

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES
Of the
COMMITTEE ON GENERAL WELFARE

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October 28, 2020
Start: 1:15 p.m.
Recess: 5:54 p.m.

HELD AT: Remote Hearing

B E F O R E: Stephen Levin
CHAIRPERSON

COUNCIL MEMBERS:
Vanessa Gibson
Barry Grodenchik
Robert Holden
Brad Lander
Antonio Reynoso
Rafael Salamanca, Jr.
Ritchie Torres
Mark Treyger

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

David Hansell, Commissioner
New York City Administration of Children
Services

Tyler James, Director of Race Equity
Strategies
New York City Administration of Children
Services

Dale Joseph, Assistant Commissioner
Office of Community Engagement and
Partnerships

Dr. Jacqueline Martin, Deputy Commissioner
for Division of Prevention Service
New York City Administration of Children
Services

William Fletcher, Deputy Commissioner for
Division of Child Protection
New York City Administration of Children
Services

Allen Sputz, Deputy Commissioner for
Family Court Legal Services Division
New York City Administration of Children
Services

Julie Farber, Deputy Commissioner for
Division of Family Permanency Services
New York City Administration of Children
Services

Andrew White, Deputy Commissioner for
Division of Policy Planning and
Measurement
New York City Administration of Children
Services

Cheyenne Deopersaud, New York City
Resident

Zakia Gardener, New York City Resident

Joyce McMillan, New York City Resident

Imani Yvonne Worthy, New York City
Resident

Ron Richter
JCCA

Jamila Bokkom, Vice President
Children's Village

Justina Ernul, New York City Resident

Jim Purcell
Council of Family and Childcaring
Agencies

Damyn Kelly, President and CEO
Lutheran Social Services

Tehra Coles, Litigation Supervisor
Center for Family Representation

Teyora Graves, Senior Parent Advocate
Center for Family Representation

Taylor Thomas, New York City Resident

M. Mena, Policy and Budget Analyst
CCC

Brian Jones, Senior Attorney
Family Defense Practice
Brooklyn Defender Services

Karla Johnson, Senior Staff Attorney
Kinship Caregiver Law Project
Mobilization for Justice, Inc.

Miriam Mack, Policy Counsel
Family Defense Practice
Bronx Defenders

Helen Montalvan, Social Worker
Neighborhood Defender Service of Harlem

Zachary Ahmad, Policy Counsel
New York Civil Liberties Union

Karen Freedman, Executive Director
Lawyers for Children

Tricia Stephens, Assistance Professor
Silverman School of Social Work

Jamel Robinson, Executive Director
Jamel Robinson Child Welfare Reform
Initiative

Kiran Malpe, Social Worker
Strong Starts Initiative

Dawn Mitchell, Attorney in Charge
Juvenile Rights Practice
Legal Aid Society

Alisa McCoy, New York City Resident

2 SERGEANT-AT-ARMS: At this time, would all
3 Sergeants please start your recordings?

4 SERGEANT-AT-ARMS: PC recording is up.

5 SERGEANT-AT-ARMS: Cloud is ready.

6 SERGEANT-AT-ARMS: Thank you. Sergeant
7 Jones, you may begin you opening statement.

8 SERGEANT-AT-ARMS: Good afternoon,
9 everyone, and welcome to today's remote New York City
10 Council hearing on the Committee on General Welfare.
11 At this time, would all panelists please turn on
12 their videos and, to minimize disruption, please
13 place electronic devices to vibrate or silent. And
14 if you wish to submit a testimony, you may do so at
15 testimony@Council.NYC.gov. And again, that's
16 testimony@Council.NYC.gov and thank you for your
17 cooperation and we are ready to begin.

18 CHAIRPERSON LEVIN: Okay.

19 [gavel]

20 CHAIRPERSON LEVIN: Good afternoon,
21 everybody. My name is Stephen Levin. I am the Chair
22 of the Committee on General Welfare. I apologize for
23 the delay. We were having some technical
24 difficulties on my end. And I want to thank everyone
25 for joining us to this hearing on the Council's

2 Committee on General Welfare. Today, the committee
3 will be conducting an oversight hearing to examine
4 the racial welfare system. It is well established
5 that significant disparities persist for children and
6 families of color, especially black families, both
7 around the country and despite much improved
8 practices across city agencies in New York City, as
9 well. These disparities persist through each stage
10 of the child welfare process from investigation
11 through mitigation and removal. And while black and
12 Hispanic/Latin X children comprise 61.3 percent of
13 the total New York City population, they comprise
14 87.8 percent of the children in an investigation.
15 Black children make up a disproportionate amount of
16 those placed in foster care, comprising 53.8 percent,
17 while only making up 24.3 percent of the city's youth
18 population. Black children also experience longer
19 stays in the foster care system and are exiting the
20 system slower than they are entering. Black families
21 are also less likely to receive community-based
22 services and are the most likely to receive no
23 services at all. The city must do more to ensure
24 that these disparities are addressed with the urgency
25 and the bold action they necessitate. All families,

2 regardless of their race or income level who have
3 been involved in the child welfare system deserve
4 equal and equitable treatment and access to the
5 support and services that they need to thrive. The
6 committee will seek an update on the equity action
7 plan put forth by ACS which includes action items to
8 address disparities within the child welfare system.
9 The committee will examine best practices in order to
10 improve outcomes and families of color and hear the
11 reforms the city could make to the child welfare
12 system to address these disparities. In addition,
13 the Committee would like to learn more about the
14 movement to abolish and rebuild the child welfare
15 system in order to ensure that it is equitable and
16 fair for all families served. I want to thank all
17 the advocates and members of the public for joining
18 us today. I want to thank our colleagues in ACS and
19 member of the administration who are here to testify
20 today. I want to also acknowledge the committee
21 staff who have worked on this hearing today, Aminta
22 Kolowan, our senior legislative counsel, Crystal
23 Pond, our senior policy analyst, Natalie Omarie, our
24 policy analyst, and Daniel Crew, our senior finance
25 analyst. I just want to thank Elizabeth Adams, my

2 legislative director and Johnathan Buches, my chief
3 of staff. And I want to acknowledge Council members
4 who are here this morning. Members of the committee,
5 we have Council member Grodenchik and Council member
6 Holden is here. We are also joined by Council member
7 Lander and Council member Adams. And I am sure that
8 we will be joined by other Council members as they
9 join us. I also want to thank the Sergeant-at-arms
10 for brining this hearing together and Johanna Castro
11 who runs all of the hearings here virtually. I want
12 to thank all that staff, as well. And with that,
13 I'll turn it back to the committee, Aminta Kilowan.

14 COMMITTEE COUNSEL: Thank you, Chair
15 Levin. Good afternoon, everyone. I'm Aminta
16 Kilowan, senior counsel to the General Welfare
17 Committee of the New York City Counsel. I'm going to
18 be moderating today's hearing. Before we begin, I
19 want to remind everyone that you will be on mute
20 until you are called on to testify. At that point,
21 you will be unmuted by the host. I'm going to be
22 calling on panelists to testify. Please listen for
23 your name to be called and, periodically, I'm going
24 to be announcing who the next panelists are going to
25 be. On the first panel that we are going to have,

2 it's going to be the members of the administration.
3 Commissioner David Hansell of ACS. And present for
4 questions and answers, Dr. Jacqueline Martin, Allen
5 Sputz, Julie Farber, Dale Joseph, Tyler James,
6 William Fletcher, and Andrew White. Again, I will
7 call on you when it is your turn to speak. During
8 the hearing, if Council members would like to ask a
9 question, please use the zoom raise hand function and
10 either Chair Levin or I will call on you in order
11 and, just as a heads up, we're going to be limiting
12 Council member questions to five minutes, and that's
13 going to include answers. So, now, I am going to
14 call on members of the administration to testify.
15 Before I do so, I'd like to administer the oath to
16 the administration. At this point, do you affirm to
17 the tell the truth, the whole truth, and nothing but
18 the truth before this committee and to respond
19 honestly to Council member questions?

20 COMMISSIONER HANSELL: I do.

21 COMMITTEE COUNSEL: Thank you,
22 Commissioner. You may begin when you are ready.

23 COMMISSIONER HANSELL: Thank you very
24 much. Good afternoon, Chair Levin, members of the
25 Committee on General Welfare. I'm David Hansell,

2 Commissioner of the New York City Administration for
3 Children Services. I have a number of colleagues
4 with me and I'd like to introduce them. I want to
5 make sure that we can answer all of your questions.
6 With me today are Tyler James, director of race
7 equity strategies, and Dale Joseph, assistant
8 commissioner for Office of Community Engagement and
9 Partnerships. They are both in our division of child
10 and family wellbeing. We have with us Dr. Jacqueline
11 Martin who is deputy commissioner for our division of
12 prevention service, William Fletcher, deputy
13 commissioner for our division of child protection,
14 Allen Sputz, deputy commissioner for our family court
15 legal services division, Julie Farber, deputy
16 commissioner for our division of family permanency
17 services, and Andrew White, who is deputy
18 commissioner for our division of policy planning and
19 measurement.

20 We, at ACS, are grateful for the
21 opportunity to have this conversation today with you
22 with the Council and with our partners in child
23 welfare. It has been a difficult year, to say the
24 least, as we all grapple with the global COVID-19
25 pandemic and, as we continue to see and feel the deep

2 rooted and pernicious effects of racism in our
3 society. Each of these national crises impacts us
4 greatly on personal and professional levels. And I
5 want to acknowledge and offer condolences to so many
6 who have experienced trauma and loss recent months.
7 As a first step towards healing, it's crucial to have
8 conversations like the one we are having today where
9 we can take an honest and transparent look at the
10 challenges we face and how we can respond to them.
11 ACS seeks to administer equitable child welfare and
12 juvenile justice services and systems in which a
13 child or family's race, ethnicity, national origin,
14 immigration status, gender, gender identity, or
15 sexual orientation did not predict how they fare.
16 Within New York City and nationally, black, African-
17 American, and Latin X Hispanic families have long
18 been over represented at key points along child
19 welfare pathways. To develop our equity action plan,
20 we conducted an equity assessment that looked at the
21 disparities at key stages in the child welfare
22 system. This written testimony includes an updated
23 chart that shows how black African-American, and
24 Latin X and Hispanic families experience the child
25 welfare system in New York City differently at every

2 key decision point as compared to white and Asian
3 families. We know that we have essential work to do
4 to address racial inequities within ACS and in the
5 child welfare and juvenile justice systems. We must
6 identify and address structures, policies, and
7 practices that present barriers to families getting
8 the services that they need. While ACS has a
9 commitment to supporting and strengthening families
10 is the best way to keep children safe, we must
11 confront the unintended negative consequences of our
12 involvement on the experiences of families and
13 communities. Focusing on racial disparities is
14 something that I have prioritized since becoming ACS
15 commissioner. We've built on ACS's longstanding work
16 in this area, including our racial equity and
17 cultural competence committee, or the RECC. The RECC
18 brings together a diverse representation of ACS
19 staff, external stakeholders, and professionals to
20 promote racial equity throughout the child welfare,
21 juvenile justice, and early childhood systems. The
22 RECC volunteers contribute invaluable to ACS's work
23 by establishing a racial equity framework for our
24 data analysis, our training policies, and workforce
25 development. Building on this foundation, I created

2 the office of equity strategies in 2017 because I
3 believe it is crucial to have dedicated staff who are
4 focused specifically on addressing inequities,
5 disparities, and systemic racism both internally at
6 ACS and externally in our work with communities. As
7 the Council is aware, the ACS has since developed and
8 is implementing our Equity Action Plan to examine and
9 address the ways in which our work disproportionately
10 impacts children and families of color. Today, I'll
11 be explaining our findings at each of the key stages
12 in the child welfare system, as shown in the chart in
13 much more detail and you'll hear updates on our
14 strategic responses and actions to achieve and
15 sustain progress on each of them as we implement our
16 Equity Action Plan. As required by local law 174 of
17 2017, we will be submitting our Equity Action Plan
18 update this summer and we're happy to have the
19 opportunity today to share key highlights from our
20 work. I'll then talk about additional strategies and
21 collaborations that we have in place to move ACS
22 forward as a more racially equitable and anti-racist
23 organization. Let me begin with disparities among
24 children in investigations, or SCR reports. As you
25 know, ACS is legally required to respond to all

reports that the statewide central register the SCR accepts and assigns to us. In a typical year, the state refers more than 50,000 cases involving about 70,000 children to ACS for investigation. After investigation, our child protective staff may find some credible evidence of abuse or maltreatment and, if they do, they then indicate about a third of those reports. The remaining, roughly, two thirds are unfounded. It is deeply concerning to us that year after year, that racial and ethnic disparities in the reports ACS receives from the state and is required to investigate. Most notably, we see that black, African-American, Latin X and Hispanic children are significantly overrepresented in those reports. I'm going to give you some data. In calendar year 2019, 41.4 percent of SCR reports involved children and families who identified as black or African-American, even though these children only make up about 23 percent of the New York City child population. 45.4 percent of reports involved children and families identified as Latin X or Hispanic, but those children represent about 36.4 percent of the New York City child population. On the other hand, while 26.5 percent of New York City children are white and 14.1

percent are Asian or Hispanic Islander. These families make up only eight percent and 5.3 percent, respectively, of reports to the SCR that are accepted by the state for investigation. While the SCR may be an essential lifeline for children when they are being seriously harmed or at imminent risk of harm, the child protective response investigation, by its nature, can be intrusive and traumatic for families. We have a collective duty to make sure this government intervention is sought and used only when there is a true concern for the safety of a child or imminent risk to a child and that it is not used inappropriately or disproportionately, resulting in further marginalization and trauma for families of color. While ACS does not have control over reports that are called in and that the state accepts and refers to us, we are taking numerous steps towards addressing disparities among families that are reported to the SCR, given that the largest racial and ethnic disparity we see is at this initial crucial point. So, the key strategies we are undertaking include: Number one, using a primary prevention approach to reduce the number of reports in communities with historically high reporting

2 levels. Number two, collaborating with mandated
3 reporter agencies and organizations to reinforce
4 alternate ways of connecting families with help when
5 needed, and, number three, advocating for policy
6 changes to reduce unnecessary and discriminatory
7 utilization of the SCR process. Let me talk about
8 each of these strategies in some more detail. First
9 of all, our primary prevention efforts are focused on
10 strengthening families and communities with resources
11 and supports with the goal of reducing family's
12 interaction with the traditional child welfare
13 system. This work includes child safety campaigns on
14 important topics for parents like safe sleep
15 practices, ensuring homes are equipped with window
16 guards, medication safety, reminders to keep common
17 hazards like hand sanitizer out of the reach of young
18 children. All the things that parents need to know
19 to keep their kids safe. In addition to our safety
20 campaigns, we support 11 community partnerships
21 throughout the city and three family enrichment
22 centers, the FEC's. And both the FEC's and the
23 community partnerships provide a space for local
24 organizations to network with each other and share
25 critical information and resources to support

2 children and their families. They also give parents
3 and caretakers and community leaders the opportunity
4 to get to know each other in a safe and nurturing
5 environment providing positive outlets for children
6 and youth and, notably, they have adapted to provide
7 more concrete resources to families throughout the
8 COVID-19 pandemic. Through these community hubs that
9 families have come to rely upon and trust, we have
10 been able to provide families with groceries,
11 clothing, even emergency grants so that they could
12 remain more stable, supported, and safe during this
13 challenging time. The FEC's operate in neighborhoods
14 that have historically experienced high rates of
15 reported child abuse and neglect. East New York and
16 Brooklyn and High Bridge and Hunt's Point in the
17 Bronx. The FEC's are open to all community residents
18 and, as members, they participate in community
19 designed offerings that are intended to bolster a
20 range of protective factors. The FEC's operate with
21 a keen focus on parent voices and it's these parents
22 who have co-designed the centers, including
23 everything from the name of the site to the color of
24 the walls to the programming that's offered. This
25 past summer, ACS released a report on the first

2 evaluation we've done of the FEC's which found that
3 the FEC offerings are having a positive effect on
4 member social supports from family, friends, and
5 neighbors, family functioning, emotional connection
6 to their children, and their outlook on life.
7 Additionally, those surveyed reported significant
8 increases in their access or advice and resources in
9 addressing several life challenges like parenting,
10 financial issues, relationships, food and nutrition
11 issues, and stress management. As another strategy
12 to make sure that families are not over-reported, we
13 are working closely with the state and mandated
14 reporters so that professional working with children
15 and families understand the many ways to assist
16 families and connect them with resources without the
17 need for a report to the SCR. For example, prior to
18 the pandemic, ACS's child protective borough offices
19 were working closely with schools in their local
20 communities that were high reporters to create
21 strategies to reduce unnecessary reports. Since the
22 start of the pandemic, we've collaborated with the
23 Department of Education to develop guidance that the
24 DOE issues to its staff to help them make decisions
25 about reporting. This guidance makes clear that if a

2 family is struggling with technology or other COVID-
3 19 related challenges, the DOE should work with the
4 family to provide assistance without calling the SCR.
5 Guidance was initially distributed in April and then
6 updated in September to account for the addition of
7 hybrid learning in the fall. Just last week with--
8 because of the advocacy of ACS and others, the state
9 Office of Children and Family Services which
10 administers the SCR, announced that that state is
11 taking steps to curb unwarranted educational neglect
12 reports by implementing stronger screening procedures
13 and training for the SCR hotline operators when
14 educational neglect reports were called in. the
15 state's new guidance was also aimed at ensuring that
16 students-- that schools have assisted students with
17 technology and other resources to remediate remote or
18 hybrid learning challenges before the state accepts a
19 report for a county to investigate. We're extremely
20 pleased to see the state adopt this approach which is
21 consistent with what we have been doing in New York
22 City throughout the pandemic. Similarly, ACS has
23 been working very closely with the Department of
24 Health and Mental Hygiene and Health and Hospitals so
25 that hospital and other medical staff understand the

2 impact that SCR reporting has on families and that
3 calls should be made only when there is a concern
4 about a child's safety. ACS and our sister agencies
5 have been reiterating to health professional that, if
6 a parent or a child tests positive for a substance
7 when the child is born, either public or voluntary
8 hospital staff should not call the SCR solely based
9 upon a positive test if there is no impact on child
10 safety or wellbeing-- that they can make service
11 referrals without contacting the SCR. In addition
12 to our collaboration with mandated reported entities,
13 we're advocating for three statewide reforms.

14 First, we're urging the state to require implicit
15 bias training for mandated reporters like the
16 requirement we have in place for all ACS staff. We
17 know that every person holds attitudes and beliefs
18 that are shaped by their upbringing, culture, and
19 life experiences, especially when making important
20 decisions that affect children and families. It is
21 crucial to guard against implicit biases that may
22 influence our perceptions and interpretations and
23 make sure that reports are objective. Second, we're
24 urging the state to enhance its screening procedures
25 to make sure that the SCR only accepts allegations

2 that clearly articulate harm or risk of harm to a
3 child. And the recently announced changes in
4 handling education neglect reports I just mentioned
5 are a step in the right direction and we hope the
6 state will continue to build on this approach.

7 Third, we're encouraging the state to implement
8 stronger mechanisms to screen out reports that are
9 clearly fraudulent or harassing. Given the data
10 showing that black, African-American, and Latin X and
11 Hispanic families are disproportionately reported to
12 the SCR, we believe these reforms are necessary to
13 reduce intrusion to families when it's not necessary
14 to protect the safety of a child and that these
15 reforms will help reduce the racial inequities in
16 reporting and investigations. Moving on to the next
17 stage, while the disparities in substantiated
18 allegations are not as dramatic as those we see in
19 reporting at the initial stage, there are, in fact,
20 also modest disparities in substantiation of
21 allegations. That is those where a child protective
22 specialist investigates and finds some credible
23 evidence that the allegation occurred. So, to look
24 at the data in calendar year 2019, 41.4 percent of
25 reports ACS investigated involved black African-

1 American families, 45 percent involved Latin X-- I'm
2 sorry. And 42.6 percent of those indicated reports
3 involved black and Latin X families. Black and
4 African-American families. I'm sorry. 45.4 percent
5 of investigations involved Latin X or Hispanic
6 families and slightly more, 45.9 percent of indicated
7 reports involved Latin X or Hispanic families. So, a
8 modest disparity, but one that we are paying close
9 attention to. So, we are also taking a number of
10 steps to try to address disparities and indication
11 rates and to address the collateral consequences that
12 are associated with having an indicated report. In
13 addition to requiring implicit bias training for all
14 ACS staff to aide in critical decision-making, which
15 I will talk a little bit more about it a minute, two
16 other key strategies are reporting SCR reform and
17 expanding the use of CARES-- the acronym for
18 Collaborative Assessment Response Engagement and
19 Support-- which is ACS' state authorized alternative
20 to child protective investigations. We believe that
21 any child protective response must have an outcome
22 that both promotes child safety and provides fairness
23 and equity for families. ACS was proud and eager to
24 support the recently passed state SCR reform bill.
25

2 The law will help protect children while minimizing
3 undue hardships for families and we are hard at work
4 planning for implementation. Starting with
5 investigations that commence on January 1, 2022, the
6 standard of evidence required to indicate a case will
7 be changed from New York's current very low standard
8 of some credible evidence to a fair preponderance of
9 the evidence which is more consistent with the
10 indication burden of proof requirements that are used
11 across the country. We believe that the indication
12 burden of proof requirement-- We believe that is
13 higher standard, rather, it is fair or and will help
14 us to address some of the implicit biases that we see
15 in the child welfare system. The new law also
16 reduces the length of time that an indicated case for
17 maltreatment would be accessible to potential
18 employers. Under pre-existing law, actually current
19 law, and indicated case for abuse or maltreatment
20 remains on a person's record for 10 years after the
21 youngest child turns 18 regardless of the severity of
22 the incident which can have long term destabilizing
23 effects on a family. Under the new law, neglect
24 records-- not abuse records-- will be sealed from
25 employers if the record is eight years or older which

2 provides more economic pathways for parents and
3 caregivers and we are thrilled to see New York State
4 take these important steps forward in addressing
5 equity in child protective investigations. For those
6 families that come to ACS' attention through SCR
7 reports, we want to make sure that our response is
8 strength-based and led by the family's needs. By
9 state statute, family assessment response, or FAR, is
10 an alternative child protective response to reports
11 where there was no immediate or impending danger to
12 children and where there are no allegations of child
13 abuse. That response, the FAR response, is not
14 included investigation, it does not result in a
15 determination of indicated or unfounded. Often
16 referred to as a dual track or alternative track,
17 this alternative response enables ACS to work with
18 families to identify services they may need without
19 subjecting the family to an investigation.

20 Throughout the COVID-19 pandemic is an overall
21 reports and investigations has decreased, ACS is
22 increasingly using this child protective response.
23 With about five percent of cases on this track so far
24 in 2020, compared with 3.3 percent during the same
25 period in 2019. As you may know, we recently

2 announced that we are expanding this program in two
3 ways. It will be citywide with units in all five
4 boroughs by this coming January 2021 and we're
5 doubling the total number of units by December 2021.
6 We also are renaming the program, as I said, to be
7 called Collaborative Assessment Response Engagement
8 and Support, or CARES and we're doing this because
9 we've long felt that the acronym FAR did not
10 adequately describe the program's approach or
11 encourage parental engagement. So we sought input
12 from ACS staff from our parent advisory council, from
13 parents who participated in FAR, to generate ideas
14 for a new name and, in fact, the name we ultimately
15 chose, CARES, was suggested by a father who had
16 participated in the FAR program as a reflection of
17 what the programs meant to his family when working
18 with ACS. In CARES, child protective specialist
19 partner with the family to identify their needs, to
20 educate the family about resources, to empower the
21 family to make decisions that address their needs,
22 and to connect families to the appropriate services.
23 The CARES approach is family-centered, family-driven,
24 and solution focused. At ACS, CARES is a core
25 strategy for combating racial disparity and promoting

2 social justice for two reasons. The first, the
3 partnering approach is a less intrusive response for
4 families and it helps enable the family to drive
5 solutions and service plans for themselves. Second,
6 CARES offers an alternative to the traditional CPS
7 investigation which traditionally ends with a
8 determinations of indicated or unfounded. And we
9 think this acknowledges that we can promote child
10 safety in these cases by promoting stronger family
11 and community connections and wraparound supports
12 rather than the traditional focus of making a
13 determination about allegations and individual
14 culpability. While child safety is always at the
15 forefront of ACS' work, we're confident we can
16 maintain safety while better serving many families
17 across the city through the use and expansion of
18 CARES. Third step in the process is access to
19 prevention services. A close look at our data shows
20 that while black, African-American families overall
21 are the most likely racial or ethnic group to
22 participate in prevention services, the subset of
23 black, African-American families with an indicated
24 investigations are slightly less likely to
25 participate in prevention services than Latin X or

2 Hispanic families with an indicated investigation.

3 It's a small disparity, but, again, it's important

4 that all New York City families have equitable access

5 to and can benefit from prevention services. And

6 that's why we identified it as a concern in our

7 equity action plan of why we are employing strategies

8 to address it. We are always working to make sure

9 that families have the services and supports that

10 they need to keep children safe and to reduce the

11 need for foster care. Our nationally recognized

12 prevention services continuum has, in fact, safely

13 reduced the utilization of foster care in New York

14 City. There were, as we've mentioned previously,

15 there were nearly 50,000 New York City children in

16 foster care 25 years ago, 17,000 a decade ago.

17 Today, there are fewer than 8000 New York City

18 children in foster care. Also, we have strong

19 evidence that ACS prevention services reduce repeat

20 involvement of families with the child welfare

21 system. Families that successfully complete

22 prevention services-- and more than 80 percent do--

23 these families are five times less likely to have

24 another substantiated investigation-- one which

25 there is evidence of child abuse or neglect-- in the

2 following six months than families that do not
3 complete services. And we know now that families
4 feel that they are benefitting from the services.
5 Earlier this year, we released results of our first
6 ever prevention services survey-- family experience
7 survey-- and thank you to the Council for asking us
8 to do this. The survey asked families receiving
9 prevention services about their experiences. We
10 found that about 94 percent of survey participants
11 said that they were happy with the prevention
12 services their families received. 71 percent said
13 that they would recommend services to a family or
14 friend and 86 percent of the families participating
15 in this survey said prevention services would help
16 them to reach their parenting foals. We have
17 redesigned and strengthened our prevention services
18 continuum with an equity frame in mind because
19 prevention services belong to all New York City
20 Families who may need support, regardless of identity
21 or background and we want all families to view them
22 this way. And so, in our redesigned system, which
23 launched with 119 new programs on July 1st, 2020, all
24 families New York City now have universal access to
25 every service model we offer regardless of where

2 they live in the five boroughs. We've also infused
3 more parent voice and choice into the service array
4 and the services themselves. The services were
5 designed with feedback from parents and providers are
6 expected to fully incorporate parent voice when
7 developing individual service plans. The new system
8 also explicitly addresses racial equity by requiring
9 prevention providers to incorporate efforts to
10 address racial disparity in their organization and in
11 service provision including to the formation or
12 racial equity committees that include all levels of
13 staff representation. We believe that our newly
14 redesigned system will strengthen access to evidence-
15 based supports for families and help us address
16 racial disparities in service access. Moving on to
17 the next phase of child welfare involvement which is
18 court involvement and foster care. We, as I have
19 repeatedly testified before this committee, one of
20 our paramount goals is to minimize family court
21 interaction for families in order to keep children
22 safe at home, to engaging parents in prevention and
23 other services. We focused on this among our equity
24 priorities because the data, again, show that black,
25 African-American, and Latin X Hispanic children are

disproportionately represented in court-ordered supervision filings, 44.4 percent and 46.2 percent respectively, in calendar year 2019 and in foster care placements, 55.5 percent and 36.4 percent respectively, again, in calendar year 2019. We see, in particular, that the experience of black, African-American children is different than other children. While black African-American children comprise 42.6 percent of all substantiated investigations in calendar year 2019, already a disproportionate amount compared with the overall population, they comprise 55.5 percent of all foster care placements and remained at 55.6 percent of the foster care population in that year. So this shows us clearly that we have much more work to do to critically examine decisions at each point in the case and also to look at how we are supporting black African-American families and addressing the unique challenges and traumas they face not just in the child welfare system, but in our society at large. We're committed to limiting court intervention and foster care placement whenever possible. Prior to the COVID-19 crisis in which the family court has restricted its operations, only one in 10 ACS

2 investigations went to family court and the majority
3 of those involve requests for court ordered
4 supervision, not for placement in foster care. In
5 calendar year 2019, ACS filed 23 percent fewer cases
6 seeking court order supervision than in calendar year
7 2017. We also seek fewer removals as a child safety
8 intervention with 14 percent fewer removals in
9 calendar year 2019 than calendar year 2017. During
10 the COVID-19 period due to significant limitations
11 and access to the family courts, we've expanded our
12 work to focus on movement of children in foster care
13 towards reunification with their families outside of
14 the normal court process. ACS has been closely
15 collaborating with legal advocates who represent
16 parents and children and our foster care provider
17 agencies to help expedite safety and permanency
18 outcomes for children despite the limited hearings
19 being held virtually by the family court. We're
20 affirmatively reviewing and identifying cases where
21 steps towards reunification are safe and in the
22 child's best interest and we've reached consensus
23 decisions to expand visits, to lift orders of
24 protection, or reunify children from foster care on a
25 trial or final basis. If all the parties agree, we

2 present these resolutions to the court for approval
3 without the need to wait for restricted court
4 hearings. And in this way, we've continued
5 prioritizing safe and timely reunifications and
6 reducing length of stay in foster care. Addressing
7 overall court filings and removals is a necessary
8 step and we must also dig deeper. When foster care
9 is our necessary, but last resort as protective
10 intervention for children, we must do everything we
11 can to provide more equitable experiences and
12 outcomes for the child and the family. Chair Levin
13 and the Council have been great partners in driving
14 our work forward through the interagency foster care
15 taskforce. The important initiatives that originated
16 from that group are being aggressively implemented
17 through our foster care strategic blueprint. We've
18 achieved measurable positive results, all of which
19 tie to more equitable outcomes for children and
20 families, including fewer children in foster care,
21 reduced length of stay in foster care, increased
22 kinship care placements for children, and additional
23 use of kinship guardianship to achieve permanency.
24 Most recently-- again, just last week-- I was
25 thrilled to announce that we are launching a new

2 parent advocate initiative called Parents Supporting
3 Parents to improve reunification and racial equity
4 outcomes as part of our effort to expand parent voice
5 across all of our programs. These parent advocates
6 will be crucial allies to empower parents and help
7 dismantle bias and oppression in the foster care
8 system by bringing their lived experience to
9 strengthening parents self-advocacy and their voice
10 within the process and shifting organizational
11 culture to more authentic parent engagement
12 approaches. We've raised funds from major national
13 and local foundations to launch a pilot that will lay
14 the groundwork for full implementation with our new
15 foster care contracts on July 1st, 2022. In the
16 initial pilot, two foster care agencies will have on
17 staff 10 parent advocates with lived experience in
18 the system who will be central members of their case
19 planning teams working with parents to achieve
20 reunification. So, all the work I've described, we
21 think, is essential to transforming our relationships
22 with children and families but our efforts must begin
23 within an at home. To combat systemic racism in the
24 child welfare system, we, at ACS, need to look
25 internally at our own structures, policies,

2 practices, and implicit biases. We must walk the
3 walk if we want to build a culture and empower our
4 staff to fight racial disproportionality in our work.
5 To look critically at our role, we developed our
6 understanding and undoing implicit bias learning
7 program. These courses help staff identify the
8 connection between institutional racism, structural
9 equity, and implicit bias and begin to surface and
10 address implicit bias in decision-making and in
11 conversations with coworkers. All of our child
12 protective staff now learn about implicit bias as
13 part of the core training they take when they begin
14 their jobs. All of our direct service employees and
15 supervisors at ACS are now required to take a full
16 day instructor led program on implicit bias which we
17 quickly adapted to make virtual in response to COVID-
18 19. And we've also launched a new e-learn course
19 that is mandatory for all ACS employees to complete,
20 including me. Actually, I've taken the full day
21 course, as well. To date, more than 6400 ACS staff
22 have completed the e-learn and 1559 have completed
23 the all-day implicit bias course and we strongly
24 believe it's crucial for every member of the ACS
25 staff to recognize and be equipped with strategies to

2 deal with implicit bias. A strong, critical thinking
3 and learning culture which includes implicit bias
4 training will help ACS unpack and address the
5 disparities that we see at the crucial points in our
6 child welfare response that I've described. We're
7 also continuing to infuse parent and youth voices
8 within our policies, procedures, and service arrays.
9 We created the new role of parent engagement
10 specialists last year to increase the voice of
11 parents with lived experience in all aspects of our
12 work around practice, policy, and programming. Our
13 parent engagement specialist, Saber Jackson, supports
14 the Parents Advisory Council which meets regularly
15 and shares recommendations with ACS leadership,
16 including me, regularly. We are working tirelessly
17 with the PAC not only to hear their voices, but to
18 listen and to learn. The PAC members challenge us to
19 do better and I want to thank them for their candor,
20 their leadership, and their thoughtfulness. We also
21 have a Youth Leadership Council, or YLC, that
22 includes youth that have experienced the foster care
23 of juvenile justice systems as well as peer mentors
24 with prior system experience. The YLC also meets
25 regularly, also coordinates with other Youth Councils

2 to identify, prioritize, and inform program area
3 leadership about key issues and recommendations for
4 improving service and outcomes for young people.
5 And, finally, in order to advance our vision of
6 establishing an equitable and fair child welfare and
7 juvenile justice system, ACS is committed to working
8 towards becoming an anti-racist organization that
9 rejects all forms of racism and oppression which,
10 again, requires taking a close look internally. Many
11 ACS divisions have been participating in what we call
12 race, diversity, and intersectionality reflective
13 process, a framework for collective reflection and
14 discussion about the impact of power, privilege, and
15 oppression of individuals, communities, practices,
16 and policies. We regularly offer a two-day undoing
17 racism workshop from the Peoples Institute for
18 Survival and Beyond to help staff deepen our common
19 knowledge-- our common language to understand
20 structural racism and [inaudible 00:43:02] for ACS
21 staff in 2006 and it integrates undoing racism
22 principles including historical content, developing
23 leadership, maintaining accountability in our work,
24 networking, analyzing power, and the child welfare
25 practitioner as a gatekeeper. And we are just

2 beginning a partnership with the National Innovation
3 Service, or NIS, to conduct an evaluation of our
4 systems and activities as they relate to the racial
5 equity experiences, needs, and priorities of
6 frontline staff, families, and communities and to
7 identify key areas of intervention to drive system
8 level change. Through a series of facilitated,
9 participatory design workshops and strategy sessions
10 with families, community members, and our frontline
11 staff, NIS will work with ACS to develop
12 implementation plans for recommended strategies and
13 to help develop the capacity of agency leadership and
14 staff to support and execute on these plans. Racial
15 disparity has been the legacy of the child welfare
16 system, but it does not have to be its future. ACS
17 is focused on placing equity at the center of every
18 decision, policy, and initiative. I have described
19 in great detail the specific initiatives we are
20 implementing to address racial disparities because I
21 believe we must go beyond platitudes towards
22 concrete, measurable action. But, as we build the
23 capacity of our staff at all levels to respond
24 effectively to structural racism and individual bias
25 and to promote culturally competent policy and

2 practice, we must also engage differently with youth,
3 parents, families, and communities. We must listen
4 even when it is difficult. We must collaborate even
5 when it is complicated, and we must look critically
6 at our own attitudes even when it is painful. As we
7 continue to move forward and implement our Equity
8 Action Plan, I welcome our continuing conversations
9 and partnerships with the city Council, the child
10 welfare community, and the families that we serve,
11 all of which makes our work more transparent, more
12 reflective of community voices and needs, and,
13 ultimately, more successful. Thinking very much and
14 we will be happy to take your questions.

15 COMMITTEE COUNSEL: Thank you,
16 Commissioner Hansell. At this time, we're going to
17 begin Council member questions and, before we do, I'm
18 going to need to sway. All members of the
19 administration who may be answering any questions. I
20 also want to remind the members of the administration
21 to remain on muted throughout the question and answer
22 session to prevent any technical difficulties. So,
23 at this point, I am going to re-administer the oath.
24 Do you affirm to tell the truth, the whole truth, and

2 nothing but the truth before this committee and to
3 respond honestly to Council member questions?

4 UNIDENTIFIED: I do.

5 COMMITTEE COUNSEL: Thank you,
6 everyone. Now, over to Chair Levin for Council
7 member questions.

8 CHAIRPERSON LEVIN: Thank you very
9 much, Aminta and thank you Commissioner. Just to
10 Council members that wish to ask questions, please
11 use the raise hand function on zoom and I'm happy to
12 turn it over to you at that time. Commissioner, I
13 want to thank you for your testimony and for the
14 steps that you've laid out as a part of the Equity
15 Action Plan that ACS has undertaken. I think that
16 it's pretty clear to me from the stuff that you've
17 laid out and the overall, you know, comprehensiveness
18 of your testimony, that ACS has been taking this
19 seriously over the last several years. And in a way,
20 but you are wrestling with, you know, decades and
21 decades, if not centuries of institutional racism and
22 structural racism that have kind of led to this
23 point. And so, this is the first time that I can
24 really recall where ACS has taken this on as a
25 priority because, you know, what we've seen over the

2 years is that every time ACS has undertaken major
3 reforms, it is been in reaction to, you know, child
4 fatality and it has been usually driven from crisis.
5 And so, that I have thought for a while that, you
6 know, ACS is one agency in particular that needs to
7 be in a constant state of reform and in a constant
8 state of self-evaluation and I think what you have
9 described demonstrates that that's what ACS has been
10 undergoing under your leadership. So, I want to
11 commend you and your team for that. You know, the
12 issues that we are dealing with are so pervasive and
13 so it is kind of hard to identify where to start, but
14 I think one thing that you mentioned that I
15 appreciate. When I visited with your CPS staff may
16 be 18 months ago or so when Williamsburg, and was in
17 the room there with probably 40 or 50 CPS staff, one
18 thing that stuck with me from that meeting was when
19 CPS stood up and said, you know, they receive the
20 implicit bias training, they are aware of this kind
21 of structural bias against black and brown families,
22 but they don't see that same type of training with
23 mandated reporters and, you know, that there are how
24 many hundreds of thousands of mandated reporters in
25 New York City. Every healthcare worker, every school

2 professional. You know, it is a very expansive, you
3 know, the range of people, you know, and you
4 mentioned that ACS is in support of the state
5 legislation to require that. How would something
6 like that even be implemented? Because we are
7 talking about-- you know, it's one thing to do it
8 for the staff of ACS that you have some real
9 engagement within an ongoing way. How do you do that
10 on that kind of wider basis? Because it is one thing
11 to have this be part of the mission of ACS. With
12 mandated reporters, you are trying to make it part of
13 the mission of society at large. And how do you do
14 that?

15 COMMISSIONER HANSELL: Well, I appreciate
16 the question. If I could, I would actually, Chair
17 Levin, I would like to just say something on your
18 first point about sort of ACS' response to crisis.
19 Because I appreciate that and I think, you know, we
20 and I have talked about this in previous hearings
21 before this Committee. Really, kind of in a more
22 general response to-- and the way that we do our
23 work, not specific to race equity issues. We have
24 tried very hard to move ACS away from crisis response
25 to individual situations and more towards what you

2 described, which I completely agree with as an agency
3 that is in the process of continuous reform. We know
4 that the work we do is too important not to always
5 have opportunities for improvement and not to always
6 be identify opportunities for improvement. But we
7 need to do that based on not just individual
8 incidents which often provoke a crisis response that
9 may not be the right response, but in response to the
10 really data analysis and communication with the
11 people who are affected by the work that we do. And
12 I think I've talked previously before this committee
13 about the safety science approach that we have
14 adopted over the last couple of years at ACS where we
15 really have tried to do a much more thoughtful and
16 careful and kind of database analysis of and response
17 to incidents that happen in to make sure that the way
18 that we are changing our policies and changing our
19 practices it is truly informed by what will make a
20 difference in terms of improving the way that we do
21 our work. So, that to me is really, I think, kind of
22 a fundamental change that we made at ACS away from
23 crisis response and really more towards ongoing,
24 thoughtful databased reform and I think that is the
25 approach that we should and are trying to bring to

2 our work around race equity, as well. With regard to
3 your question about mandated reporters, you know,
4 mandated reporters are defined categories in state
5 law. There are clearly defined categories of
6 professionals that have mandated reporter
7 requirements and there are many of them, certainly.
8 Yes. They are tens or perhaps hundreds of thousands
9 of individuals who fall into those mandated reporter
10 categories, but almost all of them are, you know,
11 certified and trained professionals in some area or
12 another and we don't think that it would be
13 particularly difficult or onerous to add implicit
14 bias training to those requirements in the same way
15 we have added it to our training requirements for our
16 own staff. We would be more than happy and, in fact,
17 we have offered to the state-- to the Office of
18 Children Family Services-- to make the trainings we
19 developed available to them to use. And so, we think
20 that this is something that the state could do either
21 by, you know, statute or just I think we could be
22 done because OCFS and the state actually regulate the
23 mandated reporter training. They set the
24 requirements for mandated reporters and the
25 standards. So, we think they could fairly easily add

2 this as a standard requirement for anyone who falls
3 into a mandated reporter category. So, yes. It
4 would be some additional, you know, time burden for
5 those individuals, but I think, given the magnitude
6 of the impact that SCR reporting has on children and
7 families, it would be well worth it in something that
8 would be a fairly modest and easy change for the
9 state to make.

10 CHAIRPERSON LEVIN: And I apologize if
11 I am jumping around kind of within the timeline of
12 ACS intervention, but I'm going to do that. I
13 apologize in advance. One thing that jumped out at
14 me in reviewing for the hearing was the data that
15 came out of your action report that when a case is
16 indicated and is going before a judge at some point,
17 white families have a much higher rate of court
18 ordered supervision following indicated investigation
19 than black families and black families have a much
20 higher rate of foster car placement. And that leads
21 me to the questions of what type of implicit bias
22 training are ACS attorneys getting? And what type
23 of implicit bias training are judges getting?
24 Family court judges? Because, you know, that's a
25 different stage in the investigation.

2 COMMISSIONER HANSELL: Yeah. Absolutely.
3 Let me say a few things and then I'll ask Deputy
4 Commissioner Allen Sputz from our family court legal
5 services to speak specifically about the training his
6 staff and the judges are receiving. As I said in the
7 testimony, this is something that we are concerned
8 about. We are trying to reduce, overall, the rates
9 of supervision, the rates of family court
10 involvement, and the rates of foster care entry for
11 all children, regardless of race. And we think that
12 the steps that we are taking to do that hopefully
13 will have an impact across the board, but will have
14 the most significant impact on the disparities we are
15 most concerned about which is the disproportionately
16 high rate of black African-American children entering
17 foster care and not court ordered supervision. So,
18 we have a number of things in place to reduce any
19 kind of family court involvement that would lead to
20 one of those two outcomes-- family quarter
21 supervision or entry into foster care and we are
22 doing that, obviously. Prevention services is our,
23 you know, fundamental intervention to try to keep
24 children safe life at home and provide having to get
25 into any kind of legal involvement. And through our

2 new prevention services system which has been in
3 place now for about four months. One of the things
4 that we are focused on is earlier engagement of
5 prevention services providers with families as a way
6 of forestalling the need to seek family court
7 intervention or either supervision or foster care
8 entry. So, what we were doing with our new
9 prevention providers-- and actually, this is
10 building on, essentially, sort of a pilot that we'd
11 had in place for a year, year and a half before the
12 new programs went into effect. What we now will be
13 doing is at a situation where we have identified a
14 serious concern with the family and want to work with
15 the parents to engage in services typically the stage
16 in the process where we have that conversation with
17 families is the child safety conference. And what we
18 are now going to begin doing is involving our
19 preventative providers at that stage to connect with
20 families than in the hope that if we can connect
21 families with the right kind of prevention services
22 and the families agreed to engage in those services,
23 that will forestall I need to go to court to seek
24 either provision or a placement in foster care. The
25 pilot that we had done which we called it enhanced--

2 enhanced preventive-- actually we found was very
3 effective in diverting hundreds of families that we
4 might otherwise have had to have gone to court to
5 seek some kind of court intervention to avoid having
6 to do that by engaging them with preventive services
7 at the child safety conference stage. So, we've now
8 made that a fundamental part of our entire prevention
9 system and we are very hopeful that that will succeed
10 in diverting potentially thousands of cases that
11 might otherwise have required family court
12 involvement to prevent interaction at an earlier
13 stage. So, I think that the things that were--

14 CHAIRPERSON LEVIN: Do you have any
15 kind of data for maybe calendar year 19 about how
16 many-- how would you measure that divergent rate for
17 how effective the preventative is as the diversion
18 from, you know, court involved?

19 COMMISSIONER HANSELL: Yeah. We do have
20 data on that that we can provide to the committee.
21 That was something we track very carefully because we
22 wanted to assess whether we thought it was effective
23 enough so that when we, you know, implemented our new
24 set of prevention programs, we would make it,
25 basically, and institutional part of the entire

2 system. So, we can provide that has data to you.

3 The one other thing I-- I'm sorry. Were you going
4 to--

5 CHAIRPERSON LEVIN: No. Go ahead.

6 COMMISSIONER HANSELL: Okay.

7 CHAIRPERSON LEVIN: I was just going
8 actually-- Well, go ahead and then I'll--

9 COMMISSIONER HANSELL: Okay. The only
10 other, with regard to the court system, I think, as
11 you probably know, the state Office of Court
12 Administration just recently a couple weeks ago
13 completed a review in a report on racial inequity
14 within the entire court system across the state of
15 New York, but including the Family Court's that was
16 conducted by former homeland security secretary Jay
17 Johnson of the Obama administration who is now an
18 attorney and his team and that report basically
19 acknowledges some pretty serious issues around racial
20 disparities and racial inequities in the court system
21 and, because that has recently been issued, I think
22 it is something that the courts will be very focused
23 on and there may be opportunities to engage with them
24 about ways to address those issues specifically
25 within the court system and court process. That is

2 something-- I mean, we are taking a very close look
3 at that report. We actually were interviewed by the
4 team that conducted that report and so I think there
5 is an opportunity there to engage the courts around
6 these issues, as well. I'd like to give--

7 CHAIRPERSON LEVIN: Sure.

8 COMMISSIONER HANSELL: Deputy Commissioner
9 Sputz an opportunity to talk specifically about the
10 training that our--

11 CHAIRPERSON LEVIN: Yeah.

12 COMMISSIONER HANSELL: attorneys are
13 undertaking.

14 DEPUTY COMMISSIONER SPUTZ: Yes. Good
15 afternoon. And as the Commissioner, I believe,
16 mentioned in his testimony, the agency is doing e-
17 learning implicit bias training as well as in person
18 bias training and the Commissioner considers the
19 attorneys as frontline staff, so all of the attorneys
20 in ACS are doing the implicit bias training e-
21 learning and in person. I think, at this point, all
22 but five of my attorneys have completed the in person
23 training, as well as the online training. I think we
24 have also made a decision in many or, if not, most,
25 instances where the family court legal services

2 attorneys are taking the in person training along
3 with CPS and members of DCP. So, not only are we
4 thinking about the court piece, but also the
5 investigative piece and that we are, you know,
6 linking those two pieces of staff, you know, because
7 we often have CPS testifying in court and so we think
8 it is important to take the training together. We
9 have also done-- at least one of our boroughs--
10 reflective process. I think the Commissioner
11 mentioned that in his testimony, as well. I, myself,
12 was the cochair of the racial equity committee for
13 two years previously and I have taken the undoing
14 racism training that the Commissioner mentioned, as
15 well as most, if not all, of my senior leaders have
16 done the undoing racism training, as well. So, those
17 are some of the things that we are doing and
18 certainly keeping at the forefront of the race equity
19 issues as they intersect the court system.

20 CHAIRPERSON LEVIN: Deputy
21 Commissioner, I want to follow up on those remarks.
22 How does your office-- How many attorneys do you
23 have? I guess that would be the first question.
24 How many attorneys are in ACS Family Court legal
25 services? I think you are muted. Sorry.

2 DEPUTY COMMISSIONER SPUTZ: Great. Yeah.
3 Sorry. We have 330 lawyers that are citywide. So,
4 as you know, we are a mayoral agency, so we have
5 staff in all five counties.

6 CHAIRPERSON LEVIN: How do you monitor
7 your attorney's performance in this regard? How are
8 you measuring? Other performance indicators that you
9 are looking at in terms of how well they are
10 incorporating these trainings into their practice?

11 DEPUTY COMMISSIONER SPUTZ: Let me say, as
12 far as attorneys' staff, let me just say we have
13 about 230 to 250 currently attorneys staff actuals, I
14 believe.

15 CHAIRPERSON LEVIN: Okay.

16 DEPUTY COMMISSIONER SPUTZ: We are
17 definitely monitoring who is taken the training and
18 who was not. So, we get reports on who still has to
19 complete the training and then, you know, we have a
20 lot of very close supervision by the managerial
21 staff. You know, the team-- Organizationally, we
22 are set up as part of teams in each borough office,
23 so we have, you know, many levels of supervision and
24 we really tried to infuse through the supervision
25 model keeping at the forefront the ideas of race

2 equity making sure that we are always looking at
3 reunification as quickly as possible. Visitation.
4 Then, as requiring the least amount of court
5 intervention. I think that, also, we have in our
6 training program, we have about a four to five week
7 full-time training program and we will infuse some
8 race equity conversations at the onset at our initial
9 training and we bring in Rise magazine, for example,
10 to provide a parent prospective of going through the
11 family court and really trying to infuse as much
12 empathy as possible with our attorneys, staff, and
13 really trying to find ways to make sure that the
14 attorneys are looking at each case as a family and,
15 you know, not just a case. So, we tried to find
16 training opportunities and real life opportunities to
17 try to do that.

18 CHAIRPERSON LEVIN: And so, that's
19 mostly through like a close supervision model. One
20 analogy-- and this might not be a fair or [inaudible
21 01:06:08] I've often heard, you know, an example of a
22 new progressive district attorney gets elected and,
23 you know, says, you know, and do all these
24 progressive policies, but there are hundreds of ADA's
25 underneath and elected DA who, you know, may have

2 different-- you know, might not be totally on board
3 with all of those policies. And since those are the
4 lawyers in the courtroom, you know, sometimes the
5 policies are not trickling down. And so, I think I
6 just-- that's one thing that I just want to kind
7 of-- because it's a large staff, you know, a couple
8 hundred lawyers, thinking through just how well their
9 practice is reflecting the priorities of the policy
10 makers-- again, sorry. You are muted.

11 DEPUTY COMMISSIONER SPUTZ: Yeah. I mean,
12 while it sounds like [inaudible 01:07:06], it really
13 doesn't feel so large because we are broken down by
14 boroughs [inaudible 01:07:14] and so, while short big
15 picture, that seems like it's a lot of staff, we
16 really have it broken down by teams and I also go to
17 talk to every training class and new incoming
18 attorneys and talk about some of these issues around
19 empathy about, you know, the intersection of our work
20 and parents, the responsibility that we have as a
21 government agency, the power that we have, and the
22 responsibility that we have, and how it is so
23 important to you, you know, keep in mind that
24 families going to the Family Court are having, you
25 know, challenges and, again, to really tried to

2 infuse empathy into the work that we do. And, you
3 know, we also receive feedback from other attorneys,
4 institutional providers and advocates and we meet
5 with them on a regular basis and we are, you know,
6 open to receiving feedback about the work that we do
7 and examples of individual cases to try to dig deeper
8 and see where, you know, we can make changes, you
9 know, if we need to.

10 CHAIRPERSON LEVIN: And I just have two
11 more questions and then I will turn it over to
12 Council member ADAMS. I also want to acknowledge we
13 been joined by Council members Gibson and Treyger
14 and-- Gibson and Treyger. And I also-- okay. So,
15 the next question I want to ask it was, turning back
16 to the role of preventative services, I-- And
17 Commissioner Hansell or Deputy Commissioner Martin,
18 maybe you can answer this. How are we looking at
19 our-- from a qualitative standpoint-- the
20 effectiveness of different preventative models in
21 diverging families into a, you know, greater
22 intervention track of court ordered supervision or
23 foster care. What's our kind of-- are we looking at
24 different models in that regard?

2 COMMISSIONER HANSELL: Let me start and
3 then I'll ask Dr. Martin to speak about this in much
4 more detail than I can, but I think, you know, we
5 look at it both quantitatively and qualitatively.
6 You know, we certainly-- You know, when we
7 redesigned our system did preparation for, first, the
8 RFP that we issued and then the new contracts that
9 went into place in July, that was not a simple
10 process. We spent quite a bit of time doing
11 stakeholder engagement. We talked to providers. We
12 talked to parents. We talked to families. We talked
13 to, really, basically, all aspects of the child
14 welfare community, any stakeholder that had any
15 involvement with our prevention program, we did focus
16 groups. So, we did a great deal, in addition to
17 looking at our data, which we always do. We also did
18 a very, very large amount of stakeholder engagement
19 that fed quite directly into our redesign of the
20 prevention services system. We changed some of the
21 service models. We actually eliminated a couple of
22 the models that we didn't think were working as
23 effectively as others. We've expanded some models.
24 We've created a new model and Dr. Martin can talk
25 about those. So, I think we certainly did it as

2 part of the process leading up to the redesign of the
3 system we put in place earlier this year and we will
4 continue to do it, I think, through our interactions,
5 certainly, with providers with whom Dr. Martin and I,
6 for that matter, meet with on a regular basis through
7 our Parent Advisory Council, really through all the
8 interactions that we have with the families who are
9 affected by the services to hear their perspective on
10 what is working and what isn't working and what could
11 work better. And the parent survey that we did for
12 the first time last year and, again, thank you to the
13 Council and you, Chair Levin, for asking us to do
14 that. That is something that we intend to continue
15 doing because we want to continue to have real time
16 reactions from parents about how well the prevention
17 services system is working for them. But, Dr.
18 Martin, why don't you elaborate on that?

19 DEPUTY COMMISSIONER MARTIN: Yeah. Sure.
20 Thank you. That is a really great question and, as
21 the Commissioner said, a lot of what we did before
22 implementing our new contracts is really driven by
23 research and evidence around positive outcomes for
24 families that we work with. And I think it's
25 important, you know, for us to invest in what works

2 for families. So, hearing from families in terms of
3 their satisfaction with prevention services is really
4 important to us. You know, at the same time, you
5 know, we understand that every family's needs are
6 different and our system reflects a range of service
7 models that allows families to choose and asked to
8 refer families so, the one thing that I think we have
9 achieved pretty significantly was ensuring that
10 families, no matter what borough they live in, have
11 access to the models that are in our continue on.
12 So, you know, I think, you know, while some families
13 in our continue on can achieve their goals through a
14 case management model, their families face issues
15 such as past trauma and behavioral issues, domestic
16 violence, mental health challenges and so on that
17 requires therapeutic services. And so, we also heard
18 that. I think you recall that, previous to July 1,
19 you know, if I was a family living in Queens who had
20 a child under the age of five, but we had faced some
21 significant trauma, unfortunately, the way that our
22 system was constructed, that family, because of where
23 we live, would not have had access to that trauma
24 informed model. And so, we really tried to, you
25 know, construct a system where families can have

2 their needs met and we can match them with the
3 services that best meet their needs.

4 CHAIRPERSON LEVIN: And how are they
5 doing that now during the pandemic where a lot of
6 this work used to be done in person? How is it being
7 done?

8 DEPUTY COMMISSIONER MARTIN: Probably very
9 carefully. And so, our prevention agencies are still
10 serving families. Much of the work is being done
11 virtually, but for families where we must have an in
12 person visit or to collaborate with, for example,
13 with the Division of Child Protection where we must
14 do transition meetings and joint home visits. You
15 know, we first start by ensuring the safety. That it
16 is safe for that family, that it is safe for the
17 staff and, once we have determined that, those visits
18 will continue those in person-- home visits will
19 continue just as they did pre-COVID. So, for the
20 most part, I would say that the agencies the Division
21 of Child Protection are still collaborating and
22 making those decisions with families and community.

23 CHAIRPERSON LEVIN: Thank you, Dr.
24 Martin. Commissioner, I wanted to ask one more
25 question and then I'll turn it over to Council member

2 Adams. I was reading some literature by a Dr.
3 Jessica Price from Florida State University. And she
4 has written about the practice of blind removal
5 meetings that they are engaging with Nassau County
6 on. This is through OCFS who has given a grant to
7 Nassau County to work on blind removal meetings which
8 is, you know, a process that employs a panel-- a
9 committee to make decisions around, you know,
10 different steps along in the investigator process and
11 when a CPS is present name the facts of the case,
12 they do it in a way that does not make any reference
13 to race or socioeconomic status, I think. [Inaudible
14 01:16:19]. What is-- Have we been looking at that
15 here in New York City? Have we looked at what has
16 happened in Nassau County and is there any plan to
17 incorporate this process?

18 COMMISSIONER HANSELL: The answer is yes.
19 Nassau County initiated their blind removal process
20 quite a number of years ago. I think as far back as
21 possibly 2011, but it is certainly quite a number of
22 years ago. They have had-- So, they've got a number
23 of years of experience with it. I don't believe it
24 actually has produced any quantitative data on the
25 impact that it has had on racial disproportionality,

2 but, certainly, the Nassau County folks feel like it
3 is been positive in terms of their ability to address
4 racial disparity issues. And, as a result of that,
5 actually-- this is a very timely question-- OCFS
6 just about two weeks ago has issued a directive to us
7 and to all of the counties across New York State to
8 implement blind removal procedures of some kind. So,
9 we, of course, have been talking with Nassau County
10 for some time. We are, obviously, neighboring
11 counties. We work with them very closely, so we have
12 been following on a kind of direct, you know, program
13 the program and agency to agency basis the work that
14 they've been doing for a number of years, but now we
15 actually are going to be very focused on looking at
16 what the state has asked us to implement in actually
17 developing a plan to do that. So, we will be working
18 on a plan to develop a components of blind removal
19 process based upon the directive that actually has
20 just come from the state. So, we're just really
21 beginning the process of figuring out how to do that.
22 We also-- I understand we have actually met with Dr.
23 Price and so we do have some familiarity with her, as
24 well. So, this is-- Yes. This is an area we are
25 very familiar with and, I think, you know, as

2 potential to be a contributor to the effort that we
3 are making.

4 CHAIRPERSON LEVIN: Great. That's good
5 to hear. Okay. I will turn it over to Council
6 member Adams. And we won't have a clock for Council
7 member questions because we don't, I think, have too
8 many Council members to ask questions. So, Council
9 member Adams?

10 SERGEANT-AT-ARMS: Time starts now.

11 CHAIRPERSON LEVIN: Council member
12 Adams, are you there?

13 COMMITTEE COUNSEL: It appears that
14 Council member Adams is having technical difficulties
15 at this time. Chair Levin, if you would like to
16 continue any questions?

17 CHAIRPERSON LEVIN: Sure. We've also
18 been joined by Council member Barron. Do any other
19 colleagues have questions that they would like to ask
20 at the moment? Please use the raise hand function.
21 Bear with me. My computer has frozen, as well.
22 [Inaudible 01:20:12]. I hear my one-year-old is up
23 from his nap so he might be making a cameo here.

24

25

2 COMMITTEE COUNSEL: Council member
3 Adamas appears to be having some technical
4 difficulties.

5 CHAIRPERSON LEVIN: Oh. I'll just
6 continue to ask some questions here, Commissioner,
7 until Council member Adams is ready. Mr. Hansell,
8 the Deputy Commissioner for child and family well-
9 being position has been vacant since the beginning of
10 the year. How has this impacted ACS' equity work and
11 what's the plan to fill that position?

12 COMMISSIONER HANSELL: Yeah. It actually
13 has not been entirely vacant. We've had an interim
14 Deputy Commissioner, Karen Resnik, who has been in
15 that role. So, we are continuing recruitment for a
16 permanent new Deputy Commissioner, but we have had
17 somebody filling the responsibilities of that
18 position. I don't think it's had any impact on our
19 equity strategies work. Our equity strategies team
20 under the leadership of Barbara Turk and with Tyler
21 James who was one of the witnesses today who is our
22 Dir. of race equity strategies has been continuing
23 their work with regard to implementation of the
24 Equity Action Planning, actually, a lot of other
25 activities within the agency. So, you know, our

2 process of recruitment for a permanent Deputy
3 Commissioner I don't think has had any impact on our
4 equity strategies work at all.

5 CHAIRPERSON LEVIN: Director James, do
6 you want to speak a little bit about the work you've
7 been doing as the director or race equity strategies?

8 DIRECTOR JAMES: Thank you for that
9 question. So, as the Commissioner outlined in his
10 testimony, we have been very active making sure that
11 we continue to implement the interventions that were
12 outlined in our Equity Action Plan, so part of that
13 work required just making sure that our staff
14 continued their ongoing training around implicit bias
15 and structural racism and making sure that we
16 continue to have conversations to have no implicit
17 bias impacts decision-making when it comes to
18 practice. I think something else that we were really
19 able to focus on in manage the Equity Action Plan,
20 looking at the work we've done around our CARES
21 program and seeing that there is the expansion of
22 that in some other boroughs and we'd like to take
23 that citywide. And it's also providing support to
24 the different units around the work they are doing
25 here. And as the Commissioner also mentioned in her

2 testimony, looking to see how we can partner with the
3 National [inaudible 01:23:03] Surface to make sure
4 that we are doing the work that will help us
5 transform our system. So, we been able to be very
6 active when it comes to continuing the work that is
7 been set forth on the racial equity in cultural
8 competence committee and making sure that this is not
9 just efforts of one division, but it is an agencywide
10 approach.

11 CHAIRPERSON LEVIN: Can you just speak
12 a little bit about what the training session would
13 look like with front line staff whether it's CPS or
14 attorneys or, you know, kind of what is their
15 feedback, you know, during the process and what does
16 a session consist of? What does it look like?

17 DIRECTOR JAMES: Right. So there's been
18 times where, now that we are doing this virtually,
19 something we still wanted to make sure we As a
20 component of the course is that staff have the
21 ability to interact with each other and walking this
22 process together or they are able to look at case
23 studies that examine how implicit bias impacts
24 practice or were they able to implement strategies
25 where they are working at how they could implement

2 some of the bias strategies in their work. So, it is
3 essential that we create the safe space for people to
4 have the conversations and learn together to see what
5 they can do to combat the implicit bias. And I think
6 it is very essential of us to make sure that everyone
7 has that foundation understanding how implicit bias
8 works.

9 CHAIRPERSON LEVIN: Because one thing
10 just in my, you know, one meeting that I had with CPS
11 frontline staff 18 months ago or so, you know, this
12 is an issue that was very front and center in their
13 minds. I could tell. It was very much, you know,
14 the real-- you know, in addition to the kind of
15 resources and things like making sure that they had
16 tablets and just kind of things to make the job even
17 more effective, it was, you know, this was something
18 that was sort of front of mind. And so, getting that
19 kind of full investment in this effort, I think,
20 is, I think, something that would probably be well
21 received by the frontline staff. So-- so, I will
22 move over to some issues around foster care. We saw
23 the kinship navigation pilot that ended in June due
24 to funding restrictions and that was, you know,
25 unfortunate and we did what we-- the best we could

2 at the Council. But what best practices gleaned from
3 the pilot and what lessons could be embedded
4 systemwide? I guess I will let Commissioner Hansell
5 work Deputy Commissioner Farber--

6 COMMISSIONER HANSELL: Yeah. Definitely
7 Deputy Commissioner Farber. I will say that we, too,
8 were sorry not to have the funding to continue that,
9 but I think we did learn a lot from it. And the good
10 news is that our work around kinship has been, I
11 think, very, very successful. And even though that
12 particular initiative we didn't have continuing
13 funding for, there is a tremendous amount of work
14 that we are continuing to do and I will let Deputy
15 Commissioner Farber speak to it.

16 DEPUTY COMMISSIONER FARBER: Thank you,
17 Commissioner, thank you, Chair Levin, for that
18 question and I think the Commissioner covered some of
19 this in his testimony, but we really appreciate the
20 opportunity to talk about the implementation of a
21 real focus on placing children with kin. It is
22 absolutely a strategy around reducing trauma and it
23 is a very important race equity strategy in terms of
24 maintaining children with people that they know and
25 love and are familiar with and still connected with

2 their communities and so forth. And so, as the
3 Commissioner mentioned over the last two and a half
4 to three years, we have very significantly increased
5 the proportion of children placed with kin and with
6 support with the foster care task force and as the
7 Commissioner said via other, you know, strategies and
8 resources and investments. And so, we have increased
9 that proportion from 31 percent of children in foster
10 care, now we are almost to 42 percent in children in
11 foster care. And we are very please to report that
12 those results are not disproportionate. African-
13 American children are placed with kinship care just
14 around the same 41 to 42 percent figure. And so,
15 this is a really important initiative for us and
16 something that we are going to continue to focus on.

17 CHAIRPERSON LEVIN: Have we been able
18 to go-- because the equity plan indicate that
19 monthly kinship data report will be generated from
20 February 2019 onward. How has COVID impacted the
21 monthly totals with this and, I guess, how has COVID
22 affected the strategy around kinship placement?

23 DEPUTY COMMISSIONER FARBER: Yeah. Thank
24 you for asking that question and I think you know
25 that we, at kinship from a couple of different

2 directions. So, first of all, the division of child
3 protection staff under my colleague, Deputy
4 Commissioner William Fletcher, they work to place
5 children in with kin right at the moment of removal
6 as often as possible and then, the foster care
7 agencies also work to move children from non-kinship
8 homes to kinship homes when that is possible. And we
9 are very pleased to report that COVID has not had a
10 negative impact, in fact, even in these last seven
11 months. The proportion of children placed with kin
12 has continued to inch up. So, we are pleased about
13 that.

14 CHAIRPERSON LEVIN: And then one other
15 question. The equity plan says that, by fall of
16 2019, ECS would conduct an analysis of, quote,
17 unquote, aggregate reasons why black and African-
18 American children are placed into foster care at
19 disproportionately higher rates. What did the
20 analysis say and can you share that analysis with the
21 Council?

22 COMMISSIONER HANSELL: Yeah. I will say a
23 few words and then I will see if director James or
24 Deputy Commissioner White wanted to speak more to it.
25 But, essentially, you know, the analysis that I laid

2 out in the testimony is kind of the framework of the
3 analysis which shows us that, as families, children
4 and families progress through the child welfare
5 system, the disproportion that starts at the front
6 door increases step-by-step and that leads ultimately
7 to the disproportion that we see in children entering
8 foster care. So, a significant piece of the analysis
9 is looking at the stages of the process that
10 ultimately lead to a child being placed in foster
11 care and trying to understand how racial
12 disproportionality gets introduced at each of those
13 stages and then what we can do to offset the
14 disparity. And then, specifically, as I talked about
15 a bit, which is a real focus-- well, not our real
16 focus, but one of our primary areas of focus which is
17 reducing legal intervention of any kind, with whether
18 it is foster care placement or remand or supervision
19 through prevention services and through more upfront
20 engagement of families with services is what we think
21 based on the work that we have done in the thing that
22 has the most potential to reduce all foster care
23 placement, but also to reduce racial
24 disproportionality in foster care placement. But let

2 me turn it into either Director James or Deputy
3 Commissioner White to elaborate on that.

4 CHAIRPERSON LEVIN: Whoever wants to
5 take it. I guess my question is is there an analysis
6 that is like a written analysis or is it more of a
7 kind of broader thing that was incorporated into the
8 [inaudible 01:32:10].

9 DEPUTY COMMISSIONER WHITE: Council member
10 Levin, thanks for the question.

11 CHAIRPERSON LEVIN: Hi, Deputy
12 Commissioner.

13 DEPUTY COMMISSIONER WHITE: So, yeah.
14 This is ongoing analysis. We are constantly doing
15 it. We are trying to work out the best ways also to
16 measure some of the things we have been talking about
17 today and I think what that Commissioner referred to
18 in his comments just now is just to understand the
19 front door through each step of families experience
20 with ACS. And so, when we looked at 2019 data, a
21 black child in an indicated child protective
22 investigation was 1.6 times more likely to be placed
23 in foster care than a white or Hispanic child and an
24 indicated child protective investigation. So, you
25 know, trying to understand why that is is a more

2 difficult thing than just looking at the measure,
3 right? But we have data that allows us to understand
4 this disparity and then we can dig into try to
5 understand what is underneath it. But it is
6 something that we have to constantly do.

7 CHAIRPERSON LEVIN: So, I think Council
8 member ADAMS is ready for her questions, so I will
9 turn it over to her at this time.

10 SERGEANT-AT-ARMS: Time starts now.

11 CHAIRPERSON LEVIN: AJ, I don't know if
12 you heard me before, but since there's not a lot of
13 Council members to ask questions, you can ask as many
14 as you like. No time limit.

15 COMMITTEE COUNSEL: Chair, it sounds
16 like we are having the same technical difficulties
17 with Council member ADAMS and her audio at this time.

18 CHAIRPERSON LEVIN: Adrienne, are you
19 there? Or, I guess, if you want to call in to ask
20 your questions through phone line? Do any other
21 Council members have questions to ask? Council
22 member Grodenchik or Barron? So, while we're seeing
23 if we can get Council member Adams back on-- Deputy
24 Commissioner White, I was curious what are-- because
25 you are doing a lot of the data analytics under you.

2 What are indicators that you are seeing that are
3 concerning around through the equity lands and what
4 are indicators that you are seeing that we are moving
5 in the right direction?

6 DEPUTY COMMISSIONER WHITE: By far, the
7 most concerning is the disproportionality at the
8 front end of the system because that affects every
9 step of the system that follows. And that's not to
10 take any responsibility away from us because there
11 are also disparities at every step of the system that
12 we need to address. But that front end, you know, if
13 a black child is about six times as likely as a white
14 child to be in a report of abuse or neglect last year
15 and, thus, an investigation and that just shapes
16 everything that follows. So, the mandated reporter
17 work is really fundamental. We need to figure out
18 how to get supports to families sooner. We need to
19 make sure that schools and other folks who are making
20 calls to the SCR understand how to get support and
21 services to families sooner than a crisis. You know,
22 the kind of crisis that arises that leads to the most
23 intrusive interventions we have is often something
24 that could have been prevented if it was addressed
25 sooner. And that's, you know, when we look at on the

2 positive side, I think the movement towards
3 prevention is really very clearly associated and
4 correlated with the really dramatic reduction in the
5 number of children entering foster care. You know,
6 you go back 10 years and about 70 percent more
7 children per year enter foster care than today. So,
8 the work we have done in prevention is a really
9 powerful thing and it is also community-based and it
10 really is able to provide the kind of support that
11 people need close to home and that is what will keep
12 our system headed in the right direction.

13 CHAIRPERSON LEVIN: The causes for-- I
14 guess sort of a broader question-- are we examining
15 different reasons for all of the SCR in identifying
16 which ones are, you know, most inappropriately
17 numerous? You know, or that are further-- that are
18 disproportionately exacerbating the
19 disproportionality of the front door in terms of
20 impacts on black families? So, in particular,
21 educational neglect and drug usage. Because one
22 piece of data I saw said, you know, black family is
23 10 times as likely to be called or have an SCR called
24 involving drug usage when we know that drug usage is
25 relatively the same across racial and ethnic lines.

2 White families use drugs just as much as black
3 families do drugs and vice versa.

4 DEPUTY COMMISSIONER WHITE: I mean, I will
5 say that, certainly, educational neglect, which is,
6 in fact, you know, the majority of calls that come
7 from schools are not about educational neglect. They
8 are about other things. But, you know, nearly have
9 to relate to educational neglect in those cases are
10 sometimes absolutely legitimate phone calls and very
11 serious concerns about what is going on in a family.
12 In other cases, when we get them, we find that we can
13 track them into alternative response into the CARES
14 program. Again, as the Commissioner described in the
15 testimony, we are dramatically expanding that
16 program. So, while at neglect is a serious issue, it
17 can be handled in different ways. And, again, when
18 schools have the opportunity to find services in
19 their community for that family and a child is not--
20 they're not concerned that a child is at immediate
21 risk of harm, they can make that referral themselves
22 and not come through the SCR. So that's critical.
23 And the drug use question, one of the interesting
24 thing that we found in our data analysis is that
25 children entering foster care-- white children

2 entering foster care, about half of them are coming
3 into foster care because of parent substance use and
4 that is very different from black and Latino
5 children. Actually, black and Latino children, it is
6 about 1/4 of entries to foster care are related to
7 parent substance and alcohol use. So, we need to dig
8 underneath that and understand on the white side of
9 the ledger, is that because of opiate use? Things
10 happening in that community? Or is it because we
11 react differently to drug use or are we reacting
12 differently to other allegations for black and Latino
13 families than we are for white families.

14 CHAIRPERSON LEVIN: Just one other
15 question just about that data. Because this is-- I
16 think an analysis of that front door, but the SCR
17 complaints, because that is so instructive, as we
18 have all been saying today, that everything follows
19 from that initial call, do we have a-- is there
20 somebody at OCFS or is there a team or an office at
21 OCFS that is entirely dedicated to analysis of SCR
22 calls and kind of what we are able to interpret from
23 the house analysis? I mean, I know that that is kind
24 of what you do at ACS, but is there a Deputy
25 Commissioner at OCFS that's doing that?

2 COMMISSIONER HANSELL: Well, I'll answer
3 it more in a policy level than the data level and
4 maybe Deputy Commissioner White can answer the data
5 level. But yes. There is a Deputy Commissioner who
6 has responsibility who oversees the SCR. Deputy
7 Commissioner Gharthey Ogundimu. She is, I will say,
8 very engaged and focused on these issues and spends a
9 great deal of time talking with us about them. So, I
10 would say, you know, I think OCFS is very much
11 focused on them. You know, OCFS, of course, has
12 statewide responsibility and these issues don't look
13 the same across all of the state of New York, so part
14 of what we do-- and, frankly, I would say part of
15 our responsibility is to make-- because, you know,
16 we are one of 58 local social services districts in
17 the state. Where one of 58 child welfare agencies,
18 but, of course, we reflect about two thirds of the
19 state of New York. In terms of popular-- you know,
20 we want to make sure that OCFS truly understands how
21 these issues manifest themselves in New York City,
22 which may, in some cases, be different from how they
23 look elsewhere in the state and so that is why we
24 need to have regular conversations with them which
25 Deputy Commissioner White can speak to them more than

2 I can. But I would say that this is an issue,
3 especially more recently, that both Commissioner
4 Poole and Deputy Commissioner Ghartey Ogundimu have
5 been very, very engaged in and really have spent a
6 lot of time with us looking at.

7 DEPUTY COMMISSIONER WHITE: Yeah. I don't
8 have a whole lot to add to that. They have a very
9 good data shop. We work with them pretty regularly
10 on all kinds of things and they certainly have looked
11 at disproportionality at the SCR. In fact, they've
12 shared some of that data with us.

13 CHAIRPERSON LEVIN: One thing just to--
14 Going back to educational neglect-- and I mean, I
15 understand that everyone is looking at this and I am
16 glad that they are doing that now. I will say that
17 just a couple of weeks ago we had a hearing with the
18 education committee and I asked Chancellor Carranza
19 about children in shelters whose wi-fi capabilities
20 or broadband capabilities were just not working. T
21 mobile devices weren't working or they don't have Wi-
22 Fi at all and there is the city's going to hook up
23 Wi-Fi to every shelter. I am a little bit dubious
24 that he's going to be able to do that in as quick of
25 a timeframe as he thinks he is going to be able to do

2 that because it is a big job for hundreds of
3 shelters, a couple hundred shelters. And, frankly,
4 Chancellor Carranza said, yeah. We are making sure
5 that children intend shelters are able to get swapped
6 out T-Mobile Sim cards with Verizon Sim cards that
7 have better broadband coverage. I just want to make
8 sure that families are not catching any CS case
9 because DOE's T-Mobile coverage stinks. You know?
10 Or were they are not getting the device that they
11 need or they are in shelter and can't get out of
12 shelter and don't have access to Wi-Fi or any of
13 these reasons. You know, that would be absolutely
14 unconscionable if that was the case. And so, I mean,
15 how are we keeping track of that?

16 COMMISSIONER HANSELL: Well, let me say we
17 feel very much the same way and that's why, you know,
18 really, from the very beginning of the pandemic when
19 the schools closed in March, this was the concern
20 that we were very, very worried about. And so, we
21 worked closely with DOE on the initial guidance which
22 came out in April which I will say, you know, I am in
23 regular contact in many of my colleagues who are
24 testifying are in regular contact with our colleagues
25 around the country and I think we were one of, if not

2 the first call but a jurisdiction in the country to
3 address the issue of the impact of technology
4 barriers-- the inappropriate technology barriers on
5 SCR reporting. But we worked very closely with DOE
6 back in April on guidance they issued to say that
7 technology barriers in and of themselves were no a
8 reason to call in an SCR report. That they were an
9 issue for the schools to work with parents and
10 families and kids on and then, when schools open in
11 the fall with hybrid learning, as I mentioned in my
12 testimony, we work with them on a reissuance of that
13 report. So, I will say I think, from a policy
14 perspective, we have been working very closely with
15 DOE on this from the beginning and we have been
16 focused on it from the beginning. And, as I also
17 mentioned in the testimony, we are pleased that the
18 state is now finally, just as of last week,
19 implemented some very similar procedures at the SCR
20 that now apply and not just in New York City, but
21 statewide. So, you know, I will defer to my
22 colleagues at DOE and the Chancellor to talk about
23 how they are addressing technology issues, but I will
24 say that there was a lot of discussion about this
25 issue at the Mayor's press briefing on Monday where

2 the Chancellor was present. That is where the Mayor
3 said that they would be making sure that all shelters
4 have Wi-Fi. And I will also say that the Chancellor,
5 I think, at that briefing, was very clear that he and
6 the leadership at DOE understand that issues that
7 relate to technology at either having technology or
8 being able to access it through the Internet
9 connectivity are issues for the DOE to resolve, not
10 issues for the child welfare system to resolve. That
11 he is very familiar with the guidance that was issued
12 and that he would reinforce that guidance to all DOE
13 staff. So, I will say, at least from a leadership
14 level, I think DOE has been very much in sync with us
15 and has been, you know, very supportive of our
16 efforts to make sure that this does it lead to
17 unnecessary reporting into the SCR--

18 CHAIRPERSON LEVIN: Uh-hm.

19 COMMISSIONER HANSELL: and unnecessary
20 involvement in the child welfare system when we
21 shouldn't be involved at all. And also mentioned
22 that we, you know-- it, of course, is the case that,
23 in many of the situations, as our CPS go out and do
24 investigations, they have found, as they talk with
25 families and talk with kids, situations where

2 children are having difficulty connecting and
3 actually CPS is been able to help with that in a lot
4 of situations and, obviously, if we are in a home
5 working with the family and we can help resolve the
6 problem, we will do that. But we don't fundamentally
7 think that should be a response assigned to the child
8 welfare system.

9 CHAIRPERSON LEVIN: And we are keeping
10 a close eye on SCR calls and educational neglect
11 calls and making sure that, if they are related to--
12 you know, that we are taking note when they are
13 related to truancy on remote?

14 COMMISSIONER HANSELL: You know, we
15 followed the data on, you know, both types of calls,
16 the allegations that are made, and who was reporting
17 them very, very closely and that is sort of the basis
18 of our conversations with the state about the SCR.

19 CHAIRPERSON LEVIN: Yeah. Now,
20 unfortunately, Council member Adams is having some
21 connectivity problems herself and so she asked me to
22 ask her questions on her behalf which is, if we could
23 ask the percentages of white versus black children
24 with regards to the remote versus in person learning
25 in the same question with regards to device versus

2 Wi-Fi access. So, how many children have device Wi-
3 Fi, I think, meaning, I think, broadband versus Wi-
4 Fi?

5 COMMISSIONER HANSELL: I think that those
6 are questions that would have to be directed to the
7 Department of Education unless, Andrew, do we have
8 any data? I don't believe we do. Those would be
9 questions, I think, to DOE.

10 CHAIRPERSON LEVIN: Okay. I can take
11 that back to her and we'll reach out to DOE on that
12 question. And then, okay. So I think I am-- This
13 will be my last question and it's kind of a broad
14 question, but, you know, the pandemic has been-- has
15 given ACS an insight into what happens when the
16 number of SCR calls drops dramatically and so there's
17 less intervention. What are we able to extrapolate
18 from that? Are we seeing-- I mean, I don't think
19 we've seen an increase in, you know, severe cases of
20 child abuse. I'm not sure that we're seeing an
21 increase of negative impacts that children that are,
22 you know, not just a result of, you know, this kind
23 of isolation that we're all experiencing, but, I
24 mean, are we seeing an increase an what we think of--
25 I mean, in other words, are we-- does this mean that

2 we have been over investigating families all along
3 because what we have seen now, as the numbers of
4 dropped, is that we haven't seen, you know, higher
5 levels of crises or catastrophe?

6 COMMISSIONER HANSELL: Yeah. That's a
7 very important question and it is one that we spend a
8 lot of time thinking about. I will say, you know,
9 when the pandemic began in mid-March-- Well, began
10 earlier than that, but when it, you know, resulted in
11 the closure of the schools and the, you know,
12 shutdown of a lot of activities in the city in mid-
13 March. We did see a dramatic decline in reports.
14 That is not terribly surprising given who the reports
15 normally come from. About 1/4 of our reports
16 normally come from the schools and schools were
17 closed for in person learning. Of course, they were
18 doing remote we were talking about that here for some
19 time. A lot of the other service providers that
20 would routinely see children were not seeing them
21 during that period. That has changed over time and,
22 actually, you know, we are now at a point where our
23 reporting levels are not quite back to what they
24 would normally be or what they were a year ago, but
25 they are much, much, much closer than they were in

2 the early days or early months of the pandemic. So,
3 and we, even in normal years-- which this certainly
4 is not been. But even in normal years, we see
5 fluctuations in the levels of SCR reporting over the
6 course of the year. They tend to drop during the
7 summer months when the schools are out of session.
8 They tend to drop during holidays. They tend to
9 increase during other periods of the year. So, it's
10 not unusually to see some fluctuations in SCR
11 reports, but, obviously, the pattern we saw this year
12 was quite aborational because of the response to
13 COVID. So, we have been monitoring very closely, you
14 know, to make sure-- I know, there was a lot of
15 concern, especially early on, that this might have
16 meant that there were children who were isolated at
17 home who were in dangerous situations and were not
18 coming to the attention of either ACS or the child
19 welfare system or others because of reduce reporting.
20 To some extent, we don't know what we don't know, but
21 what we have done is we've looked very closely over
22 time and tracked very closely over time the
23 composition of the reports we were getting because we
24 thought, you know, if we began to see a reduced
25 number of reported, a real tilt towards more serious

2 reports of, you know, more serious physical abuse.
3 That might suggest, in fact, there were concerns. We
4 haven't seen that so much in New York. In fact, what
5 we have seen interestingly a real change in the
6 proportions in reporters. So that where normally
7 about two thirds or slightly more than two thirds of
8 our reports come from mandated reports-- about 68
9 percent, I think-- in typical years, during the
10 COVID period, that's dropped considerable and the
11 number of reports or portion of reports, I should
12 say, that we get from non-mandated reports who are
13 usually family members, neighbors, you know,
14 community members, has increased which suggest that
15 people are being vigilant or are taking
16 responsibility for making sure that children in their
17 communities are safe which we think is a good thing.
18 So, you know, we have been tracking that very closely
19 and so we know-- you know, we can look at them and
20 we can analyze the data about the reports we're
21 receiving and we, of course, can't, you know, analyze
22 because we don't have data on reports we're not
23 receiving. What I would say is that what-- you
24 know, we have learned some things, I think, from the
25 COVID period about better ways that we can keep kids

2 safe and ways in which, frankly, we can reduce
3 involvement with the court system and foster care
4 that we do want to continue even after the pandemic
5 ends and we have the opportunity to return to more
6 normal operations. I think, you know, we've learned
7 a lot more about the value of prevention services
8 and, especially, primary prevention services and, if
9 you like-- if you have a minute, I would love to
10 have Commissioner Dale Joseph talk a little bit about
11 the ways in which the work of the FECs, for example,
12 has really shifted during COVID. So, to really
13 frontload our engagement with families who,
14 fortunately, we were not seeing as much through child
15 welfare reports, but we were very much engaged with
16 through the primary prevention system. Similarly, we
17 have been doing, as I mentioned in the testimony, a
18 lot more work with our foster care agencies and with
19 the attorneys who represent parents and children
20 outside of the court system to try to expedite
21 reunification of children with families and they are
22 moving out of the foster care system. So, I would
23 say really that, I think, what we have learned from
24 this. Is that some of the directions in which we
25 have been moving in New York City and at ACS, which

2 is really towards more upstream service oriented
3 involvement with families has proven to be the right
4 approach during this period and, I think, will
5 continue to be in that we have learned, in some ways,
6 that we can continue to do more aggressively outside
7 of the formal child welfare investigative process and
8 outside the formal court process of our system remove
9 the investments we are making in that direction.
10 But, if it is okay, Chairman, could we let--

11 CHAIRPERSON LEVIN: Yes. Of course.

12 COMMISSIONER HANSELL: Assistant
13 Commissioner Dale Joseph speak a little bit about the
14 roles of the FEC's and the partnership programs
15 during this period?

16 CHAIRPERSON LEVIN: Absolutely. Yes.
17 And how they have been operating since the
18 Commissioner-- how you've been able to do your work
19 during the pandemic.

20 COMMISSIONER HANSELL: Great.

21 ASSISTANT COMMISSIONER JOSEPH: Sure.
22 Sure.

23 CHAIRPERSON LEVIN: Thank you.

24 ASSISTANT COMMISSIONER JOSEPH: Thank
25 you, Chair Levin. And, you know, just to build on

2 the Commissioner's testimony about the role of the
3 family enrichment centers and the community
4 partnerships. They have been phenomenal. They have
5 been flexible. They have worked with the community
6 to address a number of needs. During COVID, of
7 course, there was a lot that had to be curtailed in
8 terms of their hours of operation in order to
9 maintain safety standards. They have gone remote
10 mostly. The partnerships have been connecting with
11 providers. Part of the role of the community
12 partnerships is to make sure that providers are
13 connected to each other so that they can, in turn,
14 connect them to the primary prevention resources than
15 others in the community. They have continued to do
16 that. We have been extremely impressed by their
17 ability to be flexible and their ability to work with
18 each other, make referrals to each other, and to
19 invite providers to their virtual meetings to talk
20 about things happening in the community, whether it
21 is HRA coming to the meetings or Department of
22 Homeless Services. They have been extremely instrumental
23 in making sure that providers stay connected to each
24 other and, as a result, we know that community
25 members then stay connected to each other. Family

2 enrichment centers, as you may well know, are place
3 based sites within communities. They, too, have had
4 to curtail their hours of operation, but they have
5 done tremendous work around food distribution,
6 providing PPE to families. They have continued,
7 throughout the summer, doing summer virtual camps.
8 You know, families who have been in shelter who were
9 quarantined, one of our community partners and FEC is
10 the partnered together to, actually, provide hot
11 meals to families who were quarantined during COVID.
12 So, they have done a tremendous job in making sure
13 that we remain connected to families and communities
14 in ways that is quite seamless. You know, they
15 really have not dropped the ball in any way, shape,
16 or for during this crisis, as they have been,
17 obviously, focused on their health and the health of
18 their families. They have remained vigilant around
19 making sure that families get the resources they
20 need, maintaining office hours where they can, and
21 helping individuals with a range of resources around
22 unemployment benefits, connecting to getting air
23 conditioners. Whatever was needed in the community.
24 The partnerships in the FEC's stepped up. And so, we
25 never had a doubt that they were kind of the eyes and

2 ears within our systems on the ground, really helping
3 families where the need was the greatest.

4 CHAIRPERSON LEVIN: And that is an
5 ongoing endeavor? That work is ongoing, for sure?

6 COMMISSIONER HANSELL: Absolutely.

7 CHAIRPERSON LEVIN: And one of the
8 other things I was just going to say was that it is,
9 you know-- even beyond-- you know, I saw an article
10 this weekend in the New York Times that said, you
11 know, the economic impact of COVID is going to stay
12 with New York City much longer on into, you know,
13 another three, four, five years. And so, those
14 resources-- the food resources, the benefits, and
15 job training and, you know, all of those things that
16 family enrichment centers could be very helpful with
17 us as [inaudible 02:01:44] in these communities that
18 are going to be ongoing. And, you know, even more
19 important than it was before.

20 COMMISSIONER HANSELL: Yeah. I think that
21 is absolutely right. And, if I may, you know, the
22 corollary to what Assistant Commissioner Joseph
23 described in terms of the work of the FECs and the
24 CPPs and the primary prevention-- the corollary to
25 that is what I talked about in my testimony which is

2 our expansion of the CARES system because, well, you
3 know, we don't control who calls the SCR--- although
4 we think we could impact it we are trying very hard,
5 but we don't control it. We don't control what the
6 state accepts. We don't control what the state
7 refers to us, but we can control what we do with the
8 reports that we get and we think that one of our most
9 powerful tools for doing that is the expansion of
10 the-- what we are now calling the CARES program
11 because, you know, when families do come through that
12 door, whether they should or shouldn't-- when they
13 come through that door, we still have the opportunity
14 to focus with them on a response that is framed
15 around what they need, the services that they need,
16 the concrete supports that they need. And so, that's
17 why I think that is important. And I would like to,
18 if I could just give Deputy Commissioner Fletcher an
19 opportunity to say a word about what DCP has learned
20 during the COVID period that is really informing our
21 expansion of the CARES programs.

22 DEPUTY COMMISSIONER FLETCHER: Right.

23 So, thank you so much, Commissioner. Yes. And thank
24 you, Chair Levin, for bringing this to the forefront.
25 So, our CPS, our specialists, as you all probably

2 know, have been doing a phenomenal job, right, and
3 ensuring the safety of our families and of our
4 children. Sometimes at the expense of their own
5 health. Right? So, they've been out there, as the
6 Commissioner noted, our FAR specialists have been out
7 there meeting with families and learning what the
8 families actually need as they navigate through this
9 pandemic. And some of the things similar to what
10 Gail just described that the FECs are working on and
11 embarking on is making sure that the basic needs of
12 families are being met. Many of our FAR specialists
13 have taken food to families. As they have been out
14 there visiting families, they are noticing that
15 families are in need of food. They been taking, for
16 example, back in place because we have families who
17 are doubling and tripling up, right? So, we want to
18 ensure that children are sleeping safely. We even
19 have taken cell phones to families who are
20 experiencing DV so that, as we safety plan with them,
21 right, they are able to reach out to others when they
22 are in distress. So, there been so many things. And
23 what is helped in the Commissioner hasn't given
24 himself credit-- What is helped is our communication
25 with community around coping with COVID and teens who

2 have experienced quite a bit of challenges during
3 COVID. Getting that information out and that our
4 frontline staff, along with our FAR specialists are
5 discussing the communication and ensuring that
6 families are able to access any resources or systems
7 that they need in order to make it through this
8 pandemic. So, it has been very enlightening for us
9 as we do our work on a day-to-day basis and our staff
10 are so appreciative that, as an agency, we are
11 wrapping our arms around families to ensure the
12 safety of children. So, thank you for giving me that
13 opportunity to highlight the work of our frontline
14 specialists.

15 CHAIRPERSON LEVIN: No. Thank you,
16 Deputy Commissioner, and I-- you know, I think back
17 to the meeting that we had in Williamsburg quite a
18 bit and, you know, what I remember most of that is
19 just how conscientious the people in that room were
20 of these issues. They were not, in any way, you
21 know, ignoring or blind to these really, really
22 difficult and structural issues and wanted to be
23 part of figuring out how to dismantle that. And so,
24 I, you know-- I very much got the sense that they
25 will be active participants. One of the things just

2 to note is that, when I left to go home that whatever
3 it was, 6 PM, almost everybody was still in the
4 office. I remember talking to one CPS who was
5 leaving to go work out and then just coming back, you
6 know, in the night to finish the work. So, that was
7 [inaudible 02:06:37]

8 COMMISSIONER HANSELL: Thank you.

9 CHAIRPERSON LEVIN: So, thank you,
10 Deputy Commissioner. So, I think that that's all if
11 you all go and we have public testimony coming up. I
12 do want to thank Commissioner Hansell. I really
13 appreciate-- I think there were five deputy
14 commissioners at this hearing, one or two assistant
15 commissioners, a director, that an associate
16 commissioner, and that's really appreciated and that
17 is an indication to me that ACS takes this issue, you
18 know, with the utmost seriousness and that this is a
19 collective work that's going to take a long time.
20 It's not the work of one administration. It's not
21 the work of one Council, but creating the structures
22 in place-- because this is about dismantling these
23 things. These structural and societal, you know,
24 historical racism doesn't get-- you know, doesn't
25 get erased overnight. It has to be dismantled and

2 that is the responsibility of an entire-- of all of
3 us. And it has to be done in a way that is-- the
4 effective must be comprehensive and that's really
5 what I'm seeing here by every, you know-- so many
6 divisions of ACS here as part of this meeting. So, I
7 want to thank you all for your testimony, for your
8 candor, and knowing that we have a lot more work to
9 do. This work is really never done. So, thank you
10 all so much for your time.

11 COMMISSIONER HANSELL: Thank you very
12 much.

13 CHAIRPERSON LEVIN: And with that, and
14 come in for public testimony.

15 COMMITTEE COUNSEL: While we are on
16 break, I just want us set up a few more reminders in
17 advance about starting our public testimony. I would
18 like to remind everyone that, unlike our typical
19 Council hearings, you will be calling individuals one
20 by one. Panelists will have three minutes to
21 testify. We ask that you limit your testimony to
22 three minutes and, as always, you can submit longer
23 testimony for the record. As far as who our next
24 panelists are going to be, we are going to call you
25 up in the following order: Cheyenne Deopersaud, Zakia

2 Gardener, Joyce McMillan, and Jeanette Vega. And I
3 will repeat this once we resume the hearing in a few
4 moments. All right. Once again, thank you to the
5 members of the administration for your testimony. We
6 are now going to turn to public testimony. Again,
7 I'd like to remind everyone that, unlike our typical
8 Council hearings, we are going to be calling on
9 individuals one by one. Panelists are going to have
10 three minutes to testify. We ask that you limit your
11 testimony to three minutes and, as always, you can
12 submit longer written testimony for the record.
13 Council members who have any questions for a
14 particular panelist should use the raise hand
15 function in Zoom and I will call on you after that
16 panelist has completed their testimony. For
17 panelists, once your name is called, a member of our
18 staff will unmute you and the Sergeant-at-arms will
19 then give you the go-ahead to begin your testimony
20 upon setting the timer. Please note that you should
21 wait for the Sergeant to announce that you may begin
22 before you begin to deliver your testimony as there
23 is a slight delay with the unmuting function. So,
24 the next four panelists are going to be in this
25 order: Cheyenne Deopersaud, Zakia Gardener, Joyce

2 McMillan, and Jeanette Vega. And we are going to
3 begin with Cheyenne Deopersaud.

4 SERGEANT-AT-ARMS: Time starts now.

5 CHEYENNE DEOPERSAUD: Hi, everybody. My
6 name is Cheyenne. I go to city College. I am a
7 freshman and I just want to say like thank you for
8 taking out your time to listen to us and being here.
9 I am a Fair Futures advocate and I have been in
10 foster care for a little over three years now.
11 Almost four. And, as the Commissioner said before,
12 all of these things like he is saying he is being
13 questioned on, I think they work really, really hard
14 at us, as foster youth and kids who are in foster
15 care, we have lived through this whole entire story.
16 We are going through all of this. And we have reaped
17 the benefits, really, of what they are doing and what
18 Julie Farber is doing. The Commissioner is doing.
19 And I have a coach. For the past four years I've had
20 a coach and her name is Zakia and I think that I
21 wouldn't be at the place where I am right now without
22 my coach because I, at the moment, marking really
23 hard. I worked two jobs. I go to school. I am a
24 full-time student and on the side I'm also a Fair
25 Futures advocate and I think that, without my coach,

2 I wouldn't be able to do all of these things because
3 she motivates me and she helps me go through the
4 daily struggles of if I am going to be able to do all
5 these things, if I am going to be happy throughout
6 the day, what I am going through. She speaks to me
7 all the time. And I just think coaches are super,
8 super important because being a foster kid, we don't
9 have like parents than everybody else has and we
10 don't have that support that everybody else has and
11 it sucks because, as a student, as a kid, is just
12 somebody, you deserve like support. But, as foster
13 kids, we don't have that support and we rely-- or at
14 least me. I rely heavily on my coach and from--
15 going into foster care, I relied on her and she was
16 like my rock and I didn't have anybody else to rely
17 on and I just think that my coach plays such a big
18 part like almost as a mother figure in my life. She
19 plays such a big part in my life and, if I didn't
20 have my coach, I wouldn't be the person that I am
21 today. If you know me in real life, I'm really
22 bubbly and personal and I like to help out and I'm
23 doing this, everything. I'm always in everything and
24 I don't think that I would be able to do that without
25 my coach, honestly. I wouldn't be the person I am

2 without my coach and my coach motivates me and she's
3 the reason that I want to go to school. She is the
4 reason why I am a go-getter. Why I want to do all
5 these things and have all these opportunities and I
6 just think that she is really, really special and I
7 am happy to be an advocate for coaches in Fair
8 Futures. And I will forever, even when I age out of
9 foster care, I will forever be an advocate for
10 coaches because I think they are so, so important and
11 I think that I just want to give like that little
12 tidbit of my life into why--

13 SERGEANT-AT-ARMS: Time expired.

14 CHEYENNE DEOPERSAUD: I think coaches are
15 really important. And that's all I anted to say at
16 the moment or if you have any questions or anything.

17 CHAIRPERSON LEVIN: Thank you,
18 Cheyenne. Which agency is your coach affiliated
19 with?

20 CHEYENNE DEOPERSAUD: I'm in Heart Share
21 St. Vincent's and my coach's name is Zakia.

22 CHAIRPERSON LEVIN: So, that is Zakia
23 that-- Hi. That's very good. We know that we saw a
24 lot more work to do in terms of getting Fair Futures
25 kind of on a longer, sustainable path in terms of

2 making sure that it is available for young people,
3 you know, well into, you know, their 20 used to have
4 that relationship there and it is the very least that
5 I think we could do as a city to help transition into
6 adulthood. It's not easy for anybody to transition
7 into adulthood. I remember transitioning into
8 adulthood and it was not easy for me. So--

9 CHEYENNE DEOPERSAUD: Yeah. Exactly.
10 Like regular kids-- It's sad to think that I'm not a
11 regular kid. I'm just a foster kid, but regular kids
12 have the supports--

13 CHAIRPERSON LEVIN: You are an
14 extraordinary kid.

15 CHEYENNE DEOPERSAUD: Thanks. You know,
16 the kids have support of their parents well into
17 their like 30s, but, when we turn like, what? 21,
18 were just-- you know, we are able to take care of
19 ourselves and whatever that means and, for me, me
20 advocate for Fair Futures and I want to get a
21 baseline so not-- for me, my generation, and the
22 generations after me can have the benefits and, you
23 know, just be happy and regular. I don't want to
24 lose somebody else in my life that I can't afford it.
25 I can't afford to lose my coach after I turned 21,

2 nor age out of foster care. I just really can't.

3 And it's sad that I have to think about one day I am
4 going to lose my coach and it's just heartbreaking at
5 least for me.

6 CHAIRPERSON LEVIN: I think that
7 relationship will be there, but--

8 CHEYENNE DEOPERSAUD: It's not going to
9 be the same if I lose my coach. You know? And I'm
10 still young and it's really sad that I have to think
11 about it in a few years what's going to happen to me?
12 You know what I mean? It's just sad. I don't want
13 to go through that.

14 CHAIRPERSON LEVIN: Well, we will do
15 whatever we can to keep up and make sure we are doing
16 our part. And I will keep in touch with [inaudible
17 02:21:18] and make sure that you are getting all the
18 resources you need.

19 CHEYENNE DEOPERSAUD: Yeah. Thank you so
20 much. It really, really means a lot to not-- my
21 generation another generations after me, too.

22 CHAIRPERSON LEVIN: You're looking
23 after-- yeah.

24 CHEYENNE DEOPERSAUD: Yeah. There's 8000
25 other kids just like me that are scared just like me.

2 You know? In foster care and I'm just happy that we
3 have a lot of advocates and the Commissioner and
4 Julie Farber to like fight for us and speak about our
5 problem.

6 CHAIRPERSON LEVIN: Cheyenne, thank
7 you. Thank you for your testimony and I think you're
8 going to do great things. Stick with it.

9 CHEYENNE DEORPERSAUD: Thank you for
10 listening.

11 CHAIRPERSON LEVIN: You got it. He got
12 it. Thank you. Have a good day.

13 COMMITTEE COUNSEL: Thank you,
14 Cheyenne. Before I call on Zakia, I want to
15 acknowledge that we have been joined by Council
16 member Rosenthal. And now, calling on Zakia Gardner
17 to testify.

18 SERGEANT-AT-ARMS: Time starts now.

19 ZAKIA GARDENER: I am Zakia. Right now,
20 I go to Kingsborough. I am a media arts major and,
21 for me, that really would not have been possible had
22 I not had two very essential people in my life. My
23 coach, Aisha at Heart Share and my dorm project
24 college success coach who I recently actually got
25 switched because pandemic. Wild. But those two

2 people-- I was in college for, basically, no reason
3 at first. I was like, well, I am meant to work 40
4 hours a week and I have to go to college and I'll
5 become a psychologist because that is what I am
6 interested in. And then I realized that I was doing
7 terribly because I didn't want to be doing that. My
8 mother, the year before-- that very spring before I
9 graduated had passed away and my father had a stroke
10 and left him unable to speak right before them. The
11 relationship with my family, like my grandmother who
12 was my foster parent had just passed, too. The only
13 person was my uncle who things were very tense with.
14 There was not someone to guide me. So, for me, in my
15 mind, I was like, just let me get through it. The
16 attitude of just get through it was-- I had,
17 literally, less than a one GPA. It was like
18 literally close to a full percent. It was not a full
19 percent. What is that? If I did not have a coach to
20 literally sit down with me and talk to me and not
21 scrutinize and not try to force therapy and force
22 these things on me and actually humanizes me and
23 bring opportunities to me as were optional and of my
24 volition. I would probably have the same anti-- I
25 don't want to involve myself with the agency. Also,

2 I now just like my brother because it would be
3 easier. I would've not been able to even take
4 advantage of those opportunities had I not have
5 someone to come to me and present all these things
6 that I could be doing with myself and all these
7 potential things that I could be doing. I would
8 still be at this other school pursuing things I don't
9 care about in doing terribly at it. Now, my GPA is
10 literally a 3.8 and she is only going up because I've
11 had a tutor to sit and time manage with me and teach
12 me that. I had to want to encourage me to go to
13 therapy and to stop quitting out on it and stop just-
14 - It's too hard. I don't want to talk about these
15 thing. I recently got recently diagnosed with ADHD
16 which is a revelation for me. That was impacting so
17 many things for me and I would not have ever come to
18 that conclusion. I would've never been able to seek
19 the help or the resources if I didn't have a coach to
20 be like you should do something about this. This is
21 of your volition. This is only to help you to guide
22 me through those things and not tell me this is what
23 you need to do and this is how it is to be done. If
24 I hadn't had someone to humanize me in that way and
25 that didn't give the authoritative like looming

2 presence that a lot of figures at the agency,
3 unfortunately, kind of do give off, I would still
4 probably had a skimped GPA. I would've had,
5 literally, no ambition to do anything. Since then, I
6 have started so many things. I have started to sell
7 my art. I've started to actually create things. I
8 could not have been anywhere near that. Like to
9 think of my coach being changed or--

10 SERGEANT-AT-ARMS: Time expired.

11 ZAKIA GARDENER: Pardon?

12 CHAIRPERSON LEVIN: That's your time is
13 expired, but keep going. You can keep going.

14 ZAKIA GARDENER: Oh, yeah. That's the
15 end of my point. To think of that being changed or
16 anything like that, like that is like for me it
17 worked out because I got to have that, but the
18 question-- how to get questionable for other kids,
19 like that is necessary for people who really, but
20 genuinely have no one to guide them or no other means
21 of that. So, it's necessary. Need it.

22 CHAIRPERSON LEVIN: Thank you. And
23 thank you for being there for other young people
24 because that's how we get each other through. You
25 know, with everything going on in the world, we rely

2 on one another to make it through and, for you to do
3 that for other young people is really admirable and,
4 in addition to doing all of your schoolwork which,
5 congratulations.

6 ZAKIA GARDENER: Thank you.

7 CHAIRPERSON LEVIN: Yeah. Keep up the
8 good work.

9 COMMITTEE COUNSEL: Thank you, that
10 Zakia. Now, all: Joyce McMillan to deliver
11 testimony.

12 SERGEANT-AT-ARMS: Time starts now.

13 JOYCE MCMILLAN: Thank you, Council
14 member Levin, and everyone else who put this panel
15 together today. I want to just start by saying, when
16 school closed and mandated reporting was down, the
17 Commissioner did a lot of marketing utilizing fear
18 tactics of children who look like me being unsafe at
19 home. I want to congratulate the two young ladies
20 just spoke for their successes, but I do want to
21 point out that that is not the success of most
22 children who enter this system. In New York, 65
23 percent of children who enter the foster care system
24 enter for reasons related to neglect. 64 percent in
25 the United States. Eight percent of those children

2 enter the system for physical abuse compared to 13
3 percent in the United States and everything else in
4 between. Black children represent a larger
5 percentage of foster population than do their general
6 population, yet, ACS, better known in my community as
7 the family regulation destruction system, continues
8 to manipulate foundations and others to financially
9 invest in the decades long failures with many
10 commissioners at the helm as they continue to try to
11 get it right. The biggest problem has been and is
12 still separating poverty from neglect. So, I have
13 heard the Commissioner say, well, Mr. Hansell, if you
14 and your army of agents can't decipher between
15 poverty and neglect, you should all be fired
16 immediately. Not only are black children removed at
17 disproportionate rates, they remain in foster care
18 longer. The audit is to answer for the reason of
19 disproportionality is we are still seen as slaves in
20 this country. The 13th amendment clause was for us.
21 Black people. After the emancipation, we were locked
22 up for nonsense reasons to continue free labor. That
23 slave mentality has grown into mass incarceration and
24 foster placement. Where they destroyed children and
25 support failed outcomes by doing all the things that

2 we know will create hardships for the very children
3 they claim to protect. The first thing a child needs
4 besides their parents' love is stability. The first
5 thing removed when they enter the foster care system
6 is stability. Children change homes, schools,
7 doctors, and everything else regularly and every time
8 they change homes, their five senses are interrupting
9 and rise to orange alert. In the foster placements,
10 they see different items of color at their forced new
11 location. Children smell different scents at that
12 location. The cleaning products, lotion, seasonings
13 used, so forth and so on. Their taste, the
14 seasonings, the way the food is cooked and prepared.

15 SERGEANT-AT-ARMS: Time.

16 JOYCE MCMILLAN: They hear background
17 noises, music, television shows, the sound of the
18 authoritative figure, their touch, what they feel,
19 the sheets they sleep on, the material of the couch
20 or the chairs in the table. Their toothbrush at home
21 was made of soft bristles, now it's medium. In
22 addition to all of those changes, there is also a
23 change in the rules and regulations of each location.
24 The child is the one needing protection, so they say,
25 when they remove them, but when the case manager who

2 rarely visits the foster resident spends time with
3 the hired adult at that residence, they don't even
4 talk to the child they placed there. They spend
5 their time talking to that foster adult about the
6 problems the child is having and, basically, blaming
7 them for the problems after everything we know
8 they're going through emotionally and mentally. The
9 hired adults are happy with ACS. They tolerate--
10 Are not happy with ACS, either. They tolerate the
11 bullshit for the check. Children are placed on
12 medication for that poor behavior that we spoke about
13 and no one knows why they are exhibiting the
14 behaviors. The bottom line is New York's average of
15 removing children for reasons related to neglect, or
16 poverty that is framed as neglect, is neck and neck
17 with the national average of removals for related
18 circumstances. But the Commissioner and all his
19 agents are still confused about that. Children who
20 experience the family destruction system are harmed
21 mentally and emotionally. It doesn't take Einstein
22 to tell you this is wrong and is being done
23 purposefully because no system built to protect
24 children what do those things and claimed not to
25 understand. The failure of these children are set up

2 for it is designed to lead them into mental
3 institutions and incarceration making ACS the
4 prerequisite for their next stop. Incarceration.
5 The family regulation destruction system is designed
6 to separate families generationally for federal
7 incentives, so, I guess in that case, Commissioner
8 Hansell is doing a great job. Commissioner Hansell
9 is doing his part to bring federal dollars into New
10 York so those dollars can be distributed for high-
11 priced services that does nothing to support the
12 homes or the family life where the children
13 originated from. To stop disproportionality, we have
14 to rid our society of the false narratives,
15 surveillance, and poverty. We can begin by providing
16 financial resources to families instead of paying
17 hired adults after children are removed from reasons
18 that they should have never been removed. We can
19 also begin to utilize mandated reporters to support
20 instead of report. I was happy to hear the
21 Commissioner say that earlier, so I hope he supports
22 my next legislation because he said a lot of things
23 today that I don't believe he will really stick to
24 because it is for the aesthetics. Mandated reporters
25 are the people mainly who have relationships with the

2 families that they end up reporting, leaving people
3 no opportunity to have anyone to speak to and be
4 provided confidentiality and resources for whatever
5 issues they may be facing. No one is happy with this
6 system except those who are benefiting off the back
7 of it. Right, Jeremy Cohaban? And the rest of the
8 foster care presidents who are so fancy every day. I
9 know I am not happy. My family was touched by the
10 system 21 years ago and what they did to my children
11 still reverberates throughout my house today and I
12 won't stop. Thank you.

13 CHAIRPERSON LEVIN: Thank you, Joyce.

14 COMMITTEE COUNSEL: Thank you, Joyce.

15 What I'll call on Jeanette Vega.

16 SERGEANT-AT-ARMS: Time starts now.

17 IMANI YVONNE WORTHY: Hello. My name is
18 actually Imani Yvonne Worthy and I work with Jeanette
19 Vega as a parent leader at Rise and I'm also a parent
20 who has been impacted by the child welfare system.
21 Here is my truth and my reality. On April 19th,
22 2019, I read a news article about a white actress,
23 Jenny Mullen, who dropped her son on his head. As a
24 result, he wound up having a fractured skull. She
25 talked about how hard it was for her as a mother and

2 that she was so thankful for the staff at the
3 hospital in Manhattan. I remember reading her story
4 and her saying it was a mother's worst nightmare. I
5 felt some kind of way, though, as I read this article
6 because my nightmare as a mother was double fold.
7 When my son was injured, I became an alleged child
8 abuse her. I didn't have time to focus on the
9 devastation of my child's injuries. I was too
10 worried about losing him. I was worried that, at
11 just six months, he would go off to be raised by
12 another family, separated from me from something that
13 was unintentional. To this day, I wonder if ACS ever
14 knocked on Jenny Mullen's door. Did they go to the
15 hospital and interrogate her during her emotional
16 turmoil? She had an opportunity to write about her
17 woes in the newspaper. She was able to use her
18 voice. She had probably received so much sympathy.
19 I did not. The child welfare system should not be
20 based on punishing parents, mainly minority parents,
21 for mistakes. Instead of separating and destroying
22 families, it needs to be here and it should focus to
23 preserve and protect the family dynamic. It should
24 be culturally implicit and respectful of all
25 different backgrounds. It should aim to build

2 stronger communities and to empower families as a
3 whole, not just as one part. Now, you'll hear from
4 Jeanette Vega.

5 CHAIRPERSON LEVIN: Thank you so much.

6 COMMITTEE COUNSEL: Now, we'll call on
7 Jeanette Vega.

8 SERGEANT-AT-ARMS: Time starts now.

9 JEANETTE VEGA: Hi, everyone. I'm
10 Jeanette Vega, Rise's assistant director. At Rise,
11 we work with hundreds of parents throughout the year;
12 parents who have been affected by child welfare that
13 claim to support families in New York City. This is
14 the same system that causes trauma, stress, and shame
15 to the parents and the children. These parents that
16 we work with all are also black and brown parents and
17 parents who live in low income communities who are
18 guilty of poverty. Parents who reached out for help
19 and got a hotline call and an investigation from the
20 people they trusted during their hard times in life.
21 When we continue to structure child welfare and
22 family support as they are now, it is to continue
23 with system that is widely recognized as racist in
24 design and impact. ACS help comes with the child
25 welfare case. Families without cases cannot access

2 ACS supports. Despite the best intentions people may
3 have working within the system of protecting the
4 well-being of children, the child welfare system
5 reproduces cycles of harm and trauma that impact
6 black and brown low income communities. This is
7 unacceptable and must end. At Rise, we hear
8 constantly that families are fearful of the support
9 ACS claims to provide. I'm sure you're hearing the
10 same from your black and brown constituents. And you
11 can see it in the numbers. ACS's most recent data
12 shows that families did not utilize ACD-funded
13 preventive services during the pandemic. During
14 these most stressful months for families, even though
15 many community organizations were working non-stop to
16 support families. During the pandemic, families need
17 and still basic needs are cleaning supplies for their
18 home. Some parents don't understand technology and
19 our teachers now for their children, but the system
20 punishes families for their struggle instead of
21 providing support that is needed to de-escalate these
22 situations. So, parents rather hide their struggles
23 then reach out to any agency that is connected to
24 ACS. Obviously, parents do not trust ACS based
25 services or consider preventive supports to be useful

2 or even relevant to the actual needs that families
3 ask and say that they need. It is critical to
4 aligning city spending with family's real needs and
5 move our dollars into community supports that are not
6 connected with ACS. To be clear, that means to us
7 committing to a defined ACS and to start funding our
8 communities. I am sure that Counsel has heard and
9 seen and heard parents and advocates calling for the
10 abolition of the child welfare system. We know that
11 the current child welfare system does not work in
12 simply calling for the reform from the system will
13 not work either. We are seeking to address the pain,
14 fear, and hurt that people are carrying from a place
15 of compassion, care, and humanity. In our
16 communities, schools, sports, and school programs,
17 mental health supports, affordable and safe housing,
18 crisis service are often inaccessible--

19 SERGEANT-AT-ARMS: Time expired.

20 JEANETTE VEGA: rather than target
21 communities [inaudible 02:39:36] child welfare system
22 targets individual families. What we ask is that one
23 greater investment of city dollars in strategies such
24 as community based parent advocates, counselors, and
25 parent advocates for parents navigating children's

2 behavior, education needs, real supports that
3 families say they want. Creation of a family support
4 hotline that parents can call, confidential
5 information about community-based services with
6 parents and advocates designing that protocol and
7 assisting. When we come together with a shared
8 vision, we can transform ways of being. When we come
9 together united innovation to protect, heal, and
10 build each other starting with people most impacted
11 by systems, our collective actions have the power to
12 transform the ways we support children, parents, and
13 families in New York City. Not with punishments,
14 surveillance, and separation, but rather sensing
15 family's real needs and rights to access resources,
16 information and support. Rise and other advocates
17 are proposing today that you, the Council, be the
18 first step towards making that vision happen for our
19 families. As parent advocates impacted by child
20 welfare, we are calling out for you. We are calling
21 out for the abolition of the child welfare system.
22 Thank you.

23 CHAIRPERSON LEVIN: Thank you,
24 Jeanette. Sorry. I just wanted to ask a quick

2 question to Imani. How is everything going with your
3 family now?

4 IMANI YVONNE WORTHY: We're fine. We're
5 together again, but it was an experience.

6 CHAIRPERSON LEVIN: How long was your
7 child removed from your household?

8 IMANI YVONNE WORTHY: I want to say
9 around six months.

10 CHAIRPERSON LEVIN: Oh, my gosh.

11 IMANI YVONNE WORTHY: But I think that it
12 could be cut in half. I remember you saying that,
13 you know, the CPS workers [inaudible 02:41:26] and I
14 can believe that, but as a parent who has been in
15 [inaudible 02:41:31], what I saw was overworked
16 people. Overworked and unorganized people. I was
17 more organized than my CPS worker. So, everything he
18 said was beautiful. It sounded beautiful, but my
19 reality was completely different. Thank you so much
20 for asking about my family.

21 CHAIRPERSON LEVIN: Yeah. Yeah. Best
22 to you and your family.

23 IMANI YVONNE WORTHY: Yeah.

24

25

2 CHAIRPERSON LEVIN: And thank you for
3 being here to testify and giving your experience
4 today.

5 COMMITTEE COUNSEL: Thank you, Imani,
6 and thank you Jeanette. I'll now call on our next
7 panel. The following panelists will be Taylor
8 Thomas, Ron Richter, Jeremy Kohomban, and Jusinta
9 Ernul. We will begin with Taylor Thomas.

10 SERGEANT-AT-ARMS: Time starts now.

11 COMMITTEE COUNSEL: Taylor, it appears
12 that your audio was not working or is not on. We're
13 seeing you but we're not hearing you. Okay, Taylor.
14 We are still having technical difficulties, Taylor,
15 with your audio, so we're going to move on to the
16 next panelist at this time and see if we can figure
17 out those technical difficulties. So now I'm going
18 to call on Ron Richter.

19 SERGEANT-AT-ARMS: Time starts now.

20 RON RICHTER: Good afternoon. I'm hoping I
21 can be heard and seen. It is a pleasure to be here
22 and thank you, Chair Levin, for giving me this
23 opportunity, giving JCCA this opportunity and it's a
24 real honor to be able to present with advocates like
25 Jeanette Vega and Cheyenne and Zakia and Imani and

2 the administration. I am part of JCCA which is a
3 foster care and family services organization in New
4 York City and I appreciate Joyce McMillan's
5 authenticity in her anger with respect to a system
6 that she and other think needs to be overhauled,
7 changed, jettisoned completely. It's a system that I
8 have worked in since I was a lawyer representing
9 children and family court in 1991 and have played
10 multiple roles in what I agree is a system fraught by
11 institutional and systemic racism. My agency spent a
12 good deal of time in the pandemic providing direct
13 financial support to families much like ACS described
14 and found that ability to provide cash assistance to
15 families who were struggling in gendered great trust
16 in ways differently than we had before. And I think
17 that was an important lesson that we learned. The
18 extent to which our unconscious, implicit biases
19 affect our work and the time constraints in which
20 child protective specialists and judges all are asked
21 to do their work is the critical factor in the
22 recessed outcomes that we have and that training is
23 not enough. While some people think that predictive
24 analytics and predictive risk modeling and child
25 welfare are dangerous, they are a tool that may, in

2 fact, results and outcomes that are better, including
3 for fewer children being the subject of
4 investigations that we have now. And re-conceding
5 how we engage in child welfare practices is long
6 overdue. We have been complaining about the kinds of
7 outcomes we have had and I would urge the Counseling
8 listings for Allegheny County, Pennsylvania and
9 Denver, Colorado and--

10 SERGEANT-AT-ARMS: Time expired.

11 RON RICHTER: Los Angeles, California where
12 we are using more they are using social science in a
13 different, modern way to reduce investigations and to
14 more accurately pinpoint children who are truly at
15 risk. Again, not uncontroversial, but different and
16 more modern and that's probably more white children
17 being in the system, but a far more objective
18 approach makes things social science with human
19 error, which is why we have the biased outcomes that
20 we've been seeing from when there were 50,000
21 children in care to now there were 8500 children in
22 care. Same disproportionate number of black
23 children. So, I would urge you, Councilman Levin, to
24 focus on shifting the way we do our child welfare

2 work and science that has advanced in the last 30
3 years. I really appreciate your time.

4 CHAIRPERSON LEVIN: Thank you, Ron. I
5 will look into those other counties.

6 COMMITTEE COUNSEL: Thank you, Ron. We
7 will now call on Jeremy Kohomban from the Children's
8 Village.

9 SERGEANT-AT-ARMS: Time starts now.

10 JAMILA BOKKOM: Thank you, Chair Levin
11 and other Council members for this opportunity and
12 also for those who have already provided really
13 powerful and important testimony. My name is Jamila
14 Bokkom. I am the vice president for advancement at
15 the Children's Village and I will be sharing some
16 prepared testimony on behalf of Dr. Jeremy Kohomban,
17 the president and CEO of the Children's Village and
18 also the president of Harlem Dowling, two
19 organizations founded in New York City from the early
20 1800s. Racial disparities in child welfare are the
21 data supported fact. We often see black children
22 separated from their families faster. They penetrate
23 the system to higher levels of care faster. They
24 stay longer and, among those children aging out at 18
25 or 21, black children exit with the worst outcomes.

2 The facts are clear. If you are born to a poor
3 family of color and lived in one of our intentionally
4 and deeply segregated communities with what we know
5 our poorly resourced and failing schools, you are a
6 target family separation. There are times when
7 children must be separated from family, but it does
8 not need to happen as often as it stands. Thanks to
9 the leadership of Commissioner Hansell, we are making
10 bold steps, we believe, to reverse decades of
11 practice, however, the power of the implicit bias,
12 the very real problems caused by racial segregation,
13 and the fear among frontline staff, frankly, of
14 making the wrong decision, will continue to
15 needlessly separate families of color. While we wait
16 for the political will to create racially integrated
17 in a more equitable city, here are three actions that
18 can reduce the racial disparities. First, is
19 continue to invest in prevention services. Second is
20 invest in family enrichment centers. Our segregated
21 communities need safe and beautiful spaces staffed by
22 locally credible and skilled staff. Our three family
23 enrichment centers are doing that beautifully and we
24 need more. Finally, create residential programs that
25 provide the entire family the opportunity to

2 participate in substance abuse treatment, but 30
3 percent of families touched by child welfare report
4 at least one. Dealing with substance abuse. Among
5 middle class and wealthy families, parents' substance
6 abuse does not usually lead to family separation
7 because they have financial resources and people in
8 their lives to help protect children. However, when
9 poor and socially isolated families, parents'
10 substance abuse is a very real risk because drugs can
11 compromise the natural instincts that parents have to
12 protect their children. The bottom line is substance
13 abuse is a disease that could be treated. Evidence
14 supports the efficacy of family inclusion in
15 substance abuse treatment and children who watch
16 their parents fight the disease can be a powerful
17 support--

18 SERGEANT-AT-ARMS: Time expired.

19 JAMILA BOKKOM: in the process. And
20 being part of the treatment process allows children
21 to rebuild their own resilience. Recent federal
22 funding through the Family First prevention services
23 act provides us the opportunity to develop this
24 essential capacity in New York. What children need

2 most is the love and belonging of family. Needless
3 separation is destructive. Thank you for your time.

4 COMMITTEE COUNSEL: Thank you, Jamila.

5 I will now call on Jusinta Ernul.

6 SERGEANT-AT-ARMS: Time starts now.

7 JUSINTA ERNUL: Hi. Good afternoon. If
8 you can I was just released from the mute
9 functionality on zoom.

10 CHAIRPERSON LEVINE: Yes. Of course.

11 JUSINTA ERNUL: Thank you very much.

12 Good afternoon, everyone. My name is Jusinta Ernul
13 and I would like to thank the Chairman Stephen Levin
14 for the opportunity to share the realities of child
15 welfare and Family Court racial hatred, bigotry, and
16 gender-based violence that, unfortunately, the smoke
17 screen is there, but the fire is not being removed.
18 I am currently impacted by the child welfare system.
19 And so, as I listened to the lullaby stories was
20 nauseated. I certainly do not feel that I have the
21 liberty or the option to benefit from any of these
22 mysterious services that are available for families.
23 My family has been impacted for the last 22 months.
24 I have not been able to see my children physically or
25 in person for the last 10 months. I have been forced

2 open coerced, degraded, humiliated, demoralized,
3 undermined, and made out to be-- characterized as
4 intellectually, developmentally disabled and reduced
5 to infant like functionality unable to care for my
6 children and I am in quite shock as a system size
7 industrial engineer not with 1°, but 3°,
8 independently owned my own company to that honestly
9 not see the judicial malicious prosecution, to see
10 the corruption, healthcare fraud, and the money
11 scandals go unaccountable for to impact my children,
12 to teach them to disassociate themselves from me, to
13 teach them that I am a threat to them, to not provide
14 services and to not be held accountable is
15 astonishing. This is a multibillion-dollar, what I
16 would call the Ricoh cartel family that dominates the
17 black and brown communities and literally terrifies
18 anyone that speaks up for themselves. I was told, do
19 I know how to be timid? I was told to not use a
20 black therapist. I was told that way. Should no
21 longer have interaction with my children. My father
22 is a retired Sergeant from the New York City Police
23 Department and he was told he was too old to keep up
24 with the children. I am highly disgusted and
25 disappointed that the city Council and the ACS

2 fraudulent baby hospital to prison pipeline has not
3 stopped. This is not about a matter of giving
4 training. These people literally need to be fired
5 and held to the same standards of the criminal
6 reform. I am looking for body cams. We're looking
7 to apply the same reform for the criminal justice
8 system--

9 SERGEANT-AT-ARMS: Time expired.

10 JUSINTA ERNUL: to be applied to CPS
11 criminal justice system. There was nothing civil
12 about CPS. We are treated like inmates and the
13 conditions are unbefited for even animals to survive.
14 And my heart goes out to those two young ladies who
15 need ongoing support because they want their coaches.
16 Well, mother who comes from a two parent home and
17 also the father from a two parent home and ACS would
18 rather pay a foster care stranger money to take care
19 of my kids where it almost ended up in a criminal
20 activity because we have over 50 family members and
21 there was no need for ACS intervention to not offer
22 us the court ordered supervision as they offered the
23 white and Asian children and to falsely put my
24 children into foster care. Not only am I disgusted,
25 I am angry that I have called everyone within ACS.

2 No one answers the telephone. No one responds to
3 emails. You get sent around when you contact the ACS
4 ombuds group. They, literally, the cycle you back
5 through the most abusive, predatory sex offenders who
6 invest in human trafficking of children. I am
7 disgusted to know that my children had to go on
8 political asylum to the state of Virginia to prevent
9 them from being put into a stranger's house because
10 you have a case social worker by the name of Jennifer
11 Goldstein who says she can lie to the judge and get
12 away with it. So, ACS has been known to twist
13 children's testimonies around, to twist and
14 misrepresent Dr. medical records, as well as
15 clinicians and third-party collateral support. This
16 system is not broken. It is designed for them as
17 incarceration, poverty, homelessness, drug abuse, and
18 gang association. And the fact that we are sitting
19 herein gave them two hours to put everyone to sleep
20 with the lullaby story is a shame on everyone because
21 it is a complicit, straight up racist bigotry system
22 I have ever met and what I would like to know is when
23 are they going to return my children? I not only own
24 one home, I own several. The whole reason I was told
25 to so multibillion-dollar property to invest into the

2 most fraudulent child welfare system which is
3 equivalent to a Jerry Springer show. So, I am
4 looking for the resources to speak to someone about
5 returning my children, to complying with the court
6 orders, and to provide the child welfare services
7 that were said to be offered to all, but only to
8 certain ZIP Codes. This situation is no different
9 than the coronavirus when we had the first initiation
10 of the PPE masks. The black communities were beaten.
11 They were assaulted and arrested and they were
12 institutionalized for the beginning of the
13 coronavirus. In comparison to the affluent
14 communities, they were incentivized and encouraged to
15 use the masks and so you see the same perils that
16 exist in the Department of Education. You see it
17 exist in the rollout of coronavirus but, however, the
18 coronavirus pandemic model only illustrated the
19 inequities of child welfare system, Dave Hansell
20 should be fired from his position. Avila should be
21 fired. Ms. Neggie [inaudible 02:59:11] should be
22 fired, Mr. Constance, and Ms. Depora [sp?]. never
23 should anyone hang the phone up on me and I have to
24 call the police to get involved because of kidnapping
25 and not letting me know where my children are and,

2 according to the ACS handbook, if it's outdated, we
3 need to get an updated copy. Why am I not allowed to
4 read to my children, to do homework with my children,
5 the to be involved in their life? My children are
6 not orphans. They come from a very well-founded
7 family that is privileged and is not poor. So, this
8 situation is not even about poverty. It's not even
9 about drug abuse. You can check all my medical
10 records. The fact that I have been coerced to take
11 eight mental health evaluations, a series of mental
12 evaluations that is not needed but all prove there is
13 nothing wrong with me and that I do not need
14 medication. But CPS and ACS General Counsel have
15 taken it upon themselves to become medical doctors
16 without the license, the training, or the
17 requirements to certify, diagnose, prescribe, and
18 recommend that I get on drugs in order to get my kids
19 back, which is equivalent to the opioid epidemic
20 where people are taking the positions of physicians
21 to prescribe medication. They put little girls in
22 positions of college graduate students with no lived
23 experience, and no children--

24 CHAIRPERSON LEVINE: Jusinta?

25

2 JUSINTA ERNUL: to work at debutante to
3 harass and torture the community. I'm sorry. If you
4 will just allow me because I just listened to two
5 hours of a lullaby story and I am outraged that I
6 have not been able to see my children when everyone
7 else has been able to see their children or return
8 them back. Thank you.

9 CHAIRPERSON LEVINE: Understood.
10 Justina, if we could follow up from this testimony in
11 the coming days? I'm happy to talk with you and go
12 through the specifics of your situation and work with
13 you--

14 JUSINTA ERNUL: Yeah. I went to your
15 office in Brooklyn since 2019 and I did not receive
16 any help. My case should have never taken 22 years.
17 I should've never been extorted for 3000 a month. My
18 parents should never have been extorted for 300,000.
19 This is a scandal and we are outraged. There should
20 not be government immunity granted to the CPS case
21 workers. They should carry license insurance just
22 like the medical doctors and we need universal
23 justice. The same body cams that the police officers
24 have to wear, the CPS advisors should have to wear

2 them, as well. This is a very corrupted, inhumane,
3 choral system that is on befitting for--

4 CHAIRPERSON LEVINE: So, Justina, if
5 you've spoken with my staff, I'll follow up with them
6 and they-- they have your contact information?

7 JUSINTA ERNUL: I spoke with Elizabeth
8 Adam in 2019 and I will definitely--

9 CHAIRPERSON LEVINE: Okay.

10 JUSINTA ERNUL: like to speak to you
11 again and also with Dave Hansell's team. I was told
12 that I need attorneys to speak to their team. They
13 refuse to talk to my family and I and they cherry
14 pick parents they want to speak to. So, it's a--

15 CHAIRPERSON LEVINE: Okay.

16 JUSINTA ERNUL: complete white supremacist
17 brain washing sort of epidemic.

18 CHAIRPERSON LEVINE: Justina, I will
19 follow up with Elizabeth and we'll be in touch with
20 you. Okay? And we'll--

21 JUSINTA ERNUL: And I hope before-- my
22 son's birthday just passed and he could not spend
23 time with his mother and my daughter's birthday
24 coming up, as well. I would like to have a
25 turnaround answer within 24 hours if possible.

2 CHAIRPERSON LEVINE: Okay.

3 JUSINTA ERNUL: It's been two years.

4 CHAIRPERSON LEVINE: And if you don't
5 hear from me, feel free to send me an email, as well,
6 if we are unable to locate your contact information.
7 I commit to that.

8 JUSINTA ERNUL: And not only a follow
9 up. I'm looking for answers.

10 CHAIRPERSON LEVINE: Well, I will do
11 whatever I can.

12 JUSINTA ERNUL: Thank you.

13 CHAIRPERSON LEVINE: You got it. Thank
14 you.

15 COMMITTEE COUNSEL: Thank you, Jusinta.
16 I'm now going to call again Taylor Thomas.

17 SERGEANT-AT-ARMS: Time starts now.

18 COMMITTEE COUNSEL: All right. It
19 appears that Taylor is not with us at this time. So,
20 we will circle back. I will now call up our next
21 panel. Our next panel will be in the following
22 order. Jim Purcell, Damon Kelly, Tara Coles, and
23 Teyora Graves. And we are going to begin with Jim
24 Purcell.

25 SERGEANT-AT-ARMS: Starting time.

2 JIM PURCELL: Thank you. Thank you,
3 Commissioner Levin, for this opportunity. We
4 submitted testimony, of course, the Council of Family
5 and Childcaring Agencies, as you know, represents all
6 of the prevention services and the foster care
7 agencies in New York City and most of them across the
8 state. I think I want to commend the Committee and
9 US Chair for convening this discussion. This is an
10 issue that we need to talk about. We need to take
11 action on and it is, as you pointed out at the
12 beginning, the disproportionality impact on,
13 especially, the black community is true not only in
14 New York City, but in every large urban area of the
15 country and I think the events of this summer have
16 caused everyone to reconsider what we do and how the
17 system functions. I just want to touch on a couple
18 of points. First, I think that the Commissioner--
19 my view is the Commissioner did a good job in his
20 presentation today. ACS has taken a number of
21 groundbreaking steps to make the work that we all do
22 more effective. The reduction in the number of
23 children in foster care, I was around when it was
24 51,030 years ago. I never thought I would see the
25 numbers this low. It is an amazing success. And we

2 have got more to do. Until COVID shut everything
3 down, we were continuing to see fewer kids in foster
4 care, literally, every month. That has reversed in
5 the last couple of months mostly because the courts
6 have not been opened for the most part. But, not
7 even there, our agencies have been working with the
8 city where possible to return kids home pending court
9 orders when they reopen. I need to give another
10 shout out. Someone mentioned it earlier, but the
11 biggest reform in the whole system that I have seen
12 it all the time I have been involved in it was
13 Senator Montgomery's bill last year which is now law
14 which changes the level of evidence used in child
15 protective investigations. Some credible evidence is
16 allowable so low that most attorneys don't quite know
17 what it is. Some credible evidence means it could
18 have happened. That is no basis for indicating a
19 case against a family and changing it to a
20 preponderance of the evidence, which is what 42 other
21 states have been using, I think, will have
22 considerable impact on how this system functions.
23 It's unfortunate it's going to take another year to
24 get implemented, but I think we should be moving on
25 it as quickly as we can. I also want to follow up on

2 a comment that Ron Richter made which is that I think
3 we've all learned a lot through COVID. I just was on
4 a panel nationally and pointed out that, I think,
5 during the early months, especially, of COVID, our
6 caseworkers and prevention and foster care spent more
7 time delivering laptops and making sure--

8 SERGEANT-AT-ARMS: Time expired.

9 JIM PURCELL: cleaning supplies, then the
10 kinds of work that we traditionally do. It has
11 improved the connections and the relationships as
12 families were able to see the staff of these agencies
13 providing real, hands-on help. I will close by
14 saying that our Board of Directors that CAFCA has
15 taken on racial justice as a top priority and the
16 Chair of-- one of the three co-Chairs of the group
17 is Damyn Kelly who I think will speak next to you is
18 the Executive Director of Lutheran Social Services.
19 And, with that, all and happy to answer any questions
20 you may have.

21 CHAIRPERSON LEVINE: Thank you, Jim.

22 COMMITTEE COUNSEL: Thank you, Jim.

23 I'm going to call now on Damyn Kelly.

24 SERGEANT-AT-ARMS: Starting time.

2 DAMYN KELLY: Thank you. Good afternoon,
3 Chairman Levin. My name is Damyn Kelly. Dr. Damyn
4 Kelly and I'm the president and CEO of Lutheran
5 Social Services of New York, as well as Jim
6 indicated, the co-chair of the Racial Justice
7 Committee of CAFCA. You know, made by individuals
8 who have spoken already and we need to understand
9 that we are working in the system that has had its
10 roots in systemic and institutional racism, but that
11 doesn't mean that there haven't been advancements or
12 changes to reduce the impact of race as part of the
13 foster care system. We have learned, over the past
14 couple of months because of the pandemic, the impact
15 of race in our everyday lives and I think what has
16 happened is that a lot of people were led to believe
17 that incidents of racism decreased because we elected
18 the first black president. We, as a society, as a
19 system, cannot be afraid to talk about racial issues
20 and I will give ACS credit for one thing. That they
21 are one of the few city agencies-- and Lutheran
22 Social Service is a multi service organization who
23 has contracts with many different city agencies. ACS
24 is one of the only city agencies that has regularly
25 had conversations about the racial impacts of their

2 programs and services and that they deserve credit
3 for. I also want to say, in response to Ms. Vega and
4 Ms. Imani's comment that the family enrichment
5 centers are a perfect way to get the community
6 support to individuals in need. I was one of the
7 developers and implementers of the first family
8 enrichment Center in the South Ward of Newark New
9 Jersey where this concept in New York has, basically,
10 come from. And I will tell you the intermittent
11 contact of those centers with members of the
12 community makes a big difference. As Jim indicated,
13 by staff have been delivering laptops, have been
14 delivering food, have been delivering masks, have
15 been delivering all types of supplies to the families
16 we work with. And so, we understand that part of
17 this work involves true community engagement. It's
18 not perfect. We don't live in a perfect society. We
19 don't live in a colorblind society, but I have to
20 give ACS credit for being one of the few agencies who
21 recognizes the racial impact and is doing something
22 about it.

23 SERGEANT-AT-ARMS: Time expired.

24 DAMYN KELLY: Thank you.

2 CHAIRPERSON LEVINE: Thank you, Mr.
3 Kelly. You can finish if you have more.

4 DAMYN KELLY: No. I'll defer. I know
5 other people need to speak. Thank you.

6 CHAIRPERSON LEVINE: All right. Thank
7 you, sir.

8 COMMITTEE COUNSEL: Thank you so much,
9 Mr. Kelly. I'll now call on Tehra Coles.

10 SERGEANT-AT-ARMS: Starting time.

11 TEHRA COLES: Good afternoon. My name is
12 Tehra Coles. I am the litigation supervisor at the
13 Center for Family Representation. CFR represents
14 about 3000 parents in Queens and Manhattan every year
15 and, every year, at least 90 percent of those clients
16 are black, brown, or people of color. They are all
17 poor. Many of them are suffering from a lack of
18 access. Many face housing insecurity and most of
19 them are unfamiliar with how the family regulation
20 system works. There have been many a time-- many
21 times in my career where my client and I are the only
22 black people in the courtroom. We know that the
23 separation of children from their parents or even the
24 threat of it is among the most potentially
25 consequential, dramatic, and harmful acts that the

2 government can take. This authority that the
3 government has should bring with it the protections
4 that provide necessary counterweights to that power.
5 This is especially true in a system that, by all
6 accounts, targets, investigates, and separates
7 families of color. When families of means are
8 investigated, they have access to information by
9 virtue of the privilege in the ability to obtain
10 support when people who are poor do not. Information
11 is power and sharing information connotes respect.
12 Those in power often withhold information as a weapon
13 of control, often under the guise of looking out for
14 the greater good. Currently, ACS is opposed to
15 giving parents this information. The impact of this
16 is that parents are in the dark about their rights
17 when being investigated by the city. The city
18 disempowers parents and fails to show them respect by
19 limiting and trying to control their choices during
20 investigations. If the city were interested in
21 empowering parents and respecting them, they would
22 explain to them during an investigation that, no,
23 they don't have to allow their child to be stripped
24 and physically examined by the worker who just showed
25 up at their doorstep. That, no. They don't have to

2 sign a blank medical release. That they don't have
3 to tell them the intimate details of their private
4 lives but that, yes. Anything they say or anything
5 that they say could be used against them in a
6 petition or an application to remove their child. To
7 be clear, the allegations that most of the petitions
8 we see in family court include are related to
9 poverty, but other examples include that parents
10 cosleep with their babies or that they smoke
11 marijuana or that they had a fight in the presence of
12 their child. We know that the cities and others have
13 opposed to giving parents this information and that
14 the arguments that they have are very similar to what
15 we hear from those opposed to the reforms in the
16 policing system. If you make this change, then we
17 can't do our job. The city has also claimed that
18 requiring CPS workers to inform parents of their
19 right will turn an investigation into something of a
20 police encounter. Well, to the extent--

21 SERGEANT-AT-ARMS: Time expired.

22 TEHRA COLES: systemic racism is in part
23 characterized by a lack of awareness on the part of
24 those in power, this too reflects an ignorance of
25 what we hear from parents all the time and what we

2 have all been hearing today from parents. That ACS
3 is not viewed well in communities. For many parents,
4 ACS is the police. Perhaps worse because of the
5 stakes. The city has also said that giving this
6 information would potentially interfere with an
7 investigation, but that is not our experience when we
8 can intervene early. ACS always has the power to
9 remove children that it believes a threat of harm to
10 a child is imminent. Access to information in legal
11 and social work support just means a parent has the
12 support when facing a large and powerful government
13 force. This is why we urged the city Council to
14 immediately pass a resolution calling on the state
15 legislature to pass the Miranda bill, also sponsored
16 by Senator Montgomery, pending in the Senate now. We
17 know that there is also similar legislation, I
18 believe introduced by you, Chair Levin, about
19 requiring rights to be given to parents at first
20 point of contact. These are things that could be
21 done now that could help families now that are
22 suffering from this system that is plagued by
23 systemic racism. The system cannot support and
24 respect parents of color while also perpetuating
25 systemic racism by refusing to give unbiased

2 information to parents when they are being
3 investigated. The city does not deny that it
4 prosecutes black and brown people at higher rates
5 than any other group, but if it not required to
6 information those it investigates of even their most
7 basic rights, it further disempowers them and harms
8 black and brown parents and their children.
9 Disempowerment is a hallmark of systemic racism. One
10 that information can at least help to address.

11 CHAIRPERSON LEVINE: Thank you, Ms.
12 Coles.

13 COMMITTEE COUNSEL: Ms. Coles. I'm
14 going to call on Teyora Graves followed by Taylor
15 Thomas. Taylor--

16 CHAIRPERSON LEVINE: Before that, I--

17 SERGEANT-AT-ARMS: Starting time.

18 CHAIRPERSON LEVINE: Oh. Before that, I
19 just wanted to acknowledge we have two birthdays from
20 the people who just testified. Jim Purcell and Ron
21 Richter both celebrated birthdays in the last couple
22 of days. Happy birthdays. Thank you. Now turning
23 it over to Ms. Graves.

24 TEYORA GRAVES: Good afternoon.

25 SERGEANT-AT-ARMS: Starting time.

2 TEYORA GRAVES: My name is Teyora Graves
3 and I am a senior parent advocate for the Center for
4 Family Representation or CFR. I am also an impacted
5 parent. Over the last 11 years, I have seen that not
6 only does the system disproportionately impact black
7 and brown families, but once caught in the system,
8 families are not treated with the respect they
9 deserve. Over the past several years working as a
10 parent advocate, I have personally seen how
11 dehumanizing and racist the system continues to be
12 when it comes to people who look like me. A prime
13 example of this is how our children are treated when
14 they are removed from our care and sent to the
15 children's center where they await placement. We
16 have clients whose teenaged children are placed in
17 the children's center and then allowed to come and go
18 as they please without their parents being informed.
19 We have heard reports of some children engaging in
20 prostitution. Parents who have been accused of
21 neglect are not taken seriously when they raise these
22 concerns, but rather they are treated as if they have
23 forfeited their right to be outraged if their
24 children are arrested. The lack of respect and the
25 racist overtones extends into the system. The whole

2 system, including ACS conferences and in court. I
3 have personally observed a parent repeatedly being
4 asked by a caseworker whether she was pregnant by the
5 same father of her older daughter. When my client
6 repeatedly said that the baby had the same father,
7 the worker eventually said, wow. That's a first.
8 One of our CFR clients was repeatedly asked if he was
9 sure if he was the father of the child. One ACS
10 prosecutor called our client selfish for seeking
11 visits with her child during the pandemic. We have
12 seen favorable settlement offers being withheld even
13 for parents who have their children at home and who
14 are fully compliant in service plans because, to
15 quote one ACS prosecutor, they are young and they may
16 have more children in the future, so they want a
17 finding of neglect to be made on the record. One CFR
18 client was told by a caseworker at a conference that
19 she was trying to sound more white because of how she
20 pronounced her last name. There are more examples
21 like this and we know that parent advocates from
22 across the city have similar experiences. These
23 examples reflect the racism and the disrespect that
24 those caught in the family regulation system face on
25 a daily basis. This system that presents itself as

2 carrying about children and families, in reality, it
3 disproportionately targets black and brown families
4 and it fails to treat them with respect. For race
5 and equality issues, it cannot be business as usual
6 at ACS. Our experience is that some problems are
7 acknowledged by ACS leadership, however, the policies
8 and initiatives that have launched have failed to
9 trickle down to where it matters. We urged the city
10 Council to create a standing commission independent
11 of ACS to be tasked with the responsibility of
12 reviewing and approving existing and proposed
13 policies that have the goal of dismantling--

14 SERGEANT-AT-ARMS: Time expired.

15 TEYORA GRAVES: in addressing racist
16 remarks and behaviors. The commission must have
17 decision-making authority and the city must commit to
18 implement their recommendations. The commission must
19 be made up of families and youth who have been
20 directly impacted by the system in addition to the
21 advocates and ACS representatives. The damage the
22 system has done and continues to do to black families
23 has gone unchecked for way too long. Families
24 deserve voice and choice when it comes to what
25 happens to their families. Thank you.

2 CHAIRPERSON LEVINE: Ms. Graves, can I
3 ask a quick follow-up question? You mentioned
4 something about those policies trickling down to
5 frontline staff and I asked a little bit about that
6 with regard to ACS attorneys. Is that something-- I
7 mean, is that something that you see a lot of? You
8 know, the attitude of frontline staff or the actions
9 taken by frontline staff are just not-- don't match
10 up with what we are hearing from leadership?

11 TEYORA GRAVES: Yes. It is. And I
12 actually am a member of the commission that
13 Commissioner Hansell mentioned and we are working and
14 have disclosed and been very transparent that we are
15 frontline staff. We are boots to the ground staff.
16 We are seeing what happens in our families our
17 experience these things and, when we are bringing up
18 policies, a lot of the times FCLS for that ACS
19 prosecutors, they look to these caseworkers to
20 provide them with information. So, if the caseworker
21 doesn't have it, then it doesn't get implemented in
22 court. So, unfortunately, that is true and that is
23 something that we have discussed and continue and we
24 are willing to continue to discuss that at the table
25 with the Commissioner and the rest of the cabinet.

2 CHAIRPERSON LEVINE: Do you see issues
3 in terms of like the structure of FCLS in terms of
4 how they are implementing Qaeda policy? I mean, it's
5 hard to kind of matchup kind of big picture policy
6 where there are individual cases being litigated, but
7 do you see that as kind of a significant mismatch
8 there in terms of those two, you know, sets of
9 priorities?

10 TEYORA GRAVES: Yes. In the better part
11 of last year, I actually joined with Jeanette Vega
12 from Rise magazine and did a training for her new and
13 incoming FCLS attorneys and one of the things that
14 was very disheartening was from the gate; from the
15 training from the door where they enter into the
16 system. They were not discouraged on using race, you
17 know, poverty, implementing into the programs and the
18 systems and even the policies that they were talking
19 about. It was actually encouraged to dehumanize a
20 parent as coming late and things like that. So, I
21 definitely think from the door and from the training
22 standpoint, there is definitely a mismatch.

23 CHAIRPERSON LEVINE: Okay. And it's
24 something that I think we should be looking at

2 because they have a lot of discretion. A lot of
3 power.

4 TEYORA GRAVES: Absolutely.

5 CHAIRPERSON LEVINE: Thank you so much.

6 TEYORA GRAVES: Thank you.

7 COMMITTEE COUNSEL: Thank you, Ms.

8 Graves. We will now call on Taylor Thomas.

9 SERGEANT-AT-ARMS: Starting time.

10 TAYLOR THOMAS: Hello?

11 COMMITTEE COUNSEL: We can hear you,
12 Taylor.

13 TAYLOR THOMAS: Okay. Thank you so much
14 for working with me through the technical
15 difficulties. I apologize. And I also want to take
16 a moment to thank the Council for the opportunity to
17 share on this platform. So, my name is Taylor
18 Thomas. I want to also say that I am a social worker
19 and I do work for a non-profit in the Bronx. And my
20 story began-- you know, me and my partner, Joseph,
21 became involved with ACS on June 1st after our
22 daughter who was four months old at that time fell
23 from our bed. I was at work and, you know, Joseph
24 called me to tell me what had happened and I
25 immediately rushed to meet him and my, Blair, at

2 Montefiore Hospital. We brought our daughter there
3 because we wanted to make sure she was okay. She had
4 fallen off of our bed and our main concern was making
5 sure that we get her attention and we put our trust
6 in the medical professionals there at Montefiore, but
7 what we were met with was a humiliating and
8 criminalizing process where we were then reported to
9 the state central registry and accused of child
10 abuse. And that treatment of my family and I-- that
11 my family and I experienced from the medical
12 professionals there and then, subsequently, the
13 administration of children's services has left our
14 family traumatized. And from what I am confident is
15 varying forms of institutional racism. I have said
16 and I can honestly say to this day that I have never
17 felt more blacker in my life than I did in the
18 emergency room and the days that followed after ACS
19 became involved. My daughter at that time received
20 no medical treatment during our three-day stay at
21 Montefiore, but we were seen by multiple social
22 workers and the New York City Police Department,
23 Bronx child abuse squad who were sent to interview
24 me. I was questioned about my family and the most
25 intimate details of my life again and again and,

2 rather than being treated with compassion and care, I
3 was interrogated and talked down to. It was the most
4 embarrassing, intimidating, and terrifying experience
5 of my life, especially considering that I was in a
6 room during the height of COVID with other mothers
7 the fact that the hospital suspected me of child
8 abuse was never outright confirmed with words, but
9 through their actions. Though I was questioned
10 repeatedly, the basic questions that I asked hospital
11 staff who were in charge of the medical well-being of
12 my child--

13 SERGEANT-AT-ARMS: Time expired.

14 TAYLOR THOMAS: and whether it was going
15 to be okay, those were not answered and I was treated
16 not as a patient's mother, but as a criminal. ACS
17 then followed the hospital's lead and rushed to
18 conclusions about my family, who we were, disregarded
19 every good thing about Joseph and myself in us as
20 Blair's parents like our loving partnership and the
21 preparations we had made for our daughter. ACS
22 recommended that my daughter immediately be placed
23 into foster care without even considering that my
24 family has strong kinship ties and a large network of
25 support. Ultimately, I was allowed to live with

2 Blair, but under my mother's supervision and my
3 partner, Joseph, he was forced to leave our home. In
4 my meetings with ACS and preventative services, I
5 discussed my beliefs that the child welfare system
6 has always been designed to destabilize families of
7 color, put fathers in absentee roles, and criminalize
8 black women. My experience has shown me that this is
9 correct. This is how the child welfare system has
10 functioned in my life. This is how the system is
11 designed. This is how it is impacted Joseph's life
12 and, more importantly, my daughter's life. I am
13 afraid to stand up for my family because, when I have
14 defended myself and my family to ACS, I was called
15 intimidating and difficult, which is a clear example
16 in my mind as a micro-aggression. As a woman and an
17 African-American, I have unfortunately learned to be
18 careful now and how I advocate for myself and my
19 family because I am all too aware that I hold no
20 power over ACS. Instead, they have the power to
21 destroy my family like they have so many others.
22 This is experience has driven home for me that,
23 despite the love and care Joseph and I have for our
24 daughter, despite our stability of the two parent
25 household, despite our college education and

2 employment, I am seen primarily as black and,
3 therefore, inherently suspect by the child welfare
4 system. Despite our efforts, we are still subject to
5 overwhelming forces of institutional racism and this
6 experience has humbled me and has served as a stark
7 reminder of my blackness. After two months of a two
8 month long hearing, Joseph was able to reunite with
9 our family and we feel we have been vindicated.
10 However, to this day, getting a knock on the door
11 scares us. We are absolutely terrified that our
12 child will be stolen from us by ACS and really is a
13 clear indication of the trauma that we have
14 experienced. We have accepted that an unfortunate
15 accident happened on June 1, but we do not and will
16 not accept the outdated, racist, and oppressive
17 policies and practices of the child welfare system.
18 Thank you for taking the time to listen to me today.

19 CHAIRPERSON LEVINE: Thank you very
20 much, Ms. Thomas. I think that is some of the most
21 impactful testimony that I have heard in a very long
22 time and I think-- I don't think there's a parent
23 out there that hasn't had the child fall down and
24 wanted to call their doctor call the hospital and the
25 fact that you did that, you know, to make sure that

2 your child was okay-- because I know the feeling--
3 and to be treated that way and to-- for that
4 treatment to turn into a nightmare, into an ongoing
5 nightmare. I mean, it's been five months since that
6 is happened. I can only imagine. So, I want to
7 thank you for testifying and, if there is any way we
8 can keep in touch, I would appreciate that.

9 TAYLOR THOMAS: Thank you. Thank you so
10 much for taking the time to listen and thank you for
11 saying that.

12 CHAIRPERSON LEVINE: Yeah. Thank you.

13 COMMITTEE COUNSEL: Thank you so much,
14 Ms. Thomas, for your testimony. I am now going to
15 call him our next panel. In the following order, we
16 will hear from M. Mena, Dawn Mitchell, Brian Jones,
17 and Miriam Mack. And we are going to begin with M.
18 Mena.

19 CHAIRPERSON LEVINE: Sorry, Aminta. One
20 more question for Ms. Thomas. I'm sorry. Did you
21 have legal representation in all of this? I don't
22 know if you're still there. Did you have--

23 TAYLOR THOMAS: Hi. Hello.

24 CHAIRPERSON LEVINE: legal
25 representation?

2 TAYLOR THOMAS: I did. I did. I'm
3 actually-- I continue to have just the amazing
4 support from the Bronx Defenders.

5 CHAIRPERSON LEVINE: Okay.

6 TAYLOR THOMAS: Super, really, really
7 amazing support.

8 CHAIRPERSON LEVINE: Okay. That's very
9 good to know. Thank you.

10 TAYLOR THOMAS: Thank you.

11 COMMITTEE COUNSEL: Thanks again, Ms.
12 Thomas. I'm going to call now on M. Mena.

13 SERGEANT-AT-ARMS: Starting time.

14 M. MENA: Good afternoon. My name is
15 M. Mena and I am a policy and budget analyst at CCC,
16 a multi-issue child advocacy organization dedicated
17 to ensuring that every New York child is healthy,
18 housed, educated, and safe. Thank you, Chair Levin
19 and the other members of the Committee, for the
20 opportunity to testify. In our testimony, we
21 highlight the disparate impact of COVID-19 on black
22 and Latin X communities. We highlight, as well, the
23 fact that poverty is a significant driver of child
24 welfare involvement. In New York City, black and
25 Latin X families have some of the highest poverty

2 rates in the city. They make up 80 percent of child
3 welfare investigations and 89 percent of the foster
4 care population, despite being 57 percent of New
5 York's child population. Finally, we also discuss--
6 Sorry. Draw attention to the critical role that
7 preventive service system has played in responding to
8 the height and needs of families during the pandemic.
9 There is a need not only for continued monitoring of
10 the new preventative service contracts put in place
11 on July 1st, but also ensure that the system will be
12 protected from state and local budget cuts in the
13 coming month and year. According to a recent report
14 by UHF, 2400 black and Latin X children from the
15 Bronx, Queens, and Brooklyn lost at least one parent
16 in the first few months of the pandemic. This figure
17 represents 57 percent of parental loss for the entire
18 state of New York. The majority of these deaths in
19 the city are concentrated in communities of color and
20 immigrant households that were already struggling
21 with poverty, housing-- excuse me. Housing
22 instability and poor health. Also, 325,000 children
23 have been plunged into or near poverty, a figure that
24 should worry us considering that the city was already
25 grappling with more than one in five children living

2 in or near poverty. We are concerned about the
3 safety, stability, and well-being of black, Latin X,
4 and immigrant children and their families. As a
5 result of worsened economic and social conditions due
6 to the pandemic, the related economic fallout, and
7 declining referrals to preventative services. There
8 is a relationship between high rates of child welfare
9 involvement in high rates of poverty such as
10 community districts in the Bronx where over 54
11 percent of children in districts like Mount Haven and
12 Hunts Point live in poverty all in Manhattan in the
13 Lower East Side, over 43 percent of children live in
14 poverty and, and Brooklyn, it's Bushwick district and
15 42 percent of children live in poverty. And I'm
16 just highlighting a few of the districts with the
17 highest poverty rates. New York City also has one of
18 the largest preventive service systems in the country
19 offering diverse services that prevent foster care
20 placement. Since 2007, the number of children in
21 foster care has decreased steadily. It behooves us
22 to ensure that all of New York's children and their
23 families are safe and well resourced. We believe
24 pandemic recovery requires protecting and expanding
25 investments in child welfare prevention. We

2 encourage the committee and all Council members to
3 champion this effort to protect these crucial
4 resources and to redouble their efforts to address
5 the racial disparities in the city's child welfare
6 system. CCC looks forward to continued partnership
7 with the committee to improve outcomes especially for
8 black, Latin X, and immigrant families. Thank you.

9 COMMITTEE COUNSEL: Thank you, M. I
10 will now call on Dawn Mitchell.

11 SERGEANT-AT-ARMS: Starting time.

12 SERGEANT-AT-ARMS: This is chief Sergeant
13 Rafael Perez. It appears that we can't hear Ms. Dawn
14 Mitchell. You are unmuted, but we can't hear you.

15 COMMITTEE COUNSEL: All right. We're
16 going to circle back to Dawn and we'll move on to
17 Brian Jones at this time.

18 SERGEANT-AT-ARMS: Starting time.

19 BRIAN JONES: Hi. Good evening. My name
20 is Brian Jones and I'm a senior attorney with the
21 Family Defense Practice at Brooklyn Defender
22 Services. Every year, our family defense practice
23 represents 4000 parents in family court and over 600
24 parents who are facing an ACS investigation. Thank
25 you to the New York City Council General Welfare

2 Committee for holding today's important hearing. I
3 am a member of BDS' early defense team which provides
4 advocacy to parents during the initial stages of an
5 ACS investigation. Our early defense practice would
6 not be possible without the generous support of city
7 Council and we are thankful for that. Our goal is a
8 practice is to avoid court filings and to avoid
9 children being separated from their families. Cases
10 involving common family problems such as drug or
11 alcohol use or living with a mental health condition
12 should be resolved outside of court as they are for
13 families who endure racial and economic privilege or
14 who live in neighborhoods that have little or no ACS
15 surveillance. Our advocates connect with parents
16 during one of the most frightening moments for their
17 families when they say pressured to say yes to
18 anything and ACS worker asks. With our help, parents
19 better understand what an ACS investigation looks
20 like, who the players are, and the risks that are
21 involved. In our experience, parents are often very
22 willing to engage with ACS, but only once they
23 understand the process and their rights. Early
24 defense and right to counsel is the racial equity
25 issue. Parents who are black and brown deserve legal

2 advice and representation when ACS is involved in
3 their lives, just like more resourced families have.

4 ACS has opposed to this right to counsel at this
5 stage and, if ACS truly believes in racial equity,
6 but then they should support a parent's right to
7 counsel during this investigative stage.

8 Unfortunately, for families of color, though, and ACS
9 investigation too often leads to family court case in
10 the system plagued with inequities and delays that
11 often results in the removal of children, fact-
12 finding hearings that take years to resolve, and
13 foster care placements that years on end. When
14 litigants enter Family Court, they are greeted by
15 metal detectors and armed court officers. The
16 presence of officers escalates rather than de-
17 escalate the very emotional and tense dynamics of
18 Family Court. Under the pretext of maintaining order
19 and protecting children, armed court officers and
20 judges alike respond to parents who are emotional as
21 though they pose threats to the courthouse. The
22 presence of armed court officers is yet another
23 reminder that the family regulation system polices
24 and controls communities of color. We are asking the
25 Council to enact bills that provide parents with

2 support, not surveillance, and make ACS accountable
3 to the communities it serves and we agree with the
4 Chair that had a crucial part of limiting ACS
5 investigations is providing trainings to mandated
6 reporters to educate them about the implications--

7 SERGEANT-AT-ARMS: Time expired.

8 BRIAN JONES: for ACS investigations.

9 Thank you for your time.

10 CHAIRPERSON LEVIN: Thank you, Mr.
11 Jones.

12 COMMITTEE COUNSEL: Thank you, Brian.
13 I will now call on Miriam Mack.

14 SERGEANT-AT-ARMS: Starting time.

15 COMMITTEE COUNSEL: Okay. We have
16 either lost Miriam on this connection, but we will
17 circle back. I'll now circle back again to Dawn
18 Mitchell.

19 SERGEANT-AT-ARMS: Starting time.

20 SERGEANT-AT-ARMS: Yeah. We're not hearing
21 you, Ms. Mitchell. No.

22 COMMITTEE COUNSEL: We're not hearing
23 anything on audio on our end. We see you, but we
24 cannot hear you. So, I'm going to have to circle
25 back. At this time, I will call up our next panel.

2 Our next panel in the following order will be Karla
3 Johnson, Helen Montalvan, Zachary Ahmad, and Karen
4 Freedman. We're going to start with Carla Johnson.

5 SERGEANT-AT-ARMS: Starting time.

6 KARLA JOHNSON: Bear with me. Hi. Good
7 afternoon. My name is Carla Johnson and I am a
8 senior staff attorney in the Kinship Caregiver Law
9 Project at Mobilization for Justice, Inc. Also known
10 as MFJ. MFJ's Kinship Caregiver Law Project helps
11 stabilize families by providing civil legal
12 assistance to the caregivers raising children who are
13 not biologically their own. MFJ works to prevent
14 these children from entering the truth - all foster
15 care system by representing caregivers in custody,
16 guardianship, and adoption proceedings. MFJ's
17 Kinship Caregiver Law Project is the only program in
18 New York City that exists solely to assist kinship
19 caregivers with their legal needs. Research shows
20 that black and Latin X families and children who are
21 living in poverty have heightened exposure to social
22 service systems, increasing their exposure to
23 mandated reporters and the child welfare system.
24 According to the national conference on state
25 legislatures, 33 percent of kids in foster care are

2 African-American, but they only make up 15 percent of
3 the child population. Families experience a myriad
4 of challenges to bring these children into their
5 homes which has only been exacerbated by the ongoing
6 COVID-19 pandemic. When a child enters a child
7 welfare system, a kinship caregiver is sometimes
8 given the option of being certified as a kinship
9 foster parent which provides the caregiver and the
10 child with monetary benefits, however, kinship
11 caregivers are more often not certified as foster
12 parents. This burdens families of color who already
13 struggle against a child welfare system created to
14 police, not to help. At a time when families are
15 experiencing severe financial strain, all options
16 should be available to help minimize families
17 slipping into poverty, as has previously been
18 discussed. Including, but not limited to, increasing
19 temporary assistance for needy families for TANIF
20 funding for children in kinship care. Kinship
21 caregivers are more likely to take an entire sibling
22 group-- take in an entire sibling group, thus
23 ensuring that siblings are raised together. However,
24 when this happens outside the foster care system,
25 kinship caregivers are effectively punished for

2 taking in more children as the amount of child only
3 TANIF funding radically decrease as per child. By
4 increasing TANIF child only grants, this will help
5 families that are diverted out of the foster care
6 system to have access to public assistance that is
7 more equitable to a foster care necessity. In this
8 moment of nationwide reckoning of racial injustice,
9 it is imperative that changes in the child welfare
10 system be at the forefront of the conversation. As
11 we move towards the end of 2020 and are now eight
12 months into the pandemic, research has begun to
13 reveal the devastating effects of COVID-19 on our
14 city, state, and nation economy, as well as our
15 communities. We now know both nationally and within
16 New York, black and Latin X--

17 SERGEANT-AT-ARMS: Time expired.

18 KARLA JOHNSON: children, contract the
19 virus at a disproportionate rate in comparison to
20 white individuals. Researchers also shed a light on
21 the collateral effects that COVID-19 has had on
22 family units. 4200 children in New York state lost a
23 parent or caregiver to coronavirus between March and
24 July 2020, exceeding the number of children who lost
25 a parent in the wake of 9/11. Black and Latin X

2 children experienced the death of a parent or
3 caregiver due to COVID-19 at double the rate of their
4 white and Asian peers. In the midst of the current
5 pandemic, a parent or caregiver's death by COVID-19
6 engenders even greater hardships, adding to existing
7 trauma, stress, and need for low and no income New
8 York families. Upwards of 23 children who have lost
9 a parent or caregiver due to COVID-19 may be at risk
10 of entering into the foster or kinship care system
11 and approximately 50 percent of children who lost a
12 caregiver due to COVID-19 may enter poverty. Pre-
13 pandemic, black and Latin X children who are
14 particularly vulnerable to encounters with the family
15 welfare system, largely in part due to over-policing
16 of black and brown parents. Despite data reflecting
17 the realities of black and Latin X children's
18 increased risk of being placed in the child welfare
19 system, during this unprecedented time, we have seen
20 aunts, uncles, grandparents, siblings, and other
21 family members, and next of kin step up to keep
22 families together and out of the traditional foster
23 care system. In light of the compounding effects of
24 COVID-19 on black and Latin X families, we propose
25 that the general welfare committee endeavor--

2 SERGEANT-AT-ARMS: Time expired.

3 KARLA JOHNSON: to keep more families
4 together through kinship placement and provide the
5 necessary supports to those families by, one,
6 ensuring access to counsel for kinship caregivers.
7 Two, providing sufficient financial resources and
8 safety net supports to kinship caregivers, including
9 increased TANIF funding to match foster care
10 subsidies. Three, provide sufficient and timely
11 information to current and potential caregivers via a
12 neutral third party regarding foster parent
13 certification and, four, providing sufficient
14 supportive services in this pandemic era to young
15 people of color. COVID-19 has exacerbated pre-
16 existing racial disparities in the child welfare
17 system. Mobilization for Justice, Inc respectfully
18 urges the General Welfare Committee to implement
19 these recommendations to begin to address disparities
20 throughout the child welfare system to ensure better
21 outcomes for black and Latin X children tragically
22 and often unnecessarily foisted into the child
23 welfare system. Thank you.

24 COMMITTEE COUNSEL: Thank you, Ms.

25 Johnson. I also just want to remind our panelists

2 that you have three minutes to testify. We are
3 asking that you limit your testimony to three
4 minutes, but, as always, you can submit longer
5 written testimony for the record. We just want to be
6 sure we get through to all our panelists today and we
7 do still have several panelists waiting to testify.
8 I am now going to recall Miriam Mack.

9 SERGEANT-AT-ARMS: Starting time.

10 MIRIAM MACK: So, thank you for this
11 opportunity to testify today. First, I want to
12 extend my deepest gratitude to the parents and youth
13 who have testified today and who have resisted the
14 family regulation system and thrived in spite of the
15 system. My name is Miriam Mack and I am policy
16 counsel to the Family Defense Practice at the Bronx
17 Defenders. For black and Latin X and low income
18 families in New York City, the reach of the family
19 regulation system is vast and the disparities run
20 deep. Today, we've heard much about ACS' kinship
21 placement program and I wanted to take a moment to
22 acknowledge that kinship placement is still an
23 incredible disruption of parent and child bonds. And
24 it would not be acceptable for the government to come
25 in and take out children and give them to other

2 relatives and, indeed, it's not acceptable in white
3 communities, much less held up as a solution to
4 racial disparities and held up as the solution to a
5 system that should not be intervening in the lives of
6 black and brown folks to begin with. So, I think we
7 need to think critically about that response when we
8 are talking and addressing ACS disparities. But I'm
9 going to focus my time today on mandated reporter
10 laws which force social service agencies to function
11 as a de facto police of the family regulation system
12 and low income communities in New York City hyper
13 vulnerable to family separation and dissolution. We
14 have heard about this already today. The way in
15 which mandated reporters expose families to the
16 family regulation system and possible separation.
17 Take hospitals, for example. In labor and delivery
18 room, extraordinary race disparities exist in who
19 hospitals drug test at birth and report to the family
20 regulation system. Despite similar use of drugs
21 among pregnant people, black pregnant people are 10
22 times more likely to be reported to the family
23 regulation system for a positive drug test than white
24 pregnant people. In pediatric emergency rooms, which
25 you have heard about today, black children presenting

2 with the same injury as white children, are reported
3 to the family regulation system as alleged victims of
4 child abuse in greater rates. Worried black parents
5 who have brought the children in for treatment and
6 care are treated like suspects and criminalized while
7 white parents are met with compassion and support.

8 In shelters managed by DHS, the threat of ACS is used
9 to gain compliance with rules, many of which have no
10 bearing on child maltreatment. Similarly, teachers
11 and schools, despite the guidance that has been put
12 out by the Department of Education that ACS was
13 speaking to today, teachers and schools are still
14 calling ACS when our clients children fail to log on
15 for remote learning, but we know when we have seen in
16 the news media that white parents can and do opt out
17 of remote learning without fear of ACS intervention.

18 We bear witness to the fact that black, Latin X, and
19 low income parents are subjected to unrelenting
20 surveillance by our social service systems. Across
21 the city, teachers, health professionals, shelter
22 workers, social workers in their roles of mandated
23 reporters report families to the family regulation
24 system with its tools of family separation--

25 SERGEANT-AT-ARMS: Time expired.

2 MIRIAM MACK: and confusion, rather than
3 providing them with the resources and support and
4 benefits of the doubt that are provided to more
5 privileged parents in our city. Systems meant to
6 provide social support are used instead to control
7 families in ways that are unheard of in white
8 communities. Rooting out the racism, classism, and
9 able-ism that makes black children six times more
10 likely to be involved in a report of abuse or neglect
11 than white children cannot be solved by slight course
12 adjustments, cannot be solved by biased trainings, or
13 tinkering with the system. We must dismantle the
14 family regulation system, repeal mandated reporting
15 laws, and invest in nonpunitive community visions of
16 support for families. Thank you.

17 COMMITTEE COUNSEL: Thank you, Miriam.
18 I am going to call next Helen Montalvan.

19 SERGEANT-AT-ARMS: Starting time.

20 HELEN MONTALVAN: Hello. Thank you for
21 inviting Neighborhood Defender Service of Harlem to
22 my name is Helen and, since 2004, I have worked as an
23 advocate for parents being surveilled by ACS first as
24 a parent advocate with the Bronx Defenders and now as
25 a social worker at NDS Harlem. You asked us to

2 testify regarding what you call racial disparity in
3 child welfare. The truth is that there isn't a
4 racial disparity in this system. The system is
5 racist to its core and its origin and its foundation.
6 It is not a system that addresses child welfare. It
7 is, instead, a system that polices, punishes,
8 regulates, surveils, and separates low income, black
9 and brown families. NDS and the other family
10 defenders testifying today would not be referring to
11 ACS as part of the child welfare system in the course
12 of our testimony because that name deliberately
13 obfuscates the history and function of this punitive
14 system. Instead, we will refer to it as the family
15 regulation system. Allow me to explain why. The
16 family regulation system has always [inaudible
17 03:53:10] families to conform to white supremacist
18 social standards. It originates with the orphan
19 trains of the late 1800s and early 1900s when the
20 Children's Aid Society, still in operation in New
21 York City today, separated thousands of poor Italian
22 and Irish immigrant children from their families and
23 sent them to the Midwest to work on farms. As
24 Council members proudly know, Italians and Irish folk
25 were not seen as white at that time in American

2 history. Then as now, the poverty that these
3 children and their families experienced were framed
4 as a personal failing instead of the structural issue
5 it was. Family connections in these communities were
6 considered inferior and therefore breaking those
7 connections were considered [inaudible 03:53:51] and,
8 more importantly, society's benefit. Similarly, for
9 decades, the family regulation system we fight today
10 is rooted in this history, but its funding did not
11 explode until republicans and democrats alike slashed
12 public assistance programs in the 1980s and 1990s.
13 These cuts happen did response to black families
14 gaining access to the social programs through civil
15 rights struggles. The cuts were coupled with
16 billions of dollars in new funding for foster care.
17 The federal foster care budget stood at less than 500
18 million in 1981. By 2003, it was at 4.5 billion.
19 Suddenly, the family regulation system had new, more
20 powerful hammers, so it went out looking for nails.
21 Family regulation agencies targeted the black
22 community where families had already been made
23 particularly vulnerable by the racist war on drugs
24 and the cuts to public assistance. The cuts to
25 public programs and the surge in money to family

2 regulation agencies amounted to a two-prong attack on
3 black families staged over 40 years and justified by
4 racist stereotypes about black mothers. The racism
5 behind the welfare queen trope is alive and well in
6 2020. It is dressed up as a neglect finding hurled
7 at a working mother by ACS as the agency of--

8 SERGEANT-AT-ARMS: Time expired.

9 HELEN MONTALVAN: research from all
10 corners from the Federal Children's Bureau to the
11 National Council for Juvenile and Family Court Judges
12 to numbers reported by ACS itself demonstrates that
13 black families are disproportionately represented in
14 reports investigations and prosecutions by the family
15 regulation system that black children are
16 disproportionately represented in the foster system.
17 This is not the work of a few bad apples. These
18 outcomes demonstrate reliably and consistently across
19 the variety of social research and are the result of
20 white supremacy and structural racism masquerading as
21 social betterment. Until the passage of the Indian
22 Child Welfare Act in 1978, Native American children
23 were separated from their families by the government
24 at a very high rate and placed with white families.
25 To this day, Native American children continue to be

disproportionately separated from their families by the government. Since I began doing this work, I have seen this racism with my own eyes. White families are kept together by ACS workers and lawyers under circumstances in which black and brown families are separated. White parents are given a second chance by ACS workers and lawyers whereas black and brown parents are treated [inaudible 03:56:23] and fundamentally flawed. And things have gotten only worse in the 16 years that I have been advocating for families. The city must take concrete steps to improve outcomes for families, families need early access to an independent defense advocate to mitigate the damage done by ACS and the family regulation infrastructure. The city must search the state legislator to institute Miranda like rights for parents that brings transparency to the family regulation system for families facing investigations unaware of their gravity. These steps are important and we urge city Council to act on them now. But we also note that they amount to mitigation of the most damaging tolls ACS exacts from black families. To truly reckon with this damage, we must defund the

2 family regulation system and invest in community led
3 programs that truly help black families. Thank you.

4 COMMITTEE COUNSEL: Thank you, Helen.
5 I'll now call on Zachary Ahmad.

6 SERGEANT-AT-ARMS: Starting time.

7 ZACHARY AHMAD: My name is Zach Ahmad
8 and I'm a policy counsel at the New York Civil
9 Liberties Union, the New York affiliated of the ACLU.
10 Our mission is to promote and protect the fundamental
11 rights guaranteed under the constitution including
12 the guarantee of equal protection under the laws and
13 the right to privacy and personal autonomy including
14 in the realm of family life. I want to thank the
15 Counsel for holding this. Then providing the forum
16 for this critical topic. [inaudible 03:57:04] is an
17 important and sometimes overlooked example of racial
18 injustice, the striking over representation of black
19 and brown families among those families caught up in
20 the child welfare system or as I'll refer to it, the
21 family regulation system. The data, which you've
22 heard and which I won't repeat, is staggering and it
23 reveals how children and parents of color are
24 overrepresented throughout the various stages of the
25 child protective process from the calling in of a

2 report to the placement outside their homes. Those
3 numbers nearly back up what many parent advocates and
4 legal service service providers know firsthand and
5 have reflected in some of the testimony today. This
6 is a system that overwhelmingly impacts and, in many
7 ways, punishes. Some children of color and women of
8 color, in particular. If you spend time in the child
9 neglect parts of any of the cities family courts, you
10 will see these disparities with your own eyes, as
11 well as the frustration and desperation that many
12 parents and children face in trying to navigate these
13 systems. The problem of racial disparity is in the
14 family regulation system is complex with deep roots
15 in the country and the city's history. And
16 addressing these disparities will require solutions
17 that are not easy and not piecemeal and will involve
18 multiple levels of government. Above all, we
19 appreciate the opportunity today to learn from the
20 other panelists about their ideas and visions for
21 dressing these issues and we look forward to working
22 with the advocacy community and the Council on moving
23 forward with these matters. But while systemic
24 problems require systemic responses, the city Council
25 can take initial steps by moving forward with

2 legislation that has already been before it for some
3 time now. Almost one year ago today exactly this
4 committee held a hearing where it discussed a package
5 of legislation designed to uncover better information
6 about family regulation system and expand parents due
7 process rights. Excuse me. Those bills remain laid
8 over in committee. One of those bills, Intro 1717 of
9 2019 would require ACS to report detailed demographic
10 information regarding each stage of the child
11 protective process which would give us more detailed
12 data that would reveal the true depth of these
13 disparities and provide groundwork for a more robust
14 policies and solutions. Other bills in the package,
15 which are identified more specifically in the written
16 testimony we will submit will begin the process of
17 making an existing system fairer for the families it
18 impacts. Among other things, the bills would make
19 sure the parents have information about their rights
20 when they're interacting with ACS in the beginning
21 stages of investigation, something akin to a Miranda
22 warning that exists in the criminal context. Begin
23 to provide early access to counsel in the course of
24 child protective matters so that parent's rights are

2 not compromised and required comprehensive reporting
3 on how drug testing pregnant people--

4 SERGEANT-AT-ARMS: Time expired.

5 ZACHARY AHMAD: at public hospitals
6 leads to the child protective investigations. These
7 bills certainly do not comprise all that must be done
8 to reimagine the system or address the racial
9 disparities that are in it and somebody else could
10 potentially benefit from further work shopping with
11 advocates to make sure they work as intended. But
12 they do represent an important and we implore the
13 Council to resume work on them without delay. Thank
14 you for your time.

15 COMMITTEE COUNSEL: Thank you, Zach,
16 for your testimony. We will now call on Karen
17 Freedman to deliver testimony.

18 SERGEANT-AT-ARMS: Starting time.

19 KAREN FREEDMAN: Thank you, Chair Levin
20 and the General Welfare Committee for your incredible
21 patience today and for holding this hearing. I am
22 Karen Freedman, the executive director of Lawyers for
23 Children. I am going to do my best to be brief and
24 focus on just one aspect of the full written
25 testimony we have submitted to the committee. By way

2 of background, Lawyers for Children was founded in
3 1984. We are a not-for-profit legal Corporation
4 employing attorneys and social workers to advocate
5 for our young clients on every single case. We
6 represent children in voluntary foster care, and
7 abuse, neglect, termination of parental rights,
8 adoption, custody, and guardianship proceedings and
9 Family Court and advocate for a systemwide reform to
10 improve represent children and youth in more than
11 6000 court proceedings each year. So, as promised, I
12 am just going to focus on one aspect of our testimony
13 and that is reducing biased influence in mandated SCR
14 reports. While the number of children in foster care
15 has declined dramatically during the last several
16 years, the number of black and Latin acts children
17 brought to the front door of the child regulation
18 system or child welfare system through reports to the
19 statewide central registry has remained, essentially,
20 unchanged and this is not without consequence. Once
21 the report is received, caseworkers may be dispatched
22 to interview children in the middle of the night.
23 Children may be pulled out of their classrooms in
24 front of their peers for questioning. They may be
25 subject to physical exams and temporarily removed

2 from their families. All of these actions, even if
3 the report is ultimately unfounded, will have a
4 lasting negative impact on a child. Research shows
5 that, although black children are far more likely to
6 be reported for suspected abuse than white children,
7 they are, in fact, no more likely to actually have
8 been maltreated. It is been said and Ms. Thomas's
9 testimony points out vividly, that a white child that
10 appears that a hospital with a broken arm goes home
11 with a cast on a lollipop, but black child who
12 appears in a hospital with a broken arm goes home
13 with a cast, a lollipop, and a CPS investigation.
14 The majority of SCR reports are made by mandated
15 reporters. Teachers, doctors, social services
16 workers. Of the 16,000 reports received in 2018,
17 close to 12,000 were made by mandated reporters and
18 these are made mostly in New York City by employees
19 of city agencies, including the Department of
20 Education, the New York City Health and Hospitals
21 Corporation, the Department of Homeless Services, and
22 the Human Resources Administration. As such, those
23 agencies play a significant role in the
24 overrepresentation of children of color in this--

25 SERGEANT-AT-ARMS: Time expired.

2 KAREN FREEDMAN: Now is the time to
3 engage all of the other city agencies to train their
4 mandated reporters to consider whether a referral to
5 a food bank, daycare provider, a mental health
6 service, and afterschool program, or any other
7 community-based child support could eliminate the
8 perceived risk and do away with the need to make a
9 call to the SCR. This is the only way we can begin
10 to transition from the role of mandated reporters to
11 what we should have in our communities: mandated
12 supporters. Thank you.

13 COMMITTEE COUNSEL: Thank you so much,
14 Karen, for your testimony. I'm now going to call on
15 our next panel. In the following order we will have
16 testifying Tricia Stephens, Jamal Robinson, Kiera
17 Malpe, and we will recall Dawn Mitchell. We will
18 begin with Tricia Stephens.

19 SERGEANT-AT-ARMS: Starting time.

20 TRICIA STEPHENS: Good afternoon. Thank
21 you to the Council members. This has been an
22 incredible afternoon of testimony that is much
23 needed. I'm going to start off by saying that, when
24 I first saw the name for the hearing, in place of
25 disproportionality, I actually inserted what I

2 understood to be racism in child welfare. To be very
3 clear, research has shown that, above all else, race
4 and, particularly, being black, is a predictor of
5 child welfare involvement. This includes when
6 poverty is taken into account when all else is equal
7 and the offenses that are alleged against parents,
8 almost being equal, being black is the strongest
9 predictor of child welfare involvement. That comes
10 out of work from Alan Detlas Group that research is,
11 as well. To support that additionally, when child
12 welfare workers who are investigating share the race
13 of the family be investigated, when both are black,
14 still, being black is the strongest predictor of
15 being placed in child welfare. So, we cannot get
16 away from the fact that what we are looking at and we
17 are calling it disproportionality, is, in fact,
18 racism within the child welfare system. That's the
19 overarching issue. In my research, I am an assistant
20 professor at Hunter College Silverman school of
21 social work. In my research, I have been in the
22 field talking to parents for over eight years at this
23 point in time and what does that look like? I was
24 moved almost to tears by Ms. Thomas's testimony
25 because her testimony was from June. I conducted

2 interviews in 2014 others who took their children to
3 the hospital for care and left in handcuffs. Their
4 child didn't go home with them with a CPS worker when
5 they became, understandably, enraged that their child
6 was being retained from their care. They were
7 removed from the hospital in handcuffs taken to the
8 Police Department, arrested, and the child was placed
9 in foster care. This happened in 2014. I spoke to a
10 mother in January. This happened in January of this
11 year where a mother was removed from the hospital
12 after having just taken voluntarily or child to the
13 hospital for care and recognizing that her child was
14 going to be retained and she was not going home with
15 her child. Both moms that I am referring to are
16 black mothers and, when they expressed legitimate
17 emotional distress, there distress seemed to upset
18 the providers so much so that the police were called.
19 If this is not a regulatory--

20 SERGEANT-AT-ARMS: Time expired.

21 TRICIA STEPHENS: system, then I don't
22 know what it is. I want to just follow up with Dr.
23 Dorothy Roberts' work that talks about the child
24 welfare and family court system as America's
25 apartheid system. If anyone has gone to the

2 courtrooms in New York City and observed, you will
3 see distinct lines and who goes through each line and
4 it's hard to argue that this into our apartheid
5 system. And I want to go through with thinking about
6 how South Africa deconstructed its apartheid system.
7 It did not do so through bias trainings. It had to
8 recognize that what was happening in the country was
9 unacceptable, dismantling it, calling for truth and
10 reconciliation so those that were harmed by the
11 system would be able to look in the eyes of those who
12 would harm to them in the first step towards healing
13 and that way we can get to a point, if we are truly
14 to help parents and families get through some of the
15 challenges we are talking about, if we are truly to
16 build trust, we have to do some healing, we have to
17 do some dismantling of this system because the system
18 has earned the distrust of families and it cannot
19 move forward without addressing those challenges.
20 Thank you so much for listening.

21 CHAIRPERSON LEVIN: Thank you, Ms.
22 Stephens. Sorry. I have my kids here at the moment,
23 so I'm off screen, but I'm here listening. It's a
24 little chaotic, but I'm here.

2 COMMITTEE COUNSEL: We are now going to
3 call on Jamel Robinson followed by Kiran Malpe
4 followed by Dawn Mitchell. Jamel Robinson for
5 testimony.

6 SERGEANT-AT-ARMS: Starting time.

7 JAMEL ROBINSON: Thank you, Chair Levin.
8 To the committee, thank you for having me on this
9 afternoon. Thank you to all those who have taken the
10 opportunity to testify today, Mr. Chair. I think it
11 is important for me to note for the record, over the
12 past few days, I had the opportunity to research a
13 litany of policy reports on the topic of racial
14 disparities in the child welfare system that spans
15 nearly 35 years and has predated by 10 years in the
16 New York City child welfare system. My hope for
17 testifying before you today is to add value,
18 hopefully, to this discourse that can help move us
19 beyond this conversation to some actionable
20 solutions. My name is Jamel Robinson. I am a former
21 foster youth and the executive director of the Jamel
22 Robinson Child Welfare Reform Initiative, a 501C(3)
23 nonprofit ensuring New York City foster youth has
24 access to the schools, resources, and opportunities
25 and support they need to receive-- they need to

reach their full potential and achieve their highest aspirations. As a former foster youth with the lived experience in the New York City foster care system. I know all too well the challenges that foster youth face and the systemic issues and racism as well as the pervasive unconscious bias associated with such systems. While ACS has cited much about their work about the impact of SCR investigations and its racial disparities in the child welfare system affecting foster youth specifically around the impact those investigations have with regard to assessment, surveillance, and more. What ACS did not mention, which I was disheartened about and particularly shocked, is that we did not mention the racial disparities in the child welfare system with regard to mental health, foster youth access to opportunity, and funding equity for grassroots nonprofits on the ground reaching these communities. We believe that initiatives, visualization, and actualization are the keys to a much brighter future for foster youth. With up to 80 percent of foster youth suffering from significant mental health issues, both the diagnosed and undiagnosed represent a significant social problem across this country. Within the foster care

2 system, the problem has reached epidemic proportions.
3 Time and again, research has shown foster youth
4 continue to struggle with mental health challenges at
5 significantly higher rates than compared to their
6 nonfoster care peers. Yet, little has been done to
7 improve these outcomes. Foster youth really deserve
8 better. We look at the disparities when it comes to
9 post-traumatic stress disorder--

10 SERGEANT-AT-ARMS: Time expired.

11 JAMEL ROBINSON: higher than those who
12 have transitioned-- war veterans who have
13 transitioned from Iraq. We look at major depressive
14 episodes at an all time high. We look at a panic
15 disorder. We look at social phobia. We look at
16 alcoholic-- alcohol dependence. I stand corrected.
17 And while these statistics may seem bleak, what we
18 know to be equally true, it's that foster youth have
19 gifts, talents, and abilities and that with the right
20 support, they can lead to helping them achieve
21 boundless outcomes. And around emotional wellness
22 outcomes and mental health, ACS must want to
23 strengthen prevention and crisis response. Two,
24 enhance access to timely high quality emotional
25 mental health services, education, and support to old

2 and transition aged foster youth. Three, increase
3 physical health services with activities available to
4 older and transition aged youth. And four, provide
5 solutions on how New York City can improve health
6 equity and emotional wellness outcomes to foster
7 youth. And when we look at foster youth opportunity,
8 we like to think of New York as a meritocracy where
9 every youth has an opportunity for success. In some
10 ways, this does hold true to access, opportunity, and
11 exclusivity. And, yet, there are still eras in which
12 a quality is lacking and no more apparent than the
13 disparities that face youth in foster care. We look
14 at the numbers that are stacked against foster youth.
15 Education. Only three percent will earn a college
16 degree. Housing. Roughly one in five will be
17 homeless by age 18. Unemployment. 50 percent will
18 be unemployed by age 24. Mental health. Up to 80
19 percent suffer from a significant mental health
20 issue. Prison. 25 percent of foster youth will
21 transition from foster care and post their transition
22 two years after emancipation have some involvement
23 with the criminal justice system. It's time to flip
24 the script and our brand of hope is derived from the
25 conviction that foster youth are worth our collective

2 investments. Investments that match our belief and
3 their potential routed in equity. Tenents which
4 include access to high quality healthcare, education,
5 supportive housing, career opportunities, mentorship,
6 financial literacy, and tangible support. I conclude
7 here. And funding opportunities. We see inequity in
8 unconscious bias manifested when, for example, you
9 can visit a foundation website with the mission to
10 reduce poverty and proceed to apply for a grant and
11 if it's a small grassroots organization, you're
12 automatically disqualified because your organization
13 does not meet the annual budget requirement. Or
14 even, worse, you get to the site and you are met with
15 a sentence in read that read, no unsolicited
16 proposals accepted. Both are discriminatory
17 practices. Both suggest you must have, quote
18 unquote, access. One first must have access to
19 physical resources whereas the other, social capital.
20 The challenge with both is that, in government
21 contracting, ACS, and philanthropy. It is known in
22 most instances, the organizations-- these
23 organizations are led by individuals of color with
24 the limited access to the kinds of physical resources
25 and social networks more readily accessible to their

2 white contemporaries. But we also know that these
3 organizations are the ones on the front lines day in
4 and day out. They know the community. They are
5 impacted by the community. And they are the leaders
6 that are no less credentialed, if not more and often
7 those with lived experiences effectuating--

8 SERGEANT-AT-ARMS: Time expired.

9 JAMEL ROBINSON: of change in the same
10 community that are adversely impacted. They are the
11 experts, yet, regardless of this recognition, instead
12 of the proposals being judged on its merits, they
13 are, essentially, told your contributions are not
14 welcome. This is for the privileged. To create
15 funding equity access, ACS must support nonprofit
16 grassroots organizations in the area of capacity,
17 grants that will allow for equitable access and
18 funding that can enhance programming aimed at the
19 prevention of system involvement and an essential
20 component to reducing CSR cases to ACS. I am going
21 to really conclude there, but I will say I will
22 caution this committee and the city. One of the
23 major issues-- and I prophesy this. I pretty much
24 declare this to be so and I know it to be true all
25 too well given my lived experience in the foster care

2 system. The next challenge, the next wave we are
3 going to face as a city and as a nation, really, is
4 around-- as we have in times past-- around
5 emotional wellness. Young people are going to
6 transition out of this system and they will be
7 continued to deal with challenges and complexity of
8 this thing called life no matter what supports you
9 provide to them. But if we don't focus we are doing
10 a disservice.

11 CHAIRPERSON LEVIN: Jamel, I think
12 that-- Jamel?

13 COMMITTEE COUNSEL: So, Jamel, it
14 appears you are muted.

15 CHAIRPERSON LEVIN: Jamel, I think
16 you've been mute-- Jamel? Jamel, I think that
17 you're muted. Jamel? I think you've been muted,
18 but-- I think you're muted. Can you unmute? There
19 you go. Jamel, thank you so much. It's great to see
20 you. It's been a while, but I--

21 JAMEL ROBINSON: Thank you.

22 CHAIRPERSON LEVIN: Thank you so much
23 for your testimony and I look forward to seeing you
24 much-- It's been too long, so let's make sure we
25 reconnect.

2 JAMEL ROBINSON: Yes. We will.

3 CHAIRPERSON LEVIN: Great. Great.

4 Thanks so much.

5 JAMEL ROBINSON: Thank you.

6 COMMITTEE COUNSEL: Thank you, Jamel.

7 We will now call on Kiran Malpe followed by Dawn
8 Mitchell.

9 SERGEANT-AT-ARMS: Starting time.

10 KIRAN MALPE: Hello. My name is Kiran
11 Malpe. Can you hear me now?

12 SERGEANT-AT-ARMS: We hear you.

13 KIRAN MALPE: Great. Okay. I thought it
14 was muted. Sorry. Hi. My name is Kiran. I'm a
15 clinical social worker with the Center for Court
16 Innovation and I thank you today for your time and
17 for the opportunity to speak as we look for solutions
18 and needed ships in practice, I would like to tell
19 you about an innovative evidence-based problem
20 solving infant family court model called the Strong
21 Starts Court Initiative. So, Chair Levin, after
22 seeing [inaudible 04:20:31] I hope this is meaningful
23 to you. Strong Starts responds to the unique needs
24 of children aged birth to three during their most
25 receptive informative stage of development will

2 become subject children in child protective
3 proceedings in family court. In addition to the
4 racial disparities that are well-known in child
5 welfare, babies are also disproportionately
6 represented in family court with over 10,000 cases
7 for children under three across New York City in
8 2018. The Strong Starts model addresses
9 intergenerational system involvement through a
10 consistent, collaborative, and clinical approach
11 engaging all service systems. The model aims to
12 prove family court and child welfare practices
13 utilizing a strength-based framework in an otherwise
14 punitive system. We do this by engaging and
15 including families early on in the court process and
16 by conducting comprehensive clinical assessments to
17 determine tailored service plans for families based
18 on their identified needs and by utilizing infant
19 focused and relational interventions that are not
20 typically included on service plans. We view each
21 family's unique experience through a clinical lens
22 that focuses on attachment relationships and ruptures
23 that have occurred. We address the very real
24 experiences of intergenerational trauma, systemic
25 racism, and historical trauma as part of an

2 individual social context and, therefore, their
3 clinical presentation with often reflects the pain
4 and despair that often underlies uncooperative or
5 other confusing parental responses to child welfare
6 system practitioners and demands. We work to engage
7 high quality providers across all service areas that
8 serve each family's community in an effort to ensure
9 access and connection to effective treatment to
10 mitigate identified risks, support strengthening
11 family relationships, and healing, as well as address
12 any barriers to accessing these services. We also
13 engage service providers in understanding what the
14 family work process is like for parents to provide
15 insight as to why they might be resistant to engaging
16 or sharing information for fear it may harm their
17 case, as well as hoping that once providers have a
18 true understanding of what family court is like, this
19 will be taken into account when considering making
20 future reports to the SCR for other families. Of
21 most significance, is our monthly conferencing
22 structure that convenes all parties, most
23 importantly, the family and baby when possible, legal
24 parties, and service providers. We bring them
25 together to share updates, brainstorm how to remove

2 barriers and mitigate risks and celebrate progress.

3 In an effort to bring cases to resolution in a timely
4 manner--

5 SERGEANT-AT-ARMS: Time expired.

6 KIRAN MALPE: and expedite permanency for
7 children in out of home care to promote positive
8 outcomes for families. Clinical conferences also aim
9 to ensure that parents' voices are heard and
10 respected and to reduce stress for families in the
11 family court that can, at times, be retraumatizing.
12 This contracts with the current standard in typical
13 proceedings of inconsistent durations of adjournments
14 between convenings of parties. Strong Starts works
15 to maintain child and family stability and to create
16 a system in which parents can reach out when they
17 need help without fear of punishment. Strong starts
18 is a means to increase access and equity for families
19 and a way to mitigate racial disparities in the child
20 welfare system. Thank you.

21 COMMITTEE COUNSEL: Thank you for your
22 testimony, Kiran. And now I'm going to call on Dawn
23 Mitchell. Recall Dawn Mitchell who previously had
24 technical difficulties with audio.

2 DAWN MITCHELL: Thank you. Can you hear
3 me now?

4 SERGEANT-AT-ARMS: Starting time.

5 DAWN MITCHELL: Great. Thank you for
6 your patience and thank you for recalling the. My
7 name is Dawn Mitchell. I am the attorney in charge
8 of the Legal Aid Society's juvenile rights practice.
9 We represent approximately 34,000 children who are at
10 the center of abuse and neglect cases in the family
11 court system in New York City. Thank you, Chair
12 Levin, for organizing today's hearing and for giving
13 us an opportunity to share our testimony. I also
14 appreciate the opportunity to hear from colleagues,
15 advocates, parents, and youth today, as well as ACS.
16 I believe the conversation is much needed and I
17 appreciate the comments that were made and
18 suggestions that were offered. We support the
19 efforts of the city that the city has made and
20 continues to make to address very serious issues of
21 racial disparities in the child welfare system. We
22 have to reckon with the fact that our current child
23 welfare system is the product of our country's
24 history of anti-blackness among other harmful,
25 racially charged injustices. This history isn't

2 behind us and we've learned that-- more so today
3 than perhaps ever before. It is one of the driving
4 factors behind families of color being
5 disproportionately represented in the child welfare
6 system. I agree with Joyce McMillan who said that
7 poverty is a significant factor in the racially
8 disproportionate data in the child welfare system.
9 The poverty that families, black and brown children
10 experience in New York City is amplified by their
11 exposure to social services systems which further
12 increases their exposure to mandated reporters. The
13 statistics tell the story very clearly. For example,
14 and I think we heard it briefly today by Dr. White,
15 that-- or Andrew White, rather, black children in
16 New York City are six times more likely to be
17 reported to the SCR as white children. The report is
18 7.8 times more likely to be indicated and the child
19 is 12.8 times more likely to be admitted to foster
20 care and this is data contained by OCFS. These
21 numbers are not accidental. They reflect a system
22 that places many black and Latin X parents under the
23 unremitting stress of poverty, racial stereotypes,
24 and hyper surveillance. This disproportionate system
25 causes severe and longstanding harm to children and

2 their families and, almost exclusively, these are
3 children of color. Black children, primarily. While
4 ACS's work to address this disproportionality, there
5 is far more work to be done and far more work that
6 has to be done.

7 SERGEANT-AT-ARMS: Time expire.

8 DAWN MITCHELL: I just want to offer
9 that it was encouraging to hear from ACS that it will
10 begin planning pursuant to the old CFS mandate to
11 implement race blind assessments. Chair Levin, you
12 asked a very key question and I really believe that
13 race blind assessments are a critical component to
14 reducing disproportionality in filing of cases in
15 Family Court, as well as removal of children. And
16 there is quantitative data available that Nassau
17 County can produce. ACS also mentioned the
18 prevalence and increased use of primary prevention
19 services during the pandemic. Quite instructive that
20 during the pandemic, while all the filings were lower
21 because of the reduced access to the court, there has
22 not been an outcry of abuse or significantly harm to
23 children and there was the comment that the
24 Commissioner made that I take issue with. He said,
25 we will just have to see. I think, more than

2 anything, what is very telling is that the emphasis
3 of primary preventive services have actually shown
4 that they work. That they reduce the incidence and
5 the need to file cases and the need for ACS's
6 intervention in families lives. I would ask the city
7 Council to call on transparent data and analysis of
8 case outcomes. It's needed. We need to look at
9 every decision point and find the issues that are
10 leading to racial disparities beyond the moment when
11 the case is open. And I believe a closer look at the
12 investigation process is important. We have to look
13 at this data and it has to show that, in fact, the
14 training that the Commissioner mentioned today is
15 actually proving to make a difference. The strategy
16 ACS mentioned today certainly highlights good work,
17 thoughtful consideration, and, if implemented, may
18 make a difference. However, we strongly believe that
19 these efforts must be measured in this data must be
20 available and, perhaps, independent auditors should
21 be used to evaluate the effectiveness of these
22 services. And, finally, as we look at the learned
23 lessons, perhaps, of this period-- of this very
24 challenging period of the pandemic on the reduction
25 of filings and we're looking-- we're also

2 considering the fact that, with reduced filings,
3 there has been an emphasis and more opportunity to
4 focus on reunification of those cases where the
5 children have been removed. This is another
6 opportunity to look at the racial disparities and
7 actually course correct. That is all that I have
8 today. Thank you, again, for holding this hearing
9 and thank you for this opportunity to speak.

10 COMMITTEE COUNSEL: Thank you, Ms.
11 Mitchell, for your testimony. At this point—

12 CHAIRPERSON LEVIN: Is there anyone--
13 oh. Go ahead, Aminta. Sorry.

14 COMMITTEE COUNSEL: If we inadvertently
15 missed someone that would like to testify, you can
16 right now use the zoom raise hand function and we
17 will call you in the order your hand is raised. If
18 we missed anyone signed up to testify.

19 CHAIRPERSON LEVIN: Okay. Seeing none,
20 I want to thank everybody for your amazing patience.
21 I'm sorry, Ms. Stevens, are you indicating? I think
22 you are muted.

23 TRICIA STEPHENS: I believe Alisa McCoy is
24 raising her hand.

2 CHAIRPERSON LEVIN: Oh. Okay. Oh,
3 yes. Okay. Okay. Alisa McCoy.

4 ALISA MCCOY: Hi. My name is Alisa McCoy.

5 SERGEANT-AT-ARMS: Starting time.

6 ALISA MCCOY: Thank you. Thank you for
7 giving me the three minutes. I know it is late. I
8 testified last year at the hearing at City Hall. I
9 am apparently affected by ACS and what I will tell
10 you is that it is not a family deregulation system.
11 It is more like the administrative law feel the way
12 they conduct themselves and in the manner in which
13 they do have access to children. The investigative
14 process is adversarial. There is no due process. I
15 am a cancer-- 9/11 certified cancer patient and I am
16 guilty of accepting treatment for chemo and radiation
17 to stay alive to be with my children. At which
18 point, there had been an allegation put in with no
19 basis, no investigation. My 214-year-old children
20 were removed without any investigation or contacted--
21 their pediatrician was never contacted. They didn't
22 even know about my oldest son. They removed the
23 children and brought them to a hospital to be
24 examined by a strange doctor to only then learn I had
25 joint custody with my husband. So, there was no

2 investigation done. I started my right to counsel.

3 It was ignored. The NYPD ACS came to my home without
4 a warrant, without a 1034, you know, filed in Family

5 Court, without any investigation to be done and

6 removed my children. After they were taken to the

7 hospital and examined by a strange doctor, there was

8 nothing wrong. They then have them returned to my

9 husband which we already had custody of. This has

10 been going since 2017. Okay? I have challenged them

11 in Family Court. In Family Court and Supreme Court.

12 I am holding them accountable. The caseworker of

13 ACS, Sue Anne Simmons-- from my understanding, she

14 called me cuckoo for cocoa puffs in front of two

15 court officers outside of family court who told me to

16 go file a police report on her. Once I made the

17 report, there was retaliation and, I believe, she was

18 promoted. Okay? I don't know what kind of bias

19 training they have in ACS, but this is ongoing. ACS

20 continues in my life because I challenge the case and

21 I had it vacated for neglect finding which there was

22 not even an allegation of how I was neglectful. I am

23 going forward with this and, during the COVID, when

24 it first started in April, the ACS high risk notice

25 that David Hansell mentioned. I wanted to know why I

2 was still considered a high-risk case. They came to
3 my home nonstop every two weeks as they still do. My
4 children are almost 18. They come to my home every
5 two weeks even though there are no allegations.
6 Nothing. It was just a technical procedure that
7 reopened the case in family court. So, I don't know--
8 - Hansell said that he was going to review all the
9 cases that were--

10 SERGEANT-AT-ARMS: Time expired.

11 ALISA MCCOY: there were no cases reviewed.

12 I don't understand why my case is still open. How it
13 still goes on. The counsel has not complied with
14 discovery demands four years. I still continue with
15 this. There is no due process. It is
16 unconstitutional and they harass families nonstop
17 until they are held accountable. There is no money
18 to police themselves with. You know? I called to
19 complain about the ACS caseworker who is not a social
20 worker, but, instead, is the judge, jury, and the
21 police officer in the case who calls into the SCR and
22 finds me indicated after the Family Court judge said
23 there was no indication. So, it's like double
24 jeopardy and now I am spending my own funds to fight
25 SCR, which the judges are employed by OCFS and

2 everybody-- it is a very one-sided way. So, now I
3 am in Supreme Court on an article 78 hearing and in
4 Family Court at the same time and they are offering
5 me an ACD which I politely declined because I am not
6 neglectful. I never neglected my children. And once
7 you admit to any of these services-- once you accept
8 any of their services, which I never have, it's like
9 admitting guilt. So, they are taking federal funding
10 in order to do this. I've learned so much about this
11 system that defies the Constitution. And, simply, if
12 they just give you your rights, the parental rights
13 in the beginning, anything you say can and will be
14 twisted against you. And that's what I have learned
15 and that ACS caseworker Sue Anne Simmons has perjured
16 himself more than once. My children record
17 everything. I record everything that has went on.
18 So, what they say-- and David Hansell himself has
19 rubberstamped a complaint of petition order against
20 me in, I think, qualified immunity should be removed.
21 And when these people are held accountable when their
22 pensions are on the line for it, they will think
23 more-- you know, instead of destroying a family's
24 life and doing that if their pensions are on the line
25 and they are not immune to it, you know, they will

2 think twice about just taking people's children
3 without any reason or investigation. You know? It's
4 a nightmare I wouldn't wish on my worst enemy. I
5 don't want this to happen to any other families. So,
6 without Miranda rights in any due process, it is just
7 cannot continue. This cannot continue. And last
8 year, Chair Levin, you did ask ACS David Hansell to
9 release the board meeting minutes for ACS and he did
10 find to release them. In those meetings-- in that
11 meeting that he declined to release, there was
12 definitely a disparity of race because I got it off
13 the record. And, once he refused to do that, that I
14 was just a checkbox. That's all I was a checkbox of
15 my race that I was white and that is why they were
16 going to hold on to my case and to my children turned
17 18 which is now true. I know I've covered a lot and
18 I have skipped around a lot, but this is almost 4
19 years without any allegations that are true that can
20 stick. And I have supporting documentation for every
21 single thing I say. I say it with vindication. And
22 I intend on holding each and every person
23 accountable, especially I want to know with this bias
24 training how does the caseworker Sue Anne Simmons get
25 away with calling someone cuckoo for cocoa puffs and

2 then get promoted within ACS? My case is still open
3 and they are not willing to let it go. You know?
4 Because they want me to spend my money on attorneys.
5 They do not care about wasting their own resources--
6 their own agencies resources, time, and the courts.
7 They all work for the same person, the Mayor. They
8 are all employed. It's a very one-sided system, but,
9 when you challenge them, you have to hold them
10 accountable. That's what I'm trying to do and, you
11 know, they have endless resources where I am just one
12 person trying to hold some kind of accountability.
13 And, in the memorandum, they even know it is
14 unconstitutional to question children in [inaudible
15 04:39:02] to do business as usual, even though it's
16 unconstitutional to question a child in their school
17 without parental consent. Until a decision is held
18 by a higher judge, an oral report, every other county
19 continued to question children without parental
20 consent except for Orange County New York which, to
21 me, they know they are wrong, but they are going to
22 continue to do it until a higher judge says so.

23 CHAIRPERSON LEVIN: Ms. McCoy, I think
24 we have to wrap up, but I greatly appreciate the
25 testimony and I appreciate you telling your story and

2 I do wish you and your family the best and please
3 feel free to keep in touch with me, as well.

4 ALISA MCCOY: Please. Please. Follow up
5 with me. I've been doing this since last year. I've
6 tried to contact your office [inaudible 04:39:55]
7 last year. Elizabeth Adams, I believe, was my
8 contact.

9 CHAIRPERSON LEVIN: We'll followed up.

10 ALISA MCCOY: Got scheduled in December.
11 This goes on. My kid is almost 18 so I don't know
12 how much longer ACS will continue this farce.

13 CHAIRPERSON LEVIN: Thank you very much
14 for your testimony. Okay. And is there anyone else
15 that wishes to testify? Okay. Well, seeing none--
16 sorry. This is the only way I can keep him quiet.
17 So, thank you everybody for your testimony. We have
18 a tremendous amount of work ahead of us and you have
19 my commitment that, as the Chair of this committee,
20 hopefully, for the next year, but no more than that
21 for 14 months, that you have my commitment that I'll
22 do everything I can to address as many of these
23 issues as we can. Systematically and through
24 legislation. So, I think you all for this-- your

2 testimony and this, I think, very, very productive
3 hearing. And, with that, at 5:54 p.m.--

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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 8, 2020