

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON GENERAL WELFARE

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October 31, 2016
Start: 10:22 a.m.
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HELD AT: Council Chambers - City Hall

B E F O R E: Stephen T. Levin
Chairperson

COUNCIL MEMBERS:

Annabel Palma
Fernando Cabrera
Ruben Wills
Vanessa L. Gibson
Corey D. Johnson
Ritchie J. Torres
Barry S. Grodenchik
Rafael Salamanca, Jr.

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

Herminia Palacio
Deputy Mayor for Health and Human Services

Gladys Carrión
Commissioner of NYC Administration for
Children's Services

Deputy Chief Michael Osgood
NYPD Special Victims Unit Commander

Ursulina Ramirez
Chief Operating Officer at DOE

Daniel Tietz
Chief Special Services Officer at Department of
Social Services

Hannah Pennington
Director of Policy at Mayor's Office to Combat
Domestic Violence

Diane Savino
New York State Senator

Anthony Wells
President of Local SSEU Local 371

Liz Roberts
Safe Horizon

Michael Polenberg
Safe Horizon

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

Rachel Blustain
On behalf of Jeanette Vega at Rise Magazine

Tricia Vanda Cruz [sp?]

Henry Garrido
Executive Director of DC 37

Angeline Montauban
Mother of Thierry

Will Jones
Principal Industry Consultant at SAS

Stephanie Gendell
Citizens' Committee for Children

Joyce McMillan
Child Welfare Organizing Project

Dwayne Andrews

Sue Sena
Foster Parent

Merrick Scott [sp?]

Jeffrey Marenfeld [sp?]

CHAIRPERSON LEVIN: Good morning,
everybody. My name is Council Member Stephen Levin.
I am Chair of the Council's Committee on General
Welfare. I want to begin today by thanking members of
the Administration that are here to testify and
members of the public that are here to testify on the
very important topics of interagency coordination and
child welfare in the City of New York. We are joined
by the Speaker of the City Council, Melissa Mark-
Viverito, and she'll begin with opening remarks.

SPEAKER MARK-VIVERITO: Thank you, Mr.
Chair, and thank you to all the representatives from
the Administration that are here and all of the
people in the audience that are here to either listen
or provide testimony. We really appreciate your
time. So, good morning to everyone, and thank you to
coming to this very important hearing that is titled,
"Child Abuse and the Various City Touchpoints for
Families." We're not just focusing on one agency in
this oversight hearing. We're taking a look at a
cross-section and how these different agencies
interact with each other. This oversight hearing is
obviously being conducted in response to the tragic
fatality of six-year-old Zymere Perkins. According

to various news reports, the Perkins family had contacted several city agencies over the course of Zymere's lifetime, including ACS, DHS, DOE, and the NYPD. Families involved in a child welfare system typically interact with many more city agencies beyond ACS, and today we expect an in-depth review regarding the effectiveness of these interactions and how they can be improved. The City failed Zymere Perkins. At a joint press conference conducted by the Administration, it was announced that details of the case would not be discussed due to both state confidentiality laws and the ongoing investigation by the Manhattan District Attorney. According to most media reports, Zymere's mother, 26-year-old Geraldine Perkins has been the subject of five prior child abuse investigations dating back to 2010, the year Zymere was born. Zymere lived most of his life in the City's shelter system. In 2015, the General Welfare Committee held a hearing on the coordination between ACS and DHS and the agency's response to the deaths of two children who were killed by the parents at homeless shelters in October of 2014. ACS and DHS announced at that hearing a pilot project to identify and work with high-risk families that could benefit

from social services and supports. Based on what we've heard about the Perkins' family from news reports, it would seem that at that time, the Perkins family might have been eligible for this program. Media reports also reveal that at some point the family left the shelter system and moved into an apartment that, according to the criminal complaint filed, does not have electricity, has rotting food in the refrigerator, large amounts of mold, rust and mildew in the bathroom, and is infested with cockroaches and other insects. As reported in the Daily News, in April 2016, a school social worker reported to the NYPD that Zymere may have been the subject of child abuse after she saw bruises on his legs. Child welfare officials and the Manhattan child abuse squad allegedly conducted an investigation and cleared Ms. Perkins. According to sources, Zymere never returned to school in September 2016, although he was supposed to start the first grade. On September 26th, 2016, Zymere was taken to Saint Luke's Hospital and pronounced dead. On September 27th, 2016, the results of an autopsy revealed that Zymere was malnourished and had several fractured ribs in various stages of healing. The

City Medical Examiner later ruled that Zymere was the victim of a homicide, and his death was caused by fatal child abuse syndrome. On October 5, 2016, Mayor de Blasio and Commissioner Carrión announced a series of multiagency reforms in light of the Zymere Perkins fatality. These reforms are several in a long line of many reforms instituted after the tragic deaths of other children whose families were involved in the ACS system. We know that ACS has utilized various accountability measures and assessment tools such as the Accountability Review Panel, which was established in 1988, and ChildStat, a program modeled after NYPD's CompStat which began in 2006. Today we will review how those measures and tools are working or not working and how we can improve accountability within the City's child welfare system. As history has shown us, it is important for our city agencies to work closely together to ensure the safety and wellbeing of New York City's children and families. Today, I am interested in learning about ACS's implementation of past reforms and the effectiveness of these reforms, and as well as how the City plans on moving forward with the Mayor's proposed reforms in light of this recent tragedy. Again, I want to

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Queens, Fernando Cabrera of the Bronx, Laurie Cumbo of Brooklyn, Barry Grodenchik of Queens, and Mark Levine of Manhattan. As Speaker Mark-Viverito outlined, Zymere Perkins life was tragically cut too short, and today we are here to discuss how city agencies are working together to provide families with assistance and how we are to prevent future tragedies. As we do a deep dive today into city agency policies and reforms, interagency coordination and recommendations for moving forward, we must not lose sight of the fact that a family lost their child. Today is Halloween, and millions of children across the City will be trick-or-treating with their families, but Zymere Perkins will not. As Zymere's story eventually fades from the headlines and we move onto other issues, his family must continue to endure a tragic loss. Zymere is remembered by those who knew him as a smart, playful and loving child who "had a smile that captivate anybody's heart." The other thing that we cannot lose sight of during this discussion and through the implementation of new policies reforms is that the majority of families involved in the child welfare system are caught up due to allegations of neglect. While some children

are abused by their parents or guardians and those children may need to be removed from their families and placed in appropriate and safe foster care placements, most families, the majority of families are involved with ACS because they face issues generally tied to poverty. For example, we know that being unable to secure adequate housing for your family can lead to a multitude of other challenges and approximately 25 percent of the families living in the DHS family shelter system have an open case with ACS. A quarter of the families living the shelter system, and that's over 22,000 children, have an open case with ACS. Today, we will discuss how city agencies are working together or failing to work together to address child abuse and neglect. Families in the child welfare system are frequently engaged with several agencies, such as the Department of Education, the Police Department, Department of Homeless Services and the Human Resources Administration. When preparing for this hearing, advocates and providers who work with families consistently told us about the difficulties that their clients face when trying to navigate a myriad of systems with complicated rules and requirements.

Families may receive conflicting mandates and must travel to seemingly endless appointments to keep their families together. While some are able to connect the skilled legal services organizations that can help navigate these processes, not everyone has access to that. One major question we want to address today is how the City plans to reduce these burdens so that more families can succeed. You know, last year there were 55,329 allegations, investigations; 36.1 of those were indicated or substantiated. That is a massive number. It's a massive undertaking to protect the children of the City of New York, and we have to keep in mind that it's not just about removing more children from their homes. It's not about removing less children from their homes. It's about getting it right in all of those cases. We have to get it right 100 percent of the time. 98.8 percent, 99.9 percent is not good enough. We need to get it right 100 percent of the time, and so we need to make sure that we have structures in place that can ensure that child protective specialists and supervisors and managers, ACS, Department of Education, Department of Homeless Services, the NYPD, that we're equipped structurally

so that we don't fail any child, because just oen of those 55,329 cases that we get wrong could restful in tragedy. I look forward to hearing from ACS and the other agencies here today about implementing the recommendations announced earlier this month and from providers and advocates and parents about their thoughts and experiences in relation to those recommendations. After today's hearing, we aim to maintain an open dialogue to ensure that the policy changes are not simply a response to one tragedy, but address systemic challenges in an ongoing consistent structured and formal manner. I would like to thank Council Staff for their work today to prepare for today's hearing, Counsel Andrea Vazquez, Policy Analyst Tanya Cyrus, and Finance Unit Head Doheni Sampora [sp?]. I'd like to also thank my Legislative Director Julie Berov [sp?], Communications Director Edward Paulino [sp?], and Chief of Staff Johnathan Bouche [sp?], and I'd like to also thank all of the members of the Administration who have come here today to testify. Finally, I'd also like to acknowledge and thank again all the advocates who met with me and my staff to help prepare for our hearing today. Your insight and on-the-ground experience

were invaluable in shaping this hearing. And with that, we'll turn it over to the Administration for testimony. Before-- excuse me, before that we'd like to ask Council Member Mark Levine to say a few words as well. Thank you.

COUNCIL MEMBER LEVINE: Thank you, Chair Levin. Thank you, Speaker. Very briefly want to say a few words from the perspective of the neighborhood where little Zymere was from. I represent the district. His block, 135th Street, is just six or seven blocks from my district office. 135th between Broadway and Riverside is the kind of block where often the sidewalks are teeming with children, where families in cramped, overheated apartments often seek refuge on the sidewalk visiting with neighbors, a block where many, many neighbors little Zymere and knew his infectious smile, knew that he loved to sit on the stoop licking an ice-cream cone. But they also were aware of the horrors in his life. They knew his apartment was not fit for habitation, and they knew that he was physically abused by his family. One neighbor, Bree Coates, reported to the press that, "They beat on him. She-- meaning his mother-- would hit him all the time. Zymere was

scared to death. You could see it in his eyes, the fear in his eyes." So, the pain of losing a neighbor, of losing a beloved child was compounded by the knowledge that this death could have been prevented. Bree and other neighbors reported on multiple occasions the abuse they witnessed and the fact that those reports weren't enough to save him, makes this tragedy even all the more painful. The same tragic series of events took place at Zymere's elementary school PS192 just two or three blocks away from his home where there they knew him as a joyful child but also sensed signs of profound trouble. They saw bruises on his body. They reported that. The staff saw repeated unexplained absences, and they reported that. So, the pain of the loss of a beloved child was again compounded for them by the knowledge that pleas for help were ignored. And I'm anxious to hear our discussion how we can make sure that no other children suffer such a similar fate. It's clear that the school community has to be a focus of our consideration. It's the front lines where representatives of the City are most likely to encounter the signs of child abuse and where repeated absences need to be treated as a red flag. I

understand that in recent weeks DOE has promoted new rules to do just that, to respond quickly and assertively to signs of absence, and I look forward to hearing more about that so that we do everything in our power to protect our precious children so no other neighborhoods, no other schools suffer losses such as the one we suffered with Zymere Perkins. Thank you.

CHAIRPERSON LEVIN: Thank you very much, Council Member Levine. Members of the Administration, we welcome your testimony right now. We'll ask for you to swear in. If you can raise your right hand, please, anybody that's going to be testifying. Do you affirm to tell the truth, the whole truth and nothing but the truth in your testimony before this committee and to respond honestly to Council Members' questions? Thank you.

DEPUTY MAYOR PALACIO: Good morning, Madam Speaker Mark-Viverito, Chair Levin, Public Advocate James, Council Members. My name is Doctor Herminia Palacio, and I was appointed in January as Deputy Mayor for Health and Human Services, and I oversee nine agencies and offices including the Administration for Children Services and the

Department of Homeless Services. With me today are leaders of some of these as well as other agencies, Gladys Carrión, Commissioner of the Administration for Children's Services, Chief Michael Osgood, Commander of the Special Victims Division of the New York Police Department, Ursulina Ramirez, Chief of Staff and Chief Operating Officer at the New York City Department of Education, Daniel Tietz, Chief Special Services Officer at the Department of Social Services, and Hannah Pennington, Director of Policy at the Office to Combat Domestic Violence. Thank you for inviting me here to discuss how our city manages child abuse cases and how we are protecting children from harm. The City Council is a crucial partner in this work, and I thank you for your commitment to this issue. Since this is my first time appearing before the Council, I will take a moment to share the perspective I bring to my role as Deputy Mayor. Over the course of my career I've had the extraordinary privilege of being a physician in clinics and on hospital wards serving vulnerable urban communities, including many years at the San Francisco General Hospital during the height of the HIV/AIDS epidemic. The trust my patients placed in me to care for them

in their time of need was a great honor and a humbling responsibility. I have held senior leadership positions in local health departments, first in San Francisco, and then for 10 years as Executive Director and local Health Authority in Harris County, Texas, the third most populous county in the nation. In Harris County I led Systems Change Initiative to transform the department from a network of silo divisions into a unified, streamlined agency that had a comprehensive vision and a clear strategic plan to accomplish our mission. We develop nationally recognized expertise and disaster management, and in 2005 I had under 24 hours to stand up the medical and public health response for 27,000 evacuees from New Orleans, becoming responsible overnight for the health, safety and wellbeing of families ripped apart by the devastation of Hurricane Katrina. All of these experiences have shaped my perspective as Deputy Mayor, that to serve our most vulnerable populations with excellence it takes a combination of dedicated staff, strong systems, and an organizational culture that is constantly learning and striving to better itself. I will now turn to this Administration's efforts to address child

welfare. I will focus on citywide investments and policy, but first, I must reiterate that the death of Zymere Perkins is an unacceptable tragedy. The death of any child is always tragic no matter the cause, but the violent death of a child, even more so. Our mission is to ensure the welfare of every child. This is my mission. That is the Mayor's mission. That is Commissioner Carrión's mission, and that is the mission of the 6,500 ACS employees who have chosen this difficult, complex and sometimes dangerous work. I am prepared today--

[applause]

DEPUTY MAYOR PALACIO: to update you on the swift action of this Administration took following the death of Zymere, including the status of ACS's internal investigation of this case, the disciplinary actions ACS has taken against those who failed in their duties. I will describe the review being conducted by the other agencies involved in this case at the direction of the Mayor, and I will provide more details on our recently announced reforms. I will also update you on the investments this Administration has made since day one and the impacts of these investments. As you know, a

criminal investigation directed by the Manhattan District Attorney and supported by an NYPD investigation is under way regarding Zymere's death. It's critically important that those who are responsible for his death are brought to justice, and we do not want to do anything that will compromise this investigation. This is one of the reasons we must refrain from discussing the specifics of this case today. The Social Service Law also precludes us from releasing case-specific information of this case today at this time. We are committed to sharing additional information with the City Council and the public as soon as we are able. Let me first put the Administration's response to this City's involvement with Zymere Perkins into a broader context. Mayor de Blasio has a deep and longstanding commitment to improving child safety and wellbeing. As a City Council Member he spent eight years as the Chairman of the General Welfare Committee. In 2012 as Public Advocate he urged ACS to implement changes that had not been made by previous reforms. He's demonstrated his commitment from day one on his Administration, making investments to improve and ensure that the City has the resources and the leadership necessary

to protect all of our children. One of the first appointments Mayor de Blasio made to lead his Administration was of Gladys Carrión as Commissioner of ACS. Prior to leading ACS, Commissioner Carrión served as New York State's Commissioner for the Office of Children and Family Services, overseeing the Child Welfare Agency in every county across the state. She has held senior management roles in nonprofit organizations across the City, was appointed to leadership positions under Mayor Koch and Dinkins. She began her career as an attorney at the Bronx Legal Services. She's a nationally recognized expert in child and family services and recently presented to the White House on innovation in child welfare. Commissioner Carrión has devoted 40 years of her life to protecting children and supporting families of New York City. The Administration is confident that she is the leader we need to lead this agency and strengthen our child welfare system. In his first Executive Budget, Mayor de Blasio began restoring the funds that had been cut in previous years. Tough decisions had to be made during the financial recession, and ACS was not immune to the budget cuts that were made across city

and state governments. In prior years, the agency sustained a reduction of 280 million dollars in total funds annually, forcing it to cut over 1,500 positions. Since 2004, the de Blasio Administration has invested in critical initiatives to strengthen ACS, totaling 139 million upon full implementation of Fiscal Year 19. These initiatives primarily target three critical areas. First, the funding has allowed ACS to restore more critical staff lines. Since 2014, ACS has hired over 630 positions in areas that reduce risk system wide. They have been able to hire more Child Protective Specialists who are on the front lines providing services to families under incredibly difficult circumstance. Today, we have 1,864 Child Protective Specialists on staff, compared to 1,651 in January of 2014. ACS has hired more Child Protect Supervisors and Managers to increase accountability and ensure that the right decisions are being made, and to give frontline workers the support and guidance they need to make these decisions. ACS has hired more Family Court lawyers who petition court for court-ordered supervision when a child is in danger and petition for removals when a child is being seriously harmed. It has been

reported that caseloads are higher than in the past, the suggestion being that this is negatively impacting families. This is not true. Caseloads are currently at 9.2 per caseworker. That is below the national best practice standard of 12. That is also below the statewide average of 15, and that is far below what they were 10 years ago when in 2006 the average caseload was 16.5 cases per worker. A second and related priorities are historic investment of 12 million dollars annually to increase and enhance staff training. ACS has partnered with the CUNY School of Professional Studies to create a brand of new ACS Workforce Institute to support the ongoing professionalization of over 5,000 Child Protective staff and supervisors. Other professionals we trust with our children such as teachers and police officers must all receive training and professional development throughout their careers. Now, the people we send to protect our City's most vulnerable children and at-risk children have the same opportunities. Before, the ACS Workforce Institute newly hired frontline staff received approximately one month of basic onboarding and training, and there were few opportunities for continued training apart

from the short courses required upon promotion. Now, frontline staff will have the opportunity to receive an additional 70 hours of in-depth specialized training per year, and supervised can receive up to 100 hours of additional training per year. Since the Workforce Institute launched over 4,500 child welfare professionals have been trained. Third, this Administration has made an unprecedented investment in prevention services, bringing the total prevention budget to 250 million dollars. These services reduce the risk of children being subjected to repeated abuse and neglect and reduce the likelihood that a child will need to be removed from his or her family and placed in foster care. It's an easy jump to the conclusion after a tragic case like Zymere's that more children should be removed from their homes, but that is not always what is in the best interest of the child or family. There are numerous consequences to placing a child in foster care, consequences that can seriously impact a child's long-term wellbeing. The package of foster care reporting bills recently passed by the City Council acknowledged this reality and emphasized that the decision to remove a child must be taken with serious caution. Prevention

funding has helped us bring the number of children in foster care to historic lows. In the mid-1900's over 45,000 children were in foster care. Today, that number is under 10,000. As these numbers have decreased, we have not seen a subsequent increase in abuse cases. In parallel with the Administration's funding restorations, Commissioner Carrión has also made significant managerial changes within ACS, transforming the agency's internal accountability and oversight structures. For example, she structured the agency so that all child welfare services including preventive child protective and foster care services are all under the management of one executive commissioner, thereby improving and streamlining operations. Beyond ACS, Mayor de Blasio has made improving child welfare an Administration-wide priority. In 2014, he demonstrated his commitment by establishing the Children's Cabinet chaired by Deputy Mayor Richard Buery. The Cabinet is made up of 24 agencies including those not traditionally focused on children and families. The Cabinet has been a key member in the NYC Safe Sleep and ThriveNYC campaigns, promoting safe sleeping practice and mental health supports that are

available for parents and caregivers. Unsafe sleep is the single largest preventable cause of death in infants, and these efforts save children's lives. I co-Chair the Cabinet's Child Welfare and Safety Subcommittee which includes agencies that do have a specific focus on child safety, ACS, DHS, HRA, DOE, and NYPD. This subcommittee is aimed at removing barriers to effective joint decision-making and developing policy solutions to address child abuse and neglect. The subcommittee has met twice already and will continue to implement many of the reforms discussed today. Now, let me turn to the Administration's response to the Zymere Perkins case. ACS began an internal investigation as soon as it learned of Zymere's death, reviewing all relevant case records and immediately placing five Child Protective Staff who worked directly on the Perkins case on modified duty pending further review. As the internal investigation proceeded, an additional four staff members, two managers in the Child Protective Division and two managers in the General Counsel's Office, were suspended without pay for 30 days and demoted. At the request of the District Attorney, ACS has not interviewed any staff members, but is

continuing an ongoing record review and is making relevant changes in real time. In addition, I was charged by Mayor de Blasio to lead a multi-agency review of this case. I directed all agencies that were involved with this family to complete a thorough internal investigation, and I'm working with Police Commissioner O'Neill, Chancellor Fariña, Commissioner Banks, and Senior Staff at each agency. The ongoing review is informing the strategic policy changes we recently announced. We are making changes that strengthen the collaboration between NYPD and ACS at the Child Advocacy Centers. First, we are adding additional medical staff trained in child abuse. Second, in cases that do not result law enforcement actions, ACS will convene automatic safety conference to ensure that the case continues to receive a heightened level of oversight. In addition, NYPD is conducting its own analysis of detective staffing levels at the CAC's. We are making changes to strengthen the collaboration between DOE and ACS. Outside of their homes children spend more time at school than anywhere else. Daily attendance at school is a crucial component to academic excellence and unexplained absences from school can be a sign that

something is wrong in a child's life. This is particularly true for students whose families are involved with ACS. The Department of Education has released an emergency protocol that establishes clear guidelines for when a series of absences triggers an investigation for students known to ACS. This protocol will give school staff more and better information that can be used to monitor the attendance of high-risk students. Effective immediately ACS will provide DOE with monthly data that include information about all students who are ACS involved. DOE will give heightened attention to children who may be at greater risk for abuse, including children whose families who are currently under investigation, whose families had a previously sustained investigation or children who are living foster care. The new protocol lays out a system to work-- to track these students on a daily basis through DOE attendance logs and direct school staff to automatically contact ACS if they are unable to reach the family or suspect mal-treatment. Later this week, DOE will release a new emergency Chancellor regulation that will outline new protocols for identifying and responding to suspended cases of

educational neglect for all students, not only those who are known to ACS. Together, these new protocols will enable follow-up and support for students and their families and ensure prompt reporting of any suspected abuse or neglect. In addition, the DOE will require school nurses to collect photographic evidence of suspected child abuse, and will provide professional development for parent coordinators and other key staff in the assessment of safety and risk, follow-up and referral, and navigation of the child welfare system. We are also making changes to strengthen the collaboration between DHS and ACS. Homelessness has been a growing problem in New York City for decades, increasing by 115 percent over the past 20 years. Over 13,000 families and 23,000 children rely on our shelters every night. Ensuring the safety of all children, especially those families known to ACS is a critical part of DHS's work. DHS and ACS perform a data match each day to identify all active ACS clients living in a shelter. The data sharing will continue and the two agencies are reviewing how best to expand its use to confirm that child welfare families are supported and that the changes in the shelter status are flagged. DHS and

ACS are currently developing an agreement that would allow DHS, including shelter providers, to obtain more information about a family's child welfare case as they enter the shelter system and which would better facilitate service provision to the family while they are in shelter. This agreement would allow DHS provider staff and ACS provider staff to have case conferences about ACS involved families at critical times, for example, a conference related to child safety or discharge. While social service staff at DHS shelters are already mandated providers, DHS is now requiring non-social service staff at all family shelters to undergo training in identifying and reporting child abuse maltreatment. This way, all staff that interact with clients including front desk, security and maintenance staff will be able to better recognize and report child abuse or neglect. In closing, historic investments and proven leadership continues to strengthen ACS and our citywide efforts to improve child welfare. Our mission is to ensure the welfare and safety of every child, but in this case, the City failed. We are continuing to thoroughly review this case and we are prepared to make swift and necessary changes as we

learn more. Work is underway as we speak to implement the changes and reforms announced today and will be ongoing in the days and weeks ahead. Thank you for your leadership, concern and compassion. All of us here want the same thing, to protect children, keep them safe from harm. I look forward to working with the Council to strengthen the safety net for all vulnerable children and families across the City. Thank you.

SPEAKER MARK-VIVERITO: Commissioner, I know you're going to testify, and I know you had indicated that you are having-- do you need anything from us? You need hot tea or anything, or you okay?

COMMISSIONER CARRION: I'm good, thank you.

SPEAKER MARK-VIVERITO: Okay, alright.

COMMISSIONER CARRION: So, I apologize. I am not feeling well, as you could hear. Good afternoon, Chair Levin and members of the General Counsel Committee. I am Gladys Carrión. I am the Commissioner of Administration for Children's Services. Thank you for the opportunity to discuss our ongoing reform efforts to protect and serve our children's most vulnerable-- our city's most

vulnerable children. I am deeply troubled by the death of 6-year-old Zymere Perkins. Simply put, the death of one child is one too many. The mission of ACS is to protect every child. There is no mandate more important and we need to do everything that it takes to keep all children safe that come to our attention. As Commissioner of this City's Child Welfare system, I am deeply concerned that, despite several City agencies' involvement with his family, we could not protect Zymere from the abuse he suffered. While our system has helped hundreds of thousands of children, this child was not saved. I am sure the foremost question on everyone's mind is how to make such a terrible incident-- make sure that such a terrible incident like this does not happen again. This is the priority for ACS and all our partners. While we're not yet able to discuss Zymere's case, I am prepared to discuss with you the major steps ACS has taken before this tragedy happened and immediately after to strengthen child safety and to better serve children and families across the system across the City. Before I discuss these reforms and recent actions, I would like to provide some background on the child protective

process and about the important work that our staff does every day. Each year, ACS's Division of Child Protection investigates over 60,000 reports of child abuse and neglect made to the New York State Central Register involving more than 80,000 New York City children. Once the SCR determines that the report meets the requirements for an investigation, it is routed to ACS and is assigned to a Child Protective Specialist. The Child Protective Specialist must commence a child protective investigation and attempt to contact the reported child's family within 24 to 48 hours of receiving the SCR report. Our workers are out within the 24 hours. The investigation includes reviewing a family's history with ACS, and where possible, contacting the person who made the report;- - we receive many anonymous reports-- visiting the home; and interviewing the child, parents, household members, and other important people in the child's life. A child protective team has up to 60 days to make a determination on each allegation in the SCR report, including evidence of any other allegations of abuse or maltreatment that are discovered during the course of the investigation. In about 40 percent of cases, we find some credible evidence of

maltreatment, which is the New York state standard to indicate a case. During the course of the investigation at any time, ACS takes action based on our assessment of risk. These actions can range from, in the most serious cases, removing and placing the child in foster care, to recommending voluntary or court-mandated services for higher risk families whose children are not at imminent risk of harm. In many instances, ACS makes referral to contracted provider agencies or community based organizations who provide services to address maltreatment concerns, including counseling, parenting classes, substance abuse treatment, domestic violence intervention, home-making, as well as support for pregnant and parenting teenagers. In 2015, ACS provided over 20,000 families with a vast array of these preventive services, 25 percent of which are evidence based interventions. Our city's most important asset for protecting our children is our team of over 1,200 Child Protective Specialists. And to clarify that number, we have over 1,229 Child Protective workers in our Child Protection Division. We also have our supervisors. We also have specialized units, our emergency services unit that's

24/7, OSI that investigates complaints that involve foster care agencies or ACS employees to bring that total close to 1,800. Our Child Protective Specialists conduct day-to-day investigations. They work around the clock, 365 days of the year to protect children and support families in some of the most challenging situations. Their responsibilities are numerous. They investigate, evaluate the safety and well-being of children, assess the risk of future abuse, file petitions, testify in family court, identify interventions that can reduce risks to children. When the safety risks cannot be mitigated, CPS, or Child Protective Specialists, perform the difficult job of removing children from their home environment. CPS are more than just investigators, they also engage and partner with families by connecting them to community resources to provide support and keep children safe. They connect families to other government agencies, help them access benefits, and coordinate family members and providers to link them with effective interventions that reduce risk to children. Without a doubt, there are few jobs in the City more important and more demanding. We're proud that our CPS workers reflect the

diversity of the families and children we serve and are committed to recruiting, training, and supporting the highest caliber of dedicated professionals. To be qualified for the position, CPS workers must have a Bachelor's degree from an accredited college with significant credits in the human services sector, including social work, psychology, education, or nursing. Upon being selected from the Civil Service List and hired, all CPS attend our James Satterwhite Training Academy for six weeks to learn social work and investigative skills. After graduating from the Academy, CPS are assigned to a training unit and work on a reduced number of cases under close supervision of a training unit supervisor for an additional three months. Once training is completed, CPS are assigned to Protective Diagnostic units which are comprised of teams of Child Protective Specialists who investigate reported cases of abuse and neglect. As you know, ACS was created twenty years ago as the first free-standing child welfare agency in this City's history. At its inception, ACS's leadership undertook a platform, a reform, to address the widely acknowledged systemic failures that had long plagued the agency's predecessors. Prior to the creation of

ACS, it was not uncommon for cases to go on without being investigated and for staff to routinely carry thirty cases or more, and there was a near total absence of accountability structures throughout the agency. In the decades that have since passed, we have made significant progress in strengthening child protection for at-risk and maltreated children. Major investments in training, performance-based evaluation, data management, and other areas have established a much more improved system that strives to accurately assess each family and make the right decisions to promote child safety. Every family and child is different and our staff is charged to make highly individualized, nuanced assessments based on risk and strengths. Keeping caseloads remains a clear priority. We're proud that ACS has among the lowest child protective caseloads in the nation. As of September 24, 2016, caseloads were at 9.2 cases per worker. That number fluctuates which is under our internal target of 12 cases per worker, as recommended by the Child Welfare League of America. To enhance our staff and support closer supervision, we've also created two additional DCP borough offices, one in the Bronx and another in Brooklyn.

As the child welfare field grows in complexity and specialization, we must ensure that our CPS staff is continuously strengthened, supported, and equipped with the latest knowledge, best practices and tools. We launched the ACS Workforce Institute in partnership with the City University of New York to support professional development opportunities for over 5,000 child welfare staff, including our contracted providers. The ACS Workforce Institute has trained over 45 child welfare professionals to date since we began in early 2016; 2,000 of these are frontline ACS staff, and 2,500 are provider agency staff. Children are safer and families are stronger because of our investments in preventive services. Under this Administration, we have increased preventive slots to over 13,000 and added slots in programs that reach higher risk families, such as those with young children. Over the last several years, ACS has expanded our continuum of preventive services to include 11 evidence-based models that use proven methodologies designed to reduce risk of harm, prevent foster care placements, and expedite reunification and adoption. Finally, our Child Protective Specialists are in the field at all hours

of the day and night, as I said, every single day of the year, throughout the City. The staff who work to keep our children protected from harm must also feel safe and protected while doing their job. In 2012, ACS successfully lobbied for a state law that makes assaulting a CPS worker a felony. To prepare our CPS workers for home visits, we have also expanded our unit of Investigative Consultants, former NYPD detectives, to determine where there is a history of domestic violence or other police involvement at the address. In partnership with the NYPD, we also work with a lieutenant who is specially assigned to work with ACS staff on safety issues. Early in the Administration, shortly after the tragic fatality of Myls Dobson, ACS instituted Operation SAFE, a comprehensive set of safety reforms focused on strengthening the agency's child protective practice. One of the more ambitious aspects of Operation SAFE was the addition of 214 positions to our Divisions of Child Protection, Preventive Services, and Foster Care services. As part of Operation SAFE, ACS also hired an Internal Monitor who is charged with overseeing all ACS reforms who reports directly to me. We've created two additional Child Protection

Borough Offices to enhance support and to support staff in the Bronx and Brooklyn. We bolstered six strategic child welfare practice areas, including adding additional Investigative Consultants, providing greater technical assistance to foster care providers, and integrating case conferencing across the continuum. The following year, ACS launched another major reform initiative, which included several components: to launch-- one was the launch of the work of the ACS Workforce Institute, the expansion of preventive services focused on early childhood, the addition of two protection units to assess and support families entering homeless shelters, the launch of our Safe Sleep unit to educate families on the dangers of co-sleeping, and an increase in our use of data to identify risk factors and inform decision making. To date, all of these initiatives are well underway. This year, the NYC Department of Investigation and the Comptroller's Office reviewed small samples of ACS cases and issued recommendations. The DOI's report was based on a review of only three cases, and the Comptroller's was based on a review of just 25 cases. While neither review represents the over 60,000 investigations ACS

conducts each year, we take seriously the responsibility to address practice gaps and are committed to continuing improvement. In addition to the investments and reforms described earlier, ACS committed to implementing the accepted recommendations. The DOI made five recommendations in May 2016 and ACS accepted four of them. Of those four, two are completed and included retraining staff, issuing updated guidelines on case documentation. The remaining two recommendations are close to completion, and include updating our case assignment system to address perceived conflict of interests and improving the aggregation of data relating to Court Ordered Supervision cases. Similarly, in June 2016 the Comptroller issued six recommendations, five of which we accepted. Work to implement all five of those recommendations is underway and significant progress has already been made, including additional training for child protective supervisors and managers around case reviews and strengthening reviews of child protection investigations and standardizing and cataloguing ACS policies. To review our child welfare practice in a comprehensive manner, ACS has engaged Casey Family

Programs, a nationally recognized leader in child welfare, to conduct an assessment, which will achieve a better understanding of the systemic issues related to child safety, highlight what is working well, areas for further improvement and provide an independent perspective on whether ACS' strategic initiatives are on the right path. This thorough review will include a crosscutting analysis of policy, practice, data, and case reviews, set within a context of national best practices around safety, and grounded in data rather than anecdote. We anticipate this review to be conducted through winter 2017. So, let me share with you the actions taken since the Zymere Perkins case. As the Mayor and I explained earlier this month, the Manhattan District Attorney has requested that ACS suspend our investigation and our public discussion of this case while their criminal investigation is ongoing. In addition, until ACS completes our own investigation and makes a decision on the case, the state Social Services Law precludes us from releasing case specific information. However, we are conducting a thorough internal review and using that information we have learned so far to take swift action to fill

gaps in practice both within our agency and in our shared work with the several other City agencies which also touch the lives of children and families ACS serves. One of the first actions I took was to place five staff members, one manager and two supervisors and two caseworkers, who were involved in this case on modified duty while we continue to probe this matter. I have suspended an Assistant Commissioner and a Borough Commissioner within the Division of Child Protection, as well as a Director and an Assistant Director in our Office of General Counsel. In addition, the City has announced the following six reforms, all of which are underway. First, we are introducing two new Workforce Institute courses, one enhanced training for all caseworkers on how to handle suspected physical abuse and another enhanced training for all supervisors on conducting supervision through an investigatory lens. Both classes will start in November. Second, ACS will restore a funding cut made in 2008 and establish dedicated Child Protective liaisons to work with each of the five District Attorney's Offices, to share information, refer cases and enhance investigations. Liaisons will be in place in November. We are

strengthening oversight of our child protective staff by appointing a separate team outside of our division to conduct audits where case practice concerns are identified. This will be outside of the Child Protective Division. This change will hold all levels of CPS staff accountable and reduce conflicts of interest. Audits have already begun, and a new unit of 12 will be staff-- will be fully in place by February 2017. Fourth, when a preventive services provider seeks to end services on high risk cases, ACS will facilitate a Service Termination Conference, ensuring that all risk factors have been addressed. This began the first week of October and is ongoing. We worked with the Department of Education to establish a clear guidelines for when school absences should trigger a school investigation and coordination with ACS, where appropriate. A revised Chancellor's regulation will be prepared for the December meeting of the DOE's Panel for Education Policy meeting. Sixth, ACS is making several reforms to our staffing and processes at the five New York City Child Advocacy Centers where cases of children who are suspected to have endured serious abuse are jointly investigated: ensuring the appropriate

numbers of child protective specialist supervisors are stationed at each CAC; stationing one Child Protective Manager at each CAC to ensure a senior level review of every CAC case that does not result in law enforcement action; stationing one Family Court Legal Services Lawyer at each CAC; ensuring that every CAC case has a Child Safety Conference; and we're working with Mayor's Office of Criminal Justice to add medical staff, including doctors and nurse practitioners trained in child abuse, and expanding their presence during day and evening hours. Beginning in October 2016, we created an interagency workgroup with the ACS, NYPD, the DA, and Safe Horizon that will propose recommendations and coordinate improvements to the CAC process. This is in addition to the ongoing workgroup that now meets with ACS, the DA, NYPD at the CAC. Beyond those recently-announced reforms, ACS and our sister agencies are working together to institute a number of additional measures, some of which are: ACS will work with DHS and shelter providers on an MOU to expand sharing of information about families in shelter system with child welfare cases. We do that now with DHS. We will improve that process and

include provider agencies. To strengthen oversight for at-risk children, ACS will create a new training for DOE parent coordinators citywide to include assessment of safety and risk, appropriate follow-up and referrals to preventive family support services. The ACS Senior Advisor for Investigations will newly oversee the Instant Response Team, which handle the most serious cases where NYPD and ACS respond jointly, to establish more aggressive oversight process and sustain strong coordination between ACS and NYPD on serious physical injury cases. I'm concluding. As I told the Committee when I first became Commissioner and reaffirmed earlier this month, I have charged my agency and all of our provider partners to treat the children we work with as if they are our own. These are our children. These are my children. Safeguarding children and supporting struggling families takes the collaboration of many, including our communities. It is a shared responsibility. All New Yorkers play a part in protecting children. In the coming months, ACS in partnership with the Department of Health will be launching a public awareness campaign that raises attention to critical child safety issues. I want to

1 use this opportunity to ask the Committee to join us
2 in informing New Yorkers that when a family is need
3 of help, to lend a hand. When you suspect abuse,
4 when you suspect neglect, don't hesitate to make that
5 call. As the title of this hearing suggests, many
6 agencies and parties can touch the lives of children
7 and families. As I said, it is a shared
8 responsibility. ACS has committed resources to
9 enhancing coordination, including sharing data and
10 information, and building inclusive processes so all,
11 no child slips through the cracks. I have committed
12 my entire career helping children and families.
13 Losing a child is unbearable, and it's my
14 responsibility, and one that I take seriously. As
15 always, we are happy to work with the Committee in
16 our continuing efforts to improve this system to
17 better serve children, and I am happy to answer your
18 questions. And I am sorry. Thank you.

20 SPEAKER MARK-VIVERITO: Commissioner, I
21 want to-- I want to thank you for your testimony.
22 I'm going to just say a couple of things. I have
23 known you for many, many years, and I never have
24 doubted your commitment to improving the lives of
25 children. This is a tragedy, and many are suffering

1 because of it, including yourself, and it is very
2 quick for some of us to cast quick judgement on the
3 workers by painting them all with a broad brush, when
4 we know it is hard work that they engage in every
5 day, although accountability is important, and you,
6 in asking for your resignation, I am not one of those
7 that will be doing so today in light of this case.
8 What I do have is a genuine commitment on the part of
9 this Administration, right, to work with us as a
10 Council that has oversight over these matters to make
11 improvements so that we do not allow children to fall
12 through the cracks. So, I know this has been very
13 difficult for you today on many fronts. I do hope
14 the best for your health, but your commitment is
15 clear on being here and engaging with us. So, I want
16 to thank you for your testimony. Deputy Mayor, the
17 same, for your testimony. And I want to start off
18 with a couple of questions. So, we've talked-- in
19 your testimonies and obviously in the briefings that
20 we have, and we've alluded to it in our statements as
21 well, there's been obviously over the years, going
22 back many years since the creation of ACS, right,
23 there have been numerous reforms announced after--
24 particularly after high-profile fatalities, Eliza
25

1 Scardo [sp?], Nix Marie Brown [sp?] Myls Dobson, and
2 now Zymere Perkins. And so there's been a lot of
3 structural reforms that ACS has undergone. A lot of
4 changes in policies that have been recommended. So,
5 question is, how do you as an agency keep track,
6 right, of all those reforms to make sure they're
7 being implemented and that they are effective. That's
8 oen thing specific to your agency, and then I just
9 have a couple of questions with regard to the
10 interagency matters. And so that issue of keeping
11 track of all-- this is a lot. Maybe is a way we could
12 start.

14 DEPUTY MAYOR PALACIO: Madam Speaker, if
15 I may while Gladys catches her breath.

16 SPEAKER MARK-VIVERITO: Yes, yes.

17 DEPUTY MAYOR PALACIO: I think your
18 question is very important, and one of the things
19 that I wanted to add here is that many of these
20 reforms, they don't just happen in the aftermath of
21 these tragedies. As you heard partially in my
22 testimony and partially in the Commissioner's
23 testimony, these reforms are important to us in
24 routine times when the lights and the cameras are off
25 because getting it right, as Mr. Chair said, getting

it right is critically important. So what you'll be hearing the Commissioner describe is how we track the reforms within her agency as well as how we really coordinate reforms that are happening across multiple agencies because these families touch the City in many ways, and we have to knit the safety net tighter and tighter and tighter so that there are no opportunities for children like Zymere to fall through any of those openings.

COMMISSIONER CARRION: Madam Speaker, as you identified, as Administrations change and there are budget cuts that are implemented, eyes are taken off those reforms, and so one of the first things that I did was hire an internal monitor whose responsibility is to track our reforms, created project management capacity in the agency so we could track the implementation of the reforms, and I receive weekly reports on Fridays that track the implementation of our major projects. I personally reviewed, and we looked within the agency records to see the prior reforms that have been recommended over the years and to see whether they were sustained, and what we uncovered was that most of the reforms over time were sustained with some challenges. For

instance, we discovered that the DA liaisons positions were eliminated. You know, the fact that we lost as many positions as we have over time and that our agency lost over 200 million dollars has had an impact, and so now it's a process of rebuilding. But for the most part, as far as I can see, most of those reforms have been sustained.

SPEAKER MARK-VIVERITO: So you just said in answering the question that with budget cuts and obviously the strains that that provides to your agency or has provided to your agency, that there may have been a pulling back of some of those reforms in the past. Is there any way of determining at the beginning of this Administration where-- which reforms had been compromised based on that, and can you safely say that based on the increased budget and positions that all of those reforms in the past are fully implemented again or in the process of being fully implemented?

DEPUTY MAYOR PALACIO: Madam Speaker, again while-- Commissioner will speak to the specific reforms, but I think it's important to understand that the agency reviews reforms as not a one and done. There are policy changes that happen around

us. The circumstances of the families change around us. We learn things as we go. So, the reforms are in evolution. Sometimes, it is important to change them. Sometimes it may be even appropriate to sunset them--

SPEAKER MARK-VIVERITO: [interposing]

Right.

DEPUTY MAYOR PALACIO: because there are other system improvements that have made that rendered them less valid.

COMMISSIONER CARRION: So, with this Administration there's been a commitment to reinvest. We've seen 139 million dollars. We've seen an increase in hiring of positions. So there has been a willingness on part of this Administration to redouble our efforts to strengthen our ability to do this work. Some of the reforms and some of the recommendations were one-time types of initiatives that we need to go back and look and see whether or not we need to, for instance, a public awareness campaign. That needs to be a continuous effort. That can't be a one-shot deal. We've established the Child Advocacy Centers, and the commitment was to have one in every borough. We were able to realize

that last year, but now we have to go back and say what further work do we have to do to strengthen. What are the new things that we've learned? What are the new challenges that families are facing? And so what are the new interventions that we need? Are we still responding? You know, as we looked at what worked in the past, does it continue to work? Are there things that we have to do to strengthen the work? How do we implement new knowledge? So, in part, for instance, is the implementation of evidence-based interventions. We developed-- that's one. And so we keep learning. We keep evolving and we keep improving. For instance, one of the recommendations was to have investigative consultants, to have retired NYPD detectives working at ACS. It started very small number. We have built that to 134 today. We've continued to add to that staff to help us do this work. We have to increase the use of technology to help create the tools that our staff need. So there's been a commitment on our part to do that. We just recently started to roll out smart phones to our staff. We're now exploring the use of tablets. The-- we are just now about to implement a dashboard for our workers so that they

could see on their computers what their caseload is, what their contacts, all of that. We have not in the past really used technology to advance our work to simplify it, to give the tools our workers need to do a better job, and those are the things that we have to focus on moving forward.

SPEAKER MARK-VIVERITO: Okay. I have a couple-- two more quick questions, and then I'll pass it back to the Chair. So, obviously, there's been an acknowledgement by the Mayor and others, obviously that a number of government agencies-- that's we set for this hearing to be about all that, the interaction and the different touchpoints. There were obviously multiple agencies that engaged with the Perkins family and that there has been missed-- there had been missed opportunities. So, you talked about in your testimony about some MOU being developed between DHS and ACS so that more information can be shared. I know that there's challenges with the state confidentiality and information, but there is some sort of an MOU that you referenced that between DHS and ACS that will allow more information to be shared. Is there any thought of doing that with other-- amongst other

agencies as well, and is there a centralized way that we can track families and their interactions with various city agencies?

COMMISSIONER CARRION: We do have MOU's, and in fact, we just strengthened the MOU with the Department of Education. We have an MOU with the Department of Education. We have an MOU that we're working on, and we do have a memorandum also with NYPD and the DA and New York State Parole. We are working on an MOU with the Department of Corrections and finalizing that, and we're very close to doing that. So there are various agreements that are already either in place or under way. One of the things that we did was review that and see whether or not they needed to be strengthened and whether there was the ability to share additional information, and how that information can be used to trigger a stronger response. We also have databases where we share information. We-- and so we're looking at, for instance, with DHS how can we better structure that information so it's readily available and understandable to our staff? We'll have to use that information for decision making.

SPEAKER MARK-VIVERITO: Okay. My last question is that it's been referenced multiple times in both testimony, the Deputy Mayor and yourself, the most recent what we've heard in the reports with DOE, right, and the protocols that are being implemented and changed. One of the things that I didn't see and I'm wondering what thinking has been given to this is that the issue with Zymere, my understanding in particular, is that he did not re-enroll from one year to the next. So the issue that-- what I'm picking up on in terms of the protocols is in existing school years if there's absences, etcetera, that there's some flagging that will happen, more communication in the MOU between ACS and DOE that you've talked about. So is there any thought about when a child has been enrolled in the public education system and they do not re-enroll the next year, if there's a way of flagging that?

DEPUTY MAYOR PALACIO: So, let me turn to Ursulina I think who can really give some-- put some meat on the bones of the reforms that we've talked about that are particularly around attendance, how we track attendance, what are the triggers to think about educational neglect, and the reforms that we're

doing for ACS involved families and for children K through eight rit [sic] large [sic].

URSULINA RAMIREZ: Thank you, Deputy Mayor and Speaker. I want to say that nothing is more important to the Department of Education, obviously, everybody in the Administration, the safety of our children. Every year, roughly 90,000 students in the beginning of the school year in September and October either transfer or discharge, and so what we-- the new protocols that we put in place will really create an urgency around our most vulnerable populations and flagging more quickly for our school based staff students who have open investigations with ACS. So, the goal is really to create a sense of urgency at the school level for vulnerable students.

COMMISSIONER CARRION: We've also now require a termination conference, a case conference before any case can-- a preventive case can be closed so that we can ensure that we've taken all the steps that are necessary in identifying all the factors that need to be in place before a case can be closed. That will help us to identify any challenges that might be presented. So, for instance, when a family

1 is moving-- when a family is no longer in need of our
2 intervention, that all the supports are put in place
3 appropriately before a case can be closed.

4
5 SPEAKER MARK-VIVERITO: Okay, but going
6 back to the issue. So are you saying in a case like
7 Zymere that would have been picked up with the new
8 protocols, right? He's-- there isn't a case
9 investigation. There's being monitored. That child
10 somehow would have been flagged? ACS would have been
11 told? I mean, there's got to be-- it's not going--
12 it's not about the child re-enrolling in the existing
13 school. Just in the system in general, is there-- do
14 you believe that with the protocols you've identified
15 and that will be rolled out in this Chancellor's
16 directive that the case like Zymere's would have been
17 picked up, that he did not re-enroll?

18 DEPUTY MAYOR PALACIO: So, Madam Speaker,
19 without getting into specifics of the case, I would
20 say that yes. So, what we're really trying to do--
21 and again, Ms. Ramirez can speak to some of the
22 details. There were procedures that were focused on
23 attendance for administrative and enrollment
24 purposes. There were also policies that were around
25 educational neglect. The new reform is to bring

those two policies together so that they are talking to each other in real time on a constant basis, and that we are prioritizing the efforts to make sure that attendance in at-risk children, that the bar is much lower to really do an investigation around educational neglect.

URSULINA RAMIREZ: And that is correct, and just to add some additional details to what the Deputy Mayor said, our goal is really to create a three tier process for our students who are in vulnerable situations. And so at the first sign of a missed day of school, if there are some concerns from the school-based staff or they cannot get a hold of the family and they know that there's an open case, we would-- our staff would be calling the ACS worker to get additional information. We're really, as the Deputy Mayor said, trying to lower the threshold if there are concerns or suspicions so that our school-based staff know who to contact at ACS to kind of triage and get additional information on where the student is located.

DEPUTY MAYOR PALACIO: Do emphasize what she just said, so ACS involved child with an open case misses one day of school, that would be enough

to have the school when they do the attendance investigation, if they have some concerns to reach out to the ACS investigate-- to the ACS case worker assigned to that case to make sure that we are following up.

SPEAKER MARK-VIVERITO: Alright, I'm going to-- there's more clarification that I would want on that, but I'm going to-- I know that there's a lot of questions, and I want to pass it back to the Chair. So, if I have an ability to re-ask the question in different way, I'll come back or get it offline, so to speak. But thank you again.

CHAIRPERSON LEVIN: Thank you, Madam Speaker. We've also been joined by Council Members Vanessa Gibson of the Bronx, Rafael Salamanca of the Bronx and our Public Advocate Letitia James. I want to follow up on the Speaker's question. So how, how do we know-- so, okay, let's put this into context here, right. Fifty-five percent of the children in the shelter system are not placed according to where the youngest child goes to school, right? So that means 45 percent are not. So 45 percent of 23,000 kids are not placed in the shelter system according to where the youngest child goes to school. So, 45--

that's about 10,000 kids, a little over 10,000 kids.

How do we-- how do we make-- how are we making sure?

What's the process for how we make sure in September

that those 10,000 kids are actually enrolled in

school if they're not going to the school that they

went to in June? How do we do that? What's the

logistical-- that's a logistical challenge. Ten

thousand children just in the shelter system, not to

mention the children that are not in the shelter

system but may have had to have moved over the summer

or not attending school where they went in June. How

do we track them? What's the process?

URSULINA RAMIREZ: Thank you, Council

Member Levin. So, it is as you mentioned, there are

a lot of logistical issues in the first--in the

beginning of the school year. Just to provide you

some context, we have approximately 100,000 students

who are absent every single day, and so while we've

improved dramatically over the course of the last

five years, our attendance, we still have a lot of

students who are missing school, and in the beginning

of the school year it's particularly a challenge

because of, as you mentioned, moves or transfers or

discharges. We have set up some systems in place

with Department of Homeless Services to really track our students and ensure that we understand where they are located. As you know, McKinney [sp?]

CHAIRPERSON LEVIN: [interposing] What are those? What are those?

URSULINA RAMIREZ: We do a daily data sharing agreements with Department of Homeless Services. This is in part because we, as noted, in January we launched bus services for K to sixth grade students, and so we do data information. I mean, sorry, daily data sharing to ensure that we understand where our students are located. Additionally, what we-- every time a student is absent, the school is responsible for calling the family on the first--

CHAIRPERSON LEVIN: [interposing] But what if the school doesn't know that the child is supposed to be there? So, in beginning of September, like in Zymere's case, new school, they don't know. How are they supposed to know that the child's supposed to be there?

URSULINA RAMIREZ: So, we get information from DHS on where the student

is living, but by right, the student has the chance to go to their home school.

CHAIRPERSON LEVIN: Right.

URSULINA RAMIREZ: Regardless of their shelter, which is why we've really emphasized providing busing, because as we know, for a lot of our students who are incredibly vulnerable, a school is actually a safe haven, and making sure that there's continuity in their education is incredibly important.

CHAIRPERSON LEVIN: Just by the way for clarity, that number is at 55 percent of children or families that are placed where the youngest child goes to school, that's down from-- it was around 80 percent in 2011. So, that number, it's gone up from 53 percent from last fiscal year, but that's a very alarming number, because that's-- as we're talking about, has a very significant impact on families, because if you're living in Queens, if you're living in Jamaica, Queens and your school is in the Bronx, you know, how long is that commute every morning?

URSULINA RAMIREZ: I would-- I mean, I agree with you that some of our students have very long commutes, and we are working to address that

every single day. I want to note that this Administration made an unprecedented announcement of 10.3 million dollars to support our students in temporary housing. With that investment we increased the number of attendance teachers that we have with shelters. We've also for our schools that have high populations of students in shelter, we've added additional social workers. In addition to the busing we also added-- to make sure that the shelter staff that we have on site have Blackberries and phones so that they can contact families and make sure that they're really keeping in constant communication with both families and the school.

CHAIRPERSON LEVIN: Do we keep track of the percentage or the number of children that in the shelter system, for example, that don't return to the school that they were in the previous year? So, that's switched schools over the summer.

URSULINA RAMIREZ: I don't have that data right now, but I can get that to you.

CHAIRPERSON LEVIN: That's-- DHS and DOE keep track of that, that number?

URSULINA RAMIREZ: Of the students who had a previous school in the previous school year, is that correct?

CHAIRPERSON LEVIN: Of the 23,000 kids that are in the shelter system, how many are going to-- how many actually go to their prior school and how many are switching schools over the summer?

URSULINA RAMIREZ: We have that information and I can share you with you at a later date.

CHAIRPERSON LEVIN: So we're keeping track of that. Okay, I want to switch-- yes?

SPEAKER MARK-VIVERITO: I just want to just go back because this is the area that I think there's a gap. In a situation where a child-- explain to me between the-- how each of these would be treated. Case, a child or a family that has an open ACS case, a family that has a closed ACS case. If a child has finished a school year and does not re-enroll, right? You're saying if a child misses and is absent is when DOE will raise flags with ACS, but if that child has not re-enrolled, what-- I'm trying to understand how would you treat that case, each of those situations, an ACS case that is open,

an ACS that is closed, if a child does not re-enroll in a school year?

URSULINA RAMIREZ: So, let me provide some additional context, and hopefully I can kind of build a bridge between these two. So, every school is responsible for developing a plan around attendance monitoring. That includes whether identifying if a student is currently enrolled in their school. So, in the beginning of a school year, if a student is absent or unclear if they're still enrolled in the school, right-- a parent could be moving over the summer, and you know, not contacted the school community. The school will call the parent or somebody to say, you know, Johnny has not showed up to school today. And really, what would happen is, if there are 10 consecutive absences that will trigger an attendance investigation, which means home visits, direct calls within the community, trying to find any possible relative that will understand where the student is attending, and if there is a previous investigation, attendance investigation in the prior school year, that would actually be triggered after eight days, so a lower threshold. The goal here is to understand if the student is not enrolling in that

1 school or there are other causes for concern around
2 educational neglect or some other concern within the
3 family, but the goal in the beginning of the school
4 year is really trying to identify is the school
5 attending-- is this child attending the school? Have
6 they left the system, or is there something else
7 happening? And with our new protocols that we just
8 announced, the goal is really to lower the threshold
9 and really give our school staff sufficient amount of
10 information when they know that there is a vulnerable
11 student in their school, so that they start those
12 conversations earlier, and at one day, if it's an
13 open investigation in that current school year, that
14 one day, if they reasonable suspicion that there's
15 something happening, they would be contacting our
16 colleagues at ACS to really ensure that this student
17 is okay. And so the goal is really to have, to
18 triangulate our data a little bit more and to make
19 sure that our school staff has that information at
20 hand so they can best support the family and the
21 student.
22

23 CHAIRPERSON LEVIN: One other follow-up
24 on this matter, if a-- for children within the DHS
25 system, is there a different protocol for children

that are in a tier two shelter or children that are in a hotel, for example? Because most of the capacity that's coming online these days is hotel. There are a lot of children that are in hotels without dedicated DHS staff, you know, because just the, you know, ability to have a dedicated DHS staff in a-- for a handful of hotel rooms is not really feasible. So how-- is there a difference, and maybe Mr. Tietz could answer this?

URSULINA RAMIREZ: Yeah, so we receive issues around students who are living in shelters, and the student who-- I would just clarify that the students who are living in shelters is the information that we're receiving daily from DHS.

CHAIRPERSON LEVIN: Doesn't matter whether it's a hotel or a tier two?

DANIEL TIETZ: Right, it doesn't matter. So, whether they're in a hotel or they're in some other setting, that's in the data feed. They see where they are.

CHAIRPERSON LEVIN: And then just with--

DANIEL TIETZ: [interposing] And by the way, they all get services.

URSULINA RAMIREZ: Yeah.

DANIEL TIETZ: So, folks in hotels or in clusters, there's a provider, a contracted provider to DHS that provides them social services. So, they're all being served.

CHAIRPERSON LEVIN: Okay. I know that we're not talking about the particulars of Zymere Perkins' case, but I am interested to know, and when the facts come out, whether the Department of Education was aware that Zymere was not enrolled in school starting in September. And so I realize that we cannot talk about this now, but I'm interested to know that when those facts come out. And so I'm going to change gears here for a second. I do want to know, and-- excuse me-- that the protocol for the District Attorney preventing the City, ACS, the Administration from speaking about the particulars of this case, I'm a little unclear what protocol that is. If I-- if we look back to 2014, the Mayor released preliminary findings on the death of Myls Dobson 10 days after his death. He died on January 10th. By January 17th, the Administration released preliminary findings. Under state law, ACS is required to complete an investigation within 60 days, and so I'm a little unclear what protocol is

being put into place right with regard to the District Attorney and how that comports with regular practice and state law.

DEPUTY MAYOR PALACIO: So, Mr. Chair, in this case which was different from-- I was not here obviously for the Myles Dobson, but my understanding in that in a different way, the District Attorney has reached out and made a specific request to the Administration for Children's Services that we defer the interviewing part of our investigation until they have completed their investigation.

CHAIRPERSON LEVIN: Is that request in writing?

DEPUTY MAYOR PALACIO: Yes, we do have a request in writing.

CHAIRPERSON LEVIN: Can you share that with this committee?

DEPUTY MAYOR PALACIO: We have a subpoena.

COMMISSIONER CARRION: We have a subpoena, but to clarify, the protocol that we have with the DA and parole and NYPD does not cover this area. There have been instances in the past where the DA has asked us to pause our interviewing of

witnesses or the accused while their investigation is pending, and those are short period of time. Since I've been Commissioner this is the first time that I'm aware of and that the DA has made the request that we pause our investigation and that's it's been for this period of time. We have until November 26th to complete our investigation under the state statute. We are deferring to the DA's request so we don't jeopardize their investigation. We have informed OCFS, the state agency of this request, and they have deferred to our judgement.

DEPUTY MAYOR PALACIO: So, I wanted to make sure that we sort of clarify the nature of the request. The request was really that we don't speak to witnesses or to people who were directly involved. That has not stopped us from doing a records review. That has not stopped us from identifying issues that we can identify from that records review, and that has not stopped us as you've heard from us starting to implement reforms that are informed by what we're learning in that review. So, we can't talk about it publicly. We're happy to come back. We're happy to, you know, update the council at such a time as we're

able to discuss with the council and with the public any additional case and details.

CHAIRPERSON LEVIN: Okay. It's a cause for concern because this is outside of a regular protocol. In any given year, there are upwards of 10 to 15 child fatalities that are ruled homicides. Every one of those-- and obviously there are, you know, many instances where there is a case of child abuse or neglect that warrants a criminal investigation. There has to be a protocol that is standardized so that--and without exceptions, so that ACS is allowed to comply with state law. If the District Attorney doesn't come up with a set of charges by November 26th, then ACS is technically-- whether OCFS gives a waiver or not, I don't think that that matters. It's not in compliance with state law to conduct a review and issue findings within 60 days of a fatality or whenever a call to SCR is put in. So, I'm just a little bit concerned that this process seems to be outside of any normal protocol for any type of not just fatality but criminal investigation involving child abuse or neglect.

DEPUTY MAYOR PALACIO: Well, Mr. Chair, the safety of children is our paramount concern, and

1 today, Zymere Perkins. I believe it is fair to say
2 that often these reforms speak to specific aspects of
3 those cases. I think that that's a fair thing to
4 say. However, as Commissioner Carrión acknowledged
5 when she testified to the Commission to eliminate
6 child abuse and neglect fatalities in August 2015,
7 roughly 10 or 15 children per year die in New York
8 City as result of homicide, as I said before. And
9 sadly, only a handful of those children's stories
10 become known to the general public, and mostly their
11 cases do not lead to sweeping reforms. In light of
12 this, and in light of the fact that the
13 Accountability Review Panel makes recommendations
14 from every child fatality case that it reviews, I'm
15 unclear if there is a standardized and formal process
16 for by which reforms are made in an ongoing fashion.
17 For example, I mean, just to be clear, you know, when
18 we were preparing for this hearing, we reviewed,
19 there were over a dozen reforms in 2014 as a result
20 of Myls Dobson. Many of those spoke to the specific
21 aspects of Myls Dobson's case. There are a number of
22 reforms being issued right now as a result of this
23 case. As is clear, there are numerous cases in the
24 intervening years, and I know that there are reforms

COMMISSIONER CARRION: Yes, I certainly can speak to that, and I'd like to clarify that the number of fatalities that you refer to don't necessarily involve the caregiver. The number of fatalities in 2015 the caregiver known to ACS was four. In 2014 it was six. So, there is constant-- you know, my tenure in the two and a half years that have been at ACS, now close to three years, has been characterized by reform and change. That's what you do every day to innovate, and I can give you examples. For instance, one of the examples is that we've aligned child protection, foster care and preventive services divisions under one umbrella, and created the Child Welfare Services, and I created the position of Executive Deputy for Child Welfare Programs. We integrated family conferencing under this umbrella because we wanted to have a shared lens

of safety, permanency, well-being, stability, and equity across our system.

CHAIRPERSON LEVIN: Sorry, and who is the Executive Deputy Commissioner?

COMMISSIONER CARRION: Jacqueline McKnight, Doctor McKnight is the Executive Deputy. We have integrated our conferencing, expanded conferencing, and increased the number of conference facilitators. I launched the redesign of our foster parent engagement. We have an initiative called No Time to Wait which is about improving caregiving to enhance child wellbeing, permanency for children and families. You referred to the Accountability Review Panel, and one of their recommendations was to launch a safe sleep initiative which we have been doing for a number of years, and enhance that by adding a community component this year. We launched a fostering college success program for youth in care this year where we receive funding to partner with CUNY to guarantee every young person in foster care admission to a CUNY school, 12-month housing, academic supports, and books and tuition support, and personal expenses stipend. I implemented the federal Title 4E waiver and scaled-- in our foster care

1 system, and scaling up of evidence-based
2 interventions introducing a trauma screen, and
3 introducing evidence-based interventions and reducing
4 caseloads. We trained 1,200 foster care agencies on
5 quality time, because we know how important for
6 unification is to have quality visitation with your
7 parent. We launched an open adoption incentive--
8 initiative. We launched a new office of workforce
9 development for our youth in foster care. We
10 launched a new internship program in collaboration
11 with the Department of Youth Services. We appointed,
12 created the Office of Child Trafficking Prevention,
13 and created the first, you know, director of that
14 office. We created a team and added to our
15 investigative consultants to help us recover and
16 assist in returning youth that are missing from care.
17 You know, I can go on. We've launched a new case
18 consultation and technical assistance function doing
19 case consultations, and enhanced our quality
20 assurance process in our review monitoring and
21 support of our preventive and foster care agencies.
22 We are doing permanent, rapid permanency reviews, for
23 instance, with support with KC Family and we're
24 reviewing over 2,500 cases, and the goal is to
25

expedite the permanency of these children in care.

You know, we have a partnership with Montefiore to increase our evidence-based interventions. You know, it's called group attachment behavioral intervention in the Bronx that will create 800 new slots. We are creating new slots to support-- it's supporting discharge planning and creating prevention slots that we will enhance the support that are given to families when they're re-unified with their children, and so we will be providing preventive services three months before re-unification and three months after re-unification, and then we'll see how that goes.

We have increased the number of expert clinical consultants and had an RFP recently, and we will increase by 1,400 consults a year with this enhancement that we've made. Every day it's my responsibility as the leader of this agency to look at ways that we improve and strengthen our practice. We don't wait for a child fatality to help us design interventions that will strengthen our work and provide support for our partners and our staff.

CHAIRPERSON LEVIN: Can I ask if-- are the-- the Accountability Review Panels issue-- for

each fatality that they're reviewing, they issue recommendations, correct?

COMMISSIONER CARRION: They issue recommendations based on the cases that they're reviewing and discussing, yes, and--

CHAIRPERSON LEVIN: Are those recommendations made public?

COMMISSIONER CARRION: You know, I discovered that the last report that was issued was in 2011 of the findings in general broad report of the work of the Accountability Panel. So we have reconstructed that work, and we will be issuing a report for 2012/2013, and that I have a-- there's a draft of those reports, and we are working on the 2014 report, because we discovered that they were not developed. So you will see those reports shortly.

CHAIRPERSON LEVIN: And that aggregates, because my understanding is the Accountability Review Panel investigates each fatality.

COMMISSIONER CARRION: They don't investigate.

CHAIRPERSON LEVIN: They're reviewing.

COMMISSIONER CARRION: They're reviewing, and it's a quality assurance process that helps us not only get--

CHAIRPERSON LEVIN: [interposing] But each-- I'm sorry, but each individuals produces recommendations, or--

COMMISSIONER CARRION: [interposing] It can.

CHAIRPERSON LEVIN: a set of findings, and that's-- you're saying that what it's now doing is to--

COMMISSIONER CARRION: [interposing] It's a set of recommendations.

CHAIRPERSON LEVIN: aggregate those.

COMMISSIONER CARRION: Into an annual report that describes the work and what recommendations they've made and steps to implement.

CHAIRPERSON LEVIN: And they haven't been issued for five years?

COMMISSIONER CARRION: Since 2011 we discovered.

CHAIRPERSON LEVIN: Okay. That's something that we're going to be looking at then in terms of wanting to see as close to real time

reporting as possible in an ongoing way. We'll circle back with you and a look at that. One issue that seems to be having arisen in Zymere Perkins' case was that reflected in the three cases in the DOI report, and I'm not going to get into whether it is appropriate to do three cases or whether that's a representative sample-- in Zymere Perkins' case, as has been reported, there were multiple calls to the SCR on allegations of abuse or neglect. It's also been-- so there was-- the reporting is that there are five separate calls to the SCR. It's also been reported that there were three indicated case. Now, I know that we cannot speak of the case, that you can't confirm or deny that, but in the DOI report, some of those cases and all of those cases had issues of repeated allegations, calls to SCR, and some indicated cases over the span of either that child's life or the mother's during-- or the families for multiple siblings, over the course of multiple siblings or over the course of years. According to ACS and OCFS's data, 16 percent, or 15 percent this year-- a couple of years ago it was 16 percent. So, hovers around 15 to 16 percent of cases that are substantiated or indicated had a case that was

1 indicated previously within the previous year. So,
2 in other words there's-- of the case-- of calls to
3 the SCR, the 55,000 calls to the SCR, my
4 understanding is 16 percent are indicated that had a
5 previously indicated case. The OCFS target for that
6 number is seven, seven percent. So, obviously we're
7 doubled the number of incidences of that sort. What
8 is the protocol for when there is a previously
9 indicated case, when there's a new call to the SCR?

11 COMMISSIONER CARRION: So, let me share
12 some context with you. That number is improving, as
13 you noted, for New York City. In 2014 it was 16.2.
14 In 2016 it's 15.2. I should clarify for you that the
15 average in New York State is 18 percent. So while
16 there is a target, the reality is that it's 18
17 percent in New York State.

18 CHAIRPERSON LEVIN: But the target is
19 seven, right?

20 COMMISSIONER CARRION: No county meets the
21 seven percent target. So, there is certainly a
22 protocol for frequently encountered families. Those
23 cases, in particular cases of serious physical abuse
24 allegations are immediately flagged for the manager,
25 the case manager. Those cases are reviewed and get

heightened scrutiny. The first case is reviewed immediately, if it's one of the priority cases. It's reviewed at seven days. It is reviewed again at 30 days, and it's reviewed again at 55 days.

CHAIRPERSON LEVIN: I'm sorry, and reviewed by whom?

COMMISSIONER CARRION: By manager, by supervisor, like a case manager.

CHAIRPERSON LEVIN: Okay, so I'm actually-- that's my next question is the organizational structure, but we'll pause on that one.

COMMISSIONER CARRION: So, those cases do receive heightened scrutiny.

CHAIRPERSON LEVIN: Do you think that it's an acceptable status quo for us to be at more than double the OCFS target?

COMMISSIONER CARRION: So, to remind you, no one is at the OCFS target. It's 18 percent across New York State, but it is not. That is why we're improving and you see the improvement from 2014 to 2016.

CHAIRPERSON LEVIN: So, obviously there's-- we're still a ways off there, and whether while, eyes, 15 percent is better than 16 percent--

COMMISSIONER CARRION: [interposing] And it's better than 18 percent.

CHAIRPERSON LEVIN: we still have a lot of work to do where-- if the goal is unachievable, then we should go-- then we should say that.

COMMISSIONER CARRION: Well, but we should always have that goal, right? We should always work as hard as we can to prevent children from being at-risk. Right? I mean, that is the goal.

CHAIRPERSON LEVIN: Is the goal achievable, I guess, is my question.

COMMISSIONER CARRION: Well, whether it's achievable, I would submit to you that we need to strive to meet that goal, and that we need to do better.

CHAIRPERSON LEVIN: Can you share with me, because this is important for everybody, for the public to understand, what is the structure, the organizational structure of Child Protective Services? And maybe if you could-- I know you spoke to this a little bit in your testimony, but you can

walk us through some of the main categories of cases.

So, what happens in a case, for example, where there's an allegation of abuse and the family is previously known to ACS? So, if you could, you know, take us through kind of how the protocol-- how everything works organizationally and who is who?

What is a Child Protective Worker? What's a Supervisor One? What's a Supervisor Two? What's a manager, so and so forth? Just so that we all know.

COMMISSIONER CARRION: So, the divisions are organized. The office and borough offices are organized in units. You have CPS worker. Some units have a CPS One. You will have-- all units will have a CPS Two, and you will have a Child Protective Manager. There will be a Deputy Director, and there will be a Borough Commissioner. There probably also is a director in there. About one-third of the units have a Child Protective Specialist One. One of the things that I discovered is that the prior Administration, as part of their Fiscal Reduction Plan, reduced-- eliminated CPM One's.

CHAIRPERSON LEVIN: I'll speak to that, by the way, that I was going through the paperwork yesterday and I saw that in FY--

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2 COMMISSIONER CARRION: [interposing] Yeah,
3 CPS one.

4 CHAIRPERSON LEVIN: In FY 14 there was
5 one CPS One, I think, in the City.

6 COMMISSIONER CARRION: No.

7 CHAIRPERSON LEVIN: Is that right?

8 COMMISSIONER CARRION: No, that's not
9 right.

10 CHAIRPERSON LEVIN: That's what the--
11 that's what the MMR--

12 COMMISSIONER CARRION: [interposing] It's
13 a hundred--

14 CHAIRPERSON LEVIN: said, I think, for FY
15 14.

16 COMMISSIONER CARRION: There's 130--

17 CHAIRPERSON LEVIN: [interposing] I think
18 that's--

19 COMMISSIONER CARRION: [interposing] Oh,
20 14.

21 CHAIRPERSON LEVIN: In FY 14, when you
22 took over--

23 COMMISSIONER CARRION: [interposing]
24 Right.

25

CHAIRPERSON LEVIN: there was a single
CPS One in the City of New York.

COMMISSIONER CARRION: So, but this
administration we've received authority to backfill
those positions. Well, the existing positions. So
we have 132, if I recall, that we have of CPS Ones.
We will be adding nine additional in this reform, set
of reforms that we have announced. The CPS, Child
Protective Specialists, are the ones that go out and
do the investigation. The CPS workers, when you have
a CPS One, which one-third of the units have, they
will work with the CPS workers. They might have a
reduced caseload. They might work with the CPS Two.
You have a CPS Specialist Two who is the supervisor,
and then you have a manager who oversees the
supervision and works with the CPS Two in review of
cases, and they have a wider span of supervision.
So, the work that needs to continue to be done is for
us to continue to backfill the CPS Ones, which is
something that we have had discussions about, but
that's how a unit looks. When you have frequently
encountered families, it depends on if it's a very
serious allegation of physical abuse, of sexual
abuse-- there's a whole series of categories--

failure to thrive. Those cases would get immediately reviewed by the supervisor as, and I said, they get reviewed at different intervals. If a family has two or more within a six-month period, those get reviewed also by a supervisor. If--

CHAIRPERSON LEVIN: [interposing] Two or more allegations or two more of indicated cases?

COMMISSIONER CARRION: Two or more indicated cases get reviewed. So there is a process in place to have more eyes on and more rigor, and we--

CHAIRPERSON LEVIN: [interposing] So, you're saying-- I'm sorry.

COMMISSIONER CARRION: review [sic] those cases.

CHAIRPERSON LEVIN: Sorry. So you're saying that--

COMMISSIONER CARRION: [interposing] It's not just indicated. Yeah. Yeah, it's two or more reports.

CHAIRPERSON LEVIN: Two or more reports.

COMMISSIONER CARRION: Yeah.

CHAIRPERSON LEVIN: What if there are say two indicated cases 18 months apart? Does that then rise to the level of the supervisor?

DEPUTY MAYOR PALACIO: So, Council Member I think that your questioning really elucidates the complexity that our work staff have to grapple with every day. These are families in incredibly complex situations. Our CPS workers, ACS and CPS workers need to have not just as they do triggers for, you know, certain number of cases, but the numbers don't tell the whole story. Our CPS specialists have to have the training, the skills and the tools to be able to exercise their discretion to be able to escalate when they have concerns, because these are not one-size-fits-all metrics. The metrics are critically important and we need to have these safeties in place, but I think your questioning has elucidated just how challenging this work is for the dedicated staff.

CHAIRPERSON LEVIN: Very complex.

COMMISSIONER CARRION: But, you know,--

CHAIRPERSON LEVIN: [interposing] Sorry, just back to the question. So, say there's-- I'm

just-- I think it's helpful for the public to understand.

COMMISSIONER CARRION: But I--

CHAIRPERSON LEVIN: [interposing] So--

COMMISSIONER CARRION: One of the things I'd like to clarify for you, that there are certain allegations that come in that are so serious or that will have a second review. So, while we focus on quantity, it could be two, and they're very serious. It could be four, and they're very serious, and it could be just one. And as the Deputy Mayor was referring, we really need to look at the complexity, and our staff is trained to do that.

CHAIRPERSON LEVIN: So, okay. So just two educational neglect indicated cases over the span of 18 months. So not within six months, but over the course of 18 months, when-- is that case then going to get reviewed by a supervisor? I'm just, I'm trying--

COMMISSIONER CARRION: [interposing] Yeah.

CHAIRPERSON LEVIN: to get a sense of--

COMMISSIONER CARRION: [interposing] Two more cases regardless of what they are get a review.

CHAIRPERSON LEVIN: But I'm sorry. I was wrong before. There was one. It was one Sup. One in the Bronx in 2014. There were 10 citywide. One in the Bronx, three in Brooklyn, one in Manhattan, four in Queens, and one in Staten Island, so just for clarity. How many cases go to court ordered supervision per year?

COMMISSIONER CARRION: So, that is in another initiative that we have underway, the court ordered supervision. We have about 4,500 court ordered supervision cases currently.

CHAIRPERSON LEVIN: And what's the threshold or what's the profile of a court ordered supervision case?

COMMISSIONER CARRION: So those are-- obviously, they're court ordered, right? They have some judicial review, and judicial review to determine that this family needs to have heightened monitoring and oversight.

CHAIRPERSON LEVIN: So, okay, let's take a step back from that. How does it get to court? How does a case get to court?

COMMISSIONER CARRION: We, you know, at the investigation there is a determination that's

made that this family has some risk factors that could be mitigated if there was enhanced supervision in the case. Then, there's a petition that's drafted, and there's an action that's brought in court for judicial review.

CHAIRPERSON LEVIN: And that petition is a?

COMMISSIONER CARRION: An Article 10.

CHAIRPERSON LEVIN: An Article 10. Does every-- so, does every case that's indicated of abuse, physical abuse, severe physical abuse, not as severe physical abuse, do those-- is every case that's indicated then have an Article 10 and go to court ordered supervision, or may that just go to a lesser intervention, a preventive service.

COMMISSIONER CARRION: It could go to a lesser intervention. It could be referred for preventive services if we think that the risk can be mitigated.

CHAIRPERSON LEVIN: And what's the standard for-- and I understand that these are decisions that are extremely difficult of whether to go for-- whether for-- and that's why it's--

COMMISSIONER CARRION: [interposing] You know, so for--

CHAIRPERSON LEVIN: [interposing] What we want-- sorry, go ahead.

COMMISSIONER CARRION: For instance, if the abuser is not in the home anymore, there isn't a need necessarily for court ordered supervision, but the parent might need some support, and so we would either refer them to community services or to preventive services.

CHAIRPERSON LEVIN: But if the abuser is still in the home, does that then trigger a court order--

COMMISSIONER CARRION: [interposing] It could. It could. Once again, I mean, it's very particular and individualized based on the facts of each case.

CHAIRPERSON LEVIN: But and is a CPS worker ever making this decision by themselves, or is there-- is a Sup. One or a Sup. Two or a manager helping to make these decisions?

COMMISSIONER CARRION: There are supervisors helping to make those decisions.

CHAIRPERSON LEVIN: Every time a CPS worker has to make a decision of whether to do an Article 10 or whether to prescribe preventive services?

COMMISSIONER CARRION: There is-- you know, there's a step that once there's a-- once there is an investigation, and there is-- it is indicated, there is a conference, a safety-- a child safety conference, and that is where determinations are made as to what are the next steps in a case.

CHAIRPERSON LEVIN: So, with regard to child safety conferences, structurally--

COMMISSIONER CARRION: [interposing]
Unless there is imminent risk. If there's imminent risk, a child is removed.

CHAIRPERSON LEVIN: Right.

COMMISSIONER CARRION: And there's emergency removals.

CHAIRPERSON LEVIN: Right, of course.
Child safety conferences, what is the structure of a child safety conference, and how many occur, how often, and in a particular case? And one thing that we've heard in recent months is that parents may not have adequate representation or know what's going on,

1 may not be particularly fully informed. I know that
2 there are advocates, but those advocates are in
3 contract with ACS, and so there's a question of
4 what's their role, the advocate's role, their
5 independence, and whether or not advocates can
6 actually talk to clients. I've actually heard that
7 clients have-- were not afforded the opportunity to
8 actually talk to their advocates in a child safety
9 conference. So, I think it would be helpful to-- if
10 you understand the whole process of a child safety
11 conference.
12

13 COMMISSIONER CARRION: We have about
14 16,000 child safety conferences, and those safety
15 conferences are conducted by conference facilitator.
16 The parent is there and the parent is allowed to
17 bring any family representative, friend, anyone
18 they'd like to bring to the conference. We do have
19 parent advocates, which is pretty innovative. Those
20 parent advocates work for agencies who have-- we had
21 a procurement. There are agencies that prevailed in
22 the procurement and got contracts to identify parent
23 advocates to be able to-- and they trained the parent
24 advocates. So the parent advocates are not directly
25 contracted by ACS. They are contracted through a

provider agency. They're at safety conferences, and their purpose to be at the safety conference is to demystify the process. Many of them, some of them have been through the system themselves. So they're there to be a resource to the parent to be able to explain what is happening. We have not heard those kinds of complaints from parents about the role of parent advocates. We would certainly go back and look at how it's functioning. Those are not the reports that I've received, and certainly the purpose of a parent advocate is for the parent to speak to the advocate and to really reduce the anxiety that those hearings can-- those conferences can produce.

CHAIRPERSON LEVIN: A parent advocate is allowed to speak during the conference?

COMMISSIONER CARRION: Yes, and--

CHAIRPERSON LEVIN: [interposing] Okay.

COMMISSIONER CARRION: it's a peer-to-peer model that was implemented in order to be able to better address the needs of parents at these conferences.

CHAIRPERSON LEVIN: They're able to speak privately with the parent.

COMMISSIONER CARRION: Yes. Yeah.

CHAIRPERSON LEVIN: But there's no attorney/client privilege? It's not an attorney, so--

COMMISSIONER CARRION: [interposing] No, there are no-- this is a social work process. There are no attorneys in the room. My attorneys are not there, and the attorneys for the parent are not-- or the child are not present during these conferences, and this is about exploring the available resources. This is about explaining what we found, what the concerns are. What are the risk factors? What resources does the parent have? How involved is the family, extended family, the church, the community? Who can help? What are the challenges the family is facing that is bringing them to the attention of the child welfare system, and are there ways to mitigate that by putting resources in place? That's really the purpose of a child's safety. If there is a feeling that that can't happen, then we would proceed to file in court, and the outcome might be that there are sufficient resources in the community to support the family, the sufficient family resources. Or we think that there's some resources that could be put in place to mitigate, but we still want to monitor,

and we go into court and ask for court ordered supervision so that there is some court oversight, or it can result in a re-man [sic].

CHAIRPERSON LEVIN: Can you speak for a moment about Safety First Teams? This is a joint venture that ACS and DHS testified to in early 2015 regarding families that are known to ACS and in the DHS system. There's been a budget allocation of 1.7 million dollars to hire 33 social workers. Have all those social workers been hired, and how's that process going?

COMMISSIONER CARRION: I will defer to my colleague at DHS, and I would like to ask for a moment dispensation.

CHAIRPERSON LEVIN: Of course.

COMMISSIONER CARRION: Thank you.

DANIEL TIETZ: The Safety First initiative began in 2014, and those social workers were hired. There is a team of 24, I believe, at the time. There's 28 headcount now. It includes a director, a deputy director and two supervisors.

CHAIRPERSON LEVIN: How many families have been visited so far?

DANIEL TIETZ: You mean since the start of the initiative?

CHAIRPERSON LEVIN: Yeah.

DANIEL TIETZ: That data I could get for. I don't have it with me.

CHAIRPERSON LEVIN: Or annually, do you have an annual or a year-to-date?

DANIEL TIETZ: I don't have an annual. I know that at the present moment there's about a hundred or so families that are being served at this present moment.

CHAIRPERSON LEVIN: Just a hundred?

DANIEL TIETZ: So, it requires referrals, and we-- I think referrals both from within and from providers from partner orgs. Also, we take it upon ourselves. So, if in the event of-- if there's some event that causes us some concern with the family, then we ask one of these social workers in this unit to check in with that family, check in with that provider.

CHAIRPERSON LEVIN: So, I think in 2015 the target was 2,500 that had met the criteria. So there were three of the six criteria, and I think

that in 2015 the DHS had testified that already a thousand had been visited. Is that correct, or?

DANIEL TIETZ: I'd have to look. I don't have the data with me.

CHAIRPERSON LEVIN: And then it's the process that they're visited and then there's an ongoing dialogue with the family, or are they visited and then like done a risk assessment, and then-- I mean, what's the follow-up? What's the process with a family through the Safety First?

DANIEL TIETZ: So, it would vary by the family. Certainly, the intention is to, you know, depending on what the issue is, to work with that family individually, make necessary referrals to providers in the community, follow-up with them to assist in any way to make those connections. Part of this, of course, it's all voluntary. So part of this is the degree to which the family wishes to be involved with our social workers at DHS. So, there's a back and forth, and it will vary by family. In some instances they could be seen at some length by our social workers. In other cases they'll be, as I said, referred onto others.

CHAIRPERSON LEVIN: But all-- there's 33 that have been hired. I'm sorry?

DANIEL TIETZ: I'm sorry. No, there's 28 headcount.

CHAIRPERSON LEVIN: Twenty-eight headcount.

DANIEL TIETZ: Yeah.

CHAIRPERSON LEVIN: Thank you. I'm going to turn it over to my colleagues for questions, and then I'm going to come back and I have a whole slew of more questions for you. We want to call on Council Member Fernando Cabrera of the Bronx, and we've been joined by Council Member Ritchie Torres of the Bronx as well. Following Council Member Cabrera, Council Member Wills. And we'll have the clock set for five minutes.

COUNCIL MEMBER CABRERA: Thank you, Mr. Chair. I want to thank everyone in the panel. I need some clarification. Deputy Commissioner, in your testimony you share that in prior years the agency sustained at 280 million dollars in total funds annually, forcing it to cut over 1,500 positions, and then in 2014 the de Blasio Administration has invested in critical initiatives

1 to strengthen ACS through 139 million upon full
2 implementation in FY 19. So, we restored 600-- we
3 hired 630 positions in areas that reduce risk system-
4 wide. What I don't understand is how do we-- and
5 when it was mentioned by both you and the
6 Commissioner, that each CPS worker has an average of
7 9.2 cases. So, juggling [sic] people [sic] around I
8 would imagine from CPS workers, how is it possible
9 that we're spending less and yet we're able to have a
10 caseload that's very low, and it's commendable, if
11 indeed it's 9.2, with less money?

13 DEPUTY MAYOR PALACIO: So, I will turn it
14 over, but I'll just begin by saying that the higher--
15 the distribution of hiring is not all in one unit.
16 The distribution of hiring is prioritized around
17 those workers that we want to make sure to prioritize
18 to keep children safe. They are spread throughout the
19 Administration of Children's Services in a strategic
20 way that I'll let the Commissioner describe as she
21 catches her breath.

22 COMMISSIONER CARRION: Good afternoon,
23 Commissioner. I mean, Council Member Cabrera. So,
24 let me-- one, let me clarify. The fact that the
25 table is that our foster care, our number of-- our

1 investigations continue. We have about 55,000
2 investigations this year. We continue to hire and we
3 have fluctuations in our caseloads, and we have
4 seasonal variations, and while it's 9.2 today, it
5 could be higher in another month, and it could be
6 lower in another month. We monitor carefully our
7 caseloads. It becomes difficult to be able when we
8 have seasonal variations. For instance, in the month
9 of October when there are more calls to the SCR, for
10 instance, from the Department of Education because
11 that's when they do their attendance census that we
12 have cases that it shoots up. And then we have
13 months in the summer that it's lower. So, it varies.
14 We are striving really hard to keep our caseload
15 below-- at 12 or below. The state-- there is no
16 national or federal requirement for caseloads. There
17 was a bill that was passed in the state legislature
18 at the last session to require that caseloads be set
19 and workload, and they translated workload to be
20 caseload at 15. That bill is pending before the
21 Governor. The Governor has not signed that bill yet,
22 but it appears that the standard will be 15 in the
23 state of New York.

COUNCIL MEMBER CABRERA: So Commissioner, what's the highest you've seen for CPS worker?

COMMISSIONER CARRION: So we've seen in 1996 the average caseload was 24.1. So we've made some strides.

COUNCIL MEMBER CABRERA: Not average, Commissioner, but right now. Do you have like a range?

COMMISSIONER CARRION: So it fluctuates by borough and it fluctuates by unit, but we certainly have seen some caseloads that are above 15 right now.

COUNCIL MEMBER CABRERA: Okay.

COMMISSIONER CARRION: And so it's about-- right in the month of September when the caseload went down, we had about three percent of our staff that had a caseload that was greater-- that was 15, and it varies month by month. Part of what we do, and this is, you know, part of the hiring that we're doing, and you know, as we hire new workers they have a reduced caseload. And so it provides limited relief during the first, almost first year workers when we're bringing people in and training them, and you know, it's managing that flow. But our

1 supervisors have been charged with monitoring those
2 caseloads, developing work plans when those caseloads
3 become unmanageable or there's concern, and working
4 with ways to close those cases or transfer cases. We
5 take that seriously because our workers develop
6 relationships with their families. So when we say,
7 you know, it's not that easy to say, well, we'll give
8 the case to someone else when they've developed a
9 relationship with family. It's a constant juggling,
10 and that's why we continue to hire. One of the
11 challenges we have which I'm sure that you will raise
12 is the retention. So, you know, the retention, well
13 we have a 75 percent retention of our workers who are
14 with us five years or more, and with our new workers,
15 25 percent in the first year leave, and they leave
16 for a variety of reasons, but many of the reasons are
17 good reasons in that those are not the people that
18 are cut out to do this kind of work. And the fact
19 that we learn about it early is good, but 75 percent
20 do stay with us.

21
22 COUNCIL MEMBER CABRERA: Commissioner, I
23 only have like less than a minute here. So, one of
24 things, I hope we will pay them more. They have a
25 very difficult task, one of the most difficult jobs

1 that I can imagine anybody would have in the City. I
2 wanted to ask you, and I'll close with this last
3 question, and I know you can't get into the case, but
4 hypothetically speaking in a normal day-- and I
5 believe the Chairman was trying to get into find out
6 what was-- find the context in which a lot of CPS
7 workers find themselves in is that who-- I noticed
8 that two people were suspended, five are in modified
9 duty. Is it normal for this many people to be
10 intricately involved in a particular case?

12 COMMISSIONER CARRION: Yes.

13 COUNCIL MEMBER CABRERA: Okay.

14 COMMISSIONER CARRION: Yes, and you know,
15 they're from different divisions in this particular
16 situation, but yes. They're supervisors, and there
17 are supervisors of supervisors. They're-- yes.

18 COUNCIL MEMBER CABRERA: Okay. I'll
19 close with that. I wish I had time to talk about the
20 one day absences, and maybe you could address that
21 real quickly, but one day absences. How do we going
22 to -- do we have a system in place with a school
23 guidance counselor? I'm a former school guidance
24 counselor, and I'm wondering how we're going make
25 sure that that actually takes place, or is it better

1 that we have some kind of a software program that
2 gives that information immediately to ACS instead of
3 having to go through a staff and just creating some
4 kind of a bottleneck? Thank you so much, Mr. Chair.

5 CHAIRPERSON LEVIN: Thank you very much,
6 Council Member Cabrera. Next we'll have questions
7 from Council Member Wills and then our Public
8 Advocate Letitia James.

9 COUNCIL MEMBER WILLS: Thank you, Mr.
10 Chair. Commissioner and Deputy Mayor, either one of
11 you could answer this, these questions. My first
12 question is, on page five of both of your testimonies
13 you spoke in detail about case work versus-- I mean,
14 case work, case work, case work, and a number of the
15 load, the caseload that each person has. Could you
16 go into some specificity in regards to caseload and
17 the workload? Because it's my understanding that if
18 somebody has nine cases but four of them have to do
19 with them going back and forth to court spending a
20 great deal more time on it. How does that equate
21 across the whole system?

22 COMMISSIONER CARRION: So when we talk
23 about caseload we're really referencing workload, and
24 we-- and it's the number of children that are
25

involved in the case, and that's what we strive. So you have-- so, it could be less cases but with more children involved, and we look at the complexity of the cases that are assigned. That is not my understanding with the state standard of 15. They look at cases, but we endeavor to look at the number of children that are part of that caseload.

COUNCIL MEMBER WILLIS: So what protocols are there to ensure that the workload is not burdensome or more burdensome on some workers than others? What makes sure that, you know, even if you have a caseload of eight and five of them are dealing with abuse or being removed from the home or going to court back and forth, that's a heavier caseload than someone who may have nine and with different circumstances? So what protocols specifically are in place to make sure that that's equaled out on these employees?

COMMISSIONER CARRION: So, that is done through supervision. Those decisions, those reviews are done, and those adjustments are done through the supervisor.

COUNCIL MEMBER WILLIS: Okay, so the supervisors, would those have been the CPS Level Ones and Twos?

COMMISSIONER CARRION: Yes.

COUNCIL MEMBER WILLIS: But we're far below on Level Ones and Twos, right? And a lot of the Level Ones and Twos, do they have their own caseloads?

COMMISSIONER CARRION: No, they do not.

COUNCIL MEMBER WILLIS: She just shook her head yes, and you said no.

COMMISSIONER CARRION: No, no.

[cross-talk]

COMMISSIONER CARRION: Do the CPM--

COUNCIL MEMBER WILLIS: Caseload-- the CPS Level One's have no caseload--

COMMISSIONER CARRION: [interposing] No, but Level One's could have a reduced caseload, and we have 132 of them, and we started to rebuild that, but the CPM's do not have caseloads.

COUNCIL MEMBER WILLIS: Okay, and what about Level Two's?

COMMISSIONER CARRION: The Level Twos do not have caseloads.

COUNCIL MEMBER WILLIS: Okay, and when we're going into the other part of your testimony when you're speaking about-- when the Commissioner was just speaking about the-- let me just pull it up so I have it accurate. Right. So, Commissioner, on your testimony on page four you said that CPS are more than just investigators. They also engage and partner with-- and then you listed a bunch of things. In each one of your offices, how many social workers are assigned to the officers themselves to make sure that each-- each one is a separate office, right? How many--

COMMISSIONER CARRION: [interposing] Yeah, it's a borough office.

COUNCIL MEMBER WILLIS: How many social workers are assigned to work with the CPS workers in each office?

COMMISSIONER CARRION: We don't-- you know, we have consultants that are available in the offices where our workers can access on particular, to address particular issues. so we have in our borough offices we have experts on domestic violence, on mental health, on substance abuse that are a resource, the same as our investigative consultant in

1 doing criminal backgrounds and analyzing cases that
2 are resources to our workers. Our CPM's have
3 masters. Most of them, I think, have Master's level,
4 are Masters. Our supervisors have Master's degree
5 and are considered social workers, and our entry-
6 level CPS workers have Bachelor degree and have a set
7 of 15 to 20 credits in specific human services
8 fields.

9 COUNCIL MEMBER WILLS: So, then the CPS
10 workers are actually investigators and social
11 workers? There are social workers that are doing the
12 investigations?

13 COMMISSIONER CARRION: Some, some, yes,
14 and they're trained to do that, and that's part of
15 the training that they received, and the continuing
16 training they will receive through the Workforce
17 Institute.

18 COUNCIL MEMBER WILLS: Okay, and along
19 with some of the other things that the Deputy
20 Commissioner spoke about you and herself speaking
21 about streamlining services and making sure the
22 support staff was there, do you have a screening unit
23 that would actually-- do you have like an intake
24 process for screening?
25

COMMISSIONER CARRION: We have an applications proc-- applications unit. That is the first. They receive the cases first. They assign the cases, and they do assign, also do the clearances in the application unit.

COUNCIL MEMBER WILLIS: And where is that located and how does it work? Is that in each office, or is there one primary intake for the City?

COMMISSIONER CARRION: I-- let me-- each office has an application. [inaudible] trying to remember, but each office has an applications unit.

COUNCIL MEMBER WILLIS: And is it staffed with what type of employees? What levels on that? So that would be the screening unit, you're saying?

COMMISSIONER CARRION: That would be the screening unit. I think that you're talking about probably something different, but the applications unit assigns the cases and does the clearances.

COUNCIL MEMBER WILLIS: Okay. So, social workers, we don't have any specific social workers that are dedicated just to each office and then have separate CPS workers? They overlap in their responsibilities.

COMMISSIONER CARRION: The CPM's are the Master's-level social workers.

COUNCIL MEMBER WILLS: Okay. Now--

COMMISSIONER CARRION: [interposing] And the managers.

COUNCIL MEMBER WILLS: The next thing I wanted to ask you about with having that, you also spoke to the fact that you were able to get a CPS felony bill done in the state. So, with that, I've had a lot of people that I know that are CPS workers, especially women, and they're-- they are always speaking about going out late at night with fear for their safety. I know that you have a program or a protocol where they can all and ask for another peer to accompany them, but would you ever look at creating a policy or having us, if we legislated and mandated a policy to make sure there would be social service or officers that dealt primarily with social service work in every precinct in New York so that if a CPS worker wanted to go out at nighttime and she thought that the case may be concerning her safety, then the officers would-- not dressed up officers, but plain clothed officers-- would then go with them,

escort them? Is that something that you would support?

COMMISSIONER CARRION: So, you know, we're very committed to safety and exploring ways to ensure the safety of our staff, and we would welcome an opportunity to talk to you about that.

COUNCIL MEMBER WILLS: But would you-- so, is that something that sounds like you would--

COMMISSIONER CARRION: [interposing] Well, I would have to know the details of it, right? So, I think we would be open to having a conversation or learning more about what you're proposing, and certainly would ask NYPD to join in that conversation.

COUNCIL MEMBER WILLS: Thank you for answering the questions. I know you're sick, so I had to try to get them out as long as possible.

COMMISSIONER CARRION: Thank you.

COUNCIL MEMBER WILLS: They should have gave us extra time because you're sick. Thank you very much, Mr. Chair.

CHAIRPERSON LEVIN: Thank you, Council Member Wills. Public Advocate Letitia James?

PUBLIC ADVOCATE JAMES: Thank you. So, I know that I'm glad that the Mayor of the City of New York recognizes that the buck stops at his desk, because leadership is ultimately responsible for this system, and the organizational structure, the environment, staffing levels, and caseloads and resources primary been responsibility of leadership. And in the case of structural and operational failure such as in this case where a child was lost, a life was lost, I think it's just insufficient that the only action taken thus far is to only discipline rank and file employees and managers. I think it requires additional action on the part of this Administration. That being said, the findings of the Chief Medical Examiner underline the need for systematic reforms in the child welfare system, and it's unfortunate that the only time we get reforms is when we lose a child. We need a better understanding of what protocols the agency has in place for evaluating whether a child is in danger in his or her home, and whether that child should be removed. And given the clear and tragic evidence of recent events, we need a comprehensive explanation of how these protocols will be changed that the agency will not miss children in distress,

as it so tragically did with Zymere. We cannot afford to continue and/or accept the status quo where our City's most vulnerable children are being abused, mal-nourished and dying in the care of the very agency that is supposed to protect them, but it's past time for change at ACS. Young lives are being ruined every single day as a result of a system that has failed them. I have before me this form which was provided to me by ACS, and it says, "What happens when a suspected case of a child abuse or neglect is reported." And in one box it says, "report rejected." And it says, "SCR," which refers to the State Central Registry Report, "does not meet the requirements for an investigation," which will result in a report being rejected, and it gives basically three situations, or three scenarios: when the victim is older than 18, when the alleged perpetrator is not the parent or the guardian, and three, when the allegation does not meet state standard. In the case of Zymere, the alleged perpetrator may or is the mother's boyfriend who was not the parent or legal guardian. Would that result in a report being rejected?

DEPUTY MAYOR PALACIO: Public Advocate,--

1 PUBLIC ADVOCATE JAMES: Because according
2 to this, according to this definition it says--
3 again, it says the alleged perpetrator is no the
4 parent. He was not the parent, and as far as I know,
5 he was not the legal guardian. So, according to this
6 form it would be rejected.

7
8 DEPUTY MAYOR PALACIO: Public Advocate,
9 you made many statements prior to your question.

10 PUBLIC ADVOCATE JAMES: Yes.

11 DEPUTY MAYOR PALACIO: Just let me
12 address a few of those. The reforms are-- this is--
13 we agree with you. This was a terrible tragedy. The
14 death of any child is a tragedy, and our commitment
15 is to make sure that no child dies. But the reforms,
16 as you've heard during this testimony and as you've
17 heard during the questioning, do not only follow the
18 death of a child. ACS is an organization that is
19 striving always to improve its core mission to
20 protect the wellbeing and safety of our children, and
21 that means that it is an organization that is not
22 standing still, but it's moving forward with hiring,
23 with training, with prevention, with increased
24 accountability, and with supervision. The State
25 Central Registry, as you know, the calls are made to

the State Central Registry, and the state will decide whether or not to refer a case to ACS.

PUBLIC ADVOCATE JAMES: Okay.

COMMISSIONER CARRION: [off mic] Public Advocate, under the hypothetical-- oh, I'm sorry. Under the hypothetical or under this box, you know, the-- when there is another adult living in the household whether there's a boyfriend or another family member, if they have substantial contact with that child, they're a person legally responsible.

PUBLIC ADVOCATE JAMES: Okay.

COMMISSIONER CARRION: And under that criteria, they would be subject to a call to the SCR and finding them as a subject of an investigation.

PUBLIC ADVOCATE JAMES: So this form would have to grade [sic] it to find someone who is legal responsible to include adults who are in the household, correct?

COMMISSIONER CARRION: Well, you know, this wasn't exhaustive, right, but we could do that.

PUBLIC ADVOCATE JAMES: Okay. In 2007 there was a taskforce created, and I know it was under a different Administration to address the abuse and murder of Nixzmary Brown-- and at that time, and

1 I was in the City Council. We had announced to big
2 fan fare new initiatives to address educational
3 neglect. So, were the Nixzmary Brown initiatives ever
4 actually put in place to address educational neglect?
5 Go ahead.

6
7 URSULINA RAMIREZ: Public Advocate, thank
8 you for that question. So, after the tragic death of
9 Nixzmary Brown there were a set of reforms that were
10 taken on by the entire Bloomberg Administration. Her
11 educational neglect specifically-- prior to 2006 when
12 there was an attendance investigation happen at a
13 school, there was no closing of an attendance
14 investigation. It was open-ended. After the tragic
15 death of Nixzmary Brown, an attendance investigation
16 was concluded. So our had to identify that the child
17 discharged. Is there a transfer, or was there some
18 other-- was there possible harm for the child? So
19 that was the major reform around attendance prior--
20 or after 2006.

21 PUBLIC ADVOCATE JAMES: So, I'm confused.
22 After Nixzmary Brown, it was my understanding that
23 when a child was missing school for a certain period
24 of time that it would be reported to ACS. Has that-

was that not in place at the time of Zymere's death or murder?

URSULINA RAMIREZ: So, what I would say is that-- so in 2015, 20-- this past school year, our 75,000 teachers, 135,000 staff make roughly over actually over 29,000 calls to SCR. And so they're doing their due diligence in suspecting if there's child abuse and neglect in the home. So, we have protocols in place to kind of-- to assess that. But we're constantly improving, and so this past week we're making additional improvements to really-- to lower the threshold for our vulnerable populations.

PUBLIC ADVOCATE JAMES: But does the assessment include absenteeism?

URSULINA RAMIREZ: Correct. The protocols that we announced include absenteeism.

PUBLIC ADVOCATE JAMES: But it should have included-- those protocols should have been placed in the aftermath of Nixzmary Brown in 2007.

DEPUTY MAYOR PALACIO: I think Public Advocate, what you're hearing is that as with many reforms, there is a reform put in place. Over time there might be additional gaps or additional opportunities to strengthen those reforms, and while

there was a reform put in place after Nixzmary Brown, upon reassessment, there are clear opportunities to strengthen those reforms, to deepen them, and this is what you're hearing across the board.

PUBLIC ADVOCATE JAMES: It appears that there was a gap in this particular case. This child's absenteeism should have been reported. Let me move on to caseloads. It's my understanding that there are 1,600 active CPS workers. How many are on leave?

[laughter]

COMMISSIONER CARRION: I don't have that information on hand. I could get that information to you.

PUBLIC ADVOCATE JAMES: My understanding is that although on the books you have 16-- excuse me, 60, to be accurate, CPS workers that-- there is a number of workers who are on leave, and can you talk to me a little bit about the attrition rate for that unit as well?

COMMISSIONER CARRION: So, the attrition rate for our employees that have been with us five years or more is 9.7 percent. For new employees, our attrition rate is about 25 percent in the first year.

PUBLIC ADVOCATE JAMES: Can you also talk to me-- it's my understanding that certain types of cases are not including in the caseload? How do you break down a caseload? What cases are included?

COMMISSIONER CARRION: I really wouldn't know how to answer that question. I would have to get back to you. That's very specific, and so I would have to get back to you.

PUBLIC ADVOCATE JAMES: Okay. One of the issues that I've been hearing a lot to the Office of Public Advocate is how you define caseload. For me, it's simple. How many cases are individuals carrying? And cases should not be excluded. So at some point in time if we can have a conversation on how ACS defines caseload as opposed to my understanding of what a caseload should be defined as which is the legal definition of caseload. We need to come to some understanding, because it's my understanding that too many individuals are carrying caseloads which is allowing children to fall through the gaps. It also includes the fact that we have outsourced basically foster care to these contract agencies, which unfortunately there are duplicative management structures, confusing decision-making

1 processes and procurement rules which is again, has
2 resulted in children slipping through the cracks and
3 their cases languishing for years resulting in too
4 many children languishing in foster care for years
5 and years on end. We can talk to that issue offline,
6 because of the time. The issue of permanency, New
7 York City has one of the worst records in the country
8 when it comes to ensuring that children are either
9 reunified with their family or adopted in a timely
10 fashion. We need to talk a little bit about that. I
11 also, again, would like to talk to you at some point
12 with regards to the number of complaints that my
13 office has received from parents who are not getting
14 the support and services that they are-- that is
15 required under the law because they are in court--
16 they're being court supervised. Some of these
17 classes include parenting classes, anger management
18 classes, drug classes, drug abuse programs that are
19 not tailored to their needs. A number of them have
20 reported to my office that they're not being
21 provided-- they're being provided services that are
22 not culturally sensitive, not in the language that
23 is-- not in their primary language, and they're being
24 referred to programs that are geographically
25

inconvenient for them given the fact that they are low income. We can talk about that off the record. And then lastly, my last question before I close is: there's no mystery as to what ACS needs to do. There's no mystery as to what ACS needs to do to improve its record in keeping children safe and healthy. Practically every agency with oversight over ACS has issued reports and recommended significant overhauls of agency procedures from the Comptroller to the Department of Investigation to the Office of Public Advocate. Everyone in this city has been telling ACS that significant changes were needed to prevent needless deaths, and it's unfortunate that it would take the death of a child to admit that the recommendations made by my office and others requires consideration. I'm happy that you are moving forward on some reforms. And my last question is, why has this agency been so resistant to sensible recommendations, and why does it take the death of a child to bring about this reckoning?

[applause]

DEPUTY MAYOR PALACIO: Public Advocate James, as you have heard throughout this testimony, there have been reforms that have been rolled out.

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COMMISSIONER CARRION: You know, let me add, Public Advocate, that just to clarify your prior question, about one-fourth of all investigations are driven by school reports, and that is prior to this case. You will be happy to know that in this past year we've increased adoptions by five percent. We've reduced time to adoption by five percent. We

reduced time in foster care by 29 weeks this past year, and we've increased subsidized kinship guardianship by 17 percent. We are focused on permanency and making the necessary changes in our system to move children out of our system and into permanent homes with forever families. I always have welcomed the opportunity to work with you. We know each other for a long time. We share a commitment to these children, and I am more than willing anytime that you have a complaint, for me to sit down with you or your staff to address those complaints. I have always been available and will continue to be available to do that.

PUBLIC ADVOCATE JAMES: And I thank you for that, Commissioner Carrión, and I hope that you feel better. Yes, you're right, you and I have gone back to our days in Albany where you worked in the state office and I was a staff attorney for the committee that had oversight over Children and Family Services. That being said, I recognize that a number of reforms that have been put place over the years unfortunately is not being adhered to. And again, it took a lawsuit by my office and the response from ACS was to vigorously defend the agency resulting in the

dismissal of the lawsuit. I'm so gracious that the Governor of the State of New York agreed to sit down with my office and provide some reforms and a monitor over ACS, and we look forward to making sure that that monitor remains in place so that it can monitor the activities of ACS. In this particular case let me just say this, I think Department of Education has a lot to bear and should accept a lot of the responsibility here. Again, in the aftermath of Nixzmary Brown, I distinctly remember sitting here when the Chair of General Welfare was the Council Member Bill de Blasio, now our Mayor, and they talked about absenteeism and all of the reforms that they would make with regards to making sure that no child would slip through the cracks at the Department of Education. I believe they failed, and I believe they need to take some accountability and some responsibility, and I would hope that we would continue to work together collaboratively with all of the agencies and that this does not happen again. I refuse to surrender the status quo, and I refuse to accept things as they are, and I will continue to raise these concerns and be critical of any and all agencies despite my relationship with this

Administration, because that's the role of Public Advocate. And I look forward to sitting down with you, Department of Education, as well as you, Deputy Mayor, again to discuss the allegation in our lawsuit and hopefully to bring about some reforms within ACS, and I hope I'm not getting your cold.

COMMISSIONER CARRION: I hope not.

DEPUTY MAYOR PALACIO: Public Advocate, I just want to share with-- understand that there has not been a settlement in your lawsuit.

PUBLIC ADVOCATE JAMES: We can discuss that offline.

[laughter]

DEPUTY MAYOR PALACIO: Public Advocate, I just wanted to cite that you were right, that then Chair de Blasio, now Mayor de Blasio, is committed to these issues, and in fact he has directed me specifically to work across the agencies for a mutli-agency review, and again, we would be as always happy to sit down with you.

CHAIRPERSON LEVIN: Thank you, Public Advocate. Before going over to Council Member Vanessa Gibson, I just have one follow-up question. What specifically in the 2009-2010 Chancellor's regs

and ACS reforms coming out of the 2007 reforms around attendance and other DOE policies, what specifically in those was insufficient?

URSULINA RAMIREZ: Sorry, I'm trying to re--

CHAIRPERSON LEVIN: [interposing] I'm looking at Chancellor-- going back to the Chancellors regs from 2010 and ACS letter from 2009.

DEPUTY MAYOR PALACIO: So, Mr. Chair, let me begin. What we're doing here now is really trying to--

CHAIRPERSON LEVIN: [interposing] Specifically--

DEPUTY MAYOR PALACIO: [interposing] Yeah.

CHAIRPERSON LEVIN: what was insufficient in the ACS memo from March 1st, 2010 and Chancellor's regs A210?

DEPUTY MAYOR PALACIO: 210, and--

CHAIRPERSON LEVIN: [interposing] Yep. What was insufficient?

URSULINA RAMIREZ: So, what I would say is between A210, which is around child abuse and neglect, and the A7-- I'm going to forget my numbers-- A750, which is around attendance, are two separate

indistinct Chancellor's regulations, one monitoring attendance, one monitoring educational abuse. What we hope to do is marry those a little bit more.

There is not a distinct relationship between those two currently, and so we want to put out new Chancellor's regulations that actually specify. If there is an attendance investigation and that child has an open case, that would immediately raise questions and calls to both ACS, and if applicable and there's suspicion, call to SCR [sic].

CHAIRPERSON LEVIN: Okay. So, but if there's an open case already and there's an attendance issue, correct?

URSULINA RAMIREZ: Correct.

CHAIRPERSON LEVIN: And then, I know I asked about this before. For the child that is not starting school in a school that's not their previous school, whose job is it to find out, to make sure-- because for a child that's not-- that's missing school in the school that they're supposed to be attending, the teachers is the one that's supposed to notice that, right?

URSULINA RAMIREZ: So, every school, as I mentioned before, every school has an attendance

1 plan, but there's an attendance coordinator at every
2 single school. A student, if they're previously
3 enrolled in one school, they're automatically
4 enrolled in elementary school. They're automatically
5 enrolled that following school year to the same
6 school. That way, the school, that home school is
7 responsible for identifying the location of that
8 student.
9

10 CHAIRPERSON LEVIN: And it's the
11 attendance coordinator's responsibility.

12 URSULINA RAMIREZ: With the principal, the
13 principal as well, right? It is the entire-- the
14 principal is the leader and has an attendance
15 coordinator who they designate to support their
16 policies.

17 CHAIRPERSON LEVIN: And whom do they
18 report that to then? If the child's not there, not
19 around, probably at some other school, whom do they
20 report that absence to?

21 URSULINA RAMIREZ: So, to the principal
22 and then up into our field support centers. We have
23 a team that monitors attendance as well.

24 CHAIRPERSON LEVIN: So, the principal
25 reports it to the field--

URSULINA RAMIREZ: [interposing] Support center.

CHAIRPERSON LEVIN: support center. They then report it to whom?

URSULINA RAMIREZ: So-- I'm going to play this out in a couple different ways. So, if a student is absent for one day, right, and there is reasonable cause for concern, that's when we would be contacting ACS. If the student is gone for one day and the family is--

CHAIRPERSON LEVIN: [interposing] I'm specifically asking about-- I'm asking for a very specific scenario.

URSULINA RAMIREZ: Okay, yep.

CHAIRPERSON LEVIN: The specific scenario is child went to another school in another borough, never told the previous school. Just they just-- they moved. They moved. Child is at a new school, but-- or supposed to be at a new school, but never shows up there. Who's--

URSULINA RAMIREZ: [interposing] It's the field support center would be able to identify if the child is at a new school.

CHAIRPERSON LEVIN: Okay. So they're--
and they're able to track that down?

URSULINA RAMIREZ: Correct. If they're
within our system, we can track it down. Our goal is
to-- if on the first-- when we're doing these
attendance investigations, to identify if the
students is still in our system or if they left the
system entirely.

CHAIRPERSON LEVIN: What if they've left
the system entirely?

URSULINA RAMIREZ: So, we contact-- we do
our due diligence, contact the, you know,-- if it's
at a private school, we contact the private school.
We get information if they've left the state. So, we
do our due diligence of trying to identify because
our goal is to understand who is--

CHAIRPERSON LEVIN: [interposing] What if
they're not in school?

URSULINA RAMIREZ: If they are not-- so,
we-- our attendance investigations do home visits.
They do calls. They do a lot of work to assess
whether--

CHAIRPERSON LEVIN: [interposing] But what
if they've moved? What if they're in the shelter

1 system? They're not-- say, what if they're in the
2 shelter system and they're not in school?

3 DEPUTY MAYOR PALACIO: So, there are
4 multiple overlapping--

5 CHAIRPERSON LEVIN: [interposing] Or
6 they're not in the shelter system and they're not in
7 school? I'm just saying, how do we know? I'm just--
8 whose responsibility is to track down the child?
9 What if they're in a different borough?

10 URSULINA RAMIREZ: If they're within a
11 borough, it's still at our field support centers.
12 Everything, you know, it stays at the local level and
13 it comes up to our field support centers, and then
14 comes to our central staff to identify where the
15 students are. As I mentioned before, we have daily
16 new data systems to get DHS data to understand if our
17 students are moving within the shelter system.

18 CHAIRPERSON LEVIN: And so the-- I'm
19 sorry. So, then, they're-- somebody's calling ACS,
20 then? Somebody's reporting it SCR? In that
21 instance, is that call going into SCR saying child
22 not-- we can't find child; child SCR?

23 URSULINA RAMIREZ: In our new protocols,
24 it is-- if there is suspected-- if there is a--
25

CHAIRPERSON LEVIN: [interposing] No, no, no, not new protocols, existing protocols.

URSULINA RAMIREZ: In existing protocols, yes, yes.

CHAIRPERSON LEVIN: So, then a call-- so then with Zymere Perkins, I'm assuming then a call went to SCR saying, "Child not in school. New school year. Child not in school." So that would have come from the field support office?

DEPUTY MAYOR PALACIO: So, again, Mr. Chair, without being able to describe the specifics of the case, and not everything that's been reported is accurate, I will let my colleague Ms. Ramirez speak to the--

CHAIRPERSON LEVIN: [interposing] Well, let's--

DEPUTY MAYOR PALACIO: [interposing] to the specifics.

CHAIRPERSON LEVIN: Okay. So how about this, because I know you can't speak to what happened in the case, but you can speak to what should have happened in the case.

DEPUTY MAYOR PALACIO: Yes, yes.

CHAIRPERSON LEVIN: So what should have happened in that case?

URSULINA RAMIREZ: So, I will--

CHAIRPERSON LEVIN: [interposing] As a hypothetical, take--

URSULINA RAMIREZ: [interposing] As a hypothetical--

CHAIRPERSON LEVIN: [interposing] Yes.

URSULINA RAMIREZ: if a student is absent for 10 consecutive days, it is trig-- an attendance investigation is triggered. If the student had a prior attendance investigation in the previous school year that happens in eight consecutive days. So, in the beginning of the school year, after eight or 10 days, an attendance investigation is triggered. That means calls are made to the home. Home visits are made. Calls to anybody on the child's emergency blue card are called, and--

CHAIRPERSON LEVIN: [interposing] What if they can't be found?

URSULINA RAMIREZ: If they can't be found-- in cases sometimes we-- there is a call SCR, and then some cases there might be a call to the Police Department, and so there is a-- we-- as mandated

reporters, our attendance coordinators and our staff can assess if there is something suspicious happening, and they make calls. With 29,000 calls happening yearly, I know that folks are looking diligently at every single situation to assess if there are vulnerable-- if there's a vulnerable situation.

CHAIRPERSON LEVIN: Council Member Gibson?

COUNCIL MEMBER GIBSON: Thank you very much, Chair Levin, and I certainly want to acknowledge the Speaker who was here. Thank you, Deputy Mayor and Commissioner, and to you and your entire team. Chair Levin has been an amazing Chair of this committee and it's been a privilege working with him the past three years, because sadly we were here in 2014, unfortunately when we lost Myls. So, I, you know, certainly echo the sentiments of many that really talked about his horrifying ordeal, and certainly, I take blame as a Council Member as being a part of this committee, this City Council. We are all to blame, and we've talked, you know, extensively and we have lots of notes here about reforms and recommendations and all these things that we're going

1 to put in place, but yet, something went wrong. And
2 while I will not ask specific questions about the
3 case of this young man, of Zymere, but I will
4 acknowledge that there are other Zymere's out there
5 that are living in squalor conditions that are being
6 abused and neglected by parents and guardians and
7 adults entrusted to love and care for them, and I
8 want to do everything possible to avoid another
9 tragedy, and so I know I share your sentiments, and I
10 guess for many of us it's just a little concerning
11 because there are so many stakeholders that
12 absolutely need to be a part of this conversation.
13 And you know, modifying staff, you know, has to be a
14 part of the conversation, but I guess I'm just
15 concerned that we have our Deputy Mayor, our
16 Commissioner, we have all of these executive staffs.
17 To what extent do we engage with the every-day case
18 worker on the ground? And the reason why I say that
19 is because you have said, Commissioner, that in the
20 staff, the staff is reflective of the City, and many
21 of our caseworkers who work hard every single day are
22 women of color. Many of the children who are abused
23 and/or neglected are children of color as well. So,
24 forgive me that I take this extremely personal,
25

1 because I want to do everything possible to avoid
2 going to the funeral of a six-year-old. And so what
3 I'd like to know is the every-day caseworker. I
4 appreciate the efforts that we are undertaking to
5 reduce the case load. So, 9.2 is the average
6 caseload. Council Member Wills asked specifics about
7 what the caseloads actually means, but does that mean
8 that our caseworkers work nine to five? Many of them
9 work late hours. They work on the weekends. Do we
10 give them the support they need when they engage in
11 home visits? Do police officers go with them?
12 Because many concerns have come to me that
13 caseworkers are in dangerous situations, and we need
14 to give them the support they need.

16 COMMISSIONER CARRION: Oh, I'm sorry. In
17 response to your question, yes, the Police Department
18 is available to escort workers whenever they are in
19 fear of going into a particular community. Whenever
20 there is information that uncovers some serious
21 criminal activity, there is a process to activate
22 that request.

23 COUNCIL MEMBER GIBSON: Okay. And the
24 ongoing efforts-- mandated reporters, just for the
25

sake of talking on the record, who are mandated reporters?

COMMISSIONER CARRION: Mandated reporters are teachers, doctors, social workers, firefighters. There are probably about 40 different categories, councilwoman, about who is a mandated reporter in the state of New York.

COUNCIL MEMBER GIBSON: Okay. And what are the requirements that we have in place to begin a case that's reported to the State Central Registry?

COMMISSIONER CARRION: A case gets reported to the State Central Registry. It is up to the register to determine whether or not to accept the case. Once the case is accepted, then that case is referred to ACS. It goes into first-- into, during the work hours, into our application unit. Afterhours, into our Emergency Children Services Unit. It gets assigned. Clearances are made. It gets assigned, and it's given to a Child Protective Worker to go out within 24 hours in most cases, to go out to the field to start to make contact. They're mandated to investigate every single case that comes into the SCR. We don't get to pick and choose.

COUNCIL MEMBER GIBSON: Right.

COMMISSIONER CARRION: And within 24 hours in the majority-- vast, overwhelming majority of cases, we have to make contact with that family and have eyes on that child.

COUNCIL MEMBER GIBSON: Okay. So when the case worker goes out within 24 hours of receiving a case and determines that there are a multitude of issues that this particular household is undergoing, possible eviction, immigration issues, victims of domestic violence, poverty, unemployment, lack of education, some of the other issues that they may be able to visibly see as they enter the apartment, whose responsibility is it to engage the various agencies so that we can help that particular family?

COMMISSIONER CARRION: In the type of case that you presenting what we will usually do in most of those cases is assign it to a preventive-- assuming that there are no safety risks, the workers have to make a safety assessment within seven days. If the assessment is that the child is safe or any safety factors can be mitigated, then the service plan is put in-- there is a discussion around the service plan, and there's a child safety conference. There could be a child safety conference, but in

those cases, assuming that we rule out that their child is in imminent risk, a preventive agency would probably be assigned to a preventative agency to work with the families to address the many issues that you identified.

COUNCIL MEMBER GIBSON: Okay. And who makes the final determination of whether a case is closed or not? You described a conference. So, the recommendations that come out of that conference, who makes the decision on the case being closed or not?

COMMISSIONER CARRION: So, what the reform that we're proposing is that in every case that there be a conference to decide whether or not a case is ready to be closed. Right now, those determinations are made by a preventive agency. It could be made by foster care agency. Those decisions are reviewed, and what we're putting in is a rigorous review at those conferences by ACS.

COUNCIL MEMBER GIBSON: Okay. We talked a lot about the different agencies that are involved in the entire process of child welfare. The one agency, so to speak, that we didn't really talk a little bit about is Family Court. What role does

Family Court play in this entire process of approving removals of children from their household?

COMMISSIONER CARRION: Every removal of a child must be approved by a Family Court Judge.

COUNCIL MEMBER GIBSON: Okay.

COMMISSIONER CARRION: We have the ability on an emergency basis to remove a child. Without-- in the first instance without going to court, but we must go to court within 24 hours.

COUNCIL MEMBER GIBSON: Okay. I know my time is up.

COMMISSIONER CARRION: Most of our--

COUNCIL MEMBER GIBSON: [interposing]
Sorry.

COMMISSIONER CARRION: No, I was going to say most of our removals now as I look are planned. We go to court before a child is removed, and a judge must approve that.

COUNCIL MEMBER GIBSON: Okay. No, I think that's important to highlight, and I know my time is up, and certainly there's a lot more that, you know, we could ask, but I think the bottom line is I appreciate the efforts that we are undertaking to make all of these necessary reforms. This City

Council is not here about criticizing. We are a partner with you. If we need to put more money in the budget, we fight for it, and we have had that, you know, that success. Hiring more caseworkers, paying them sufficiently so they can do the job that they're called to do. I just want to make it clear that this is not a silo. This is us working with you together. I also ask that it's very important to include the workforce, the representatives of the workforce as well as many, many stakeholders. I represent Bronx Family Court in the borough, so I see it every day. I visited it, and I know the challenges. And the advocates help me understand what an everyday visit is like in Family Court. So, I just want to make sure as we move forward that we are making, you know, it a point to include all of the stakeholders that have a vested interest. We don't want to keep having these hearings every time there's a tragedy. We cannot be reactionary, but we have to be preventative. I can't emphasize that enough, and I know you agree and you share that. If we're calling for reforms and different measures, we have to make sure that they're actually being implemented, and it's being done fairly and equitably

across the board. So I appreciate you coming here, Deputy Mayor and Commissioner, your team, and I really hope you do feel better. Thank you so much.

COMMISSIONER CARRION: Thank you. Thank you so much for the support, and I want to reiterate that this Administration has been resourcing the system. We have. This mayor has provided us with 139 million dollars in new funding to support our work on a continuing basis. I certainly welcome the opportunity to talk about the additional resources the agency might need.

CHAIRPERSON LEVIN: Thank you, Council Member Gibson, and I want to thank you for reminding us all that we collectively bear responsibility, that this is a citywide responsibility and that this council and this committee bear responsibility as well, and so I want to thank you very much for reminding us of that. I also want to acknowledge that we're joined by State Senator Diane Savino who's here, and I think we'll be hearing from her a little bit later. I want to turn it over to my colleague Barry Grodenchik for questions.

COUNCIL MEMBER GRODENCHIK: Good afternoon, everybody. I have a cold, too. My wife

1 has a cold. My son has a cold, and I might have
2 given it to the Public Advocate last week. I don't
3 know. I just don't know. I am concerned, as we all
4 are up here. We've been here for going on-- I don't
5 have my glasses on-- three, three and half hours.
6 We've heard 25 pages of testimony, and yet, we still
7 don't have critical answers, and I understand that
8 you are under an arrangement with the Manhattan
9 District Attorney not to be able to speak about this
10 case, but we need critical answers to how this city
11 failed this young man, Zymere Perkins. And with the
12 Chair's indulgence, I hope that all of you who have
13 come today will agree to come back when that time
14 where the District Attorney either presents-- when he
15 presents charges, that you will be able to speak
16 under oath to answer the questions that we have that
17 we cannot ask today. So, I would take a smile. I'll
18 take anything I can get right now.

20 COMMISSIONER CARRION: How about a cough?

21 COUNCIL MEMBER GRODENCHIK: And your
22 cough. I'll take the cough as a yes. I am concerned
23 that somebody that would abuse a child would also
24 abuse other people, whether it is a spouse or it
25 might be a case worker, and I wonder, building on

Councilwoman Gibson's questions, does ACS keep track of harassment threats from people to caseworkers, and do you also keep track of the number of assaults that caseworkers suffer on a yearly basis?

COMMISSIONER CARRION: Workers call into our Safety First hotline that we have and report those incidents.

COUNCIL MEMBER GRODENCHIK: And what happens then?

COMMISSIONER CARRION: It--

COUNCIL MEMBER GREENFIELD: [interposing]
I mean, we could report anything we want, but unless there's a follow-up it really doesn't matter, does it?

COMMISSIONER CARRION: So, if workers call, can file charges. We certainly can file charges with the police. In instances where there is a-- it's a workplace situation, the hotline accepts-- the calls could vary, so there is a response to each of the concerns. So, for instance, if there's-- we would change caseworkers. We would pair a caseworker who doesn't want-- who has experienced a particular incident and would prefer to have someone else go with them, we would do that. If they require to have

the support of counseling, we would provide for that. It depends on each of the particular circumstances, but we respond to whatever issue is raised.

COUNCIL MEMBER GRODENCHIK: Do you keep track of the number of assaults that occur? I hate to think that they happen, but I'm sure that they do.

COMMISSIONER CARRION: We keep track of all of the incidents that are reported to us.

COUNCIL MEMBER GRODENCHIK: Okay. Is there a protocol-- Councilwoman Gibson started talking about this as well. Is there a protocol if I'm a caseworker and I want a police officers to escort me to a visit? How does that happen?

COMMISSIONER CARRION: There is a protocol. There is a protocol where there's a procedure in the patrol guide where a police officer can escort an ACS worker. They contact their local precinct when they're doing the visit, and the desk officer assigns police officer to escort them. They can request if an ACS worker has fears for their safety.

COUNCIL MEMBER GRODENCHIK: Do we know how often that happens? Do you keep track of that, any statistic on that?

COMMISSIONER CARRION: No-- oh, here's the police. I don't know offhand.

COUNCIL MEMBER GRODENCHIK: I'd be happy to get an answer from the police.

DEPUTY CHIEF OSGOOD: Hey, I'm Deputy Chief Mike Osgood, NYPD Special Victim Division. Last year in 2015, the New York City Police Department executed about-- served about over 1,200 1068 calls. 1068A is a special radio call enacted after the 2006 hearings here where an ACS worker needs assistance. So, last year we did about 1,200 calls.

COUNCIL MEMBER GRODENCHIK: And is there a protocol where the case workers are directed to call 911 when it's that serious, when we need an immediate intervention by the New York City Police Department?

DEPUTY CHIEF OSGOOD: Yes, absolutely.

COUNCIL MEMBER GRODENCHIK: Okay. The get training on that, or?

COMMISSIONER CARRION: That's part of the safety training.

COUNCIL MEMBER GRODENCHIK: Alright. I may have some follow-up, Mr. Chairman. Thank you very much. Thank you.

CHAIRPERSON LEVIN: Sorry, just to follow up on that, Chief, you said that there are 1,200 of those calls annually? So that breaks down to like four a day.

DEPUTY CHIEF OSGOOD: Yeah, back in 2015 it was over 1,200 1068A, that's the special call that was designated. Anytime ACS needs assistance that could be safety. That could be for a Family Court removal. That could be for an emergency removal. That could be for any type of occurrence.

CHAIRPERSON LEVIN: It's fairly frequent, obviously.

DEPUTY CHIEF OSGOOD: Yeah, I guess so.

CHAIRPERSON LEVIN: I want to turn it over to Council Member Ritchie Torres for questions.

COUNCIL MEMBER TORRES: Thank you, Mr. Chairman. Commissioner, I have a question about the morale of your workforce, because I take the job of ACS workers to be the hardest job in city government. You are under the scrutiny of the media. You have crushingly high expectations. No one expects, you

1 know, an officer to prevent every crime or a
2 firefighter to prevent every fire, but ACS workers
3 are expected to be perfect an infallible. You have
4 challenging cases in terms not only of quantity, but
5 complexity. You're entering dangerous situations.
6 You're responsible for the lives of some of the most
7 vulnerable children and some of the most troubled
8 households. It's not a job that I would seek. And
9 you're chronically underpaid. What's the morale like
10 in your agency? Because that has real implications
11 for the ability of your agency to fulfil its mission.
12

13 COMMISSIONER CARRION: Well, I think
14 right now the morale is pretty low. When we have
15 these kinds of crises they take a tremendous toll on
16 the staff. Staff grieves when these deaths happen,
17 as we all do. We-- you know, it's-- it's a very
18 difficult time for them, and I think that there have
19 been moments certainly under my tenure when we've
20 done and celebrated together to the work, and we've
21 recognized their achievements, in particularly now
22 that we're celebrating our 20th anniversary. We have
23 wellness committees that we started, and that have
24 been under way, planning activities in each of the
25 offices, recognizing particularly the fact that they

1 experience vicarious trauma every single day, and
2 making sure that we have the necessary supports for
3 them. It's a priority for me and it has been since
4 day one, which speaks to-- for instance, the things
5 that we're doing in having a training institute that
6 will provide them with the training. Training
7 supervisors to be coaches to provide the support and
8 guidance that workers need in order to be able to do
9 their job, increasing the tools that we provide them
10 so that their job can be easier in ways that are
11 complicated now, looking at how we streamline the
12 work. There are many efforts under way. Creating a
13 dashboard, using technology to help them manage their
14 job. Those are-- you know, those are the things that
15 we're working on. We're working on a safety app, for
16 instance, that workers can have on their phone and
17 they can activate, and we have a procurement out
18 right now to identify companies that are interested
19 in developing that, and we've looked at what other
20 states are doing to really support the safety of our
21 workers. So there-- we just, you know, really gave
22 them smart phones. It's a challenge, because in the
23 past there has not been the investment and really

identifying and providing tools that our staff needs in order to do their job.

COUNCIL MEMBER TORRES: Right, and those of us either in elected office or in the media who lecture from on high have no concept of what it's like to be on the front lines of protecting children and how heavily that weighs on you. See, I get to sleep well at night. I have a good salary. I'm not responsible for the lives of children. That's not true for these underpaid workers, and I can only imagine what they experience every day. Do you survey your workers and ask them what you need for us to facilitate the work you do?

COMMISSIONER CARRION: We don't. We haven't.

COUNCIL MEMBER TORRES: Maybe you should. Are you willing to make a commitment right here and now that you're going to survey your workers--

COMMISSIONER CARRION: [interposing]
Absolutely.

COUNCIL MEMBER TORRES: and find out what they need and what we can do to ease the work they do every day.

COMMISSIONER CARRION: Absolutely.

COUNCIL MEMBER TORRES: Okay. I want to speak about-- and I know Council Member Gibson touched on this briefly, the courts. Like, to what extent are the courts a constraint on your ability? And I want an honest answer to protect children.

COMMISSIONER CARRION: Well, I think the courts like any other institution have resource limitations. You know, for the first time in many, many years, last year was the first time they added judges, particularly Family Court judges, and that took a very long time in coming. Filings continue to increase for them. They had to reduce their trainings for their judges. So their judicial institute has now very limited offerings because of their fiscal constraints that they have. So they faced some real resource challenges.

COUNCIL MEMBER TORRES: And as far as-- so resources, is there any concern about the legal standards that apply, the decisions that judges are actually making?

COMMISSIONER CARRION: I would never comment on an independent branch like the judiciary. We have a good working partnership with Family Court. I meet with the Chief Administrative Judge. I meet

1 with the supervising judges from across the City and
2 work with them closely. We partner with them where
3 possible, but they certainly face challenges around
4 resources, and the judge is-- and I would remiss if I
5 don't add that the Mayor has made quite a few
6 appointments to the Family Court bench and has made
7 some very good appointments, people with deep
8 experience in the field, and so we look forward to
9 working with them.
10

11 COUNCIL MEMBER TORRES: And I know
12 there's been obviously many questions about
13 interagency communication with DOE or NYPD. I have a
14 question about cases of child abuse and NYCHA. Is
15 there a communication between the Housing Authority
16 and ACS when there are suspicions or confirmed
17 allegations of child abuse?

18 COMMISSIONER CARRION: We certainly-- you
19 know, we certainly have-- we don't have the protocols
20 that we have with other city agencies. We work with
21 their social services Department whenever we have--

22 COUNCIL MEMBER TORRES: [interposing] So
23 if there's a suspicion of child abuse in public
24 housing, you immediately notify the Department of
25 Social Services and NYCHA?

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2 COMMISSIONER CARRION: Well, they would
3 have to call it into the SCR. They would have to
4 call any suspicion of abuse into the SCR, and the SCR
5 determines whether or not the case meets their
6 standard and whether or not we would-- they would
7 refer it to ACS. So, they would report--

8 COUNCIL MEMBER TORRES: [interposing] But
9 once referred to you, do you notify NYCHA?

10 COMMISSIONER CARRION: No, we would not
11 notify NYCHA as a regular course because of
12 confidentiality and privacy issues, but--

13 COUNCIL MEMBER TORRES: [interposing] Even
14 with the Social Service Department?

15 COMMISSIONER CARRION: Even with the
16 Social Service Department. But we would in the
17 course--

18 COUNCIL MEMBER TORRES: [interposing] But
19 wouldn't we want Social Services to make a -- to
20 outreach proactively to potentially vulnerable
21 children in public housing?

22 COMMISSIONER CARRION: That's not the
23 law.

24 DEPUTY MAYOR PALACIO: So--

25

COMMISSIONER CARRION: [interposing] So, but let me share with you that in the course of our investigation, we work with NYCHA. We would go and talk to them about the conditions in the apartment. They would work with us to make any repairs if that's the challenge. We would talk to them to get information about a family, and in the course of that investigation they would have knowledge of our involvement with the family, but we can't proactively share information because of a confidentiality laws in the state of New York, and I see the Public Advocate nodding. They can always share information with us if they have a concern. Once they-- they can call it to the SCR or if they know we're involved because we've made a visit, they can call us and give us information.

CHAIRPERSON LEVIN: How about once preventive services have been prescribed, at that point can a preventive services program reach out to NYCHA?

COMMISSIONER CARRION: Yes, they can reach out to NYCHA, but they are precluded from sharing case specific and private information about the family.

CHAIRPERSON LEVIN: Can they say, hey, NYCHA, we're providing preventive services for--

COMMISSIONER CARRION: [interposing] Yes.

CHAIRPERSON LEVIN: this child? They can say that.

COMMISSIONER CARRION: They can share.

CHAIRPERSON LEVIN: Is there a protocol for them to do so or a requirement for them to do so?

COMMISSIONER CARRION: You know, it's the course of the work that happens. I'm not-- I don't think there's a protocol. It's part of the standards of how one goes about doing your work in a preventive agency, and who-- if a family is working, is living in a NYCHA apartment and part of the work that has to be done involves NYCHA, then NYCHA would be brought in. But families--

CHAIRPERSON LEVIN: [interposing] So, it does happen?

COMMISSIONER CARRION: It does happen, but we all have to understand, families have a right to privacy, and so there's a delicate balance around that.

CHAIRPERSON LEVIN: Sure. Maybe we could follow up with Council Member Torres and NYCHA social services staff. Council Member Laurie Cumbo?

COUNCIL MEMBER CUMBO: Thank you, Chair Levin. Wanted to first acknowledge members that are here from Church of the Open Door. Church of the Open Door is in my district where Zymere Perkins' funeral took place, and so they have followed this particular case very closely. I wanted to just start off with a quick question in terms of the suspensions that have happened. So, the suspension of an Assistant Commissioner and a Borough Commissioner as well as a Director and Assistant Director in our General Counsel's Office, what happens during suspension? Are you paid? Are you not paid? Are you able to collect on any of those sorts of benefits? Where are we with the suspension?

COMMISSIONER CARRION: It's an unpaid suspension.

COUNCIL MEMBER CUMBO: It's a non-paid suspension. Thank you. I wanted to get clarity on that. Wanted to also ask in terms of questions that came up, what is the number again because I didn't

have clarity on the number of cases that a case worker can have at any given time?

COMMISSIONER CARRION: Our target is 12.

COUNCIL MEMBER CUMBO: Now, let me ask you this, when we find that-- does a case manager have the ability to say I don't want to take cases over the 12, because then that could jeopardize my position if I'm not able to do it adequately and at the highest level.

COMMISSIONER CARRION: It's not a-- case managers do not carry caseload. It's the Child Protective Specialists--

COUNCIL MEMBER CUMBO: [interposing]
Correct.

COMMISSIONER CARRION: that carry the caseload. That would be a conversation that they would have with their supervisors, but they cannot unilaterally say that they don't want to carry cases. That would have to be part of a discussion with their supervisor. There is an expectation that they would have a set number of cases. There is whenever it is over 12, they are supposed to work together on a work plan and to identify what the challenges are, what

help they need, and then the supervisor then addresses that.

COUNCIL MEMBER CUMBO: Could there be a fear of a worker that if they did not take on additional cases that they could be reprimanded for that or they could not move upwardly in the ranks of ACS if they are shown that they're maybe not a team player by taking on additional caseloads?

COMMISSIONER CARRION: So, I really can't speak to-- I mean, I think that it depends on an individual's perception of what can happen or not happen. So, I really can't speak to that.

COUNCIL MEMBER CUMBO: Can we talk about domestic violence in situations and your collaboration with the Mayor's Office to combat domestic violence or with the NYPD? If in a particular case where a child is now in the home of a boyfriend or a girlfriend who's not the guardian, and that particular person has a known history of domestic violence, of abuse to children, does that also raise red flags?

COMMISSIONER CARRION: Absolutely.

COUNCIL MEMBER CUMBO: And in that case, what then happens?

COMMISSIONER CARRION: Well, a variety of things can happen, but if there is someone living in the household who'll pose a threat to that child, there could be exclusion orders that are issued by the Family Court, or that child-- if we cannot mitigate the risk, that child would be removed.

COUNCIL MEMBER CUMBO: Well, just so that I can speak more broadly about this, in general cases where domestic violence is seen and there's domestic violence that's happening with parents, maybe not necessarily with the child, could that be cause for removal of a child in a household?

COMMISSIONER CARRION: It should not be. There is case law on that that very strongly speaks to the fact that that cannot be the sole factor in a removal, but there has to be assurance that that child is safe and that you mitigate the risk that might be faced by that child. So, we very carefully evaluate those cases and make sure that the parent who is the non-abuser has the supports that they need to keep themselves safe and to keep that child safe. And if necessary, and if that can happen, we would work with that parent to find a solution, but removal is always possible, but it's always something that--

it's a situation of last resort if we're not able to mitigate the risk of the child.

COUNCIL MEMBER CUMBO: My final question, and this is what's most important to me that challenges me in this particular situation, is if the tragic circumstance of Zymere Perkins a systemic or an isolated issue in the sense of since what has happened to Zymere, has there been an overall immediate review of primarily all cases that have a lot of the same criteria or red flags that Zymere Perkins' case had? So that if we're looking at things like suspensions, if we're looking at bruises, if we're looking at so many different reports, has there been any internal structure to say we want to review all of those cases that have risen to that level so that we can make an informed decision about how to move forward? That's number one, and then the number two question is, there's also the fear that so many other families are going to fear that their child could be taken away much quicker in a more expedited way in circumstances that don't warrant it in the same way that Zymere Perkins' case warranted it.

DEPUTY MAYOR PALACIO: Council Member, if I can begin [sic], you've elucidated some really critically important points. One is that we need to look at individual circumstances, but we need to balance what aspects of those individual circumstances reflect isolated events or an unusual consolation of events and what aspects might in fact be a flag that there are broader problems. So, to answer your first question, it's not an either/or, it's a both/and. So yes, we're looking at the specifics of this case, and yes, we're taking a look into consideration to review cases, to review aspects of the case that might signal opportunities for review and better intervention. As you've heard from Commissioner Carrión, that balance of making sure that we protect children and yet don't unfairly subject families who are struggling to even more duress is critically important, and I'll let Commissioner describe some of the strategies in place to do that.

COMMISSIONER CARRION: We absolutely do case reviews, and I think increasingly we have the capacity to do data mining, and we've done that in the past. As you could imagine, we have to do this

manually. It would take, you know, a very long time to be able to review every single case. We have reviewed all the cases where the particular workers on this case have been involved, but we do larger case reviews in the agency all the time. That's part of the quality assurance. That's part of the oversight monitoring and auditing, but we've also increased our capacity to do data mining, to be able to look at who's coming into our system, what are the factors they're predicting for risk, who's coming into our system, what's the demographics, and what are the right interventions for those families. So when we did case reviews about 14-1,600 cases, we were able to identify who's coming into our system, who are the frequent families, and what factors are bringing them to our attention. And so we can anticipate and develop the right interventions for families. So, one of the things that result of that information is the expansion of evidence-based interventions and preventive services for mothers with very young children who come in more frequently into our system. Mothers, young mothers or mothers who started parenting at a young age with large sibling groups. So we look at what are the risk

factors and that helps to inform what are the supports and services that we procure or develop to support families.

COUNCIL MEMBER CUMBO: I thank you. I thank you, Chair Levin, for the time, and I just want to close by saying I think that it's so important that we make sure that the case workers are also protected in these situations, because if they're taking on way more than the target amount, then they also become responsible for something where they were ultimately set up to fail. So, I look forward to continuing to work with my colleagues to make sure that we provide every opportunity for every child to have the time and attention and the care and the details to resolve whatever issues they may have in their household. Thank you.

COMMISSIONER CARRION: Thank you.

CHAIRPERSON LEVIN: Thank you very much, Council Member Cumbo. Council Member Ydanis Rodriguez?

COUNCIL MEMBER RODRIGUEZ: Thank you, Chair. First of all, Commissioner, I know where your heart is. Like, you know, I know your history when it comes to be a good service to our city. I can say

1 that I personal witness like being one of those
2 students that probably could be expelled from City
3 College fighting for black and Latino to have quality
4 education. You save our life. We could be expelled
5 [sic] at the time when you went to help us at City
6 College. You know, the year that you served also
7 with Dinkins, Administration of Dinkins, you were the
8 first one that puts together assessment of poverty in
9 our city. So, for me, you are someone that we can
10 trust in your leadership. However, you know, we have
11 created-- Council Member Jumaane Williams, sometimes
12 he say that we just like to say we have built a
13 system where we have to fix, but Jumaane Williams
14 say, it's not-- you know, that building had been
15 built in that way. Like, I'm pretty sure that
16 especially from the advocates to labor leaders to
17 elected officials to people in government to
18 lobbyists, to people from the media, most likely our
19 children will not be the victim of violence. There's
20 something that we already are doing with our children
21 that is working, and you know that it's only a matter
22 of miles when you cross a zip code to the other and a
23 group of children they've been born and raised with
24 everything in place, and they sustain [sic] the life.

1 In Finland and other cities in Europe, education is
2 provided at the age of one. Mayor de Blasio had to
3 fight so hard to bring for you UPK, and probably his
4 investment is something that we will not see under
5 his eight years in office, because it's going to be
6 after he leaves office in 2021 that we will see those
7 children that benefit from UPK, the one that will
8 benefit from those initiatives. So for me, it's
9 about how can we like-- yes, it's nice to say that we
10 should have more workers, and I agree with that. You
11 know, when workers are overloaded, having like 10-20
12 cases, more than you can managed, it isn't fair to
13 expect. You know, I used to be a teacher for 13
14 years. I used to say that you give me 40 kids or 50,
15 and I will keep those 50 kids focused, listening to
16 what I can say. The question we have, how much time
17 does every single children have to interact among
18 each other. How can we communicate amongst each
19 other? So, being able to bring more resources, more
20 funding to get more workers to say instead of 10--
21 and I'm just throwing out number-- let's be sure that
22 I work with five so that they can really keep track
23 and manage and provide all the attention that they
24 need. I had a friend of mine who is a lawyer. She
25

1 retire already, and she say I work in the Bronx and
2 say I feel so sorry for those judge because they are
3 so overloaded. They cannot pay all the attention.
4 And here we are addressing the need to have more,
5 probably more workers, but when the budget cycle
6 come, the question is, when we are visited [sic] and
7 pushed by all those interest groups form different
8 sectors, will we make this a priority? Will we say--
9 will we work with those labor who say we are
10 advocating for those workers to expand the number to
11 say let's double their budget. It is more easy to
12 say now that we were in a moment of crisis, where
13 this child, he would not have the opportunity to live
14 another Halloween today. But when we look in March
15 2009, in the New York Daily News article, there was
16 an article about 2008 and 2009 there was dozens of
17 cases of children that were dying under the
18 supervision of this agency. So, one is too much, and
19 we should expect to reduce it all the time. however,
20 we as a city has created those conditions, because
21 many of those children who live in underserved
22 community, they don't know what it is to have quality
23 arts, music, gym program after 3:00 p.m. those high
24 percentage of students that they go to a school-- my
25

1 district, school district six, has a large percentage
2 of students that they live in some type of shelters,
3 and we as a city has failed. So, for me, what I hope
4 is like for the agencies to have an assessment, to
5 have a plan, to share with us as much information as
6 possible, for us to work together as a city to
7 address this as an inequality problem. And for me,
8 like, one of the concerns that I have is like how
9 many open cases do we have? Like, what is the time
10 frame, when you-- with the resource that you have, do
11 you have a timeframe that you can say this is the
12 longest a case can take for us to close it or to make
13 a decision?

14
15 COMMISSIONER CARRION: By statute, we have
16 to make a determination within 60 days.

17 COUNCIL MEMBER RODRIGUEZ: [off mic] In
18 2016, how many cases do we have still open?

19 COMMISSIONER CARRION: How many we still
20 have-- you know, we right-- we have, in the course of
21 a year, anywhere from 55,000 to 60,000
22 investigations. So, it's a point in time. You know,
23 we have to finish our investigation within 60 days.
24 So, there's flows and ebbs. We can get you an exact
25

number, for instance, right now today how many cases do we have open.

COUNCIL MEMBER RODRIGUEZ: Okay. So, you know, in 1989, it was as a student today, not only as a Council Member, but as a father with two daughters, nine and three, I know how much you care for children, and I hope that you will get all the support you need to be sure that your workers get the resources they need and for all the children who are under the supervision to know that they will be safe. Thank you.

COMMISSIONER CARRION: Thank you.

CHAIRPERSON LEVIN: Thank you very much, Council Member Rodriguez. So, I'm going to ask some more questions here. I might jump around, so forgive me if I'm-- and I apologize if anybody needs to step out, feel free. In looking through the Comptroller's audit from earlier this year, it frankly paints a bleak picture in terms of control weakness, in terms of directives, compliance. They chose a random sampling of cases and in terms of for instance directives it showed that in the 10 cases that they chose at random, of the 354 supervisory directives issued, 130 of those or 37 percent were not in

1 compliance. Issues around bi-weekly face-to-face
2 contact were not done appropriately, supervisory
3 random reports by managers, by supervisors. What is
4 ACS' reaction to these findings? Do you take issue
5 with the findings in particular? I understand you
6 might take issue with the methodology, but in terms
7 of the findings over these types of things, the
8 supervisory notes, directives, random reviews, a lot
9 of these things that point to kind of systemic
10 issues, what's ACS' reaction to the findings?

12 COMMISSIONER CARRION: First and foremost
13 is the safety of the children, and the Comptroller
14 looked at 25 cases out of a universe of 55,000 cases
15 that we investigate, and so that certainly is not
16 representative and it cannot be an indication of
17 systemic problems, but what we did immediately was
18 review those 25 cases to make sure that all those
19 children were safe, and they were safe. That's our
20 primary--

21 CHAIRPERSON LEVIN: [interposing] So when
22 you went back and reviewed those 25 cases--

23 COMMISSIONER CARRION: [interposing] Yes.

24 CHAIRPERSON LEVIN: did ACS come to
25 different conclusions about specific aspects of it?

COMMISSIONER CARRION: There were--

CHAIRPERSON LEVIN: [interposing] So, in terms of the directives, for example?

COMMISSIONER CARRION: Our first concern was making sure that those children were safe, and those children were safe. And so the issues were around some timing completion of safety assessments. We have a 98 percent compliance rate overall. There are state measures on many of these things, but having said that, I will share you that we accepted most of those recommendations, and have implemented and completed I think two, and we are underway to complete the others.

CHAIRPERSON LEVIN: Are you-- I mean, it's a comprehensive document. There are, you know--

COMMISSIONER CARRION: [interposing] On 25 cases.

CHAIRPERSON LEVIN: Right, but there are probably dozens of recommendations here. Is there-- are you going to be able to-- is there going to be follow-up with the Comptroller's Office--

COMMISSIONER CARRION: [interposing] Yes, we-- yes. We agreed with the majority of those recommendations and have moved to make the changes as

suggested, and we will re-- the Comptroller will come back to ensure that those recommendations were implemented, and we have been working to implement them.

CHAIRPERSON LEVIN: And a lot of that has to do with kind of technology. I mean, is that part of the--

COMMISSIONER CARRION: [interposing] Some of, yes, some of the recommendations have to be with technology and our ability to document in a tracking system. Some of the information that the Comptroller, we were not able to readily verify that that information was being compiled and easily accessible.

CHAIRPERSON LEVIN: Okay. Like, for something, for example, in all of the cases that we sampled where bi-weekly face-to-face contact was required, 24 of the 25 we sampled, only once did the caseworker perform the face-to-face bi-weekly contact with the child in a timely manner. So something like that, how does--

COMMISSIONER CARRION: [interposing] So, but it doesn't mean that those didn't happen. It just didn't happen within a certain period of time.

But once again, I have to reiterate that we went back and made sure. We did safety checks to make sure that those children were safe, and they were. So, this was about practice, some compliance with timelines, and we agree that we should-- there are times when certain--

CHAIRPERSON LEVIN: [interposing] What goes into something like that? So, I mean, if we're--

COMMISSIONER CARRION: [interposing] You know, you have to go out and make-- you know, when you're doing contacts, sometimes there are challenges and the people are not available, and you have to keep going back. Collateral contact can involve schools and doctors and neighbors, and so they might be available, not be available, but the standard and the goal is to comply within the seven days requirements, and we do that in the vast majority of cases. He did point to some areas where we agreed with him that we could improve, and we're doing that. We're implementing the recommendations. Some of them involve enhancing technology, creating tacking systems, and we're doing that. We've-- some of the--

while we do the technology fixes, some of that information is being captured manually right now.

CHAIRPERSON LEVIN: So, for something like directives, so the report, I guess they spoke to supervisors and supervisors apparently reported to them that there was a, you know, a challenge in ensuring that CPS workers were following directives consistently. So, is that an issue that-- how is ACS going to be going out and addressing that particular issue as identified?

COMMISSIONER CARRION: That's enhancing our training, and you know, that is work that will be done in the Training Institute to make sure that basic practice is reinforced and strengthened around timelines and how you conduct an investigation.

CHAIRPERSON LEVIN: That's something that is-- that ACS monitors, then? Is ACS can be-- so in terms of, how does ACS-- how does ACS go about monitoring how what percentage of directives, for example, are -- if it's not adequate or appropriate to do a random sampling, what's the methodology for determining what percentage of directives from supervisors to CPS workers are followed?

COMMISSIONER CARRION: So, we do do random cases, and there is a QA system in place, and there's a quality assurance, and there is, in fact, part of the review and the oversight over the practice happens in our PPM, our Program Policy and Measurement Division that actually has the responsibility of doing audits, and we're enhancing that right now. That's one of the reforms that we're implementing that we've been working on and strengthening our quality assurance. So, we are-- not only does this take place within PPM, and there's case reviews and there's audits that take place, and this information is shared with the supervisors in our Child Protective Unit. On top of that, we are creating-- we're enhancing the capacity of our PPM staff to be able to do these quality assurance, but in addition we're creating a unit with 11 additional people, and probably be able to add to that who will be able to do this across on a consistent basis across all of our boroughs and zones. And in addition, and this will be outside of DCP, to do the auditing so that we can look for those things just as you described, and that in addition, we're going to create capacity in the Division of Protective

Services to be able to then do the follow-up and to do the reviews and be able to use the data that's generated by PPM, the findings to enhance training and supervision. This will inform the supervisors about what the practice, what the practice gaps are, what the challenges, what's working well, what training do we need, do we need some change in policy do we need to increase supervision? So we're definitely strengthening both that oversight and using both independently outside of DCP so we can audit cases, and from that glean what challenges there are, but also strengthening the capacity of DCP to be able to use this information to help strengthen supervision.

CHAIRPERSON LEVIN: And you have some of those reports back or some of those findings back already? So, like for instance--

COMMISSIONER CARRION: [interposing] Yes, I mean, yes.

CHAIRPERSON LEVIN: Are they-- so, just as an example, the issue with supervisory directives, Comptroller found 30 percent--37 percent on average across the 10 cases that they randomly sampled had supervisory directives that were not followed in a

1
2 timely fashion. Is that-- are our findings on that
3 particular issue that that's consistent with your
4 findings or are-- or is ACS's findings out of lien
5 with the Comptroller's findings?

6 COMMISSIONER CARRION: I wouldn't be able
7 to address specifically to that point. I mean, we--
8 I'm sure that for instance the things that we're
9 finding go along those. Some of the items that are
10 identified by the Comptroller, but for instance,
11 we're identifying the fact that workers are not
12 accessing our consultants, our expert consultants
13 that we have at the rate that we would okay them to
14 for consultation. We're looking to see. We're
15 developing a new safety and risk curriculum to make
16 sure that we strengthen the ability of staff to make
17 these decisions. We're identifying as we review
18 cases where there are some gaps whether it's in their
19 ability to make the collateral contacts to identify
20 the number of collateral contacts that are necessary,
21 whether it's new training, additional training that
22 they need in a particular area whether it's parent
23 engagement, the ability to engage parents
24 effectively, training and motivational interviewing.
25 Those are the kinds of issues that come up. There's

some basic practice issues, and then there are more issues that have to do with particular skill sets that need to be developed around, for instance, parent engagement.

CHAIRPERSON LEVIN: Okay. I think we can continue to follow up. I'm interested to see how we can have a public facing document that can detail some of ACS's ongoing findings in addition to the MMR, but other of the findings that are along the lines of what the Comptroller, the Comptroller's report of the DOI report, particularly the Comptroller's report though, found in some of these, you know, quantitative findings whether there's a way to ensure that some of those things that they identify that are not in the MMR or not necessarily in the ACS Flash Document. You know, in a way that that's public facing can kind of speak to some of these issues.

COMMISSIONER CARRION: You know, once again, Council Member, I have to caution that a sample of 25 cases can't begin to be representative of the work.

CHAIRPERSON LEVIN: No, that's why I'm saying that if there's a way that whatever data ACS

1 is deriving through the methodology that you and your
2 team have established as appropriate whether a public
3 facing document can be provided to, you know, kind of
4 show progress or lack thereof or what have you, but
5 in a way that is public facing so that we can kind of
6 be able to digest that both of this Committee and
7 then the general public. Just jumping over to the
8 DOI report for a moment here, I had spoken to this a
9 little bit earlier, the issue of prior indicated
10 cases. In their findings, they said ACS failed to
11 timely identify and address three ongoing risks, high
12 risk issues in the three cases the DOI reviewed:
13 chronic neglect, repeated abuse and neglect and food
14 deprivation. Obviously, the same disclaimers apply
15 to this as they did the Comptrollers report, even
16 maybe more so because of the lower number of cases
17 reviewed, but they're speaking to a larger issue
18 here. Do you believe that that in particular is an
19 issue that ACS can be doing better at? Or are the
20 current practices in place now adequate to identify
21 higher risk situations based on prior cases and prior
22 indications?
23

24 COMMISSIONER CARRION: That is--
25

DEPUTY MAYOR PALACIO: [interposing] Let me just being. I think you've heard that some of these reforms are in fact across agencies looking to see how we can strengthen the ability to do-- to better capture those children who might be at great risk. That's one of the reforms around the-- many of the reforms around DOE, both in terms of lowering the threshold and in terms of taking the photographic evidence of injuries in terms of strengthening some of our procedures at CAC. So, absolutely, I think we can do better, and we're rolling out reforms to try to do that.

CHAIRPERSON LEVIN: Okay, so follow up on, sorry, two of those points really quickly. What-- not every school has a school nurse, correct? Alright, so who, if they don't have a school nurse, who's going to-- who's in charge of that particular aspect of the case?

DEPUTY MAYOR PALACIO: I-- go ahead, and apply with detail.

URSULINA RAMIREZ: So, approximately all elementary schools with over 200 students are required to have a nurse. It might be an itinerant nurse, so who are serving more than one school. If

CHAIRPERSON LEVIN: Okay. And I'm going to ask Chief Osgood to come back to the table. Some of these reforms have to do with CAC's, obviously. The CAC's were an innovative model when they were established. They're an innovative model today. I've seen the CAC in Brooklyn. It's an impressive institution in in the ways in which just the very structures of the facility is in terms of multiagency collaboration. What is-- are there-- is-- are there deficiencies within the structure, or are there-- what I-- what I find-- what I'm a little bit unsure of here is why would it take a case like the Zymere Perkins case to implement particular reforms of the CAC's when there's constant communication between these agencies? I'm a little bit unclear as to why-- why aren't those ongoing or what's-- why would there need to be a situation like this to establish new reforms at the CAC's??

DEPUTY CHIEF OSGOOD: Well, the CAC's are a tremendous innovation, as you know. So, the

purpose of the CAC, the original goal of the CAC was to attempt to question the child only once. There are studies that said that a child could be questioned in a non-CAC environment up to 17 months. Obviously you can't even interview an adult 17 times without the story falling apart, without them, you know, surrendering. So, the goal of the CAC was to actually to be able to service our child and to have all the agencies involved interview the child once. The CAC's, as you know there are multiple agencies in the CAC. There are the NYPD Child Abuse Squads. There is the ACS group. There is the ADA's are present, the Corporation Council, Safe Horizon, obviously they're the ones who manage the CAC's, and then there's a medical provider. So, they work well. They interact with each other all the time. There are weekly case reviews. There are quarterly interagency operating committee meetings, and people work 10 feet from each other. So, I think what you're implying is that out of the current event, which that there are also continuous improvements to that that are going on. There had been continuous improvements in the CAC since 1996. This is the first one that went online. So, they are continuing under -- they are

continually undergoing improvements, and I think some of the things that we're doing now are just along that vein.

CHAIRPERSON LEVIN: So, the reform that's - that was just announced yesterday about the IRT's being consolidated under the special advisor. Is that a reform, for example, that has been proposed for previously, or is it something that has been kicked around for a while and it's just now getting to be implemented, or is this something that just rose to the top just in the last couple of weeks?

COMMISSIONER CARRION: It's something that just rose to the top, and we thought that would - given the fact that the RIT deals interfaces with NYPD that we would have an experienced former commander of the Special Victims Unit from Now Works [sic] and is the Senior Advocacy for investigation to have oversight over that unit and enhance both the collaboration and coordination but also serve as auditing function to make sure that the right-- all the right cases are elevated to the RIT and referred to the CAC and be able to identify and review through an audit process. Those cases that go, that are

correct cases in any case that is not directed to the CAC.

CHAIRPERSON LEVIN: So that was never proposed before? That didn't come out of the Accountability Review Panel, or is that the type of thing actually that would come out of an Accountability Review Panel?

COMMISSIONER CARRION: It might.

CHAIRPERSON LEVIN: Recommendations?

COMMISSIONER CARRION: It might. It might not.

CHAIRPERSON LEVIN: But it didn't in any case.

COMMISSIONER CARRION: Not to my knowledge, but--

CHAIRPERSON LEVIN: [interposing] Okay.

COMMISSIONER CARRION: Not in the recent past.

CHAIRPERSON LEVIN: And just to be clear, the CAC's were a tremendous innovation and are truly one of the most important aspects of everything that you all do, and actually what I would encourage as we're looking forward-- and the purpose of this hearing is touchpoints-- is looking to that model of

collaboration and figuring out what else we could do to establish that level of communication. Just so everybody knows, I mean, a CAC means everybody is in a cubicle next to each other. They have to communicate with one another because they sit right next to each other. They come to work every morning together, and I think that that's what we need to be looking at when we're talking about interagency communication. Council Member Gibson for further questions?

COUNCIL MEMBER GIBSON: Yes, thank you very much again, Chair Levin, and good afternoon. I wanted to ask a quick question about the Child Safety Conferences. I think we talked a little bit about it, but I wanted to understand the official protocol for the conference, particularly around the parent advocates. Who's invited to these conferences? Who's allowed to speak? Are parent advocates able to communicate with parents before the conference? And even after the conference, what is the engagement from your perspective of parent advocates and the parents?

COMMISSIONER CARRION: So, the current model is that the parent advocates meet the parent at

the conference. They don't meet the parents beforehand. They meet them at the conference, and they're available there as a peer-to-peer model for support to demystify the process. We did receive a federal grant last year in the Bronx to test the pilot where parent advocates would be more involved and have an opportunity to continue on the case in supporting parents. That project is under way. That is a pilot.

COUNCIL MEMBER GIBSON: Okay. So, after the conferences, what is the engagement that the agency has with advocacy groups that represent parents who are involved in ACS cases? Like, what's the long-term relationship that you have with many of these advocates that are voices for parents?

COMMISSIONER CARRION: We have a close working partnership with one of the organization called RISE. One of the things that I instituted when I came into the agency was to create the office of parent engagement and youth advocacy because we did not have a formal structure within the agency to be able to work with families or really with young people. So, we have that office now. It's a staff of three people whose responsibility it is to work

1 with family advocate groups to really include the
2 voice of families, to help us understand our work
3 from the perspective of eh parent, and also to engage
4 young people. We have young people, a youth advisory
5 board. We worked very closely with an organization
6 called RISE. In the past we've worked with CWOP
7 [sic]. We have not worked with CWOP recently.
8 They're in the process of reorganization and hiring
9 an executive director, and in fact, in a recent even
10 that was held by RISE, the parent advocacy, I
11 actually had an opportunity to meet with one of the
12 advocates for CWOP.

14 COUNCIL MEMBER GIBSON: Okay. I have
15 several other questions, so let me just get through
16 them really quickly I think whenever we hear one of
17 these unfortunate and tragic cases that hits the
18 media, the immediate responsibility is always blamed
19 on the caseworkers as well as family members, how
20 family members and relatives may have known, whether
21 they came forward or not. So I wnted to ask from the
22 agency's perspective, what programs and measures do
23 we have to provide support for families? Because
24 someone talked about domestic violence. Mothers and
25 women that are in these situations where they cannot

1 get out of and they need support and assistance,
2 family members that want to help, but simply don't
3 know how to. So, a lot of times when we're working
4 with agencies, I mean, there's not always this
5 welcoming avenue that we bring from families to say I
6 can come forward and provide some information without
7 being targeted. And so I can't help but think
8 because the majority of the children in foster care
9 and/or these potential cases are children of color.
10 It propels me to really dig deep and find out some of
11 the root causes of why so many children of color are
12 in and out of the foster care system as well as these
13 allegations of abuse and neglect. So, I want to
14 understand from families' perspective, what type of
15 support do we give to allow them to work with the
16 agency to say if you know a family member or relative
17 that's in a situation like this, you can get help
18 before it raises to the level of severe violence in a
19 family. Commissioner?

21 HANNAH PENNINGTON: Maybe I could speak
22 to that partially, Council Member Gibson, and thank
23 you for having us here from the Mayor's Office to
24 Combat Domestic Violence. I think we at OCDV, as I
25 think you know personally, take very seriously our

1 job as Commissioner Carrión mentioned, making sure
2 that everybody in this City has all the information
3 that they need to step in when they can be not just
4 bystanders but up-standers on this issue and make use
5 that they can do what they need to do to help
6 children who are being abused, but-- or children who
7 are in homes where domestic violence is happening,
8 and we all know too well the intersection, the very,
9 very stark intersection between domestic violence and
10 child abuse, and I think that we take so seriously
11 getting into every community to know that people
12 know-- I mean, we-- I know from personal experience
13 when I was at the family justice centers, that
14 parents and family members come walking through the
15 doors of the family justice centers, and I just have
16 to say to Chair Levin, I think our family justice
17 centers are actually that exact model as well where
18 we are sitting right next to each other every day all
19 day, and I mean, I guess you could say we're forced
20 to work together. We really like to work together
21 and, you know, NYPD is on site. HRA is on site. We
22 have 35 community-based organizations on site who are
23 there so that we are all working together and making
24 sure that information is getting out, but I think a
25

lot of that has to do with training, and I think that this Administration has done a lot on enhancing the training that's available to city staff members throughout all different agencies, and that's something that our office has taken on this year. We've created a policy training institute that's specifically addressing training for our sister city agencies as well as CBO's, as well as parents, as well as community members on intimate partner violence, and just since we launched in this spring we've trained over 1,100 DHS staff members who are on the-- not from DHS, but their contract providers are on the front lines at homeless shelters because we also know the stark intersection between homelessness and domestic violence.

COUNCIL MEMBER GIBSON: So, with my time winding down, and I understand and respect the work that, you know, OCDV does, but I will honestly say it's not working. We are not reaching families on the ground. In my school district, District Nine, I have one of the highest concentrations of families living in temporary housing, so much to the point where we've now invested at DOE for more attendance monitors working in shelters, but families are

[applause]

COUNCIL MEMBER GIBSON: And so, you know, for me, again, I'm saying this because I want to be a part of the conversations. I want to make sure that we're really engaging those who are on the ground, the parent advocacy groups, the different organizations, the lawyers that are representing many of these parents, they have to be engaged because many, many times families will talk to them before they talk to any of you, before they talk to any of us, and that's just the reality that we're dealing with. We need those people to be the ambassadors for us because families do not feel comfortable talking to city agencies. I mean, that's just what we're

1 dealing with here, and I'm not, you know, I'm not so
2 removed from the process that I can't accept that. I
3 don't think it's normal because I want to change that
4 I want people to feel more comfortable talking to
5 ACS. If they're a relative and they know a sister or
6 a brother's in a situation, they should be
7 comfortable going to the agency and not feel like
8 they're going to be victimized, and I'm just bringing
9 it up because it just doesn't always happen the way
10 we want it to happen. Ideally, we want it to be
11 perfect, but it's not perfect. So, we still have a
12 lot more work to do, and I'll leave it at that.

14 COMMISSIONER CARRION: So, to your point-
15 - you know, to your point, we don't disagree.
16 There's a tremendous stigma attached to interacting
17 with my agency, and the reality of it is that's not
18 going to change anytime soon given the history of our
19 agency. But let me share with you a couple of things
20 in realization of that. So, you know, our context of
21 working with families is very narrow. It only
22 happens as a result of an investigation, there was a
23 call to the SCR. And recognizing that oen of the
24 things that we proposed in the last budget what we
25 got funding for, a pilot to create three family

enrichment centers in the community that we're going to have-- it's a demonstration project and we'll be working with three community-based or nonprofit organizations to help us do primary prevention in communities so that we can prevent families from coming into our system and get services before. They have to come into our system in order to get the services and supports they need. So we've been working and developing three different models and pilots that we will be issuing very soon, and it really is about providing that kind of support that's not attached to ACS directly so that people don't feel that they would be at risk when they are looking for services, and it really is about trying to provide the coordination in communities where it's very difficult for families to find where the different service are and how to access those services, and the primary purpose of these family enrichment/family support centers is really to be able to help families navigate those community-based resources that will help them and deal whatever issues and challenges. We also have our Family Assessment, FAP, Program which is a prevention program that's been primarily geared to address the

needs of families who are dealing with adolescents, with their teenagers who are not following curfew, who don't want to go to school, who are smoking marijuana, who are creating hell, and the parents don't know what to do, and our FAP program we're really-- is situated in Family Court right now. Family goes in to file a PINS [sic] petition. They're diverted into this program. We're going to create hubs and communities and centers there so that families can access those services outside of a Family Court proceeding or the Family Court building. So, we recognize the challenges and the fact that families come to us because they haven't been able to get the sets of services and supports they need in communities. And so we'll see how that works.

COUNCIL MEMBER GIBSON: Okay. And what's the timeline for implementation of that? Do we have one? And are we talking about physical locations of enrichment centers?

COMMISSIONER CARRION: The physical location.

COUNCIL MEMBER GIBSON: Okay.

COMMISSIONER CARRION: Physical location in three communities right now, and we think that by next year we'll have something going.

COUNCIL MEMBER GIBSON: So, until then, we're working--

COMMISSIONER CARRION: [interposing] Well, and the other thing I should remind all of us is that our preventive services are in communities, and they're available to everyone. Each of our preventive programs can accept referrals and families coming in from wherever. It doesn't require an ACS or a court referral. Preventive programs are available in communities provided by provider, nonprofit organizations. We have 57 different preventive agencies working throughout the City of New York, and those services are available to every family in New York City.

COUNCIL MEMBER GIBSON: Okay. Thank you.

COUNCIL MEMBER GRODENCHIK: The Chair instructed me to continue, so I'll continue. Been here a long time. I hope you feel better soon. I'm not at the cough stage yet, but I'm getting there. Commissioner, do you think we need more resources. We're-- you know, we're starting to look at the FY 18

budget even though we're only about a third of the way through FY 17. Is this something that more resources would help?

COMMISSIONER CARRION: I would be remiss if I didn't say I needed more resources, right? That's my job as a Commissioner, but I'm really confident in the support that I received from this Administration. I have to point out to, you know, the 139 million dollar investment in this agency and our ability to hire as many people as we have and create new programs and supports. But will I like more money? Yes, always.

COUNCIL MEMBER GRODENCHIK: Alright. So my follow-up question is, if I could write you a check right now, where would you put more money?

COMMISSIONER CARRION: I'd put more money in hiring more staff. I'd put more money in preventive services, because that's really important, and really to improve our use of technology and develop technology tools to help create more efficiencies and be able to do our work smarter.

COUNCIL MEMBER GRODENCHIK: Do you have the ability-- you know, we've seen some agencies, both public and private, where they can look on a map

that's create [sic] generated and you can see where there are more cases of more issues where we need to devote more resources to those neighborhoods.

COMMISSIONER CARRION: We just recently have that mapping capacity.

COUNCIL MEMBER GRODENCHIK: I think that's critical because, you know, when you look at a map you can't always tell what's there, but when it's pointed out to you, maybe we do a little better.

COMMISSIONER CARRION: Yes. We have geo-mapping now.

COUNCIL MEMBER GRODENCHIK: Well, thank you. Thank you all. Mr. Chairman, thank you, and I am done for now.

CHAIRPERSON LEVIN: Thank you, Council Member Grodenchik. I just have two more questions for you all. Commissioner Carrión, you mentioned that ACS is engaging with the KC Families programs on an overall reassessment of the whole system, is that right?

COMMISSIONER CARRION: A safety assessment, yes, of our practice and policies.

CHAIRPERSON LEVIN: That will be concluded this coming winter.

COMMISSIONER CARRION: Winter.

CHAIRPERSON LEVIN: Can we-- can you assure us that you'll be able to share a final product as a result of that review?

COMMISSIONER CARRION: Yes.

CHAIRPERSON LEVIN: Okay. And then, last question I wanted to ask about ChildStat, which is a program that was a result of reforms in 2006. How has ChildStat evolved, and do you still view it as a useful tool, and if so, how is it useful and how could it be improved if it's not as useful as it could be?

COMMISSIONER CARRION: It is. It is a useful tool and we continue to do ChildStat. We do ChildStat now on a monthly basis in our central office, and in addition we've added local ChildStats and we do three to four in the boroughs. We do weekly ChildStat data report to-- which is a new dimension-- to the borough offices so they can see their trends and see what the data is showing.

CHAIRPERSON LEVIN: And these are randomly selected cases?

COMMISSIONER CARRION: Always, always random selected cases. At the central office, our ChildStat, we are doing ChildStat now. Our Deputy

Commissioner has come, the field staff that's involved in the case, the provider agency, foster care agency come. They present. It's a rigorous process where the case is presented and reviewed and discussed in-depth. We now do more themes because we look at who's coming into our system and what are the presenting issues. So, for instance, we did one on domestic violence and randomly picked cases that involved domestic violence issues. We have an expert now. We bring experts, subject matter experts to be able to share their view of the case and our presentation and lessons learned, and add the value of their expertise. So, yes, we continue to do it. Yes, it's important to do that kind of quality assurance and case review.

CHAIRPERSON LEVIN: Are there any opportunities for improvement within the ChildStat program?

COMMISSIONER CARRION: Well, we've made some changes in ChildStat. One is making sure that we do something comparable in the borough offices because all staff can come to ChildStat and really looking at those major-- those issues that are presenting in cases, whether it's domestic violence,

1 substance abuse, and then adding an expert that
2 looks-- that is present in the room, that's able to
3 engage with such in a conversation about lessons
4 learned and practice issues that might arise in that
5 conversation. It is a collegial process. We want to
6 make sure that learning goes on, that there are
7 lessons learned from this process. It's a major
8 investment of time-- review two cases. I usually
9 attend and participate in those. We invite our
10 provider agencies that are involved. Their senior
11 staff come. And so I think it's working.

13 CHAIRPERSON LEVIN: And if it's a--
14 sorry, it's a-- so the CPS worker, supervisor,
15 manager, everybody that's involved in the case
16 attends, is that right?

17 COMMISSIONER CARRION: People who are
18 involved in the case attend.

19 CHAIRPERSON LEVIN: Okay. I want to thank
20 you all. It's 2:35. You've been here for a long
21 time. I want to thank you all for your testimony and
22 for being here, and for your forthrightness. We are
23 planning on having a hearing on preventive services
24 in the month of December. So that was going to--
25 that was on our schedule prior to this case, but I

1 think it's an opportunity to continue this
2 conversation and really be able to focus on
3 preventive services and the array of services and the
4 relationship to the provider organizations and
5 innovations within the system with its own hearing.
6 So, we look forward to seeing you all again in
7 December. So, thank you all very much for your
8 testimony.
9

10 DEPUTY MAYOR PALACIO: Thank you, Mr.
11 Chair.

12 COMMISSIONER CARRION: Thank you very
13 much.

14 CHAIRPERSON LEVIN: First panel, State
15 Senator Diane Savino, President of Local SSEU Local
16 371 Anthony Wells, Local 371 Tricia Vanda Cruz [sp?],
17 from Safe Horizon, Liz Roberts and Michael Polenberg,
18 and from Rise Magazine, Jeanette Vega.

19 UNIDENTIFIED: Ladies and gentleman,
20 ladies and gentleman, please take your conversations
21 outside. This hearing is still going on. Ladies and
22 gentleman, if you can, please take your conversations
23 outside. Thank you.

24 UNIDENTIFIED: Everyone at this time,
25 please find your seats. Please take your

1 conversations outside. Everyone at this time, please
2 do not approach the dais. We're still in session.
3 Find your seats. Thank you so much.

4 CHAIRPERSON LEVIN: Senator Savino?

5 SENATOR SAVINO: Thank you, Chairman
6 Levin. First, I want to thank the City Council for
7 holding this hearing, and as a member of the State
8 Senate who's convened many hearings, I'm going to do
9 you all a favor and I'm not going to read my
10 testimony, something I usually ask people who testify
11 before me. I'm just going to give some comments about
12 what I'm heard. I'm actually happy I got to sit and
13 listen to the Commissioner and the Deputy Mayor for
14 the four and a half hours because I learned a lot
15 about what their plans are and some of the direction
16 they're going, and I also learned from the Council
17 Member's very pointed questions the concerns that you
18 have. I'm also in a unique position. I'm probably
19 the only person who serves currently as an elected
20 official who has done this work and has served as a
21 worker and a policy maker, and that as I think is
22 really important because one of the things that you
23 all are going to be doing and some of my colleagues
24 in Albany will be doing as we do from time to time
25

1 when there has been a fatality or a tragedy in the
2 child welfare system is we rush in to fill the void
3 with a new policy or a new law thinking that we're
4 solving a problem, and often times we'll find
5 ourselves right back here a few years later trying to
6 craft another piece of legislation in the name of
7 another child, whether it's Alisa, or Nixzmary, or
8 Myls, or now Zymere. And so I think we should stop,
9 and before we do that, we should examine this system
10 from the beginning. As I said, I'm probably in a
11 unique position. Twenty-six years ago last month, I
12 came to work for the City of New York as a case
13 worker in the then Child Welfare Administration,
14 which has been previously the SSC, the Special
15 Services for Children. Before that, it was the Bureau
16 of Child Welfare, and after that it became the
17 Administration for Children's Services. It's been
18 through many incarnations. The word "children" has
19 always been in the title, but if you really look at
20 the history of the law that we all labor under, the
21 laws were not really written to protect children.
22 They were written to protect parental rights, and
23 they are written to prevent unnecessary governmental
24 intrusion in the family relationship, and that is the
25

delicate balancing act that the workforce, particularly the Child Protective Service workers and the Preventive workers, have to walk. They have to walk that tightrope of not interfering unnecessarily into the life of a family, and what happens is they do that every day, dealing with families who are in varying levels of crisis, families who-- I heard the Commissioner talking about us helping them develop parental engagement skills, and they work very hard at that, but families who are not interested in being engaged. They don't want them in their life, but yet and still they are compelled by the law and the result of a complaint to come into someone's home and attempt to interfere in that life, but at the same time balancing that protection of parental rights. And so they do it every day with limited resources and excessive caseloads, and unnecessary requirements that we in government sometimes place on them. And also, we kind of tie their hands. So, I believe as we go forward and we examine what happened in this particular case and make recommendations, as policy makers and legislators, we should do a couple of constructive things. On my end, I'm going to look at New York State Social Service Law, particularly

Section 422, which was amended after Elisa Izquierdo, to expand the list of providers and workers who can have access to unfounded cases to include foster care and preventive services workers. Right now, they do not have access to that. CPS workers do. District Attorneys do. Others in the chain of command might, but you may wind up working with this family as a foster care worker in one of these agencies. You may know of two substantiated cases that exist in this family, but you may not know that there were nine or 10 unfounded cases. Now while those cases may have been unfounded on the initial allegation, that doesn't mean that that family is not in crisis. Something predicated all of those complaints, and those workers who were doing direct work should know about that. So we need to change state law with respect to that. I believe that there other things that we need to do to take the burden off our case workers. Some of the requirements from the federal government that were put in place with respect to the ASAHA, Adoption Safe At Home Act, which really is about reducing the length of time children stay in foster care and finding that forever home which is important. Permanency is critically important on

families, but we're not dealing with widgets [sic] in these cases. We're dealing with families in varying stages of crisis, and you can't put them on a strict timeline, but yet the federal government directs the states to adopt strict timelines with sanctions imposed upon them if they don't do it. One of them, in my opinion, and has been for a long time is this ridiculous requirement of a permanency hearing every six months in the Family Court system. Now, it might work in Onondaga County where you have small caseloads and you can move cases through the Family Court quickly, and you get-- you may actually have a finding on a case that's been initiated in court, but here in New York City where it can take months if not more than a year on a case that's been initiated in court to even get a finding-- you're still in fact finding, it makes no sense for these workers to stop and now shift and do a permanency hearing. It makes little sense for judges to have to clog up their court calendar with hearings on permanency when you haven't even determined whether or not these children have been neglected officially under Article 10. So there's some things that we can do legislatively that I'm going to pursue in Albany. I'm hoping that you

will support us on that, but I think working together we should find ways to make it easier for the workers to do it, not jump to conclusions, not adopt unnecessary laws, specifically that will make it harder for us to investigate cases and provide meaningful interaction with families. I've heard today that from the testimony prior that we should always move towards preventive services as opposed to protective. We agree. However, when there is clear evidence that there is risk, imminent risk to life and/or health, caseworkers, CPS workers should be able to act quickly to protect children. They should not now have to worry about are they going to be second-guessed. I'm going to stop now, because it's important that we hear from the workforce and we hear from other providers here. But I think if we don't jump to the wrong conclusions, we're not going to be back here in five years writing another piece of legislation in the name of another child. We can find solutions to some of the impediment to good casework practice. If we take a look at this with fresh eyes and we work together. So, thank you for giving me the opportunity to come in and speak about this.

CHAIRPERSON LEVIN: Thank you very much, Senator Savino, and I think it's a great benefit to our state that we have leadership in our legislature with on-the-ground experience and a comprehensive knowledge of the system. So I really greatly appreciate you being here today and with your patience and staying for the prior portion of the hearing, and I appreciate your testimony very much.

SENATOR SAVINO: Thank you.

CHAIRPERSON LEVIN: Thank you. Mr. Wells?

ANTHONY WELLS: Good afternoon, Councilman. Thank you. Thank you, Chairman Levin, for convening this hearing. I want to recognize members of the Social Service Employees Union Local 371 who have stayed in this room to show you that they support their workers whether they are in child welfare or any other agency. I want to recognize the presence of our Executive Director of DC 37, Henry Garrido. You know, in 50 years of child welfare, no worker has ever killed a child. We mourn the death not only of young Mr. Perkins, but every child who has dies in this city whether they're in our care or not. Unfortunately, this instance, the media has

vilified the worker associated with this case. They have put one worker on the front page several times and rushed to judgement before any facts are known. This has devastated the worker as it seems that she was a perpetrator of the child's death to the public at large and to her family and friends. This type of coverage makes it difficult to attract and retain workers. It also shows all other workers that no matter how good they are protecting the thousands of children they were successful with on their cases, when one child dies they can be fired and can have their reputations destroyed without any factual investigation. It is deplorable, and it affects the morale of all ACS workers. It also makes it difficult to attract and retain new workers. We listened to the Commissioner-- and I'm like Diane, my testimony you can read at your leisure, okay? We listened to the Commissioner, and we initially pride ourselves on always working with the Administrations and working with our communities to improve not just the life of our workers, well the people who we serve. This is the proud history of this union. It has not changed and will not change in this present environment and climate. But I must address a couple

of inaccuracies that you were told. First of all, the family [sic] bill passed in 2012 was a result of a collaboration led by Local SSEU Local 371, 1549, 1180, DC 37, and believe it or not, the Bloomberg Administration to impress on our state legislature to have a bill that protects not just child welfare workers, but all social services workers who serve the public. So, I want to make that one correction. Also, not my knowledge, that CPM's required to have Master's Degrees as many of them don't and many of our members also have degrees, Master's Degrees. I don't want you or the public to focus just on caseloads. Caseload numbers have been given out 9.2, 15-- you know, there are some workers who are somewhere in between and above. The amount of work that is required on each case that proves the difficulties. Often our work is redundant. Often some of that work quite frankly boggles our minds. Some of it was created as a result of a death of another child. Some of that work is to cover your-- what we say when we came in, "to cover your ass." I like Diane am also a child welfare worker. This is not about covering your ass. This is about providing services to family as opposed to putting paper, pen

1 to paper. We also need some changes. One, we need
2 more clerical support, because now because
3 computerization, a lot of that work is being done by
4 workers. We have made recommendations: social work
5 units in each field office to provide assistance and
6 direct services to those families who either have
7 long-term intervention with ACS and/or are difficult
8 to engage, because child welfare workers have enough
9 of a caseload, enough workload that they can provide
10 all those services to all those families. We also
11 recommend the return of oversight of the private
12 agencies. In 2010, under the previous
13 Administration, oversight was discontinued. Not that
14 the private agencies need to be watched, but
15 oversight to ensure that services are being given,
16 but also to provide assistance to the private
17 agencies and have a better collaboration between
18 private agencies and the workers. So, as we go
19 through this process, this most unique process where
20 information is not being allowed to come out,
21 investigations are not allowed to go forward, and
22 people have been rushed to judgement, I caution
23 everyone that a rush to judgement does not serve the
24 public and does not serve the children that we are--
25

we are by our own admission committed to protect. On that note: [audio presentation]

AUDIO RECORDING: You think your job is tough? Think again. You have no idea what it's like to be Child Protective Specialist going out each day to protect New York City's children and families, never knowing if today is the day you get punched in the face, spat at or even pushed down the steps. Do you know what it's like to face violence to do your job? Do you know how big the challenge is to keep children safe? We spend our whole lives thinking about helping families and helping children. We get second-guessed. Everyone knows better, and yes, no matter how hard you try sometimes the system fails. Everyone sees the signs of a child in trouble, school, police, family, and friends, and guess who gets blamed? The child welfare worker, most of whom are women of color. Why? Because it's easy to pass judgement. You may think you have a tough day of work ahead, but we know we do. Think you can do a better job? Think again.

ANTHONY WELLS: Thank you.

CHAIRPERSON LEVIN: Thank you very much, Mr. Wells. Next, we can hear from Mr. Polenberg and Ms. Roberts from Safe Horizon.

ANTHONY WELLS: If I may-- if I may, Council, can you let my worker go next as a flow police [sic]?

CHAIRPERSON LEVIN: Sure, yes, go ahead. Is this-- excuse me, Ms. Cruz?

ANTHONY WELLS: Yes.

TRICIA VANDA CRUZ: Good afternoon, Council. I just wanted to take the opportunity today to give you guys a glimpse into the life-- into a day of a Child Protection worker. A day in the life of a Child Protection worker can be called many things, but easy is not one of them. The day starts off with you kissing your own children goodbye to start your day with many uncertainty. You set your goals for the day with priority being: ensure the safety of New York City children and strengthen families. You enter your office, turn the computer on and start your day running, prioritizing, returning calls, updating notes, and a caseload at times that can be 15 or more. You sit and decide will I break for lunch today or will I just continue to work to ensure

that all deadlines are met? You get a case and have to make contact with the source and family within 24 hours. You have to ensure that all children are seen despite their physical location or what time of day it is. You realize that there are five children and two adults in the family. This means that you have to complete document-- completely document all seven templates prior to the submission of a seven-day safety assessment which is expected on the fifth day. Each template is typically six or more pages long. So that's about 42 pages, give or take. The time frame in which you have to document does not change whether you have one child or 10 children on your caseload. Now, it's time to meet with your families and you think to yourself, will this be the family that you actually provide a service to that makes a difference in their lives, or the one where you run to the bathroom and cry in silence because you tried everything you could and a child still lost his life. Is this going to be the case where you get attacked or the case where the family has several prior cases? With ACS there is never enough plausible evidence to take legal action, but you know something is just not right, but since you can't prove it, you can't do

1 anything about it. So many things run through the
2 head of a CPS worker on a daily basis. You go to
3 these homes never knowing what is on the other side
4 of the door, but you want to make a difference. You
5 have to ease most families' negative perception of
6 ACS and let them know we are not there to break up
7 their family. We are not the horror stories that
8 they've heard. CPS workers do not get bonuses for
9 removing children and we don't get bonuses for
10 keeping families together. The family is seen and
11 the worker is never. The family is seen and the
12 worker is now hit with the task to find a one-size-
13 fits-all service provider to deal with all that you
14 have been able to assess, the child that won't attend
15 school, the substance abuser, the domestic family--
16 domestic violence family, the rape victim, the mother
17 or child with mental health issues, and the family
18 that really doesn't need help, and the ones that need
19 guidance or a simple conversation that someone could
20 have had with them. Now, you think to yourself, what
21 services can you put in place for this particular
22 family? Then you remember, this family does not have
23 support they need or certain services or not in the
24 family's area or in their borough, but you have
25

1 policy and procedures to follow knowing that this
2 family does not have the money to get to the services
3 or it's a hardship for the family to get to point A
4 to point B in a timeframe allotted to them. Or maybe
5 you know that this may not be the right service for
6 the family, but you put it in place anyway because
7 this not what-- because this is what is available and
8 you know you can't close the case without any
9 services in place. On a good day, your day has
10 started at 8:00 a.m. and has ended at 8:00 p.m.
11 Someone else has picked up your child from school or
12 the sitter. Someone else has fed your child,
13 completed their homework with them and possibly put
14 them to bed for you. You try to wind down, however,
15 you're worried about your safety. You've received
16 threats from one of the families you worked with.
17 Another one found your personal information and has
18 invaded your personal space. You feel overwhelmed,
19 overworked and tried to deal with your own kids when
20 you get home, but then you remember what all your
21 efforts were for. Today you tried your best to make
22 your family stronger. Today you tried your best to
23 ensure the safety of another child. Today your best-
24 - today you tried your best to make a child is not
25

1 hungry or in danger. You love being able to educate
2 and assist a family. When a child dies, all we feel
3 is the pain of that death. The worst part is that
4 your first thought is what borough did the death take
5 place, because you're wondering is this a family that
6 you once investigated. Then you still think, will
7 one of my cases be targeted by the media? Will they
8 defame my character and integrity? Will my own
9 children and family be subjected to the humility
10 bestowed on them by the media? A CPS worker does not
11 know how their day will end. What we do know is that
12 our job is non-stop and challenging, but in the end,
13 we get the satisfaction of knowing that we played a
14 part in a child's life while ensuring the safety and
15 unity of the family.

16 [applause]

17 CHAIRPERSON LEVIN: Well, thank you very
18 much, Ms. Vanda Cruz. That was a very moving
19 testimony, and we greatly appreciate all the work
20 that you and your colleagues as Child Protective
21 workers do every day, and we're very appreciative of
22 how you have educated all of us as to the important
23 work that you do and the, obviously, the time and
24 effort and physical and mental strain that that
25

takes. And so let it be known that we all do greatly appreciate the work that you and your colleagues do. Turn it over to Mr. Polenberg and Ms. Roberts from Safe Horizon.

MICHAEL POLENBERG: Thank you, Mr. Chairman. I'm Michael Polenberg, Vice President of Government Affairs here at Safe Horizon. I'm joined by my colleague Liz Roberts, Deputy CEO and Chief Program Officer. Safe Horizon is the nation's leading victim assistance organization and New York City's largest provider services to crime victims. Thank you for mentioning earlier when the Commissioner was here about the model and the benefit of the Child Advocacy Center. We agree that having everybody under one roof is better for the child victim. It's better for the impacted family, and it's certainly better for the city agencies including the police and the district attorney and ACS who have to follow up and take the next steps. What seems to be, you know, sort of common sense that everybody would be sitting together under one roof actually wasn't always the case. So, the first Child Advocacy Center started in Huntsville Alabama in 1985. Since then we have more than 900 Child Advocacy Centers. I

say "we", not Safe Horizon, across the country different providers. Safe Horizon has five Child Advocacy Centers here in New York, the most recent one that we opened being in the Bronx, as Council Member Gibson knows. And thank you to the Council for your support and to the successive city administrations in the state for support of that program. Why is it so important? Why did the first CAC open in 1985 in Alabama? Because the district attorney at the time recognized that children were telling their stories repeatedly, the stories of abuse, stories of pain, stories of hurt to this adult and then that adult, and then another adult would come in with a notepad and take more notes, and just when the child thought they were done, in came another adult and the child had to disclose again. And wouldn't it be something if everybody actually sat together in one place and when the child made a disclosure, everybody got the information they needed in real time. So, thanks to the support of the Council and folks in the City. Last year we provided services to almost just over 6,400 children and 3,900 caregivers. This is a huge difference for every one of those families, and we're grateful to the Council

for your support for making this happen. I'll turn it over to my colleague, Liz Roberts.

LIZ ROBERTS: Good afternoon, and let me join Michael in expressing our gratitude for the Council's ongoing and generous support of the City-- of the Child Advocacy Center model which has been steadfast over many, many years. So, I have the great honor of overseeing all of the services we provide at Safe Horizon, including our five Child Advocacy Centers. As I think the Council knows well, the core, the heart of the Child Advocacy Center model is team work. It's the multidisciplinary collaboration between all of the members of the team, and we recognize that there's no one system, no organization, no individual that can address the complex needs that abuse children and their families face. Each of the agencies in the Child Advocacy Centers plays a unique role whether it's as Child Protective staff, as law enforcement, as medical providers. And I want to say a few words about the role that Safe Horizon plays specifically. We host the five Child Advocacy Centers. So we bring the team together under one roof which makes our centers really the gold standard for the model around the

country. We play a coordinating role by convening weekly interagency case planning meetings to discuss each case that comes into the CAC so that we can share information and coordinate our responses. We're also the sole providers of mental health services in the Child Advocacy Centers and have since 2008 been partnering with Yale University to deliver an evidence-based model called Child and Family Traumatic Stress Intervention which has proven to relieve the symptoms of PTSD that children suffer after abuse. We've been closely following the Administration's announcements regarding reforms in the aftermath of Zymere Perkins' death and also have been in ongoing conversations with ACS and the Police Department regarding the reforms they're considering that could potentially have an impact on the Child Advocacy Centers, and we just want to express our support for many of the reforms that are planned. So you heard this morning that the City has committed to expanding medical coverage at the CAC so that all CAC's would have fulltime medical coverage from a pediatrician expert in child abuse and that we would have some extended coverage for evening and weekend cases, and we're enthusiastically in support of that,

of that change which will make it easier to get children seen by an expert medical provider immediately after disclosure. We also are very supportive of the Administration's decision to enhance oversight of cases that come through the CAC by having a dedicated Child Protective Manager for each CAC that takes responsibility for review of all the cases that come through that center. And we're pleased that the City is looking at staffing levels, both from the Special Victims Unit in the NYPD and from ACS to make sure that they have the right folks there and that they have an adequate staffing there. We're also looking forward to participating, already participating in the interagency work group that the Administration has convened, and we'll continue to work with that group to see where we can make further improvements in our practice and where we can further strengthen the team. We're very proud of the work that happens in all five of our Child Advocacy Centers. We're grateful for your support and understanding of the model, and we know that because the work is so difficult and so complicated, there are always ways that we can continue to make it stronger, and we will closely with the City to make

right kind of medical evaluation. So there's reimbursement both at the CAC's and in the hospitals for forensic rape exams, but not for CAC-based medical exams focused on allegations of physical abuse.

CHAIRPERSON LEVIN: And just to be clear, all cases of, allegations of sexual abuse and severe physical abuse go through a CAC, correct?

LIZ ROBERTS: That's right. The exception would be a child who needs immediate hospital care. They would be seen at a hospital and evaluated medically there, but they're brought to the CAC. Our doctors evaluate them, but we're not reimbursed for it by the state.

CHAIRPERSON LEVIN: And that-- sorry. That counts for 40 percent of your cases--

LIZ ROBERTS: [interposing] Approximately.

CHAIRPERSON LEVIN: You can continue.

LIZ ROBERTS: So we will continue our advocacy on that front. And I think, you know, like everybody in this room and everybody in the City really our sense of urgency is only heightened right now to ensure that we have everything in place to ensure that every child that comes to a CAC gets

exactly the right care and exactly the right decision are made. So, we thank you for the seriousness and constructive tone of this hearing, and we're happy to respond to any questions you may have.

CHAIRPERSON LEVIN: Thank you very much, and thank you for the good work that Safe Horizon continues to do every day. Next we'll hear from Jeanette Vega from Rise Magazine.

RACHEL BLUSTAIN: Thanks. Hi, Rachel Blustain. I'm the Editorial Director of Rise. Jeanette couldn't be here right now so I'm just going to read testimony that she prepared. "Good afternoon. I'm Jeanette Vega, a parent leader at Rise which educates and supports parents who've been involved in the child welfare system. I'm here to talk about ways that investigation can make children less safe. Many times after a child welfare tragedy, the response is to investigate more and remove more children, even though those responses have not been shown to reduce fatalities. I hope you will keep my testimony in mind as you consider your reforms. A few years ago my family lost the lease on our apartment. For five months we stayed with different friends and relatives. I was afraid that my family

1 would be investigated if anyone knew how we were
2 living. In New York City there are nearly 55,000
3 investigations each year. When you live in a poor
4 neighborhood, if you haven't been investigated
5 yourself, you know someone who has. So when a crisis
6 hits, our fear of losing our children keeps us hiding
7 under a rock. When my family became homeless, it had
8 been over a decade since my oldest son had come from
9 foster care, and I had never been investigated since.
10 I was active in the PTA. I was also a parent
11 advocate at a child welfare agency, and some part of
12 me believed I was crazy to think Child Welfare would
13 ever take my children again. But no matter how much
14 time passes, the experience of having outsiders judge
15 you as a bad parent and remove your child from you
16 just crumbles you up. My oldest son was in a
17 rebellious stge. I felt afraid that people would look
18 at our housing and his behavior and the judgements
19 would start all over. Finally, we found an
20 apartment, a one-bedroom on a block with gangs. We
21 didn't have furniture except for air mattresses and
22 bins for clothes and toys. We lost everything in all
23 our moves. Still, I was grateful. Then one day my
24 son mentioned in afterschool that mommy gets his
25

clothes from a garbage bag. The school contacted the Children's Aid Society, and they called to have a meeting. When Mr. Vi [sic] came over, I told him we didn't want his help. We didn't want any kind of case, even a preventive case, but Mr. Vi let me know that unless I was abusing or neglected my kids, the Child Welfare System never needed to be involved. When Mr. Vi finally convinced me it was safe to accept help, tears rolled down my cheeks. The program gave us a thousand dollars to buy beds for the kids and gift cards to assist with winter clothing. That was a blessing, because I was even considering not paying rent to keep my boys warm. It's so important to change our culture of fear and help parents know that if they ask for support they won't lose their children. At Rise, we believe that to protect children it's important to resist the urge to pull more children out of their homes out of fear, and to preserve all the effort ACS has made to strengthen preventive services. We also believe we need to invest in primary prevention. It should be possible to get preventive services and have nothing to do with the system, because some parents won't go to Child Welfare anything no matter how good it is.

We support efforts like the Family Enrichment Centers which ACS plans to pilot, which the Commissioner talked about earlier today, where parents can get support without opening a case. We'd like to see those efforts advertised on subways and billboards and on TV. Lastly, we believe that children will be safer when parents have people they can trust during an investigation. When parents are investigated, they feel ashamed, attacked, afraid, angry, and isolated. When children are placed in foster care, parents feel even more devastated, but the majority of children who go into foster care after an investigation go home to their parents again. It is so important for parents who need it to get connected to real support during an investigation, not just go through the motions of complying which is why we support the Enhanced Family Conferencing Initiative, which the Commissioner also spoke about earlier today. It's an effort in the Bronx that will allow parent advocates who have been through the system themselves to support parents whose children have been removed during the investigation from the initial child safety conference to the 20-day conference and help them get connected and engaged

during that time. What happened to Zymere Perkins is tragic, but Zymere's case is not every case. We need to be sure that we don't make both kinds of wrong decisions, the decision to leave a child in danger, and a decision to remove children who can be safe at home. The more we engage and support parents from day one, the more likely we are to make the right decisions, connect families to the right services and keep children safe in foster care or at home."

CHAIRPERSON LEVIN: Thank you very much for that testimony. Next Henry Garrido, Executive Director of DC 37.

HENRY GARRIDO: Good afternoon, Council Member Levin and members of the committee. I don't have a prepared written statement, but I'm here number one in support of the workers, and as it was previously stated, the-- you know, what happened to the child was a tragedy, and we pray for his family and for his wellbeing, for the wellbeing of those who cared for him. But we are not to forget what you heard today from the workers, the difficulty of doing this job, the challenges with caseload, the difficulties even within a caseload. Every case is not different-- it's not the same. And we stand also

1 with the parents who are mourning, and so there is a
2 natural tendency to try to, you know, try to blame
3 somebody or someone, right, for what is now a
4 tragedy, and the union remains committed in the
5 defense of the workers, but also we have never been
6 obstructionists to change where change makes sense.
7 And I want to state for the record that we are as
8 concerned as some of the things that we've heard with
9 the media regarding this rush to judgement that
10 Anthony spoke about, and then the many pundits who
11 stayed on the sideline and proposed a million changes
12 that they come up with somewhere where they read
13 without knowing what it is like to be in the life of
14 a child protective worker and what it entails. I have
15 seen this firsthand personally. I have witnessed
16 workers being spat at, you know, dogs being released
17 in my own building. I saw a situation that I will
18 never in my life forget what the humiliation that
19 these workers have to go through, and yet and again,
20 they get up every day and they go out there because
21 they understand the importance of a job that they do.
22 We never ever should forget that. Thank you.

24 CHAIRPERSON LEVIN: Thank you, Mr.
25 Garrido. Are there other members on this panel that

wish to testify? I thank you all very much for your testimony, for your very important perspectives, and I look forward to continuing to work with you all. Do any of my colleagues have anything that they want to add? Council Member Grodenchik and then Gibson?

COUNCIL MEMBER GIBSON: I think Council Member Grodenchik and I wanted to ask the Administration, but we were not able to because of time, but first, thank you for being here, your participation, but the important role that each of you plays. I wanted to ask a question from the public safety perspective. I think Chief Osgood talked about 1,200 instances where an ACS worker was escorted to do a home visit with a police officer, and I wanted to find out what according to you as a caseworker what sorts of systems we have in place to protect the workers as they're going out doing their job not knowing what's on the other side of that door or even, I mean, hearing these horrifying stories of your personal space being intruded upon is very, very disturbing for me. So, I think the Administration talked about reinstituting a liaison to the District Attorneys' offices, but what types of systems do we have in place besides just telling a worker when

ANTHONY WELLS: Well, a couple of things.

One, we need enforcement of the Thome [sic] Law. Unfortunately, all the District Attorneys don't know who to apply that law and enforcement would be helpful. Two, we have encouraged and have got the agency to do co-worker assist to-- so that one worker doesn't have to go by themselves if they feel they need someone else with them. We need better cooperation between NYPD and ACS. We need a better respect for the workers when they go out, that they are also civil servants doing their job, and that they need the full support of the NYPD. Whoever responds often times they are-- they wait long periods of time to get a police officer co-assist for whatever various reasons. So we recommending that they have a-- they identify police personnel to deal with child welfare calls and they get training on how to assist in that process and to support the worker.

1 So, those are a couple of concrete things that we
2 have suggested to this agency. Now, the person who
3 does this work can tell you how that feels to go out
4 there on that note. And we also want to get more
5 support internally in the office for situations or
6 more keen awareness of the dangers that affect the
7 worker as they go out. This agency for too many
8 years has been a crisis-oriented agency that
9 everything's a crisis, and everything is not a
10 crisis. They have protocols in place that they
11 should follow. You heard the Commissioner said that
12 within 24 hours they must make contact and 48 hours
13 they must see the family. Well, they-- there needs
14 to be an assessment of how that is implied based on
15 the facts of the cases, and they'll call then, and
16 that adds to it, too. Not everything's reactionary,
17 because there are none. Those cases, a degree of
18 cases are-- they have more serious-- need more
19 serious attention and we could to a true assessment
20 and we have the time and the support to do an
21 assessment. That would cut down on it. [off mic]
22 What do you think we need?

24 TRICIA VANDA CRUZ: I think President
25 Rose basically said it. We need a lot of support. I

1 think the support is definitely lacking where that's
2 concerned, and I think even when we're out there in a
3 situation and we do feel threatened and we do call
4 911, the response time is long. A lot can happen in
5 that time, and a lot of times I know we feel kind of
6 left out there. It's not typical practice that we
7 always read a case and we have concerns and we call a
8 police officer to assist us. That's not the case all
9 the time.
10

11 ANTHONY WELLS: And so, if I may, so this
12 is a case of a worker who got attacked in her home,
13 one of the first cases we ever had. She got attacked
14 in her mother's building and she was afraid because
15 she was afraid if the police came they would arrest
16 her as well as a perpetrator. Well, that should not
17 happen for a child welfare worker who's out there
18 making an investigation. They shouldn't have a fear
19 that they're not treated as a public servant as they
20 should be, a fear that if they call and because
21 there's a dispute, they're the ones who also may be--
22 so that has to be a mindset that's changed. So when
23 they're saying they're going to appoint a liaison to
24 do better communication-- what they said 10 years ago
25 by the way, okay, when we had workers being arrested

too. It's time to really put that into-- put that into effect.

SENATOR SAVINO: I also want to follow up on that because the protocol that they follow now is not that much different than it was when I went to work for the agency. You know, depending on the particular case, if you felt that there was a risk to yourself or your workers and you couldn't get co-worker assist or even if you could get co-worker assist, you might be directed to go to the local precinct and say we're going out to do-- to deal with a case that's particularly dangerous or could be and we need police assistance. The problem with that, though, Councilwoman, is the-- while I love the NYPD and I love the offices. They're not trained to do family intervention, and often times they get in the way in some of these cases. Some of them decide to become amateur social workers in the process, and they can become, you know, sometimes problematic. I have a bigger concern, though, and I didn't hear a lot about it discussed today. In the protocols that were proposed by the Mayor and the Commissioner a week or so ago, they talked a bit about expanding the role of the NYPD with respect to CPS investigations,

and I think that's something you all need to pay particular attention to. There is a reason why we created under the Family Court Act, why we separated child abuse and neglect investigations from the Criminal Court system and we placed them in the Family Court. There's a reason why they're not under the penal code, unless they are extreme abuse cases. Right? We do that for a reason. So, because we don't want parents to be treated as criminals under that statute. So we have to be very careful how we try and interject the police into the investigations that CPS workers do. We don't want to create that heir of criminality on parental investigations. But so as we move forward, there's got to be a yes, the liaison between the NYPD and ACS, which should have been in place 10 years. It needs to be strengthened. Workers should be supported. The felony law that we adopted and the Governor signed should be enforced, and if not perhaps there should be a reason-- you know, we should be examining why it's not being enforced. We should proceed very carefully that interjecting, you know, police officers into CPS investigations. They're not social workers. These

guys are not cops. So we should be careful how we move forward on that.

COUNCIL MEMBER GIBSON: Thank you very much, and I appreciate you raising that. Certainly, I know it's a very important conversation, but we have to have a delicate approach. I guess I want to make sure that, you know, workers going out in, you know, some of the, you know, toughest situations, tough communities, I want to make sure they're absolutely safe. So I recognize that it's something we will discuss and we really need to, but I know it has to be a very delicate balance that we try to achieve all the time. Thank you. Thank you, Chair.

COUNCIL MEMBER GRODENCHIK: Thank you, Mr. Chair. Thank you all for being here today. Especially good to see my friend Diane Savino. Thank you, Senator. Mr. Wells, how often do you get complaints from your members about being either threatened or worse, attacked? Is this a frequent occurrence?

ANTHONY WELLS: Oh, absolutely. I mean, we're in the business of trying to protect families, and keep families together, but also we're also in the business of making tough decisions. As we speak,

another worker was attacked on Friday, I understand, in the field. So there are worker attacks. There's harassment. There's threatening as Trish alluded to earlier with the advent [sic] of social media. You can now access people's personal information. I shared with you that one of our workers was attacked at her mother's home, which the assailant thought was her home, and it took some intervention to get that case on through the criminal justice system. Let me just say something. When we passed this bill, it was never our intent then nor is it now to criminalize our clients.

COUNCIL MEMBER GRODENCHIK: Right.

ANTHONY WELLS: That's not what this was about.

COUNCIL MEMBER GRODENCHIK: I understand that.

ANTHONY WELLS: This was about making sure that our workers went home the same way they went to work, and we believe that enforcement of it is a deterrent as much as a deterrent could be. So, yes, they get threatened. It's in the job. If you have to remove someone's child, I don't know of many cases where any removal has gone along with, "Yes,

1 here you go. Take him. Have a good day. You're
2 doing me a favor." I don't think that's how that--
3 it didn't play itself out 20, 33 years ago. It
4 didn't play itself out today. Parents want to be
5 with their children whether they're accused of even
6 the most horrendous things. And so therefore, our
7 workers bear the brunt of that. So, yeah, they get
8 threatened. They get harassed, and unfortunately
9 they even get attacked, and it's from-- actually,
10 we've had a grandmother drag a worker by the hair--

11 COUNCIL MEMBER GRODENCHIK: [interposing]
12 Grandmothers--

13 ANTHONY WELLS: [interposing] That's
14 right, we had a worker who went to a pizza shop on
15 their lunch hour, and the client followed them and
16 spit on them. we've had pit bulls sicked [sic]
17 workers, and then we had a worker who was attacked on
18 Christmas Even going to visit a family and make sure
19 they were okay. This was a family that she had known
20 for a couple years. She had been working with them,
21 and the son had an episode and actually kicked her
22 down the stairs. So, what no one talked about today--
23 - if I may take this time to do this? No one also
24 talked about-- [off mic] Oh, no, no, they never make
25

the media. They never make-- I mean, we had one. We did have a chance to talk to one station who did talk about the most recent attacks, and that was good. What no one spoke about today really was the increased need for mental health services in these field offices, the increased need for addiction counselors in these field offices to provide advice and direct intervention in these families, even in domestic violence. Well, what I said earlier, a structural unit. We're talking about licensed, trained social workers. By the way, ACS offers scholarships for our members to go to get MSW [sic] degrees and then don't utilize them when they get back. They either utilize them in a title called Child and Family Specialist, or they come back and they either return to their old job, or they return to job as supervisor. But their particular skills are not utilized in ACS. Right now, ACS has hundreds of licensed or graduate MSW students who can be utilized in a better way. They don't have to go outside. They don't need a consultant. They could do it right now. So, the long answer to a short question was yes, they're threatened, but at the same

time they need services inside these places, and enforcement, again, of that--

COUNCIL MEMBER GRODENCHIK: [interposing]

And just one last question, Mr. Chair. I asked the Commissioner before whether they keep a database on any of this, whether we need to. You know, I know it is now a felony, and I'm happy that it is a felony to assault a city worker, especially a caseworker, but do they-- do you know that they keep a database? Do you-- is this part of what you have to do as a caseworker, let them know that you've been threatened or how does that work?

ANTHONY WELLS: You know, they-- I don't think they keep a database. I don't think the Commissioner was partly correct. I don't think they keep a database. So we have that better reporting, better support to report, and then support when you have made that report. For example, if I'm threatened-- so, we-- in the last instance we said you must do analysis, assessment of each threat. There are threats, right, and there are threats, and you must make a real assessment of that threat, and then take appropriate action. For example, remove the case from that worker. Maybe move the worker

1 from that unit. Maybe move the worker out of another
2 instance. Inform the Police Department on certain
3 threats so you have increased security. Maybe you
4 need security around the worker's house. There is no
5 plan in place to do that kind of assessment, and that
6 kind of assessment is necessary to ensure the safety
7 of these workers. Again, it's another place to help
8 in this work. These workers take on this job knowing
9 the dangers that they face every day.

11 COUNCIL MEMBER GRODENCHIK: Thank you,
12 Mr. Wells. Thank you, Mr. Chairman.

13 CHAIRPERSON LEVIN: Thank you very much,
14 Council Member Grodenchik. I very much, as I said,
15 appreciate all of the testimony that you've all
16 provided as part of this panel. I look forward to
17 continuing to work with all of you as we move forward
18 and next steps in ensuring that we're doing
19 everything we can to protect the children of New York
20 City. One thing that has become clear to me is that
21 everybody, the bottom line for everybody is that
22 we're at the-- we're doing everything we can to
23 protect every child in New York City that's
24 vulnerable. So, thank you very much for doing that
25 and for your testimony today. Thank you. Next

panel, Stephanie Gendell, Citizen's Community for Children, Joyce McMillan, CWOP, Sue Sena, foster parent, Dwayne Andrews, Angeline Montauban representing Thea [sic] Edwards, Merrick Scott [sp?], and Will Jones. If there's anybody else that wishes to testify, please sign in with the Sergeant at Arms, please.

UNIDENTIFIED: Everyone, please kindly take your conversations outside. We're still in session. Everyone, please kindly take your conversations outside. We are still in session.

CHAIRPERSON LEVIN: Hi, everybody. If we could keep it down folks.

UNIDENTIFIED: Everyone, kindly leave. Keep your conversations outside. Thank you so much.

CHAIRPERSON LEVIN: Please ensure that the door is closed. Thank you. Thank you all very much, this panel, for your patience, and look forward to hearing your testimony as soon as the door is shut, and if we can-- okay. Thank you. Whoever wants to go first? You have six minutes. Sorry, you have to turn-- push the button.

ANGELINE MONTAUBAN: Thank you, Councilman Levin, for having me here. My name is

Angeline Montauban. We heard of Myls Dobson savagely murdered, Nixzmary Brown beaten and murdered, Michelle Pierce [sp?] beaten and starved. There are more names. Every death there was hearing just like. ACS bureaucrats and executive prepare their beautiful put-together speeches, the same thing. We share the same passion to protecting our children. We are focused on permanency, changes in planning. We are committed to meeting the needs of children and family. We've heard the same rhetorics [sic] today. Obviously, there's not enough reform. Personally, I feel we need more than reform. We need a revolution. My name is Angeline Montauban. I reside at 510 West 55th Street. I'm here because I'm seriously concerned of the death of beautiful child like Zymere Perkins, and I'm here to address my three-year war with the Administration of Children's Services. The New York Post, and I would like Rupert Murdoch for taking the time to write about my story and experience with ACS. The article was published in August 21st, 2016, "Mom calls years-long war with City Foster Care System kidnapping." This is the best way I could describe my experience with ACS. I was here since 10:00 a.m. I listened to all the testimonies, and I'm wondering,

1 where are the fact checkers? ACS data is completely
2 inaccurate. I was reading an article in the Daily
3 Beast that stated, "The Mayor de Blasio who defended
4 ACS Commissioner Gladys Carrión called the child's
5 murder unacceptable." For her part, Carrión said,
6 "We can't protect them all." This is a red flag. It
7 was her responsibility to protect these children.
8 It's her job, and we need to hold these people
9 accountable. I was very fortunate to be in this room
10 and listening to the unions of the caseworkers, but
11 we can't always hold accountable the people at the
12 bottom, the people making minimum wage salaries, the
13 black caseworkers, and not hold these people at the
14 top, these people making 100,000 dollars, 200,
15 300,000 dollar. My child has been in the system for
16 three years. It's going to be four years soon,
17 because I was a victim of domestic violence. I was
18 not present-- provided with any kind of preventive
19 services. There was not a parent advocate. I never
20 attended a Child Safety Conference. So, I get really
21 concerned when I come to all these hearings and we
22 don't hear parents like myself, parents who are
23 literally in the battlefield, because this is the
24 best way I could describe it. All these people,

Carrión, Brett Synder [sp?], Julie Farber who is the Head of Permanency Planning for ACS, they know who I am, because on August 5th-- and I would like to thank again Letitia James for filing the class action lawsuit on behalf of my son whose name is referred in the class action as "Thierry." I've been fighting and fighting these people. Because I am an activist, because I am an advocate they have retaliated against me. They have kept my son in the system. I have dyadic therapy with my son every week. My dyadic therapist has been calling the foster care agency for over a couple months now telling them why is her child still in the system. They've been working with me towards reunification, but the foster care agency, which is Children's Village, Jeremy Kohomban who is the CEO and President of Children's Village, who makes 360,000 dollars a year, has not responded. Again, I am an activist. I've been asking the same questions that I've heard you ask, and I think a lot of your questions are on point, Chairman, but I do feel you need to talk to us, because we have a real in-depth knowledge that they're not going to tell you what we go through. I am a school teacher. I have to take off from work today. I work in a school. As of

right now, I am a third grade teacher. I have to take off from work as a teacher because I wanted to be here to fight for my son. I am not a bad mother, like they want to criminalize all these parents, supposedly because we're black, we're poor, we're low-income. They want you all to believe that we're all bad, we're criminals, we're this, we're that, and we're not. A lot of us need help, but we're not getting that kind of help, because there's a lot of money coming in in the system. And I've heard you ask a lot of questions about what do they need, what do they need. But they already have a budget of billion dollars. What else do they need? System structures are not in place. The money is there for them to make it right, but when you have a system like ACS and a lot of these foster care agencies that function no more than an employment agency for the politically connected, for people who are friends of the Democratic Party, that's what you get. So, I don't want you to think-- and I'm sure you've heard of my story, and I urge everybody to read about my story. I'm very fortunate the New York Post was able to write about me and my experience. The fact that I am a school teacher, the irony of it is, I've been

fighting the system for three years, and my son is still in foster care because I chose to fight them, to question them, and to challenge them.

CHAIRPERSON LEVIN: Thank you very much.

WILL JONES: Chairman Levin, thank you for your time today. Good afternoon. My name is Will Jones. I'm a Principal Industry Consultant for a Company called SAS, and what we do is work with state and local governments around how they use their data better to help inform decisions all the way at the management level all the way down to the case-specific level in particular. And we also understand that child welfare systems and all human services are extremely data rich, but most of them are extremely analysis poor, unfortunately. SAS is the worldwide leader in advance analytics and currently supports over 50 different state human services organizations across the country, including New York State and New York City. We work with governments to help them leverage their data, as I mentioned earlier, and apply analytics to solve their most challenging issues. For example, in New York City, SAS use analytics to identify pre-k eligible families and enroll qualified children. We also help the New York

City Department of Health and Mental Hygiene track citywide public health crisis like the West Nile Virus, excuse me. In New York State we are also helping address the opioid epidemic going through the state of New York right now by detecting problematic behaviors of prescribers, dispensers and patients, informing investigators and helping them prioritize their work load. We all know that child welfare is one of the most complex issues government must address. Me, myself, I spent time visiting and working with state and local governments across the country. We're trying to understand analytics and better utilization of their data can actually not only identify the problem but become part of the solution. I'm definitely not proposing that data analytics and technology is the solution, but I am proposing that it must be part of the solution. I heard little pockets of it in testimony today, data mining, dash-boarding and those type of things, and if we can't lean on our data as child welfare administrators, what do we lean on to make decisions? And I say that "we" is because I actually come from child welfare. I actually have 21 years of experience as a child welfare administrator in

multiple states, prior to coming to SAS where I've been for the last 18 months. As a lifelong child welfare advocate I have witnessed how data analytics combined with solid case practice can help prevent child fatality, chronic re-maltreatment and improved timely permanency for children in foster care. As we discover while working for the Florida Department of Children and Families having better information at the fingertips to help them inform decision-making on behalf of at-risk children and families is key to operationalizing analytics. It's key to improved decision-making processes. Florida DCF recently released a five-year child fatality trend analysis that the Department will use to help investigators better predict the needs of families that are in their care. In addition to that, we also work with Los Angeles County Department of Social Services prove that there's more effective ways to assess risk to children by creating holistic views. To your point earlier of the bigger committee hearing, is how do you break down the silos of communication and the information of data between departments that are touching children and families involved in the child welfare system. The technology exists to do that.

It's currently being done in multiple jurisdictions.

I was actually somewhat shocked not being from New York City knowing how antiquated the utilization of data and technology is, again, just in this hearing alone. Let me tell you a little bit about what

analytics can do. Analytics can ensure that there are no unresolved duplicate cases in the systems.

That's a data quality issue that child welfare systems across the country see. Currently, many

child welfare systems have more than 20 percent of unresolved duplicates that prevent a caseworker from understanding the full picture of system involvement

and risk for child and his or her family. And not

only do you need that historical information when you make critical case decisions, you also need that

critical information when you're going out there

exposing yourself to families, environments and

communities that you have no understanding of what's

occurred. To speak to it, I've been a case manager.

My wife was a case manager in the system of Florida working in high risk communities eight months

pregnant. The ability to not have pertinent

information puts case workers at risk. The data

exists to give them the information that they need to

be informed about how they approach those situations. Analytics can also help anticipate a child's needs and risk by understanding his or her intergenerational family history. Analytics can assess risk of child fatality, re-maltreatment, as well as risk of perpetrator re-offensing [sic], to help understanding which children are the most susceptible to harm. It actually can allow us to begin taking a more proactive approach to the work that we're doing rather than a reactionary approach, which currently has been the way human services has operated during its entirety. Analytics can improve risk assessment accuracy and allow for real time risk assessment updates to occur. We know a child's risk can change in just hours, and that this time sensitive information needs to get into the hands of caseworkers who can take immediate action. I know that New York City understands the power of data and analytics, and I know that ACS has begun to explore how analytics can be used in New York City. With over 40 years' experience, SAS understands the challenges that you face to operationalize embedded analytics into the work of ACS. We have shared our expertise across the nation, and know many of the

1 lessons other states and local governments have
2 learned as they look to address child welfare issues.
3 We look forward to being of service and to be a
4 resource to the City as you move quicker to furtherly
5 improve the child welfare system here. Thank you
6 very much.

8 CHAIRPERSON LEVIN: Thank you very much.

9 STEPHANIE GENDELL: Good afternoon. My
10 name is Stephanie Gendell. I'm the Associate
11 Executive Director for Policy and Advocacy at
12 Citizens' Committee for Children, which is a multi-
13 issue independent child advocacy organization. I
14 would like to thank you, Council Member Levin, for
15 holding today's hearing and for not only pulling
16 together ACS, but for all of the city agencies that
17 have had an impact not only on Zymere Perkins, but on
18 keeping children safe throughout the City. As it's
19 extremely clear today from the hearing and everyone
20 who's testified, child welfare is extremely
21 complicated. The first Commissioner of ACS, Nicholas
22 Scoppetta, once said, "Our work is judged by our
23 failures, not our successes." But as you said
24 earlier today, we need to be correct 100 percent of
25 the time. It is extremely challenging to do, and it

1 is important that we keep this all in mind as we
2 think about how we respond to the Perkins tragedy.
3 There are two million children in New York City that
4 we want to keep safe. ACS is investigating 55,000 to
5 60,000 cases each year. Incorrect decisions might
6 mean a tragedy like Zymere Perkins. It might mean a
7 tragedy like removing a child from their home, having
8 them undergo the trauma associated with removal when
9 they could have been otherwise saved. At the same
10 time, it's also important that as we take a really
11 hard look at this case, which is really important,
12 and not just this case but really all of the
13 practices and policies and procedures that ACS and
14 its sister agencies, that we have to be sure that we
15 do not criminalize the child protective staff who
16 work so hard every day trying to keep the children
17 safe. The coverage that they've received is really,
18 really upsetting for those of us who advocate on
19 their behalf and behalf of this system. They have
20 probably the hardest job in New York City, and we
21 wanted to use this hearing today as an opportunity to
22 thank them for all of their hard work. We do have a
23 few recommendations in the testimony that I'll just
24 briefly summarize. One of them is to ensure that ACS
25

has the resources they need as they think about how they want to do things differently. Part of that-- unfortunately Senator Savino is not here anymore. Part of that is related to the state and the state not being a real partner, a true partner in funding child welfare services. We appreciate you asking about court-ordered supervision cases. We believe that these are the highest risk cases in the system, but often receive the fewest amount of services. The children are at home. There's allegations of abuse and neglect, the Family Court judge has agreed exists, and the ACS worker is trying to find services in the community without the help often of a preventive service provider which serves for other families as a community hub and hopefully a neutral place where families can receive services. I know we're going to talk more about prevention in December, but just wanted to mention something that seems like it might be relevant to this case, although of course we don't have the facts for the case. Since 2008 or 09 when ACS issued the RFP for the current contract for prevention, we've been concerned about the preventive programs receive what's termed and incentive payment, but it's

1 actually their full payment if they maintain an
2 average length of service of 12 months and turn over
3 one-quarter of their cases every quarter. We have
4 been extremely concerned that that leads to closing
5 cases at the 12-month mark, and that for a case
6 worker, you can't have an average length of service
7 in your case load. It becomes a 12-month rule even
8 though it's not intended to be. We appreciate that
9 ACS is going to be looking at cases before they
10 close, but we also suggest that they eliminate this
11 incentive to close cases at 12 months and instead
12 that they ensure that families receive services for
13 the amount of time they need. It could be three
14 months. It could be 18 months. It really is an
15 independent individualized decision for each family.
16 Another issue related to child welfare that we were
17 concerned about from the IBO report on children and
18 their high rate of absenteeism from the shelter
19 system is the no visitor policy for families in
20 shelter who are displaced from their community of
21 origin. They can't have visitors in their shelter,
22 the child or the parent. Some shelters have a common
23 area, but no one can have people visit their homes.
24 This is like manufacturing social isolation, and for
25

those of us who have studied child welfare, we know that social isolation is a key component of what often leads to child abuse and neglect. And so for a family suffering the trauma and stress of moving from one community to another into the shelter system to then manufacture social isolation is concerning to us and may or may not have played a role in this case, but potentially did. In addition, that report brought out a number of issues related to children and their need to go to school, that it seems like it takes many, many days for children who are in shelter to end up being either enrolled in a new school or getting transported to their old school. So your line of questioning this morning about how DOE would know that a child wasn't going to school either due to abuse or neglect or because they transferred schools or because they were in a homeless shelter, at this point feels beyond me based on the information in that report and very concerning.

Lastly, I just want to say that we know that staff morale is going to be a big issue now and we're going to see both an increase in cases as happens after every fatality. Media attention causes reporting which is not necessarily bad, but it means caseloads

1
2 are going to go up at the same time as staff feel
3 demoralized and start to leave, and so we hope that
4 ACS has plans in place to do some hiring. And
5 lastly, just wanted to end by if there are people out
6 there who suspect or know that a child is being
7 abused or neglected, that it is really important to
8 make a report to the State Central Register. Thank
9 you.

10 CHAIRPERSON LEVIN: Thank you so much.
11 Thank you for your testimony.

12 JOYCE MCMILLAN: Good afternoon. My name
13 is Joyce McMillan. I'm the Director of Programming
14 and Lead Parent Advocate at Child Welfare Organizing
15 Project. Before I go completely into my testimony, I
16 just have to comment on some of the things that
17 Anthony Wells said, and some of the things that I
18 heard here today, because they were quite disturbing.
19 As the Director of a Parent-led organization and a
20 person affected by Child Welfare, I can say that most
21 things that I heard from ACS today were completely
22 absurd. For all the years that they've been doing
23 this work and for as many times as they have changed
24 their names and "their approach," they still have the
25 same outcome of children failing more in their care

than they are in the families' care. The fact that we sit here today and talk about the children who are hurt in the care of their parents, but we don't talk about all of the children that are hurt in the care of ACS. Many children are hurt in foster care and we don't discuss it. It's not seen in the media, and I would like to know why those numbers are not made as public as the ones that demonize and criminalize families who do their best to take care of children. Surveillance is not support, and as long as ACS believes that adding more surveillance and another layer and partnering with another state agency that will help them to keep surveillance of the families is going to keep families safe is as long as we're going to have fatalities. Because I will tell you, ACS will never come in my house again. They are disruptive, and they cause more harm than they do good. And with that, I would like to say, I want to thank you of course Stephen Levin for having us here and the rest of the General Welfare Council. Most children are removed from their families for reasons of neglect, not abuse. Neglect is a form of lack created by poverty. Children would benefit from having their family receive supports that will keep

them healthy and intact. As the outcome for children who are traumatized by being removed creates deep harm for children, families, communities, and overall, the City of New York. Our focus should be on preventive services, providing supports that will help children and their families achieve success. Surveillance is not support. Surveillance, a watch kept over a person, group, etcetera, especially over a suspect or a prisoner or the like. Currently, New York has a child protection system in place that allows ACS to render surveillance over a family. It is of great concern that ACS mimics policing. This type of language and police training that frames the interaction between ACS and families stands as one of the central reasons that families are so fearful and reluctant of ACS. This type of interaction from the system creates systemic abuse of families at the hands of the state, leading to great emotional and psychological damage to parents, children and the larger community. Support, which is what ACS does not do and should be doing, to maintain a person, family, establishment, institution, etcetera by supplying with things necessary through existence, provide for to support a family. How is ACS an

agency that's charged with keeping children safe, using the word "protecting children?" what are they actually protecting them from when they're being hurt as often as in their care or more in their care than they are in the care of their own family, when they're being psychosocially tormented and traumatized, kept apart from their family for way too long forced to change schools, put their clothes in garbage bags, not allowed to have their families advocate for them. For when they do, they say the family is angry, and they used it as a reason to further keep the family from reuniting. Everyone that I have ever come in contact with that has come to my organization, to CWOP, and made a complaint have all been charged with a mental illness. So everyone in my community has a mental illness? Does it run in the DNA of people of color? Because those are the only ones affected by this system, and it concerns me. When we examine the outcomes produced by Child Protection Services that New York currently has in place, what we find is that children who have been protected by CPS are more likely to drop out of high school, more likely to become teenage parents, more likely to become homeless, more likely to abuse

a substance, less likely to obtain employment, and more likely to be incarcerated. If the goal of New York's Children Protection Service is to increase the chances of a child's failure, then the system is doing well. If, however, New York truly wants to protect children and serve families who are struggling to survive the devastating effects of poverty, then we must take a critical look at the system and policies currently in place. We must acknowledge where the system is in fact failing, neglecting and itself, itself, itself-- I will say that five times-- itself abusing families, both parents and children. We must do better. We have to. Currently, there are 23 children cabinet members and not one is a parent or a child affected by CPS. Not one is a tenant association member, a Community Board member or anyone from the local community. They're all executives and commissioners from different city agencies. Mayor de Blasio was correct when he said there's a tale of two cities, one rich and prosperous with voice, the other poor and silent. How can we serve families when we're not involving them in the conversation? When only one voice is heard and there's only one analysis of the problem

and one definition of the problem is defined and only one solution is generated based on those, then we're not hearing the true story of what is needed to keep families safe. This limits the problem-solving process. This robs the system of the opportunity to work with the very families we purport to serve. To hear from facilities and communities affected by ACS to voice what kind of help and support they really need, to work together rather than imposing well-intentioned plans on families and communities in deeply paternalistic ways, we must begin to shift the way we collaborate with families, and that's not even fully true, because we have to begin to collaborate with families-- not even shift how we collaborate because currently we don't-- and communities so that together we can truly be effective in this most important work of helping children thrive while keeping families together. Poverty is not neglect. Surveillance is not support, and an investigation will never be an assessment. When we start assessing families, they will be clear with us with what their needs are, and then we will be able to render the support they need. Thank you.

[applause]

CHAIRPERSON LEVIN: Thank you, Ms.
McMillan.

DWAYNE ANDREWS: Hello. Good afternoon,
Sir, Madam. My name is Dwayne Andrews, excuse me,
and I'm here today to give testimony to my
experience. I am one of many fathers whose children
who lives-- whose lives have been-- excuse me, whose
lives have been destroyed by the Administration for
Children Services, Department of Homeless Service,
the judges and lawyers that work at Family Court. I
have been and continue to fight the racism, the
prejudice and the unfair practice designed to remove
fathers from the home as well as take away the legal
rights to be a positive role model for our children.
I have been fighting with ACS in Family Court for the
last six years trying to force them to help me to
provide-- no, excuse me-- to prevent my daughter from
the continued verbal, emotional, mental, and physical
abuse that she receives from her mother. Okay. I
provided some information, and this was when my
daughter was three years old. She have a black eye,
okay? Now she's five. On October 14th, 2016, my
daughter informed me that her mother punched her in
her stomach. After verifying the story, I contacted

1 ACS to file a complaint on behalf, on my child's
2 behalf. On the morning of October 14th, 2016,
3 someone from ACS, the agency they were speaking
4 about, the State Registry-- do you under--

5 CHAIRPERSON LEVIN: [interposing] State
6 Central Registry.

7 DEWAYNE ANDREWS: Exactly. Thank you.
8 Let's see. Briefly spoke with someone at that
9 agency. I informed them that the mother had previous
10 history concerning cases with ACS. It took them a
11 full week before my call was returned on October
12 19th. I gave them all the information that I had
13 about this case. They said someone would contact me
14 again, but that never happened. I feel like ACS had
15 dropped the ball again. The Family Court is most
16 often aligned with ACS. They've done everything to
17 protect my daughter's mother, knowing that she's
18 abusive to my child. The judge and lawyer
19 consistent-- constantly allowing her to violate
20 mandated court orders without being penalized. Now,
21 if there-- now, if I was to miss a court date or
22 violate a direct order, I would be get penalized. As
23 a matter of fact, that has already happened to me on
24 multiple occasions. I missed one court date due to
25

1 illness, and I lost my weekends to spend with my baby
2 girl. I feel like I don't have a voice in anything
3 concerning my child, even though I have had-- even
4 though I had half custody of my daughter. This has
5 to stop. New York State laws clearly state that when
6 a child is born, neither parent have a preferred
7 right to custody of their child in New York. This
8 means, for example, that the child's mother does not
9 have a greater right to the custody of the child than
10 the legal father. If there are no custody order,
11 either parent can keep the child with him or her.
12 Department of Homeless Service had also failed me as
13 a man and a father, because I had to fight them to do
14 their job. I was in a shelter for domestic violence
15 with a voucher to get an apartment, however, DHS
16 constantly sent me to various apartment that didn't
17 accept vouchers. My counsel-- my legal counsel knew
18 my situation concerning my Family Court cases and he
19 was supposed to advocate on my behalf, but that
20 didn't happen. They knew I needed to get an
21 apartment in order to have mine stay with-- my child
22 stay with me. Because of their negligence, I lost
23 more time with my baby girl. Things have to change
24 in order to save our children. Thank you.
25

CHAIRPERSON LEVIN: Thank you for that testimony, and that is-- I want to let you know that if you don't know already that it's illegal to turn down somebody that has a voucher for an apartment. That's entirely illegal. It's a violation of City Law under a source of income discrimination. So, if you're working with a legal services attorney, that's certainly something to bring to their attention, because it's entirely-- and you can make a complaint to the New York City Department of Human Rights.

DWAYNE ANDREWS: Okay, thank you. This was during-- this was during the time that-- I have an apartment now--

CHAIRPERSON LEVIN: [interposing] Okay, good, good.

DWAYNE ANDREWS: through the grace of God. I'm thankful for that, but during the process that I was going through and I'm still going through something now because this is a new petition that's going on. It's like-- it's ongoing, okay? And it's just, to me, it's being ignored.

CHAIRPERSON LEVIN: Thank you very much for your testimony and thank you for being here on behalf of your daughter.

DWAYNE ANDREWS: Thank you.

SUE SENA: Good afternoon. My name is Sue Sena. I'm an entrepreneur, a consultant to the nonprofit sector, a 20-year mental health advocate, and LGBT rights activist, and a licensed foster parent here in Queens. It's been-- today has been an incredible education for me, and I think it should be educational for all of us in this moment to see how the children and parent advocates are the last ones to speak and to speak a predominantly empty room, I think that speaks a lot about whose voices are being heard or not being heard in this sector. I'm here today to respectfully share my personal experience as a foster parent over the past two years, and I do so not for me, but to illustrate the break-downs, the day to day break-downs that I've witnessed as one foster parent in a very short period of time in this system. I have personally witnessed children who were missing and unaccounted for by ACS and my contracting agency, New York Foundling. I have witnessed case aids leaving supervised visits to go to the bathroom or get cups of coffee. I have witnessed intimidation and reprisals by ACS contracted agencies against myself and other foster

1 parents. Several wanted to testify today but were
2 afraid to do so. I experienced ACS and agency staff
3 with little to no training in psychiatric disorders
4 as the medically treatable and manageable illnesses
5 that they are. I saw a biological mom suffer daily
6 from active delusions and paranoia with no community
7 of support. Agency staff were unprepared to have the
8 necessary conversations and effectively intervene to
9 support her to get the care she needed. Yet, they
10 defer to this ill and struggling woman to make
11 treatment decisions about the child's numerous
12 medical issues, and the agency continually maintained
13 they "had no concerns about the goal remaining to
14 parent-- return to parent" while taking no steps to
15 support her. My request for privacy as a foster
16 parent were violated by ACS and New York Foundling
17 when my full name and address were disclosed on a
18 court document. As a result I was named in a
19 baseless federal lawsuit identified to the
20 international media, which harassed me and my elderly
21 parents at our homes. We were followed to the
22 child's daycare. Photos of us, the name and location
23 of the daycare were published. I was investigated by
24 ACS and subjected to homophobic slurs from the
25

biological mother. ACS and the agency took swift action to remove him from my home after nearly a year, the home where he had lived the longest in his little life. I am terrified for his safety every single day. I honestly was not shocked by the news of little Zymere's tragic death. Based on what I experienced in these last two years, it was totally avoidable, but I cried for the biological parents we are failing, for the children we are failing and for the foster parents we are failing. Right now there is a surge in attention and outrage and action, but this has happened before, and the DOI, the Comptroller's Office, they release report after report after report. The current commitment of ACS is, as the Commissioner said before her testimony today to the media, "We can't keep every child safe." Imagine if the NYPD said, "We can't keep our city safe." There would be universal outrage. The current standard of care has children nearly surviving not thriving. It's surveillance, not support. Thank you for that. And we are lacking leaders and we are lacking love, and together we can elevate the standard so that everyone who works in the system will be asking the only question that we

should be asking is, "Would this be acceptable for my own child?" We can use the more than 1.5 billion dollars the City has already spent on foster care to create intensive training for every worker and mental illness, addiction and child development. It's a quarter after four. We've been here since 10:00 a.m. Mental health, addiction, child development were maybe mentioned a handful of times by my count, and it's at the source of so many families struggling in the system. WE can implement performance-based management training for leadership so that they can boost the performance of their employees and empower them to manage the challenges, the day to day challenges that they have with greater skill and ease and power, upgrading case worker's qualifications to social work degrees with appropriate compensation and licensing of all ACS workers. Nail salon workers are licensed in New York City. ACS workers are not. Protecting the privacy of all foster parents, without which we cannot adequately keep children safe in our care. And I shift in bias for biology by any means necessary to only what is in the best interest of the child. I am making myself available to be of service to the City in this transformation from a system of

1 cynicism and resignation and low standards to a
2 community of love and dignity and responsibility for
3 each and every one of these 10,000 children so that
4 they are cherished and valued and thriving, and
5 that's all we want for our own children. I'm
6 available to answer any questions or provide examples
7 from my experience. Thank you so much.

9 CHAIRPERSON LEVIN: Thank you for your
10 testimony, and you're absolutely right about the lack
11 of questioning on mental health services, and that's
12 something that we're going to continue to follow up
13 on. I think it was one area we were not able to get
14 to today because of time constraints, but that's a
15 very important issue, and I think that we need a
16 comprehensive Ed. [sic] and I don't think that we've
17 done that so far. So, thank you.

18 SUE SENA: Thank you.

19 MERRICK SCOTT: Good afternoon, Chairman,
20 and also the Committee. I echo some of the I guess
21 we'll call it the frustrations that some of the
22 people on the panel have here and some of the
23 parents. My journey started back in the year 2011
24 with ACS. So, I know you said six years and three
25 years. So, I'm at five years right now with ACS, and

the interesting thing about it is that I had advocated for my son in the public school system, and the school called ACS and allegations of abuse. Those allegations were quickly dismissed, and they were dismissed by, actually, ACS. I supplied the committee with the actual document in a case that ACS found the case unfounded, and with that being unfounded, they still continued to harass me to date and my son, despite the case being unfounded by them. I went to ACS to speak to the so-called ACS Advocacy Department who I was fortunate enough to speak to a supervisor who saw the documentation, all the things that I brought to her attention, and she immediately said, "Oh, my God, this is a problem." So she put me in contact with another higher up in the ACS structure, and met with the individual nothing ever happened. Then I went to the DOI, told them what had happened, provided me information saying that the ACS workers had falsified business records. They falsified the documentation to make it appear that the case was founded when in fact that it wasn't. Then they in turn provided this information to actually ACS itself who was supposed to do the investigation. Never heard nothing from them.

1 During the whole time period, ACS continued to
2 provide harassment still to this date. I have
3 enormous documentation supporting that it's
4 fraudulent. It's-- they are harassment, and there's
5 nowhere to go. I've been waiting for years for
6 someone to call me. No one has never called me,
7 despite the fact that I have many letters from DOI
8 indicating they're looking into it or they're passing
9 it on. I've had letters from the Office of the
10 Attorney General's Office who sent information to
11 DOI. The-- Letitia James, the Public Advocate, if
12 you take a look in the documents in there you'll see
13 that she also wrote a letter to the DOI related to
14 this issue of the falsification of records and also
15 other issues related to the Department of Education.
16 And still to this date, nothing has happened with
17 this. Not one person has ever contacted me. Not one
18 person has ever done nothing. There's never been an
19 investigation to question these workers who falsified
20 the records and done these other things that acted
21 under the color of the law, and you know, it's just
22 outrageous that this kind of behavior can happen when
23 you have these so-called agencies in place to
24 supposedly be a help deal with workers that are-- who

1 act under the color of the law or who don't follow
2 the rules and regulations. And I have, you know,
3 undeniable proof of this, and I'm still waiting today
4 for this to happen. So that's pretty much, you know,
5 how I feel that there must be another mechanism that
6 if you go to-- if you go to DOI and they do not take
7 the case or they tell you they don't have
8 jurisdiction, they pass it onto-- back to ACS who's
9 actually the culprit in the whole endeavor in the
10 first place. So, they don't have-- there's no
11 protocol for DOI or ACS to communicate with each
12 other after something is forwarded to them. So, the
13 matter is considered closed, and it just, you know,
14 nothing ever happens. And I provided proof of that
15 today to the committee to show you that I'm a victim
16 of that, and I imagine many other parents are, and I
17 would like to, you know, have this investigated and
18 swiftly dealt with.

20 CHAIRPERSON LEVIN: Thank you very much.
21 We'll review the documentation. I know that we'll
22 continue to be in contact. I want to thank this
23 committee very much for all of your testimony, for
24 your very insightful feedback. You know, there's
25 still a lot more to do and your commentary is very

important because it highlights what we missed her in this hearing, but we look-- you know, this is not the final hearing on these matters, and we're going to after today review what we've discussed at this hearing today, and explore which avenue we want to proceed. As I said, we'll be doing a hearing on preventive services in December, but then this is-- I think this is going to be an ongoing process. I thank you all very much for your testimony. We look forward to seeing you again.

JOYCE MCMILLAN: I have a question for you, Councilman. [off mic]

CHAIRPERSON LEVIN: Yes.

JOYCE MCMILLAN: Yeah, thank you [off mic]. This is about the fifth hearing that I've been to about ACS in the few years that I've been involved in Child Welfare, and ACS always comes in like the police, again. They mimic the police. They fill up the entire room. They take turns and shifts taking up the seats on the lower level. They testify all day first, and then they leave. When are they going to have to sit and listen to the people whose lives they have tore apart?

CHAIRPERSON LEVIN: They're--

JOYCE MCMILLAN: [interposing] Children they have traumatized.

CHAIRPERSON LEVIN: There is ACS representation here right now.

JOYCE MCMILLAN: Are they taking notes? Who's ACS representation? Raise your hand. Okay.

CHAIRPERSON LEVIN: They're here.

JOYCE MCMILLAN: Good.

UNIDENTIFIED: [off mic] My son's been in the system for three years.

JOYCE MCMILLAN: So, I would just like to say this, too, then on the back of Melissa Mark-Viverito today. I don't call for Gladys Carrión's seat, because I think that's a scapegoat seat. It's bigger than Gladys Carrión. It's not about here. Whoever sits in that seat as long as these policies remain the same, we're going to have the same problem. So, let's stop focusing only on ACS, and let's find out who they report to, because it seems like no matter where you go like this gentleman said, you're referred back to ACS.

CHAIRPERSON LEVIN: We did have the Deputy Mayor here who testified as well.

JOYCE MCMILLAN: Okay.

CHAIRPERSON LEVIN: And ACS and DHS and Department of Health all report to the same Deputy Mayor of Social Services.

JOYCE MCMILLAN: Okay, so that's where we go.

CHAIRPERSON LEVIN: Sorry, if you could speak in the microphone just so that we get the questions on the record.

ANGELINE MONTAUBAN: So, Chairman Levin, I personally would like to know what are the plans in the system that you're going to have in place to hold ACS accountable?

CHAIRPERSON LEVIN: Well, I mean, that's why we conduct oversight hearings. We're going to be continuing to-- you know, we're going to be reviewing the record of the hearing today comparing--

ANGELINE MONTAUBAN: [interposing] Because we've had a couple hearings for the last few years.

CHAIRPERSON LEVIN: We have ongoing oversight over the system, and so we're looking comprehensively at the entire system and reviewing what reforms they continue to make and we're exploring whether we should be doing a report or something along those lines, but we're also

conducting our own oversight through the process of these hearings.

ANGELINE MONTAUBAN: Thank you.

CHAIRPERSON LEVIN: Thank you.

DWAYNE ANDREWS: Sir? May I ask you one question?

CHAIRPERSON LEVIN: Sure.

DWAYNE ANDREWS: I heard mention of Board of Ed. I would like to know, are the charter schools included with the Board of Ed., or is that a separate--

CHAIRPERSON LEVIN: [interposing] Yes. Charter schools are governed under the Board of Education and the Chancellor's regs, yes.

DWAYNE ANDREWS: Okay. Alright, thank you.

CHAIRPERSON LEVIN: Thanks. Sorry, we have one more testimony, Jeffrey Marenfeld [sp?].

JEFFREY MARENFELD: Hello. Me, me, me, me. Hi, Steve. I know you have my letter, and I'd like to say one thing. Basically, my letter is about disabled people. Unlike the whole world in this-- understands that everybody needs love, okay? As I say, explain disabled people. This has different

1 levels, right? And you know, if you read my letter,
2 you'll know that our rights, human rights and civil
3 rights, have been taken. Now, what John F. Kennedy
4 said, when one person's abused, we're all abused,
5 okay? It means that the Constitution hasn't been
6 looked at properly. And in our case, you know, you
7 don't have to be of color to be disabled, right? But
8 usually disabled people are on the bottom of the
9 ladder and they usually outcasted [sic] more than
10 anybody else. And you know, since I have a daughter,
11 you know, there's-- there are people that's disabled
12 people that has their kids. It's called Services of
13 the Underserved. You know, but-- there's like a
14 tarnished thing when the word comes up as disabled,
15 that like you feel like you're incompetent,
16 outcasted, you know, that people with improper ideas
17 that come up on you, and right now they can't even
18 figure out my diagnosis when I see my case worker,
19 and they're trying to figure out because when I talk
20 to any of my case workers, they end up telling me
21 their problems. Now, I know by all means I could
22 have took care of my daughter most properly and well.
23 I mean, you know, if you go back at the history,
24 there was a lot of people like in the dust storms of
25

1 the Depression. A lot of people that came from
2 cotton workers, their children-- I mean, their
3 families, the parents could not read or write, but
4 yet they had big families that the children would
5 literally come home from schools to teach the
6 parents, you know, in those years. And you know, but
7 now in modern day ideas it seems like, you know, they
8 just want to do away with us all completely as
9 something as like an experimental based idea. I
10 went-- but some degree, yes, because when Will
11 O'Brook [sic] was, you know, busted by Geraldo Rivera
12 and the terrible things that went on in a lot of
13 these places were closed down and for good reasons,
14 but you know, I have earned a degree as a development
15 specialist working through transitional services. I
16 worked for AHRC with mentally disabled kids, mentally
17 handicapped and mentally retarded, and I made four
18 break-throughs with four kids. The teachers worked
19 with them for 10 years and couldn't do that. Now, I
20 also took care of infants of my friends that needed
21 my help, and I could have-- I done things that they--
22 you know, that I had to teach them because they did
23 have disablements, but somehow they got their kids,
24 you know. But what happened in my case, I had a

1 white collared kidnapping because they saw my
2 disableness [sic] and my partner, and they took full
3 advantage of our disableness and but they coerced her
4 because she was on medication. She was on the wrong
5 medication. She cold-turkeyed [sic] it to protect
6 our child, and giving birth was even more pressure
7 for her. She kind of was total-- she was totally
8 incoherent, and they went-- they went on top of her
9 to pressure her to sign papers, which is against the
10 law to take a signature from someone that's
11 incoherent. And with me, they told me that a father
12 does not have any rights. That's exactly what was
13 said to me. And then I was going to at the time go
14 to Israel with this Rabbi lawyer. His name was Rabbi
15 Bizer [sp?], and he said to me, "Not only do you have
16 a Rabbi, but you have a lawyer." But he-- I had
17 gotten my heart operation, and it was a pretty
18 serious one, so I appreciate it. But he knew I
19 couldn't read what was said there, and I believe he
20 already had set me up, you know, with the folks that
21 wanted my child. So, I didn't want to sign any of
22 these papers, and all of a sudden he says to me,
23 "Well, you'd be better off signing it then if you
24 don't, because if you don't, they have a lawyer."

1 And all of a sudden I'm saying to myself, "I don't--
2 you're not my lawyer." So, he says, "Take my word
3 for it. Trust me. Trust me. Would I do anything
4 to-- do anything to harm you?" Well, I-- so, he--
5 since he said I had no rights as a father, right, you
6 know, he made me feel that he was going to do a
7 justice to me to see my daughter by saying to us that
8 we had an open adoption, and there was a contract
9 made with their names, our names. I didn't want to
10 do this, okay? But they made us feel there was no
11 other choice. So they were playing on our minds to
12 get out what they wanted out of us, because they saw
13 that we were ignorant to the law and took advantage
14 instead of explaining that we have rights, and by
15 being-- I feel definitely hurt and foolish to
16 trusting people that was crooks, or you could say
17 criminals that railroaded us, if you know what I mean
18 by that term. You know, I-- I had no idea he slipped
19 the papers which made me sign my rights away, and he
20 was telling me that it was all for an open adoption,
21 which they did my partner. So, what I'm trying to
22 say is, you know, people, you know, that's in
23 professional courtesy to one another that have means
24 to hold, uphold within this system can play games on

people as ourselves, which in any fight in the name of Justice. This is a criminal act to us as disabled people.

CHAIRPERSON LEVIN: Mr. Marenfeld, we can-- you know, we're going to certainly commit to continuing to work with you, and we'll talk to ACS right after this hearing and try to get a little bit more insight. I know that we've been in contact since the last hearing.

JEFFREY MARENFELD: Yeah.

CHAIRPERSON LEVIN: And I do want to give you my commitment. Unfortunately, we got to wrap up here--

JEFFREY MARENFELD: [interposing] Well, I hope--

CHAIRPERSON LEVIN: but I'll give you my commitment that we're going to continue to work to see what we can do to help.

JEFFREY MARENFELD: I appreciate that, because see, because we feel, you know, how self-- you know, when people when they say that you're no good, no good, they give you-- make you feel don't have self-confidence. But I have self-confidence, but they make me feel that systems are against me.

And ACS, you know, I don't care if the social worker saw me with my kid, because I know I'm a decent man and a good man that tries to help people with love and care. I have a character of concern for others, and I don't mind opening my door up, but I love my daughter. I had open heart surgery. I got to go for another one. I'm going to stay a live only because--

CHAIRPERSON LEVIN: [interposing] And we'll do whatever we can to help you continue to be in touch her.

JEFFREY MARENFELD: Thank you. God bless you, Steve.

CHAIRPERSON LEVIN: Thank you. Thank you, Mr. Marenfeld.

JEFFREY MARENFELD: And thank you everybody hearing me out.

CHAIRPERSON LEVIN: Thank you. Well, thank you very much for your testimony and we'll keep in touch. And so at 4:38 p.m., this hearing is adjourned. I want to thank you all for your attendance today, and we look forward to seeing you all in the future.

[gavel]

CHAIRPERSON LEVIN: Check. Thank you very much for-- just to reopen this for a moment here. I wanted to relay that our Council to our Education Committee had messaged me that in response to the gentleman's previous question, not all charter schools are DOE schools, only a subset, and even those have often different sets of rules. Many are run by private charter management organizations. So we're going to be following up on whether or not these will be covered, all charter schools will be covered on the current proposed DOE Chancellor's regs. With that, hearing is adjourned.

[gavel]

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COMMITTEE ON GENERAL WELFARE

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C E R T I F I C A T E

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



Date November 11, 2016