



**Stephanie Gendell
Deputy Commissioner for External Affairs
Testimony to the New York City Council
Committees on General Welfare and Finance
October 25, 2021**

Int. 1304-2018

Int. 1992-2020

Int. 2419-2021

Int. 2420-2021

Good morning, Chair Levin, and members of the General Welfare Committee. I am Stephanie Gendell, the Deputy Commissioner for External Affairs at the New York City Administration for Children's Services (ACS). With me today is Julie Farber, Deputy Commissioner for Family Permanency Services; Dr. Angel Mendoza, Chief Medical Officer; Alan Sputz, Deputy Commissioner for Family Court Legal Services; and Louis Watts, Senior Assistant Commissioner for Detention Services.

We appreciate the opportunity to testify about the four bills related to ACS that are being discussed today:

- Int. 1304-2018, sponsored by Council Member Dromm, authorizing Council Members and the Public Advocate to visit detention facilities;
- Int. 1992-2020, sponsored by Council Member Ayala, requiring ACS to create a pilot program to train frontline child protection staff to specialize in developmental, intellectual and physical disabilities;
- Int. 2419-2021, sponsored by Council Member Levin, to require ACS to produce quarterly reports regarding children at the Children's Center and other foster care pre-placement facilities; and
- Int. 2420-2021, sponsored by Council Member Levin, to require ACS to conduct quarterly audits and create quarterly reports regarding foster care placement change notifications.

We at ACS appreciate the City Council's and the advocates' continued interest in the safety and well-being of the children and youth in the City's care through both the child welfare and juvenile justice systems, as well as in the services and supports we provide to families.

Given the role ACS plays in the lives of children and families, an essential part of our work is providing access and information to the City Council, the Public Advocate, oversight agencies including the State Office of Children and Family Services (OCFS), advocates, legal service providers, and most importantly children and families.

As a cornerstone of this transparency, prior to the pandemic, ACS regularly hosted elected officials, advocates and others at our various programs and sites. We look forward to enhancing this work as the pandemic continues to subside, keeping in mind the security, confidentiality and needs of the children and youth. ACS also posts extensive data and other information on our website, and meets regularly with key stakeholders to share additional information.

I turn now to the bills being discussed today.

Int. 1304-2018 (Dromm)

Int. 1304-2018 would authorize Council Members and the Public Advocate to “inspect and visit at any time any secure or non-secure detention facility, administered in whole or in part by ACS.”

ACS operates two secure detention facilities, Horizon in the Bronx and Crossroads in Brooklyn. ACS also contracts with non-profit service providers to operate 7 non-secure detention facilities. As of October 18, 2021, there were 60 youth at Horizon; 79 youth at Crossroads and 25 youth in non-secure detention.

Prior to the pandemic, ACS hosted many scheduled tours of Horizon and Crossroads for elected officials, and we also included elected officials in our summer Freedom School Harambee event, where elected officials read stories and had the

opportunity to dance with the youth in detention. We always did this in a manner that was safe for the youth, our staff, and our guests, and in a manner that was intentional about protecting the confidentiality of the youth in our care. It is important to us that elected officials and others are able to see our detention facilities, meet our staff, see the programming offered, see and meet the medical and mental health teams, and see DOE's Passages Academy. We have worked very hard to make our detention facilities as positive and supportive as possible, and to give youth the services and supports they need - and we certainly want Council Members and the Public Advocate to see and experience this.

Given our interest in ensuring the safety and security of the youth in detention, ACS has limited the number of people coming to the facility throughout the pandemic, which has included reducing the number of tours. This was done to protect the youth and staff from the spread of COVID-19 as much as possible. As the community spread decreases and more and more New Yorkers have been vaccinated, ACS has opened the facilities back up to both in-person family visits and in-person programming. ACS would be happy to schedule opportunities for elected officials to visit our sites in the coming months.

State law does not allow elected officials to make unannounced visits to secure or non-secure juvenile detention facilities. Horizon, Crossroads, and the non-secure detention facilities are licensed and regulated by the state. State regulations¹ for secure and non-secure detention are quite specific as to which people are permitted to make

¹ 9 NYCRR 180-3.24 and 9 NYCRR 180-1.7(c)(2).

inspections or visits to juvenile detention facilities, - and elected officials are not included in the regulations.

Int. 1992-2020 (Ayala)

Int. 1992-2020 would require ACS to create a pilot program to train at least 5% of the frontline child protection specialists (CPS) in how to provide reasonable accommodations that people with developmental, intellectual and physical disabilities may require, such as providing more time for case conferences and casework contacts; special assistance with travel to appointments; time management guidance; and referring to classes available for parents with developmental, intellectual or physical disabilities. Eighteen months after the start of the pilot, ACS would need to submit a report to the Council and Mayor about the pilot and recommendations on how the program could continue or be expanded.

ACS appreciates the Council, particularly Council Member Ayala who sponsored this bill, for the interest in ensuring that parents with developmental, intellectual or physical disabilities, who are working with our CPS, are receiving the services and supports most appropriate for their needs. We agree that this is essential for both the parents and children who come into contact with the child welfare system.

ACS currently implements a model similar to what is envisioned in the legislation. ACS provides all of our Child Protection Specialists with access to expert consultation in intellectual, developmental and physical disabilities. This includes medical consultants as well as an ACS team that is specifically dedicated to providing expert guidance to

direct service staff working with families with Intellectual and Developmental Disabilities (DDU). We refer to the unit as DDU.

Every Division of Child Protection (DCP) borough office has on-site consultants providing CPS staff with expertise when needed. The Clinical Consultants include a domestic violence consultant, a Credentialed Alcoholism and Substance Abuse Counselor (CASAC), and a Medical Consultant. The Medical Consultants are Nurse Practitioners contracted through H+H and part of their role is to provide expertise and training regarding individuals with physical disabilities. Medical Consultants also participate in case conferences and help CPS understand and implement the ways to minimize safety risks when parents have disabilities.

The ACS DDU, within the Office of Child and Family Health, is a technical assistance unit that can refer CPS to experts in intellectual and developmental disabilities and are available for consultation with CPS at any time. In addition to providing consultation in individual cases, the DDU staff are available to participate in family team conferences, serve as a liaison between the parent and the DD service provider, and maintain connections with DD service providers throughout the City.

The ACS DDU also coordinates Parenting Skills Classes that are specifically tailored for parents with known or suspected intellectual and/or developmental disabilities. Unlike the Office for People with Developmental Disabilities (OPWDD) services funded by the state, parents do not have to meet threshold eligibility requirements for these ACS-funded services. Parents in this program are also linked to other supports, including Health Homes, whenever possible. The DDU can also assist parents in getting assessed by our contractor for OPWDD-provided parenting skills

classes and then with enrolling if they are eligible. The DDU also engages staff, providers and communities in numerous ways aimed at providing education about the best ways to support those with intellectual, developmental and physical disabilities through webinars, lunch and learn sessions and resource fairs throughout the boroughs.

Finally, the ACS Workforce Institute offers a training open to all ACS staff, entitled, “Engaging Parents with Cognitive and Other Developmental Limitations,” in which over 800 ACS and provider staff have participated over the past year.

Int. 2419-2021 (Levin)

Int. 2419-2021 would require ACS to create quarterly reports regarding the number of days children are placed at the Nicholas A. Scoppetta Children’s Center, the Youth Reception Centers (YRC) and the Rapid Intervention Centers (RIC).

ACS operates the Nicholas A. Scoppetta Children’s Center, and contracts with four providers to operate YRCs. ACS’s pre-placement continuum includes the Children’s Center with a capacity of 100 and four YRCs with a total capacity for 45 children. When children must be removed from a parent due to imminent risk to the child’s health and safety, ACS makes every effort to immediately identify a foster home setting to meet the child’s needs, with priority for kinship placements. We have established pre-placement settings to make sure we can immediately meet the needs of a child following removal or reentry to care, in a safe and nurturing environment, while we expeditiously work to find an appropriate longer-term placement. Our goal is always to make sure stays at the Children’s Center or YRCs are as short as possible.

The YRCs include the Sheltering Arms Reception Center, which has 15 beds to serve boys and girls age 0-12; Mercy First Virginia Residence, which is a 12 bed co-ed facility for youth ages 14 and up; the Good Shepherd Services Shirley Chisholm Center which is a 10 bed facility serving girls ages 14 and up; and Heartshare St. Vincents Fox Hills, which is an 8 bed co-ed facility for youth ages 14 and up.

YRCs are settings where youth can be engaged in a trauma-focused, strengths-based, clinical assessment and case planning process that will result in the implementation of a safe, supportive, timely out of home placement or family reunification plan.

ACS also contracts for three Rapid Intervention Centers (RICs), which are not pre-placement facilities, but provide respite and residential care for youth in foster care who need crisis stabilization and/or assessments. RICs provide a short-term stabilizing and safe environment where individualized assessments and strengths-based treatment plans tailored to youth and family needs are developed.

The Children's Center is a 24/7 temporary foster care placement facility where we provide care and support for some of NYC's most vulnerable children and youth who enter foster care due to abuse or neglect, or family disruptions. The Children's Center serves approximately 1,230 unique children and youth each year, from newborns up to age 21. Eighty percent of the children are at the Children's Center for 7 days or less and 60% of the children are there for less than three days. Just 5% of the children are at the Children's Center for 30 days or more.

Additional monthly data regarding the Children's Center is available on our web site in our monthly Flash [report](#). There you will see that for Year to Date CY 2021, the average daily population at the Children's Center was 62 children.

The Children's Center is staffed with child care specialists, social workers, programming and wellness staff, and engagement and visiting specialists. There is also an on-site full-time pediatrician and nursing staff, the ACS-Bellevue Mental Health Team (MHT), and JCCA provides additional clinical services to youth with high needs. ACS also contracts with Safe Horizon to provide consultants specialized in engaging youth who are at risk or who have been victims of sex trafficking. In addition, we have on-site Cure Violence Credible Messenger Mentors, Youth Advocate Program (YAP) Family Finders/Advocates, a CASAC and ACS Peace Officers who help maintain safety.

ACS has taken a number of steps to improve the experience children and youth have at the Children's Center, including the creation of four additional programming spaces for children to use for community meetings and developmentally appropriate programming workshops and recreation, and a multi-faith room which offers children a private, quiet area to practice their faith.

Programming offers youth healthy prosocial and emotional outlets, provides enrichment and recreation, and helps reduce the impact and systems of trauma. This year, ACS doubled the number of programming staff. The Children's Center programming ranges from therapeutic art classes taught through our community partners such as the National Arts Club, Culture for One, and A Place to Be(ad) Me to programs

that focus on life skills, music, performing arts, fitness, healthy relationships and safer sex (Safe Horizons), youth voice and empowerment, health education (NYU Dental, Eye on Education), and much more. Staff also chaperone youth to off-site activities such as visits to NYC cultural institutions, sports events, college and employment fairs, aquariums, and with the fall weather—for example, Apple Picking two weekends ago and Fright Fest at Great Adventure this past weekend. The team also organizes events for children to learn about and celebrate cultural events; for instance, in October, the Children’s Center held events to recognize LGBTQ History, Hispanic Heritage, and the Mid-Autumn Festival. Over the past two summers, programming also introduced the Children’s Defense Fund Freedom School model, designed to empower youth through literacy and critical thinking through a multi-cultural reading curriculum; and greatly expanded programming offerings. This year, the Children’s Center also partnered with DOHMH and Zero to Three to develop and deliver Compassionate Response training for all direct care staff. Additionally, a new partnership with Bridge Kids NY added a new training for direct care staff regarding caring for children with special needs.

Int. 2420-2021 (Levin)

Int. 2420-2021 would require ACS to conduct quarterly random audits of a statistically significant sample of foster care placement change notices to document how often ACS failed to produce the notice, how long it took to send the notice to the attorney for the child from when the placement change occurred, and whether it included all legally required information (and if not, what was missing). The bill requires quarterly reports of the audits.

ACS appreciates the importance of timely notification to attorneys for children regarding where children are placed and whether there is or may be a change in the child's placement. ACS has a process in place for this purpose.

While placement change notification requirements passed into law in 2020, ACS has been providing placement change notifications since 2010. In 2010, ACS adopted a policy requiring CPS and foster care agency case planners to notify the attorney for the child of any planned placement changes 10 days in advance of any planned change or as soon as a decision is made to change the placement, or no later than the next business day after an emergency move. In 2012, a new process was implemented to improve the process by establishing a mailbox for CPS and case planners to email our Family Court Legal Services (FCLS) division with anticipated and actual placement changes. The FCLS notification unit is responsible for taking the emails from the mailbox, looking up the contact information for the attorneys, and sending out a notice to the appropriate Attorney for the Child. Legal Aid and Lawyers for Children also set up a central mailbox to receive all notices and distribute to their staff.

In 2020, the Family Court Act and Social Services Law were amended to create a statutory requirement regarding placement change notifications. Under the 2020 law, which went into effect at the height of the pandemic, notices are now also sent to the attorneys for the parents and to the court. Notifications from the central mailbox are not the only means by which attorneys and the court are notified of anticipated and actual placement changes. CPS, case planners and FCLS attorneys also provide information on placement location and moves to attorneys for children, parents' attorneys and the

court at court hearings, in court reports and in other communication between parties throughout the pendency of cases.

Notices are sent to the ACS mailbox from the Children's Center, the ACS Office of Placement Services (OPS), the foster care providers and the Division of Child Protection when there is an initial placement, an anticipated placement change, and an actual placement change. Notification of initial placements was added to the statutory requirements in September 2021 as part of the Family First legislation. Prior to this statutory change, ACS notified attorneys for children, parents and the court of children of initial placements for children leaving the Children's Center.

Notices include the docket number, child's first name and first letter of last name (in keeping with ACS information security protocols), date of placement, agency with whom the child is placed, the type of placement (kinship home, foster boarding home, or other placement type), contact name and number for the agency case planner, and the FCLS attorney.

On September 29, 2021, the Family First provisions became effective in New York. Building upon the existing placement change notification process, ACS is now also required to provide notice of initial placements as well as notice (and then a motion) to the parties and the court whenever we believe that a child may be placed in a Qualified Residential Treatment Program (QRTP). ACS is using the training opportunity that comes with Family First, to reinforce to DCP, OPA, the Children's Center staff and our providers, that they must send the notification to the placement change notification mailbox so that the attorneys and the court can be notified promptly.

Conclusion

In conclusion, I want to once again thank the Council, the advocates and the legal providers for their interest in ensuring that the children, youth and families served by ACS receive the highest quality care. As a government agency charged with promoting the safety and well-being of the City's children, we agree that transparency and accountability are essential.

We look forward to discussing these bills further with the Council and we are happy to take your questions.

**Testimony of Erin Drinkwater, Deputy Commissioner for Intergovernmental and
Legislative Affairs
Department of Social Services**

**Before the New York City Council, Committee on General Welfare
October 25, 2021**

Good morning, I want to thank the General Welfare Committee and Chair Levin for holding today's hearing and for the opportunity to testify.

My name is Erin Drinkwater and I am the Deputy Commissioner for Intergovernmental and Legislative Affairs at the Department of Social Services (DSS).

The committee is reviewing several bills today impacting DSS and we look forward to learning the sponsors' intent and discussing them further. As we discuss these proposals today, we request that the Committee consider the impact that they would have on our existing programs and services, particularly around capacity, client safety, and improvements made to date. With this in mind, we look forward to today's discussion.

Intro. 2379

Introduction 2379 would require the Department of Social Services (DSS) to create a domestic violence shelter specifically designated for men. We look forward to working with the sponsor to better understand the bill's intent. DSS is the administering agency for New York State's Office of Children and Family Services domestic violence shelters in New York City. Under State Law, we are required to provide domestic violence shelters and services to all who qualify regardless of gender identity. In calendar year 2021 to date, the Human Resources Administration (HRA) Domestic Violence shelter system has served 77 households headed by individuals who identify as male. As drafted, the bill presents challenges that could have a negative impact on the capacity of our shelter system and the safety of those we serve. First, regarding capacity, we are obligated to provide domestic violence shelter and services to all who qualify and creating a men-only domestic violence shelter would limit access to survivors who would, apart from their gender identity, be eligible to enter this shelter, consequently reducing our ability to help those in need given the limitations presented by this proposal. Regarding client safety, establishing this type of shelter could exclude men who are not safe in the proposed shelter's area due to borough preclusions needed to be considered in placement determinations. Multiple men-only shelters would have to be created to address this safety concern, which in addition to fiscal concerns associated with expansion would be compounded by the low demand for a men-only domestic violence shelter based on systemwide use by men. Lastly, the bill requires a report analyzing the impact and effectiveness of such shelter. Given federal requirements in relation to client confidentiality, there would be additional steps required for client data collection. We look forward to working with the sponsor and advocates to ensure that the domestic violence system

continues to serve clients irrespective of gender identity in culturally competent and trauma informed approaches.

Intro. 1829

Introduction 1829 would preclude the Department of Homeless Services (DHS) from requiring a child's presence at an intake center when a family with children applies for shelter, regardless of individual case circumstances. To provide some background, before the pandemic, as a result of the Mayor's 90-day review of homeless services, DHS reformed the requirements for children to be present during intake at PATH to streamline the application process for families with children. The intent of this reform, which applied to families reapplying for temporary housing assistance within 30 days, was to preserve as much educational stability as possible for children (0-17 years old) by removing the requirement to return to PATH with the adult head of household for follow up appointments. We took this reform further during the pandemic to ease the shelter intake process for families with children. Since the pandemic, families with children applying for shelter must make an initial visit to PATH to apply, but children are not required to accompany the parent. Parents can use FaceTime or Skype to provide PATH staff an opportunity to observe the children, with follow up assessments being allowed in similar fashion. While we have implemented these systemic reforms and do not intend to reverse them, there are particular individual case circumstances that arise when having a child physically present at intake is needed in the placement process, for example, to confirm that the applicant actually has the child(ren) in their care and custody when there is a concern that they do not. DHS has made significant reforms at PATH to ensure a safe and welcoming environment for all as families seek shelter. We have taken particular focus in serving children who come to PATH and have on-site play areas as well as a mobile activity center intended to minimize the potential trauma when applying for shelter. We look forward to working with the sponsor on these matters.

Intro. 2405

Introduction 2405 is in relation to the eligibility for rental assistance for runaway and homeless youth. We appreciate the Council's support of the 12-month pilot program the City launched this summer to connect youth to CityFHEPS rental assistance vouchers. Given that the pilot just launched, the City needs time to assess the impact of these vouchers in connecting youth to housing and to consider any adjustments needed. We look forward to updating the Council on the progress of the pilot as we consider this bill.

Thank you for the opportunity to present our testimony today. We look forward to reviewing these bills and I welcome questions you may have.



children's
defense fund
new york

**Testimony of Julia L. Davis, Esq.
Director of Youth Justice & Child Welfare**

**Submitted to the New York City Council Committee on General Welfare
October 25, 2021**

Good afternoon Chair Levin and members of the Committee on General Welfare. Thank you for holding this hearing. I am Julia Davis, the Director of Youth Justice & Child Welfare at the Children's Defense Fund-NY.

Background

The Children's Defense Fund (CDF) envisions a nation where marginalized children flourish, leaders prioritize their well-being and communities wield the power to ensure they thrive. CDF's Leave No Child Behind mission is to ensure every child a Healthy Start, a Head Start, a Fair Start, a Safe Start and a Moral Start in life and successful passage to adulthood with the help of caring families and communities.

We serve and advocate for the largest, most diverse generation in America: the 74 million children and youth under the age of 18 and 30 million young adults under the age of 25, with particular attention to those living in poverty and communities of color. CDF partners with policymakers, aligned organizations and funders in this service. The Children's Defense Fund is the only national, multi-issue advocacy organization working at the intersection of child well-being and racial justice by wielding the moral authority of programmatic proximity and community organizing to inform public policy.

Established in 1992, the Children's Defense Fund-New York (CDF-NY) office has a unique approach to improving conditions for children, youth and families, combining research, public education, policy development, community organizing, and advocacy. We leverage our national influence to eliminate the harmful and disproportionate impact that poverty has on children in New York and to eliminate race and gender inequities in the areas of youth justice, child welfare, early childhood, education, health, and housing. We serve high school and college students through our Beat the Odds leadership and advocacy program, and our Freedom Schools summer literacy program operates in the City's 2 secure detention facilities for youth.

Position on the Bills

We support the Chair's bill Intro 2419 to require more detailed reporting on children's length of stay at ACS's Children's Center, and Intro 2420 to improve access to housing vouchers. We also support Intro 1304 authorizing council members and the public advocate to visit youth detention facilities in the City, however we think any legislation would have to address privacy issues that protect adolescents in detention and harmonize with relevant Office of Children and Family Services (OCFS) rules.

Conditions Facing Youth and Families in Communities

Recently, CDF joined more than 60 service, faith based, grassroots, and advocacy organizations from across New York, calling on City and State leaders to respond to the precarity facing youth and families now, including investing in meaningful supports for employment, in addition to pathways for housing and economic security. (See the **letter attached to this testimony.**)

New York City communities – particularly our Black and Latinx communities that are hardest hit by gun violence – have also been the hardest hit by COVID. We need to focus our City's resources on young people in our most vulnerable communities and confront the crisis that many are facing.

The effects of COVID on children, youth and families are myriad and wide-ranging, but youth mental health is a matter of serious concern. The American Academy of Pediatrics, American Academy of Child and Adolescent Psychiatry and Children's Hospital Association have recently called a State of Emergency in Children's Mental Health.¹ The "worsening crisis in child and adolescent mental health is inextricably tied to the stress brought on by COVID-19 and the ongoing struggle for racial justice and represents an acceleration of trends observed prior to 2020."² "We are caring for young people with soaring rates of depression, anxiety, trauma, loneliness, and suicidality that will have lasting impacts on them, their families, and their communities."³

The pandemic has struck at the safety and stability of families, with youth of color disproportionately impacted. New York City's children, youth and families have experienced enormous adversity and disruption. We must continue to center them in the recovery ahead.

Thank you.

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¹ <https://www.aap.org/en/advocacy/child-and-adolescent-healthy-mental-development/aap-aacap-cha-declaration-of-a-national-emergency-in-child-and-adolescent-mental-health/>.

² *Id.*

³ *Id.*

ATTACHMENT

October 14, 2021

Dear Governor Kathy Hochul, Majority Leader Andrea Stewart-Cousins, and Speaker Carl Heastie:

We understand that last week, 20 members of the New York City Council wrote to you calling for rollbacks to New York's landmark 2017 Raise the Age legislation, including removing discretion from judges to remove cases where 16 and 17 year olds are charged with gun violence to family court.⁴ The undersigned, representing over 60 service, faith based, grassroots, and advocacy organizations around the state, write to express our strong and unwavering support for Raise the Age.

We share the Council Members' deep concern over the increase in gun violence over the past 18 months, and the urgency to reverse it immediately. However, placing the blame for gun violence on the Raise the Age legislation is simply false. During the first eighteen months after the Raise the Age law was enacted, only three percent of charges filed against sixteen and seventeen year olds were for attempted murders and murders and ten percent were for possession of firearms and other dangerous weapons.⁵ During that time, shootings in New York City remained the lowest they have been in decades.

Only after months of COVID-19 infections, deaths, lockdowns, disconnection from necessary services and the resulting economic upheaval did gun violence increase in New York City, as it did in many cities around the country where criminal justice reforms had not been enacted. Despite the recent rise in gun related incidents, the numbers are still far lower than the rates in 2000 when 16- and 17-year olds were all prosecuted as adults for all criminal charges, even the most minor.

Furthermore, under Raise the Age, the law specifically allows for teenagers charged with the most serious crimes or those who are found not to be amenable to the services available in family court to be charged and sentenced in the adult court system.

The reality is that we can't incarcerate our way out of gun violence. That has been tried and failed—New York spent decades laboring under the myth that children are adults with no evidence that the practice ever reduced crime rates. By the time Raise the Age passed in 2017, New York was one of only two states in the country that continued to prosecute sixteen and seventeen year olds automatically as adults. This policy led to extreme disproportionate impacts such that the vast majority of youth facing the lifelong burden of a criminal record were Black and Brown young people living in our most vulnerable communities. Fear cannot permit these shameful and discriminatory practices to return.

New York City communities – particularly our Black and Latinx communities that are hardest hit by gun violence – *have also been the hardest hit by COVID*. We need effective solutions and resources to heal from COVID and to remedy the racial and economic inequities that the pandemic exposed and exacerbated. A clearer understanding of the problems we are facing now will lead to better and more effective policies. Below we review some of the most relevant and concerning studies of the impact COVID has had on young people in our most vulnerable communities.

A national youth mental health crisis: A recent paper from the School Mental Health Assessment and Training Center, along with other health and mental health clinicians, highlighted some of the devastating mental health impacts of COVID-19 on youth across the country⁶:

⁴ "Pols want Gov. Hochul, Albany to allow jail for youth gun offenders." *NY Post*, October 7, 2021.

⁵ Governor's Raise the Age Task Force, Final Implementation Report (2020), <https://www.criminaljustice.ny.gov/crimnet/ojsa/FINAL%20Report-Raise%20the%20Age%20Task%20Force%2012-22-20.pdf>

⁶ "Behavioral Health Impacts During & After Covid-19." University of Washington School Mental Health Assessment, Research, and Training (SMART) Center, et. al., April 2021.

- According to the CDC, nationally, the proportion of emergency visits for mental health issues for youth aged 12-17 increased by 31% during the pandemic.
- A CDC report from June 2020 found that young adults (aged 18-24) are experiencing mental health conditions at higher rates than other people in our communities. One in four young adults was found to have seriously considered suicide – an increase from one in 10 young adults pre-pandemic.
- Drug overdoses in 2020 showed the largest single-year increase in over 20 years.

Deepening Educational Disparities: A June 2021 report from the U.S. Department of Education Office for Civil Rights documents eleven findings about “how widely—and inequitably—the pandemic appears to have impacted America’s students⁷,” including:

- Emerging evidence shows that the pandemic has negatively affected academic growth, widening pre-existing disparities.
- COVID-19 appears to have deepened the impact of disparities in access and opportunity facing many students of color in public schools, including technological and other barriers that make it harder to stay engaged in virtual classrooms.
- COVID-19 has raised new barriers for many postsecondary students, with heightened impacts emerging for students of color, students with disabilities, and students who are caregivers, both for entry into higher education and for continuing and completing their studies.

Sustained Family Trauma: During the first few months of the COVID-19 pandemic, 1 in 600 Black children and 1 in 700 Latinx children lost their parent or caregiver to the pandemic in New York State. More than half of those parent deaths were in three New York City boroughs: the Bronx, Brooklyn, and Queens.⁸

A new study published in *Pediatrics* this month shows that nearly 1 in every 500 children in the U.S. has lost a caregiver, and children of color have been disproportionately affected, with the highest loss of primary caregivers in California, Texas and New York.⁹ Losing a primary or secondary caregiver is associated with a range of negative health effects, including lower self-esteem, a higher risk of suicide, and acts of violence.¹⁰ According to the doctors who conducted the study, addressing the impact of this level of family death on young people will “require intentional investment to address individual, community, and structural inequalities.”¹¹

To better understand the root of gun violence in New York City specifically – and therefore how to most effectively address it – we can also look to ambitious research conducted here in the City about why young people carry and use guns. In August of 2020, the Center for Court Innovation published a report based on interviews with 330 New York City youth ages 16-24 who were at high risk for gun violence. The results of this investigation are nuanced and worth reading in full, but some of the most salient findings include¹²:

- *Lack of safety was reported as a major driver of gun possession.* Participants reported feeling unsafe because of beefs between rival gangs or housing projects affecting how they could

⁷ “Education in a Pandemic: The Disparate Impacts of COVID-19 on America’s Students.” US Department of Education, Office of Civil Rights, June 2021.

⁸ “COVID-19 Ripple Effect: The Impact of COVID-19 on Children in New York State,” United Hospital Fund, Sept. 30, 2020.

⁹ “About 1 in 515 children in U.S. has lost caregiver because of COVID-19, study estimates,” CBS News, Oct. 7, 2021.

¹⁰ “COVID-19-Associated Orphanhood and Caregiver Death in the United States” *Pediatrics*, Oct. 1, 2021.

¹¹ “COVID-19-Associated Orphanhood and Caregiver Death in the United States” at p. 16.

¹² “Gotta Make Your Own Heaven’ Guns, Safety, and the Edge of Adulthood in New York City.” Rachel Swaner, Elise White, Andrew Martinez, Anjelica Camacho, Basaime Spate, Javonte Alexander, Lysondra Webb, and Kevin Evans, Center for Court Innovation, August 2020.

“move”—i.e., where they could safely walk or go; police harassment for small infractions but lack of responsiveness for serious crime; and fear of being shot by a police officer.

- Violence was a near universal experience among the young people interviewed. Eighty-one percent had been shot or shot at.
- Protection and self-defense were repeatedly cited as the backdrop against which decisions around weapons-carrying were made.
- Participants often described lack of ready access to money as a source of stress for themselves and their families, leading to engagement in alternative-economy survival strategies—most often drug dealing and robbery.
- Participants felt that police treated gang members and youth from the projects as less than human, “criminals,” “demons,” and “animals.” They also made specific connections between their poor treatment by the police and their race.

Increasing youth detention, harsh sentencing laws, and trying children as adults are outdated and ineffective solutions to the very real problem of gun violence in our communities. Thousands of pages of research have documented how these policies derail young people’s lives, burden families, destabilize communities, and fail to create community safety -- negative impacts that are disproportionately felt by Black and Latinx youth and families.

The same research points to a wide range of solutions that the City and State can pursue or expand right now to reverse the increase in gun violence that began last summer. These include:

- Increasing investments in high-quality, culturally competent mental health services for youth and families, in schools and in the community.
- Bringing high-quality youth engagement programs and services, including those employing “credible messengers,” to young people in spaces that are important to them.¹³
- Creating job programs that meet young people where they are at and help them find pathways to living wage jobs.¹⁴
- Investing in green spaces, safe and affordable housing and public spaces.¹⁵
- Strengthening anti-violence social norms and peer relationships through violence intervention programs like Cure Violence.¹⁶

Under your leadership, New York has begun to invest and implement many of these policies, but much more is needed to bring them to scale. For instance, even with recent expansions to Cure Violence programs we are far from being able to saturate neighborhoods with violence interrupters, and the pay for these positions is low in comparison to the difficulty of the work. We need bigger and more sustained investments in these kinds of public health responses to gun violence, along with strategies to link youth and families to meaningful supports in addition to pathways for housing and economic security.

The undersigned organizations thank you for attention to this urgent issue and look forward to working with you to identify and implement real solutions to gun violence.

Advocates for Children
Bronx Defenders
Brooklyn Defender Services

¹³ “Gotta Make Your Own Heaven,” p. xiii.

¹⁴ “Gotta Make Your Own Heaven,” p. xiii.

¹⁵ “Reducing Violence Without Police: A Review of Research Evidence.” Submitted to Arnold Ventures by the John Jay College Research Advisory Group on Preventing and Reducing Community Violence, November 2020, p. ii.

¹⁶ “Reducing Violence Without Police: A Review of Research Evidence,” p. ii.

Brotherhood Sister Sol
Center for Appellate Litigation
Center for Community Alternatives
Center for Family Representation
Center for the Study of Social Policy
Central in Action at Central Synagogue, New York, NY
Central Synagogue
Chief Defenders Association of New York
Children's Defense Fund-NY
Children's Rights
Children's Village
Citizens' Committee for Children of NY
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Erie County Bar Association's Aid to Indigent Prisoners Society, Inc., Assigned Counsel Program
exalt youth
Exodus Transitional Community
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Freedom Agenda
Genesee County Public Defender
Girl Vow
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Neighborhood Defender Services of Harlem
New York County Defender Service
New York State Defenders Association
NYS Coalition for Children's Behavioral Health
Oneida County Public Defender
Onondaga County Bar Association Assigned Counsel Program Inc.
Ontario County Office of the Conflict Defender
Ontario County Public Defender
Rev. Amanda Hambrick Ashcraft, Executive Minister for Justice, Education & Movement Building,
Middle Collegiate Church
Rev. Andrew Wilkes, Co-Pastor, Double Love Experience Church, Brooklyn, NY
Rev. Dr. Chloe Breyer, Executive Director, Interfaith Center of NY
Rev. Dr. Willie D. Francois, III, Assistant Professor of Liberation Theology and Director of the Master of
Professional Studies Program, New York Theological Seminary

Rev. Michael A. Walrond, Jr., Senior Pastor, FCBC
Rev. Michael Livingston, Interim Senior Minister, The Riverside Church in the City of New York
Rev. Peter Cook, Executive Director, New York State Council of Churches
Rising Ground
Schuyler Center for Analysis and Advocacy
SparkAction and the Forum for Youth Investment
United Neighborhood Houses
Urban Justice Center Mental Health Project
Westchester Children's Association
Youth Correctional Leaders for Justice
Youth Represent
Youth Shelter Program of Westchester

List in formation

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Advocates for Children of New York

Protecting every child's right to learn since 1971

Testimony to be submitted to the New York City Council Committee on General Welfare

Re: Intro 1829-2019

October 25, 2021

Advocates for Children of New York appreciates the opportunity to submit testimony in support of Intro 1829-2019, which would preclude the Department of Homeless Services (DHS) from requiring parents to bring their children to the intake center (PATH) when a family applies for shelter.

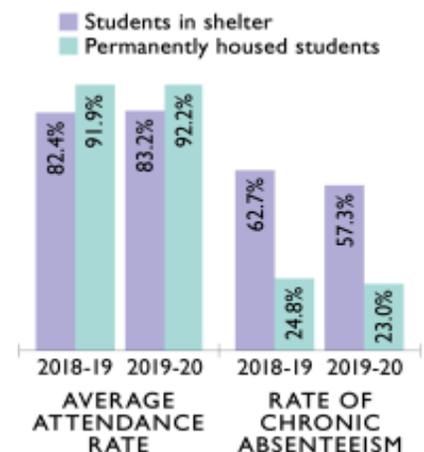
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For 50 years, Advocates for Children has worked to ensure a high-quality education for New York students who face barriers to academic success, focusing on students from low-income backgrounds. We assist and advocate for students whose needs are often overlooked, including students who are homeless.

We strongly support Intro 1829, precluding DHS from requiring a child's presence at PATH when a family applies for shelter. During the pandemic, DHS temporarily stopped requiring children from attending shelter intake appointments. As a result of this change in practice, children did not have to miss school on days when their families applied or reapplied for shelter. This change should be codified and made permanent.

In the two years prior to the pandemic, when DHS required that parents bring their children to PATH, the rate of chronic absenteeism for students in shelter was 2.5 times that of their permanently housed peers. The City should be doing all it can to ensure students experiencing homelessness can get to school every day and ending practices and policies that contribute to chronic absenteeism. **Students should not have to miss school when their families apply for shelter.** Intro 1829 would remove a significant barrier to school attendance and help prevent children, many of whom are already experiencing trauma, from being exposed to the stressful shelter intake process. We urge the Council to move forward with this bill as quickly as possible.





Advocates for Children
of New York
Protecting every child's right
to learn since 1971

We appreciate the City Council's consideration of this important issue. Thank you for the opportunity to submit this testimony. Please do not hesitate to contact Randi Levine at rlevine@afcnyc.org if you have any questions.

CATHOLIC COMMUNITY RELATIONS COUNCIL

191 Joralemon Street, 2nd Floor, Brooklyn, New York 11201

Testimony of Joseph Rosenberg
Executive Director, Catholic Community Relations Council
Before the New York City Council Committee on General Welfare
Int. 2405 - Runaway and Homeless Youth Eligibility for Rental Assistance
October 25, 2021

Good morning Chair Levin and members of the City Council Committee on General Welfare. I am Joseph Rosenberg, Executive Director of the Catholic Community Relations Council, representing the Archdiocese of New York and the Diocese of Brooklyn on local legislative and policy matters. I appreciate the opportunity today to testify strongly in support of Int. 2405. This is a timely and extremely significant initiative that will assist one of the most vulnerable and neglected groups of individuals in our City in obtaining decent and affordable housing.

Last May, in a major reform of the City Family Homeless and Eviction Prevention Supplement (“FHEPS”), the City Council passed Int. 146-C. This critically important legislation, also sponsored by Councilmember Levin, modified one of the most important tools available to help fight homelessness in NYC by increasing the rental voucher amount to low-income families to reflect the NYC HPD’s Fair Market Rent Levels. As a result, many thousands of families facing homelessness and eviction will now be able to afford rental units in our City.

Int. 2405, acting on the significant changes in Int. 146-C, expands the class of New Yorkers who would be eligible for the FHEPS to include a vulnerable but often forgotten population. These are runaway and homeless youth, a population defined in the New York State Executive Law as individuals under the age of 18 and absent from their legal residence without the consent of parents, legal guardians, or custodians. The legislation also specifically assists this group by clarifying that time spent in a runaway youth or homeless youth shelter is a basis for FHEPS eligibility. It does not require these youths to have to reside in a city shelter as a prerequisite for being able to receive such a rental voucher.

Catholic Charities of the Archdiocese of New York and Catholic Charities of the Diocese of Brooklyn have long recognized the challenges facing this group and have been responsive to their needs. As an example, Covenant House New York, an affiliate of Catholic Charities of the Archdiocese of New York, provides over 150 permanent housing placements for youth experiencing homelessness annually. Covenant House New York also provides other needs for runaway and homeless youth including meals, clothing, medical attention, and wrap-around support services, like workforce development, access to education, and financial counseling.

The passage of Int. 2405 would be an important step in addressing the epidemic of homelessness and despair that afflicts this group of young New Yorkers. We strongly support this measure and urge its prompt passage by the City Council.

Thank you.



Testimony of

Coalition for the Homeless

and

The Legal Aid Society

on

Intros. 2405-2021, 2379-2021, and 1829-2019

submitted to

The New York City Council Committee on General Welfare

Jacquelyn Simone
Senior Policy Analyst
Coalition for the Homeless

Beth Hofmeister
Staff Attorney, Homeless Rights Project
The Legal Aid Society

October 25, 2021

The Coalition for the Homeless and The Legal Aid Society (LAS) welcome this opportunity to testify before the New York City Council's Committee on General Welfare in support of three important pieces of legislation that, if passed, would positively impact thousands of New Yorkers who seek services from various shelter systems in New York City. Intro. 2405-2021 would guarantee access to permanent housing assistance for runaway and homeless youth (RHY) by extending eligibility for CityFHEPS vouchers to young people who receive services from the youth shelter system. Intro. 2379-2021 would create the first domestic violence (DV) shelter dedicated to New Yorkers who identify as men. Intro. 1829-2019 would prevent the Department of Homeless Services (DHS) from requiring children to be present during the long intake process while their parents apply to enter a family shelter. We strongly urge the Council to pass all three of these bills, and we thank you for your steadfast commitment to helping homeless New Yorkers.

The urgency of passing these bills cannot be overstated. New York City remains in the worst homelessness crisis in a century. More than 45,000 people sleep in DHS shelters each night,¹ while more than 800 RHY reside in shelters run by the Department of Youth and Community Development (DYCD). The Human Resources Administration (HRA) runs the country's largest DV shelter system, with nearly 2,700 emergency beds and almost 300 Tier II units,² very few of which are dedicated to New Yorkers who identify as men. Each shelter system has a unique intake process, and the RHY and DV shelter systems also have limited capacity, which means New Yorkers who might otherwise be eligible for these specialized shelter services may have to reside in a DHS shelter if there are no available RHY or DV beds when they apply. Meanwhile, families entering DHS shelters must undergo an onerous shelter application process during which they must prove they have nowhere else to stay. These three bills will make necessary reforms to improve access to shelters and housing for vulnerable New Yorkers.

Intro. 2405-2021: CityFHEPS for Runaway and Homeless Youth

In New York City, runaway and homeless youth are generally defined as unaccompanied young people between the ages of 16 and 24 years old who have run away or been forced to leave home and now reside in temporary situations, places not otherwise intended for habitation, or emergency shelters. Although some homeless youth live in DHS-run shelters, DYCD oversees 813 beds in the youth shelter system, as well as youth-focused street outreach and drop-in centers.³ These youth-centered programs are designed to address the unique needs of youth experiencing homelessness. Research has proven that high-quality RHY programs not only meet basic requirements, but “address higher order relational, psychological, and motivational needs... fostering a sense of resilience among RHY” and providing long-term benefits to a

¹ New York City Department of Homeless Services Daily Census Report for October 19, 2021, available at <https://www1.nyc.gov/assets/dhs/downloads/pdf/dailyreport.pdf>.

² New York City Department of Social Services 2018 Annual Report on Exits from NYC Domestic Violence Shelters as mandated by Local Law 83 of 2019. Page 2.

³ Department of Youth and Community Development Local Law 86 of 2019 Report to the Speaker of the City Council Fiscal Year 2020, available at https://www1.nyc.gov/assets/dycd/downloads/pdf/FY20_LL86_RHY_Demographics-and-Services_Report_%20Final.pdf.

youth's functioning.⁴ Chapin Hall research reinforces this premise and supports the idea that housing solves homelessness: "to exit homelessness permanently, youth require housing and support services tailored to their unique developmental needs," and youth-specific shelters and services for which we have long advocated meet this need.⁵ In summary, well-funded, high-quality RHY programs help young people stabilize and successfully transition from crisis to independence.

A young person's choice to access DYCD youth shelters instead of DHS shelters should not impact their ability to access meaningful permanent housing resources that are available to other similarly situated homeless New Yorkers. However, despite Mayor de Blasio's repeated promises to address the lack of permanent housing options for RHY, his administration has not given young people receiving services under DYCD access to any of the housing resources available to homeless New Yorkers in other systems.⁶ This is despite the fact that one of the three key takeaways in a 2019 Youth Homelessness Assessment commissioned by the administration was that "[m]ore long-term housing options are needed for youth in the high-cost rental market of New York City,"⁷ and Mayor de Blasio promised to grant youth access to rental assistance programs by the end of 2017 in his report "Turning the Tide on Homelessness in New York City."⁸ Currently, a young person who enters a DHS-run shelter may have access to various housing assistance programs, including rent subsidies as well as a priority for New York City Housing Authority (NYCHA) apartments.⁹ If that same young person enters the front door of a DYCD-run shelter, *they would not be able to access these housing assistance opportunities*. As a result of this disparity, young people receiving services from DYCD-run youth programs are at a significant disadvantage when trying to exit shelters directly into their own permanent housing.¹⁰ Moreover, effectively penalizing young people for choosing to receive youth-focused

⁴ Gwadz, M., et al., *Moving from crisis to independence: The characteristic, quality, and impact of specialized settings for runaway and homeless youth*, supra. This groundbreaking white paper was released by the Center for Drug Use and HIV Research at NYU Rory Meyers College of Nursing in collaboration with the Coalition for Homeless Youth. Although

⁵ Chapin Hall of the University of Chicago, *Missed Opportunities: Youth Homelessness in America*, November 2017, at http://voicesofyouthcount.org/wp-content/uploads/2017/11/ChapinHall_VoYC_1-Pager_Final_111517.pdf.

⁶ <https://www.thecity.nyc.gov/housing/2019/12/2/21210663/homeless-youth-age-into-adulthood-still-waiting-for-housing-aid-promised-in-2017>. Although RHY are now eligible for Emergency Housing Vouchers (EHV) under the American Rescue Plan, there are a limited number of vouchers and once they are matched with young people, there is not an expectation that additional vouchers will be provided.

⁷ Morton, M. H., Kull, M. A., Chávez, R., Chrisler, A. J., Carreon, E., & Bishop, J. (2019). *A Youth Homelessness System Assessment for New York City*. Chicago, IL: Chapin Hall at the University of Chicago, available at https://www.chapinhall.org/wp-content/uploads/Report_A-Youth-Homelessness-System-Assessment-for-NYC_2019_FINAL.pdf.

⁸ *Turning the Tide on Homelessness in New York City*, 2017, page 20, available at <https://www1.nyc.gov/assets/dhs/downloads/pdf/turning-the-tide-on-homelessness.pdf> ("In 2017, the City will... [e]xpand these rental assistance programs to include, for the first time, youth living in Department of Youth and Community Development (DYCD) youth shelters at risk of entering Department of Homeless Services (DHS) shelters").

⁹ It is important to note that RHY can currently access supportive housing placements, however, not all young people receiving RHY-focused services are eligible or want to live in a supportive housing environment.

¹⁰ Department of Youth and Community Development Local Law 86 of 2019 Report to the Speaker of the City Council Fiscal Year 2020, page 6, available at https://www1.nyc.gov/assets/dycd/downloads/pdf/FY20_LL86_RHY_Demographics-and-Services_Report_%20Final.pdf.

shelters and services from a program that is designed to support their development and identity is reprehensible – or, as Chair Levin has described it, “inhumane.”¹¹

It is imperative that the Council take action to ameliorate the harm perpetuated by the de Blasio administration by passing Intro. 2405-2021. Doing so will remove an arbitrary barrier to housing assistance for a long-neglected subset of the homeless population: homeless youth receiving services from DYCD-funded programs.

Intro. 2379-2021: Domestic Violence Shelter for Men

Although most people think of women when they hear statistics about survivors of domestic violence or intimate partner violence, the Centers for Disease Control and Prevention reports that “approximately 1 in 10 men in the U.S. experienced contact sexual violence, physical violence, and/or stalking by an intimate partner during their lifetime.”¹² DV is the primary reason families with minor children seek access to the DHS shelter system.¹³ HRA runs the country’s largest DV shelter system, but many DV shelters do not allow clients who identify as men to reside there, including households with older men and male-identifying children. The Coalition for the Homeless and LAS staff regularly witness the difficulty these individuals face in trying to access a safe, confidential shelter. Without a dedicated shelter for survivors who identify as men, an entire portion of New Yorkers in need cannot receive the specifically tailored services provided in the DV shelter system. Creating a refuge for survivors who identify as men is long overdue, and the Coalition for the Homeless and LAS strongly support Intro. 2379 as a first step to provide supportive shelters to an often-ignored portion of our community.

Intro. 1829-2019: Not Requiring Children at PATH

The Coalition and LAS strongly support Intro. 1829, which would preclude the Department of Homeless Services from requiring a child’s presence at an intake center when a family applies for shelter. Families seeking to access the shelter system encounter an onerous and lengthy application and eligibility process that is rife with bureaucratic hurdles and errors. In August 2021, a mere 23.5 percent of families with children applying for shelter were found eligible, and more than half of families with children had to submit two or more applications before ultimately being found eligible.¹⁴ This flawed process traps many families in a frustrating and disruptive cycle of repeatedly trying to prove that they need to access emergency shelters.

During the pandemic, DHS changed various policies to ensure that individuals and families seeking access to the DHS shelter system could do so as safely as possible.¹⁵ Intro. 1829 seeks to

¹¹ <https://www.thecity.nyc/platform/amp/housing/2021/9/23/22690856/homeless-youth-would-get-an-easier-path-to-housing-help-under-city-council-bill>

¹² <https://www.cdc.gov/violenceprevention/intimatepartnerviolence/men-ipvsvandstalking.html>

¹³ “In Fiscal Year (FY) 2018, domestic violence accounted for 41 percent of the family population entering DHS shelters, with eviction, the second-leading cause, accounting for 27 percent. That is a dramatic shift since FY 2014, when domestic violence accounted for 30 percent of the population and eviction 33 percent.” Housing Survivors: How New York City Can Increase Housing Stability for Survivors of Domestic Violence, Report from Comptroller Scott Stringer, October 2019, available at <https://comptroller.nyc.gov/reports/housing-survivors/>.

¹⁴ Eligibility rates calculated using data from reports published pursuant to Local Law 37.

¹⁵ “Families who are applying for shelter at PATH do not have to bring their children with them.” March 23, 2020, letter authored by DHS Administrator Joslyn Carter on file with The Legal Aid Society.

permanently ensure that one of these policies remains after the pandemic subsidies: eliminating the requirement that children must be present with their parents who apply for shelter at the City's intake center for families with minor children, also known as PATH.¹⁶ Prior to the pandemic-related shift in policy, both the Coalition for the Homeless and LAS regularly fielded complaints from New Yorkers who felt frustrated by the hours-long and occasionally days-long process families endured while applying for shelter at PATH. This process was made additionally difficult because parents were expected to bring all of their children to PATH for the entire application process, which could last up to 12 hours in a single day, and often required two consecutive days of appointments and interviews just to put in an initial application. For years, the Coalition for the Homeless, LAS, and other advocates have been strongly urging DHS to remove the requirement that children be present at PATH so that they would not have to sit, idle and bored, in an administrative building for hours and hours, missing school, medical appointments, and daycare.¹⁷

Policy changes such as eliminating the requirement that children be present at PATH with their parents have proven to be of great benefit to homeless families and children during the pandemic, and it is critical that DHS not backslide to the previous harmful policy. The policy change proved that it is possible to effectively screen a family without making every child appear in person at PATH, thereby exposing the lack of rational basis for the original policy. Intro. 1829 would codify this long-overdue change and make it permanent even once the pandemic subsidies, rather than relying on vague promises from DHS that they do not intend to reverse the policy in the near term. This will provide relief for families who do not wish to subject their children to the arduous application process, while also permitting families who wish to have their children present the flexibility to do so. While further changes are needed to make the family shelter eligibility process for both families with children and adult families more human-centered and less burdensome, this bill would be a positive first step in sparing children many hours of sitting in the PATH intake center. For these reasons, the Coalition for the Homeless and LAS both support the passage of Intro. 1829.

Conclusion

We thank the General Welfare Committee, sponsoring Councilmembers, and Chair Levin for their consistent dedication to the issues of homelessness and housing. The Coalition for the Homeless and LAS encourage the full Council to pass Intros. 2405-2021, 2379-2021, and 1829-2019 as quickly as possible to further support homeless New Yorkers.

About The Legal Aid Society and Coalition for the Homeless

The Legal Aid Society: The Legal Aid Society (LAS), the nation's oldest and largest not-for-profit legal services organization, is more than a law firm for clients who cannot afford to pay for

¹⁶ PATH is the acronym for Prevention Assistance and Temporary Housing.

¹⁷ Recently, Advocates for Children released a report showing the low attendance rates for students residing in shelters.

https://www.advocatesforchildren.org/sites/default/files/library/students_in_shelter_attendance_brief_10.2021.pdf

counsel. It is an indispensable component of the legal, social, and economic fabric of New York City – passionately advocating for low-income individuals and families across a variety of civil, criminal, and juvenile rights matters, while also fighting for legal reform. This dedication to justice for all New Yorkers continues during the COVID-19 pandemic.

The Legal Aid Society has performed this role in City, State, and federal courts since 1876. It does so by capitalizing on the diverse expertise, experience, and capabilities of more than 2,000 attorneys, social workers, paralegals, and support and administrative staff. Through a network of borough, neighborhood, and courthouse offices in 26 locations in New York City, LAS provides comprehensive legal services in all five boroughs of New York City for clients who cannot afford to pay for private counsel.

LAS's legal program operates three major practices — Civil, Criminal, and Juvenile Rights — and receives volunteer help from law firms, corporate law departments and expert consultants that is coordinated by LAS's Pro Bono program. With its annual caseload of more than 300,000 legal matters, The Legal Aid Society takes on more cases for more clients than any other legal services organization in the United States. And it brings a depth and breadth of perspective that is unmatched in the legal profession.

The Legal Aid Society's unique value is an ability to go beyond any one case to create more equitable outcomes for individuals and broader, more powerful systemic change for society as a whole. In addition to the annual caseload of 300,000 individual cases and legal matters, LAS's law reform representation for clients benefits more than 1.7 million low-income families and individuals in New York City and the landmark rulings in many of these cases have a State-wide and national impact.

The Legal Aid Society is uniquely positioned to speak on issues of law and policy as they relate to homeless New Yorkers. The Legal Aid Society is counsel to the Coalition for the Homeless and for homeless women and men in the *Callahan* and *Eldredge* cases. The Legal Aid Society is also counsel in the *McCain/Boston* litigation in which a final judgment requires the provision of lawful shelter to homeless families. LAS, in collaboration with Patterson Belknap Webb & Tyler, LLC, filed *C.W. v. City of New York*, a federal class action lawsuit on behalf of runaway and homeless youth in New York City. Legal Aid, along with institutional plaintiffs Coalition for the Homeless and Center for Independence of the Disabled-NY (CIDNY), settled *Butler v. City of New York* on behalf of all disabled New Yorkers experiencing homelessness, and Legal Aid is currently using the *Butler* settlement to prevent DHS from transferring disabled homeless New Yorkers to congregate shelters without making legally required reasonable accommodations. Also, during the pandemic, The Legal Aid Society along with Coalition for the Homeless continued to support homeless New Yorkers through litigation, including *E.G. v. City of New York*, Federal class action litigation initiated to ensure WiFi access for students in DHS and HRA shelters, as well as *Fisher v. City of New York*, a lawsuit filed in New York State Supreme Court to ensure homeless single adults gain access to private hotel rooms instead of congregate shelters during the pandemic.

Coalition for the Homeless: Coalition for the Homeless, founded in 1981, is a not-for-profit advocacy and direct services organization that assists more than 3,500 homeless and at-risk New

Yorkers each day. The Coalition advocates for proven, cost-effective solutions to address the crisis of modern homelessness, which is now in its fourth decade. The Coalition also protects the rights of homeless people through litigation involving the right to emergency shelter, the right to vote, the right to reasonable accommodations for those with disabilities, and life-saving housing and services for homeless people living with mental illnesses and HIV/AIDS.

The Coalition operates 11 direct-services programs that offer vital services to homeless, at-risk, and low-income New Yorkers. These programs also demonstrate effective, long-term, scalable solutions and include: Permanent housing for formerly homeless families and individuals living with HIV/AIDS; job-training for homeless and low-income women; and permanent housing for formerly homeless families and individuals. Our summer sleep-away camp and after-school program help hundreds of homeless children each year. The Coalition's mobile soup kitchen, which usually distributes 800 to 1,000 nutritious hot meals each night to homeless and hungry New Yorkers on the streets of Manhattan and the Bronx, had to increase our meal production and distribution by as much as 40 percent and has distributed PPE and emergency supplies during the COVID-19 pandemic. Finally, our Crisis Services Department assists more than 1,000 homeless and at-risk households each month with eviction prevention, individual advocacy, referrals for shelter and emergency food programs, and assistance with public benefits as well as basic necessities such as diapers, formula, work uniforms, and money for medications and groceries. In response to the pandemic, we are operating a special Crisis Hotline (1-888-358-2384) for homeless individuals who need immediate help finding shelter or meeting other critical needs.

The Coalition was founded in concert with landmark right-to-shelter litigation filed on behalf of homeless men and women (*Callahan v. Carey* and *Eldredge v. Koch*) and remains a plaintiff in these now consolidated cases. In 1981, the City and State entered into a consent decree in *Callahan* through which they agreed: "The City defendants shall provide shelter and board to each homeless man who applies for it provided that (a) the man meets the need standard to qualify for the home relief program established in New York State; or (b) the man by reason of physical, mental or social dysfunction is in need of temporary shelter." The *Eldredge* case extended this legal requirement to homeless single women. The *Callahan* consent decree and the *Eldredge* case also guarantee basic standards for shelters for homeless men and women. Pursuant to the decree, the Coalition serves as court-appointed monitor of municipal shelters for homeless adults, and the City has also authorized the Coalition to monitor other facilities serving homeless families. In 2017, the Coalition, fellow institutional plaintiff Center for Independence of the Disabled – New York, and homeless New Yorkers with disabilities were represented by The Legal Aid Society and pro-bono counsel White & Case in the settlement of *Butler v. City of New York*, which is designed to ensure that the right to shelter includes accessible accommodations for those with disabilities, consistent with Federal, State, and local laws. During the pandemic, the Coalition has worked with The Legal Aid Society to support homeless New Yorkers, including through the *E.G. v. City of New York* Federal class action litigation initiated to ensure WiFi access for students in DHS and HRA shelters, as well as *Fisher v. City of New York*, a lawsuit filed in New York State Supreme Court to ensure homeless single adults gain access to private hotel rooms instead of congregate shelters during the pandemic.



Testimony of Jamie Powlovich

Executive Director

Coalition for Homeless Youth

RE: Intro 2405-2021

New York City Council

Committee on General Welfare

October 25, 2021

Thank you Chair Levin and members of the Committee on General Welfare for the opportunity to testify before you today. My name is Jamie Powlovich and I am the Executive Director of the Coalition for Homeless Youth (CHY), also known as the Empire State Coalition of Youth and Family Services. The Coalition for Homeless Youth has advocated for the needs of runaway and homeless youth (RHY) for nearly 43 years. The coalition is comprised of 65 providers of services to homeless youth across New York State, including 29 members in New York City.

Our members include providers that are directly contracted to provide services to RHY, many of whom interact daily with the Department of Homeless Services (DHS) and the larger Department of Social Services (DSS). Many RHY access or attempt to access DHS shelters. The services provided by DHS are decisive to the daily lives of thousands of RHY in New York City. This testimony must also discuss DYCD – an agency not under the purview of General Welfare – because DYCD runs the youth-specific homeless system in New York City. Homeless youth find themselves navigating an often confusing and uncoordinated set of City agencies and while we are hopeful that positive changes are in the works, our optimism is tempered by significant concern for how little has been done by the City for homeless youth in the past year.

Since modern homelessness began in the late 1970s, homeless youth have faced the reality that the City does not provide enough age-appropriate shelter and largely leaves them out of access to permanent housing options. Under the current administration there have been some improvements in addressing the needs of RHY. Still, the harsh reality is that there are still nowhere near enough resources provided by the City to meet the needs of its homeless youth. The lack of a right to youth shelter (for all youth), the relatively small number of beds in the City's RHY continuum, and the marginal number of age-specific beds in the DHS system, all present major gaps that cause too many young people to fall through system-based cracks. The ongoing lack of coordination between City agencies serving homeless young people only makes this situation more difficult for youth reaching out for help.

The lack of almost any available subsidized exit from DYCD facilities – partially a result of the historic ping-ponging of responsibility for homeless youth between City agencies, which has meant that those relying on the DYCD programs are typically left out of permanent housing options – means that right now the City's homeless young people often circle around DYCD programs, sometimes ending up in DHS or HRA shelters, and often ending up on the streets as homeless adults. For many homeless youth this is preventable if the City turns its attention their way. Had there been a subsidized permanency option available to them in DYCD facilities as younger adults, there's good reason to believe they may not have entered the HRA or DHS systems.

We must focus on housing

In a study completed by the Center for Innovation through Data Intelligence (CIDI) that looked at outcomes for youth in the ACS, DHS and DYCD systems between 2008 and 2013, analysts found that “Having a subsidized exit substantially reduced the likelihood of both future system use and being a high service user in all models—by about two-thirds and 85%, respectively.” Access to

subsidies is a life-changing matter. Currently, homeless youth relying on homeless youth services (DYCD) are one of the only homeless sub-populations in New York City that has been left with virtually no option for permanent housing to help them exit homelessness. Youth relying on DYCD's homeless youth programs currently have no access to local housing subsidies like CityFHEPS. These young people do not receive any priority access to NYCHA units, or priority access to Section 8 subsidies. Youth eligible for supportive housing also face significant barriers to accessing a unit, and there has been ongoing difficulty ensuring fair access to supportive housing interviews and acceptance for homeless young people, particularly those with serious and persistent mental illness. The latter issue is not solely a result of the dearth of available supportive housing, but also a result of referral decisions made by City agencies and cherry-picking/creaming at the provider-level.

It is clear that housing support is needed.

Intro 2405-2021

The Coalition for Homeless Youth is in full support of Intro 2405-2021, which will count time in a Department of Youth & Community Development (DYCD) shelter as homeless for the purpose of qualifying for a CityFHEPS voucher, and will prevent youth from having to enter the Department of Homeless Services (DHS) shelter to receive one. In addition to CHY's remakes in support of this bill, we have also attached an organizational sign-on letter in support of Intro 2405-2021 to our testimony.

Despite many broken promises, youth experiencing homelessness still DO NOT have equal access to CityFHEPS vouchers. I would like to outline the history that has led to the need for Intro 2405-2021.

On April 11, 2016, the first promise of voucher access for homeless youth was made when Mayor de Blasio released his "REVIEW OF HOMELESS SERVICE AGENCIES AND PROGRAMS" In this report under Overview Reforms #7, the Mayor said that he would Target services and rental assistance for youth in DYCD shelters by expanding the eligibility criteria for the City's rental assistance programs to include youth living in DYCD youth shelters at risk of entering DHS shelters. This promise was echoed on Feb 28, 2017 in the Turning the Tide on Homelessness in NYC Report, which stated "In 2017, the City will: Expand these rental assistance programs to include, for the first time, youth living in Department of Youth and Community Development (DYCD) youth shelters at risk of entering Department of Homeless Services (DHS) shelters. "

Fast forward to April 20, 2017 at the General Welfare Oversight hearing regarding Reforms to Homeless Services One Year, when Commissioner Banks testified regarding DYCD youth getting access to vouchers as per Overview Review #7 that it "is expected to be finalized in the summer of 2017." During questioning of the administration Chair Levin asked Commissioner Banks "when do you expect that the first young person will have a voucher in hand?" to which Commissioner Banks responded – under oath "In the fall."

In FY17 1804 youth exited the DYCD shelter system into homelessness.

On September 28, 2017 at the Youth Services Oversight Hearing DYCD commissioner Chong testified – under oath that “We are working with HRA to help eligible youth apply for and access LINC housing subsidies.” This was untrue, as DYCD youth never had access to LINC prior to the creation of the current CityFHEPS program.

On June 14, 2018 Mayor de Blasio announces the creation of the NYC Youth Homelessness Taskforce

In FY18 another 1466 youth exited the DYCD shelter system into homelessness.

In January 2019, the Youth Homelessness Taskforce released its report, that has still not been acknowledged by the administration that commissioned it, which included the recommendation that NYC needed to “Determine and implement the eligibility and community referral process for homeless youth residing in DYCD programs to access CityFHEPS”

In March 2019 when CHY asked DYCD what the status of getting access to CityFHEPS for RHY was they responded via email that “We have had some very productive meetings with HRA, and are close to finalizing” However in April 2021, CHY obtained a copy of an MOU that DYCD signed with HRA on October 4th, 2019 that would force DYCD residents to go into DHS shelters prior to being found eligible for CityFHEPS vouchers.

In FY19 another 1235 youth exited the DYCD shelter system into homelessness.

On July 12, 2019 Mayor de Blasio again announced that the City was “Working with the Department of Youth and Community Development (DYCD) to connect certain eligible young people transitioning out of DYCD shelter and entering Department of Homeless Services (DHS) shelter with CityFHEPS rental assistance”

In FY20 and FY21 another 2430 youth exited the DYCD shelter system into homelessness.

Since initially promising youth experiencing homelessness access to vouchers in 2016, 6,935 youth have remained homeless, that we know of. That is almost 7,000 missed opportunities the City had to change the outcome for youth experiencing homelessness.

Conclusion

To conclude, we urge you to pass Intro 2405-2021, so that youth in the DYCD system can be given the same opportunity to access stability as those in the DHS system. Thank you for the opportunity to testify.



Speaker Corey Johnson
New York City Council
City Hall Office
New York, NY 10007

Speaker Corey Johnson and the New York City Council:

On behalf of the Coalition for Youth Homelessness and the NUMBER undersigned organizations, we are writing in strong support of [Intro 2405-2021](#), a bill which will provide Runaway and Homeless Youth in the Department of Youth & Community Development (DYCD) shelter system access to the CityFHEPS rental assistance program.

As you know, New York City is in the midst of a homelessness crisis that is not just limited to those in the Department of Homeless Services (DHS) shelter system. Every year there are [thousands of youth and young adults](#) who find shelter and support in the DYCD shelter system, but they have not been given access to many of the resources the City has put in place to support those experiencing homelessness, including CityFHEPS vouchers.

Despite Mayor de Blasio promising youth experiencing homelessness access to vouchers in [2017](#), over 4 years later, they are still waiting. By passing [Intro 2405-2021](#), you will be making good on that promise.

For too long NYC has been allowing homeless young people in the DYCD system to transition into homeless adults in the DHS system, mostly because they lack access to the supports needed to obtain their own apartments and find stability. [In FY21 less than 2% of youth in the DYCD system exited to their own apartments, compared to almost 40% of them transitioning to another homeless situation.](#) Passing [Intro 2405-2021](#) can change those statistics.

By the Council passing [Intro 2405-2021](#), it will send a message to youth experiencing homelessness that their experiences matter and that you recognize time spent in a DYCD shelter as homeless, which will give youth and young adults access to the same vouchers as those experiencing homelessness in the DHS system.

Sincerely,

Ali Forney Center
Cardinal McCloskey Community Services
Citizens' Committee for Children
Coalition for Homeless Youth

Coalition for the Homeless
CORE Services Group
Covenant House New York
Good Shepherds Services
Hetrick-Martin Institute
Homeless Services United
Housing Rights Initiative
Housing Works
New Alternatives for Homeless LGBT Youth
New York Housing Conference
New York Legal Assistance Group
Open Hearts Initiative
Safe Horizon
Safety Net Project - Urban Justice Center
SCO Family of Services
The Door
The Legal Aid Society
The New York City Youth Action Board (YAB)
The Supportive Housing Network of New York
VOCAL-NY



Leadership, voice and vision for child welfare in New York State

TESTIMONY SUBMITTED TO
THE NEW YORK CITY COUNCIL
COMMITTEE ON GENERAL WELFARE
Hearing Regarding Proposed Legislation

Monday, October 25, 2021

Kathleen Brady-Stepien, CEO
Council of Family and Child Caring Agencies

Thank you, Chairperson Steven Levin and members of the New York City Council Committee on General Welfare, for the invitation to submit testimony from the Council of Family and Child Caring agencies (also known as COFCCA). COFCCA represents over fifty New York City child welfare agencies, organizations that provide foster care, juvenile justice, and child maltreatment prevention services to many thousands of families. Our members range from large multiservice agencies to small community-based preventive services programs in community districts around the City. We welcome the opportunity to speak about the various legislative measures on the agenda today on behalf of the child welfare provider community.

Int 1304 - Authorizing council members and the public advocate to visit and inspect detention facilities

This legislation is worded to include programs “administered in whole or in part” by the Administration of Children’s Services (ACS) and specifically mentions non-secure detention (NSD), meaning the nonprofit organizations operating NSD programs for the City would be included. These programs are highly-structured and organized for the physical and psychological safety of the residents and staff, including daily routines and monitoring activities. At the same time, these programs are designed to be as home-like as possible, given the population, and therefore do not have the structural security or staffing levels of secure facilities. While the program providers welcome opportunities to display their sites and discuss the impact their programs have had on juvenile justice-involved youth, unannounced visits can be disruptive, and also may conflict with regulations from the Office of Children and Family Services, the entity that licenses these facilities. We encourage the council



to amend Int 1304 to specify that while visits may occur at different times of day, that providers will receive notice of visits before they occur to ensure the safety of all involved.

Int 2405 - Runaway and homeless youth eligibility for rental assistance

Several of the nonprofits that provide child welfare services also operate Runaway and Homeless Youth (RHY) programs for the Department of Youth and Community Development. The young people in these programs have often endured many hardships before entering RHY programs, including physical abuse, sex trafficking, addiction, and family rejection based on pregnancy, sexual identity, or gender identity. RHY programs provide services that specifically address the needs of homeless youth and young adults. It is cruel for the City to further traumatize these young people by forcing them to enter the adult shelter system to secure rental assistance. Viewed through a financial lens, it makes no sense for the City to fund the youths' stay in RHY programs and then pay the adult homeless shelters to house the same youth for the additional time required for them to receive rental assistance under the current process. We wholeheartedly support making rental assistance more available to youth by counting time spent in RHY programs for CityFHEPS eligibility. Our only request is that the bill also encompass youth in Transitional Independent Living programs, which are also operated under DYCD auspices and from which youth "age out" on their 21st birthday. These youth as well struggle to acquire housing and are not covered under other rental assistance programs.

Youth involved with juvenile justice and runaway/homeless youth are often cast aside or ignored; we greatly appreciate the Committee's interest in their safety and well-being. As always, we at COFCCA would be happy to answer any questions the Council members may have, or to arrange for members to see their local child welfare agencies in action. We thank you for allowing us to submit our testimony.

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Leadership, voice and vision for child welfare in New York State

Contact Information:

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**Testimony to the New York City Council**  
Committee on General Welfare  
October 25, 2021

Good afternoon. My name is John Sentigar and I am a member of the advocacy team at Covenant House New York, where we serve youth experiencing homelessness, ages 16 to 24. I would like to thank the Committee on General Welfare, and Chairperson Steven Levin for the opportunity to submit testimony.

Covenant House New York (CHNY) is the nation's largest, non-profit adolescent care agency serving youth experiencing homelessness. During this past year, CHNY served over 1,500 young people in our residential programs, and through our drop-in center and street outreach efforts. On a nightly basis, we provide shelter to approximately 200 young people, including pregnant women and mothers with children, LGBTQ+ youth, and commercially sexually exploited youth and trafficking survivors. Our youth are primarily people of color and over a third of our youth have spent time in the foster care system. Many of our young people have experienced abuse or neglect at the hands of parents or other caregivers, and a disproportionately high percentage of our youth struggle with the pervasive impacts of trauma, mental health issues, and substance abuse. We provide young people with food, shelter, clothing, medical care, mental health and substance abuse services, legal services, high school equivalency classes and other educational programs, and job-training programs. All of these services help young people overcome the trauma of abuse, homelessness, and exploitation and move toward stability.

Over four years ago, Mayor de Blasio recommended that "eligibility criteria for the city's rental assistance program will be expanded to include youth living in RHY shelters at risk of



entering DHS shelters. Since the Mayor made this statement in April of 2016, youth in RHY shelters still have extremely limited access to city rental assistance programs. Time and time again our dedicated and experienced aftercare housing managers struggle to find housing options for young people who were about to leave Rights of Passage (ROP), our transitional living program (TIL), even when the client has met all of their individual and program goals. This can create a bottleneck as a young person in our crisis program will not be able to move into our TIL until there is a bed available. Yet we will not release that bed until we can be assured that the young person exiting our TIL has an appropriate place to stay. This needs to change, and this is why Covenant House New York is in full support of Intro 2405.

While the pilot program initiated this summer that provides 50 CityFHEPS housing vouchers to youth is a good start, it is nowhere near enough. Covenant House New York will, ideally, be provided 10 of those vouchers for youth in our programs. As of today, we have already had 43 youth sign up for this assistance, which means we will have to turn many of them away and determine another plan for them. In FY2020, only 29 of the 2,791 young people discharged from a DYCD shelter moved into unsubsidized housing. Many had no other option but to become homeless. Additionally, the city should provide more funding to help administer these programs. While we are grateful that these vouchers have been made available, it amounts to a lot of additional staff time without additional funding. Ultimately, youth experiencing homelessness in New York City need much more than 50 vouchers from the city – meaningful change needs to take place.

Time spent in a youth shelter must be counted toward time spent as “homeless” by the Department of Social Services. Youth homelessness is an epidemic and it is at crisis levels in New York City and across the country. Young people desperately need access to affordable and



sustainable housing – the numbers clearly reflect this. Counting their time spent in a youth shelter toward eligibility for CityFHEPS vouchers will be an essential tool in making that happen. It simply does not make sense that because a person is accessing services through a different city agency - one that specializes in developmentally appropriate services for their age group - they should be denied a major pathway to achieving housing stability.

I would like to thank you for the opportunity to testify today. We understand that the City has difficult decisions to make in this unprecedented time. However, we also know that young people experiencing homelessness in NYC were already marginalized and that the current economic realities will make it even harder for them to break free from poverty. We believe that passing Intro 2405 - the recommendation for youth's time in our facilities to be considered the same as time spent in an HRA facility - will go a long way toward ensuring that homeless youth in New York City will be better able to obtain independent and permanent housing. This change to benefit young New Yorkers facing homelessness will ensure positive outcomes and promote positive systemic change in the face of a rising homeless crisis.

John Sentigar  
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**Testimony of the Family Homelessness Coalition Co-conveners:  
Citizens' Committee for Children  
Enterprise Community Partners, Inc.  
New Destiny Housing**

**To the New York City Council General Welfare Committee  
In Support of Intro 1829-2019  
Make Permanent the Current Exemption of Children from PATH  
October 25, 2021**

Chair Levin and members of the General Welfare Committee, on behalf of the Family Homelessness Coalition, we thank you for the opportunity to submit testimony in support of Intro 1829-2019, and we thank Council Member Ayala for her leadership in introducing this bill. The Family Homelessness Coalition, comprised of a diverse group of advocates, shelter and service providers, and affordable housing operators, has worked to combat family homelessness since before the current public health and economic crisis hit our city. Our priorities of preventing homelessness, improving conditions in shelters, and expanding access to affordable housing are even more relevant and critical today as we move towards a citywide recovery.

During the height of the COVID-19 crisis, the Department of Homeless Services made many positive but temporary changes to the application process for family shelter, one of which precluded the Department of Homeless Services (DHS) from requiring parents to bring their minor children to the PATH intake center when they apply for homeless shelter. Intro 1829-2019 would make this change permanent, and it is a critical measure that will improve the lives and educational outcomes of countless families experiencing homelessness.

To access shelter in New York City, families must apply in person at the PATH center if they have minor children. This means missing school and work, as every member of the family—including children on the initial application—must be present. At PATH, parents and children spend a full day in waiting rooms and meetings, crowded with anxious adults who are desperately seeking shelter. They are undergoing assessments, filling out forms, providing documentation, and telling and retelling their traumatizing story. By exempting minor children from being present at PATH, they can be spared a day of tense, stressful waiting rooms and adult conversations, and can instead go to school, childcare, or other child and youth appropriate activities.

The justification for requiring children to be present was that it allowed DHS to certify the family composition and to assess children for unmet needs or threats to their well-being. This is not sufficient justification for requiring children to be present at PATH as these functions are



done at shelter when a family arrives. What's more, over the last year and a half while DHS temporarily removed the requirement for children to be present, the agency successfully conducted assessments, including for domestic violence, remotely and proved that there's no justification for making children miss school and be subject to the trauma of PATH.

The current exemption is temporary. The administration has not indicated an intention to return to pre-pandemic practices, but they have not agreed to codify them to make them permanent. That is why we ask you to pass Intro 1829 and protect children from a harmful and archaic administrative requirement.

Thank you for your attention to this critical matter and we look forward to our continued partnership with you to ensure that all families may be housed with safety, dignity, and stability.



## **TESTIMONY OF LAWYERS FOR CHILDREN**

To the New York City Council Committees on General Welfare

**“Hearing on Int. 1304-2018, Int. 1829-2019, Int. 1992-2020, Int. 2419-2021, Int. 2419-2101, Int. 2420-2021, Int. 2379-2021”**

October 25, 2021

**Submitted by:**

Karen J. Freedman, Executive Director  
kfreedman@lawyersforchildren.org

Betsy Kramer, Director of Policy & Special Litigation  
bkramer@lawyersforchildren.org

**Lawyers For Children: “Hearing on Int. 1304-2018, Int. 1829-2019, Int. 1992-2020, Int. 2419-2021, Int. 2419-2101, Int. 2420-2021, Int. 2379-2021”**

Thank you, Chair Levin and the Committee, for holding this hearing on a series of proposed legislation that would promote better outcomes for children and families served by the Administration for Children’s Services and other agencies.

Founded in 1984, Lawyers For Children is a not-for-profit legal corporation that represents individual children in voluntary foster care, abuse, neglect, termination of parental rights, adoption, custody and guardianship proceedings in family court, and advocates for system-wide reform to improve the lives of children in foster care. This year, we will represent children and youth in more than 3,000 court proceedings. Based on our experience in individual cases, we have also successfully participated in numerous class-action lawsuits and helped to effectuate change in City and State policies and practices to promote good outcomes for all children in foster care.

We are pleased that the Council has taken decisive action on issues that have been the subject of subject of hearings before this committee over the last several years. And we thank you for your continued commitment to holding the Administration for Children’s Services to account for the care and services provided to children in its custody. We hope you will consider these written comments with respect to the bills that are the subject of this hearing.

**Int. 2419: Regular & Comprehensive Reporting on Length of Stay at the Children’s Center**

The prolonged stays of children at the ACS Nicholas Scoppetta Children’s Center on First Avenue in Manhattan has long been recognized by the Council as a matter of serious concern.

As Chair Levin and the Council may recall, we shared the story of our client, Kenneth, with the Council<sup>1</sup> in 2019. Kenneth, who was confined to a wheelchair, remained at the Children’s Center for over a year because ACS failed to find an appropriate foster care placement for him. While he was there, many of his most basic needs were ignored. Unfortunately, as the Council knows, Kenneth was and is not alone—too many children

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<sup>1</sup> Melissa Russo, Kristina Pavlovic, ACS Held in Contempt for Neglecting Wheelchair-Using Teen Soaked in His Own Urine (March 14, 2019), <https://www.nbcnewyork.com/news/local/ACS-Held-in-Contempt-for-Failing-to-Care-for-Wheelchair-Bound-Teen-Soaked-in-His-Own-Urine-506827971.html>; Michael Fitzgerald, Is New York State Responsible For Some Long Stayers at the City’s Temporary Foster Home? City Child Welfare Commissioner Thinks So, *The Chronicle of Social Change*, (March 29, 2019) <https://chronicleofsocialchange.org/featured/new-york-childrens-center-child-welfare-commissioner/34364>.

**Lawyers For Children: “Hearing on Int. 1304-2018, Int. 1829-2019, Int. 1992-2020, Int. 2419-2021, Int. 2419-2101, Int. 2420-2021, Int. 2379-2021”**

stay for too long at this institutional facility, which was designed to house children for no more than 48 hours. .

In 2019, Commissioner Hansell testified before this committee that 72 hours is the time by which “most” young people are discharged.<sup>2</sup> If just “some” remain even that long, it is too long for children to be in a temporary institution awaiting placement.

The reporting required by this bill will hold ACS accountable for failing to promptly place children in appropriate foster homes. More importantly it can help to address that failure by identifying the specific populations for whom new foster care placements need to be developed.

ACS reports monthly on the number of children who stay at the Children’s Center each night. While those numbers may appear to be lower than they were in the past, they may not actually represent the number of children who are in temporary shelter awaiting placement. Those numbers do not include children placed in Rapid Intervention Centers, or “Reception Centers,” including a 20-bed facility opened just last month on Staten Island.

For these reasons, in addition to the information required by this bill, we urge you to require ACS, to:

- Break down length of stay by age and by disability, which is important to understand what needs these children have and what placements are necessary to avoid long-term stays at the Center.
- Analyze the data, not just report, and to present a plan for addressing any trends identified.
- Include, in its monthly Flash Reports, the number of children placed each night in all temporary facilities – including Rapid Intervention Centers, and Reception Centers.

The lack of available foster homes remains of paramount concern. Understanding who the children and youth are who are awaiting placement, as well as the true number of children awaiting placement, is key to addressing that problem.

**Int. 2420: Requiring an audit and report on foster care placement notices**

New York State law requires that notice of any change in foster care placement be given, forthwith, to the attorney for the child and the child’s parents. That law recognizes

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<sup>2</sup> *New York City Council Budget and Oversight Hearings on the Fiscal Year 2020 Preliminary Budget Before the City Council Committee on General Welfare, March 25, 2019 (Statement of Commissioner David A. Hansell, Administration for Children’s Services)*

**Lawyers For Children: “Hearing on Int. 1304-2018, Int. 1829-2019, Int. 1992-2020, Int. 2419-2021, Int. 2419-2101, Int. 2420-2021, Int. 2379-2021”**

that changing placements can cause serious trauma for children in foster care. Emotional ties are severed when a child is moved from a foster home. School placements are often disrupted, as are community ties with therapists, friends and other resources. If notified before a move occurs, the child’s attorney and parents can often play an important role in reducing that trauma. They may identify services that could help avert the need to move the child. When a move cannot be prevented, they might propose family resources who could step in to care for the child, or the attorney might identify other appropriate foster care placements where the child’s needs can be met. And, they may provide valuable information that can help make a transition as safe and comfortable for the child as possible.

Unfortunately, the law includes no enforcement mechanism and no penalty for ACS’s failure to provide the required notice. And, too often, we receive notice that our client has been moved days, weeks, or months after the transition has taken place.

The need to ensure that ACS provides timely notice of placement changes is particularly important with respect to children who are placed in residential programs. The federal Family First Preventive Services Act, which went into effect in New York on September 29, 2021, also establishes strict time frames for notifying the court and all counsel whenever it is recommended that a child be placed in a Qualified Residential Treatment Program. If the agency fails to comply with the dictates of that law, federal reimbursement will not be available for the child’s placement.

For these reasons, we urge the City Council to modify this bill to require:

- Reporting regarding **all** placement changes, not just a statistically significant sample; and,
- ACS to analyze the data in an effort to identify any trends in the failure to provide timely notice based on placement agency, level of care, or any other factors that might help to address significant lapses in compliance with the federal and state statutes.

**Int 2405: Requiring CityFHEPS Voucher Access to Runaway and Homeless Youth**

No young person who is without a place to live should have to enter the City shelter system in order to have access to the City’s housing programs. For this reason, we support this proposal to include time spent in a youth shelter in the definition of “shelter” for purposes of determining eligibility for the CityFHEPS.

However, we are deeply concerned that the Council has not included youth leaving foster care among those who are eligible for the voucher program. LFC’s Youth

**Lawyers For Children: “Hearing on Int. 1304-2018, Int. 1829-2019, Int. 1992-2020, Int. 2419-2021, Int. 2419-2101, Int. 2420-2021, Int. 2379-2021”**

Advocate, Chelsea Velez, testified before this committee in November 2020<sup>3</sup>, explaining that she was able to access housing programs upon aging out of foster care only by entering the City shelter system. Like young people leaving the youth shelter system, young people leaving the foster care system should not be forced to enter the City shelter system simply to confirm that they have no other housing available.

We understand that 50 CityFHEPS vouchers were provided to ACS for youth in foster care through a pilot program created this past summer. Those vouchers have already been distributed – a clear indication of the need for youth aging out of foster care to have access to this resource. For this reason, we urge the City Council to modify the bill to:

- include youth aging out of foster care in the definition of homeless individuals who are eligible for rental assistance, thereby making the pilot program a permanent law.

**Int. 1992: Establishing a pilot program to train case workers who specialize in developmental, intellectual and physical disabilities**

Understanding the needs and limitations of each family member, along with the services available to address those needs and limitations is key to keeping families safe and intact. While the intent of this legislation is laudable, a pilot program that trains just 5% of ACS’ diagnostic protective specialists regarding developmental disabilities in parents is simply not sufficient. This law would unnecessarily leave too many caseworkers who are charged with providing assistance without readily-available crucial training regarding how to make assistance, services, and conferences accessible to developmentally disabled parents and children.

While recognizing the need for training, this law would leave 95% of child protective specialists without it. It would leave one hundred percent of workers in the Family Services Unit – those charged with providing supervision and support after an initial investigation is completed – untrained. And, after a child has been removed, it would leave every case planner and supervisor working with families through a voluntary foster care agency without the training necessary to provide effective assistance to parents who have a developmental disability. This is simply unacceptable and undermines the premise of this bill that such training is, in fact, necessary.

ACS’s failure to properly identify and serve children who have developmental disabilities has been the subject of litigation for nearly two decades.<sup>4</sup> While relief has been slow to

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<sup>3</sup> Testimony available here:

<https://www.dropbox.com/home/Lawyers%20For%20Children%20Team%20Folder/Web%20site/Public%20Documents?preview=Lawyers+For+Children+11.24.20+Full+Testimony+FosterCareTaskForce%26Int.148+UPDATED.pdf>

<sup>4</sup> *City of New York v. Maul*, 14 NY3d 499 (2010).

**Lawyers For Children: “Hearing on Int. 1304-2018, Int. 1829-2019, Int. 1992-2020, Int. 2419-2021, Int. 2419-2101, Int. 2420-2021, Int. 2379-2021”**

come through the courts, the time is ripe for the Council to help address this issue by including training regarding children in this bill.

ACS has the infrastructure in place to provide comprehensive training and support to all workers serving families in the child welfare system. According to the ACS website, the ACS Developmental Disabilities Unit (DDU)

...works on behalf of the intellectually disabled (ID) and developmentally disabled (DD) child, youth, and parent during the protective, preventive, and foster care phases of their ACS involvement. The Unit's daily outreach to foster care case planners, preventive agencies and CPS workers offers case consultation, training on developmental disabilities, identify local community resources and services, as well as provide free psychological testing to children in foster care suspected of having a developmental disability. The unit's focus has expanded to include a Parent Resource Manager (PRM). The PRM will provide referrals to resources specifically for the parent with cognitive impairment which supports the reunification of the child and/or resources to maintain custodial care of the child in the community.

Lawyers For Children staff have attended virtual trainings conducted by the DDU for workers and advocates. In just one hour, a DDU training provides a wealth of information to assist providers who are working with families impacted by developmental disability. It is information that could alter the course of a family's involvement with ACS.

Unfortunately, it appears that too few caseworkers have been exposed to these trainings to have a meaningful impact in the lives of families. For these reasons, we urge the Council to revise this bill to:

- Require that all Child Protective Specialists and Family Services Unit workers, as well as all foster care agency Case Planners and Case Planner Supervisors receive training regarding (1) identification of developmental disabilities in children and adults; (2) accommodations that must be afforded when working with parents and children who have a suspected or confirmed developmental disability; and (3) how to access specialized services for parents and children who have a suspected or confirmed developmental disability.

**Int. 1304: Authorizing council members and the public advocate to visit and inspect detention facilities**

Launched in Spring 2021, Lawyers For Children's Juvenile Justice Project represents children involved in juvenile delinquency proceedings. We wholeheartedly support this legislation, which would provide an additional layer of accountability for a system that like the adult corrections system, is rife with abuse and mismanagement. Currently

**Lawyers For Children: “Hearing on Int. 1304-2018, Int. 1829-2019, Int. 1992-2020, Int. 2419-2021, Int. 2419-2101, Int. 2420-2021, Int. 2379-2021”**

under federal monitoring, these juvenile detention facilities should be subject to additional oversight by the Public Advocate and the City Council, which has the ability to improve conditions through its own legislation.

By amending the City Charter, this law would be analogous to the City Council’s ability to inspect Department of Corrections facilities.<sup>5</sup>

**Int. 1829-2019: Child’s Presence Requirement at Shelter Intake**

Right now, there are over 8,600 families with nearly 15,000 children residing in Department of Homeless Services shelters.<sup>6</sup> On any given day, more than one hundred families request temporary housing at PATH. As advocates for children, we support Int. 1829, which would prevent children from being forced to be present during the shelter intake process. This is one small but significant step in creating a more child and family-centered experience within the homeless family shelter system. Up to 90% of children with families in shelters are school-age<sup>7</sup>. Taking them out of school and daily routine, increases instability and interrupts learning. Parents should have the option to shield their children from what is already a very difficult, disruptive, and traumatic process. We also urge the Council to continue to encourage and support initiatives that create a welcoming, respectful, environment and process for families who bring their children to PATH intake, ACS and other social service centers such as HRA offices.

**Int. 2379: Requiring the department of social services to create a domestic violence shelter designated for men**

While all of LFC’s attorneys and social workers see the impact of domestic violence upon families in custody, visitation, child welfare and family offense matters, the attorney and two masters level social workers assigned to our Domestic Violence Project in the Integrated Domestic Violence part of the Supreme Court are particularly attuned to the needs of families impacted by domestic violence. Our understanding of those needs was further enhanced by our role as counsel for the subclass of plaintiff children in *Nicholson v. City of New York* (challenging ACS’ practices with respect to parents who are victims of domestic violence). While we unequivocally support any effort to create gender parity with respect to services provided by the city – especially with respect to families and individuals impacted by violence – we would urge the Council to ensure that the funding committed to a shelter for male victims of domestic violence is appropriately allocated.

Few, if any, of the families in LFC cases would benefit from emergency shelter developed specifically for men who’ve been harmed by intimate partner violence. In our

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<sup>5</sup> See NYC Charter: <https://nyccharter.readthedocs.io/c25/>

<sup>6</sup> NYC Department of Homeless Services Daily Report, October 20, 2021

<sup>7</sup> See <https://www1.nyc.gov/assets/dhs/downloads/pdf/dashboard/FYTD21-DHS-Data-Dashboard-Charts.pdf>

**Lawyers For Children: “Hearing on Int. 1304-2018, Int. 1829-2019, Int. 1992-2020, Int. 2419-2021, Int. 2419-2101, Int. 2420-2021, Int. 2379-2021”**

experience on hundreds of IPV cases, we only know of one father who may have used the shelter system while also having primary parenting responsibility.

We understand that there may be a great need for such shelter among men who are not parties to matters involving LFC. This might include, for example, members of the LGBTQ community who do not have children. While we hope to ensure the safety of those men, we urge the Council to make the following modification to the bill prior diverting scarce resources to develop a shelter for men:

- HRA to conduct a needs assessment to determine the scope of the need for a men’s shelter, including an evaluation of the number of men who might seek such shelter each night, the availability of alternative resources to address the needs of male victims of intimate partner violence, and the feasibility of including male victims in existing shelters for victims of intimate partner violence.

### **Conclusion**

Thank you for your attention and commitment to young people in foster care and the juvenile justice system. We are happy to follow-up with you on any questions you may have about our testimony and to assist the Council in developing legislation that will help create oversight and accountability measures for ACS.



**New York City Council  
Committee on General Welfare  
October 25, 2021**

**Hearing on Int. 1304, 1992, 2379, 2405, 2419, 2420**

**Testimony of The Juvenile Rights Practice of The Legal Aid Society**

199 Water Street  
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Prepared by:  
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**Introduction:**

The Legal Aid Society (Legal Aid) thanks Chair Levin and the members of the Committee on General Welfare for holding this hearing on critical legislation that would increase transparency and accountability within the child welfare and juvenile legal systems. We support all the bills before the Committee today, but focus our testimony on Int. 2419-2021, Int. 2420-2021 and Int. 1304-2018. We encourage the Committee to review the testimony of the Coalition for the Homeless on Int. 2405-2021 and 2379-2021 and urge the City Council to pass each piece of legislation, as they will greatly enhance transparency across the systems which often entangle our vulnerable young clients.

**About The Legal Aid Society:**

Legal Aid's Juvenile Rights Practice provides comprehensive representation as attorneys for children who appear before the New York City Family Courts in abuse, neglect, juvenile delinquency, and other proceedings affecting children's rights and welfare. Last year, our staff represented approximately 34,000 children. Legal Aid has dedicated teams of lawyers, social workers, paralegals and investigators devoted to serving the unique needs of children and youth placed in to foster care through New York City's Family Courts. Legal Aid also represents children and youth charged as juvenile delinquents, juvenile offenders and adolescent offenders, and represents the majority of children and youth prosecuted in New York City's Family Courts and Criminal Courts.

In addition to representing our clients in trial and appellate courts, we also pursue impact litigation and other law reform initiatives. To accomplish the most effective law reform, Legal Aid relies on data and uses affirmative litigation and policy advocacy to improve existing laws

and policies. Our perspective comes from daily contact with children and their families, and from our interactions with the courts, social service providers, and City and State agencies.

### **Int. 2420-2021: Timely Notifications of Placement Changes for Children in Foster Care**

The Legal Aid Society vigorously supports Int. 2420-2021. This bill would require ACS to conduct quarterly audits of the provision of notice to attorneys for children of changes in the placement of their clients in foster care and publically report the results of those audits. These requirements will provide needed oversight over ACS's obligation to notify a child's attorney when they are moved to a new placement.

State law and policy, as well as ACS's own internal guidance, underscore the fundamental importance of notification of placement change for children in foster care.<sup>1</sup> Recent state legislation modified the Family Court Act, as well as Social Services Law § 358-a to require that notice be provided to the attorney for the child "forthwith, but not later than one business day following either **the decision to change the placement** or the actual date the placement change occurred, **whichever is sooner.**"<sup>2</sup> (emphasis added). The notices, which must be sent to the court and parties, including the child's attorney, must include the anticipated date of the placement change or the date it actually occurred, as applicable; if an anticipated date was given, further notices of the actual date the placement change occurred must be sent within one business day of the actual placement change date.<sup>3</sup> The law attempts to curb the common practice of local departments of social services (LDSS), including ACS, moving children from

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<sup>1</sup> L. 2019, Ch. 732; amended by L.2020, ch. 55, Part XX, subpart L.

<sup>2</sup> Family Court Act § 1017.

<sup>3</sup> *Id.*

one foster care placement to another without notifying the attorney for the child in advance of the placement change.

Even prior to the passage of this legislation, as far back as December 14, 2010, the NYS Office of Children and Family Services (OCFS) promulgated a critical and more protective Administrative Directive (ADM) requiring LDSSs and voluntary foster care agencies to provide advance notice of placement changes to attorneys for children.<sup>4</sup> The ADM requires LDSS's to notify attorneys for children of any planned placement changes **“at least 10 days in advance of the anticipated change in placement, or as soon as the decision is made,** and no later than the next business day after an emergency move occurs.” (emphasis added).

The OCFS ADM further requires that notification include critical information, such as the reason for the child's placement change, the planned or new placement location, and new contact information. This information is key to the representation of the child. It allows for consultation with our verbal child clients and for attorneys for the child to craft tailored solutions to preserve the placement or assist in the transition of placement.

ACS policy also requires advance notice to the child's attorney. Shortly after OCFS adopted its ADM, ACS issued a policy establishing consistent guidance.<sup>5</sup> On July 26, 2011, ACS notified their voluntary foster care agencies that attorneys for children were not receiving timely notification of a placement change.<sup>6</sup> Demonstrating the importance of this issue, ACS warned the voluntary foster care agencies that agency funding might be made contingent on keeping timely records of placement changes for youth in foster care. On February 6, 2012, an ACS Memorandum made clear that “available information about the placement change,”

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<sup>4</sup> 10-OCFS-ADM-16, Notice of Placement Change to Attorneys for Children.

<sup>5</sup> ACS reiterated this requirement on October 21, 2010, in a letter to the voluntary foster care agencies.

<sup>6</sup> Letter from ACS Commissioner John B. Mattingly dated July 26, 2011. Available at <https://www1.nyc.gov/assets/acs/policies/init/2011/M.pdf>.

including the date of the expected move and contact information for the new placement, must be provided to the attorney for the child. Notwithstanding these requirements in law and policy, ACS continues to fail to provide timely and adequate notice to attorneys for children. Legal Aid has repeatedly informed ACS that we do not receive advance notice of anticipated placement changes, yet our staff continues to receive notifications days, weeks, and sometimes months late, if at all. Furthermore, the notifications that we do receive lack critical OCFS-mandated information, such as the reason for the child's placement change, the planned or new placement location, and new contact information.

ACS's failure to comply with law, regulations, and its own internal policy has real-life consequences for our clients, and creates trauma that cannot be undone. ACS has removed children from homes only to re-place them in the same home after their attorney was notified of the placement change and able to intervene. Without notice to the attorney, ACS has unnecessarily removed children from relatives and placed them with strangers, moved children from homes into congregate facilities, and overlooked children's education or service needs during a transition. Time and time again, the trauma of a hasty or poorly planned removal unnecessarily harms vulnerable children across the City.

Further, ACS's failure to timely notify attorneys of placement changes jeopardizes a core component of adequate legal representation. Lack of notice and inadequate information regarding the new foster care placement impedes an attorney's ability to maintain frequent and ongoing communication with their young client. We represent children ages 0-21, and with a vast range of cognitive capacity. When ACS fails to notify us in advance of a placement change, they implicitly place the burden on our young clients to affirmatively seek out legal representation. Often our clients are not informed of a pending move and, even when they are,

they are often incapable of managing this responsibility. Needless to say, it is inappropriate to expect them to do so. Moreover, if ACS provided proper notice of a placement change, attorneys for children would be able to advocate for the preservation of placements, as appropriate, and for minimal interruptions in education, mental health, and other stabilizing services, reducing extended foster care placements. If ACS provided prior notice of an anticipated placement change to attorneys for children, attorneys could bring concerns to the court's attention before the move, resolving issues and creating smooth transitions.

Placement changes and service disruptions can effectively extend a child's time in foster care. Placement instability and lack of consistency can create a host of behavioral and emotional issues that derail a child from being able to reunify with their family, and often requires more intensive, and costly, mental health interventions. The longer a child remains in foster care, the higher the risk that the child will eventually age-out of care without a permanent, stable resource. Children who age-out of foster care are at higher risk of experiencing homelessness and poverty.

The proposed bill, Int. 2420-2021, would not be onerous for ACS to implement, and would greatly benefit children in foster care. ACS is legally obligated to monitor and evaluate the appropriateness of any change in placement. It is obligated to have up-to-date information about a pending placement change, and to ensure that both its staff and contract agencies are adhering to the law and relevant policies. As outlined above, ACS is required to provide attorneys for children with information regarding anticipated placement changes **at the point in time when the decision to move a child has been made.** Emergency removals from foster care placements are rare, and foster parents are generally required to put in a 10 day notice if they are unable to maintain a child in their foster home. Moreover, ACS has a mechanism in place for notifying our staff of placement changes – the problem is, these notices are almost always

untimely, at times weeks or months after the change has occurred. This bill would require ACS to audit itself and publicly report on its compliance with the law and applicable regulations.

Because Int. 2420-2021 will help ensure that ACS is compliant with its constitutional and statutory duties to meet the needs of the children in its care, and in doing so, reduce trauma to our clients resulting from unnecessary or poorly planned transitions within the foster care system, we call on City Council to pass this important legislation.

### **Int. 2419-2021: Children Languishing in Pre-Placement Shelters**

Int. 2419-2021 would provide critical oversight over children's length of stay in temporary pre-placement shelters while in the custody of ACS. The bill requires quarterly public reporting on children in ACS' Nicholas Scoppetta Children's Center and other temporary placement facilities, including the amount of time children are housed in these facilities, their needed level of care, age and other demographic information.

This legislation is needed as children often languish in the Children's Center and other temporary placement facilities for weeks and months. Several Legal Aid clients have spent as many as 16 months in these facilities while waiting for placement. The COVID-19 pandemic has only exacerbated this crisis. **Last year, at least 153 children were held in the Children's Center for over 20 days, and children as young as 8-years-old spent up to 8 months waiting for a home.**

In many cases, these lengthy stays in the Children's Center are caused by ACS's lack of appropriate foster home placements, particularly for older children and children with disabilities.

Although the research shows that children belong in families,<sup>7</sup> ACS keeps children in pre-placement settings for extended periods of time, depriving them of family care and effectively leaving them to be raised by rotating shifts of staff.

In a 2019 news report, which revealed shocking conditions at the Children’s Center, staff admitted that while many children are in and out of the Center within a week, at least one-fourth ended up living there for many months due to a lack of appropriate foster homes equipped to manage behavioral or medical needs.<sup>8</sup>

According to ACS’s 2019 testimony before City Council, one-third of the children who come to the Children’s Center remain there for more than 4 days.<sup>9</sup> While ACS has described this population as “a relatively small number of high-need children and young people for whom placement is complex and may take longer,” without regular reporting it is impossible to monitor changes in performance. There is also no data indicating whether extended stays at the Children’s Center are correlated to the type of placement, such as foster home, therapeutic foster home or institutional placement, sought by ACS.

### **The Children’s Center, as well as other Pre-Placement Shelters, Were Never Intended as Long-Term Placements**

Although the number of children placed into care and held at the Children’s Center plummeted during the pandemic, the numbers have begun to soar back to pre-pandemic levels. In

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<sup>7</sup> American Academy of Pediatrics, Guidance for Children and Families Involved with the Child Welfare System During the COVID-19 Pandemic, <https://services.aap.org/en/pages/2019-novel-coronavirus-covid-19-infections/clinical-guidance/guidance-for-children-and-families-involved-with-the-child-welfare-system-during-the-covid-19-pandemic/> (January 25, 2021).

<sup>8</sup> <https://www.nbcnewyork.com/news/local/nyc-moves-to-protect-children-after-i-team-report-asc-nicholas-scoppetta-childrens-center/1567649/>

<sup>9</sup> Administration for Children’s Services Testimony at the City Council Oversight Hearing on the Nicholas Scoppetta Children’s Center, (June 25, 2019).

August 2021, the last month for which data is available, **there was an average of 83 children at the shelter each day, including 14 babies and toddlers and 36 children under 10 years old.**<sup>10</sup>

As former ACS Commissioner Gladys Carrion stated, the Children’s Center is “designed [as a place] for children to be for a couple of hours, not even days.”<sup>11</sup> It certainly is not the least restrictive, most homelike setting to which children are entitled. Yet, as we pointed out over two years ago at the City Council’s oversight hearing on the Children’s Center, youth, particularly teenagers and those with higher needs, are languishing at the Children’s Center and other temporary placement facilities and suffering as a result.

### **Lengthy Stays in Temporary Placement Facilities Harm Children in Foster Care**

As children wait in temporary placement facilities, many are not provided with proper case management services, adequate medical and mental health care or educational services. This lack of services can lead to catastrophic results, including severe mental decompensation and, in at least one case, a suicide attempt.<sup>12</sup>

Over the past few years, there have been multiple news stories regarding the troubling conditions at the Children’s Center. In 2019, staff working at the shelter described a chaotic atmosphere, and frequent physical fights – *with staff averaging two or three physical confrontations with children per week.*<sup>13</sup> ACS officials have not disputed any of these

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<sup>10</sup> <https://www1.nyc.gov/assets/acs/pdf/data-analysis/flashReports/2021/09.pdf>

<sup>11</sup> [https://www.nbcnewyork.com/investigations/i-Team-Exclusive\\_-ACS-Children\\_s-Center-Beyond-Capacity\\_New-York-397146051.html](https://www.nbcnewyork.com/investigations/i-Team-Exclusive_-ACS-Children_s-Center-Beyond-Capacity_New-York-397146051.html)

<sup>12</sup> See, The Legal Aid Society Testimony at the City Council Oversight Hearing on the Nicholas Scoppetta Children’s Center, (June 25, 2019).

<sup>13</sup> <https://www.nbcnewyork.com/news/local/nyc-moves-to-protect-children-after-i-team-report-asc-nicholas-scoppetta-childrens-center/1567649/>

allegations.<sup>14</sup> These concerns have been tied directly to high numbers of children and youth in the shelter – which has been as bad this summer as it was in 2019.<sup>15</sup>

In one highly publicized case, ACS left a disabled child in the Children’s Center for over a year, where they failed to fix the child’s broken wheelchair, failed to secure an updated medical exam, failed to apply for a home health aide, and failed to provide him with the required occupational, speech, or physical therapy he needed and deserved. On one occasion, ACS left this child sitting for hours soaked in his own urine in clothes and shoes that did not fit him.<sup>16</sup>

In addition to news reports revealing shocking conditions in temporary placement facilities such as the Children’s Center, City Council has heard testimony from at least one family member who described how ACS left her autistic, cognitively delayed sibling languishing at the Children’s Center for months without clothes that fit him, and required him to quarantine from COVID-19 without bedsheets, pillows, or blankets.<sup>17</sup>

Notwithstanding the initial dip in the census created by the COVID-19 pandemic, there is no indication that conditions at temporary placement facilities have substantially improved. Instead, because temporary placement facilities are congregate care settings, they have presented unique dangers and challenges to our clients throughout the COVID-19 pandemic. Much like jails, temporary placement facilities house multiple youth in close quarters, with shared dining rooms, common recreational areas, and communal bathrooms. COVID-19 has also exacerbated the psychological harms from lengthy pre-placement stays. Children in temporary placement facilities have been required to isolate and quarantine more frequently, sometimes repeatedly, as

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<sup>14</sup> *Id.*

<sup>15</sup> <https://www1.nyc.gov/assets/acs/pdf/data-analysis/flashReports/2021/09.pdf>

<sup>16</sup> *Matter of Kenneth R.* 2019 NY Slip Op 29042 (*Fam. Ct. New York Co., 2019*)  
[http://nycourts.gov/reporter/3dseries/2019/2019\\_29042.htm](http://nycourts.gov/reporter/3dseries/2019/2019_29042.htm)

<sup>17</sup> Testimony of Irma Rodriguez, New York City Council Committee on General Welfare, Oversight: The Child Welfare System During COVID-19, (June 14, 2021).

they are exposed to large numbers of residents and rotating shifts of staff. Youth in temporary placement facilities, including those in isolation and quarantine wards, have also been exposed to violations of mask and social distancing requirements by children and staff. Once exposed, children in temporary placement facilities have been required to isolate or quarantine, often adding to the trauma they are already experiencing due to removal from their families

### **Length of Stay Data is Critical for Targeted Advocacy on Behalf of Children in Care**

ACS does not currently report on how long children remain in temporary placement facilities without foster care placement. Without data and public reporting, there is no way to effectively understand and monitor the experience of children placed in these facilities by the government. Over two years ago ACS has started a number of initiatives, including added case planners, a Family Finder pilot for long-stayers, and 144 new therapeutic family foster care slots, among others. Without any data regarding the length of time youth have spent in temporary placement facilities, there is no way to assess whether these initiatives have led to tangible gains.

In addition, every day, as judges in Family Court make determinations regarding whether or not to put a child into foster care, they balance the harms of foster care placement against a parole home. The length of stay that a child may remain in the Children's Center is a critical component of that balancing test – a child without family resources may be required to spend up to a year waiting for placement, and the child's attorney and the judge need that data to assess the significant harms of foster care.

Public reporting regarding the identified level of care needed for youth who spend significant time in temporary placement facilities will shed light on the systemic deficiencies. If most children languishing in temporary facilities are waiting for family foster homes to become available, that suggests a crisis in foster home recruiting. If they are waiting for congregate placements or beds in mental health facilities, that would indicate that a different funding focus

would be appropriate. Without accurate data and reporting, there is no way to know the underlying causes and extent of the crisis.

### **Int. 1304-2018: Inspection of Secure and Non-Secure Detention Facilities**

Int. 1304-2018 allows City Council members and the Public Advocate to inspect and visit secure and non-secure detention facilities administered by ACS. We support this important bill. Scrutiny of detention facilities is always essential to protect against abuse. Because these facilities are not open to the general public, City Council and the Public Advocate can serve as the eyes and ears of the public. This is particularly necessary when those incarcerated are youth, who not only typically come from marginalized communities, but who are unlikely to be able to have the means to speak out about abuse themselves.

ACS's Division of Youth and Family Justice (DYFJ) is responsible for juvenile detention in New York City. Youth between the age of 7 and 18 who are prosecuted in Family Court are charged as juvenile delinquents (JDs). If detained, they are remanded to either secure<sup>18</sup> or non-secure detention. Youth charged with crimes at age 13-15 who are prosecuted in criminal court are charged as juvenile offenders (JOs), and youth charged with crimes at age 16 or 17 and prosecuted in criminal court are charged as adolescent offenders (AOs).

ACS DYFJ operates secure detention and contracts with non-for-profit providers who operate non-secure detention. Only youth charged as JDs can be remanded to non-secure detention, which, while designated as "non-secure," are nonetheless locked facilities. Each of these facilities has the capacity to house twelve detained youth.<sup>19</sup> Youth in non-secure detention

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<sup>18</sup> Youth under ten years of age may not be held in secure detention. Family Court Act § 304.1.

<sup>19</sup> 9 NYCRR § 180-1.3(D)(3).

are transported daily to one of two specially designated schools outside the facility. Aside from school, these youth remain locked into their housing facility, where they eat together, use common bathrooms and showers, and spend their time together in common areas. ACS DYFJ's Crossroads Juvenile Center, located in Brooklyn, is a secure detention facility, holding JDs, JOs and AOs. The Horizon Juvenile Center in the Bronx is a Specialized Secure Detention Center housing AOs.

Int. 1304-2018 would open up secure and non-secure facilities to inspection by public officials, many of whom represent the communities of origin for detained youth. Enabling City Council members and the Public Advocate to visit and witness the conditions and services available to young people would provide much needed oversight and accountability in facilities that are often overlooked by the public. We urge City Council to pass Int. 1304-2018 to increase transparency in facilities that house some of our City's most vulnerable youth.

## **CONCLUSION**

Thank you again for holding this hearing and for considering this important legislation. We urge the City Council to quickly pass each bill and enable much needed transparency and accountability with the child welfare and juvenile justice systems. We look forward to continuing to work with the City Council and are happy to answer any questions you have.

Contact:

Lisa Freeman

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Testimony by the New York Legal Assistance Group (NYLAG),

Hearing on Int. No. 1829 and Int. No. 2405

Before the New York City Council Committee on General Welfare

October 25, 2021

Chair Levin, Council Members, and staff, good morning and thank you for the opportunity to speak to the Committee on General Welfare. My name is Deborah Berkman, and I am the Coordinating Attorney of the Shelter Advocacy Initiative at the New York Legal Assistance Group (NYLAG).

NYLAG uses the power of the law to help New Yorkers experiencing poverty or in crisis combat economic, racial, and social injustices. We address emerging and urgent needs with comprehensive, free civil legal services, financial empowerment, impact litigation, policy advocacy, and community partnerships. We aim to disrupt systemic racism by serving clients, whose legal and financial crises are often rooted in racial inequality.

The Shelter Advocacy Initiative at NYLAG provides legal services and advocacy to low-income people in and trying to access the shelter system. We work to ensure that every New Yorker has a safe place to sleep by offering legal advice and representation throughout each step of the shelter application process. We also assist and advocate for clients who are already in shelter as they navigate the transfer process, seek adequate facility conditions and resources for their needs, and we offer representation at fair hearings.

Based on my experience working with families and young people experiencing homelessness, I appreciate the opportunity to offer the following comments. The proposed local laws Int. No. 1829 and Int. No. 2405 would have a dramatically positive impact on my clients' lives, and NYLAG unequivocally supports them.

**Int. No. 1829**

Int. No. 1829, precluding the Department of Homeless Services (DHS) from requiring a child's presence when a family with children applies for shelter, is an extremely necessary and welcome change. Since the COVID-19 crisis began, DHS has temporarily allowed families with children to apply for shelter at the Prevention Assistance and Temporary Housing (PATH) without their children present, but has indicated that this is a temporary easement for the duration of the pandemic. This change must be made permanent.

Prior to COVID-19, families with children applying for shelter would spend ten to twenty hours in PATH every time they applied. Having a policy that mandates that children spend 10-20 hours in an office necessarily precludes them from regularly attending school. It has been well established that students experiencing homelessness test well behind their housed peers.<sup>1</sup> Forcing these children to be present at PATH instead of being at school only widens this disparity.

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<sup>1</sup> Institute for Children, Poverty and Homelessness, *Disparities in Academic Achievement* ("Of the 40,000 homeless students who were of testing age, less than 25% scored high enough to be considered at grade level on either exam, compared to approximately 40% of housed students. Even when homeless students perform at grade level early in their education, they tend to see their academic performance decline faster than that of their housed classmates in later years.") <https://www.icphusa.org/reports/disparities-in-academic-achievement/#overview>.

Unfortunately, we are not talking about one missed day of school. Families applying for shelter at PATH must provide a complete history of all the places they have lived for the last two years, as well as a third party contacts to verify that the family actually lived in those locations. For those families experiencing chronic homelessness, this burden is especially onerous. If the verification contacts provided do not answer the phone, or DHS cannot speak with them within 10 days, then the client is found ineligible for shelter for “not cooperating” with the investigation and the family must reapply for shelter. Reapplying entails restarting the process from the beginning by having the entire family (including the children) return to PATH and spend another 10-20 hours completing a new application for shelter, typically identical to the prior application, and then waiting on-site for a new temporary shelter placement. Their children would miss a day of school every 10 days, forcing them to fall further and further behind housed children.

Prior to COVID-19, this happened frequently to my clients, and, for some families, this would occur every 10 days for months before DHS could verify their housing history. In August of 2021, almost 10% of families with children who were found eligible for shelter had previously submitted 6 or more applications.<sup>2</sup> Prior to the pandemic, those families would have had to spend six or more days sitting in the PATH office, instead of attending school. This is an unacceptable hardship for children experiencing homelessness.

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<sup>2</sup> <https://data.cityofnewyork.us/Social-Services/DHS-Daily-Report/k46n-sa2m>

Missing school is only part of the problem for children. Many clients reported that it was almost impossible for them to meet their children's needs for engagement and nutrition for the many hours they had to spend at the PATH office. Clients struggled because the families were provided very little, if any, food and there were no outlets to charge their phones or other devices so their children could be kept busy or engaged with remote learning while they waited. They were also warned not to leave lest they lose their place in line. None of these factors create an appropriate environment for children.

Moreover, applicants for family shelter must provide extremely detailed accounts for why they cannot currently stay at any of the places where they have resided for any length of time during the last two years. Often, the reasons a family cannot stay at a prior residence include sensitive topics such as domestic violence and abuse. Most of my clients do not want their children to have to hear about disturbing and painful personal experiences, nor should they have to. I have had clients who found the eligibility process so traumatizing and degrading that they put their children into kinship foster care or opted for unsafe housing to avoid it. This is the worst of all outcomes.

Int. No 1829 would codify a temporary policy that has alleviated the many stressors of bringing children to PATH. This would be a welcome and hugely helpful change, and NYLAG urges this Council to do so.

**Int. No. 2405**

Int. No. 2405 would require the Department of Social Services (DSS) to consider the time a young person has spent in a runaway and homeless youth shelter

as “homelessness” when determining eligibility for CityFHEPS and preclude DSS from requiring homeless youth to live outside of a youth shelter as a condition of eligibility. This is another extremely necessary step that NYLAG strongly supports.

Preventing young people from obtaining rental assistance increases the amount of time these vulnerable young people experience homelessness and lengthens their shelter stays. A policy that prevents unhoused young people from achieving housing stability while allowing older adults to do so is arbitrary and disadvantages those who need protection the most. In addition, requiring young people experiencing homelessness to transfer into single adult shelter, with a higher risk of violence, just to have a chance at permanent housing, is adding an additional trauma to their already difficult lives. Int. No. 2405 is crucial to address this problem, and NYLAG wholeheartedly endorses it.

We thank the Committee on General Welfare for the work it has done to facilitate services for vulnerable New Yorkers, and for taking this opportunity to continue to improve the conditions for our clients. As a leading legal services provider to those who call New York City home, we hope to continue to work with each of the members of this committee to further enhance and reform policies that create disadvantages for our clients as they seek the social benefits. We hope we can be a resource for you going forward.

Respectfully submitted,

New York Legal Assistance Group

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Testimony of Jimmy Meagher, Policy Director  
Safe Horizon

Committee on General Welfare  
Hon. Stephen T. Levin, Chair

Safe Horizon's Testimony on  
Int. 2405-2021 and Int. 1829-2019

10.25.2021

Good afternoon, and thank you for the opportunity to provide testimony before the Committee on General Welfare. My name is Jimmy Meagher, my pronouns are he/him/his, and I am Policy Director at Safe Horizon, the nation's largest non-profit victim services organization. Safe Horizon offers a client-centered, trauma-informed response to 250,000 New Yorkers each year who have experienced violence or abuse. And we are increasingly using a lens of racial equity to guide our work with clients, with each other, and in developing the public positions we hold.

Safe Horizon has programs across New York City's five boroughs where we provide critical support and services to victims and survivors of all forms of violence and abuse. Across all of our programs – whether they serve survivors of domestic violence, family violence, trafficking, etc. – one of the top needs for our clients has always been and continues to be housing. I am here today to enthusiastically endorse two critical pieces of legislation – **Int. 2405-2021**, which will provide Runaway and Homeless Youth in the Department of Youth & Community Development (DYCD) shelter system access to the CityFHEPS rental assistance program, and **Int. 1829-2019**, which will preclude the Department of Homeless Services (DHS) from requiring that every member of a family be present at its intake center when that family seeks placement at a shelter. Both bills right unjust policies that have harmed the young people we serve and show care and understanding to the most vulnerable members of our communities.

**Int. 2405-2021:**

Safe Horizon's Streetwork Project works with homeless and street-involved young people up to age 25 to help them find safety and stability. Many homeless young people face a day-to-day struggle to survive which can lead to physical and emotional harm. Homeless youth may have experienced family abuse, violence, rejection, and instability that led to their homelessness. We welcome these young folks, help them navigate complex systems, and provide essential resources at our Drop-In Centers, at our overnight shelter, and through our street outreach teams. This work can be incredibly challenging but also rewarding. Our work at Streetwork did not pause during this pandemic. Rather, our dedicated team continued to respond to homeless and at-risk young people in need of shelter, services, and understanding.

Streetwork has been doing this community-based work for decades. Young people experiencing homelessness need and deserve housing and economic justice. That is why we support Int. 2405-2021. We support policies that will make permanent, safe, and affordable housing accessible to young people experiencing homelessness and unstable housing. For years, we and our community of RHY service providers have encouraged the City to count time in youth shelters as homeless time for the purpose of eligibility for housing resources and vouchers.

We have been advocating that our clients have equal access to the same housing resources as other homeless New Yorkers. The young people we work with do not go into DHS shelters for many reasons, including safety concerns. We demand that our clients have equal access to the housing resources that DHS and HRA shelter clients have. We can and must do better for New York's young people, including RHY. Int. 2405-2021 is a critical, necessary, and right step towards connecting RHY to stable housing.

**Int. 1829-2019:**

Safe Horizon's programs offer information, referrals, and advocacy for shelter and permanent housing. Our clients tell us all the time how difficult and challenging the intake process for shelter is. Entering shelter can be extremely disruptive, and we join advocates and unhoused New Yorkers in demanding that we make this process as trauma-informed, simple, safe, and undistruptive as possible. Ordinarily, DHS requires that children under the age of 21 be present with their adult family members at the facility that processes shelter applications. This bill would allow these families to complete the application process without disrupting children's schooling or other daily activities.

The city currently exempts children from PATH due to the pandemic. This bill is an opportunity to make permanent this temporary change so that families have flexibility and children no longer have to experience the stress and trauma of going to PATH. Pass this bill.

Thank you for the opportunity to testify today.

Good morning. My name is Nadia Swanson and I am the National Technical Assistance and Advocacy Consultant at The Ali Forney Center. Thank you to the committee and Chair Levin for this hearing and for this committee's ongoing support of youth experiencing homelessness in NYC.

The Ali Forney Center and myself are in full support of Intro 2405, a bill which will provide Runaway and Homeless Youth in DYCD shelter system access to the CityFHEPS rental assistance program.

We believe that housing is a human right, and that youth should never need to experience homelessness let alone have increased barriers to accessing permanent housing.

We know that youth, especially LGBTQ+ young people experience immense amounts of trauma when needing to access DHS shelters, and that the longer youth stay in the shelter system it greatly increases the risk of decomposition which makes them less likely to be able to thrive independently. We need to be giving youth permanent housing as quickly as possible after accessing homeless services.

Young people's experiences in DHS are so damaging that AFC youth do not even consider going to DHS in order to get a voucher. Creating a several year long delay to accessing permanent housing. At AFC we serve over 2000 youth a year and in the last 10 years of our agency we only know of a few young people that were successful in obtaining a voucher through DHS.

In 2017 Mayor DeBlasio promised youth access to vouchers and we are still waiting! There is no reason why time in a DYCD shelter should not count as time spent in a shelter for a voucher but it does for supportive housing. Not all youth qualify for supportive housing and deserve support to stability.

As a city we need to be doing everything in our power to reduce the amount of trauma and violence that face LGBTQ+ youth and denying them access to CityFHEPS vouchers for their time spent on the street or in a DYCD shelter is a direct link to the violence they ultimately will face.

By passing Intro 2405 you are giving all youth the ability to thrive independently, prevent and heal from trauma and reach their individual goals beyond survival.

Thank you