 sometimes often impacts whether or not a young person  
17 is placed in their home borough. ACS is focused on  
18 increasing placements with family members and this  
19 past year 40 percent of children and youth entering  
20 foster care were placed with kinship caregivers. We  
21 look forward to discussing this bill also with the  
22 sponsors. Intro 1728 would direct ACS, subject to  
23 appropriation, to contract for legal services for  
24 parents and caretakers immediately after the initial  
25

1 point of contact. The bill defines legal services to  
2 brief assistance or full legal representation. As the  
3 Council is aware and as I've, I've mentioned in my  
4 testimony, New York City has a nationally recognized  
5 model of multidisciplinary parent advocacy and  
6 representation, one which we hope will be widely  
7 replicated nationally with new federal funding. The  
8 institutional legal programs provide attorney and  
9 social work teams, along with access to parent  
10 advocates, for all cases as soon as legal action in  
11 family court is initiated. ACS and New York City have  
12 long supported their work and they are funded through  
13 the Mayor's Office of Criminal Justice. We strongly  
14 believe that parents and children should have legal  
15 representation once legal proceedings begin, to  
16 ensure that their rights are protected and that the  
17 decisions of the family court are fully informed by  
18 all perspectives. We do have a number of questions  
19 and concerns about the provision of legal counsel to  
20 parents and caretakers at the first point of contact  
21 by ACS. We're concerned that this approach conflates  
22 investigative and legal processes in a way that could  
23 unnecessarily increase burdens on families; that it  
24 would expand litigation and family court involvement  
25

1 dramatically; and that it would require enormous  
2 financial and personnel resources to implement. The  
3 goals of our initial investigation are to understand  
4 what may or may not have happened to a child, and to  
5 connect families to the services that they need, and  
6 those steps are dependent on our ability to engage  
7 parents and caretakers in a social work interaction.  
8 Invoking legal representation at this stage could  
9 undermine our ability to accomplish these steps. We  
10 also believe it could violate the state's social  
11 services law confidentiality provisions if ACS was to  
12 inform a lawyer not yet representing a parent of the  
13 name and or address of a family about whom an SCR  
14 report was received. In situations of imminent danger  
15 to children, the involvement of an attorney at the  
16 beginning, beginning of an investigation who might  
17 feel obligated to minimize their client's risk and  
18 liability by advising a parent not to allow ACS into  
19 the home or see the child could create serious safety  
20 issues by slowing down the investigative process. It  
21 would also likely increase court filings, as ACS  
22 would then be required to seek a court order to  
23 fulfill our legal obligations to assess child safety.  
24 The unintended consequences of this could be  
25

1 additional trauma for the children because NYPD  
2 accompanies ACS when entry orders are needed. These  
3 additional court filings and adversarial processes  
4 will likely impact thousands of cases that currently  
5 never need legal intervention, as the majority of  
6 investigations are unfounded and only a fraction of  
7 indicated investigations result in a court petition.  
8 We conducted as I mentioned earlier about 55,000  
9 investigations last year and of course that's seven  
10 days a week and 24 hours a day and if every parent or  
11 caretaker in the home and potentially ACS and the  
12 children were to have lawyers, every interaction  
13 could turn into a legal proceeding rather than a  
14 social work engagement and it could create an  
15 explosive workload for attorneys and consume enormous  
16 financial resources but we appreciate the need for  
17 parents to understand their legal rights and the  
18 investigative process. We also have an obligation to  
19 address... to assess child safety and children have a  
20 right to be free from abuse or maltreatment and we  
21 look forward to discussing with the Council ways to  
22 achieve all of these important goals. Intro 1715  
23 would require ACS to establish a program to provide  
24 parents and persons legally responsible with access  
25

1  
2 to legal services at fair hearings following an  
3 indicated report in an ACS investigation. We  
4 appreciate the desire for parents to have legal  
5 representation at fair hearings which in this  
6 instance are a legal proceeding for a state hearing  
7 officer to determine whether ACS's determination to  
8 indicate a case shall stand or be overturned. Given  
9 the volume of legal services this bill would entail,  
10 we do believe it will be very expensive to implement  
11 but we welcome further discussion with the bill  
12 sponsor. With regard to 1729, 1736 and 1718, we agree  
13 very much that parents and caretakers should have  
14 information at the earliest stage about the child  
15 protection investigative process as well as their  
16 rights during an investigation after a case has been  
17 indicated and the resources available to them all in  
18 a language they understand. I discussed earlier how  
19 ACS child protective staff are extensively trained on  
20 communications with parents, at the initial point of  
21 contact. At that time, ACS gives parent... gives  
22 parents both the state required notice of existence  
23 form and our parents guide which as I mentioned was  
24 recently revised and incorporates suggestions we  
25 received from parents and other advocates and they're

1  
2 both available in the ten most common New York City  
3 languages. You have the parents guide so you know it  
4 also gives the parent information about our office of  
5 advocacy which is available to them. When a case is  
6 indicated or unfounded, families receive a letter  
7 from the state which explains the case outcome and  
8 provides information on how to appeal or seek  
9 expungement. We also look forward to discussing these  
10 bills along with the information and documents we  
11 provide to families with the bill sponsors. So, in  
12 conclusion, we know, and we recognize that any child  
13 protective investigation can be an intrusive process.  
14 While we have a legal mandate to assess and protect  
15 child safety, we're mindful that government authority  
16 to take protective actions, up to removing children  
17 from their parents in the most serious cases, is an  
18 enormous responsibility. Balancing these two key  
19 matters, government intervention and families and  
20 protecting vulnerable children from harm, is both the  
21 challenge and the core of the work of child welfare.  
22 And we do all of this within a system that we know  
23 disparately impacts different communities  
24 particularly communities of color. I've talked today  
25 about the innovative ways that ACS is meeting this

1 challenge and we welcome the Council's partnership in  
2 this effort. We believe that raising the indication  
3 standard from some credible evidence to a fair  
4 preponderance of the evidence will help to better  
5 calibrate this balance. Within ACS, we continue to  
6 enhance training, supervision, monitoring, oversight,  
7 and assessment tools, so that our child protective  
8 staff are equipped to make the best decisions  
9 possible when working with children and their  
10 families. And finally, with implicit bias training,  
11 with affirming policies and specific efforts to  
12 ensure that our services are culturally<sup>6</sup> appropriate,  
13 we are working to reduce disproportionality and to  
14 build a 21<sup>st</sup> century child welfare system that better  
15 supports and strengthens all families. Thank you very  
16 much.

18 CHAIRPERSON LEVIN: Thank you very much  
19 Commissioner, thank you for your testimony. I'm going  
20 to ask my colleagues to ask questions first and then  
21 I'll come... I'll come around to my questions. First,  
22 I'll call on Council Member Barry Grodenchik and I  
23 also want to acknowledge Council Member Mark Treyger  
24 and also welcome Council Members Treyger and Holden  
25 to the Committee, this is their first hearing as

1  
2 committee members so welcome guys, I'll turn it over  
3 to Council, Council Member Grodenchik.

4 COUNCIL MEMBER GRODENCHIK: Thank you Mr.  
5 Chairman. Good afternoon Commissioner. I wonder if  
6 you could for the educate.. edification of the  
7 Committee and, and for all those people who are here  
8 and maybe watching the panel that spoke before you I,  
9 I think certainly spoke from the heart and certainly  
10 from experience and I wonder if you could address.. I  
11 know you were here and I appreciate your listening to  
12 them, I wonder if you could discuss that for a bit  
13 with us so we can understand it a little better how  
14 you feel about that because some of what I heard was,  
15 you know discouraging, I, I have enjoyed working with  
16 you as a member of this committee and I believe your  
17 heart is in the right place and that the agency has  
18 moved forward but I wonder if there's anything you'd  
19 like to say specifically to what they talked about  
20 this afternoon?

21 DAVID HANSELL: Yes, Council Member,  
22 thank you for the opportunity. Obviously, it is  
23 sobering for us to hear about the experiences that  
24 families have had with the system. As I said when I  
25 began it is important for us to do that, we know that

1 we are not perfect as an institution, we do as I said  
2 55,000 investigations a year, we strive to reach the  
3 right conclusion of each investigation and we strive  
4 in, in every case to identify the needs that families  
5 have to identify the services that will help them  
6 meet those needs and to work with families to keep  
7 children safely at home by providing those services  
8 and we do an enormous... I... we've talked about this in  
9 some of the prior hearings and where I know you've  
10 been, been present about our very intensive  
11 continuous quality assurance work at ACS, child staff  
12 for example which and I think as, as you know I  
13 revived when I became Commissioner about two and a  
14 half years ago with a specific focus of being self-  
15 critical about how we do our work to make sure that  
16 we are approaching families appropriately, that we're  
17 getting the right information, and we're making the  
18 right decisions. I will say, obviously I can't speak  
19 to the individual experiences of the four parents who  
20 testified, it did sound as though in, in a number of  
21 the cases of what they... what they spoke to their  
22 interactions with ACS were many years ago, I would  
23 like to think that we are doing a better job now, I  
24 do believe in many ways we're doing a better job now,  
25

1  
2 I do certainly know that we have made enormous  
3 expansions in both the scope and the quality of our  
4 prevention services so I, I very much believe that  
5 we're in a better position today than we were five or  
6 ten or 15 years ago certainly to partner with  
7 families to make sure that they receive the services  
8 that they need but we have more work to do and, and,  
9 and the reason why we've hired a parent engagement  
10 specialist at ACS for the first time, the reason  
11 we've created a parent advisory council is to make  
12 sure that we're listening to the voices of parents  
13 every single day because we can't really understand  
14 our work if we don't understand the impact it's  
15 having on everyone who's involved with the child  
16 welfare system.

17 COUNCIL MEMBER GRODENCHIK: I think the,  
18 the, the parent liaison will be critical to your  
19 work, I think it's a... it's a wonderful idea and I  
20 thank you for being here again and listening to the  
21 parents who spoke today. I'm married to a math  
22 professor so I have to get into the math a little  
23 here, you mentioned 55,000 reports which is over a  
24 thousand a week in New York City, 63 percent of which  
25 are unfounded or found to be unfounded by ACS that

1  
2 still leaves us with over 20,000 or nearly 400 new  
3 cases every single week, those numbers I think to  
4 every member of this committee and everybody sitting  
5 here are daunting, unfortunate and disturbing to me  
6 and how many caseworkers do you have again just for  
7 our edification?

8 COUNCIL MEMBER GRODENCHIK: Actually...

9 WILLIAM FLETCHER: Alright, William  
10 Fletcher, Deputy Commissioner.

11 COUNCIL MEMBER GRODENCHIK: Thank you  
12 Deputy Commissioner... [cross-talk]

13 WILLIAM FLETCHER: Division of Child  
14 Protection. So, we have a, a workforce between CPS  
15 and the supervisory staff, we have roughly 30... 3,050  
16 workers who, who function in, in those positions.

17 COUNCIL MEMBER GRODENCHIK: And just for  
18 my edification also, how long is the, the... I don't  
19 know that there is a typical case but on average  
20 could you give us a ballpark estimate of how long a  
21 case might be open, is it weeks, months and I know  
22 sure in case... some cases... many cases it may be years.

23 WILLIAM FLETCHER: Sure, sure. So, when  
24 it's a child protection investigation the child  
25 protective specialist has up to 60 days to make a

1  
2 determination on the allegations that we receive from  
3 the state central registry.

4 COUNCIL MEMBER GRODENCHIK: Okay.

5 Alright, I thank you for your answers and the last  
6 question that I have before I turn it back to the  
7 Chairman, I don't know one of... one of the people who  
8 testified on the first panel either said or implied  
9 that there's no right to legal counsel, did I hear  
10 that correctly?

11 [off mic dialogue]

12 COUNCIL MEMBER GRODENCHIK: I, I  
13 appreciate that, I, I would like to hear it from the  
14 Commissioner, I appreciate you being here, and I  
15 wanted to get more information from him if... [cross-  
16 talk]

17 DAVID HANSELL: Sure, sure. There is...  
18 parents and children both have a right to legal  
19 counsel at the initiation of legal proceedings so as  
20 soon as a court... a case goes to family court the, the  
21 judge will assign counsel and in most cases that will  
22 be one of the institutional providers who I mentioned  
23 in my testimony are the model that was pioneered in  
24 New York City which is a multidisciplinary model of  
25 attorneys and social workers and parent advocates but

1  
2 it definitely includes attorneys and so both parents  
3 and children because they have... each have rights and  
4 their rights may or may not be consistent, each of  
5 them is assigned an attorney at the initiation of  
6 legal proceedings. I think the issue that, that the..  
7 well there are two bills the Council has proposed in  
8 this package today, one that would assign or may..  
9 authorize legal representation at the initiation of  
10 an investigation, the other that would authorize  
11 legal counsel for fair hearings and, and I think  
12 those are the, the two issues that are before the  
13 Council today.

14 COUNCIL MEMBER GRODENCHIK: Thank you  
15 very much Commissioner, thank you Mr. Chairman.

16 CHAIRPERSON LEVIN: Thank you very much  
17 Council Member Grodenchik, Council Member Holden?

18 COUNCIL MEMBER HOLDEN: Thanks  
19 Commissioner for your incredible testimony once  
20 again. Just a few questions on... who mostly reports  
21 abuse, is it usually ex-spouse or is it a teacher, do  
22 you have that... [cross-talk]

23 DAVID HANSELL: Yes, and we have numbers  
24 here, it actually... most of the reports come from  
25 mandated reporters. So, just to give you some

1  
2 examples, in fiscal year 2019 of, of all the reports  
3 that we received about 23 percent came from  
4 educational personnel, which could be teachers or  
5 other school officials, 18 and a half percent came  
6 from social services personnel, 13.8 percent from law  
7 enforcement, about 12 percent from other reporters,  
8 about ten percent from medical or mental health  
9 staff, about eight percent from friends or neighbors  
10 and then the others from other folks. So, basically I  
11 think in, in, in total I think about two thirds come  
12 from mandated reporters, people who are required to  
13 report if they see evidence of abuse or neglect and  
14 about one third come from community members who on  
15 their own initiative are concerned enough to, to make  
16 a report.

17 COUNCIL MEMBER HOLDEN: So, the implicit  
18 bias that we're seeing that, that, that you have an  
19 office, are you actually reaching out to that group  
20 on a regular basis or...

21 DAVID HANSELL: We are, we are indeed.  
22 We... at actually a hearing we had most recently before  
23 the General Welfare Committee on the issue of  
24 marijuana we testified with Health and Hospitals,  
25 many of our reports come from Health and Hospitals so

1  
2 that's one group of mandated reporters that we're  
3 working with to make sure that they understand what  
4 constitutes as abuse and neglect, what the basis is  
5 to make a report to the SCR and to make sure that  
6 they understand that reports should be made only when  
7 there's some evidence of impact on a child, we're  
8 having the same conversations with the Department of  
9 Education so yes we are working with mandated  
10 reporters, some of the categories of mandated  
11 reporters from whom we frequently receive these  
12 reports.

13 COUNCIL MEMBER HOLDEN: Okay, just... so  
14 another maybe two more questions. When... you said  
15 there's a 40 percent placement, kin, kinship  
16 placement, is... what was that... is that... what was the  
17 figures before in the years prior?

18 DAVID HANSELL: We... when we began a  
19 really concerted focus on kinship placement two years  
20 ago at that point we were placing 31 percent of  
21 children with either family members or close friends,  
22 today we're at about 40 percent, our goal is to get  
23 to 46 percent by the middle of next year and we think  
24 this really will make an enormous difference in terms  
25 of minimizing trauma for, for, for children. We also

1 think and again there's evidence of this as well that  
2 it can help expedite reunification with families  
3 because kids are with people who are... [cross-talk]

4 COUNCIL MEMBER HOLDEN: But how are you  
5 doing that, I mean are you offering them an  
6 incentive, the, the kin... or kinship or are you going  
7 to other states now and cities which you didn't do  
8 before?  
9

10 DAVID HANSELL: No, no, this is all  
11 within, within the state, what we do is when...  
12 actually we make sure that the kinship caregivers  
13 receive exactly the same benefits and support that a  
14 non-relative foster parent would receive.

15 COUNCIL MEMBER HOLDEN: So... before they  
16 didn't actually... before you were... [cross-talk]

17 DAVID HANSELL: No, they, they did... they  
18 did... [cross-talk]

19 COUNCIL MEMBER HOLDEN: They did.

20 DAVID HANSELL: But there wasn't... we  
21 didn't have such a concerted focus on identifying  
22 them as we do now. So for example, both within the  
23 Division of Child Protection when we anticipate that  
24 we are going to need to, to place a child in foster  
25 care we begin immediately to try to identify family

1  
2 members, grandparents, aunts, uncles, teachers,  
3 someone who may be willing to take custody of that  
4 child for a period of time and then if they are and  
5 obviously they have to go through the same background  
6 checks as, as any foster parent would but if they're  
7 willing to do that they... we then connect them with a  
8 foster care agency and they receive the, the same  
9 support and the same financial benefits that a foster  
10 parent would receive.

11 COUNCIL MEMBER HOLDEN: Great, thank you,  
12 thank you Chair.

13 CHAIRPERSON LEVIN: Thank you very much  
14 Council Member Holden, Council Member Treyger.

15 COUNCIL MEMBER TREYGER: Thank you Chair  
16 Levin. I just... some of the data that, that I've heard  
17 just prompt, prompted me just to follow up on a  
18 couple of things. Commissioner you mentioned 55,000  
19 reports and investigations, is that correct in the  
20 last year?

21 WILLIAM FLETCHER: We connected 55,000  
22 investigations in fiscal year 2019, that's correct.

23 COUNCIL MEMBER TREYGER: 55,000 and  
24 remind me again of the number of caseworkers in ACS.

1  
2 WILLIAM FLETCHER: Yes, we have CPS as  
3 well as a supervisory staff, we have roughly 3,000  
4 staff in those positions.

5 COUNCIL MEMBER TREYGER: And of the 3,000  
6 how many of them are licensed social workers?

7 WILLIAM FLETCHER: So, we would have to  
8 get back to you with that number, I don't believe we  
9 have the numbers as it relates to how many have... you  
10 said licensed.. [cross-talk]

11 COUNCIL MEMBER TREYGER: Social workers..  
12 [cross-talk]

13 WILLIAM FLETCHER: ...social workers, so we  
14 would have to get back to you with that number.

15 COUNCIL MEMBER TREYGER: Yeah, because  
16 something that, you know I'm going to use a DOE  
17 lingo, I used to be a teacher..

18 WILLIAM FLETCHER: Yes...

19 COUNCIL MEMBER TREYGER: ...sharing best  
20 practices, in the DOE we have over one... 1.1 million  
21 students but only 1,300 social workers, 2,900  
22 guidance counselors, 560 school psychologists but  
23 over 5,500 NYPD agents so you have more NYPD agents  
24 than social workers, counselors and psychologists  
25 combined and now in this past budget we did fight and

1  
2 prioritize the hiring of over 200 new social workers  
3 for our school system which will get us to 1,500 but  
4 that's still inadequate and the reason why I'm  
5 adamant about social workers is because first of all  
6 it is one of the most honorable professions we have I  
7 think in the world and they also know what they're  
8 doing, you need licensed personnel that knows what  
9 they're doing to follow up on these complex cases and  
10 to provide direct services to our children. I am..  
11 would like to know Commissioner if you have data with  
12 you at all, how... in your... how many employees in ACS  
13 today?

14 DAVID HANSELL: ACS total?

15 COUNCIL MEMBER TREYGER: Yes.

16 DAVID HANSELL: Just slightly over 7,000.

17 COUNCIL MEMBER TREYGER: Over 7,000 and  
18 of the 7,000 how many social workers do you have  
19 working for you full time for your agency?

20 DAVID HANSELL: Yeah, I don't know off  
21 hand, we could... we can get you that information.

22 COUNCIL MEMBER TREYGER: I would really  
23 appreciate that information.

24 DAVID HANSELL: Yeah.

25

1  
2 COUNCIL MEMBER TREYGER: Because the city  
3 of New York has an urgent need to hire a big number  
4 of social workers...

5 DAVID HANSELL: Uh-huh...

6 COUNCIL MEMBER TREYGER: ...and to also pay  
7 them a fair wage and salary which they rightfully  
8 deserve to take better care of our children of these  
9 cases because you can't just put... someone just to  
10 answer the phone and if you're telling me that over  
11 20 percent of the cases referred to ACS comes from  
12 DOE and I'm sharing with you that a number of folks..  
13 I was a teacher, I was a mandated reporter but I was  
14 not a social worker and the training teachers receive  
15 to become teachers is inadequate, is inadequate in  
16 terms of looking for the signs of types of abuse and  
17 trauma and issues that our kids might be facing and  
18 so I'm questioning the folks who refer cases what is  
19 even their expertise in terms... and what kind of  
20 follow up is done at the school level and at your  
21 level to address all the needs of our children. So, I  
22 would like to get that data Commissioner, I think  
23 it's very important and we'll work with you, this  
24 Council is not shy in prioritizing resources to hire

1  
2 more social workers in the city of New York and I  
3 thank you for your time... [cross-talk]

4 DAVID HANSELL: Yeah, no... [cross-talk]

5 COUNCIL MEMBER TREYGER: ...thank you  
6 Chair... [cross-talk]

7 DAVID HANSELL: ...if I may say, I, I, I...  
8 [cross-talk]

9 COUNCIL MEMBER TREYGER: Please... [cross-  
10 talk]

11 DAVID HANSELL: ...appreciate that very  
12 much, we very much value social workers at ACS, in  
13 fact we will provide financial support to our staff  
14 in order to go back to school and get a social work  
15 degree and we work very closely with the New York  
16 City Chapter of the NASW so we totally share your,  
17 your, your views on that and I would... also would add  
18 that when we look at the entire system we're actually  
19 not just talking about our own staff but of course  
20 all of our prevention agencies have their own staff,  
21 many of whom are social workers and our foster care  
22 agencies as well so, you know essentially really have  
23 to look at the entire system because you're right, to  
24 make sure that children and families are receiving  
25 the services they need we need to have sufficiently

1  
2 trained staff at all stages of the process... [cross-  
3 talk]

4 COUNCIL MEMBER TREYGER: Right, what,  
5 what I'll share with you is that DOE will use an  
6 excuse that says we'll, we'll work with some CBOs who  
7 might have a social worker on staff, what they don't  
8 share is that the social worker is the director of  
9 the non for profit but not providing direct services  
10 to kids in the schools... [cross-talk]

11 DAVID HANSELL: Uh-huh... [cross-talk]

12 COUNCIL MEMBER TREYGER: ...I, I, I...

13 [off mic dialogue]

14 COUNCIL MEMBER TREYGER: ...don't need more  
15 consultants, I don't need... I don't need people that  
16 say that they're... I need licensed personnel that  
17 knows what they're doing at the front lines helping  
18 directly serve kids and CBOs have difficulty even  
19 maintaining social workers because they do require  
20 and deserve a good wage and so we in a 92 billion  
21 dollar budget should have the resources to hire  
22 social workers full time and pay them a respectful  
23 wage and salary. Thank you Chair for your time.

24 CHAIRPERSON LEVIN: Thank you very much  
25 Council Member Treyger. Okay, so I, I will... I'm...

1 I'll, I'll keep my questions as short as I can...

2 [cross-talk]

3 DAVID HANSELL: Uh-huh... [cross-talk]

4 CHAIRPERSON LEVIN: ...in, in deference to,  
5 to making sure that we get, get out of here on time.  
6 So, I do want to ask a little bit about the right to  
7 counsel legislation and, and first off just to, you  
8 know acknowledge that this is... this presents a, a  
9 certain amount of tension within the, the, the stated  
10 objectives of ACS and I know that you know this as  
11 the... as the legal guardian to every child in care in  
12 New York City as ACS Commissioner and, and because  
13 too many times every single year a child known to ACS  
14 is killed at the hands of an abuser, that happens,  
15 that happens every year not just the cases that, that  
16 get headlines but other, other cases every, every  
17 single year and that, that presents an immense  
18 challenge to your staff, to CPS and supervisors and  
19 managers and, and directors, directors that  
20 responsibility is paramount and I know that, that  
21 that's... that that's why people get into this deal  
22 that's not to make a lot of money, its not to get  
23 public accolades. When I visited a field office  
24 recently with you, when we were leaving at six p.m.

1  
2 almost every single CPS and supervisor was still at  
3 their desk and so I appreciate that, I know that. The  
4 question is, how do we at this stage in the life of  
5 our city get the public policy right to ensure the  
6 safety of children looking to best practices around  
7 the country, outside the country, wherever... [cross-  
8 talk]

9 DAVID HANSELL: Uh-huh... [cross-talk]

10 CHAIRPERSON LEVIN: ...while also fully not  
11 just respecting but, but really prioritizing the  
12 rights of parents to not have the state unduly  
13 infringe on their relationship with their child and  
14 that is... you know that is sacrosanct, above... you know  
15 above all else for, for families, you know the power  
16 of the state to intervene between you and your child  
17 is the most severe... the most severe action that a  
18 state can take basically, like I can't think of  
19 anyone more severe than maybe arbitrary arrest but  
20 that... that's it otherwise breaking up a family,  
21 removing a child from their home is, is the... is the  
22 most draconian thing that a state can do... [cross-  
23 talk]

24 DAVID HANSELL: Uh-huh... [cross-talk]

1  
2 CHAIRPERSON LEVIN: So, how, how do... how  
3 has this changed, how has this conversation changed  
4 in the... in the last few, few years, I mean how have  
5 you seen it change and where do you view ACS's role  
6 in that conversation so you have a place to start?

7 DAVID HANSELL: Uh-huh. Well let me begin  
8 by acknowledging you, you know your point that there  
9 is... that the power that has been invested in us at  
10 ACS which of course there is... we have an equivalent  
11 in every other part of, of this country and most of  
12 the world... [cross-talk]

13 CHAIRPERSON LEVIN: Uh-huh... [cross-talk]

14 DAVID HANSELL: ...because we know that  
15 sometimes children do face abuse and neglect at the  
16 hands of caretakers, the power that's been invested  
17 to us I agree is as extraordinary as any power that  
18 exists in, in, in a government like ours and it's  
19 something that I and, and I know my colleagues take  
20 very, very seriously and we... I don't think we... any of  
21 us can ever be comfortable and, and not be  
22 continuously self-questioning and self-critical about  
23 how we are exercising that power because it is so  
24 extraordinary and, and, and that's why first of all I  
25 have put so much emphasis on looking critically at

1  
2 our practice and, and, and identifying places where  
3 we didn't get it right and why we didn't get it right  
4 and what we can do in the future to, to address that  
5 and also making sure that we are listening to all  
6 other stakeholders in the process who inevitably have  
7 different perspectives than we do on the actions that  
8 we, we take very often and we have to listen to them  
9 because we cannot be comfortable in, in our... in our  
10 own view of our work. So, it is something we have to  
11 take very, very seriously. In terms of... and you know  
12 I, I also believe as I said at the end of the  
13 testimony that we do have a responsibility to make  
14 sure that parents understand the process from the  
15 beginning, that they understand what's going to  
16 happen to them, they understand what we are required  
17 to do by law and we under... and that they understand  
18 the options that they have and there are a number of  
19 things which I testified to that we're doing to try  
20 to make sure that parents have that information that  
21 they need but I think that too is a conversation that  
22 we need to continue to have ourselves and, and I'm  
23 happy to continue to have with you and, and the  
24 council about other ways that we can better inform  
25 parents about, about the process and how it will

1  
2 unfold and what, what options and opportunities they  
3 have. Fundamentally, you know what I believe has  
4 changed and is changing is and we've talked about  
5 this many times in these hearings is that we are...  
6 while there, there will always be some situations  
7 where we need to intervene in a coercive way because  
8 there always will be as you indicated in your  
9 question, situations where... some situations where  
10 parents do not have the best interest of their  
11 children at heart and we have to intervene to protect  
12 them but what we are fundamentally trying to do is to  
13 change the nature of our interaction, our engagement  
14 with parents when we receive a report to one that  
15 focuses not unless it's absolutely necessary not on  
16 that but focuses on working with the parent to  
17 identify what's challenging them, what is it that's  
18 making it difficult for them, what led to this and  
19 what can we do to help them... [cross-talk]

20 CHAIRPERSON LEVIN: Uh-huh... [cross-talk]

21 DAVID HANSELL: ...by providing the support  
22 and the resources that they need and that's I think  
23 largely what we're focused on doing is... just is  
24 everything we can to make the engagement one that  
25 helps us solicit the information and create a

1  
2 relationship with parents that allows us to help them  
3 achieve what they want by, by connecting them with  
4 services and supports.

5 CHAIRPERSON LEVIN: How do you achieve a  
6 reorientation like that in an agency that is a large  
7 and sprawling agency that has institutional... kind of  
8 institutional prerogatives, I mean I think that as a...  
9 as an agency, you know any city agencies not, not  
10 eager to make, you know wholesale changes, what,  
11 what's the... how does... how does... how do you even  
12 measure the success of efforts?

13 DAVID HANSELL: Well, I think... I mean  
14 sort of in terms of sort of process you do it by  
15 having a strong management structure... [cross-talk]

16 CHAIRPERSON LEVIN: Uh-huh... [cross-talk]

17 DAVID HANSELL: ...in place so that you  
18 don't have individual decision making happening on  
19 the ground that isn't informed by the priorities of  
20 the organization, you have strong checks and balances  
21 around the exercise of the power so that it... again it  
22 isn't something that's a result of individual  
23 decision making but it's something that is... has to be  
24 vetted up the chain sufficiently to make sure that  
25 it... that the power is being exercised appropriately,

1  
2 you do it by having strong quality assurance reviews  
3 and checks in place so that you're constantly  
4 evaluating your own work against your policies and  
5 against your priorities and those are all the things  
6 we're trying to do, I mean that's... to me that... I mean  
7 that's... those are things that are fundamental to  
8 management in any large organization but I think  
9 they're particularly critical in an organization like  
10 ACS because of the nature of the work we do and the  
11 nature of the power that we... that we're authorized to  
12 exercise and, you know how we assess what we're doing  
13 I think, you know one is by looking at... one of the  
14 outcomes that is important to us and that I'm proud  
15 of and I hope we will continue is reducing the number  
16 of children who are in foster care by reducing the  
17 number of cases that go to court, by reducing the  
18 number of situations in which we have to exercise  
19 more coercive powers rather than working with  
20 families to achieve voluntary agreement around safety  
21 plans, those are all the kinds of, of, of metrics  
22 that really tell us whether we're achieving our goals  
23 and moving the directions in which we want to, to  
24 move.  
25

1  
2 CHAIRPERSON LEVIN: And to the, the point  
3 of metrics, there's... in the... in the findings or the,  
4 the trends that you presented in your testimony year  
5 to year all of the metrics are going down which is in  
6 the right direction, there are... the article 10  
7 filings, can you just speak to... a little bit to what  
8 article 10 filings are and those are significantly  
9 down from 15 and 16 percent?

10 DAVID HANSELL: Yeah, those are and I can  
11 ask my DCP colleague to speak in more detail but  
12 those are basically situations where we go to family  
13 court requesting judicial intervention of some kind  
14 which could be either remanding a child to foster  
15 care or much more often asking the family court to  
16 exercise oversight through a supervisory mechanism,  
17 court ordered supervision we call it... [cross-talk]

18 CHAIRPERSON LEVIN: Uh-huh... [cross-talk]

19 DAVID HANSELL: ...to require the family to  
20 either participate in a service that we think is  
21 necessary; drug treatment, mental health services,  
22 whatever, requiring a family to... in a domestic  
23 violence situation for example, to make sure that an  
24 abuser remains, remains out of the home or does not  
25 interact with the spouse or other children in a way

1  
2 that creates a risk to children so basically asking  
3 the court for some kind of intervention to address a  
4 safety risk that we feel unable to address just  
5 through the voluntary agreement with the family.

6 CHAIRPERSON LEVIN: And that... and that's  
7 down 15, 16 percent from the prior year, from '18?

8 DAVID HANSELL: Yes, yes...

9 CHAIRPERSON LEVIN: And so... now that went  
10 up significantly after Zymere Perkins, correct?

11 DAVID HANSELL: That's, that's correct...  
12 the number... yeah it did and, and mostly it was around  
13 supervision, the supervision issue... [cross-talk]

14 CHAIRPERSON LEVIN: Okay... [cross-talk]

15 DAVID HANSELL: ...but there was a  
16 significant increase in court ordered supervision  
17 cases, yes.

18 CHAIRPERSON LEVIN: Do you remember how  
19 much, it was sizable?

20 DAVID HANSELL: It was significant, we  
21 can get you the exact numbers but yes, it was  
22 significant.

23 CHAIRPERSON LEVIN: And you think that  
24 that is important to continue to... another words with  
25 all of these metrics you think it's important to... do

1  
2 you have targets, are they... is there a... do you have  
3 goals in terms of how far you want to get those  
4 numbers down?

5 DAVID HANSELL: No and I don't think  
6 there's really a way to do that, you know social  
7 dynamics change and of course the reports... you know  
8 what comes to us, you know is out of our control so  
9 no, it's not that we have a particular target to meet  
10 but what we do... what we are committed to is expanding  
11 our ability to keep children safely at home without  
12 having court intervention wherever we can do that and  
13 so for example and I think we've talked about this in  
14 prior hearings, we have just in the last year added a  
15 new category of prevention services specifically as  
16 an alternative to going to court and seeking court  
17 ordered supervision and we actually have found it's a  
18 more intensive preventative service, it is triggered  
19 right at the stage of a child safety conference and  
20 we have already successfully diverted hundreds of  
21 cases that would have otherwise gone to court seeking  
22 supervision to preventative services without  
23 requiring any court involvement at all.

24 CHAIRPERSON LEVIN: With regard to  
25 mandated reporters and this came up when I did the,

1  
2 the site visit at the... with... at the CPS office, the  
3 field office, they spoke about the implicit bias  
4 training that they receive but mentioned that  
5 mandated reporters, these 55,000 cases that get  
6 called to the SCR that they're not... that there's not  
7 implicit bias training there, I know you mentioned in  
8 your testimony adding that in, who oversees that  
9 training for implicit bias... I mean for, for mandated  
10 reporters... [cross-talk]

11 DAVID HANSELL: For mandated report... the  
12 state office of Children and Family Services.

13 CHAIRPERSON LEVIN: Okay, so this was  
14 their decision to add... [cross-talk]

15 DAVID HANSELL: No, no, no... [cross-talk]

16 CHAIRPERSON LEVIN: ...bias... [cross-talk]

17 DAVID HANSELL: No, no, no, they have not  
18 made a decision, what I said... and I have to... I have  
19 to acknowledge you Council Member because you picked  
20 up on that right away in our visit to the Marcy  
21 Avenue office and we've been thinking about it every  
22 since then and what we are going to begin to do is to  
23 advocate with the state, we don't have the authority  
24 to make... [cross-talk]

25

CHAIRPERSON LEVIN: Okay, I see... [cross-talk]

DAVID HANSELL: ...but we're going to advocate with the state.

CHAIRPERSON LEVIN: Okay and that's, that's a huge endeavor, how many... how... what's the universe of mandated reporters' numbers wise, it's... [cross-talk]

DAVID HANSELL: I mean... oh... [cross-talk]

CHAIRPERSON LEVIN: Half a million people or something...

DAVID HANSELL: Well it's certainly tens and tens of thousands, I mean we're talking about all school personnel in New York City, all medical personnel in New York City, social workers... [cross-talk]

CHAIRPERSON LEVIN: Yes... [cross-talk]

DAVID HANSELL: ...the council members, my... so it's... yes, tens and tens of thousands of... [cross-talk]

CHAIRPERSON LEVIN: Yeah... [cross-talk]

DAVID HANSELL: ...people.

CHAIRPERSON LEVIN: I mean that's something that we should be definitely looking at

1  
2 because the, the... as all... if you look at the metrics  
3 in terms of the number of children placed in, in care  
4 continues to go down these other metrics continue to  
5 go down the calls to SCR don't go down that much,  
6 right, as that... has... [cross-talk]

7 DAVID HANSELL: They have gone down some...  
8 and that's in the chart actually, I mean well  
9 investigations... essentially, it's the same thing  
10 because we... [cross-talk]

11 CHAIRPERSON LEVIN: Right... [cross-talk]

12 DAVID HANSELL: ...investigate every case...  
13 I mean the state... there's a small number of cases the  
14 state doesn't accept and refer to us but the vast,  
15 vast majority they do so I think we said in there  
16 investigations are down... were down about four percent  
17 I believe from... [cross-talk]

18 CHAIRPERSON LEVIN: Okay... [cross-talk]

19 DAVID HANSELL: ...five percent so that  
20 essentially is a reflection of, of about a five  
21 percent decrease in SCR calls.

22 CHAIRPERSON LEVIN: Okay... [cross-talk]

23 DAVID HANSELL: ...from one year to  
24 another.

1  
2 CHAIRPERSON LEVIN: Okay. So, on, onto  
3 the issue of, of right to counsel, so just to be  
4 clear a parent has the right to an attorney, you know  
5 from the first knock on the door, correct, I mean  
6 not, not a... not a right to a, a court appointed  
7 attorney but a, a right... they could call an attorney  
8 themselves?

9 DAVID HANSELL: Yes.

10 CHAIRPERSON LEVIN: Right and in practice  
11 if a parent does do that what, what is the  
12 consequence that... in practice that... of, of that, does  
13 it... does it... [cross-talk]

14 DAVID HANSELL: Uh-huh... [cross-talk]

15 CHAIRPERSON LEVIN: ...change the, the case  
16 in reality, does it... does it afford them, you know...  
17 you know a, a kind of knowledge of their rights  
18 through the process that they might not otherwise  
19 have, what do we see when that is invoked?

20 DAVID HANSELL: Uh-huh. Well let me say a  
21 few things and then my, my DCP colleagues may want to  
22 elaborate, I mean I think the first thing I would say  
23 is it doesn't happen very often... [cross-talk]

24 CHAIRPERSON LEVIN: Uh-huh... [cross-talk]

1  
2 DAVID HANSELL: ...it is rare that a, a  
3 family, any family seeks legal counsel or  
4 representation at the beginning of an investigation  
5 and our experience is that the vast majority of  
6 families cooperate with investigations, you know talk  
7 to us, allow us to observe the children as we're  
8 legally required to do and will engage with us around  
9 what their service needs may be and so, you know the  
10 number... the situations where we actually have to go  
11 to family court which is... which actually again if we  
12 cannot observe the children or visit the home if we  
13 need to it's our obligation to go to court and get an  
14 order to do that but that happens very, very rarely...

15 CHAIRPERSON LEVIN: Uh-huh...

16 DAVID HANSELL: ...I mean really fewer than  
17 one percent of investigations, much fewer than one  
18 percent of investigations so it, it really doesn't  
19 happen very much...

20 CHAIRPERSON LEVIN: Is that because  
21 families don't know that they're allowed to?

22 DAVID HANSELL: I, I... [cross-talk]

23 CHAIRPERSON LEVIN: Or because they don't  
24 have the resources maybe to hire a lawyer privately?

1  
2 DAVID HANSELL: I don't... I could... I can't  
3 say, that would be really speculation, I don't know  
4 why it doesn't happen but... and I'm not sure if... also  
5 if we really have the information to sort of talk  
6 about how the process is, is impacted when families  
7 do have lawyers but maybe... or Sandra you might have...

8 SANDRA DAVIDSON: Good afternoon,  
9 Assistant Commissioner Sandra Davidson...

10 CHAIRPERSON LEVIN: Hi.

11 SANDRA DAVIDSON: So, with respect to how  
12 we assess child safety regardless of a parent's  
13 ability or inability to contact a lawyer at the front  
14 door doesn't change our legal mandate to assess  
15 safety... [cross-talk]

16 CHAIRPERSON LEVIN: Uh-huh... [cross-talk]

17 SANDRA DAVIDSON: ...of the child and in  
18 discussions... if there's legal representation at the  
19 front door the conversation with families moves from  
20 a social work conversation around what may have  
21 contributed to the reasons for the case getting  
22 called in to a more legal conversation which may  
23 prevent families from learning about the vast  
24 resources that we have to help them support their  
25 families.

1 CHAIRPERSON LEVIN: Right...

2 SANDRA DAVIDSON: It would also possibly  
3 contribute to an increase in court filings and other  
4 government entities enter their life which may not  
5 have otherwise been needed.  
6

7 CHAIRPERSON LEVIN: Right. I, I think...  
8 you know the... if I understand it correctly I mean  
9 ACS's perspective on this is that it... just to  
10 paraphrase but you just said that it changes the  
11 dynamic from a social work perspective to an, an  
12 adversarial legal relationship, is that right? Social  
13 work relationship to a... to an adversarial legal  
14 relationship?

15 SANDRA DAVIDSON: To a legal  
16 conversation.

17 CHAIRPERSON LEVIN: Right, okay because I  
18 think from the parent's perspective from what I have  
19 heard very often they perceive the relationship to be  
20 adversarial at the get go and so that... so those... you  
21 know there just seems to be a difference in, in in  
22 what the... in an understanding of what the  
23 relationship is between the parent and ACS and if  
24 they feel that the relationship is adversarial from  
25 the get go, you know and that's, that's the reality

1  
2 that they're working with and... I mean even... so for  
3 example I mean I just did a... I did the search of the...  
4 of the flyer that the... that, that we have, the child...  
5 the parent's guide to child protective services in  
6 New York and nowhere in the flyer does it say  
7 affirmatively you do have a right to hire your own  
8 attorney at any time, it says you, you can be... you  
9 know once its in court you can... you can... you'll... you  
10 have the right to be appointed an attorney if you  
11 can't afford one but there's nowhere in here... if, if  
12 you're giving this... if a... if a CPS gives this flyer  
13 to somebody and says, you know read this while I'm  
14 here, nowhere in there would they get the sense that,  
15 you know I have a right to an attorney if I want to,  
16 if I want to do that I'm allowed to do that and it's...  
17 obviously I mean just going back to my first question  
18 with the Commissioner the, the power dynamic between  
19 the state who has the ability to take your child away  
20 from you and a parent who is absolutely at the mercy  
21 of the state in that situation, that power dynamic is  
22 as asymmetrical as any that I can imagine and a  
23 parent in that situation is as vulnerable as any  
24 person that I can imagine, it... I think that kind of  
25 the clarity there is kind of lost and there's... and so

1  
2 they're, they're immediately not just in an  
3 adversarial relationship but in a kind of survival  
4 mode, I mean I don't think anyone has done a, a  
5 psychological study on what the psychological state  
6 is of a parent when ACS knocks on the door but I  
7 imagine, you know panic sets in, fight or flight, you  
8 know just a desire to, you know immediately try to...  
9 you know make the situation go away or as, as  
10 immediately as possible and so, you know they may  
11 agree to things that they ought not agree to or  
12 aren't required to agree to. So, I mean I think... in  
13 terms of the kind of self-examination I mean I think  
14 that examining not just the... I mean I think it's  
15 important to examine systemic racism, implicit bias,  
16 all those things but, but really just the, the actual  
17 psychological state of somebody getting a, a knock on  
18 the door from ACS I think is something that we need  
19 to be looking at more.

20 DAVID HANSELL: Yeah...

21 CHAIRPERSON LEVIN: But in terms of how  
22 we are informing people of their right to the... just  
23 their basic right, I mean is that something that ACS  
24 has an issue with of... I mean I know that ACS has an  
25 issue with maybe supplying the lawyer or paying for

1  
2 the lawyer but, but telling people you know you have  
3 a right to a lawyer.

4 DAVID HANSELL: Uh-huh, well as I said  
5 the, the parent's guide that we shared with you today  
6 is, is new, it was developed it was.. actually in  
7 response to the recommendation from the foster care  
8 task force that we modify it and we consulted with a  
9 lot of stakeholders in doing that but, you know if  
10 it... if there's content that we should discuss that's  
11 not included here or that should be changed that's  
12 certainly something that we're willing to talk about.  
13 So I... you know as I said in the testimony I... we  
14 certainly believe as a matter of principle that  
15 parents should be fully informed of their rights and  
16 if there are modifications that would help us do that  
17 better we're happy to talk about them.

18 CHAIRPERSON LEVIN: It was... it came up in  
19 Joyce McMillan's testimony before just about the, the  
20 data on the number of children removed prior to a  
21 court order so emergency removals that data we have,  
22 right, is that... [cross-talk]

23 DAVID HANSELL: Yes... [cross-talk]

24 CHAIRPERSON LEVIN: ...and that's shared...  
25 [cross-talk]

1  
2 DAVID HANSELL: Yes, we shared that I  
3 think in the last hearing in November.

4 CHAIRPERSON LEVIN: Oh, and that's... and  
5 that's on the MMR?

6 DAVID HANSELL: And we can... we... and it...  
7 is it, its in the flash, flash, it's in our flash  
8 report.

9 CHAIRPERSON LEVIN: Okay... [cross-talk]

10 DAVID HANSELL: It's in our monthly flash  
11 report.

12 CHAIRPERSON LEVIN: And then the number  
13 of abuse cases for children while in foster care, is  
14 that in this...

15 DAVID HANSELL: That is in the MMR.

16 CHAIRPERSON LEVIN: That's in the MMR,  
17 okay, in the mayor's management report. The issue...  
18 you mentioned parent advocates or other third party  
19 advocates, how is that... you mentioned a partnership  
20 with Rise and hiring somebody from, from CWOP and  
21 I'll just share with you anecdotally I sat in on a  
22 court hearing once in family court and, and, and the  
23 issue of... you know it, it came up in court on the  
24 issue of CWOP being a location for a visitation and  
25 the... one of the attorneys mentioned that they're... you

1  
2 know they're no good, they're not a great  
3 organization, they are confrontational to ACS and  
4 therefore that is a... that is... they're not... the... they...  
5 that was an indication of, of, you know lack of  
6 whatever from the parent, it was... but that was... that  
7 came... that was in a family court hearing with a... with  
8 an ACS attorney present, the legal aid attorney  
9 representing the children and it struck me that  
10 nobody in the courtroom was acknowledging that  
11 there's a role for a third party advocate in this  
12 process, I mean it was almost seen as, as a demerit  
13 in the case and I don't want to characterize the  
14 judge's opinion on it, I'm not trying to characterize  
15 really the... what they said exactly... you know I don't  
16 want to... I don't... I'm not judging what they said  
17 exactly other than to just say it didn't seem as if  
18 the idea of third... of a third-party advocate was an  
19 accepted presence in this process.

20 DAVID HANSELL: Well obviously I can't  
21 speak to that... [cross-talk]

22 CHAIRPERSON LEVIN: Yeah... [cross-talk]

23 DAVID HANSELL: ...situation but it's  
24 surprising to hear only in that the... all of the  
25 institutional provider organizations that we work

1  
2 with that MOCJ contracts with and that go into court,  
3 family court every single day have parent advocates  
4 as part of their representation model so it would be  
5 surprising to me that a family court judge wouldn't  
6 be aware of that and that there would be any  
7 resistance to that happening, it's a... it's a  
8 fundamental part of, of the representation of parents  
9 in all family court proceedings with the exception of  
10 Staten Island which does not have an institutional  
11 provider.

12 CHAIRPERSON LEVIN: Okay, now... and so...  
13 okay, so the, the role of third-party advocates in  
14 the process is... because parent... you said parent  
15 advocates are, are, are working for ACS or they're  
16 ACS employees or... [cross-talk]

17 DAVID HANSELL: No... [cross-talk]

18 CHAIRPERSON LEVIN: ...no, no.

19 DAVID HANSELL: Well... no, not... sorry, we,  
20 we contract for some of them and they do a number of  
21 different things within our system... [cross-talk]

22 CHAIRPERSON LEVIN: Uh-huh... [cross-talk]

23 DAVID HANSELL: ...they provide training to  
24 our staff around sensitivity to parent's issues and  
25 parent's rights, they participate in child safety

1  
2 conferences on behalf of parents so while they're not  
3 employed by us the ones we contract with do have a  
4 number of different roles within the ACS process but  
5 then the legal provider organizations also have their  
6 own parent advocates on staff who are part of their  
7 multidisciplinary representation model when they are  
8 representing parents in family court proceedings.

9 CHAIRPERSON LEVIN: In a child... or... okay  
10 but, but not before that or not before obviously  
11 they're... the, the, the third-party advocate is  
12 present at a child's safety conference and that's the  
13 first point at which they're present?

14 DAVID HANSELL: That's correct, yes.

15 WILLIAM FLETCHER: Yes. And, and it's  
16 interesting because the, the teams in the borough  
17 office feel and understand the value of having that  
18 their voice, having that, that parent advocate to be  
19 there to help inform around the process for the  
20 parent, you know we have a whole mechanism in place  
21 where we reach out if they're not on site for that  
22 particular morning, you know we will hold up the  
23 child safety conference... [cross-talk]

24 CHAIRPERSON LEVIN: Uh-huh... [cross-talk]  
25

1  
2 WILLIAM FLETCHER: ...not too long but we  
3 hold it up so that the parent advocate could be  
4 present if the parent agrees.

5 CHAIRPERSON LEVIN: Right, is there an  
6 issue around and I've heard this brought up in the  
7 past around just a conflict of interest with the  
8 contract for the third party providers being in ACS  
9 having just a either appearance of conflict or  
10 conflict itself in that dynamic because they're in  
11 some sense... their contract is, is at the discretion  
12 of ACS, is there... or is... does it make sense for that  
13 to not be in ACS that contract to be in MOCJ with the  
14 same place that the legal service provider's contract  
15 is?

16 DAVID HANSELL: That's an issue that  
17 actually never has been presented to me something to  
18 think about I guess, I mean my, my initial reaction  
19 is, is their role is very different from the  
20 attorney's role where they're actually representing a  
21 litigant in a proceeding...

22 CHAIRPERSON LEVIN: Right... [cross-talk]

23 DAVID HANSELL: ...so I'm not sure but it's  
24 an interesting question and I'm happy to think about  
25 it and, and talk with you about it further.

1  
2 CHAIRPERSON LEVIN: It's just something  
3 that I've just... I've heard over the years. So, so  
4 before a child safety conference there is another  
5 interaction with parents, correct, there's a... during  
6 an investigation there's a... sorry, in the process of  
7 an investigation, the investigation is opened, during  
8 the course of that investigation what steps are there  
9 where there's a... where parents are called in or  
10 there's interactions with parents?

11 SANDRA DAVIDSON: So, I think you're  
12 referring to a family team meeting...

13 CHAIRPERSON LEVIN: Yes, right...

14 SANDRA DAVIDSON: ...which is under the  
15 continuum of multiple family team conferencing that  
16 we have.

17 CHAIRPERSON LEVIN: Uh-huh...

18 SANDRA DAVIDSON: Family team meetings  
19 the goal of that is to bring all families together  
20 and their service providers and the child protective  
21 team to discuss what the safety issues are, the  
22 service goals so that everyone can come together and  
23 really support the family and partnership so that  
24 they can no longer need child protective services and  
25 they can more work with the community partners.

1  
2 CHAIRPERSON LEVIN: So, then that is...  
3 that's... but that's during an investigation not to  
4 whether... that, that hasn't been determined whether a  
5 case is indicated or not?

6 SANDRA DAVIDSON: Correct.

7 CHAIRPERSON LEVIN: And the parent is at  
8 that meeting?

9 SANDRA DAVIDSON: Yes.

10 CHAIRPERSON LEVIN: Okay, sorry I'm  
11 hearing people say that they're not, so, you're... the  
12 parent is there at that meeting?

13 SANDRA DAVIDSON: Yes.

14 CHAIRPERSON LEVIN: Can... would it... would  
15 it... if a parent were to have... a, a child advocate or  
16 a parent advocate is not there at that meeting?

17 SANDRA DAVIDSON: A parent advocate is  
18 not there at that meeting because it's not a child  
19 safety conference.

20 CHAIRPERSON LEVIN: Right...

21 SANDRA DAVIDSON: A parent can call our  
22 office of advocacy and talk about what their rights  
23 are in terms of who they can bring to a family team  
24 meeting but again that's more of a... it's a social  
25 work conversation to develop a service plan.

1  
2 CHAIRPERSON LEVIN: And having... so this...  
3 is this... sorry, this is the 1028 hearing, no that's a  
4 different hearing... [cross-talk]

5 SANDRA DAVIDSON: No, that's different, a  
6 1028 hearing is a court proceeding... [cross-talk]

7 CHAIRPERSON LEVIN: A court... [cross-talk]

8 SANDRA DAVIDSON: ...after an Article X  
9 petition has been filed.

10 CHAIRPERSON LEVIN: Okay, alright, sorry,  
11 okay. So, at... okay, so at... but at this hearing...  
12 you're talk... it's a family team, is that what you  
13 said, a family... [cross-talk]

14 WILLIAM FLETCHER: Right... [cross-talk]

15 SANDRA DAVIDSON: It's a family team...  
16 [cross-talk]

17 WILLIAM FLETCHER: It's not a hearing...  
18 [cross-talk]

19 SANDRA DAVIDSON: ...meeting, it's not a  
20 hearing.

21 CHAIRPERSON LEVIN: A family team  
22 meeting, is there... is there a... does ACS see a  
23 potential problem in having an advocate for the  
24 parent present at that meeting?

1  
2 WILLIAM FLETCHER: So, I think it's  
3 something that we can revisit... [cross-talk]

4 CHAIRPERSON LEVIN: Uh-huh... [cross-talk]

5 WILLIAM FLETCHER: ...because again as, as  
6 Assistant Commissioner Sandy Davidson noted that it  
7 is a social work conference and it's a conference  
8 where you're talking about develop... the development  
9 of a service plan based on the needs of the family...  
10 [cross-talk]

11 CHAIRPERSON LEVIN: Uh-huh... [cross-talk]

12 WILLIAM FLETCHER: Right to mitigate some  
13 of the risk concerns, right and ultimately it helps  
14 to keep children at home, right, by mitigating those  
15 risks but it's something we could revisit definitely.

16 CHAIRPERSON LEVIN: Again it has... you  
17 know it... because of the... managing the... that... again it  
18 goes back the dynamic of, of the entirely asymmetric...  
19 asymmetrical dynamic between the state and the  
20 individual in this particular incident, you know  
21 again like even just trying to know what's going on  
22 with, with you, you know an enormous amount of  
23 adrenaline and fear and... running through... running  
24 through your mind and I imagine that it's, it's hard  
25 to make clear and informed decisions for anybody...

1  
2 DAVID HANSELL: Yeah, what I might add  
3 and my colleagues will, will kick me under the table  
4 if I get this wrong but I, I don't think I will, you  
5 know the difference I think... the distinction between  
6 family team meetings and child safety conferences is  
7 as you noted Chair that family team meetings take  
8 place before we have made a decision about  
9 indication, we haven't decided if there's a safety  
10 risk, just we want to engage the, the parent; the  
11 child safety conference takes place when we have  
12 identified a safety concern... [cross-talk]

13 CHAIRPERSON LEVIN: Yep... [cross-talk]

14 DAVID HANSELL: ...and the goal is to get  
15 the parent to agree on a safety plan so that we don't  
16 have to go to any kind of court or other kind of  
17 coercive intervention and so the reason why we think  
18 parent advocates are particularly valuable there is  
19 because they can advise parents about... [cross-talk]

20 CHAIRPERSON LEVIN: Uh-huh... [cross-talk]

21 DAVID HANSELL: ...the, the benefits of  
22 doing that maybe from their own personal experience  
23 or from there, their professional involvement in, in  
24 organizations but we think it's really useful for  
25 them to be there to talk with and work with parents

1  
2 around the benefits of work, working with us to  
3 safety plan for their children so they can keep the  
4 children safely home.

5 CHAIRPERSON LEVIN: Uh-huh...

6 DAVID HANSELL: So, it really is a  
7 fundamentally different goal.

8 CHAIRPERSON LEVIN: Right. With that said  
9 there's, there's still a role for somebody to have  
10 some assistance or help so that they're not on their  
11 own there.

12 DAVID HANSELL: Uh-huh...

13 CHAIRPERSON LEVIN: Again... and even just  
14 by numbers they're outnumbered by representatives of  
15 the state.

16 DAVID HANSELL: Yeah and I do think that  
17 family team meetings often do involve other family  
18 members... [cross-talk]

19 SANDRA DAVIDSON: Yes... [cross-talk]

20 DAVID HANSELL: ...and people aside from  
21 the parent so it's certainly not unprecedented to  
22 have people other than the parents at a family team  
23 meeting.

24 CHAIRPERSON LEVIN: Right, uh-huh. In the  
25 legislation on, on bill 1728 when we talk about legal

1 services we define it as brief legal services meaning  
2 in... and from the text of the bill meaning... means  
3 individualized legal assistance provided in a single  
4 consultation by a designated organization to a  
5 covered individual in connection with a covered  
6 proceeding, that is... you know that's, that's short of  
7 full on legal representation, it is a... it is a... kind  
8 of a first point of contact with a legal services  
9 provider that can help somebody navigate that process  
10 and, and assure their, their legal rights, is that...  
11 is that something that is in and of itself concerning  
12 or... I mean is... other words it's not... you know it's,  
13 it's not a... this doesn't indicate that you... they  
14 would even have a full right to, to legal  
15 representation at the outset, its... [cross-talk]

16 DAVID HANSELL: Right... [cross-talk]

17 CHAIRPERSON LEVIN: ...it's about... it's  
18 about kind of a... somebody outside of this established  
19 relationship now advising you on your legal rights.  
20

21 DAVID HANSELL: Uh-huh well this is  
22 something we probably should have more conversations  
23 with you about to make sure we understand the  
24 Council's intent because in that... in that bill,  
25 right, the definition of legal services is brief

1  
2 legal assistance or full legal representation so... and  
3 then in the provision it, it talks about what sounds  
4 like... we, we understood it contemplate more extensive  
5 involvement of attorneys.

6 CHAIRPERSON LEVIN: Okay, right, right.

7 And you know the current language of the bill  
8 describes the covered proceeding as, as an... as upon  
9 indication of a report, we've heard from advocates  
10 that that should be going... you know that that should  
11 be going back further in time to the... to the first  
12 point of contact with ACS, does, does ACS have an  
13 opinion about having legal representation guaranteed  
14 right when a case is indicated? As it is now that's,  
15 that's not too far from when a person has legal  
16 representation as when they set foot into court.

17 DAVID HANSELL: Well it depends, it  
18 depends on what happens in the investigation, I mean  
19 some cases indicates for example emergency removals,  
20 the case would go to court long before there's an  
21 indication, it would happen usually very early in the  
22 investigation, in other cases it might happen after  
23 so there's no... there isn't uniformity in terms of the  
24 relationship between when a case is indicated and  
25 when court action might be initiated.

CHAIRPERSON LEVIN: Uh-huh... [cross-talk]

DAVID HANSELL: So, it's, it's hard... it's hard to answer that question but since the... again the bill draft... we... and we weren't act... frankly quite sure what the Council meant because it does talk about... [cross-talk]

CHAIRPERSON LEVIN: Uh-huh... [cross-talk]

DAVID HANSELL: ...the first point of contact and following an indicated report and we weren't quite sure what the Council intended there.

CHAIRPERSON LEVIN: Uh-huh. Okay and we'll... we would verify... [cross-talk]

DAVID HANSELL: But we took... we took... [cross-talk]

CHAIRPERSON LEVIN: ...that... [cross-talk]

DAVID HANSELL: ...we took first point of contact and first point... [cross-talk]

CHAIRPERSON LEVIN: Yes... [cross-talk]

DAVID HANSELL: ...of contact... [cross-talk]

CHAIRPERSON LEVIN: Okay, so we would... we would further define that and, and any subsequent traps. Okay. You mentioned in your testimony the parent advisory council and the racial equity and

1  
2 cultural competence committee, these are... these are  
3 both new, is that right?

4 DAVID HANSELL: No, the racial equity and  
5 cultural competence committee has been in existence  
6 for many years.

7 CHAIRPERSON LEVIN: Okay...

8 DAVID HANSELL: It is not new, the parent  
9 advisory council I believe that there was years ago a  
10 parent advisory council but we have just  
11 reconstituted it and I've just actually had my first  
12 meeting with its steering committee about a month ago  
13 and will be meeting with the council on a regular  
14 basis so that is new.

15 CHAIRPERSON LEVIN: Is it possible for  
16 the minutes of those meeting or the agendas of those  
17 meetings to be made public or shared with us at the  
18 Council so that we kind of have a better sense as to  
19 what the ongoing objectives are of those committees  
20 or... and, and councils?

21 DAVID HANSELL: Let us... let us take a  
22 look at that, I, I don't want to give you an answer  
23 on the top, but we'll take a look at it.

24

25

1  
2 CHAIRPERSON LEVIN: Okay, it would be... it  
3 would be helpful I think from our perspective to kind  
4 of know where it's going.

5 DAVID HANSELL: Sure...

6 CHAIRPERSON LEVIN: Yeah. So, just a few  
7 kinds of more process questions, the parent refuses  
8 the entry of a CPS what are the next steps taken if..  
9 and short of... if there's not an emergency removal  
10 that is deemed warranted then what is the next step  
11 in that case?

12 SANDRA DAVIDSON: If a parent refuses us  
13 entry into a home we want to be able to at least see  
14 the children and we'll ask a parent can you bring the  
15 children to the door to at least observe the child to  
16 make sure that the child is not in imminent serious  
17 harm...

18 CHAIRPERSON LEVIN: Uh-huh...

19 SANDRA DAVIDSON: After that we'll have  
20 conversations with the parents around what we would  
21 like to do with the family and have conversations and  
22 what we afford the family for services, if the family  
23 continues to not allow us entry into the home or  
24 access to the children we have a legal obligation to  
25 reach out to our family court legal partners to

1 discuss and consult with them what are next steps are  
2 which potentially could be an entry order or a  
3 warrant to produce the child and we inform the  
4 parents of that verbally and in writing.. [cross-talk]

5 CHAIRPERSON LEVIN: Uh-huh... [cross-talk]

6 SANDRA DAVIDSON: ...about what the next  
7 steps would be if in fact we continue to not have  
8 entry into the home or observe the children.

9 CHAIRPERSON LEVIN: So, you'd get a  
10 court... a court ordered warrant to enter the home...  
11 [cross-talk]

12 SANDRA DAVIDSON: Yes... [cross-talk]

13 CHAIRPERSON LEVIN: And how... and how  
14 quickly is that obtained in practice?

15 SANDRA DAVIDSON: It depends on the  
16 severity of the allegation, if the... if it concerns  
17 the safety concerns of the child as such we would  
18 consult our SCO attorneys that day and ask them for  
19 any opportunities that the courts are open for an  
20 entry order on that day or a warrant to produce the  
21 child if... [cross-talk]

22 CHAIRPERSON LEVIN: Is that... is that  
23 ever... if the courts aren't open is that ever a reason  
24 cited for an emergency removal? Another words if  
25

1  
2 they... if they... if there's no... if there's no court to  
3 get the warrant from does, does ACS wait till the  
4 next day until the courts are open to get the warrant  
5 or do they try to get an emergency removal... [cross-  
6 talk]

7 SANDRA DAVIDSON: Yes... [cross-talk]

8 CHAIRPERSON LEVIN: ...to be on the safe  
9 side?

10 SANDRA DAVIDSON: So you can always get a  
11 judge on the phone 24 hours, you can always have a  
12 consult with the judge into whether or not... but again  
13 it determines... the concerns are the safety of the  
14 child if we receive a report that a child's life is  
15 in imminent danger... [cross-talk]

16 CHAIRPERSON LEVIN: Uh-huh... [cross-talk]

17 SANDRA DAVIDSON: ...then we're going to  
18 get the courts on the phone, have consults with our  
19 supervision...

20 CHAIRPERSON LEVIN: If it's an allegation  
21 of neglect that won't happen?

22 SANDRA DAVIDSON: We'll have consultation  
23 and then make decisions on next steps... [cross-talk]

24 CHAIRPERSON LEVIN: Uh-huh... [cross-talk]

1  
2 SANDRA DAVIDSON: It also depends on the  
3 time of the day, if there's opportunities to... if it's  
4 in the morning maybe have conversations with the  
5 family and say can we come back later at night at a  
6 better time but it's always with the best interest of  
7 the child and having conversations with the parents  
8 about what our legal mandates are and providing them  
9 opportunities to understand that.

10 WILLIAM FLETCHER: Right, the overall...  
11 the overall goal of the CPS is to continue to engage  
12 the family and you mentioned if it's very high risk,  
13 right, so the path may be a little different... [cross-  
14 talk]

15 CHAIRPERSON LEVIN: Uh-huh... [cross-talk]

16 WILLIAM FLETCHER: ...but if it's not so  
17 high risk we will also try and engage the family by  
18 saying okay can you come into the office, bring the  
19 children into the office and then we continue to  
20 engage, we continue to talk about the need and why  
21 that we need to get out to the home to see the home  
22 as well but like I said it's still around in trying  
23 to engage the family... [cross-talk]

24 CHAIRPERSON LEVIN: Uh-huh... [cross-talk]

1  
2 WILLIAM FLETCHER: ...not creating that  
3 adversarial relationship because we want to be able  
4 to assess to see what resources we can provide for  
5 the family, so they flourish that's important, that's  
6 the overall goal.

7 CHAIRPERSON LEVIN: I'd like to ask a few  
8 questions about preventative services if it's alright  
9 with... how many families are entering preventative  
10 services voluntarily each year do we know?

11 DAVID HANSELL: Uh-huh. In total about 80  
12 percent of preventative services are voluntary and  
13 about 20 percent are court mandated or under court  
14 supervision.

15 CHAIRPERSON LEVIN: And what's the  
16 process, are there particular forms a parent has to  
17 sign to do that?

18 DAVID HANSELL: There are, yes, I mean  
19 the parent has to acknowledge and part of it is  
20 because we... you know this is sort of a state  
21 requirement as part of the, the fact that we're,  
22 we're doing this as a safety intervention for the  
23 parents and also that... make sure that the funding is  
24 available to support the service but there, there

1  
2 definitely is an engagement process the parents have  
3 to go through to initiate prevention services.

4 WILLIAM FLETCHER: Yeah, there's an  
5 application for services that the parent signs.

6 CHAIRPERSON LEVIN: Okay... [cross-talk]

7 WILLIAM FLETCHER: ...that they're agreeing  
8 to the services.

9 CHAIRPERSON LEVIN: Is there any concern  
10 that parents are not signing that due to issues  
11 around public charge right now, is that something  
12 that we're noticing or seeing?

13 DAVID HANSELL: We're certainly concerned  
14 about it, we're concerned about, about families with  
15 immigration issues not accessing services of all  
16 kinds, we don't have you know solid data showing it's  
17 happening but we are hearing some stories about it  
18 and so we... yes, we are very concerned about that.

19 CHAIRPERSON LEVIN: In terms of family  
20 enrichment centers are they allowed to deny service  
21 to anybody based on their geography or if they walk  
22 in the door... because I know there are catchment areas  
23 if somebody walks in the door they're not going to be  
24 refused services I see...

1  
2 DAVID HANSELL: No, they will not be  
3 refused services.

4 CHAIRPERSON LEVIN: And does staff there  
5 have... do they have the resources available to kind of  
6 do intensive case management with families so taking  
7 them to appointments or you know coordinating medical  
8 provision or that kind of stuff?

9 STEPHANIE GENDELL: This is Stephanie  
10 Gendell... [cross-talk]

11 CHAIRPERSON LEVIN: Okay... [cross-talk]

12 STEPHANIE GENDELL: So, no they don't do  
13 in case of... intensive case management but nor are  
14 they set up to do that, that's a different type of  
15 service and this is really more of a community  
16 support. If someone came in who was in need of  
17 intensive case management, they could refer them to  
18 such a service.

19 CHAIRPERSON LEVIN: So, I'm going to jump  
20 around just a little bit here as I wrap up. There was  
21 the... a DOI investigation from last year that  
22 identified issues within the ACS emergency children  
23 services unit which is the, the unit that handles  
24 nights and weekends and holidays, DOI found that  
25 there was inadequate staffing, case practice,

1 supervision and training within the unit, what has  
2 ACS done since then to correct these issues?

3  
4 DAVID HANSELL: Well I don't know that it  
5 was necessarily in response to the DOI investigation  
6 but we've done a great deal, it's our emergency  
7 children's services unit which does have coverage on  
8 nights and weekends for the city and receives and  
9 investigates reports, we have expanded staffing there  
10 significantly, very significantly, we can... we can get  
11 you numbers on that if you'd like, we also over the  
12 last couple of years have created an applications  
13 unit there so that now we have the same capacity at  
14 ECS as we now... as we have had in the borough offices  
15 to do background clearances when a report comes in so  
16 we can get, you know the history of the family and  
17 enough information to inform our... the investigation  
18 that we're doing, we expanded the number of  
19 investigative consultants who are assigned to ECS so  
20 we have done a great deal to expand capacity of ECS.

21 CHAIRPERSON LEVIN: Okay. And then...  
22 sorry, with the last, last question I'll have on, on  
23 knowing... on the know your rights legislation so  
24 intros 1718, 1729 and 1736, does... so, ACS does not  
25 have an issue with fully in... informing parents of

1  
2 their full rights at the outset of an investigation,  
3 is, is that... I just want to be clear on that.

4 DAVID HANSELL: No, in principle we  
5 don't, we... you know as we read the legislation, we  
6 think we're doing most of what the legislation would  
7 require but this is a conversation that we would look  
8 forward to having with you.

9 CHAIRPERSON LEVIN: Uh-huh... [cross-talk]

10 DAVID HANSELL: ...to see if there are  
11 additional things that we should be doing.

12 CHAIRPERSON LEVIN: Okay, I mean do you...  
13 do you think that parents do know that they have the  
14 right to an attorney at that outset or... and is, is  
15 that... is that... I mean in practice do you think that  
16 parents realize that that's the case.

17 DAVID HANSELL: We don't know.

18 CHAIRPERSON LEVIN: You don't know.

19 DAVID HANSELL: Yeah, we don't know.

20 CHAIRPERSON LEVIN: Alright but, but you  
21 wouldn't kind of at, at... you wouldn't full stop have  
22 a problem with requiring ACS to provide parents with  
23 that information?

24 DAVID HANSELL: We'd certainly be happy  
25 to talk about it.

1  
2 CHAIRPERSON LEVIN: Okay, well I want to  
3 thank you very much for being here and for your time  
4 and for your testimony and answering our questions,  
5 we do want to get everybody out of here and home for  
6 Halloween so I really appreciate the time, thanks.

7 DAVID HANSELL: Thank you.

8 CHAIRPERSON LEVIN: I'm going to call up  
9 the first panel, I'm going to call up Susan Chin and  
10 Michele... I, I can't... Akyempong, thank you Michele.  
11 Okay, thanks so much, whoever wants to begin.

12 SUSAN CHIN: Good afternoon. I want to  
13 thank you for the opportunity to testify before you  
14 today on Intro 1728. My name is Susan Chin and I'm  
15 the Assistant Director in the Political Action  
16 Department of DC 37. I am joined here today by  
17 Michele Akyempong, Vice President of Political Action  
18 of Local 371 SSEU as well as Vincent Ciccarello  
19 former CPS worker as well as the Supervisor and CPS.  
20 We are here today representing Anthony Wells,  
21 President of Local 371, DC 37's second largest local  
22 with a membership of 20,000 members which includes  
23 close to 3,000 workers that would be affected by  
24 Intro 1728. Our workers on the frontlines every day,  
25 actively going to places where our vulnerable

1 children are and ensuring all children in this city  
2 are safe, healthy and given all the opportunities  
3 that they deserve. These workers embody the true  
4 spirit of public service, fighting for those who  
5 cannot fight for themselves. In spite of challenges  
6 big and small, our workers transcend these  
7 difficulties and protect our children in vulnerable  
8 conditions when their caretakers fail to do so. We  
9 applaud this Council's efforts to improve rights and  
10 services for all New Yorkers including universal  
11 legal representation in housing courts and expansion  
12 of immigrant services to strengthening health care  
13 and improving city services. To be abundantly clear,  
14 we do not oppose the principle behind expanding legal  
15 representation. We celebrate the intent of this  
16 body's proactive measures to bolster and create  
17 additional protections for those who are in need. In  
18 fact, as a union, we hold representation as a sacred  
19 right and our workers exercise this right every day.  
20 However, we are concerned with the unintended  
21 consequences of this bill Intro 1728 that may  
22 negatively impact the welfare of children. We are  
23 also seeking clarification of the language on this  
24 bill. There is a comprehensive set of existing  
25

1 protocols including a document outlining the rights  
2 of caretake... of caretakers including the right to  
3 legal representation that are physically given by our  
4 workers. Is this bill achieving something different  
5 or is it simply codifying the existing protocols? Is  
6 the bill's intent to have an attorney accompany our  
7 caseworkers during any and all possible contacts with  
8 caretakers? Or does our worker inform the caretaker  
9 and wait for an attorney to arrive? Time and  
10 identifying exigent circumstances are critical in  
11 ensuring the safety of our children. If there is a  
12 wait for an attorney, are we expecting our workers to  
13 wait and delay any action or are we expecting our  
14 workers to go to another location and face similar  
15 delays? Given the workload with critical safety  
16 concerns of our children, we are troubled by the  
17 prospect of delayed cases and investigations when  
18 children's lives are at stake. There are many  
19 existing federal, state and local laws that mandate  
20 actions based on visits and investigations and this  
21 bill may run afoul with the existing laws. We are  
22 also troubled by the possibility of caretakers hiding  
23 behind the request for legal representation to delay  
24 or hide circumstances that may lead to our workers

1  
2 taking action immediately. Another unintended  
3 consequence of this bill may occur long after the  
4 investigatory stages. If a case goes to a court  
5 hearing the, the initially assigned attorney is  
6 called to testify on the conditions of a child or  
7 home, is the attorney expected to break attorney  
8 client privilege and possibly incriminate the  
9 caretaker. Certain conditions of a child or home may  
10 be active criminal neglect or.. so per attorney ethics  
11 and duties, aren't they obligated to report an active  
12 crime or the possibility of crimes that may be  
13 committed in the future? I want to reiterate the  
14 union's commitment to working with this body to  
15 ensure that rights are properly exercised without  
16 negatively impacting the safety of our children.  
17 Thank you again for the opportunity to testify before  
18 you and we will take any questions that you may have.

19 CHAIRPERSON LEVIN: Thank you very much  
20 Susan, thanks. Oh, I'm... no, I'm, I'm... I think in the  
21 interest of time we'll; we'll take our.. do our  
22 questions online. Michele do you have any testimony  
23 with you or is that.. okay. Great, thank you very much  
24 for this panel. The next panel we'll call up is Alisa  
25 McCoy, Nicole White, Careena Farmer and Mashon

1  
2 Baines. Whoever wants to begin. The red light needs  
3 to be on.

4 CAREENA FARMER: Good afternoon. Hi, I'm  
5 Careena Farmer, I'm a Parent Leader at Rise. Allowing  
6 a parent to know their rights upfront and having  
7 legal, legal representation during the investigation  
8 process will prevent the parent's rights from being  
9 violated. Parents aren't aware that their rights are  
10 being violated which is causing unnecessary removal  
11 of children. Having legal representation, a lawyer  
12 or... and parent advocate can help families receive the  
13 services they need to stay together to prevent  
14 unnecessary trauma which causes mental health  
15 problems in the parent and child. Being taken to  
16 foster care unnecessarily destroys the family's bond  
17 and two will, will prevent ACS from using  
18 intimidation tactics like calling the police to  
19 harass and into the family's home which violates the  
20 family's constitutional rights. We need data on  
21 emergency removals to prevent trauma. In my  
22 experience knocks on the door have caused my children  
23 to hide in the closet and they don't even want to  
24 talk to ACS workers. The family could be asking for  
25 help, but the agency will use that against them. The

1  
2 HEC has access to services to help the families for  
3 example; food, clothes, furniture, homemaking  
4 services, housing, therapeutic services and also  
5 school resources for the children that will help the  
6 family thrive which is the best for the family  
7 instead of causing unnecessary trauma to the children  
8 that they're trying to protect. I just know by  
9 passing this package of bills will change a lot for  
10 the families and having a parent advocate present  
11 during the first contact will help protect the rights  
12 of parents and ensure the safety of the child.

13 CHAIRPERSON LEVIN: Thank you so much,  
14 thank you.

15 ALISA MCCOY: I don't know if you can  
16 hear me. Okay, hi, my name is Alisa McCoy and I'm  
17 here as a parent and I just want to let you know that  
18 if I had a parent advocate at the onset of this  
19 investigation I would have known my rights, I was...  
20 this is the first I've ever seen of any pamphlet or  
21 anything, I've been... I've met with ACS before during  
22 my divorce and custody but never... in, in baseless  
23 accusations. Basically ACS has been harassing me  
24 still ongoing and I say the work harass, I say it  
25 with conviction because any medical issues I have

1  
2 are... is, is cancer which is a direct result from the  
3 World Trade Center 9/11, I'm a cancer survivor and by  
4 choosing to take radiation and chemotherapy and  
5 surgeries to save my life and the side effects that  
6 came with it ACS had decided to attack my mental... my  
7 mental stability at the time relentlessly, they still  
8 will not let go. When I had clear medical data, proof  
9 to show them they ignored the fact, I have an  
10 attorney, ran imminent risk, refusing to answer any  
11 questions as to what the allegations are, my children  
12 were never at risk. My children are now 19 and two 17  
13 year olds, I'm still undergoing this, this started  
14 when they were 14, they will not close my case, I  
15 have been forced to exhaust all of my financial  
16 resources given to me by the 9/11 World Trade, Trade  
17 Center victim fund to remove my name from the SCR. I  
18 am still fighting them, the decisions, everything, my  
19 finances are almost exhausted due to this process  
20 that is very one sided, ACS polices itself and when  
21 you challenge them and hold them accountable they  
22 come back at you tenfold, I'm living proof of this, I  
23 have supporting documentation for absolutely every  
24 interaction that I've had with them, I have a paper  
25 trail like my parent advocate told me to keep to hold

1  
2 them accountable but yet they're still not  
3 accountable. Till this day I get phone calls, it's  
4 closed, my children are almost full, full grown. The  
5 reason I'm going to tell you, I found out off the  
6 record they will not close my, my case, they have  
7 absolutely no reason at this point, I have no  
8 interaction, we said good bye, why is it, I cannot  
9 get a reason, I don't know. I don't know, I couldn't  
10 find out and I'm challenging everything, they will  
11 not let me go and maybe it is because I'm white,  
12 they're... from my understanding that's... I'm just a  
13 check box and when I saw the amount of people that  
14 were on... in this... in my investigation which need not  
15 be over 100 people have worked on my case where  
16 they're need not of been any had they of just  
17 verified my attorney at the time from the onset,  
18 verified my World Trade Center cancer which is public  
19 knowledge or from the health HHS and which I allowed  
20 them to see, the Sloan Kettering, the... I was still  
21 recovering from the chemo and the radiation at the  
22 time of the investigation. They ignored it and ran  
23 amuck with whatever narrative they needed to twist  
24 it, I didn't know that they could possibly go that  
25 far based on false allegations and what... I'm still

1  
2 trying to clear my name to this day and I've spent  
3 thousands... in the hundreds... a lot of money, a lot of  
4 money trying to clear my name, I continue to do it, I  
5 want to hold them accountable, I wanted to ask Mr.  
6 Hansell why is it I can't get my case closed today,  
7 why couldn't we have those minutes from that board  
8 meeting? Is it because I'm just a check box and a  
9 percentage? Are my children... I'm going to stay in  
10 this... in their system without any actual contact by  
11 anyone until my children are 18 so they can justify  
12 whatever it is that is going on. I just want to hold...  
13 I want transparency and accountability. Had somebody  
14 of said you have the right to an attorney right from  
15 the onset I would have not even had a conversation  
16 with them knowing it can get this far into court...  
17 [cross-talk]

18 CHAIRPERSON LEVIN: Uh-huh... [cross-talk]

19 ALISA MCCOY: ...I have a legal background,  
20 I'm representing myself at this point because I have  
21 exhausted my refunds and my former attorney is now a  
22 city Supreme Court Judge in, in New York, okay, he  
23 took me as far as he can get me knowing that this is  
24 just an ongoing harassment of a 9/11 certified cancer  
25 survivor that's all I'm trying to do and the choices

1  
2 are made... I made the choices to live by taking the  
3 treatment and ACS's contention is I made bad choices  
4 in my life not drugs, not anything else, no abuse, no  
5 abuse of anything but attacking my mental stability  
6 when my real medical issues were cancer as direct  
7 result from 9/11 and I couldn't be documented any  
8 further. To this day I'd like to ask can someone  
9 please find out for me how I can get my case closed  
10 because mandates are internal policies that ACS will  
11 not tell you what they are... [cross-talk]

12 CHAIRPERSON LEVIN: Uh-huh... [cross-talk]

13 ALISA MCCOY: ...from my research because  
14 I'm not going to stop until I get my name cleared, I  
15 would... I am a loving mother I've never abused my  
16 children, neglected, inadequate guardianship or  
17 whatever it is that I was accused of, I was never  
18 told, never anything and like I said the ACS  
19 caseworkers if you do question them they come back at  
20 you tenfold and that's what's happened to me just to  
21 let you know. Thank you, if I can get an answer and a  
22 close out letter that would be lovely, I'm in Staten  
23 Island, there's absolutely no representation but a  
24 parent advocate from... actually she works for ACS...  
25 [cross-talk]

CHAIRPERSON LEVIN: Yep... [cross-talk]

ALISA MCCOY: ...after numerous contacts with the Mayor I got a response nine months into my case and she gave me the knowledge I needed to help me navigate the system... [cross-talk]

CHAIRPERSON LEVIN: We can follow up with you after the... after the hearing... [cross-talk]

ALISA MCCOY: Please, thank you... [cross-talk]

CHAIRPERSON LEVIN: Yeah, yeah... [cross-talk]

ALISA MCCOY: Shaquana Green is a great parent advocate; she works for ACS...

CHAIRPERSON LEVIN: Got it... got it, yeah.

ALISA MCCOY: She's wonderful... [cross-talk]

CHAIRPERSON LEVIN: We could follow up with you.

ALISA MCCOY: Thank you.

CHAIRPERSON LEVIN: Yep... [cross-talk]

ALISA MCCOY: I appreciate it.

NICOLE WHITE: Hello everyone. My name is Nicole White. In January of 2016 I had a fair hearing to clear my name in Goshen, New York where I used to

1  
2 live but I live in Brooklyn now. I had stated to the,  
3 the hearing officer I couldn't make the long trip to  
4 upstate New York, I didn't have the car fare for  
5 trains and cabs, I'm handicapped, I have osteopenia  
6 and fibromyalgia, I'm in the process of getting a  
7 motor, motorized wheelchair. My lawyer is helping me  
8 with that situation. I had called family court here,  
9 down here to have the hearing done by skype, video or  
10 phone, no one scheduled me a hearing but then the  
11 city.. my name ended up on the SCR list for neglect.  
12 My... I had no legal representation to help me with  
13 this fair hearing, I called everyone in the bar  
14 association here in the city and orange county, no  
15 one knew what I was talking about, I felt like I was  
16 in the twilight zone, all I needed was legal  
17 representation. I have... I have battled and conquered  
18 a drug addiction, I've battled and conquered  
19 homelessness and I'm in the process of battling to  
20 get my name removed off the SCR list. Thank you.

21 CHAIRPERSON LEVIN: Thank you very much  
22 and we're happy to also follow up with you after this  
23 hearing, thanks. Thank you so much to this panel, I  
24 thank you for staying and happy Halloween and I wish  
25 you all very well.

[off mic dialogue]

CHAIRPERSON LEVIN: Nijah Leak, Shomari Ward, Rachel Stanton, Betsy Kramer, Jessica Prince, Brian Holbrook and Chris Gottlieb and if that's... and Andrew Ford. Okay. Whoever wants to begin and, and then we'll, we'll, we'll swap out chairs to the microphone, thanks. You may as well just go left to right, your left to right. Sorry.

BETSY KRAMER: I'm Betsy Kramer from Lawyers for children and I'm actually going to cede my time to Shomari Ward from the Legal Aid Society but I'm available to answer questions.

CHAIRPERSON LEVIN: Great, okay.

RACHEL STANTON: I'm Rachel Stanton from the Children's Law Center and we will do the same.

CHAIRPERSON LEVIN: Okay.

SHOMARI WARD: And good afternoon, my name is Shomari Ward, I'm an Attorney with the Legal Aid Society's Juvenile Rights Practice, we represent the majority of children whose parents are charged with abuse and neglect in family court, approximately 39,000 children each year. I am presenting testimony on behalf of the Legal Aid Society, Children's Law Center and Lawyers for Children. We thank the... we

1  
2 thank Chair Levin as well as the progressive caucus  
3 for the introduction of these bills and for  
4 organizing today's hearing. I will not read our full  
5 testimony but encourage the Council to read it. We  
6 support these bills with some proposed amendments  
7 laid out in more detail in our written testimony.  
8 First the importance of making critical information  
9 available to parents and children is beyond obvious.  
10 As the Council is well aware ACS investigates a  
11 disproportionately high number of poor black and  
12 brown families across the city, these vulnerable  
13 community members need accessible accurate  
14 information regarding their rights and  
15 responsibilities throughout an ACS investigation  
16 where the most basic fundamental rights, families  
17 right to remain together are at issue. I just want to  
18 point out that there was a mention of a parents guide  
19 and that parents' guide, the ACS parents guide  
20 explains the process but not the... it doesn't explain  
21 the rights of parents and children, of families  
22 essentially and when... you know the, the guide also  
23 says if you need more info that you should speak to  
24 ACS which you know causes, causes issues that I don't  
25 need to explain at this time. In addition to calling

1 on AC... on OCFS to create... to create a parent's bill  
2 of rights the resolution should also call for a  
3 children's bill of rights to be provided at initial  
4 investigation... at initial investigative contact with  
5 children. The children's bill of rights should also  
6 be available in age and developmentally appropriate  
7 versions. Second, we also support the bill... the bill  
8 to provide parents with representation at the outset  
9 of an ACS investigation however children must be  
10 provided the same important support at some stage of  
11 the investigation as well. While ACS characterizes  
12 the conversations at the knock on the door as a  
13 social worker conversation or a social work  
14 conversation those conversations have real legal  
15 consequences and what's said often becomes the legal  
16 basis for findings so it's not just the parent's who  
17 see it as adversarial, see the interaction is  
18 adversarial but the system itself centers it as such.  
19 As attorneys for children our experience is  
20 indispensable in child welfare matters, our  
21 contribution ensures children's rights are protected  
22 and their input is not ignored or misconstrued by ACS  
23 but rather actually considered. We can help identify  
24 resources to assist the family and provide other  
25

1  
2 useful information that might not otherwise be  
3 elicited. It is important that soon after children  
4 have contact with ACS counsel is available to answer  
5 their questions, explain legal terms and the  
6 processes and protect their interests. We would note  
7 that a pilot in 2005 which provided counsel to  
8 children prefiling was widely recognized to be a  
9 success and only lost funding during a time of great  
10 budgetary constraint. We would welcome the  
11 opportunity to work with Council... the Council and  
12 other stakeholders to, to develop a plan that would  
13 be feasible and protect the interest of both parents  
14 and children. We have additional concerns with the  
15 bill's current language as the parents themselves  
16 stated it gives ACS the authority to coordinate  
17 counsel for parents during the ACS investigation.  
18 This is a... sorry, this is a duty that should be  
19 assigned to some entity other than ACS, having ACS  
20 responsible for counsel assignment for parents while  
21 investigating them poses a clear conflict of  
22 interest. In the current version of Introduction 1728  
23 it is unclear what constitutes the first point of  
24 contact as the Commissioner pointed out in... pointed  
25 out in an investigation that would trigger access to

1  
2 counsel and whether the brief legal assistance that  
3 counsel would provide would establish an ongoing  
4 attorney client relationship. We're happy to work  
5 with Council to... with the Council to address this  
6 issue. Third, we support the proposed data collection  
7 and reporting bills with some enhancements. The  
8 enormity of ACS's authority to remove a child from  
9 his or her parents warrants close scrutiny of its  
10 practices particularly in a system riddled with  
11 disproportionate impact on communities of color. By  
12 requiring reporting on the exercise of this power and  
13 on the frequency of judicial sanction of these  
14 removals these bills would improve oversight of ACS  
15 and potentially improve its practice. We  
16 additionally propose the reporting obligations  
17 include the number of children removed, the ages of  
18 those children and the geographical zone from which  
19 they were removed in order to provide information  
20 that could assist in identifying problematic  
21 practices. We also support Introduction 1717 which  
22 would require ACS to report on the demographics of  
23 children and families involved in the child welfare  
24 system at several important points. We suggest that  
25 reported demographic information also should be

1  
2 desegregated by sexual orientation, gender identity,  
3 physical disability, and intellectual disability. In  
4 addition, we propose adding the point at which a case  
5 is filed to the steps at which ACS is required to  
6 provide demographic information. We thank you for  
7 working toward protecting the rights of families  
8 during child protective investigations. As described  
9 above many of the bills could be strengthened by  
10 clarifying their provisions and by adding explicit  
11 protections for children. We would be happy to work  
12 with the Council to craft amendments to the  
13 introductions and resolutions to ensure that they are  
14 clear and afford adequate protections to both  
15 children and their parents. We're happy to answer any  
16 questions regarding the testimony.

17 CHAIRPERSON LEVIN: Great, thank you so  
18 much, thank you for your testimony.

19 CHRIS GOTTLIEB: Good afternoon...

20 CHAIRPERSON LEVIN: Better... make sure the  
21 red light is on.

22 CHRIS GOTTLIEB: Got it, thank you. My  
23 name is Chris Gottlieb, I teach child welfare law at  
24 NYU Law School and I've represented hundreds of  
25 children and parents whose families have been

1 investigated by ACS. I would like to talk about why  
2 passing bills 1718 and 1736 which some... with some  
3 modifications that I will discuss would be crucial  
4 step towards shifting the culture of child welfare  
5 investigations and ending some of the abuses of  
6 authority that are all too common in child welfare  
7 practice in New York City today. These bills are so  
8 important because they will let New Yorkers know that  
9 whatever their race or class, they and their children  
10 have constitutional rights that no government  
11 official is allowed to breach. They are entitled to  
12 be treated with dignity and respect whether or not an  
13 allegation has been made against them. In 1966 the  
14 Supreme Court decided the landmark case of Miranda  
15 versus Arizona, a case that changed American culture  
16 by requiring police to let people know, people they  
17 take into custody for interrogation know their  
18 rights. Miranda warnings send a loud and clear  
19 message to both the government officials and to the  
20 individuals with whom they are interacting that we  
21 take every individuals rights seriously. Of course no  
22 one would say the Miranda decision solved the  
23 problems of abuse of authority by law enforcement but  
24 the decision was a critical step toward establishing  
25

1 the American commitment to protecting the  
2 constitutional rights of every individual, a right  
3 simply cannot be meaningful if people don't know they  
4 have that right. Today every American who has watched  
5 television knows what his or her rights are when  
6 being questioned in custody by the police. In very  
7 stark contrast those who get the knock on their door  
8 from ACS almost never know their rights. Perhaps even  
9 more dangerous the ACS staff doing the knocking often  
10 don't know the rights of the people into whom... who's  
11 homes they are walking or worse they know those  
12 rights and misrepresent what they are. Everyone knows  
13 that a warrant that is a judicial order is necessary  
14 to allow the police to enter someone's home. Why does  
15 ACS so often act as though it is not true for their  
16 staff when legally it is? I have spoken to countless  
17 parents who have said that an ACS worker told them  
18 they had no choice but to do exactly what the worker  
19 directed them to do. Our system of checks and  
20 balances is broken in New York because we allow ACS  
21 to act as though they can require people to do  
22 anything, they want without first securing a court  
23 order. Of course when there is a court order to do so  
24 a family needs to allow ACS in just as the police  
25

1 would have the right to come in if they have judicial  
2 authorization and of course there are emergency  
3 situations in which an ACS employee might have to  
4 take intrusive action without a court order, the law  
5 already has safeguards that allow these actions when  
6 necessary but those situations are far fewer than ACS  
7 suggests. It must be kept in mind that the knock on  
8 the door can be triggered by anyone at all calling  
9 the child abuse hotline, anyone including disgruntled  
10 neighbors, landlords, acrimonious ex boyfriends and  
11 girlfriends and they can call anonymously claiming  
12 whatever they want without leaving their name. We  
13 must also remember that when we talk about parent's  
14 rights we are talking about children's wellbeing.  
15 Witnessing their parent's rights disrespected  
16 realizing their relationships with their parents are  
17 vulnerable to government abuse can be deeply  
18 traumatic to children. This committee knows all too  
19 well that that is a trauma that we are inflicting on  
20 certain communities and not others, on certain  
21 children and not others. Parents in the communities  
22 most directly affected and advocates for those  
23 families are urging that the language of these two  
24 bills be modified to ensure that New Yorkers who are  
25

1  
2 investigated by ACS are informed of their most  
3 important rights, it is absolutely critical that the  
4 law specify the rights people must be informed of  
5 rather than leaving it to ACS to decide when and  
6 whether and which rights to mention. These bills  
7 should include the rights every parent needs to know  
8 at the outset of an ACS case which are number one,  
9 the right to not let ACS staff into your home absent  
10 a court order. Number two, the right to know the  
11 allegations against you. Number three, the right to  
12 remain silent and to know that anything you say can  
13 be used against you. Four, the right to seek legal  
14 representation during an ACS investigation. Five, the  
15 right of a parent to decide absent court order  
16 whether their child will be interviewed or examined  
17 and six, the right absent court order to decline ACS  
18 requests including requests to sign releases or take  
19 drug tests. These are rights that belong to all New  
20 Yorkers if they are to be meaningful rights  
21 government officials and the communities, they  
22 interact with need to know that we have a shared  
23 commitment to them. Thank you.

24 CHAIRPERSON LEVIN: Thank you, I just  
25 have a quick follow up question to that. So, a

1  
2 potential rejoinder to that is that Miranda is, is  
3 given upon like arrest or detainment...

4 CHRIS GOTTLIEB: Uh-huh...

5 CHAIRPERSON LEVIN: Is there an analogous  
6 point that you see in the process with ACS that is an  
7 appropriate point or is... or is just knock on the door  
8 the, the best... the best point of... to do that?

9 CHRIS GOTTLIEB: So, of course Miranda  
10 doesn't apply technically in the civil context, I do  
11 cite in my written version of the testimony the  
12 supreme court cases that I think establish the  
13 fundamental rights in this area which as you  
14 mentioned couldn't be more important... [cross-talk]

15 CHAIRPERSON LEVIN: Uh-huh... [cross-talk]

16 CHRIS GOTTLIEB: ...but I think that in  
17 terms of the analogy of the point in time what's so  
18 critical about Miranda is that rights are given to  
19 the person at the moment when there is the greatest  
20 danger they will be intruded upon so it's the moment  
21 at which the government official is about to ask the  
22 person to incriminate themselves and because of the  
23 context has that power dynamic you were talking about  
24 and the equivalent of that, the most analogous moment  
25 to that is knock at the door moment.

CHAIRPERSON LEVIN: Okay, thank you.

NIJAH LEAK: Hi, my name is Nijah, I'm a foster child..

CHAIRPERSON LEVIN: Sorry, can you bring the microphone a little bit closer to your face? Alright, if you turn it a little bit towards you.

NIJAH LEAK: Like this?

CHAIRPERSON LEVIN: There you go, yep.

NIJAH LEAK: Okay, hi, I'm a foster child, my name is Nijah. I just wanted to say thank you and I appreciate general welfare committee and Joyce McMillan for allowing me to speak my truth today, I'm speaking on some of my experiences in foster care. I am a victim of the system by circumstance. I can't read this.

CHRIS GOTTLIEB: You want to.. you want to just take a moment, just take a moment..

CHAIRPERSON LEVIN: Take your time.

CHRIS GOTTLIEB: Why don't we let someone else go and maybe you could..

CHAIRPERSON LEVIN: Sure.

CHRIS GOTTLIEB: Okay, just take a minute.

CHAIRPERSON LEVIN: You're good.

1  
2 JESSICA PRINCE: Hi. My name is Jessica  
3 Prince and I appreciate the opportunity to testify  
4 today. At the Bronx Defenders every day we see the  
5 devastating consequences of a child welfare system  
6 that is too quick to separate children from their  
7 parents and too quick to label parents as neglectful  
8 especially when those parents are from poor  
9 communities of color. As practitioners we bear  
10 witness to the harmful inhumane ways families are  
11 treated when they're part of this system. We see  
12 families experiencing harm through traumatic family  
13 separation and if not separation, government  
14 intrusion and surveillance, these harms cause lasting  
15 trauma that far outlive the case. We strongly support  
16 the packet of bills before the City Council today.  
17 Children are safer and families are stronger when  
18 parents are made aware of their rights and are given  
19 early and meaningful access to legal representation  
20 when being investigated by ACS. The bills providing  
21 for the reading of Miranda like rights to the.. at the  
22 start of an ACS investigation and the right to  
23 counsel are critical to protecting the fundamental  
24 rights of parents and children to familial integrity.  
25 We are so encouraged by the City Council's

1  
2 recognition of this need. My colleagues either have  
3 already or will speak to those bills but I'd like to  
4 focus more on the reporting bills that have been  
5 introduced. As practitioners we bear witness to  
6 structural inequities as well, egregious, economic  
7 and racial disparities that mark individuals,  
8 families and entire communities as unfit and trap  
9 families in a cycle of child welfare involvement for  
10 generations. We see and hear about these harms  
11 directly from the parents that we represent in court  
12 every day, but it is difficult to convey the true  
13 scope of these harms without real transparency. We  
14 need ACS to share data that is critical to understand  
15 the depth of the harm to diagnose the causes of that  
16 harm and to fashion meaningful solutions that can  
17 actually fix the problem. This is especially  
18 important so that the racial inequities in the system  
19 can be understood and addressed. The Commissioner  
20 repeatedly said in his testimony today that there are  
21 historical... that there's a history of racial  
22 disproportionality, that racial disproportionality  
23 continues to exist today and will continue to exist  
24 until we fix the problem. There is racial  
25 disproportionality that exists at every single stage

1  
2 of the system, it exists in the way cases are  
3 reported to the SCR, we see this with the drug  
4 testing of pregnant women in hospitals, black women  
5 are far more... women of color are far more likely to  
6 be tested and we even see data that says that black  
7 women when they test positive are ten times more  
8 likely to be reported to child welfare authorities  
9 than white women. Once the case is marked as  
10 indicated we also see the... or the cases that are  
11 marked as indicated are far more likely to be  
12 children that are black so... or, or children of color.  
13 This disproportionality also exists for removals and  
14 foster care placements. Black children are far more  
15 likely to be removed from their parents and once  
16 they're removed they will spend more time separated  
17 from their families, they will change foster care  
18 placement more frequently, they are less likely to  
19 receive necessary services while in care, they are  
20 less likely to ever reunify with their families and  
21 are more likely to age out of foster care without  
22 being adopted. While we know that these disparities  
23 exist at every level of the system, we lack an  
24 effective mechanism to hold ACS accountable and the  
25 self-review described by the Commissioner today is

1  
2 not enough to fix that problem. The bills that  
3 require enhanced reporting about ACS emergency  
4 removal practices, foster care placements and family  
5 demographics will, will expose this racial  
6 disproportionality and help the city to address the  
7 harm. It will help expose the ACS practices that  
8 cause and perpetuate it. The Bronx Defenders commends  
9 the City Council on its efforts, and we are excited  
10 to continue to work with you on these problems. Thank  
11 you.

12 CHAIRPERSON LEVIN: Thank you so much.

13 [applause]

14 NIJAH LEAK: Okay. In 2009 my father died  
15 of a heart attack and.. I can't read this..

16 CHRIS GOTTLIEB: Do you want to just talk  
17 and just say something without reading?

18 CHAIRPERSON LEVIN: You don't even have  
19 to read it, you can speak from the heart or you..  
20 it's... you know I know it's, it's a little nerve  
21 wracking in front of.. in public but you're here,  
22 you're good. Sure, however you want to do it.

23 JESSICA PRINCE: So, I'm going to read it  
24 for her.

25 CHAIRPERSON LEVIN: Okay.

1  
2 JESSICA PRINCE: I'm a victim of the  
3 system by circumstance. It was in 2009 when my father  
4 died of a heart attack and around 2003 when my mother  
5 passed from a car accident. I've been placed in close  
6 to eight to ten homes and three group, group homes in  
7 a span of seven and a half years. During this process  
8 I went not alone into the system but with two of my  
9 brothers and I was snatched away from them when the  
10 workers told us that they would separate... that they  
11 wouldn't separate us. Upstate to a group home I went  
12 while they were in the Bronx at the time where 100  
13 miles away... we were 100 miles away but now my little  
14 brother was taken to Miami, adopted and now never  
15 heard from again someone I grew up with, love and  
16 cherish more than myself. I was supposed to protect  
17 my little brother, the system didn't give me a  
18 chance. Just when I felt there couldn't be no more  
19 pain, throughout dealing with this I was placed in  
20 homes in little rooms with, with three beds, kicked  
21 out at five o'clock in the morning with an infant,  
22 rain, sleet, snow, they said they never cared, they  
23 got paid anyways. As they kicked me and my newborn  
24 out because I was unwanted, my daughter wasn't ten  
25 hours old before ACS... sorry. My daughter wasn't ten

1  
2 hours old before ACS came to my hospital room and  
3 gave me a paper and said I'm under a 30-day  
4 investigation, oh so now I'm not just a foster child  
5 but an unfit mother. I had been punched and beaten in  
6 group, group homes, I have been robbed and screamed  
7 at by unknown strangers that I have no choice to stay  
8 with. I wore shoes that didn't fit, I was often unfed  
9 and watched others eat and throw the scraps I have...  
10 scraps. I have written statements to a... to a system  
11 that never cared, I've been told I'm sick then forced  
12 to take medication prescribed by its system so  
13 called... so it's systems so called finest doctors  
14 because I've been affected by my circumstances. Am I  
15 not supposed to hurt from all of my... all I have lost?  
16 They showed me it's better for me to be zombified  
17 than actually understand the unjust. The mentors in  
18 the homes love... in the homes loved saying better...  
19 it's better... it's that or the psych ward they said as  
20 I ate the pills and felt wiry. Foster home to foster  
21 home, group to group I went, I often asked myself  
22 aren't budget cuts for us to have clothes? Why do we  
23 have to mop and wipe floors and make sure it shined  
24 to have the bare necessities? Why when you go to the  
25 supervisors, they don't hear you, just turn the blind

1  
2 eye, all we wanted was help, all I wanted was  
3 understanding and guidance and clean clothes and a  
4 warm home. I'm hoping this accountability package  
5 brings real accountability and real change. Thank  
6 you.

7 [applause]

8 CHAIRPERSON LEVIN: Thank you Nijah for  
9 that very powerful testimony, I think it's important  
10 that we all acknowledge that and reflect on that,  
11 thank you. Okay. Oh, sorry.

12 ANDREW FORD: Good afternoon. My name is  
13 Andrew Ford and I'm a Senior Staff Attorney at the  
14 Center for Family Representation. I want to take this  
15 time to speak about the importance of parents having  
16 access to counsel during ACS investigations. To do  
17 that I want to address some common misconceptions  
18 about the role of parent attorneys in the child  
19 welfare process. First parent's attorneys are  
20 concerned with the best interest of children, it is  
21 our job to advise our clients on how to best achieve  
22 their goals and because our clients are parents and  
23 parents are committed to the wellbeing of their  
24 children our objective is to keep their children safe  
25 and at home permanently. Second, opponents of parents

1  
2 having attorneys during the ACS investigation stage  
3 often raise concerns about the process becoming too  
4 litigious however there are already attorneys  
5 involved in the process they just work for ACS. Many  
6 ACS caseworkers have received interrogation skills  
7 training from NYPD officers and these caseworkers  
8 frequently reach out to ACS attorneys for advice on  
9 whether they need more information from the parent  
10 before closing a case, indicating it or filing a  
11 petition. These are investigations and not simple  
12 visits. Investigations could lead to removals of  
13 children, petitions being filed, orders of protection  
14 being sought, and parents being split up when one  
15 parent is asked to leave the family home. Parents are  
16 not informed of any of these potential outcomes  
17 during the investigations. It is rare that parents  
18 are even made aware that not only do they not have to  
19 speak with ACS, but they don't have to allow their  
20 children to speak with ACS or be examined by ACS  
21 employees either. When the stakes are so high and  
22 with so much information is withheld it is no wonder  
23 so many parents mistrust ACS. Contrary to the  
24 testimony offered by the administration earlier today  
25 access to counsel does not necessarily result in

1 further... for the litigation. I must reference a pilot  
2 program in 2004 and 2005 called project engage,  
3 further information on that is within our written  
4 testimony. It was a unique partnership between CFR  
5 and ACS that supported parents, in that pilot where  
6 ACS refer a small number of parents to CFR staff in  
7 the investigative stage 80 percent were able to avoid  
8 a removal or a filing in family court. We also want  
9 to note that any parent with means would immediately  
10 seek legal advice if ACS contacted them, there is no  
11 question that they would be entitled to do so.  
12 However, most parents who are investigated by ACS are  
13 not of means. Eighty two percent of our clients are  
14 people of color and 100 percent of them are poor. So,  
15 to say that parents who are investigated by ACS  
16 should not have access to assigned counsel during  
17 these investigations is a decision that  
18 disproportionately impacts low income black and brown  
19 families. To oppose parents being informed of their  
20 rights or being assigned attorneys during ACS  
21 investigations is in practice a denial of their  
22 rights. That approach should be soundly rejected, and  
23 we believe that with the appropriate amendments  
24  
25

1  
2 passage of these bills will achieve that. Thank you  
3 for your time.

4 CHAIRPERSON LEVIN: Thank you so much.

5 BRIAN HOLBROOK: Good afternoon. My name  
6 is Brian Holbrook. On behalf of Brooklyn Defender  
7 Services I'd like to thank the General Welfare  
8 Committee and the progressive caucus for the  
9 opportunity to provide our thoughts on this  
10 groundbreaking legislation to better hold New York  
11 City's administration for Children Services  
12 accountable and to address the disparities in our  
13 city's child welfare system. We support this package  
14 of legislation and our written testimony includes our  
15 views and recommendations on each of these bills. We  
16 particularly agree that all New York City parents  
17 should receive a parents bill of rights at the outset  
18 of a child protective investigation and we'd  
19 emphasize the need for this information to be  
20 provided in writing in the parent's primary language  
21 in terms that are simple and easy to understand  
22 regardless of a parent's educational level or  
23 intellectual capacity. I want to focus primarily on  
24 the importance of parents getting access to lawyers  
25 and advocates as early in the child protective

1 investigation as possible, before a case is filed in  
2 court. Currently most parents with child welfare  
3 involvement do not have access to attorneys until ACS  
4 files a case against them in family court. Prior to  
5 the case coming to court including at child safety  
6 conferences convened by ACS critical decisions are  
7 made that have significant consequences for how the  
8 case will proceed including the programs and services  
9 that the family, family will be mandated to  
10 participate in, whether the case will be filed in  
11 court and most significantly whether children will be  
12 separated from their parents. Parents generally  
13 participate in these investigations and attend  
14 prefiling child safety conferences alone without the  
15 advice of counsel or advocates to guide them through  
16 the process this results in many family separations  
17 and court filings which might have been avoided if  
18 parents had access to legal and social work  
19 assistance. I'd like to share a couple of examples  
20 about the transformative impact that early defense  
21 can have for families. BDS represents a client whom  
22 I'll call Gina, who's the mother of four children.  
23 She was arrested for leaving her four-year-old son at  
24 a police precinct for 20 minutes when her usual  
25

1 family support was unable to help. The day after her  
2 case was arraigned in criminal court a BDS team of  
3 attorneys, paralegals and social workers prepared  
4 Gina for her ACS involvement and then advocated at a  
5 child safety conference to keep the case out of  
6 family court. BDS advocated for ACS to provide  
7 support services for the whole family instead of  
8 removing the children. The night before the  
9 conference ACS had asked Gina to leave the kids with  
10 a family resource which she did but at the conference  
11 with BDS's advocacy ACS agreed for the children to  
12 return home with services in place and never even  
13 filed a court case. BDS also advocated for two  
14 parents whose baby was born with withdrawal symptoms  
15 from the mother whom I'll call Sara using Suboxone to  
16 treat her addiction to opioids. Sara did not have  
17 access to prescription, and she was using Suboxone  
18 without a prescription because she knew it was safer  
19 than continuing her opioid use. ACS saw her use of  
20 Suboxone to treat her addiction as continuing drug  
21 seeking behavior. A BDS social worker attended the  
22 child safety conference and explained how Sara was  
23 focused on her recovery and had the support of her  
24 baby's father. BDS advocated for this family to stay  
25

1  
2 together and helped ACS see that the mother just  
3 needed to be connected to the right services and was  
4 already working on her recovery. Through BDS's  
5 advocacy the family avoided a court case and family  
6 separation and Sara was able to get the services she  
7 needed to continue her recovery. So, I think Council  
8 Member Treyger raised earlier that many of the child  
9 protective specialists, the majority do not have  
10 social work training, they're not licensed social  
11 workers. So, the testimony from Deputy Commissioner  
12 Davidson regarding how these interactions with the  
13 parent at the knock on the door at family team  
14 meetings, at child safety conferences are done in a  
15 social work level is, is really not our experience at  
16 all, these are very adversarial proceedings. As I  
17 think Andrew mentioned these child protective  
18 specialists are trained as investigators, as  
19 interrogators by... sometimes by the police department  
20 so the idea that these are, you know worker to parent  
21 friendly interactions is I think a real  
22 misrepresentation of what's going on and it  
23 emphasizes the need for parents to have advocates in  
24 their corner and just to answer questions about the  
25 process. I'll also say that in the early defense we...

1  
2 work we do currently far from treating it as an  
3 adversarial litigation posture we are primarily  
4 focused on answering parent's questions that can  
5 include advising a parent not to share private  
6 information that has nothing to do with the report  
7 that's in front of ACS but it can also include  
8 advising the parent that a certain amount of  
9 cooperation with ACS particularly if the concerns are  
10 not very serious may be the very quickest way to get  
11 the case closed without ever going to court. So, we  
12 thank the Council for introducing legislation that  
13 could ensure that all parents who are confronted with  
14 the government's power to separate or intervene in  
15 family's lives have access to early defense services.

16 CHAIRPERSON LEVIN: Thanks so much.

17 AYAMI HATANAKA: Good afternoon. Thank  
18 you for having this hearing and for the opportunity  
19 to testify on these important issues. My name is  
20 Ayami Hatanaka and I'm a parent advocate at the  
21 Neighborhood Defender Service of Harlem. In my role I  
22 work with parents as an out of court advocate and  
23 work on a team with each client's attorney. I also  
24 represent clients at administrative hearings for  
25 their appeals regarding the state central registry

1 and today I will specifically focus on how the state  
2 central registry impacts parents in Harlem and how  
3 the proposed bills could help create a more equitable  
4 process. A few weeks ago, I sat in the waiting area  
5 of the special hearings section of the state building  
6 of 125<sup>th</sup> Street with my client sitting next to me. I  
7 had thoroughly prepared my client and we had  
8 discussed what our strategy for the hearing would be  
9 as well as potential outcomes. I worked hard to put  
10 together our evidence and to prepare for the hearing.  
11 As we waited, I noticed a man next to us, he was by  
12 himself without a lawyer or advocate. The agency  
13 lawyer, his advisory in this proceeding came out and  
14 asked whether he will be presenting evidence at his  
15 own hearing. This man who did not appear to  
16 understand English attempted to answer through an  
17 interpreter, but it was unclear to me whether the man  
18 understood the question or what the process would be  
19 or even look like. There was no significant  
20 difference between my client and this man, both of  
21 them should have had access to knowledgeable  
22 representation that could help them navigate the  
23 difficult process of a hearing and yet my client was  
24 represented by an advocate under the supervision of  
25

1 an attorney. I would posit that no one here in this  
2 room would attend a legal hearing such as an SCR  
3 hearing without legal representation. I am in no way  
4 undermining the importance of parent's voices and  
5 perspectives but there is no reason one person should  
6 not have access to the resources of representation  
7 while another person does. Furthermore, individuals  
8 whose cases do not end up in family court but are  
9 still investigated and marked as indicated in the  
10 state central registry should have the same  
11 opportunity and access to representation at a hearing  
12 as well. Proposed law 1715, 1729 and resolution 1066  
13 are a way for City Council to take direct action to  
14 right this wrong. It is important to note that having  
15 an indicated case in the SCR can create significant  
16 barriers to employment for up to 28 years, that is  
17 the majority of time for a person's career. This  
18 issue disproportionately affects low income black and  
19 brown communities and inflicts severe economic  
20 consequences keeping families in poverty and at high  
21 risk of continued ACS involvement because of the  
22 conflation between poverty and neglect. Although the  
23 trauma of family separation will forever affect a  
24 family, the weight of having one's name on the SCR  
25

1  
2 with an indicated case can be removed through a more  
3 just and fair process. The proposed laws are a step  
4 in the right direction. Thank you.

5 CHAIRPERSON LEVIN: Thank you so much to  
6 this panel, I look forward to working with all of you  
7 in the coming weeks and months to look at this  
8 legislation, thank you. Okay, we're going to call up  
9 two more panels and again want to be sensitive to  
10 time here so the quickest we could get through it  
11 would be the best, I think. Melissa Moore, Drug  
12 Policy Alliance; Arlene Rodriguez, Mobilization for  
13 Justice; Juliet Davis, Children's Defense Fund;  
14 Meryleen Mena, Children's Committee... Citizen  
15 Children... Citizens Committee for Children and Tasfia  
16 Rahman, Coalition for Asian American Children and  
17 Families. Hi everybody.

18 MERYLEEN MENA: Hello. Good afternoon. My  
19 name is Meryleen Mena and I am the Policy and Budget  
20 Analyst at Citizens Committee for Children of New  
21 York. COMMITTEE CLERKC is a 75-year-old independent  
22 child advocacy organization dedicated to ensuring  
23 that every New York child is healthy, housed,  
24 educated, and safe. Thank you, Chair Steve Levin and  
25 all the members of the General Welfare Committee, for

1 holding today's hearing. The bills we view today take  
2 critical steps towards ensuring child safety and  
3 permanency. I will highlight what COMMITTEE CLERKC  
4 views as three priorities. First, prioritizing child  
5 safety; second, strengthening families and keeping  
6 them together when possible and last system  
7 accountability and reporting to better meet the needs  
8 of children and families. COMMITTEE CLERKC's research  
9 suggests that the most effective child welfare system  
10 is one that prevents abuse or neglect from occurring  
11 in the first place. An effective child welfare system  
12 also prevents the need for foster care when there is  
13 risk by providing services that support families.  
14 Supporting families during a time of vulnerability  
15 prevents the trauma of removal while also  
16 strengthening a family's ability to provide a safe  
17 home for their child. To that end COMMITTEE CLERKC's  
18 advocacy has focused on ensuring that child welfare  
19 financing supports preventative services. However,  
20 when a child is in danger there must be a proper  
21 system in place to protect them. When CPS  
22 investigations are necessary, we must ensure that the  
23 system can respond in a manner that minimizes further  
24 trauma and harm to the child or children. Allegations  
25

1  
2 of abuse and neglect are serious and child safety is  
3 the agency's first responsibility. At the same time  
4 parent's rights are critical and must be protected  
5 as... sorry, as an additional measure for child and  
6 family stability and wellbeing. Child protective  
7 services investigations can have long term  
8 consequences for a parent or caregiver and their  
9 child or children. For these reasons COMMITTEE CLERKC  
10 supports parent's rights to legal representation.  
11 Without question it is imperative for families to  
12 know their rights and in particular their right to  
13 counsel. As it relates to Intro 1728 COMMITTEE CLERKC  
14 has significant concerns about the logistical  
15 feasibilities and child... and challenges to, to  
16 implementation despite the positive intent of the  
17 bill. Several partners in ACS have raised concerns  
18 regarding the potential of this bill to dramatically  
19 change the nature of ACS involvement by making the  
20 investigation process more adversarial and  
21 potentially resulting in greater numbers of removals  
22 and compromise safety as well as permanency goals and  
23 yet research examining the combined use of peer  
24 advocates, social workers and attorneys and, and  
25 interdisciplinary teams to represent parents has

1 demonstrated positive outcomes in child welfare  
2 cases. Perhaps, perhaps the best practices can be  
3 replicated in, in these efforts with greater  
4 examination. Recently City Council funded a pilot  
5 that also supports early access to legal  
6 representation, COMMITTEE CLERKC urges careful review  
7 of findings and outcomes from early and current  
8 models to inform how the bill might be strengthened.  
9 As it relates to Intro 1728 we humbly ask the  
10 committee to consider the following; when and by whom  
11 would counsel be assigned, what would be the duration  
12 of a presentation, what protections and assurances  
13 will be put in place to ensure timely fact finding,  
14 who holds these contracts? COMMITTEE CLERKC strongly  
15 believes that the responsibility of counsel should  
16 sit with an independent entity, entity outside of  
17 ACS. Who gets to bid for these contracts, it is  
18 imperative that there be a standard of expertise  
19 required in both child welfare and family court  
20 policy for contracts to be awarded? Lastly, COMMITTEE  
21 CLERKC has a long history in fact-based advocacy and  
22 data driven methods. We support policy that is  
23 grounded on data and support the use of publicly  
24 available data to inform policy. To this end we  
25

1 support bill 1716, 1717, Intro 1727 that build on  
2 greater systems of accountability and reporting.

3 Thank you for the opportunity to testify.

4 CHAIRPERSON LEVIN: Thank you.

5  
6 MELISSA MOORE: Thank you very much. My  
7 name is Melisa Moore, I'm with the Drug Policy  
8 Alliance and just first off, I just want to thank so  
9 much everybody who made time to be here today, for  
10 those who testified and especially to Nijah for her  
11 powerful and incredibly courageous testimony. So,  
12 Drug Policy Alliance is the nation's leading  
13 organization working to advance policies and  
14 attitudes to best reduce the harms of both drug use  
15 and drug prohibition and to promote the sovereignty  
16 of individuals over their minds and bodies. DPA has  
17 learned valuable lessons from every campaign in every  
18 state and we want to ensure that there's relief for  
19 those harmed by criminalization and that every agency  
20 working to stigmatize and punish people who use drugs  
21 moves toward truly embracing harm reduction. Our  
22 commitment to ending the war on drugs extends beyond  
23 criminal justice reform and we want to call upon  
24 every system to account for their participation in  
25 the racist criminalization of people who use drugs.

1  
2 The slate of legislation introduced by the Council is  
3 a step toward pushing ACS away from harmful  
4 interventions that contribute to family separation.  
5 And I just want to acknowledge that child welfare  
6 system has had an indelible impact on my own family  
7 as well and so I speak from that experience too. With  
8 regard to Intro 1426 I just want to actually share a  
9 portion of testimony from Dr. Meesha Terplan that I  
10 think is really relevant to this issue. It was  
11 submitted earlier this year as part of the marijuana  
12 justice package, but I think its especially relevant  
13 right now. Dr. Terplan is a physician boarded in both  
14 obstetrics and gynecology and addiction medicine and  
15 a nationally recognized expert in the care of  
16 pregnant people with substance use disorder, he's  
17 also a consultant for the national center on  
18 substance abuse and child welfare and serves as a  
19 professor of multiple disciplines that I won't get  
20 into now, you can get it all in the written  
21 testimony. So, when I say I here I'm speaking on  
22 behalf of the Doctor. The separation of newborns from  
23 mothers due to presumptive positive urine drug tests  
24 conflicts with physician professional society  
25 guidance and recommendations for the appropriate use

1 of urine drug tests from other societies as well.  
2 Another words the practice of separation is not  
3 evidence based. Furthermore, the practice of  
4 separation saves extreme and extremely rare  
5 circumstances harms both newborn and maternal health.  
6 Another words the practice of separation is not  
7 person centered. Finally, the practice of separation  
8 is unequally applied affecting primarily poor women  
9 and women of color. The practice of separation is  
10 discriminatory. I have cared for over 1,000 pregnant  
11 women who use cannabis at some point during their  
12 pregnancies and I've never observed anything  
13 suggesting that the cannabis use resulted in any harm  
14 to the children. Below I will describe the clinical  
15 and scientific context that informs the summary  
16 statement. The practice of separation for cannabis  
17 use during pregnancy is not grounded in the science  
18 of outcomes of cannabis use during pregnancy. The  
19 scientific literature on cannabis use and its health  
20 effects during pregnancy is extensive and includes  
21 four perspective cohorts that have followed children  
22 exposed to cannabis prenatally into young adulthood  
23 as well as four systematic reviews metanalysis. Some  
24 studies have found no correlation between maternal  
25

1  
2 cannabis use in either pregnancy or child development  
3 outcomes and other studies have demonstrated mostly  
4 subtle effects on newborn birth weight or length  
5 however in these studies' growth differences  
6 dissipated after a few months. Taken together the  
7 literature supports at best subtle and likely  
8 confounded effects. Another words the assumption of  
9 harm upon which child removal is predicated is not  
10 supported by the published scientific literature. And  
11 with regard to urine drug testing the identification  
12 of in euro cannabis exposure is almost always  
13 determined from a urine drug test. The urine drug  
14 test performed in clinical care on labor and delivery  
15 are quick and easy to perform and considered  
16 screening but not diagnostic tests. All screening  
17 tests have a false positive rate which is the test is  
18 positive but there's no actual exposure. For cannabis  
19 use a false positive test happens at least five  
20 percent of the time. Another words a positive test  
21 suggests but not... does not confirm cannabis use or  
22 exposure and in addition the metabolite that is  
23 tested for in urine drug test is not delta nine THC  
24 which is the positive... sorry, which is the  
25 psychoactive calanoid in cannabis but rather an

1  
2 inactive and not psychoactive metabolite. The  
3 metabolite can be present for weeks following the  
4 last use. So, I'll just skip ahead a little bit to  
5 note that urine drug testing requires explicit  
6 consent prior to collection as determined by a... the  
7 supreme court decision in Ferguson versus the city of  
8 Charleston 2001 and Dr. Treplan testified, I have  
9 reviewed many hospital consent forms and have yet to  
10 encounter one where a consent for urine drug testing  
11 was not buried within multiple pages of other general  
12 consent language. As clinicians our ethical  
13 obligation is to explain the reason for test to  
14 patients and how the results will be used. I've  
15 reviewed many medical records of patients who are  
16 separated from their infants due to presumptive  
17 positive urine drug tests and have yet to see one in  
18 which a transparent consent conversation was  
19 documented. In short, the current practice of urine  
20 drug testing on labor and delivery is unethical. Just  
21 quickly in summary with regard to Intro 1426, the New  
22 York Health and Hospital Corporation's policy and  
23 procedure regarding screening a pregnant person for  
24 alcohol use and exposure to other drugs requires the  
25 medical provider to obtain verbal consent prior to

1 delivering a drug test. The pregnant person must also  
2 be informed of how the results will be used for her  
3 medical care and the care of the unborn or newborn  
4 child. It's unclear as to how this policy is  
5 implemented as there is no data on the breadth of  
6 drug testing and the number of pregnant people  
7 reported to the SCR as a result of positive  
8 toxicology. While the proposed policy does, does  
9 address the lack of transparency in ACS, it doesn't  
10 address the problem of drug testing people without  
11 informed consent and the drug testing of newborns  
12 without any consent whatsoever from the parents. DPA  
13 asks that the Council not only support reporting  
14 legislation as you have but also challenge the use of  
15 drug testing on pregnant people prior to delivery or  
16 the testing of newborns postpartum. The resolution  
17 introduced earlier this year asking the state  
18 Department of Health to create clear regulation as  
19 significant, but the Council can and should use its  
20 oversight power to take action to address New York  
21 City hospitals as well. In New York black pregnant  
22 people and newborns are more likely to be screened  
23 for prenatal drug exposure than white pregnant  
24 people. While the screening of black pregnant people  
25

1 and babies does occur at higher rates, which pregnant  
2 people and children screened for drug exposure are  
3 more likely to test positive for drug exposure. This  
4 is not an invitation for health and hospitals to test  
5 for more pregnant people but rather for them to  
6 assess the criterion for testing so that screening  
7 decisions support the long-term health and wellness  
8 of the parent and child. Thank you very much.

9  
10 CHAIRPERSON LEVIN: Thank you.

11 ARLENE RODRIGUEZ: Good afternoon, my  
12 name is Arlene Rodriguez, I am a Senior Staff  
13 Attorney with the Kinship Caregiver Law Project at  
14 Mobilization for Justice. The Kinship Caregiver Law  
15 Project represents grandparents, other relatives and  
16 fictive kin who take care of children whose birth  
17 parents are deceased, incarcerated or otherwise  
18 unable or unwilling to care for the children. MFJ and  
19 the Kinship Caregiver Law Project works to prevent  
20 these children from entering the traditional foster  
21 care system by representing caregivers in custody  
22 guardianship and adoption proceedings. We thank the  
23 Committee for the opportunity to testify today. While  
24 we do support all of the measures, we do want to  
25 highlight some that are specific to kinship

1  
2 caregivers specifically bills 1715, 1728 and  
3 Resolution 1066. For our client's SCR background  
4 checks are often conducted under emergency  
5 circumstances, a related child has been removed from  
6 their parents and the state needs to clear the  
7 relative's home before placing the child with them.  
8 Under such circumstances the existence of SCR history  
9 can mean the difference between the child going to a  
10 familiar and comforting home with family members and  
11 the child entering the traditional foster care system  
12 with complete strangers. Unfortunately we regularly  
13 encounter... regularly encounter caregivers who are  
14 unaware that an SCR finding was ever entered against  
15 them at all because they never had to go to court,  
16 because there was no ongoing ACS intervention or  
17 their child was not removed from their care or  
18 because words like indicated and unfounded were never  
19 explained to them. With no access to counsel  
20 caregivers struggle through the process of  
21 challenging allegations or clearing their SCR history  
22 and people are often provided incomplete information  
23 or no information at all, they have... they may have a  
24 language barrier or lack the resources to even attend  
25 fair hearings. Providing for caregivers to consult

1 with legal counsel at the outset of ACS involvement  
2 will inform people of their rights and the steps that  
3 SCR hearings entails providing counsel throughout the  
4 proceedings would drastically change the outcome of  
5 these investigations. This would result in judicial  
6 economy as well as potentially altering outcomes for  
7 families for generations. I would also like to  
8 briefly speak to Resolution 1066, reducing the length  
9 of time an individual has a case on the SCR would  
10 vastly alter the lives of thousands of New Yorkers. I  
11 would like to brief... or to focus, I'm sorry, on the  
12 indicated cases. As this Committee knows the length  
13 of time that SCR findings stay on an individual's  
14 record is dependent not only on the age of the  
15 subject child but upon the age of other children in  
16 the home at the time of the investigation. An  
17 indicated case will not be expunged until the  
18 youngest child in the home at the time of the  
19 investigation turns 28 years old regardless of  
20 whether or not that specific child was impacted by  
21 the allegations. This directly and negatively impacts  
22 kinship caregivers. I'd like to offer an example of a  
23 client that we worked with. Miss K came to  
24 Mobilization for Justice last year for help. Miss K

1 had cared for her infant grandson and his older  
2 siblings on and off for most of their lives. However,  
3 when the child's mother moved to New York City with  
4 the infant from upstate and relapsed unfortunately  
5 into substance use ACS removed the child from her  
6 care and placed the child into the child welfare  
7 system. Although Miss, Miss K immediately stepped  
8 forward to have her grandson placed with her, her  
9 home was denied placement due to an SCR finding  
10 against a household member from 1991. Miss K came to  
11 us a year after the denial when the youngest child  
12 named in the SCR investigation had finally turned 28  
13 unfortunately by that time Miss K's grandson had  
14 bonded with the unrelated foster family and the court  
15 determined that it would be too traumatic to move... to  
16 move him again. Because the indicated case had  
17 remained in the SCR for nearly the full 28-year  
18 maximum Miss K's grandson ended up permanently  
19 estranged from his grandmother and siblings. It's  
20 also worth noting that the siblings were not removed  
21 from Miss K's home and no safety concerns were ever  
22 identified regarding her home. We have submitted more  
23 expansive written testimony and I thank this  
24 Committee for the opportunity to testify, thank you.  
25

1  
2 CHAIRPERSON LEVIN: Thank you so much,  
3 thank you.

4 TASFIA RAHMAN: Good afternoon. My name  
5 is Tasfia Rahman and I'm a Policy Coordinator at the  
6 Coalition for Asian American Children and Families,  
7 CACF. Thank you, Chair Levin, for holding this  
8 hearing and giving us the opportunity to testify. For  
9 the past three decades CACF is the nation's only pan-  
10 Asian children and families' advocacy organization  
11 and leads the fight for improved and equitable  
12 policies, systems, funding and services to support  
13 those in need. The Asian Pacific American, APA  
14 population has been rapidly growing currently at 1.3  
15 million people. Despite our rapid population growth  
16 these... APAs are often not connected to vital social  
17 services and seen as a lower priority for attention  
18 and resources especially in the child welfare system.  
19 Consider almost a quarter of Asian Americans live in  
20 poverty in New York City Asian Americans are heavily  
21 immigrant with 70 percent being foreign born. Asian  
22 Americans also have the highest rate of linguistic  
23 isolation of any group in the city at 42 percent  
24 meaning that no one over the age of 14 in the  
25 household speaks English well. This data, although

1 helpful in beginning to paint an accurate picture of,  
2 of our community needs, is mostly aggregate and fails  
3 to shed light on various unique struggles among  
4 specific Asian ethnic communities. Many times, we are  
5 not accurately counted, and our needs remain  
6 misunderstood and unaddressed. As reported by many  
7 APA families that support the community APA families  
8 still face the following barriers in navigating the  
9 child welfare system; language, many APA and other  
10 immigrant communities that come into contact with the  
11 child welfare system struggle with limited English  
12 proficiency. Culture, APA families may engage in  
13 child rearing and disciplinary practices that reflect  
14 the cultural norms of their countries of origin but  
15 are considered potentially harmful here. And finally,  
16 lack of familiarity, APA families are often  
17 uninformed about child welfare laws, the role of ACS  
18 or the availability of resources at, at risk  
19 families. For undocumented families this lack of  
20 familiarity is exacerbated by fear that interacting  
21 with government agencies will result in punitive  
22 action or even deportation. We are supportive of the  
23 packet of legislation that is on review today, but we  
24 would like to highlight particular issues. For  
25

1 example, in Intro 1716, 17 and 19 should be thought...  
2 enacted in, in order to ensure that the unique needs  
3 faced by the range of APA communities are assessed  
4 accurately. We do highlight the importance of  
5 desegregation to avoid oversimplifying and further  
6 misunderstandings of our communities. 1718, we are  
7 really emphasized by... and should be implemented by  
8 guaranteeing that the diverse and the vast language  
9 needs of the APA community are met in order to help  
10 parents and avoid culturally based misinterpretation  
11 between ACS and families. And just broadly I'd like  
12 to highlight that there is an existing cultural gap  
13 and it becomes compounded in this very anti-immigrant  
14 climate and that while our community organizations  
15 have taken the role of being cultural brokers there  
16 does need to be all around collaboration including  
17 ACS and our communities to make sure that these  
18 cultural gaps are bridged. Thank you.

20 CHAIRPERSON LEVIN: Thank you so much all  
21 for your testimony, we're, we're going to take it all  
22 under advisement and we have your written testimony,  
23 expanded written testimony for the record so we  
24 greatly appreciate you being here, thank you. Okay,  
25 final panel Zachary Ahmad, New York Civil Liberties

1 Union; Stephen Forrester, the New York Society for  
2 Prevention of Cruelty to Children; Marcia Kresge ATD  
3 Fourth World Movement and Quadira Coles from Girls  
4 for Gender Equity. And then if anyone else wishes to  
5 testify please fill out a form with the Sergeant at  
6 Arms. Was... I'm sorry, what is your name?

7 [off mic dialogue]

8 CHAIRPERSON LEVIN: Oh, I called you  
9 before I think, yes but if you want to... if you want  
10 to join this... okay, yeah. Oh no, you can join this  
11 test... this, this panel. Sorry, I called your... yeah, I  
12 think it was a few panels back. Okay, whoever wants  
13 to begin. Make sure the light is on. Light.

14 STEPHEN FORRESTER: Good evening. My name  
15 is Stephen Forrester and I'm the Director of  
16 Government Relations and Administration at the New  
17 York Society for the Prevention of Cruelty to  
18 Children. The N, NYSPCC was founded in 1875 as the  
19 worlds first child protective agency here in  
20 Manhattan. For more than 140 years, the NYSPCC has  
21 been at the forefront of the effort to keep children  
22 safe and to support their families in raising their  
23 children to be healthy and productive adults. The  
24 NYSPCC currently provides numerous clinical and other  
25

1  
2 services to children and families in New York City  
3 including a therapeutic supervised visitation program  
4 and a trauma recovery, recovery clinic for children  
5 who have suffer... been severely, sexually or  
6 physically abused. The NYSPCC has consistently lent  
7 its voice to the fight for improving protective  
8 measures for children at the public policy level,  
9 such as the recent successful campaign to enact the  
10 child victims act in New York State. Thank you for  
11 the opportunity to be heard regarding the package of  
12 legislative proposals being considered by the City  
13 Council regarding the work of the city's child  
14 protective agency, the Administration for Children's  
15 Services. While many of the proposals in the package  
16 seem worthy of consideration and enactment, the  
17 NYSPCC would like to respectfully address its  
18 concerns regarding one of the proposals in  
19 particular: Intro 1728, this would require ACS to  
20 establish a program providing an attorney to parents  
21 at the initial point of contact during a child  
22 protective investigation. This measure presents  
23 numeral, numerous practical difficulties and risks.  
24 How will ACS coordinate arrival at the child's home  
25 simultaneously with an attorney employed by a wholly

1 independent organization? What if the attorney  
2 arrives after the ACS investigator and the child is  
3 in an emergency situation that needs an immediate  
4 response? Must the investigator wait for the  
5 attorney's arrival to intervene? How can ACS disclose  
6 the name and the contact information to the... of the  
7 family without violating the confidentiality  
8 provisions of the social services law? Aside from  
9 these problems the provision would significantly  
10 increase child safety concerns that are self-evident.  
11 ACS has a primary obligation to protect the children  
12 who are named in the initial report while secondarily  
13 supporting parents in order to help them address  
14 child safety issues. Attorneys have only a single  
15 ethical imperative, that is, to protect the interest  
16 of their client, the parent. The safety of the child  
17 is ethically not the... not the, the attorney's concern  
18 at all. If the attorney advises the family not to  
19 speak to the investigator or permit entry to the  
20 child's home the likely outcome in most cases this  
21 will result in potentially life-threatening delay in  
22 performing the required safety assessment. Additional  
23 time and court resources will be needed in order to  
24 seek an entry order to the home so that the  
25

1  
2 investigation can move forward; however, the child  
3 may be in immediate danger and any delay could pose  
4 life threatening risk. As an advocate for children,  
5 the NYSPCC must register its objection into this,  
6 this provision as far too risky to visit upon New  
7 York City's children. The significant monetary costs  
8 associated with 1728 would be far better spent in  
9 enhancing program services for families such as  
10 housing assistance, mental health treatment and  
11 childcare. We urge the City Council to deeply ponder  
12 this provision's potential threat to the safety of  
13 New York City's children and to decline it's  
14 enactment. Thank you again for your time and  
15 consideration.

16 CHAIRPERSON LEVIN: Thank you.

17 MARCIA KRESGE: Hi, I'm Marcia Kresge  
18 with ADT Fourth World Movement and I wasn't... didn't  
19 make a prepared statement since I found out about  
20 this two days ago and the elements of all the bills  
21 on the table are very much what our organization is  
22 about protecting families, protecting people's human  
23 rights especially for people living in extreme  
24 poverty. So, I'm not a lawyer and I'm not a social  
25 worker but I think today there are many... and I think

1  
2 that the right to have a lawyer and that people are  
3 aware that they have a right to counsel has been a  
4 big push all across the city whether it's in housing,  
5 for people who are getting displaced by landlords  
6 jacking up their rent and they don't know that they  
7 can go and fight in court and they, they get bullied  
8 into things and I, I think that sometimes the members  
9 of our organization who have come to our meetings  
10 where we talk about the issues of parody have said  
11 that, you know when ACS comes to the door they don't  
12 know that they could say no, you can't come in. I was  
13 trained as a little kid well no, you can't... I just  
14 don't let anybody in who says they want to... they have  
15 a reason to come into my house so the right to know  
16 that you can get counsel, right to get all these  
17 statistics I think it's really important for families  
18 and to keep families together is improving in our  
19 group that they love each other, they can take care  
20 of each other and that we have to work on the  
21 problems. The thing that you brought up Mr. Levin  
22 before about the, the emergency situations is also  
23 disturbing like it's, it's so hard to know what  
24 situation has been reported, is it a kid that's about  
25 to die or it's a bruise because, you know... and some

1  
2 parent was drunk and just carried on and that even as  
3 a citizen... I was a teacher also and I've, I've been  
4 through all the trainings and its, it's a one day  
5 training that the Commissioner mentioned is not  
6 enough to really understand the full scope of what's  
7 going on in family life or in terms of abuse and  
8 violence and psychological welfare. Sometimes I, I've  
9 seen the, the kids come to class with a bump on their  
10 forehead and you... they might have just ran into the  
11 coffee table over the weekend because they were rough  
12 housing with their siblings and that's really hard to  
13 discern as an outside party but as a... as a teacher  
14 you're required to report these things. So, I think  
15 we need more training and I also think that there  
16 should be more training for the case workers because  
17 there's a lot of pressure for someone that doesn't  
18 have advanced education, they're not police officers  
19 so... we, we have to work on that I think. Thank you  
20 for letting me testify.

21 CHAIRPERSON LEVIN: Thank you.

22 QUADIRA COLES: Good afternoon Chair  
23 Levin, Council Members and staff of the New York City  
24 Council Committee on General Welfare. Thank you for  
25 taking the time to hold this hearing. My name is

1  
2 Quadira Coles and I am the Policy Manager at Girls  
3 for Gender Equity. GGE is an intergenerational  
4 advocacy and youth development organization that is  
5 committed to the physical, psychological, social, and  
6 economic development of girls and women. GGE is  
7 committed to challenging structural forces including  
8 racism, sexism, transphobia, homophobia, and economic  
9 inequality which constricts the freedom, full  
10 expression and rights of transgender and cisgender  
11 girls and women of color and non... and gender  
12 nonconforming youth of color. It should be no news to  
13 you that girls in foster care experience exacerbated  
14 disadvantages and are systematically marginalized.  
15 The New York City foster care system disenfranchises  
16 black girls, they are more likely to be removed from  
17 their familial environments due to issues of neglect,  
18 that are often problems arising from poverty.  
19 Interlocking systems of oppression manifested in  
20 housing discrimination, educational inequities,  
21 incarceration and policing result in black and Latin  
22 x families being disproportionately targeted by child  
23 welfare agencies. We understand that the overwhelming  
24 surveillance and city supervision of black children  
25 together with pervasive stereotypes about criminality

1  
2 and maternal irresponsibility, sustain the harmful  
3 collaboration between policing and child welfare...  
4 child welfare systems. In this way, city systems  
5 function to punish black families and communities and  
6 subsequently blame them for their own  
7 marginalization. GGE therefore pushes for systemic  
8 reform addressing the inherent issues of racism and  
9 sexism within these government service organizations  
10 and their policies. GGE firmly believes that every  
11 effort should be made to keep girls in their desired  
12 environment and prioritizing their voices throughout  
13 the process. GGE works every day to secure the  
14 protection and respect of girls of color and gender  
15 non-conforming youth particularly black girls. The  
16 child welfare system is riddled with inequities,  
17 specifically impacting girls of color. There is  
18 unsettling data about the general child welfare  
19 system that posits the need for rigorous oversight  
20 and management of ACS. For instance, according to  
21 national data black girls make up 22.9 of girls in  
22 foster care, 35.6 of girls who move to at least 10  
23 different residential centers are black, school  
24 suspension rates differed among, among those in  
25 foster care and students who are not, 25 percent of

1  
2 girls in foster care were suspended compared to the  
3 10 percent of girls not in foster care, about 30 to  
4 40 percent of children in foster care qualify for  
5 specialized education, educational services but only  
6 about 16 of them receive them. It is not unlikely  
7 that trends in New York City mirror these national  
8 statistics. GGE strongly recommends that the Council  
9 require ACS to report out data about racial, racial  
10 and gender breakdown of people impacted by ACS  
11 investigations, interventions and removals. While in  
12 foster care girls experience high rates of abuse and  
13 sexual violence and are more likely to ultimately  
14 become involved in the juvenile justice system. Girls  
15 involved... in foster care have their education  
16 disrupted due to missing early childhood educational  
17 opportunities, changing schools, stricter discipline  
18 and push out than their peers not in foster care and  
19 not receiving IEPs when needed. ACS is finally taking  
20 steps to address some of the gender specific  
21 disparities that disproportionately experienced by  
22 girls of color in foster care. GGE has been asked to  
23 offer the city's first ever gender responsive  
24 diversion program from... for girls, young women and  
25 girls in juvenile justice system as an alternative to

1  
2 placement for young people assigned to juvenile  
3 detention and otherwise referred by ACS. Thanks to  
4 the additional fiscal support by the City Council  
5 through the alternatives to incarceration initiative  
6 GGE will be able to provide full scope of services  
7 that we know are necessary for girls to not only  
8 participate but thrive, thrive in our program. Today  
9 this Committee is putting forward a bill package that  
10 GGE generally supports with suggestions of small, yet  
11 important changes. GGE supports efforts to bring  
12 greater transparency to disparities at each step in  
13 the child welfare system and we urge the Council to  
14 ensure that these are public facing, machine readable  
15 and easily accessible reports. With regard to Intro  
16 1717, we ask that the responsibility to address  
17 racial and income disparities in the child welfare  
18 system not fall exclusively under, under the purview  
19 of ACS and in reference to the parent's bill of  
20 rights it is crucial that... to ensure language access  
21 and availability and visibility of these resources.  
22 ACS must commit to providing parents, families and  
23 impacted young people greater access to information  
24 clarifying their rights. We encourage the adoption of  
25 a more aggressive media campaign from ACS to

1  
2 demonstrate good faith efforts in ensuring families  
3 know their rights. Thank you, New City Council, for  
4 the opportunity to speak today.

5 CHAIRPERSON LEVIN: Thank you and thank  
6 you for the great work that GGE does.

7 MASHON BAINES: Let me turn it on. Hello,  
8 I'd like to thank the City Council for having this  
9 hearing and I hope to continue to come to testify. My  
10 name is Mashon Baines and it just seems like as a  
11 black mother like we're penalized for being every  
12 woman and we really for us to raise our children in  
13 this city in this difficult time is a... like we're  
14 under a microscope. I became a family advocate in  
15 2004 because I had a case with, with ACS for corporal  
16 punishment which I did spank my oldest daughter for  
17 hanging out at night and she just had wild erotic  
18 behavior. During that time, I did seek help to get my  
19 oldest daughter under control and couldn't get  
20 anything from the school, always in school, always... I  
21 ran for board, board of education for the board so  
22 you know when it came to education and school things  
23 as a mother, I was an involved parent. ACS came in  
24 2003 with the police department, a worker called me,  
25 how's your children, oh everything is okay but my

1 daughter has issues, behavior issues and I will need  
2 services for her, okay, we'll be by to help, come by  
3 with the police department, take all the children,  
4 five children then. Ever since then I was very  
5 vicious with, with my advocacy because I seen a lot  
6 of families being destroyed including mine, so I know  
7 how it feels. I was an advocate for NANCY FORTUNATO,  
8 National Action Network under Al Sharpton, CWOP and  
9 CRADLE and parents in action and also with the undo  
10 it racism which ACS was a part of and legal aid in a  
11 various of cities agencies, we're supposed to be  
12 coming together to address the issue. I want to speak  
13 about also FAR, FAR was... it was supposed to be some  
14 type of monitoring system when a call came in and ACS  
15 was involved and parent advocates were involved and  
16 they destroyed because I heard it was working and  
17 they just cut the program, programs that work that  
18 involves parent advocates they cut them off short and  
19 you guys fund ACS and, and... for programs but with the  
20 programs that work they get rid of them. Another  
21 thing I want to say is about defamation of character.  
22 Through the years it's like you're targeted as a  
23 parent, any little thing oh, we're going to call ACS  
24 especially landlords which is a weapon now. I don't  
25

1  
2 know if you heard about this, currently I have a case  
3 of neglectful failure to provide stability housing  
4 under ACS which is... I don't understand how is that  
5 possible. I was living in NYCHA and there was no due  
6 process, the grandmother passed away, there was  
7 enough... a four-bedroom apartment in Douglass Housing  
8 I was assistant to the tenant president and all of a  
9 sudden there was an ACS case. We were evicted, the  
10 rent was paid up, the judge sided with NYCHA. How do  
11 I get a, an ACS case, my children said they did not  
12 want to go to shelter, we did go to the shelter, they  
13 said its traumatizing, they went and ran to their  
14 mother which is... their grandmother which is my mother  
15 and so that still needs to be under... investigated  
16 because I don't understand. Matter of fact, ACS gets  
17 money to help with housing, no one reached out to me  
18 for housing, no one notified me about anything so  
19 that has to change because my children are still  
20 traumatized. Someone spoke about surveillance, these  
21 kids especially as teenagers when they're under ACS  
22 care... when my children two years ago went back in the  
23 system for failure to provide stability housing my  
24 children never went to school. I went to contact 3-1-  
25 1 all the time, went to office of advocacy which is

1  
2 Mike who's in charge who sat on the board with me  
3 many a times around these same issues, nothing gets  
4 done. Children run away so these things are  
5 neglected, I'm neglected, my family is neglected  
6 because no one is reaching out to us to help us  
7 reunify and keep the family together that has not  
8 happened yet. Defamation of character, I am a  
9 clinician, I am also a, a dueler which help midwives  
10 deliver babies and I plan to go forward as a midwife,  
11 guess what, because of these allegations, false  
12 allegations it diminished my internship in elite  
13 hospitals and I have very good experience and  
14 background. So... and that doesn't change, 28 years  
15 they say it stays in the system, I'm suffering,  
16 that's not fair to me so that means its playing a  
17 problem on my income, I can't work, I can go to  
18 school which I have been going to school and I have  
19 not stopped but how am I supposed to get a job in my  
20 field of interest if these cases are lingering around  
21 many adjournments, goes on for years and years and  
22 years, no stop, it doesn't close and so it's just...  
23 something has to be done, it's destroying families  
24 and I hope something be... is done so it could stop  
25 destroying families and who do you go talk to because

1  
2 I've contacted the Commissioner's office, I heard  
3 everything he said, it is a lie. So, I hope you'll do  
4 something about also the increase of black and brown  
5 families who are a victim of gentrification, ACS is  
6 being used as a weapon, once they take them children  
7 out of the home guess what, it makes it much easier  
8 to remove the families and the parents and the  
9 mothers and the loved ones out these apartments they  
10 want so bad. Thank you very much.

11 CHAIRPERSON LEVIN: Thank you.

12 [applause]

13 CHAIRPERSON LEVIN: So, I just want to  
14 read really quickly a statement from Council Member  
15 Adrienne Adams on Intros 1718 and 1716 on behalf of  
16 her. Good afternoon, I'd like to start by thanking  
17 Chair Levin for his willingness to deliver these  
18 comments on Introduction 1715 and 1716 on my behalf.  
19 What do you do if ACS comes to your home? You can  
20 tell them that the charges are not true, but they're  
21 required to investigate them anyway however  
22 disrespectful and invasive they are, whatever awful  
23 things they accuse you of ACS ultimately has the  
24 power to remove your children at any time. Whatever  
25 happens later whether the children come back next

1 week, in six months or do not come back at all that  
2 moment can never be undone. Families in this city  
3 under investigation by ACS lack many basic  
4 protections, I am proud to join my colleagues and the  
5 progressive caucus in this legislative package. We  
6 must secure the rights of parents who are put under a  
7 microscope with little access to information. I'm  
8 grateful for today's hearing on Intros 1715 and 1716  
9 which I encourage my colleagues to support. Intro  
10 1715 would require ACS to create a program to provide  
11 access to legal services for parents and guardians  
12 after an indicated report, during an ACS  
13 investigation specifically during the fair hearing  
14 process. Intro 1716 would require ACS to report on  
15 the total number of emergency removals desegregated  
16 by race, household income and single parent status.  
17 There have been long standing issues within the ACS  
18 system which have disproportionally affected  
19 immigrants, low income New Yorkers and people of  
20 color across our city. We must do everything possible  
21 to prevent unwarranted separations especially for  
22 those who are only guilty of parenting while poor or  
23 black or immigrant. We must ensure that this agency  
24 improves their policies and protocols to prevent  
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COMMITTEE ON GENERAL WELFARE

future trauma for families. Sincerely, Adrienne  
Adams, Council Member. So...

MASHON BAINES: Thank you.. [cross-talk]

CHAIRPERSON LEVIN: Thank you all very  
much for your testimony, thank you everybody for  
staying, happy Halloween. This hearing is adjourned.

[gavel]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date

November 14, 2019