

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON OVERSIGHT AND
INVESTIGATIONS JOINTLY WITH
THE COMMITTEE ON PUBLIC SAFETY
AND THE COMMITTEE ON GENERAL
WELFARE

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APRIL 24, 2023
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HELD AT: COMMITTEE ROOM - CITY HALL

B E F O R E: Gale A. Brewer,
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Kamilah Hanks,
Chairperson for the Committee on
Public Safety

Diana Ayala,
Chairperson for the Committee on
General Welfare

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

Brian Zimmerman
President of Kings County 18-B Family Court

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AND THE COMMITTEE ON GENERAL WELFARE

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SERGEANT AT ARMS: Today is April 24, 2023.

Today's hearing is General Welfare jointly with Public Safety and Oversight and Investigations being recorded by Keith Polite.

SERGEANT AT ARMS: Good morning and welcome to the Committee on General Welfare jointly with Public Safety and Oversight Investigations. At this time, please place your phone on vibrate or silent mode.

If you want to send testimony, send it to testimony@council.nyc.gov. Once again, that's testimony@council.nyc.gov.

At this time, during the hearing, do not approach the dais. Thank you for your cooperation. Chair, we are ready to begin.

CHAIRPERSON BREWER: Good morning and thank you Sergeant. [GAVEL] This Committee is now beginning. I am Gale Brewer. I am Chair of the City Council Committee on Oversight and Investigations. We are holding today's hearing on the Rising Tide of Operational Dysfunction that threatens to overwhelm our city's Family Courts.

I think we all know that even in the best of times, family courts are tasked with the enormous challenge of intervening the most intimate aspects of

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1 people's lives to ensure children's safety and
2 wellbeing. The task of the court becomes nearly
3 impossible when there's inadequate staffing,
4 inflexible hours, inhospitable facilities and poor
5 use of technology because they drag out very
6 sensitive cases.
7

8 Delay extends what can be a traumatic experience
9 for our children while the stop and start movement of
10 an opaque and unaccountable system can leave parents
11 feeling like they have been processed by an in
12 personal machine rather than serve justice. These
13 issues made family court a frustrating experience
14 before the pandemic.

15 But since 2020, the institution has I feel dipped
16 into crisis. Judges, attorneys, case workers and
17 staff, and related service providers uniformly report
18 that the institution has broken down. Delays are
19 universal. Staff are increasingly difficult to
20 recruit and retain. I know that's across the board
21 but it's in particularly important in this court.
22 Caseloads have spiked and the Court Houses,
23 particularly two of them have deteriorated.

24 The inability of the courts to function in a
25 remotely efficient or humane manner add insult to the

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1 injuries many children and parents face when moving
2 through the system. As we know, Family Court is run
3 by the New York State Unified Court System, not the
4 City of New York. Although the city has many aspects
5 to the courts. So, there are limits as to what the
6 City Council can do but city agencies perform vital
7 duties as part of the Family Court and when they fall
8 down on the job, the legal machinery grinds to a
9 halt. For example, when a case worker for the
10 Administration for Children's Services ACS cannot
11 file a report on time, judges can't hold proceedings,
12 cases are delayed. When the Department of Citywide
13 Administrative Services, known as DCAS, fails to
14 perform basic maintenance on the city owned buildings
15 that Family Court rents, the facilities are
16 impediments.

17
18 Today we're going to ask ACS, the Law Department,
19 the Department of Probation, and DCAS and maybe by an
20 extension, the Office of Technology, how they work
21 with Family Court and whether they have resources or
22 protocols to make sure they do not unnecessarily
23 contribute to delays. We want these agencies to
24 contribute to the Family Courts improved functioning,
25 not become obstacles.

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4 I think we know that there was a report from the
5 States Franklin H. Williams Judicial Commission and
6 the New York City Bar Association as recently as last
7 December, and they suggested the city has not been an
8 effective partner for the courts. It was a very
9 extensive study.

10 I would like to thank the Oversight and
11 Investigations Committee Staff Legislative Counsel
12 Nicole Catà and Policy Analyst Alex Yablon for their
13 hard work. I would also like to thank members of the
14 Council's Oversight and Investigations Division
15 Director Aaron Mendelsohn, Counsel Kevin Frick, Lead
16 Investigator Zachary Meher and Investigator Katie
17 Sinise, as well as Sam Goldsmith of my office.

18 I do want to indicate that I did go to the Family
19 Court in Manhattan. I know staff has gone to almost
20 all the courts and what you see is a beautiful new
21 building compared to the other buildings but there
22 are operational challenges, including the Wi-Fi that
23 doesn't work. It works in some areas, not others
24 when we were watching a proceeding, it didn't work.
25 It stopped in the middle of a case and that's not a
good thing and there's lack of adequate staff in the
court rooms, as you know they have different lack of

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1
2 overtime compared to other courts. That's a problem
3 and of course bleak court house facilities.

4 So, I want to thank everyone who is going to be
5 here today and I'm going to turn it over to my
6 colleague Council Member Diana Ayala, Chair of
7 General Welfare.

8 CHAIRPERSON AYALA: Thank you Madam Chair. Good
9 morning everyone. My name is Diana Ayala and I am
10 the Deputy Speaker of the New York City Council and
11 the Chair of the General Welfare Committee. I'd like
12 to begin by thanking everyone for joining us this
13 morning for our joint hearing with the Committee on
14 Oversight and Investigations, the Committee on Public
15 Safety and the Oversight and Investigations Division
16 on Operational Challenges in Family Court.

17 Much has already been said by colleagues
18 regarding the overreaching themes that we would like
19 to address at today's hearing. I will not repeat but
20 I will hone in on the fact that at the General
21 Welfare hearing last month, we heard from ACS that
22 approximately 137 Family Court Legal Services
23 Attorney's practice in Family Court.

24 The Administration reported that in Fiscal Year
25 2023, 26 attorneys have been hired. Commissioner

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1 Dannhauser followed up with me afterwards and
2 indicated that the agency anticipates a new class of
3 45 attorneys to start in the fall of 2023. It is not
4 surprising that there are struggles to hire
5 attorney's, given that their compensation has not
6 increased in 2004 and given overloaded cases making
7 burnout a sad realty for those who would otherwise
8 remain in their jobs. What has this translated to
9 for families across New York City? It means
10 unnecessary delays in adjudication of many cases
11 including those involving orders of protection for
12 violent behavior. It also result in the unnecessary
13 re-traumatization of children. For many children
14 appearing in Family Court, it is one of the most
15 traumatic moments of their lives. It should not be
16 that children need to experience this or that they
17 end up having to start from scratch with the new
18 attorneys due to a max exodus of those who leave
19 their jobs due to low pay and long hours.
20

21 Yet this is the realty of our system. The
22 national average for lawyer representing children is
23 between 40-60 cases per attorney. Let me repeat that
24 again. 40-60 cases per attorney.
25

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1 While in New York, the caseload cap for each
2 attorney is 150. This is outrageous. Today, I would
3 like to hear how the Administration plans to address
4 some of these issues that result in these
5 inefficiencies, including current staffing, funding
6 levels, caseloads and case delays. I want to thank
7 the Administration, the advocates and all who have
8 taken the time to join us. And finally, I would like
9 to thank the Committee Staff who worked to prepare
10 this hearing, Aminta Kilawan who is our Senior
11 Counsel, David Romero Counsel, Austrid Chan Finance
12 Analyst Lizette Gonidia Diaz (SP?) Legal Intern and my
13 staff Elsie Encarnacion. I'll turn it over to Madam
14 Chair.
15

16 CHAIRPERSON BREWER: Thank you very much and now
17 we will hear from Kamilah Hanks who is the head of
18 Public Safety. Madam Hanks.

19 CHAIRPERSON HANKS: Thank you so much Chair
20 Brewer, Chair Ayala. Good morning. I am Kamilah
21 Hanks, Council Member and Chair on the Committee of
22 Public Safety. I welcome you all today to this joint
23 hearing on the operational challenges facing our
24 family courts. I would like to acknowledge my
25 colleagues Council Member Gale Brewer, Chair of the

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4 Oversight and Investigations Committee and Deputy
5 Speaker Ayala, Chair of the General Welfare
6 Committee. I would also like to thank our respective
7 staff members for putting this important hearing
8 together and I would also like to acknowledge Council
9 Members who have joined here today, Council Member
10 Lee, Brannan, Hudson and Ossè.

11 Today's hearing focuses on the critical role of
12 Family Courts in our society. These courts address
13 the range of vital issues, including the welfare of
14 children and families, providing justice to victims
15 and offering pathways for those who are struggling.

16 As someone who has dedicated much of my career to
17 improving the lives of children and families, I know
18 firsthand the difference that a properly functioning
19 family court can make. However, a poorly operated
20 court can lead to injustice and suffering, which
21 could adversely impact the families they seek to
22 help.

23 It is therefore essential that we assure that
24 these family courts have facility, staffing,
25 technology, structure and support they need to
fulfill their vital mission. As Chair of the
Committee of Public Safety I hear every day how

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1 important it is to keep people out of the criminal
2 justice system and family court that can serve as a
3 stop gap to achieve that goal. By providing support
4 to those who are mistreated, neglected, abused and or
5 otherwise not properly supported. The family courts
6 can help to ensure that they receive the help that
7 they need. Thank you to everyone who has come here
8 to testify including the members of the judiciary,
9 city agencies, attorneys, advocates and all those who
10 have been impacted by the courts.
11

12 I look forward in joining my colleagues for a
13 productive and informative discussion and I'd also
14 like to recognize my Committee Staffer, excuse me,
15 Council Member Cabàn has joined us. Thank you so
16 much.

17 CHAIRPERSON BREWER: So, now we're first going to
18 hear from Justice Ann O'Shea, Retired Acting Supreme
19 Court Justice. Would she please come up and also,
20 we're going to hear from Sandeep Kandhari, who is
21 going to - both of them are going to testify. He is
22 from the Center for Family Representation. Then
23 after they testify, any questions will be heard and
24 then we will take a five-minute break and then we
25 will hear from the Administration.

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1 Thank you both for joining us and Justice O'Shea
2 if you'd like to begin, thank you.

3 JUSTICE ANN O'SHEA: Can you hear me now?

4 COUNCIL MEMBERS: Yes.

5 JUSTICE ANN O'SHEA: Okay. I'm a Retired Acting
6 Supreme Court Justice. I served for about 16 years
7 in Family Court in Brooklyn. I thank the Committee
8 Chairs Gale Brewer, Kamilah Hanks and Diana Ayala and
9 the member of the Oversight and Investigations and
10 the Public Safety and the General Welfare Committee's
11 for focusing attention on the challenges of Family
12 Court. These hearings are crucially important
13 because the public usually only hears about Family
14 Court when a tragic case of abuse ends in the death
15 of a child and that makes headlines.

16 Unfortunately, those cases spectacularly horrific
17 cases are rare. There is a lot to say and I'm going
18 to - I know time is short, so I'm going to try to
19 talk fast. But aside from the horrific cases where a
20 child ends up dying, hidden from public view are the
21 workings of the court and the hundreds of cases in
22 which children are removed from their homes and
23 families taken into custody by the Administration for
24 Children Services and placed in foster care with
25

1
2 strangers too often without cause. My testimony
3 focuses particularly on the child protective aspect
4 of Family Court.

5 Countless studies have concluded that removing
6 children from their homes and families, even brief
7 stents in foster care, results in often lifelong
8 trauma to children. Although the removal of children
9 from their homes is supposed to be reserved for
10 circumstances that present a "imminent risk" to the
11 child's life or health, 75 percent of the removals
12 are actually based on neglect, not abuse. And
13 neglect is defined by the Family Court Act as the
14 failure of a parent or person legally responsible to
15 supply the child with adequate food, clothing,
16 shelter, education or proper supervision. Rarely
17 does a parent intentionally fail to provide his or
18 her children with the basic necessities of life.
19 These circumstances arise from poverty, the
20 unavailability of adequate, safe, affordable housing
21 and a lack of supportive resources. Poor
22 marginalized Black and Brown communities are
23 disproportionately targeted for alleged neglect
24 stemming from poverty.

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1 New York's child welfare system does little to
2 address these root causes of poverty-based neglect.
3 It is a child protective model of child welfare that
4 protects children only after they have been hurt. It
5 is reactive, focused on the protection of children
6 and again, only after they have been hurt. This
7 investigatory and prosecutorial, rather than
8 supportive of families in trouble.
9

10 It is a system that relies on surveillance of
11 families by mandated reporters, the two frequent
12 removal of children from their parents in their homes
13 and the transfer of care from parents to foster
14 parents. It is a system that offers inadequate
15 services before and after a report of suspected abuse
16 of neglect or abuse has been received. It is focused
17 on the gathering of evidence to prove wrong doing by
18 parents. Pits the state against families in
19 adversarial proceedings and punishes and stigmatizes
20 parents. It does not have to be this way. There are
21 other child welfare models that provide preventive
22 supportive wrap around services for children and
23 families that are embedded and realized through
24 private and governmental educational medical and
25 social service agencies.

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1 These kinds of child welfare models are referred
2
3 to as family service systems and are employed in
4 other countries. These models are also mirrored in a
5 number of legal services programs such as Brooklyn
6 and Bronx defenders and the Center for Family
7 Representation, which represent parents and children
8 in New York's Family Courts and which provide their
9 clients with services of lawyers, social workers and
10 other supportive services.

11 Sandeep Kandhari will describe for you the wrap
12 around services that CFR provides to its clients and
13 how they benefit from such services. Many of the
14 operational problems of family court stem from the
15 nature of the child welfare system in which we
16 operate. Many of these challenges have plagued
17 family court for decades and many are not problems
18 that the family court is making but arise from the
19 failure or inability of other agencies that are
20 involved with child welfare to fulfill their
21 responsibilities or to coordinate with other agencies
22 to provide necessary services for struggling
23 families.

24 For example, Family Court is the busiest most
25 under resourced court in the system. The state

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1 legislature has not seen fit to create enough judge
2 ships to adequately meet the needs of the litigants
3 or the court. At one point during my tenure, I had
4 over 1,000 cases on my docket. The Mayor's Committee
5 on the Judiciary is notoriously slow in filling
6 vacancies for a court that has not allocated
7 sufficient judges to begin with.

9 My understanding is that currently there are nine
10 unfilled family court judicial seats. Filling them
11 could go a long way toward providing services for the
12 families that come. OCA attempts to fill the
13 deficiencies in the number of family court judges by
14 assigning newly elected civil court judges to the
15 court for one or two years. Most of those judges
16 have little or no experience with family court and
17 have to play catchup to even begin to adequately
18 adjudicate the complicated cases that come to them.
19 By the time they are getting their sea legs, it is
20 time for them to move on and be replaced by a brand-
21 new crop of temporarily assigned civil court judges.
22 In my view, this is grossly unfair to both litigants
23 and the judges. There are not enough lawyers and the
24 lawyers who do appear in family court are torn in
25 many directions. I could only try cases in block of

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1 one or two hours because one or more lawyers on each
2 of my cases had to be before a different judge and a
3 different proceeding thereafter. Finding a date and
4 time when all the lawyers could appear to continue
5 the trial or hearing would often take 15 or more
6 minutes for my already limited time. While I
7 understand that the recent raise in pay for 18 B
8 lawyers has somewhat stanchd the outflow of lawyers
9 in family court. The increase in compensation is
10 insufficient to attract new 18 B lawyers to family
11 court who face extremely difficult, complicated and
12 emotionally draining cases and a highly stressful
13 work environment.
14

15 To be a lawyer in family court requires an
16 extraordinary level of commitment to the children and
17 families who appear in family court. Although family
18 court judges have far more cases than supreme court
19 justices, they are allocated far fewer resources.
20 For example, every supreme court justice is afforded
21 two court attorneys and a secretary. Family court
22 judges with much larger caseloads are prohibited only
23 one court attorney and one secretary for every three
24 or more judges.
25

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1
2 Chronic shortages in support staff cripple the
3 ability of family court to provide timely and
4 appropriate justice for children and families. My
5 former colleagues report that 25 percent of the
6 positions lost during COVID remain unfilled compared
7 to eight percent in other city agencies. That
8 includes crucial positions of court clerks and court
9 offices. Proceedings cannot go forward without or be
10 adjudicated without court offices and court clerks.

11 DCAS is woefully deficient in the repair and
12 maintenance of the family courts in the Bronx and
13 Staten Island. I have heard reports that when it
14 rains, water leaks onto the bench of one of the Bronx
15 judges. I cannot imagine that happening in surrogate
16 or supreme court.

17 The permanency plans that are devised by foster
18 care agencies are frequently ill conceived and
19 require parents to engage in programs that are
20 unrelated to alleged abuse or neglect. For example,
21 requiring parents to submit to regular drug testing
22 when the state abases the petition is a dirty home.
23 Too often ACS places removed children in foster homes
24 far from their families homes necessitating changes
25 in school and making visits with their parents or

1
2 caregivers extremely difficult. In one of my cases,
3 three young boys were removed from their wheelchair
4 bound where in mothers care and placed in separate
5 foster homes in the Bronx. When the grandmother took
6 the subway from Brooklyn where she lived to the Bronx
7 to visit her grandsons at the foster care agency, she
8 discovered that the subway station for the agency had
9 no elevator. She returned home without seeing her
10 grandsons and they missed their grandmother.

11 Similarly, the Department of Homeless Affairs too
12 often assigns families to housing far from where the
13 family was previous living. Again, necessitating
14 changes in the children's schools and a profound
15 instability in the lives of the families who have
16 been rendered homeless. There was a chronic shortage
17 of services such as supervised visiting programs,
18 parent education and job training programs,
19 counseling and other programs that are needed to
20 address the problems that gave rise to the
21 allegations of child abuse or neglect. With the
22 result, the children languish longer in foster care
23 while their caregivers languish on waiting lists for
24 services.

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1 Family court judges are too frequently required
2 to try to remedy the failures and the steps or lack
3 of coordination among other governmental agencies,
4 which takes away time from their responsibility to
5 decide cases. What I have related to you today
6 cannot begin to describe the anxiety and fear
7 experienced by families and children who are caught
8 up in the child welfare system. What I have told you
9 also it does not begin to describe the commitment,
10 dedication and hard work that is shown every day by
11 the judges, court attorney's, clerks, court offices,
12 lawyers, social workers, secretaries and other
13 support staff as well as many ACS and other agency
14 employees who toil away in family court.
15

16 I thank you again for the opportunity to talk
17 about a court that I loved being a part of and will
18 be happy to try to answer your questions.

19 CHAIRPERSON BREWER: Thank you. Mr. Kandhari.
20 Before you start, Mr. Holden, Council Member Holden
21 has joined us and I feel terrible about chairs. Are
22 there any other chairs for the three individuals who
23 are standing there or two? One of them is a former
24 judge, family court judge. Council Member Ung has
25 also joined us.

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1 Judge, why don't you take it. He's a former
2 Judge. Go ahead and take the chair sir. I'll feel
3 better.
4

5 SANDEEP KANDHARI: Thank you and good morning. I
6 want to thank you all for allowing me to speak on
7 behalf of the children and families we represent
8 every day at the Center for Family Representation,
9 also known as CFR. I also want to thank Justice
10 O'Shea for her important comments today.

11 My name is Sandeep Kandhari, Director of
12 Litigation for CFR's Youth Defense Practice. I've
13 been representing young people in family court since
14 2006 and I have had the privilege of working in all
15 five boroughs over the course of my career, so I'm
16 very familiar with how the system treats our families
17 and children. CFR uses an interdisciplinary
18 practice, which means that every client that meets
19 us, adult or youth is assigned both a lawyer and a
20 social worker from the first day we meet them. This
21 model is why I joined CFR because I've seen how many
22 different systems are involved in our families' lives
23 and that providing social support is just as, if not
24 more important to helping our clients avoid ever
25 coming back to court.

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1 Now, as your Committee considers ways to improve
2 family court, I want to focus your attention on a few
3 issues. First, children who are removed from their
4 families and placed in the foster system are not
5 doing well. The citywide high school graduation rate
6 is 77 percent. Now, that rate drops to 60 percent
7 for children who don't have stable housing but it is
8 only 25 percent for children in ACS custody. Think
9 about what the says about the quality-of-care ACS is
10 providing for our most vulnerable children. ACS has
11 deemed these children victims of neglect or abuse but
12 then chronically fails to provide the support they
13 deserve.
14

15 Too often, teenagers are deemed hard to place and
16 languish in the children center or in youth
17 residential centers where they are not only displaced
18 from their families but also from their schools. The
19 children center in particular is not an appropriate
20 place for teenagers but there are so few placements
21 for adolescents who exhibit behavioral problems, so
22 they will have to stay at the children center because
23 there's nowhere to send them.

24 The Children Center doesn't have a school onsite.
25 There's no programming for children but teenagers are

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1 not even allowed to have their cellphones during the
2 day. So, what are they supposed to do all day as
3 they wait for their long-term placement? Too often
4 I've met with children in ACS custody who aren't
5 being provided support in going to school, having
6 their special educational needs reviewed or enforced
7 and these destabilized children sometimes get
8 arrested when they don't have the appropriate
9 services. Family court refers to these children as
10 cross over cases because they have simultaneous
11 family regulation and juvenile delinquency cases.
12
13 Too often, when these children get arrested they
14 receive far less support than I see from children who
15 live with their families. Case workers often fail to
16 go to the precinct to speak with NYPD and often
17 nobody even comes to court when the child is brought
18 before a judge. An ACS liaison who is already
19 working in the family court will arrange for
20 transportation for the child to be brought back to
21 their facility. Sadly from my experience, the case
22 workers who do appear in court often share negative
23 information about the child, acting more as an arm of
24 the government rather than a support for the young
25 person.

1 If the child is 16 or 17 when they're arrested
2
3 for a felony and under Raise the Age brought to
4 criminal court, there isn't even an ACS liaison in
5 that building and often nobody appears for the child
6 and nobody is there to pick them up.

7 In sum, ACS is not a very good parent for
8 adolescents and then doesn't do enough to support
9 them when they get in trouble.

10 Now, I also want to think about the effect of the
11 pandemic. As we're thinking about how we can best
12 serve children and families, I direct the Committees
13 attention to think about the impacts of the pandemic
14 on our young people, especially those with the
15 greatest need. By some estimates, as many as 59,000
16 children have fallen out of the school system but
17 aren't registered as home schoolers nor have they
18 moved. They've just stopped going to school. That's
19 a staggering number of children and young people out
20 of school are more likely to get arrested.

21 There's also a false narrative being propagated
22 by some that children are committing more violent
23 crime than ever. That is categorically false.

24 Everyone should read the John Jays report from
25 February of this year. But the rates of children are

1 actually lower than they have been in the past two
2 decades. There was a spike in youth and adults gun
3 violence in 2020 and 2021 but that has largely
4 subsided. Our client families come from the poorest
5 and most neglected communities across New York City.
6 Communities with failing public housing, inordinate
7 gun violence and the highest rates of COVID deaths.
8 These families need our support. I've spoken with so
9 many parents who believe their children are
10 struggling with mental health needs and they don't
11 know where to turn. Parents who are seeking to
12 support for their children in the richest city in the
13 country should be able to find it.

14 I don't want their children to have to get a
15 court case before they can get family therapy, nor
16 should the first mental health evaluation they get be
17 from a court ordered psychologist but the wait times
18 to get evaluations can be weeks or months. There are
19 not enough mental health counselors available in our
20 poor communities and unfortunately, these services
21 are just hard to attain.

22 As your Committee seeks ways to improve court
23 operations, think about what these families truly
24 need to avoid coming to family court all together.
25

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1 Many need stable housing. Others need access to
2 mental health services. Many need better school
3 placements for their children with special needs and
4 many parents simply need affordable child care so
5 they can help their older children. We need to help
6 more families get support outside of court.
7

8 Since Raise the Age started, having 16- to 17-
9 year-olds appear in the youth parts, there's only one
10 alternative to incarceration program available called
11 Esperanza. Sadly, Esperanza lost their funding this
12 year and have recently shuttered their operations,
13 leaving children in the youth part without any
14 services available through court other than probation
15 monitoring.

16 In family court we have a few more service
17 options available and I'm grateful for the programs
18 we have. I ask the Committee to think big because we
19 are in an era of change post pandemic. I'd also urge
20 you to consider your funding priorities outside of
21 this hearing to improve access to mental health
22 services for families. Adolescents are struggling
23 and need access to good mental health services that
24 also work with their caregivers so they can better
25 support their children. Ideally at no cost.

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1 The City Council needs to do more in the
2 communities where our families come from. We need to
3 invest in community providers so that the families
4 can trust the services they're receiving. A court
5 house is not the most conducive environment for
6 understanding people. If the Council is going to add
7 funding to family court, your fund, an educational
8 advisor who is placed in family court akin to the DOE
9 Welcome Center to help families better understand
10 their rights and options for their child's education
11 and to help them get the appropriate school
12 placement. This services should be available to any
13 family that comes to family court.

14
15 Finally, when it comes to cross over youth,
16 children in ACS custody who incurred juvenile
17 delinquency cases, I believe our city has the deepest
18 burden to serve them. I don't believe any teenager
19 should ever go to the Children's Center. I also
20 believe that any child who is arrested while in the
21 Children Center, should have their case automatically
22 diverted by the Department of Probation and the main
23 goal should be to connect the young person to an
24 appropriate school setting and supportive services.

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1
2 These children cannot be seen as a victim at one
3 minute and then immediately turned into a perpetrator
4 the next. We have to do better by these children.
5 Now, ideally we can avoid separating them from their
6 families by providing support for the families as
7 early as possible. I don't want our city to continue
8 throwing money at the same agencies who have been
9 running things for years and expect better outcomes.
10 We need to think bigger. Thank you for listening.
11 I'd be happy to answer any questions.

12 CHAIRPERSON BREWER: Thank you both very much.
13 Council Member Cabàn, did you have questions for
14 these folks or for the Administration? Okay, go
15 ahead, yup go ahead.

16 COUNCIL MEMBER CABÀN: Well thank you and thank
17 you for being here. Thank you for your service
18 judge. Thank you for the advocacy that you all do
19 over at CFR. You do incredible work. I know that
20 you spoke about this judge and it reminded me of
21 something that way back, not that far long ago but
22 Bronx Family Court Judge Sarah Cooper spoke about
23 this in the past and I remember she gave; I can't
24 remember in what context but she -

25 ANN O'SHEA: I'm not hearing you.

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33

1
2 COUNCIL MEMBER CABÀN: Sure, can you hear me
3 okay?

4 ANN O'SHEA: Yeah.

5 COUNCIL MEMBER CABÀN: Okay, so -

6 CHAIRPERSON BREWER: Talk more slowly Council
7 Member Cabàn.

8 COUNCIL MEMBER CABÀN: You got it. Bronx Family
9 Court Judge Sarah Cooper, I think this was a few
10 years ago but she made the statement around sitting
11 on the bench as a judge and making these super
12 consequential decisions around whether to separate
13 children from their families. And I appreciated your
14 testimony because I felt like you touched on this a
15 bit but she said that she felt completely ill-
16 equipped from a professional experienced training
17 expertise standpoint to make these trauma informed
18 decisions about when and where and whether it was
19 appropriate to separate children from their families.
20 And you noted some of that in your testimony right.
21 There are these immensely consequential decisions
22 that are made. And so, my question for you is what
23 resources do you have, do other judges have to
24 understand which of the two would be less traumatic
25 in a given instance?

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1 ANN O'SHEA: Which is the what? I'm sorry.

2
3 COUNCIL MEMBER CABAN: Like, in terms of making
4 that consequential decision as to whether to separate
5 a child or children from their family right? What
6 resources were available to you as a judge? What
7 resources are currently available to sitting family
8 court judges so that they are better able to
9 understand which of the two options keeping families
10 together or making that deeply consequential decision
11 to separate families which would be the less
12 traumatic decision to make, in that given instance?
13 What tools do you all have? What resources? What
14 training?

15 ANN O'SHEA: Well, I think one of the problems is
16 that the resources are scarce and limited. It
17 depends on the allegations that are made. When it's
18 a question, for example, of a dirty house, sometimes
19 described as deplorable. I don't think the solution
20 is to remove a child from the home. I think a
21 solution would be to get a cleaning service in there
22 to clean it up. To teach the parents how to keep the
23 house clean. To give them the resources to do so and
24 to provide a safe and sanitary home for them. When
25 it's even excessive corporal punishment, I think the

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1 resource, the solution is not to again, not to remove
2 the children from the house unless it is extreme,
3 unless it is really excessive. Because the removal
4 of a child is often more traumatic and more damaging
5 than the corporal punishment. I know that that's in
6 some ways, you know it's sort of counter intuitive,
7 however, I think that the real damage to children,
8 the long-term damage really comes from removal when
9 that's not necessary.
10

11 Give those parents and teach them and you know,
12 teach them how to discipline their children in a way
13 that is appropriate. I think many of our parents did
14 not really never had that kind of role model. Many
15 of the parents didn't know any other way other than
16 through some corporal punishment and it's all - you
17 know I wish that they had that kind of resource
18 before the fact, before the report but that's not
19 available in our system or at least not that much.

20 So, I think you have to address if it's a drug or
21 alcohol program. Provide the support of drug
22 treatment programs that are necessary but do not
23 necessarily remove the children from the home. I
24 think the system and ACS and most of the agencies
25 that work in Family Court are very risk averse and I

1 understand that people are very nervous. Nobody
2 wants to be on what used to be called page 6 of the
3 Post because something happened to a child, but I
4 think a use of good judgement and by the judges, by
5 the case workers and by ACS, by the lawyers at ACS,
6 by the case managers in ACS, really is required. Not
7 to take into consideration the damage that is done
8 from removal and weigh that against the potential
9 damage of leaving the children in the home with the
10 alleged neglect.
11

12 COUNCIL MEMBER CABÀN: And I have a couple of
13 quick follow-ups.

14 CHAIRPERSON BREWER: Quickly though because we
15 got many more people that want – very quickly.

16 COUNCIL MEMBER CABÀN: I think one thing that you
17 mentioned sort of the distinction between like, what
18 is the difference between you know imminent risk and
19 abuse and neglect and then kind of this idea that you
20 know, it's not all about personal responsibility but
21 systems and how we fail or lack support to families
22 to be able to provide the homes that they'd like to
23 be able to provide for themselves and their children
24 but my follow-up to the question is, you know I'm
25 aware of the Strong Starts Court Initiative, which I

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4 know grew out of Bronx family court. Would you be
5 able to explain that initiative and if you have any
6 knowledge around it? Charity outcomes or metrics of
7 success or plans for expanding or improving the
8 initiative?

9 ANN O'SHEA: I'm not sure that I can answer that
10 question. I mean it's certainly not in the time.
11 Again, it's the use of good judgement and weighing
12 you know whether the damage done through removal is
13 greater than the damage done by the parent. And how
14 you can solve the problems that are presented in that
15 family without the drastic remedy of removing
16 children.

17 COUNCIL MEMBER CABAN: Thank you and thank you
18 Chairs.

19 CHAIRPERSON BREWER: Yeah, we've been joined by
20 Council Member De La Rosa, Joseph, Ariola, and I know
21 Council Member Hanks has a question.

22 COUNCIL MEMBER HANKS: Thank you so much Chair
23 Brewer. Thank you so much for your testimony. As
24 someone who has worked with adjudicated young people
25 in my career, your testimonies are powerful and I
appreciate them very much. So, you testified that a
child who is arrested in the Children Center should

1 have their case automatically diverted to the
2 Department of Probation with the main goal of being
3 connecting young people to supportive services. So,
4 we have an interesting opportunity when these young
5 people are criminally justice involved and in the
6 courts. And we have this opportunity to give their
7 family services. Do you see a benefit or I guess
8 it's - do you see that community courts are working
9 for these young people? Because I've went to Red
10 Hook, there's many community courts in Brooklyn.
11 Staten Island wants to also have a community court, a
12 mental health court. And if you can talk about how
13 this is impacted.

14
15 SANDEEP KANDHARI: I've had mixed experienced
16 with community courts. I mostly have worked at the
17 Harlem Court over the course of my career. They're a
18 better idea and I think we can improve the model.
19 Now, I had a child who was in the Harlem Community
20 Court who actually was detained because she was still
21 smoking marijuana and the judge had ordered her not
22 to and those courts weren't even equipped to - they
23 only met once a week and the statute says that if
24 you're detained, your proceedings have to move much
25 faster than that and they weren't equipped to handle

1 everything. So, there's a limitation sometimes with
2 what they can handle but it's - I do appreciate the
3 models where children are the adjudicates. They
4 decide what the punishment should be, whether you've
5 done something wrong. I think that sort of
6 accountability works better for teenagers and it's
7 something more like a restorative justice model is
8 ideally what we want to implement more often for
9 crimes involving victims, with robberies and such.
10 Having a child and a victim who are both willing to
11 participate understand - for the child to understand
12 the harm they've caused to someone and then to try to
13 restore that victim to some sense of wholeness. That
14 first helps them better empathize, better learn and
15 then better correct their behavior and children
16 really need quick adjudications. There's just a lot
17 of research about how the younger person is, the more
18 timely, the response has to be to their bad act. So,
19 when court cases stretch out for six, eight, nine
20 months after the alleged incident, the child
21 psychologically is just more and more removed. So,
22 the consequences don't feel as related to the bad
23 action.
24
25

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2 So, a community court that works quickly could
3 help in many cases.

4 COUNCIL MEMBER HANKS: Thank you so much. Do you
5 feel that I mean the Council here, we fund community-
6 based organizations for much of this. Do you feel
7 that the community-based organizations are actually
8 meeting the needs of these young people who are
9 criminally justice involved at the time that they
10 need them? And if not, how could we make that
11 better? So, if you're in a youth build program or my
12 sister's keeper or my brother's keeper, are we
13 matching these organizations locally to any of the
14 issues that you see in family court and at probation?

15 SANDEEP KANDHARI: I could say for the children
16 I'm meeting, no right? No, I'm not meeting the
17 children who may have met with a mentor and didn't
18 get arrested because of that connection, because I'm
19 working through the court system. So, I want to at
20 least say that I'm meeting a certain select
21 population of children who have gotten in trouble.

22 One area of funding I think the city has done
23 really well are the anti-gun violence programs. The
24 credible messenger programs have been really
25 important for our clients. The clients who get

1 involved with gun violence and gun possession. Those
2 programs led by people who have been involved in the
3 criminal justice system have a natural rapport with
4 our clients. That's honestly as a middle class South
5 Asian man, I don't have the same natural rapport. I
6 grew up in Flushing and New Jersey. I don't have the
7 same background as a lot of my clients who came from
8 East Harlem or Jamaica Queens.
9

10 So, I would say more funding for credible
11 messenger programs and what that also does is, it
12 creates more funding in the community. And so,
13 everything that can continue pouring money into the
14 communities that have been underserved, I think reap
15 exponential benefits. And a lot of the kids connect
16 with people they are more familiar with.

17 COUNCIL MEMBER HANKS: Thank you. So, what kind
18 of alternatives to detention and alternatives to
19 placement programs are available in family court?
20 And have there been more options since Raise the Age
21 and what kind of services do these ATI's offer?

22 SANDEEP KANDHARI: So, alternatives to detention,
23 there's usually two in every family court house.
24 There's one that's with a nonprofit and the other one
25 is run through probation. The intensive case

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1 management, so ICM we call it and the other one is,
2 there's cases in Manhattan. There's another one,
3 Quest in Queens. Actually, they changed their name,
4 I'm forgetting their new name. Those services, what
5 they do is they provide curfew monitoring and then
6 they will offer some afterschool programs. Their
7 children can get help with some homework etc. They
8 do usually have mental health people on staff but
9 it's temporary and so, it's while the case is alive.
10 And so, my clients sometimes do but often do not
11 connect with those folks as well as they could
12 because it's a court ordered service. And so, the
13 most important thing for them is just to do it, so
14 that they don't get in trouble with a judge.

16 Alternatives to placement are a different boat.
17 There's - the largest one is run by ACS called the
18 Juvenile Justice Initiative, JJI and they offer
19 family functional therapy or multisystemic therapy.
20 Both evidence-based models that involve caregivers
21 and the child to help them, because if a child is
22 going to have success, their parent has to be ready
23 to help them continue because a teenager doesn't stop
24 being a teenager once the case is over. And so, a
25 lot of it is really helping the parent guide the

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1 child and respond to the child as they continue
2 making mistakes because teenagers make mistakes. And
3 so, those are the models I find the most productive
4 but probation also has a few as well. Echoes and
5 Aim, which either help with vocational internship or
6 help with mentoring.
7

8 So, those have not increased since Raise the Age.
9 We have had the same services available pre and post
10 raise the age.

11 COUNCIL MEMBER HANKS: Thank you so much and
12 we'll connect after this and dig a little deeper into
13 that. Thank you Chair Brewer.

14 CHAIRPERSON BREWER: Thank you very much. We've
15 been joined by Council Member Williams and we have
16 questions from Council Member Ossè and Joseph.

17 COUNCIL MEMBER OSSÈ: Thank you Chairs and thank
18 you to you both for testifying. Thank you for your
19 service your honor. I do have a question for your
20 Mr. Kandhari. The first question is related to a
21 question that Chair Hanks asked in regards to the
22 community courts. You said that there are some
23 things that are working for the community courts.
24 You've seen some issues within the community courts,
25 so I wanted to hear from you how they could be

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1 improved, hearing that they are a good model to start
2 with, how could we help the city on expanding what's
3 working to improve those community courts?
4

5 SANDEEP KANDHARI: I think one is I would send
6 more children there. I think not enough of our cases
7 go to community courts. Too many of them are cycled
8 through the family court system, I would love the
9 default to start with the community court system for
10 a first arrest, just send it to community court. I'd
11 be curious what the results would be and I would
12 always, as I said previously, a restorative justice
13 model where children have to circle up. They have
14 their own supports with them. I think what's really
15 important is children need to have support whenever
16 they're brought into these systems. If they're
17 brought and isolated by themselves, who is going to
18 help them understand what's going on and who is going
19 to help them follow-up with what they have to do to
20 correct what they've done.

21 And so, the restorative model really brings in
22 your people to help you then better understand the
23 harm you've done. So, I think maybe expanding them
24 more to not just having, just having more
25 availability, smaller maybe school-oriented community

1 courts. Like a district model. I think if we could
2 expand them, they shouldn't be that expensive to
3 staff, so I would think about that. And then we have
4 to do a study to see what works and what doesn't work
5 because I'm a big fan of research.
6

7 COUNCIL MEMBER OSSE: What stood out to me in
8 your testimony when you spoke about how some of these
9 ACS case workers seemed to work as an arm of the
10 government and share negative facts or negative
11 things about some of the young people that they're
12 representing. I know that there are you know some
13 ideas in terms of how the Council could allocate
14 funds to you know various nonprofits that assist in
15 this type of work but we certainly have more control
16 when it comes to reforming and changing some of the
17 ways in which where agencies operate. So, I would
18 love to hear from you what you specifically think
19 would need to change within ACS and how they operate.
20 How caseworkers operate, whether it's through
21 legislation, whether it's through advocacy coming
22 from the Council.

23 SANDEEP KANDHARI: That's a great question and I
24 have to think a little bit more to give you, in terms
25 of a legislative fix, I'm not sure right now off the

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1 top of my head. What I can tell you right now is
2 training, training, training. To understand how
3 powerful a caseworker's words are in a court
4 proceeding and how quickly telling a judge that oh,
5 he doesn't ever come back or he just runs away
6 constantly. That judge is so much more likely to
7 detain that child and so, where a parent. I've met
8 so many parents like, ah he stays out all night and
9 I'm worry about his friends. But they go into court
10 and say "judge, I love my son, I want to take him
11 home." Because they know the most important thing is
12 to keep their child in the community.

14 A case workers goal is to keep a child in the
15 community. It should not be to just rat a kid out
16 and it feels like often they are just frustrated,
17 because those are the children who are often in
18 court. The children who are frustrating. The
19 children who are hard to reach, right? But that's
20 their job. Your job is to dig deep and provide the
21 most services for the children who are the hardest to
22 connect with.

23 I am a lawyer. Those children are frustrating
24 sometimes. They don't want to talk to me. I have
25 dig deeper. I have to show more patience because

1 they are going through more. The child that has
2 their two parents, this is their first arrest and
3 everything is going to be hunky dory, I don't have to
4 work as hard for them. So I challenge everyone to
5 learn more about the impact of their information. To
6 limit how much they're sharing in court and to
7 understand the consequences of these cases on these
8 children. So, I would really focus on training for
9 ACS.
10

11 COUNCIL MEMBER OSSÉ: And that's more cases than
12 not in which you are seeing ACS workers or case
13 workers operating like they don't care about the kids
14 or sharing negative -

15 SANDEEP KANDHARI: I don't want to speak to
16 whether they are care or not. What I can say is they
17 come into court and they have a negative impact very
18 often.

19 COUNCIL MEMBER OSSÉ: Hmm, hmm.

20 SANDEEP KANDHARI: A lot of times I prefer when
21 nobody shows up because then I know that I can just
22 get them to transport and just get them out. When
23 somebody shows up, I worry so much about what they're
24 going to say. I don't have that fear when I have a
25

1 parent. I feel much better when a parent shows up.
2
3 So, ideally, we have to keep the kids home.

4 COUNCIL MEMBER OSSÉ: Okay, good to know on that
5 training aspect. The last question that I have is
6 about the alternative to incarceration programs, the
7 very few that do exist. What is working in some of
8 those programs and how can we expand on what's
9 working with those programs through the power of the
10 city?

11 SANDEEP KANDHARI: So, when I was talking about
12 that JJI program, Juvenile Justice Initiative, they
13 use those two-evidence based models. Family
14 Functional therapy and multisystemic therapy. Those
15 therapeutic models are great and parents, when
16 they're willing to engage, those are the ones where
17 they learn the most and the child and them can
18 connect better. So, what I want is those services to
19 be available prior to a case without any sort of ACS
20 involvement. Just, can we fund more FFT and MST for
21 families through the community? Can you get it
22 easily because sometimes when I tell a parent the
23 easiest way to do it is to file a PINS petition and
24 you can get it very quickly but that shouldn't be the
25 only way to get these services.

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1 COUNCIL MEMBER OSSÈ: And just to clarify, FFT
2
3 is?

4 SANDEEP KANDHARI: Family Functional Therapy,
5 sorry.

6 COUNCIL MEMBER OSSÈ: Family Functioning?

7 SANDEEP KANDHARI: Functional Therapy.

8 COUNCIL MEMBER OSSÈ: Functional Therapy and MST
9 is?

10 SANDEEP KANDHARI: Multi-Systemic Therapy.

11 COUNCIL MEMBER OSSÈ: Okay, thank you. Thank you
12 Chair.

13 SANDEEP KANDHARI: Sorry, forgetting to the
14 jargons, my bad.

15 CHAIRPERSON BREWER: Thank you. Council Member
16 Joseph.

17 COUNCIL MEMEBR JOSEPH: Thank you. Good morning,
18 thank you. My question is, how can agencies work
19 better? All agencies, because for example, as the
20 Education Chair, I got this case on my – it was
21 brought to my attention. There was a student who was
22 justice involved. He hasn't been in school in two
23 years. So you think the conversation between
24 agencies should be happening and it wasn't happening.
25 He was justice involved. What can we do to make sure

1 that agencies are talking to each other when a
2 justice involved student come into play?

3
4 SANDEEP KANDHARI: So, I think the connection to
5 their school and prioritize; everybody should be
6 focusing on school right? That's what I do as a
7 lawyer and my social worker. We immediately address
8 what's your school placement? How do you like it and
9 what are your actual service needs? Because many of
10 our children have individualized educational plans
11 and they have special educational needs. Those are
12 almost never met. It's rare when I'm like, oh, the
13 IEP is being met.

14 And so, what I think we need to be doing is
15 treating these children as students and prioritizing
16 their educations. And so, every agency needs to be
17 focusing on school, be willing to put the child in a
18 new school. The DOE's a mind-numbing bureaucracy.

19 COUNCIL MEMBER JOSEPH: I know.

20 SANDEEP KANDHARI: It is a really hard thing to
21 navigate. I've been doing this for 17 years and I
22 still, I'm going grey faster than I want to because
23 the DOE just doesn't work with us as well as we can
24 but if we have multiple agencies all pushing their
25 muscles together to get these children into

1
2 alternative schools, schools that are more focused on
3 getting these children jobs. A lot of children who
4 don't get through 8th grade are likely to drop out.
5 We have restart academies; those are great but a lot
6 of children in 9th grade who don't get their credit
7 are also likely to drop out but they're willing to do
8 something for money. A lot of my clients are looking
9 for jobs. I have a client who hasn't gone to school
10 right now for two years but every day, he's outside
11 on the table selling hats and shirts because he's
12 trying to support himself. And so, those are the
13 children who I think worse failing is children who
14 are hungry for vocational training. For something
15 that's going to turn them into a money earning adult.
16 That's where we can help them much more than we are
17 right now.

18 COUNCIL MEMBER JOSEPH: So, hopefully the
19 agencies are hearing, so they should be talking. He
20 was out of school for two years and that never raised
21 a red flag and that bothered me. That it came to my
22 desk, justice involved two years. Never stepped a
23 foot in school. No one had a place for him. That's
24 unacceptable.

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1
2 SANDEEP KANDHARI: The other part of with a lot
3 of these children who don't go to school is, if
4 they're in ACS custody, they'll leave and then
5 they're Awal and we don't have a responsibility to
6 plan while they're Awal. But they're Awal because
7 they're in the Children Center or in a congregate
8 care facility where they're not feeling supported, so
9 they're going to family or friends.

10 And so, this chicken in an egg situation is where
11 I'm like, they're not going to plan until he's back
12 in the facility. He's not back in the facility
13 because they're not serving him. So, maybe we should
14 find a place where he can be served.

15 COUNCIL MEMBER JOSEPH: Thank you so much. Thank
16 you Chairs.

17 CHAIRPERSON BREWER: We've been joined by Council
18 Member Stevens. Are there no other questions? We
19 will thank you both very much and we will take a
20 five-minute break and then we will hear from the
21 Administration, and thank you both very, very much.

22 SANDEEP KANDHARI: Thank you.

23 ANN O'SHEA: Thank you very much.

24 BREAK [00:53:09-00:59:35]

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1
2 CHAIRPERSON BREWER: Would the Administration
3 please come to the podium? [00:59:41-[01:00:02]

4 COMMITTEE COUNSEL: We will now hear testimony
5 from the Administration. Before we begin, I will
6 administer the affirmation. Panelists, please raise
7 your right hand. And if anyone is here from the
8 Administration who is not yet testifying but will be,
9 can you please also raise your hand so that I may
10 administer the affirmation to you as well? Thank
11 you. Do you affirm to tell the truth, the whole
12 truth and nothing but the truth before this Committee
13 and to respond honestly to Council Member questions?

14 PANEL: I do.

15 COMMITTEE COUNSEL: Thank you. You may begin
16 when ready.

17 JESS DANNHAUSER: Good morning. I am Jess
18 Dannhauser, the Commissioner of the Administration
19 for Children's Services. Thank you Deputy Speaker
20 Ayala, Chair Brewer, Chair Hanks, and member of the
21 General Welfare, Oversight and Investigations, and
22 Public Safety for holding today's hearing on the
23 Operational Challenges of the Family Court. I am
24 pleased to be joined by Alan Sputz, the Deputy
25 Commissioner for Family Court Legal Services, along

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1 with my colleagues from the Law Department, the
2 Department of Probation and the Department of
3 Citywide Administrative Services.
4

5 As you know, all of our agencies, along with many
6 of our legal services and provider agency colleagues,
7 along with Judges and the Office of Court
8 Administration staff play important roles in the
9 Family Court. I want to take a moment to thank all
10 of our colleagues, as well as the hard-working,
11 compassionate and committed attorneys and support
12 staff from FCLS, for all that they do each and every
13 day on behalf of children and families.

14 The New York City Family Court is comprised of
15 five Family Courts, one in each borough and is
16 divided into four specialties: Custody, visitation
17 and family offense cases; child support; juvenile
18 delinquency; and child protection. ACS is the New
19 York City agency responsible for protecting and
20 promoting the safety and well-being of New York
21 City's families by providing child protection,
22 prevention, foster care, juvenile justice, child care
23 and other community sports. ACS regularly appears in
24 Family Court on child welfare and juvenile justice
25

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1 and some juvenile justice matters, and our testimony
2 today will focus on that work.
3

4 The attorneys of Family Court Legal Services are
5 responsible for representing ACS in child neglect and
6 abuse cases, permanency hearings, voluntary placement
7 proceedings, destitute minor proceedings, other child
8 welfare-related proceedings, and some post-
9 dispositional juvenile justice proceedings in the New
10 York City Family Courts.

11 FCLS attorneys work collaboratively with Child
12 Protective Specialists from the Division of Child
13 Protection, foster care and preventive agency case
14 planners, ACS's Division of Youth and Family Justice,
15 attorneys for parents and children, the Department of
16 Probation, the Law Department and other stakeholders,
17 defer to the agency's mission on behalf of children,
18 youth and families. Attorneys provide legal
19 representation and consultation to CPS and foster
20 care agency staff and provide training for attorneys
21 and social work staff on Family Court practice.

22 There are currently 164 attorneys and managers in
23 FCLS. We have not seen increased attorney caseloads
24 because as we will discuss more later, our court
25 filings continue to decrease each year. FCLS

1 attorneys are critical frontline staff and ACS has
2 had hiring authority to hire new attorneys throughout
3 most of the pandemic.
4

5 We are making progress in 2023. Rather than just
6 focusing on hiring classes of attorneys to start
7 together, usually soon after a bar exam, we are also
8 hiring attorney's on an ongoing basis. Two new
9 attorneys recently started, four more are being
10 processed to start in the coming weeks and we are
11 continuing to make offers to strong candidates. We
12 are also recruiting for our Fall 2023 class. As
13 Deputy Speaker noted, we anticipate that this class
14 will have 45 attorneys and currently the class is
15 over half full with 24 new lawyers have already
16 accepted offers.

17 To help us with recruitment, we recently
18 contracted with Simplicity, a program law schools use
19 nationwide to advertise job opportunities, which has
20 helped us make offers to very strong candidates for
21 the fall class. In addition, we are continuing to
22 participate in law school and career events, and
23 retention and attrition are returning to more typical
24 levels.
25

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4 ACS has an in-house training unit of four highly
5 experienced attorneys who provide training for our
6 new ACS attorneys, as well as legal training for CPS,
7 provider agency staff and more experienced attorneys.

8 New FCLS attorney's receive five weeks of
9 training, which includes courtroom observation and
10 mock trials in our simulation center, as well as
11 guest speakers representing various perspectives such
12 as parent advocates and prevention providers. After
13 spending some time in the offices, first year
14 attorneys receive a more advance training on
15 important topics such as the Interstate Compact on
16 the Placement of Children, Destitute Minors, Kinship
17 Guardianship, immigration, educational issues and
18 Persons in Need of Supervision. Throughout the year,
19 all FCLS attorneys are required to participate in
20 half day virtual trainings on topics essential to the
21 work, such as the Family First Prevention Services
22 Act, LGBTQAI+ issues in family court, and the foster
23 care re-entry process for older youth. When FCLS
24 attorneys are promoted to Team Leader, they take a
25 three-part training to help build their coach and
supervisory skills.

1 Training extends beyond legal skills to
2 professional development. FCLS began a partnership
3 with Franklin Covey in 2019, to help develop
4 supervisory management and team building skills for
5 our FCLS managers, as well as our mid-level
6 supervisors and frontline staff.
7

8 The FCLS attorneys receive close supervision in
9 and out of court during their first year of practice,
10 with an experienced attorney appearing in court with
11 them and reviewing their written legal work.

12 Supervisors continue to provide guidance,
13 particularly on complex cases and when making
14 critical decisions such as whether to file a new case
15 or whether a child can safely return home.

16 When someone suspects that a child is being
17 abused or maltreated, they call the New York
18 Statewide Central Register and if the state accepts
19 the report, ACS is required to respond. Our CPS then
20 assess the safety of the children and do so 24 hours
21 a day, 7 days a week, including throughout the
22 pandemic. When needed, CPS seek to work to put in
23 place services or supports to help keep children
24 safe. We only file a case in family court when we
25 believe that court intervention is necessary to

1 protect the safety of the child. Last year, we filed
2 cases in court on fewer than seven percent of the
3 child protection cases we conducted.
4

5 As the chart below indicates, both the number of
6 child welfare filings, referred to as an Article X
7 and the percentage of child protection cases that
8 resulted in a filing, have continued to decrease each
9 year. This is true despite the fact that the number
10 of reports dropped dramatically in 2020 and started
11 to come back up in 2021 and 2022.

12 This first chart shows you that there's been a 53
13 percent reduction in Article X child welfare filings
14 since 2017. This past year, we filed less than 7
15 percent of child protective cases. This reduction in
16 filings applies both to the numbers of removals,
17 placements in foster care and to the number of foster
18 care supervision cases. I'll point out in this next
19 chart, that there are number of removals Remand cases
20 has dropped 35 percent from just over 2,000 in 2017
21 to about 1,300 in 2022.

22 We are seeing numbers move in the right
23 direction. The number of families experiencing an
24 emergency removal is also down, from 1981 in 2019 to
25 789 last year. From 2019-2022 there's been a 46

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1 percent decrease in the number of cases filed for
2 Court Ordered Supervision with most of the current
3 COS filings reflecting children living with non-
4 respondent parents and supervision and sometimes
5 orders of protection regarding the respondent parent.
6 In addition, the number of COS cases active at the
7 beginning of the year, meaning the number of families
8 who were supervising, declined over 50 percent from
9 2019 to 2023, with 7,759 open at the start of 2019 to
10 3,754 at the start of 2023. We have also seen a
11 continued decline in the number of children in foster
12 care and are now at an all-time low of fewer than
13 7,000 children in foster care.
14

15 I'd also like to add to my testimony that on
16 Saturday we had a record low over the past years of
17 22 children who are long stayers at the Children
18 Center of over ten days. We are working very hard to
19 drive that population down.

20 While there was a slowdown in cases moving
21 through the court process at the height of the
22 pandemic, and the Family Court's decision to focus on
23 emergency proceedings, we are now seeing our child
24 protection and foster care cases moving more quickly
25 through the Family Court process. A look at both ACS

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1 and Family Court data show that regard to child
2 protection cases, the court is now disposing more
3 cases annually than the number filed.
4

5 While adoptions and KinGAP slowed during the
6 pandemic, as you can see the numbers of children
7 exiting to adoption in KinGAP are up from 2,000.
8 Despite the number of total children in foster care
9 to continuing to decline. We have a ways to go here
10 but we're encouraged by the trajectory of these
11 numbers. While there are more steps that can be
12 taken to move cases more quickly and efficiently
13 throughout the family court process, we are seeing
14 the data move in the right direction.

15 We are thankful that the state increased the
16 statutory number of family court judges in New York
17 City by six this past year, which certainly helps to
18 process cases more efficiently. In addition, we
19 believe that the ability to hold some court
20 conferences and court hearings virtually or hybrid
21 has helped to move cases. Finally, ACS, including
22 CPS and our foster care providers, have started a
23 pilot of reviewing cases both early in the case and
24 90 days and 120 days and later in the case, to see if
25

1
2 there are ways to progress the cases that we can
3 propose to other legal stakeholders and the court.

4 While there are some proceedings that should
5 typically be held with all litigants in person, and
6 ACS encourages parents to appear in court in person
7 when we are first filing a new case, we greatly
8 appreciate the Family Courts maintaining the
9 flexibility of virtual and hybrid proceedings, so as
10 to best meet the needs of all participants.

11 For some participants, it is much easier to
12 participate remotely and the remote option can
13 actually increase access to family court and
14 meaningful participation. Examples include working
15 parents, youth in college, litigants living out of
16 state and witnesses who cannot spend the full day in
17 court. For ACS caseworkers and our provider agency
18 staff, remote appearances enable them to continue to
19 do much of their work with children, youth and
20 families on a day of a court appearance, as they just
21 need to log on to the scheduled time. With in-person
22 appearances, staff often need to spend much of the
23 day traveling to and from Family Court and waiting
24 for their court appearance.

1
2 One benefit of remote proceedings is that when
3 they are scheduled, there are clear start times and
4 end times for each appearance. The court and parties
5 were largely able to maintain these certain times,
6 which make the work we do more efficient, as it is
7 eliminated much of the waiting for appearances that
8 occurs with in-person hearings.

9 As we build a system that includes this
10 flexibility, we need to take additional steps to
11 ensure that remote court appearances best address the
12 needs of clients in a manner that is equitable.
13 While the digital divide and some family struggling
14 with reliable Wi-Fi, we must ensure that family
15 members are able to participate in remote
16 proceedings. In additions to locations in court
17 houses and attorney offices, we believe this requires
18 creativity to develop locations in the communities
19 where litigants live. One option to explore is the
20 spaces in local libraries that could provide a
21 computer, reliable Wi-Fi and privacy. Another option
22 would be to leverage the many community-based
23 organizations throughout the city.

24 We know that the best way to intervene positively
25 in the lives of young people is to engage with the

1 whole family and do so as far upstream as possible,
2 as we heard in the earlier testimony. In New York
3 City, ACS's Family Assessment Program is a diversion
4 program available to families up to age 18, to help
5 avoid involvement in the juvenile justice or child
6 welfare systems are providing therapeutic services,
7 grounded in child welfare framework. FAP is located
8 in or near the five family courts to more easily
9 facilitate a referral to PINS diversion services, so
10 that a petition in family court need not be filed.
11 In addition, families can voluntarily seek out FAP
12 services.
13

14 FAP supports families in addressing challenging
15 teen behavior such as missing school, substance use,
16 running away from home and/or those related to mental
17 illness. To minimize court involvement, while
18 providing resources to address the presenting
19 concerns, families in New York City must first
20 participate in FAP services before a PINS petition
21 can be filed.

22 FAP serves approximately 2000-3,500 families each
23 year, about 2,600 in 2022 and it's has been effective
24 at reducing the number of children placed in foster
25 care through a PINS petition to add 15 children

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1 annually. FAP providers offer evidenced based models
2 such as FFT, BSFT, and Multi-systemic Therapy, along
3 with respite care and the MAAP Mentoring Advocacy
4 Program, which now as of this month includes Fair
5 Futures coaches.
6

7 While ACS is not serving as the attorney for most
8 juvenile justice cases in Family Court, we do play an
9 important role in these matters. As you know, ACS
10 operates the two secure detention facilities where 98
11 percent of the youth have pending cases in Supreme
12 Court. Nine percent of young people in secure
13 detention have cases pending in both Supreme and
14 Family Court but only two percent of the youth in
15 secure detention have pending cases in only Family
16 Court. ACS contracts for non-secure detention were
17 the majority of youth who are ordered to be detained
18 by Family Court judges reside pending the disposition
19 of their cases. Our typical census is about 40 to 50
20 youth. ACS also contracts for Close to Home, the
21 placement system where youth ordered by Family Court
22 Judges to be in placement at disposition are
23 sentenced to reside and where they receive services
24 and supports to help them return to the community,
25 that census is also about 50 youth. ACS and our

1 contracted providers play an important role in
2 transporting youth in detention or Close to Home to
3 their court appearance.
4

5 Youth placed in Close to Home are technically in
6 foster care placements. Thus, for these youth who
7 are post-disposition on their Juvenile Delinquency
8 matter, ACS attorney's appear in court for any
9 permanency hearing, extension of placement, family
10 first or revocation matter.

11 Finally, ACS also contracts for some of the
12 services available to youth with Juvenile Delinquent
13 cases. ACS and MOCJ are in the process of
14 collaboratively transitioning the contracts for
15 Alternative to Detention programs from MOCJ to ACS,
16 this will be effective July 1st. ACS issued the RFP
17 for the ATD programs and recently announced
18 recommended awards for CASES in Manhattan and the
19 Bronx, the Justice Innovation Center in Queens and
20 Staten Island, and Good Shepherd Services in
21 Brooklyn. An important new component of the model
22 include court liaisons. The provide agencies will
23 have staff in the delinquency court parts available
24 to help connect youth to the ATD program and provide
25 status reports to the judges.

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1 ACS also administers the Juvenile Justice
2 Initiative, which serves youth adjudicated as
3 juvenile delinquents who are under probation
4 supervision as an alternative to placement.
5 Specifically, JJI providers intensive services to
6 youth in their homes rather than through a placement
7 in a custodial setting. JJI helps parents develop
8 skills to support their children, enforce limits, and
9 steer them toward positive peers and activities.
10

11 There are additional services available and
12 provided to court involved youth, which our
13 colleagues here today will share more information
14 about.

15 I want to conclude where I started, thanking all
16 of the ACS staff and our colleagues from other city
17 agencies, the courts, our providers, and all of the
18 legal organizations for all work they do each and
19 every day. As you can see from my testimony, this
20 collaboration and commitment is essential for meeting
21 the needs of New York City's children, youth and
22 families. Thank you.

23 RUTH SHILLINGFORD: Thank you. Good morning, my
24 name is Ruth Shillingford and I am the Chief
25 Assistant Corporation Counsel for Criminal Justice of

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1 the New York City Law Department. I am joined by
2 Jennifer Gilroy Ruiz who is the Chief of our Family
3 Court Division.
4

5 I also bring greetings on behalf of the
6 Corporation Counsel, the Honorable Sylvia Hinds-
7 Radix. Thank you Deputy Speaker Ayala, Chair Brewer,
8 Chair Hanks and members of the General Welfare
9 Oversight and Investigations and Public Safety
10 Committees for holding this hearing.

11 We appreciate this opportunity to discuss the
12 dual roles regarding juvenile delinquency and child
13 support matters that the hardworking members of our
14 Family Court Division undertake on behalf of the
15 children, families, and communities of New York City
16 every day and night in 30 locations across New York
17 City.

18 It is important to note that in resolving our
19 juvenile delinquency cases, we must consider both the
20 needs and best interest of the child as well as the
21 need for the protection of the community.
22 Rehabilitation is key.

23 The Family Court division now handles delinquency
24 matters related to youth who are 12 through 17 years
25 of age or a person over the age of 7 and less than

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1 11, who is charged with a homicide related case.

2
3 Once NYPD takes custody of a youth, they have the
4 discretion to determine whether to issue a juvenile
5 report and release the individual or make a formal
6 arrest. If allotted, the youth is then assessed by
7 the Department of Probation to determine whether to
8 adjust the case or refer it to our office. If
9 probation refers the case to us before we initiate
10 any court proceeding, we determine if it is a valid
11 case. That means investigating the matter through
12 such steps of speaking with the witnesses, viewing
13 body worn camera or surveillance videos and social
14 media and applying for search warrants.

15 Unlike other prosecutorial offices, we do not
16 have pre-filing subpoena power. We have submitted
17 legislative requests to change this obstacle. As was
18 the case with the district attorney's offices who now
19 have tied discovery deadlines, we will need
20 additional resources to meet the demands given the
21 change in the nature of the discovery we now face and
22 are obligated to provide to defense counsel,
23 particularly body worn camera videos.

24 Now, if the case is not viable, either due to
25 proof or suppression issues, we will decline the

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1 matter and dismiss and seal the case. Last year, we
2 declined 2,408 cases. Even when a case is declined,
3 however, that young person can be offered voluntary
4 participation in services through a recent
5 collaboration with the Mayor's Office of Criminal
6 Justice and the United Way.
7

8 For those cases that remain viable, we assess
9 whether the youth is eligible for our discretionary
10 diversion. Utilizing our diversion coordinators, we
11 consider the risk assessment instrument including
12 school records, the nature of the case, the youths
13 role in the purported crime, the youths history, the
14 position of the person harmed, the needs of the youth
15 as expressed by the family or attorney, including any
16 mental health issues and any other relevant issues.
17 This last year, approximately 335 cases involved
18 diversion services. This includes cases sent back to
19 probation for pre and post filing adjustment
20 services, as well as cases that were sent by our
21 office for pre and post filing diversion services.
22 This constitutes approximately nine percent of the
23 cases referred.

24 As we reported in the Mayor's Management Report,
25 more than 80 percent of those youth whose cases are

1 diverted do not have another referral one year out
2 from the diversion. For your convenience, we have as
3 addenda A and B list of providers utilized by the
4 Family Court division including the Council Districts
5 that they serve.
6

7 I want to share that in addition to diversion
8 specialists for the youth, we utilize victim
9 advocates to assist those affected by our cases
10 through referrals to organizations and provide
11 support to them as they navigate the court process.
12 If a case is not diverted, then we file a petition in
13 court and commence the trial preparation as the
14 discovery phase begins.

15 In 2022, we found 1,183 petitions in Family
16 Court. The timeline and stages of a case as follows:
17 Pre-petition detention hearing, which is prefiling;
18 the initial appearance, which is the arraignment;
19 probable cause hearing; suppression hearing; fact
20 finding hearing or trial; and disposition, which is
21 equivalent to a sentencing.

22 The timelines are strict and short. If the youth
23 is detained on an A, B, or C Felony, the trial must
24 occur within 14 days of the initial appearance. If
25 it is a lower felony or a misdemeanor, than three

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1 days. Even where a youth is not detained, the
2
3 timeline for the commencement of the trial is 60
4 days.

5 Last year, 16- and 17-year-old adolescent
6 offenders whose cases are removed from the youth part
7 to family court, represented 55 percent of our
8 referrals. Some of the 3,812 referrals in 2022
9 included 22 homicide related cases, 408 weapon cases,
10 1,033 robberies, 802 assaults, 108 sexual assaults,
11 149 burglary and 9 arson cases, representing almost
12 67 percent of the total.

13 The most serious cases are handled by our major
14 case unit. And to put these 3,812 referrals in for
15 the perspective, they represent a 36 percent increase
16 from the 2,794 referrals in 2021 and a 10 percent
17 increase from the 3,454 referrals in 2020.

18 Furthermore, our ratio of felonies to misdemeanor
19 cases has changed from 60/40 in 2017 to 81/19 in
20 2022. In addition, we are finding a greater number
21 of youth who have multiple cases, sometimes in
22 multiple boroughs or jurisdictions.

23 Another major part of the work we do, which does
24 not always result in judicial intervention but
25 requires extensive investigation, are the cases

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1 handled by our special victims unit. This unit
2 handles all sex offense cases, other cases involving
3 young victims under the age of nine, teen dating
4 violence cases and any case that originates in one of
5 the five child advocacy centers, which include both
6 sex offenses and serious physical abuse cases
7 involving victims primarily under the age of 12. In
8 2022, attorneys in the SVU conducted 803 interviews,
9 involving 452 cases at the CAC's. They also handled
10 965 law enforcement referrals from the State Central
11 Registry and oversaw commercial, sexual exploitation
12 matters. We also handle both teen dating violence
13 cases committed by someone in a romantic or intimate
14 relationship with a survivor and family conflict
15 cases.
16

17 I'd ask you to make reference to Addenda A and B
18 of service providers for both youth who have
19 committed harm and survivors of those harmed. In
20 2022, the division saw an increase of over 50 percent
21 in the referrals of cases involving family members as
22 compared to 2021 from 328 to 505. This increase
23 underscores the necessity of employing a multi-
24 disciplinary team approach to addressing the complex
25

1
2 factual and legal dynamics that are present for youth
3 and families in crisis.

4 Our interstate child support unit helps local
5 custodial parents seeking child support
6 representation when the noncustodial parent resides
7 in another state or internationally. The unit also
8 works to support out of state or international
9 custodial parents obtain or enforce child support
10 orders from noncustodial parents based in New York.
11 The ICSU has legal support professional staff and
12 attorneys in all five borough offices. While the
13 COVID-19 pandemic negatively impacted the number of
14 cases the ICSU has handled in the past two years, the
15 numbers are once again on the uptick with a 67
16 percent increase in 2022 of 1,870 referrals, as
17 compared to 1,121 in 2021 versus 3,706 incoming cases
18 in 2019.

19 We understand that everything we do in any case
20 that is referred to us will affect not just the youth
21 accused and the complaining victim but their
22 respective families and of course, the community.
23 Yet, while we tackle attrition, increase and more
24 complex gun and violent felony matters, as well as an
25 increasing number of family conflict cases, we adhere

1 to the paramount goal of rehabilitation while
2 protecting the safety of the community, even though
3 some instances ultimately may result in the placement
4 of a young person. We thank our partners in our
5 effort to work collaboratively as we address these
6 important cases. Some of whom are here today from
7 probation and ACS.
8

9 Thank you very much for the opportunity to speak
10 with you today and we're happy to take any questions
11 that you may have.

12 CHAIRPERSON BREWER: Thank you. I know that
13 we'll have another speaker in a minute. We've been
14 joined by Council Member Krishnan, Won, and Bottcher
15 and I know you are all doing a great job but I have
16 to say the advocates are saying good things about
17 Corp Counsel and I listen very carefully. I know
18 you're all doing great but just to let you know, Corp
19 Counsel.

20 RUTH SHILLINGFORD: Thank you.

21 JUANITA HOLMES: Good morning. Good morning
22 Deputy Speaker Ayala, Chairs Brewer and Hanks, and
23 the members of the Committee on Oversight and
24 Investigations, General Welfare and Public Safety.
25 I'm Juanita Holmes, Commissioner of the New York City

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1 Department of Probation. With me today, I have
2 Deputy Commissioner for Juvenile Operations, Gineen
3 Gray. Thank you for the opportunity to testify about
4 this important work of the New York City Department
5 of Probation in Family Court.
6

7 The New York City Department of Probation mission
8 is to help build stronger and safer communities by
9 working with and supervising people on probation,
10 fostering positive change in their decision making
11 and behavior through research-based practices, while
12 expanding opportunities for them to move out of the
13 criminal and juvenile justice systems through
14 meaningful education, employment, and behavioral
15 health services, family engagement and civic
16 participation.

17 Working closely with our partners, Probation
18 plays a critical role in supporting and guiding the
19 court and various stakeholders in determining the
20 most appropriate decisions and recommendations on
21 both juvenile and adult matters including visitation,
22 custody, and child support. Our functions at various
23 Juvenile Delinquency system points include Intake,
24 Diversion Adjustment, Investigation, and Community
25 Supervision.

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4 When working with our youth, we strive to promote
5 their well-being and resiliency by guiding them to
6 make positive behavioral changes and sustainable
7 connections to positive community supports. The
8 arrest of a child or teenager should be viewed as a
9 crossroads moment. An opportunity for redirection as
10 needed on an individual basis that balances both
11 accountability and opportunity.

12 In 2022, the Department of Probation processed
13 over 5,700 Intakes and over 2,300 Adjustments. By
14 diverting cases that can be better resolved through
15 an out of court accountability process, adjustments
16 can turn an arrest into a learning experience by
17 addressing the choices and behaviors that led to the
18 arrest swiftly, restoratively, and in a one size fits
19 one manner, through an individually appropriate
20 response and plan. This is important for the youth
21 and their families and allows the rest of the Family
22 Court system to focus time and resources on the
23 remaining cases.

24 For those cases where a young person is
25 adjudicated by a Family Court Judge and placed on
community supervision, Probation Officers partner
with the young person's family, caregivers, credible

1 messengers, police officers, mental health providers,
2 and other partners to effectively engage, hold
3 accountable, and provide opportunities for the youth
4 in the community, with the goal of getting them to
5 move out of the justice system.
6

7 We also operate a continuum of Alternative to
8 Placement programs in partnership with community-
9 based and non-profit providers for the cases needing
10 the highest level of supervision, and in which the
11 youth would have otherwise been adjudicated to out-
12 of-home placement. Last year, DOP supervised 1,070
13 youth across the city, with a 92 percent completion
14 rate.

15 After a Judge makes a finding in a case,
16 Probation typically performs a court-ordered
17 investigation. Investigations POs work with all of
18 the relevant partners of the young person and their
19 case to provide the court with the full picture, as
20 this will help render the most appropriate decisions
21 and balances public safety and what is best for the
22 young person. Our Court Liaison Officers play a
23 crucial role in ensuring we can have a positive
24 relationship with the Judges, Law Department, and
25 other parties so that cases can run smoothly.

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1 In 2022, Department of Probation prepared 671
2 Investigation and Reports and delivered those reports
3 to the court on the on-time rate of 95 percent.
4 Throughout all of our functions, we continue to build
5 upon and leverage what works for young people in the
6 justice system. Credible Messengers, formerly
7 justice involved people themselves can be impactful
8 as mentors for our young people and are embedded
9 throughout our work. We also utilize parent coaches
10 whose own children went through the juvenile justice
11 system to serve as guides for our families who are
12 unfamiliar with navigating this new system.
13

14 Lastly, we try to think out of the box to
15 anticipate any needs, which is why we are in the
16 process of implementing a partnership with local
17 organizations to provide services to young people who
18 otherwise would have none while their case is
19 referred. All of these measures help to ensure we
20 have a robust variety of age-appropriate services and
21 opportunities so that our young people can develop
22 their unique passions and begin to thrive.

23 As you know, Probation is just one of the many
24 parts in Family Court. Our partnership and
25 collaborative relationships span the continuum and

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4 include the Administration for Children's Services,
5 the Corporation Counsel, Law Department and the
6 Office of Court Administration, just to name a few.
7 All are integral to ensuring the best possible
8 outcomes for young people, victims, their families
9 and their communities. Thank you for the opportunity
10 to testify today and I am pleased to answer any
11 questions you may have.

12 CHAIRPERSON BREWER: Thank you, next then we're
13 going to have - so, we'll start with questions. I
14 just want to do some overall and then we may be
15 joined in a few minutes by Senator Hoylman-Sigal who
16 is head of Judiciary and who wants to participate.

17 Is there anybody here from DCAS also? Alright
18 because I do have a DCAS question, just so you know.
19 So, my first question, I'll just do some overall
20 questions and then I'll call on my Co-Chairs and then
21 others. So, I just want to hear about the buildings.
22 Bronx, Staten Island, staff went, judges complain,
23 it's terrible and obviously there is a feeling and
24 you heard from Justice O'Shea that the other court
25 houses are in better shape. So, how are we going to
fix up the court houses, so that they are able to
worked in? Number one.

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1 Number two, I personally saw terrible Manhattan
2 based technology. What's the status with the
3 technology? What's Matt Frasier doing about it?
4 What are we going to do about that? That's a
5 facilities? Just generally, how are we going to deal
6 with the Department of Education? You heard from
7 earlier. I didn't hear but maybe I missed it, a lot
8 of coordination with DOE. Your caseload may go down
9 but the students are not in school. So how do you
10 work well with the Department of Education, making
11 schools a focus as Council Member Joseph made in her
12 comments. I'm also concerned something specifically
13 about the overtime challenges. We heard that from
14 the judges themselves in the court house. Other
15 courts get, OTV's staff do not. That means, 5:00 I'm
16 out of here, case continues. That's a problem and
17 then I know that the mayor has appointed some judges,
18 what's the status with more appointments? Maybe I
19 need to ask the appointment office but obviously the
20 judges need to be there on a timely basis. How are
21 you dealing with as Justice O'Shea said, sticking in
22 civil court who don't know anything, don't want to be
23 there in the first place and better to have judges
24 who want to be there. So, those are my overall
25

1
2 questions starting with DCAS. Your courts are a
3 mess.

4 LAURA RINGELHEIM: Good afternoon Chair Brewer.
5 Thank you for the question. So, we work closely with
6 OCA to try and address issues that arise in the
7 court. Everything from cleanliness to capital
8 projects. We have recently changed the structure at
9 DCAS in order to try and get to problems in all of
10 the court houses, in Family Court included. I know
11 there's a number of capital projects that are
12 underway for many of the Family Court Centers and in
13 terms of the day-to-day issues that arise,
14 cleanliness, custodial staff and maintenance and
15 repairs, we're trying to triage those issues
16 differently to address them more effectively.

17 CHAIRPERSON BREWER: Whose buildings are they?

18 LAURIE RINGELHEIM: Well, they're all managed by
19 DCAS.

20 CHAIRPERSON BREWER: Yes, that's my
21 understanding. So, you have -- the staff here has
22 pictures of massive leaks. What's the status of any
23 money to -- capital money to fix them up? With all
24 due respect, you didn't mention it.
25

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1
2 LAURIE RINGELHEIM: I can give you the capital
3 projects, some of the capital projects in the current
4 funding now but I think the one that you're talking
5 about the leaks in particular, so the pictures that
6 were in that report were from Bronx Court House and
7 we've worked closely with DEP to address the larger
8 infrastructure issues that are leading to that but we
9 have installed stop gap measures which have as far as
10 we know right now have remedied the leaks for the
11 time being. So, for instance, over the weekend when
12 there was about two inches of rain, we did not suffer
13 from leaks. We put in gate valves, we have inspected
14 the pipes and that seems to be a fix for now while we
15 work on the larger pictures. But for instance in
16 Queens Family Court, there is a capital project right
17 now to replace the roof because there's leaks in
18 Queens. There's a very large-scale project for
19 Richmond Terrace to address the issues with that
20 building. If you want more specifics -

21 CHAIRPERSON BREWER: I don't need all the
22 specifics now, I just want to be sure that after this
23 hearing, we do get a specific list of exactly what's
24 going to be done to address the facilities that
25 belong to the City of New York. 13727

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1 LAURA RINGELHEIM: Absolutely.

3 CHAIRPERSON BREWER: And just quickly on the
4 taskforce. What happened to the Williams Report
5 Taskforce? Does it still exist? ACS, anybody?
6 There was a taskforce that the Williams Report
7 indicated existed on Family Court. Does that no
8 longer exist? Did it ever exist?

9 JESS DANNHAUSER: We're not aware Chair. We'll
10 look into it though.

11 CHAIRPERSON BREWER: Okay. And then, Department
12 of Education, how do we coordinate with DOE? These
13 are general questions and my colleagues will have
14 specifics and I may later but -

15 JESS DANNHAUSER: Sure, I could take a fair stab
16 at that Chair. So, the DOE is actually the number
17 one referral source to our family assessment program,
18 which is serving a little over 2,600 children a year.
19 So, they reach out to us if they're having concerns,
20 if they need additional support related to behavior.
21 They also have opened up a dedicated office for
22 children in foster care specifically. And so, we're
23 doing a lot of work with them around transportation
24 issues, making sure young people have what they need.

25

1 I also want to make sure everyone's aware that we
2 have invested over \$30 million in coaches for young
3 people. Some of the dynamic that was described
4 earlier, we take very seriously. Part of that is
5 because case planners had too much on their plate
6 including all of the youth development work. We have
7 now brought on a cadre of coaches who are responsible
8 for that work to make sure young people have their
9 educational needs met. To make sure that young
10 people have vocational opportunities. We've brought
11 that work into the juvenile justice arena. So, the
12 part of our FAP program as well. It will also be
13 part of our Close to Home program and we're working
14 overtime to bring it into our detention. So, the
15 work with DOE is very, very, intimate or transit
16 accelerated.

18 CHAIRPERSON BREWER: Okay. And then we'll have
19 the State Senator in just a minute but the other,
20 overtime. Who can address the lack of overtime in
21 this court compared to other courts or the court
22 personnel?

23 JESS DANNHAUSER: As needed, we will fund over
24 time for our attorneys. We absolutely know that
25 they've been working extraordinarily hard. As I said

1 earlier, while caseloads haven't risen, their job is
2 extremely challenging and we're bringing on
3 reinforcements through the hiring process but there's
4 not an issue with overtime at ACS.
5

6 CHAIRPERSON BREWER: So, I think the court
7 personnel will be state then. In other words, so the
8 state needs to have an overtime change, not the city.

9 JESS DANNHAUSER: That's right.

10 CHAIRPERSON BREWER: We're going to hear now very
11 quickly from State Senator Hoylman-Sigal, who is head
12 of Judiciary. Senator, go ahead. Go ahead Brad.

13 BRAD HOYLMAN-SIGAL: Thank you. Thank you Chair.
14 I just, I just unmuted myself. Thank you very much.
15 Thank you Chair Brewer for the opportunity to testify
16 about the dire situation facing our Family Courts and
17 litigants and I really appreciate you and your
18 Committee and the entire City Council's interest in
19 this topic.

20 As the Chair of the Senate Judiciary Committee,
21 addressing the crisis of Family Court is one of our
22 top priorities. Our work has been informed by the
23 Jeh Johnson report on racial inequalities in the
24 court system, the Franklin H. Williams Judicial
25 Commission's report earlier this year on New York

1 City Family Court, which you have mentioned. And the
2 reporting of a number of journalists including
3 Melissa Russo at NBC4, and the report of the New York
4 City Bar Association on the impact of COVID-19 on
5 Family Courts. I encourage the members of this
6 Committee to review these materials if you have not
7 yet already. It's very enlightening and heart
8 wrenching, I would add.

9
10 Last year, we in the State Legislature were able
11 to secure four additional Family Court judges for New
12 York City, and, this year, we hope to add as many as
13 a dozen more, which experts like the Williams
14 Commission have said is necessary to begin to fix the
15 system. These new judges will address delays by
16 providing caseload relief to existing judges and
17 reduce the system's reliance on judges elected to
18 Civil Court and temporarily assigned to Family Court,
19 where they may have less interest and less
20 familiarity with the law. More judges are necessary,
21 but not sufficient.

22 Family Court litigants need competent counsel,
23 and while many litigants qualify for a free assigned
24 counsel, the low rate of compensation for those
25 attorneys has led to an exodus of experienced

1 attorneys and an inability to recruit new talent. My
2 colleagues and I are at work in Albany, as we speak,
3 to finally remedy this injustice in this year's
4 budget. The Governor, Senate, and Assembly all agree
5 that compensation rates for 18-b assigned counsel
6 needs to be significantly increased, though there are
7 differences of opinion on details like the exact
8 rate, caps on compensation for individual cases, and
9 whether there should be a uniform statewide rate.
10

11 I have urged my colleagues that we need to be as
12 close as possible to the compensation rates provided
13 to attorneys under federal assigned counsel programs,
14 with a uniform statewide rate, and that the increase
15 in compensation must be paid for by the State. I am
16 also fighting for an increase to the budget of the
17 Office of Indigent Legal Services' parental
18 representation program, which requires funding of \$28
19 million to uphold our constitutional duty to provide
20 counsel for parents, and a \$15 million increase to
21 institutional providers of attorneys for children.
22 These investments in counsel and judges will go a
23 long way toward immediately addressing the crisis in
24 Family Court, but the State has much more work to do
25

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1 long term to truly do justice to Family Court
2 litigants.

3
4 We must continue to increase resources for the
5 Commission on Judicial Conduct to address behavior
6 from judges that dehumanizes litigants, provide
7 mandatory annual anti-bias training for judges and
8 court personnel, collect additional data and create
9 more avenues for observation and feedback, and
10 increase other non-judicial resources for the Family
11 Court, along with other procedural fixes to address
12 delays.

13 I am encouraged that, during our confirmation
14 hearing for new Chief Judge Rowan Wilson, he shared
15 our view that Family Court should be a top priority
16 for his tenure. Chief Judge Wilson said that he
17 would be an on the ground, detail-oriented Chief
18 Judge when it comes to Family Court. I am confident
19 that his administration will implement the internal
20 court changes necessary to improve Family Court.
21 While many of Family Court's issues can be addressed
22 at the state level, we do need the city's assistance
23 with certain issues.

24 First, while we can create new Family Court
25 seats, we cannot ensure they are filled, and we

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1 cannot control whether the judges appointed reflect
2 the diversity of New York City. The Mayor, as you
3 know, is responsible for appointing Family Court
4 judges, and just last month he appointed six new,
5 diverse candidates, for which we are grateful. We
6 still have a long way to go though.

8 In its report earlier this year, the Williams
9 Commission found that while Family Court is largely
10 utilized by people of color, over 60 percent of New
11 York City Family Court judges are White. I urge the
12 Mayor to continue to quickly fill any vacancies and
13 to continue to diversify the bench.

14 Second, the New York City Department of Citywide
15 Administrative Services owns the Family Court
16 buildings and is responsible for maintaining the
17 courthouses. These buildings need major repairs to
18 their foundation, ceilings, and plumbing systems.
19 DCAS also needs to ensure better regulation of
20 maintenance to keep the courthouses in a state of
21 good repair. In the longer term, extensive
22 renovations or new buildings will be necessary. The
23 current conditions are demoralizing to court
24 employees and court users, giving the impression that
25 Family Court is a lesser court whose litigants and

1 witnesses are somehow not as worthy as their
2 counterparts in other courts. Any condition that
3 demeans our court users is simply unacceptable.
4

5 Thank you again for providing me the opportunity
6 to testify and bringing attention to the myriad of
7 issues in Family Court. For too long, Family Court
8 has been allowed to deteriorate in the shadows, and I
9 hope that your advocacy today, this hearing is one
10 more major step to bringing those problems to light
11 and fix them. All New Yorkers deserve to be treated
12 with dignity by our court system, and none of us
13 should rest Council Member until that's the case.
14 Thank you so much.

15 CHAIRPERSON BREWER: Thank you very much and now,
16 we'll hear from Council Member Diana Ayala, Chair.

17 CHAIRPERSON AYALA: Good afternoon everyone. You
18 know I'm just, I'm a little bit - I'm frustrated and
19 not with anyone here but rather with this system. It
20 just, it doesn't work for me. I don't understand how
21 it works for families and for young people within our
22 care. And I think that if we invested, if we took
23 the time to invest as many resources as you have all
24 mentioned today, inside of their own communities
25

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1 before they even became justice involved then we
2 wouldn't even be here.

3
4 I have community centers that look like places
5 that you would not want your children to come into
6 and this is where most of our kids spend you know all
7 of their free time and there are no services. I
8 mean, you can play basketball but there's no one
9 there. There's no social service provider. There's
10 no wrap around services. You know there's barely an
11 adult in the room to coordinate anything and to offer
12 family support. I know that the Family Enrichment
13 Centers are opening. I'm really excited about that
14 but I wonder if some of that can maybe you know
15 transfer out into the local community by virtue of
16 our local community centers. There's a huge need
17 there. There's a big void in services and I say that
18 as a Black and Brown individual who grew up in public
19 housing. My mother was on welfare. I am one of
20 eight children and we struggled, we struggled and
21 nobody came to rescue us, right. And my mother did
22 the best that she could and I did the best that I
23 could and some of us made it out and some of didn't
24 make it out. Because some of us just were not born
25 with or developed the skill set to thrive in such a

1 difficult environment. You know, and quite frankly,
2 I'm always surprised that I got out and sometimes I
3 still feel like I'm in there. You know, I still feel
4 like I'm in there because I still see a lot of the
5 remnants of that in my own community and the
6 community that I now represent.
7

8 And that's why I think I'm so passionate and many
9 of my colleagues are so passionate about these issues
10 because it's not about criticizing the administration
11 because I think that we all can agree. You know I've
12 met with many of you and I genuinely believe that you
13 have the best interest of our young people at heart.
14 I think that where we are lacking and where we could
15 be doing better is really in the coordination of
16 resources. Because you know, if we have a shortage
17 of there's a workforce issue throughout the entire
18 city. We have a shortage of lawyers in every single
19 category, housing lawyers, criminal defense. You
20 know, that can't be disputed. So, if we were to
21 increase the budget for ACS to hire up more attorneys
22 to represent families or to - you still wouldn't be
23 addressing the lack of attorneys and staffing
24 personnel at the court houses that are also slowing
25 down cases. So, I don't know how we resolve anything

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1 and move cases along and help families in and out of
2 the system as quickly as possible without having to
3 further traumatize them. Unless all systems are
4 working together. I just, I don't, I don't see that.
5 I really don't and I know that you have good
6 intentions but until that level of coordination
7 happens, we're screwed. We're screwed and so are the
8 families that are coming before all of us.

10 In regards to the - well, for DCAS, I will say
11 that I do have the Harlem Justice Center in my
12 district and it's been closed for quite a number of
13 years throughout the pandemic and prepandemic. You
14 know, I can't tell you how many times I was on the
15 phone just talking about leaks in the roof and how
16 that was impacting work space. And you know, I
17 believe that that is part of the reason why not all
18 of the building has been able to reopen and quite
19 frankly, I wonder is there, is there like a list of
20 properties that are under the purview of DCAS? And
21 is there like - do you report annually on how many
22 properties and what the level of capital need is per
23 property and how much money is being allocated yearly
24 to address those issues? Because this goes beyond
25 the court systems.

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1
2 LAURA RINGELHEIM: Sure, I mean we can get you
3 absolutely the list of the buildings that are under
4 our oversight and the capital projects that are
5 ongoing. The projects that have capital requests and
6 a schedule and a timeline to look at when those are
7 addressed. As far as the Harlem center and I can
8 look into that and get back to you with a timeline on
9 that one as well. Not all of the buildings have
10 current active projects that would address the scope
11 that you are talking about but I think exactly what
12 we need to do is work with the partners and see how
13 to prioritize and what needs to go first. We do that
14 with OCA, we do that with all our agency partners but
15 we always welcome any conversation to go a little bit
16 further and see how we can prioritize what is on the
17 minds and needs of the people that are in those court
18 houses.

19 CHAIRPERSON AYALA: Yeah, I mean if you look at
20 the photos, I don't know how many of you had an
21 opportunity to look at these but I mean, they're
22 pretty dire. I mean, you have not ceiling in one
23 building and the entire ceiling is gone. You know
24 massive leaks throughout the buildings. I mean, that
25 doesn't look too healthy right? And people are -

1 these are actual work spaces where you know people
2 are expected to work.

3
4 LAURA RINGELHEIM: Right I can tell you; I mean
5 for those pictures; the roof and the leaks have been
6 repaired and we have fixed most of those but you're
7 correct in that these are old buildings. There's a
8 constant level of need for capital improvements and
9 repairs.

10 CHAIRPERSON AYALA: Go ahead, Council Member?
11 Who took the pictures?

12 CHAIRPERSON BREWER: I believe people were there
13 on Friday, so I don't know how fixed they were just,
14 maybe you did it on Saturday.

15 LAURA RINGELHEIM: Yeah and I might not be
16 thinking of the pictures.

17 CHAIRPERSON AYALA: Well, yeah, and maybe if
18 there's a way to maybe post in the building so that
19 people know capital work is coming, this is when it's
20 happening because you know we're trouble shooting and
21 in reality people should know what the status of the
22 upgrades is right? Whether we're talking about 20
23 years from now. They should know, right, that this
24 is not happening as quickly as they think that it is.
25 But in all seriousness, the city has to put in money

1 and invest money in their own buildings. You know,
2 we are like our worst, you know nightmare. Like,
3 we're the worst landlords in the entire City of New
4 York and I don't understand that.
5

6 We find money to fund all type of stuff, yet our
7 buildings you know are not places where I would want
8 to hang out. I would never work in those. Okay, so
9 I said that. I just want to make sure I get through
10 these.

11 So, in terms of the cases that are referred out
12 of the Family Court division, do we know what that
13 number is? How many youngsters and I'm horrified to
14 see the age of seven listed on this but I believe
15 it's through 17 versus the cases that get sent over
16 to the other - which court is it that represents the
17 17- and 18-year-olds?

18 Yeah, I'm just trying to figure out how many of
19 the cases that were seen last year. What the
20 percentage is, right? Because there are two
21 different courts, right? There's the Family Court
22 Division and then you age out or are sent to the
23 Criminal Court?

24 JENNIFER GILROY-RUIZ: So, since the enacting of
25 Raise the Age, it actually happens the other way.

1 So, all cases that come into Family Court involve
2 youth between the ages now of 12 to 17. That changed
3 last year. It had been 7 to 17.

4
5 In the Family Court, initial jurisdiction is for
6 youth 12 to 15 for all cases. 16- and 17-year-olds
7 start in Family Court for all misdemeanor cases. 16-
8 and 17-year-olds arrested for felony cases, start in
9 the youth part of the Supreme Court in each county.
10 And then they can be retained in the youth part or
11 removed to the Family Court.

12 CHAIRPERSON AYALA: Okay, and for those that are
13 diverted that are sent back home, is there any
14 supportive services that is being offered to the
15 family? Because I mean, often times we're sending
16 kids back home to an environment where you know
17 there's somebody waiting to shoot them. I just want
18 to put that out there.

19 JENNIFER GILROY-RUIZ: So, when the youth are
20 released by the court, they can be released to an
21 Alternative to Detention program, which had been
22 mentioned. If they are released and they are not yet
23 before the court, there are no services currently in
24 place for those youth.

25 CHAIRPERSON AYALA: There are no services?

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JENNIFER GILROY-RUIZ: No, not currently, no.

JESS DANNHAUSER: Can I just add to that? So, the ATD, the Alternatives to Detention programs will be coming to ACS as of July 1st. So, we just awarded contracts to Good Shepherd, to the Justice Innovation Center and to CASES. So, that would be an alternative to detention that the judge would order. There are voluntary services through FAP, so our Family Assessment Program. So, any family that wants to reach out to our FAP office in any of the boroughs can do that. Last year, we served 2,600 children in that and we have room. They include family therapies. We're adding the Fair Futures program, so there's a youth development coaching component. So, those services are available. They are of course voluntary so, it's up to the family whether to take them and that young person will take them.

CHAIRPERSON AYALA: Yeah, I mean, I just, I feel like once the kid is sent home or to some sort of diversion program, there has to be some level of social service provided to the family. I've had families, I had a family at Wagner Houses to summers ago that you know, the child was involved in a shooting and literally the whole family like packed

1 up and left overnight. Like, they had to leave and
2 you know they were homeless because they had nowhere
3 else to go. You can't just transfer out of public
4 housing you know and especially overnight when
5 somebody is looking for you right. And you know
6 that's a real thing. That's a real thing.

8 JUANITA HOLMES: Chair, can I just add to that?
9 Also, in Probation, we have the adjustment cases.
10 Those that don't qualify for the adjustment cases and
11 are deferred to move on to Corp Counsel, we had a gap
12 that the individuals in that particular group weren't
13 receiving services, weren't referred to services.
14 Now, we filled that gap. We identified it through a
15 statute in Family Court 309.1 and as a result of
16 such, all of those individuals that were waiting for
17 their case to be heard will now be provided with
18 recommended services.

19 CHAIRPERSON AYALA: That's great, that's great.
20 There was a question that was asked before to Mr.
21 Kandhari but I wanted to ask Commissioner Dannhauser
22 of this. For children that are in ACS custody who
23 are charged with juvenile delinquency, what kind of
24 support do they receive from the Foster Care Court
25 and who appears with them? Does anyone appear to

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1 take them home? What information do they provide in
2 support of the child?
3

4 JESS DANNHAUSER: Absolutely and part of the -
5 we've been taking a close look at our crossover youth
6 model. Thankfully there are fewer young people who
7 are crossing over from the child welfare system to
8 the juvenile justice system but when it happens, we
9 have a cross divisional discussion lead by our Deputy
10 Commissioner Nancy Ginsburg and Deputy Commissioner
11 Mendez. We bring providers to the table and we look
12 at the best services available, either through the
13 child welfare or juvenile justice system.

14 As I said earlier, I think part of the dynamic
15 that was being experienced and one that we never want
16 to happen, is that the case planners who are being
17 asked to take on so much of that role. Now that we
18 have coaches in place that are specifically designed
19 for youth development expect that experience to
20 improve dramatically. Our expectation is that our
21 funding is that the coaches can stay in that young
22 person's life no matter where they go. So, in the
23 worst-case scenario, whether they're in secure
24 detention, they can stay in their life and our whole
25 portfolio services is open to those young people.

1 We're also looking at making sure that young people
2 who have a juvenile justice experience and then need
3 to come into the child welfare system because they're
4 aren't the appropriate family supports that they have
5 everything that they need and the appropriate
6 transition to housing and other types of supportive
7 services.
8

9 CHAIRPERSON AYALA: Okay, I have two more
10 questions and then I'm done, sorry. How has the
11 Raise the Age effected juvenile delinquency cases in
12 family courts? And are the cases taking longer?

13 RUTH SHILLINGFORD: Thank you for that question.
14 We are now obviously dealing with 16- and 17-year-
15 olds and so we've had an increase with respect to the
16 types of cases that we're getting. We're getting
17 more robberies, we're getting more firearm cases,
18 we're getting more assault cases, more attempted
19 homicides and we have right now some homicides.

20 So, that is the difference in terms of the types
21 of cases that we're getting. We're getting much more
22 serious cases.

23 CHAIRPERSON AYALA: So, the cases are most
24 serious in nature but is that creating further delays
25 in the court system?

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1
2 RUTH SHILLINGFORD: Well, I think part of the -
3 there is a mixture of things with respect to delays
4 right? The nature of discovery that we required to
5 provide. You have body worn cameras, I don't know if
6 any of you have ever viewed body worn cameras, but
7 usually when the officer, it's not one officer who
8 goes to an incident and you're not worth the assault
9 unless you reviewing those body worn cameras with
10 respect to a case.

11 And so, to the extent that some of the delays may
12 be occasioned by that and I believe that those things
13 are important to have and to review and so, there may
14 be adjournments that are necessary. I can't speak to
15 the reasons that the defense may need in order to
16 proceed with their cases. From our end, what we try
17 to do is work as quickly as possible to get whatever
18 discovery we need to get to counsel in order to move
19 the cases along.

20 CHAIRPERSON AYALA: And Commissioner, can you
21 tell me how many cases, in how many cases are
22 children left in placement longer than necessary
23 because the cases are being pushed out so far?

24 JESS DANNHAUSER: So, I don't have an exact
25 number for your Chair but we can work on that.

1
2 CHAIRPERSON AYALA: Is that happening? Because
3 that concerns me that we're keeping kids in foster
4 care, in ACS care longer than necessary because cases
5 keep getting pushed you know down the road.

6 JESS DANNHAUSER: It's a major focus for us as
7 well, both our family permanency, working with our
8 foster care providers. We have recently changed the
9 contracts with our foster care providers to pay them
10 based on a program size, which for the first time
11 really gets away from paying them the number of times
12 a child is sleeping in their bed. And so, it really
13 is sort of focused on permanency. We have targets
14 with each of our providers and we're providing a lot
15 of support to them. As you know, the providers have
16 been struggling with staffing and so our new
17 contracts enhance investments in staffing.

18 What I can say is it's not where we wanted to be
19 but the population of the number of children who are
20 in care for over 24 months is down seven percent over
21 the last year. So, we're starting to see some
22 promising trends. The population that's in care
23 between a year and two is down five percent, and the
24 number of children that went home in that first year
25

1 in 2025, was just under one-third, which was up from
2 about a quarter.
3

4 CHAIRPERSON BREWER: What are the numbers? I
5 know you say seven percent, five percent but what –
6 because that could be seven percent of anything.
7 Just so we have numbers.

8 JESS DANNHAUSER: That's a fair point. Chair,
9 give me one moment to get the exact numbers for you.

10 CHAIRPERSON BREWER: I could make a seven percent
11 of anything.

12 JESS DANNHAUSER: I'll go back to my testimony
13 and make sure I have it. If it's not seven percent,
14 it's a small number.

15 So, just to give you the numbers. In – for all
16 discharges, we're seeing that the number of non-
17 permanency, which means kids aging out of care come
18 down from 654 in 2019 to 542. We've seen in 2019,
19 there were about 4,000 children discharged from
20 foster care. It dipped to 256 in 2020 and has been
21 back up over 3,000 in 2021 and 2022. So, what we're
22 seeing – there's also a fewer kids coming in, so some
23 of the population is smaller on the front end but a
24 higher percentage of that population is going home.

25 CHAIRPERSON AYALA: Okay.

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1
2 JESS DANNHAUSER: Let me just be clear. You
3 know, we still feel like we have a long way to go to
4 make sure that every child has permanency in a timely
5 way. There are also very important due process
6 considerations for parents that we take seriously in
7 New York. So, that also contributes to the timeframe
8 to make sure that parents have an appropriate amount
9 of time to rectify the situation but we are always
10 looking to and looking at, we started that work to
11 have a review at the 90- or 120-day mark to see, are
12 we working with fathers sufficiently.

13 CHAIRPERSON BREWER: Yeah, my concern is not so
14 much ACS, my concern is that in cases where ACS would
15 recommend that the child be you know turned over to
16 the biological you know family, and now you're going
17 to court and now the court, you know that court is
18 adjourned because you know of a shortage of staff or
19 for whatever reason and now not calendared for
20 another five months and then we go back and then
21 there's another incident and now this kid is in
22 foster care for an additional nine months. Longer
23 than you know recommended by even ACS. That's the
24 part of it that you know I'm trying to get to.

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1
2 JESS DANNHAUSER: All of the recommendations that
3 have been laid out today, more family court judges,
4 making sure the technology is right are all really
5 important because that any delay is too long. I do
6 think as I said in my testimony, that while we're
7 encouraging parents to be there especially at a
8 filing, when virtual visits allow for more time,
9 certain historically it's been very hard to get a
10 time certain, so our staff would sit in court. I
11 have been visiting the court houses. They are very
12 quiet and most of it is because most of the cases are
13 virtual. We want families to have due process and to
14 be there in that first visit but at the same time,
15 we're starting to see things move in the right
16 trajectory because we're showing up at that link and
17 the judges are ready and everyone's ready and so,
18 we're able to move forward at a greater rate. We are
19 not where we need to be and some of the
20 recommendations that have been laid out today are
21 important.

22 CHAIRPERSON AYALA: Well, I'm going to propose to
23 Council Member Brewer that we go this summer and hang
24 out in Family Court and see for ourselves.

25 JESS DANNHAUSER: Absolutely.

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1
2 CHAIRPERSON AYALA: How many cases because that
3 really scares – you know it scares me to think I
4 mean, it's a traumatizing experience. I was a former
5 foster parent and I know and I have children and I
6 know that you know I will be traumatized you know for
7 the kids. Like, being away from mom, being away from
8 dad. In cases where you know they could easily go
9 back and we can support parents. I'm not talking
10 about you know more severe cases then it just seems
11 criminal to me that we're allowing that to happen.
12 And with that, I will shut up because Council Member
13 Brewer is going to kill me.

14 CHAIRPERSON BREWER: I will not. I want to thank
15 Council Member Velázquez and Yeger for being here.
16 I'm going to quickly call on Council Member Stevens,
17 because I know you have a challenging schedule and
18 then we're going to hear from the great Chair of
19 Public Safety. Go ahead Council Member Stevens.

20 COUNCIL MEMBER STEVENS: Thank you very much and
21 I will be very brief and Chair Ayala already kind of
22 alluded to some of the questions I have it's just
23 around like, what does the coordination look like
24 amongst all agencies, city agencies that work with
25 young people because you know we have DOE who is over

1 there teaching our young people. We have DYCD who
2 does all this work. We have all these things and to
3 me a lot of it just seems like no one is talking and
4 everyone is doing their own thing. So, my question
5 is like real specific around like, do you guys have
6 shared goals? What do your monthly meetings look
7 like? How are you making sure that the services that
8 you're providing in all the programs – Chair Ayala
9 already said like, right, like you have the centers
10 is opening up, community centers. What does the
11 outreach look like because it does not make sense to
12 me that all these agencies, we're investing all this
13 money and there's really no coordination of services.
14 And so, you know if we had you know more preventative
15 services, a lot of these things wouldn't need to get
16 here.

17
18 So, can you talk about what does the
19 collaboration between all these offices look like?
20 How are you meeting? Is it shared documents? What
21 do those meetings look like? Are they monthly? Are
22 they annually? What do they look like and how is all
23 of this information being translated about the work
24 that you're doing and ACS, DOE, DYCD, like all of the
25

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1 systems that any child is being touched, how are you
2 cross collaborating this information?
3

4 JESS DANNHAUSER: Thank you for that Council
5 Member. I'll start and see if my colleagues would
6 like to add to that. I think in addition to meetings
7 that the Mayor convenes and the first deputy Mayor
8 around the Gun Violent Taskforce and Deputy Mayors
9 with their portfolios convening on a very regular
10 basis. We are doing a lot of work and it really goes
11 back to the heart of what we're trying to accomplish
12 here. We would like to reduce the number of
13 unnecessary reports coming to ACS, so that we can
14 take resources and invest them upstream in community
15 and consistent with the Mayor's vision. So, we are
16 meeting on a very regular basis with the Department
17 of Education.

18 COUNCIL MEMBER STEVENS: So, could you talk about
19 like who's at those meetings. Because the other
20 issue for me is, a lot of people at the top talk but
21 a lot of folks who are actually doing the direct
22 service and actually doing the work, never meet,
23 don't know each other, never seen each other and all
24 those things are separate.
25

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1
2 And so, it's happy that the Commissioners might
3 be meeting but to me, that's not the people doing the
4 work, so how is that really being translated?

5 JESS DANNHAUSER: Sure, so we are working to
6 drive that down. I think it's a very important
7 point. In addition to large meetings at the
8 Commissioner level. We are doing local meetings, so
9 with specific schools, our community partnership
10 teams are meeting the specific schools to make sure
11 they understand pathways to support for families to
12 make sure that they understand the difference between
13 when you call the SCR, when you call FACT, when you
14 call one of our preventive agencies, so we're trying
15 to do that work on the ground level.

16 COUNCIL MEMBER STEVENS: As you work with
17 schools, what does it look like with the after-school
18 program staffing? Because let's be clear and I want
19 to be clear about this, even in school sometimes I've
20 been a little jinky, because I've been in programs
21 where the school will be like, no you can wait till
22 afterschool and they will call ACS because we're not
23 doing it. So, what does that look like even in the
24 DYCD programs? How are you guys meeting with them?
25 Because yes, great, you're meeting with school staff

1 but then we have this whole host of other people who
2 are working with young people who often are left out
3 of the conversation.
4

5 JESS DANNHAUSER: Yeah and I'm not trying to
6 suggest it's perfect but some of the efforts, both
7 DYCD actually run some of the programming within our
8 juvenile justice programming and so, we're doing with
9 Commissioner Howard who is coming out to visit that.
10 We do not see the after-school programs reporting at
11 a very high level but I'll take a deeper look at
12 that. But that will be part of our full outreach to
13 make sure that we're clear with folks about who to
14 contact in what type of situation, so that we're only
15 getting the type of reports that are necessary. And
16 that we're getting families the quickest access to
17 services.

18 COUNCIL MEMBER STEVENS: I hear you but I think
19 that that's part of the problem right? Like, you
20 shouldn't just be seeing reports. People should be
21 meeting right. Like that's part of the problem.
22 Like I've worked in this system for 20 years and no
23 one talks.

24 And so, you know it's a lot these things where
25 you're talking about all these services that you're

1 providing and if we had them and like you know Chair
2 Ayala said, in the community center before, some of
3 the things would be preventative. Or we know a lot
4 of our young people are you know are court involved.
5 So, what does that look like to have those services
6 already available there? So, like, it's always this
7 disconnect of like how we are all working together
8 and reports are nice but that's just paper. And
9 let's be clear, when you're running a program, you
10 don't have time to read a report because you're
11 actually on the ground doing the work.

12
13 And so, we really need to think about what does
14 this really look like and how or whether it's having
15 thorough meetings and having you know school providers
16 there, DYCD providers and all those folks there to
17 have conversations about what this looks like because
18 these are the same kids. Like, all of them are in
19 all the same programs right? And so, were referring
20 them out and doing all these things. I mean, we have
21 we have these YCO's; don't get me started on that.
22 Everybody knows I hate that. Those folks over there
23 working with the kids. We have, they're going to
24 probation, they are working with kids and they are
25 getting services, they are ACS involved. All of

1 these things but there's no coordination about how
2 we're actually going to work together and having the
3 people who are doing the work working together.
4

5 JUANITA HOLMES: So Chair, you are speaking my
6 language, right? And you know I've been here six
7 week in probation. These are the discussions that I
8 have I know with my staff. I have DOE on my schedule
9 today. I have NYC coming up with Commissioner
10 Harris. I always speak about coordination because it
11 creates structure. There is so many programs
12 throughout the city and we're doing our best. I
13 speak with ACS. I know what programs they have but
14 from my previous employer, right. So, I think about
15 exactly what you're saying. Anyone touching a child
16 should be speaking to one another because it is the
17 same households, and I knew that in 2015 when I was
18 Chief of Domestic Violence.

19 So, we're going to do better and get better at
20 coordinating. And like you said, people speaking
21 with people. It is so essential because we are in a
22 lot of the same homes. So, if I want into a home and
23 when I say I, I'm representing DOP, Department of
24 Probation and I see something that may have a little
25 fragrant to possible neglect.

1 I should be able to see right, with technology in
2 New York City if by going in with a certain level of
3 access, if there is an ACS case in that particular
4 class, so I'm not generating another one. I'm just
5 adding additional information based on my visit.
6 Here's what I have seen, and that's a huge technology
7 undertaking. It could be, I don't know but I know
8 that I've been speaking to this, that giving us all
9 access to DOE.
10

11 I supervise a 13-year-old. I shouldn't have to
12 make a school visit to see if that child is going to
13 school. I should be able to go into the system with
14 a certain level of access to DOE and see that my
15 child has been attending school. And so, all of
16 these things would create more efficiency, therefore
17 allow us to be more effective. Therefore cut down on
18 certain man hours where sometimes you have do the leg
19 work and go and take care of itself. There are a
20 number of things that happen identified with speaking
21 with the agencies and we are moving forward to get
22 better in that particular area. But you are speaking
23 my language, I agree.

24 COUNCIL MEMBER STEVENS: Yeah, I mean, like I
25 said, it's just very frustrating because like I said,

1 I worked here for 20 years and I was one of the
2 people who it's just so hard and like you said, it
3 should be. It's 2023, there's technology, it's
4 available. It's about is that what we really want to
5 do? And figuring out what that looks like but we
6 have to move there because the reality is, our kids
7 are hurting right. They are suffering because we are
8 not communicating and getting that information
9 together.
10

11 CHAIRPERSON BREWER: I'm going to call on our Co-
12 Chair if that's okay.

13 COUNCIL MEMBER STEVENS: Oh, I'm done.

14 CHAIRPERSON BREWER: Okay, the great Public
15 Safety Chair Kamilah Hanks.

16 CHAIRPERSON HANKS: Thank you Chair Brewer and I
17 definitely need to echo the sentiments of my
18 colleagues Deputy Speaker Ayala and Council Member
19 Stevens. All of us having done this work. You know,
20 if you look at your testimonies and you read them,
21 you're like, this is perfect. But it just doesn't
22 necessarily play out that way on the ground and I
23 think that these hearings are extremely important to
24 make sure that we're looking at the journey map to
25 seeing that every single touch is relevant and we're

1 getting young people and folks the services they
2 need.

3
4 But my first question is to DCAS. I'm also
5 looking at this photograph of Richmond County Family
6 Court and you know the scaffolding has been up for 13
7 years. The steps have been in disrepair for 10 years
8 and it's completely out of service since August of
9 2022. So, my question is, at what point will this be
10 completed? What is the timeline and the funding
11 stream that we're looking at here?

12 LAURA RINGELHEIM: So, I'm going to have to get
13 back to you with funding and timeline. I know for
14 the steps, that is a DCAS project that we were
15 working on ourselves and we lost significant staff
16 that was working on them. We have recently hired,
17 that should be rolling again. As far as the
18 scaffolding and the entirety of the project, which is
19 being undertaken by DASNY, but we are constantly
20 working with DASNY in terms of when that project is
21 going to kick off and be complete. So, currently we
22 know DASNY is hiring the bridging contractor. It's a
23 partial design built, so it is rolling and let me
24 just look at one of my colleagues to see what the
25 funding? Okay, we'll have to get back to you on the

1 funding and the budget. I know DASNY on their site
2 says it's over \$100 million project but I'm not sure
3 where they are in the funding. But to - the
4 scaffolding stays up, the shedding stays up until
5 compliance with local, with the façade laws. Local
6 law, formal Local Law 11 to make sure that you know
7 nothing is falling off the building to injure anyone.
8

9 CHAIRPERSON HANKS: For 13 years?

10 LAURA RINGELHEIM: So, a lot of these projects I
11 know scaffolding and shedding is a big issue in the
12 city right now where the work hasn't been done. So,
13 the larger capital project has to be finished and I'm
14 going to ask our Chief Engineer to if I'm saying that
15 correctly? The larger project of the construction
16 and the addition to 100 Richmond must be finished
17 before that scaffolding can be taken down.

18 CHAIRPERSON HANKS: Yeah but just, we're looking
19 at a timeline that's been up for 13 years and has
20 been in disrepair for 10 years and I think that you
21 know my colleagues, especially the bookend of
22 boroughs have been neglected and you know five years
23 is understandable but when you're talking about a
24 decade, over a decade of disrepair. It's completely
25 unacceptable and so, I definitely would like to know

1 when this project is supposed to be completed but
2 thank you.

3
4 LAURA RINGELHEIM: We'll get you a timeline for
5 that.

6 CHAIRPERSON HANKS: So, my next question is for
7 Ms. Shillingford. So, we testified that NYPD, once
8 NYPD takes custody of a youth, they have the
9 discretion to determine whether to issue a juvenile
10 report and release an individual or make a formal
11 arrest. If the ladder they use has been assessed by
12 the Department of Probation to determine whether to
13 adjust the case or refer it out to our office. So, I
14 think my first question is, can you explain who makes
15 the determination where a case should be heard and
16 how this change might change the penalty or someone
17 found guilty. We just wanted to know what is the
18 process to that? I hope I asked the question
19 properly.

20 RUTH SHILLINGFORD: I'm sorry, can you repeat the
21 question?

22 CHAIRPERSON HANKS: So, my understanding is -
23 sorry, the considered crime should be alleged to be
24 committed by children between 7 and 18 years old are
25 generally heard in Family Court but for some more

1 serious or violent acts, these cases could be heard
2 in the youth part or the Supreme Court. Can you
3 explain who makes the determination where a case
4 should be heard and how this might change the penalty
5 for someone found guilty?
6

7 RUTH SHILLINGFORD: Yes, thank you for that
8 question. So, the law actually indicates that
9 anybody who is 16 or 17 and charged with a felony
10 begins in the adult Supreme Court in the youth part.
11 That is different than other jurisdictions where
12 there's something called a waiver up. That didn't
13 happen in New York.

14 So, when we have somebody who is arrested and the
15 Police Department has made a determination to arrest
16 that youth, if they are 16 or 17, the case goes
17 directly to the District Attorney's Office, who then
18 determines whether to file. If they are - if it's a
19 felony and they're under 16 or if it's a misdemeanor
20 for anyone, the case goes directly to the Department
21 of Probation, who determines whether or not
22 adjustment is appropriate and they can speak much -
23 and I would ask Commissioner Holmes if she would like
24 to add to that.
25

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1
2 JUANITA HOLMES: So, that's correct, yes. They
3 come to the Department of Probation and at that
4 point, whether it's I believe it's through intake at
5 that point and they fill out what's called an INR
6 investigation report. That's when it's determined
7 whether or not this individual qualifies to go to
8 adjustment. Whether that will be more of a benefit,
9 what's taken in consideration support systems.
10 Whether they've been rearrested. The victims
11 statement naturally, family support. Several other
12 variables to take into consideration to determine
13 whether or not a diversion program would be more
14 suitable for the individual than going to prefiling.

15 CHAIRPERSON HANKS: So, I think you know my
16 bigger question is, like what happens between all
17 that timeframe? So, when we talk about journey
18 mapping, a young person who comes into the judicial
19 system at a younger age and an arrest is not made,
20 like what does that look like through all these
21 processes and what happens to this young person?

22 JUANITA HOLMES: Well, through our process, the
23 report has to be, the initial report has to be done
24 especially if they're in placement within ten days.
25 When you're talking about Family Court, probation has

1 four to six weeks. It sounds long to me but it's
2 four to six weeks in order to process a particular,
3 what's called an investigation report, the INR.

4
5 Once that's done, it's sent to Corp Counsel. If
6 they're not recommended for a diversion program but
7 during that timeframe, which I explained earlier,
8 these children weren't receiving or recommended any
9 services or resources. So now, that gap is being
10 filled with the Family Court Statute 309.1, where we
11 can recommend resources, services, naturally they
12 would have to volunteer to you know on a voluntary
13 basis. But at least it's going to be recommended.
14 Determine why is this child possibly robbing to begin
15 with? Are they hungry? Do they need food? What
16 services do you need and what can we provide and
17 where can they attain those particular services and
18 resources?

19 That's the process. Once it's referred to Corp
20 Counsel, if they're not going to qualify for
21 diversion or adjustment, then that's the process that
22 kicks in the Corp Counsel. Now, they have to take
23 into consideration all the different variables.
24 Everything is discovery now, which you know and as a
25 result of such like what was mentioned earlier with

1
2 body worn cameras, evidence, which I can defer to
3 Corp Counsel to speak about that point, from that
4 point.

5 CHAIRPERSON HANKS: Just one question. What
6 happens to this person when you're working all this
7 out?

8 JUANITA HOLMES: So, what happens to the young
9 person when we're filling out the investigation?
10 They're usually home.

11 CHAIRPERSON HANKS: Okay.

12 JUANITA HOLMES: Right and if they're in
13 placement, that's when the time span of ten days
14 kicks in. Because they're in placement, we want to
15 expedite this decision.

16 CHAIRPERSON HANKS: Okay, thank you.

17 RUTH SHILLINGFORD: So, I would just note also
18 that with respect to the Statute Section 309, which
19 was passed by the State last year, it's an unfunded
20 mandate. Okay, so there's a recognition that there's
21 something that needs to be done with respect to these
22 young people in between and yet no funding for that.
23 So, that's one of the things that we think would also
24 be quite helpful in terms of filling that gap.

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4 With respect to once the cases come to us, we
5 make the determination right at the beginning whether
6 or not it's a viable case. If it's not a viable
7 case, a young person should not go to – should not be
8 considered for any sort of diversion because the case
9 is not valid. The case should be dismissed and
10 sealed. So, we do that preliminary, that threshold
11 evaluation. Thereafter, we exercise our
12 discretionary authority to see whether or not the
13 case is eligible for our discretionary diversion.
14 And that's where we utilize our diversion
15 coordinators and make those determinations and
16 utilize the various programs that we have listed in
17 our addenda and utilize those programs.

18 Ultimately, there comes a point where if
19 diversion is not an option that we have to make a
20 determination whether or not to file. And again,
21 even with that, we still have to conduct our
22 investigation with respect to we continue to
23 investigate the case and then move forward with the
24 case.

25 CHAIRPERSON HANKS: How long does that generally
take? Because there's a lot of if – then's – in
there.

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1
2 RUTH SHILLINGFORD: A lot depends on whether or
3 not someone is in. If someone has been detained, in
4 which case, everything moves much more quickly and
5 from our end, if you're talking about making a
6 determination on a case where someone is not in, we
7 have our own internal thresholds with respect to when
8 a case should move, and we've recently put into place
9 some policies with respect to if a case is over 45
10 days, then we need to have an explanation with
11 respect to what's going on with the case and move the
12 case forward.

13 So, we are cognizant of the fact that whenever
14 any case comes before us, essentially two people's
15 lives are on hold and we need to move it as quickly
16 as we can.

17 CHAIRPERSON HANKS: Well, firstly I appreciate
18 the appendix. That was extremely helpful. I also
19 wanted to ask you. You said there were unfunded
20 mandates. If there were funding available or if you
21 were to advocate for funding in what I'm looking at
22 is gaps, where would that funding be? What would it
23 look like?

24 RUTH SHILLINGFORD: I'll turn it over to -
25

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1
2 JENNIFER GILROY RUIZ: So, as Commissioner Holmes
3 indicated, there is a period of time where we're
4 investigating the case and just to be clear Council
5 woman, we're different than the adult system because
6 we cannot file absence sworn testimony. So, we don't
7 send the case directly to court. We must have that
8 sworn testimony from the witnesses and that is
9 something that takes longer to get.

10 However, from the time the Department of
11 Probation refers the case, until we file the case,
12 that's the gap that the Commissioner identified.
13 That's the gap that 309 was enacted to address.
14 However, when it was enacted, there were no services.
15 So, if the youth is being adjusted by the Department
16 of Probation, they have a pleather of services. If
17 the case goes into the court, and we file a case, if
18 the youth is being released home, that's where the
19 ATT programs that Commissioner Dannhauser just spoke
20 of come into play.

21 So, that's the specific gap between referral and
22 filing or declination. An additional gap that was a
23 serious gap, was that as Judge Shillingford has said,
24 if a case cannot be proven, we cannot mandate
25 somebody to services. However, based upon a

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1 collaboration with MOCJ and the United Way. There
2 are now voluntary services available to youth whose
3 cases are declined. And so, we're able to make a
4 referral of any case that's declined to those
5 services. They've rolled out slowly. They're in I
6 believe four of the boroughs. I think it's still
7 coming on in one and I'd have to tell you, I don't
8 remember which. However, those are voluntary, so we
9 don't get a report back. Nothing can happen to
10 someone who doesn't do those services but when Mr.
11 Kandhari spoke, he spoke of Family Functional
12 Therapy, that's what they are. And so, that's an
13 opportunity now that had not been in place for a
14 very, very long time.

16 CHAIRPERSON HANKS: So, there's nothing in place
17 to require someone to be part of a program in that
18 purgatory space, in that space that's kind of in
19 between. Because I think that that's really as far
20 as you know what this Committee looks at when the
21 preventative and the intervention, we do not
22 understand how all this process works and what is
23 that spot in which we can you know intervene and
24 provide services that are not mandated. I mean,
25 maybe we need to have a further conversation in how

1 we can do with the Raise the Age legislation along
2 with discovery and all the other things that we're
3 talking about. These young people are slipping
4 through the cracks. They're committing crimes often
5 that's being escalated and even in Staten Island, the
6 shootings that have happened have been 14- and 15-
7 years old's. Primarily 14- and -year-olds and if we
8 do not have a mechanism in which we can capture or I
9 guess capture not that word but to intervene at that
10 space when you do have them. To make sure that we
11 can mandate some sort of you know a program for them
12 so we're capturing you know at least and providing
13 services but my last question, my last two questions
14 is for the Law Department. How is the staffing? Are
15 you able to you know - do you need more experienced
16 attorney's for the more serious cases? What does
17 that look like?

19 RUTH SHILLINGFORD: So as with respect to our
20 situation, as is the case with other stakeholders
21 that the division has experienced significant
22 attrition. So, since 2020 during COVID and
23 thereafter, we lost approximately 111 attorney's and
24 79 support professional staff. That obviously when
25 people leave, we have caseloads. They have cases and

1 the cases go to those who are remaining right. And
2 so, it has been and continues to be difficult with
3 respect to managing our cases. However, we have been
4 in touch with OMB with respect to increasing our
5 entry class from what we had in the previous years.
6 As you recall during the prior administration, there
7 was a hiring freeze, and our numbers were very low
8 from there in terms of entry classes. But again,
9 with respect to I think any organization, the
10 question is, experienced attorneys being able to
11 compete for those experienced attorneys and we're
12 hiring because you know I'm the last person in terms
13 of our division as far as hiring, and so we're hiring
14 but it is difficult. And we have to be able to
15 compete and I'm hopeful that we'll be able to do
16 that.

18 CHAIRPERSON BREWER: Are you hybrid?

19 RUTH SHILLINGFORD: Are we hybrid. We are in the
20 same position as any other agency and look forward to
21 the resolution.

22 CHAIRPERSON BREWER: I know the answer but you
23 guys got to push harder for hybrid. We're in court,
24 everybody's hybrid except for you. Thank you.

25 RUTH SHILLINGFORD: Thank you, appreciate that.

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CHAIRPERSON HANKS: Thank you Chair Brewer.

Thank you to everyone who testified. I would love to continue this conversation offline. Thank you so much for your answers.

CHAIRPERSON BREWER: Council Member Joseph and then Council Member Krishnan.

COUNCIL MEMBER JOSEPH: Thank you again Chairs. I have a question. I have a couple of questions for ACS. As the Education Chair, when I got here, there was no office to deal with students in foster care, so we established this office here. We still have issues. I met with 30 foster care agencies on Friday and the majority of the complaint I'm getting is around transportation and here's how it sounds. So, my two boys came from foster care. So, when my six-year-old needed to go to school, they offered us a metro card. That can't happen. A six-year-old should not be able to get on the train to navigate. Remember, they are being pulled away from their mom and dad already or whatever setting they were in. That's already traumatizing and to offer them a metro card at six years old is unacceptable.

So, when they come into care, I want to see what this transportation plan look likes between you and

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1
2 DOE and how the agencies are getting reimbursed on a
3 timely fashion and what's the policy around
4 transportation.

5 JESS DANNHAUSER: Thank you Council Member. I
6 agree with you and thank you for your advocacy in
7 establishing that very important office. This is big
8 focus of ours. We immediately work with the DOE to
9 put in requests for transportation. We also are
10 working with providers. I think the biggest
11 challenge, we are reimbursing for transportation in
12 that early stage. The biggest challenge for the
13 providers is looking at when there needs to be
14 somebody who is accompanying the young person. Many
15 of our foster parents work and they're not able to
16 accompany the young person to and from school. And
17 so, we are absolutely doing that reimbursement. We
18 are looking at a number of models for trying to
19 support their - accompanying the young person to the
20 school. We look very regularly at our school
21 attendance data, which is starting to trend better in
22 the right direction. This is an ongoing challenge
23 but we focused on trying to meet it.

24 COUNCIL MEMBER JOSEPH: Summer Rising is coming.
25 It's around the corner. When a child enters care,

1 Summer Rising starts July 5th. Let's say someone
2 enters care July 10th. What does that transportation
3 look like for that child that's coming into that
4 system?
5

6 JESS DANNHAUSER: For Summer Rising specifically,
7 I have to get back to you.

8 COUNCIL MEMBER JOSEPH: Summer Rising is
9 occurring and one of the things they put out was
10 priorities for students in temporary housing and
11 students in foster care. So, how do we get the
12 students from point a to point b to their programming
13 with transportation?

14 JESS DANNHAUSER: So, it would be the same
15 process. We will reimburse the providers if they go
16 out of pocket for that, absolutely and we work with
17 the DOE to try to make sure that transportations in
18 place as quickly as possible. We're also trying to
19 look - right now, we're seeing slightly increasing,
20 we talked earlier about placements of children where
21 they are. Slightly increasing placements of children
22 in their home borough, which is obviously key. We
23 obviously also focus deeply on kinship, where over 50
24 percent of the children are coming into kin. And
25 we've increased the reimbursement to kin in those

1
2 early days to make sure that they have some
3 additional funds to care for the child early.

4 COUNCIL MEMBER JOSEPH: Thank you. Earlier you
5 said the numbers are down. Is it due to COVID that
6 the numbers are down in children coming into care?

7 JESS DANNHAUSER: It's not due to COVID but we
8 learned a lot from the pandemic Council Member and
9 we're serious about applying those lessons. So,
10 during COVID, the Family Courts put in an emergency
11 protocol that we could only bring to Family Court
12 what was emergent, even if it was for supervision.
13 So, we are essentially only bringing filing cases
14 where there needs to be either a removal or somebody
15 in the household composition is a danger to that
16 child.

17 So, we have looked at that over time. We have
18 not seen increasing rates of serious major injury to
19 children as a result of this and so, we have decided,
20 made the decision to adopt that as policy and we're
21 currently working on drafting that policy while the
22 court order is still in place. So, it is not related
23 to the pandemic because reports have come up in one
24 way. But it's certainly a lesson learned from it.

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1
2 COUNCIL MEMBER JOSEPH: Thank you and earlier you
3 said, how long does it take a child from removal to
4 return to parent if not returned to parent. How long
5 does that take?

6 JESS DANNHAUSER: I'll get you the exact numbers
7 on the average length of stay this past year, about
8 one-third of children return home within that first
9 year. And then depending on the pathway from foster
10 care, whether that's kinship guardianship which we've
11 been using a lot more of. I'm sure you're familiar
12 but just for others that this is subsidized
13 guardianship for family members who have been foster
14 parents for over six months. So, I can get you those
15 numbers.

16 COUNCIL MEMBER JOSEPH: That will be nice because
17 I'm familiar with cases. Our case took about five
18 years for us to finally adopt the two boys and I
19 don't think anyone should go through traumatic
20 experience, especially if they're opening their homes
21 and the need is there. It's not like the need is not
22 there. The need is there.

23 JESS DANNHAUSER: Yeah, absolutely.

24 COUNCIL MEMBER JOSEPH: Thank you Chairs.
25

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4 CHAIRPERSON BREWER: Council Member Krishnan and
5 then Council Member Williams.

6 COUNCIL MEMBER KRISHNAN: Thank you so much
7 Chairs Brewer, Hanks and Ayala for today's hearing.
8 Thank you all for your testimony today too. Good to
9 see you Commissioner. I wanted to just take a step
10 back for a second and frame my questions around two
11 things. First, I think you're hearing from a lot of
12 colleagues today too and I'm emphasizing this point,
13 the child welfare system in my opinion is not really
14 about the welfare of the child. There are so many,
15 as I always say, family separation happens in New
16 York City every single day and I know you're all
17 aware of that too and you look at the statistics,
18 over 90 percent of families that are investigated,
19 prosecuted, removal but over 90 percent even just in
20 the investigation in the state are overwhelming Black
21 and Brown families. And especially in low-income
22 communities of color.

23 So, we've got a lot of work to do because if we
24 really are talking about a system that's in the best
25 interest of the child and the work that needs to be
done to really keep families together, I think needs
to be the focus of the system. And there are two

1 areas I'd like to focus on just for my two questions.
2 One is on the court system in particular. I know and
3 I've said it to as a lawyer that practiced in housing
4 court for many years representing tenants, housing in
5 the civil side at least, housing court and family
6 court are in bad, bad need of reform. The problem is
7 dire in both courts. The physical photos that we're
8 seeing of how deteriorating the conditions are, is
9 just a metaphor of the deteriorating state of justice
10 in the family court system as well as in the housing
11 court system.
12

13 And so, there's a lot to be done and my
14 colleagues have raised it in terms of addressing the
15 physical structure because how that structure looks
16 and how it really opens its so-called doors of
17 justice to families who are coming in effects the
18 kind of treatment they receive in the court system
19 after something as emotionally traumatic as family of
20 separation and removal happened in these court houses
21 in such bad repair is shocking.

22 But I also want to focus on; we talked about the
23 repairs before. The actual perspective of the
24 judicial system. Because as I mentioned before, the
25 best interest of the child standard, the way in which

1 things proceed with large caseloads for the judges
2 themselves and we heard from a former judge before,
3 it doesn't seem to me like the court system is
4 actually focused on keeping families together. Just
5 like I've seen in housing court to, the high
6 caseloads mean that judges are churning through
7 cases. They think that it's a you know, a two-sided
8 thing and that the moral value of actually keeping
9 families together is absent from these proceedings.
10 So, I'm just curious to know from you all, in your
11 work as agencies, as administration, as Corp Counsel,
12 what efforts are made on a larger level in making
13 sure that our judicial system is reorienting its
14 perspective to be truly about keeping families
15 together? So it doesn't feel like a system that is
16 really focused on the immense racial injustices and
17 ripping apart families.

19 JESS DANNHAUSER: Thank you Council Member. I
20 agree with you. I don't - I can't speak to the
21 reframe for the judicial system as a whole but that
22 reframe that you reference is absolutely under way at
23 ACS. In my testimony, I just want to share with you,
24 we've reduced court filings from 7,600, almost 7,700
25 in 2017 to just over 3,500, a 53 percent reduction

1 and we've removed, we've reduced the number of cases
2 that we're bringing for remand of a child into care
3 from over 2,000 to about 1,300. We're focused on
4 making sure our preventive services work can reach
5 families earlier and as you and I have discussed,
6 we're also looking at ways in which we can think
7 about family services outside of the construct of
8 child welfare, right. Families have appropriately,
9 there's stress involved with connection with the
10 Child Welfare system. We are working hard to reduce
11 that stress but also thinking more broadly about ways
12 in which families can get services outside of that.

13
14 One thing I will note is that our CARES process,
15 we are about 18 percent last month of our cases went
16 down a CARES track, which is a non-investigative
17 track that is more focused on supportive services to
18 families. This is after a report is made. We have a
19 long way to go but that's some of our focus to make
20 sure that we are representing in court that we are
21 there in the best interest of that child and that
22 family and that those interests almost always
23 overlap.

24 COUNCIL MEMBER KRISHNAN: And you know as I
25 mentioned Commissioner, these issues are systemic and

1 so, you know, I know the work that you're doing and I
2 would urge you all to continue working with it's
3 happening but even more so, coalitions like PLAN, I
4 see Joyce McMillin here to and many others in the
5 room that are advocating every single day on these
6 issues to truly reorient a system that is utterly
7 failing and the families they should be serving.

9 I have one more question if the Chair will
10 permit. My other question on the other side of this
11 goes to the investigation stage. When it comes to
12 mandatory reporting and the work being done with your
13 agency. There's I want to weigh in as well to
14 actually address many of the serious deficiencies of
15 the mandatory reporting system. As a child, I was
16 the subject of mandatory reporting. My family was
17 investigated by ACS. It gave me a glimpse into what
18 thousands of Black and Brown families are facing
19 exponentially worse every single day in this system.
20 Recently, when I was walking my child to school, I
21 had to help a mother that was similarly you know part
22 of a mandatory reporting incident that just happened
23 as well and she was deeply traumatized.

24 And so, on the initial investigative side, where
25 these mandatory reports are being filed, what is your

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1 agency doing? What are the agencies gathered here
2 doing to address these serious errors that happen
3 with mandatory reporting?
4

5 Again, in a system that the statistics are very,
6 very clear of the racial disparities and I think
7 especially when it's settled and clear, there's real
8 work to be done on the front level when it comes to
9 investigations.

10 JESS DANNHAUSER: Thank you Council Member, I
11 couldn't agree with you more. It is 6.6 times more
12 likely that a Black family will be called in our
13 report as a White family in New York City. This is
14 nowhere near okay. We are doing a lot of work. The
15 state has reformed its mandated reported training to
16 be more clear about when a family should be called in
17 for a report versus support. And we're trying to
18 move forward and not only allowing that reframing
19 from the state, where the state central registry
20 decides whether they're taking that report or not but
21 to do the work on the ground to make sure that our
22 partners at DOE know pathways to support, rather than
23 a report that our shelter providers understand that.
24 We're doing that work with Health + Hospitals. We're
25 meeting biweekly with Joyce and others around

1 narrowing the front door initiatives. This is a
2 major, major investment that we're making. We have
3 not seen the number of reports come down quite yet.
4 We're about ten percent below prepandemic levels,
5 which is better but we feel like we have a long way
6 to go given that very, very sobering statistic.

8 COUNCIL MEMBER KRISHNAN: Thank you and I'll just
9 close by saying you know as I started out, if we're
10 really serious about you know child welfare and we're
11 really serious about keeping families together, then
12 you know Council Member Stevens made the point before
13 about the conversations happening from the top levels
14 of the agency down to the staff as well.

15 And the same way too I would say, a lot of the
16 work involves both the working with the advocates on
17 the ground every single day who are on the frontlines
18 of these fights and also really changing the
19 perspective within the court system. And a lot of
20 that's beyond the data, the statistics but in that
21 deep outreach and work with community organizations
22 and fundamentally really changing the systemic
23 problem that we face. Thank you.

24 CHAIRPERSON BREWER: Council Member Williams.
25

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4 COUNCIL MEMBER WILLIAMS: Good afternoon. The
5 first set of questions I have is for ACS and this
6 around adjourning cases. So, does Family Court
7 Judges ever adjourn cases because of ACS staff? So,
8 lawyers or case workers are unprepared and do
9 supervisors track when this happens?

10 JESS DANNHAUSER: I am certain that it happens.
11 I don't know the exact numbers. I will say that our
12 staff, we do a lot of work on training with them.
13 We've been doing a lot of work with providers and our
14 CPS to make sure that they are prepared for Family
15 Court. It is - we take very seriously the timelines
16 and making sure that families have due process.
17 We'll look into what we track.

18 COUNCIL MEMBER WILLIAMS: Yeah, I know in your
19 testimony you mentioned that virtual hearings help
20 with case workers being able to attend, so just
21 wondering if you are seeing that there is an influx
22 of case workers and/or lawyers not being able to
23 fulfill their applications and cases having to be
24 adjourned?

25 JESS DANNHAUSER: We're not. We're seeing the
trends move in the right direction. We were
mentioning earlier that the percentage of children

1 who are going home within that first year has gone up
2 last year. Then the populations of children in
3 foster care who are there for a long time is coming
4 down. We still have lots of work to do to make sure
5 that due process is fulfilled in a timely way while
6 making sure that parents have an opportunity to
7 address the situations that led their child coming
8 into care.
9

10 COUNCIL MEMBER WILLIAMS: Okay, thank you. The
11 next question is also in relations to cases. Why do
12 you think so many cases are filed by ACS in Family
13 Court take so long to get to the fact-finding hearing
14 and do you believe that it's the SDLS discovery
15 practices? If that has anything to do with the fact-
16 finding hearing and the timeline around that?

17 JESS DANNHAUSER: We're recently taken a very
18 close look at our discovery process as this was
19 raised by our colleagues and the parent advocates and
20 so, we're making sure that we are producing both
21 timely and in full to make sure that all of
22 information is available to defense counsel. I don't
23 think it's what's driving to the primary delays but
24 happy to sort of hear more from them.
25

1 We are seeing getting the fact finding moving a
2 little bit more quickly in this. I really do think
3 that the virtual hearings are helping and it's really
4 less about the virtual as much for that particular
5 aspect of it but that it's allowing for the time
6 certainties to happen more frequently so that folks can
7 rely on when they can come to court. So, again, a
8 place where we have a long way to go.

10 COUNCIL MEMBER WILLIAMS: Okay, so just
11 reviewing, is there anything else that you're doing
12 specifically to tackle this issue or investigate this
13 issue further?

14 JESS DANNHAUSER: I think the most important
15 things are that we continue to be very judicious
16 about what we bring to court in the first place and
17 make sure that we are not bringing cases to Family
18 Court that we can resolve with support to families.
19 We're trending very well in that direction and we'll
20 continue on that. We're also working on hiring and
21 training of FCLS attorney's. We typically went class
22 by class when the Bar exams were taken. We've
23 started to hire on a more rolling basis and adjust
24 our training protocols so that we can bring on
25

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1 attorneys throughout the year. So, those are few of
2 the things that we're working on.
3

4 COUNCIL MEMBER WILLIAMS: Okay, another question
5 about the attorney's assigned to cases having
6 discretion to settle or juror cases. So, you know
7 there are reports that attorneys don't have the
8 proper discretion to essentially dismiss cases. So,
9 are you aware of their discretion to settle with
10 juror case?

11 JESS DANNHAUSER: So, any attorney, so there's a
12 decision-making process that the team processed
13 between our division of Child Protection, our Family
14 Court Legal Services on cases where there is a family
15 removal, child removal. We have supervision in that
16 to make sure that we're making the right
17 determinations. So, no single person has discretion.
18 We make a team decision. The often will have
19 conversations with parent attorneys to make sure
20 we're doing that.

21 We're also starting to expand on a pilot of
22 review in 90 to 120 days to make sure we've engaged
23 fathers. To make sure that we are looking at a
24 potential settlement. We're also looking at the
25 expansion of mediation as a potential way to expedite

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2 cases. Sometimes things get sticky in court and it
3 takes time to either you know develop the facts or
4 get the disposition. We don't want to wait till that
5 to consider things like mediation.

6 COUNCIL MEMBER WILLIAMS: Okay, I can come back.
7 Are you doing a second round of questions? No, I
8 have in writing one more, so I'll just email them or
9 write a letter. It's okay. You want me to go, okay.
10 I'll just write a letter to the Law Department and go
11 to Department of Probation. What are the things
12 you're considering in making a determination whether
13 a case should remain in intake or be referred to
14 Family Court?

15 JUANITA HOLMES: Oh, as far as diversion is
16 concerned, adjustments? So, I know - keep in mind,
17 I've been here six weeks but I've been reading the
18 risk assessment or the Investigation report. I know
19 that whether or not they've had previous crimes are
20 taken into consideration, family support, going to
21 school, the victims statement is taken into
22 consideration. I do have my Deputy Commissioner of
23 Operations for Juvenile here, so if she wants to add
24 to it.

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1
2 COUNCIL MEMBER WILLIAMS: And also, sorry, and if
3 you could ask or answer how long it takes to make
4 that decision.

5 GINEEN GRAY: Okay, so to determine if a case is
6 eligible for adjustment, it takes seven days. As
7 Commissioner Holmes had said, we take in
8 consideration of all the relevant parties, parent,
9 child, complainant, witness, police officer. We also
10 assess how well that young person is doing in the
11 community. Based on that, we determine if the kid is
12 eligible and then we do a service plan for that kid.
13 It's always one size fits one and our goal in
14 adjustment is really just to make sure that we can
15 change that behavior so that child doesn't come back.
16 The kid stays open or the child stays open and
17 adjustment is about 90 days. But we usually close
18 our cases between 60 days depending if they
19 successfully just complete some of the things that we
20 have asked them to do.

21 But I just want to say also, when we do
22 adjustment, it's not just about the kid, it's also
23 about their families. So, we also use the parent
24 coaches that we have that are available to our
25 parents because we want sustainability after they

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1 leave us. So, it's about to do the whole family, be
2 holistic with credible messengers also, provided with
3 our young people but we're just trying to make
4 change, so we do everyone.

6 COUNCIL MEMBER WILLIAMS: Thank you.

7 GINEEN GRAY: You're very welcome.

8 CHAIRPERSON BREWER: Thank you very much. Back
9 to ACS for a question, which is retention. I know
10 you mentioned here and in General Welfare that you
11 are hiring more attorney's etc.. I assume you're
12 still under the same lack of hybrid problem that I
13 brought to the Mayor's attention for over a year but
14 in addition, those who are leaving, are you doing
15 exit interviews number one. And number two, what are
16 you doing to try to retain this professional staff?
17 Because without them, we're going to have even more
18 adjournments.

19 JESS DANNHAUSER: We are and absolutely, workload
20 is an issue, so bring on folks to support our Family
21 Court attorney's is important. We also see many
22 attorney's leave for other opportunities.

23 CHAIRPERSON BREWER: Well, they can go hybrid.
24 Go ahead. Every attorney in New York City knows
25 this.

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1
2 JESS DANNHAUSER: Yeah, I think one of the most
3 important things is to make sure that their law is
4 understood and valued. I've been spending a lot of
5 time with our Deputy Commissioner Sputz out with our
6 Family Court Legal Services Attorney's, making sure
7 that they understand the direction of the
8 organization and that they are responded to. That
9 their facility issues are responded to. In our box
10 office, DCAS has done some recent renovations there
11 and we're making sure that they have what they need
12 as a very, very important part of the system.

13 CHAIRPERSON BREWER: Okay, so you don't do exit
14 interviews perse to see why are you leaving?

15 JESS DANNHAUSER: We do. I have the overall exit
16 interview information which really speaks to other
17 opportunities that they're pursuing that speaks to
18 some of the job responsibilities. So, we are looking
19 across ACS at a simplification effort to make sure
20 that we don't put on unnecessary burden on anybody.
21 That they are focused on their core responsibilities.
22 So, those are the couple things that pop up. I don't
23 know that it's specific to FCLS but in my
24 conversations with FCLS attorney's, those are the
25 things that they bring up to me.

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CHAIRPERSON BREWER: Okay, Council Member

Williams asked adjournment but did you give her; I don't know that you did or maybe you said you will. How many cases are adjourned because of lack of paperwork for lack of a better word from attorney's or caseworkers from ACS? Again, maybe it's shortage but it does seem to us; I do have a lot of friends who are judges in Family Court, which is honestly how this all came about. I can't mention their names because they get upset that they will be in trouble. However, that's what's happening. So, do you track the adjournments as to why and if it is staffing, paperwork, etc., how do we address this?

JESS DANNHAUSER: We don't track that at ACS as I understand it but the, I'm sure the court tracks adjournments and we can look at what those trends are. I'll be happy to ask Judge Jolly if there's a way for us to get a better understanding of that.

CHAIRPERSON BREWER: The reason I ask is that's what the court, what the judges complain about. They do have a lot of complaints about lack of paperwork, timeliness on ACS. I'm trying to be nice to ACS but I'm letting you know, big complaint. So, that should be tracked. Is that something that would be

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1 available that you would take a look at in the near
2 future?
3

4 JESS DANNHAUSER: We absolutely will. We do
5 track the permanency hearing reports and when they
6 are filed by the agencies and work with agencies to
7 ensure a timely filing of permanency hearing reports,
8 which is a key report but we'll see if we can get
9 even more granular data.

10 CHAIRPERSON BREWER: Okay, the language is always
11 an issue. Do you have a language access plan that
12 you are going to be releasing or is this something
13 that you focus on?

14 JESS DANNHAUSER: We are focused on it. Our
15 Deputy Commissioner Gendell oversees that work. We
16 have access to translators in all of the city
17 certified languages and make sure that our staff have
18 access to them.

19 CHAIRPERSON BREWER: Are you supposed to be
20 releasing a plan on access, language access? Do you
21 know about? She knows everything.

22 JESS DANNHAUSER: I know.

23 CHAIRPERSON BREWER: She knows everything for the
24 last 40 years.

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1
2 JESS DANNHAUSER: Okay, we are. The current plan
3 is online.

4 CHAIRPERSON BREWER: How did I guess. Anyway,
5 Council Member Restler is here also. He always
6 leaves when I announce him. Okay, my other question
7 just on a more general - I think we're all trying to
8 deal with poverty and obviously, I don't know that
9 this is possible and so many years, I should know but
10 the money that goes into foster care, could it be
11 used to keep families, children with families?
12 Because obviously that is where the rubber hits the
13 road. We want to - I'm a foster care parent. She's
14 a foster care parent. Council Member Joseph, we've
15 all been foster care parents. The money that could
16 stay in the home could help keep the children in the
17 home but it goes to foster care. Is that something
18 that could be moved around or is that never discussed
19 because it cannot be?

20 JESS DANNHAUSER: I think over the course of the
21 last 20 years, what we've seen is a dramatic
22 reduction of use of foster care and a dramatic
23 increase in the use of preventive services.
24 Unfortunately, there are separate funding streams for
25 you know federal purposes and the Family First Act at

1 the federal level does allow for more money to go
2 into preventive services.

3
4 But in our conversations with community
5 advocates, parent advocates and others, they are not
6 looking for an expansion of our preventive services
7 system. They're looking for more direct investments
8 in families and so, I don't think that that's
9 something that you know a reduction in foster care
10 can fully fund but we're in active conversations
11 about how to move that money as far upstream as
12 possible.

13 There are federal and state limitations on that.
14 For example, you know the 65/35, which should be
15 65/35, requires in home family services, requires
16 that there is a risk of foster care stated. We don't
17 think those requirements should be on just good
18 excellent family services. So, we're looking to
19 advocate around that Chair.

20 CHAIRPERSON BREWER: Thank you. I appreciate
21 everyone being here. I will say that we're going to
22 look toward a follow-up letter with some of the
23 questions we didn't have time for today. And
24 secondly, a state, city, formal, informal taskforce
25 on Family Court to try to bring together; the state

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1 needs to do its part and also to try to get the city
2 to be as responsive as you possibly can. Thank you
3 so much for your testimony. And next, we'll hear
4 from the folks who are coming for the next panel.
5 Thank you very much.

6
7 PANEL: Thank you.

8 COMMITTEE COUNSEL: Thank you Chair. We will now
9 turn to public testimony. We will now turn to public
10 testimony. We will be limiting public testimony
11 today to two minutes each. For in-person panelists,
12 please come up the table once your name has been
13 called.

14 For virtual panelists, once your name is called,
15 a member of our staff will unmute you and the
16 Sergeant at Arms will set the timer and give you the
17 go ahead to begin. Please wait for the Sergeant to
18 announce that you may begin before delivering your
19 testimony. Now, I will call our first in-person
20 panel Ronald Richter, Philip Katz and Brian
21 Zimmerman.

22 CHAIRPERSON BREWER: Go ahead. Thank you very
23 much.

24 PHILIP KATZ: Is the microphone working? Okay,
25 so you'll forgive me, I'm a little over two minutes,

1
2 you can feel free to cut me off. I didn't get the
3 two-minute memo but I will start and you just tell me
4 where you want to me to stop. Okay, well, first I
5 want to thank you all specifically. I want to thank
6 Chairs Ayala, Brewer, and Hanks for permitting me to
7 speak here. I think we're speaking about something
8 that's really important and I think it's great that
9 the city is focusing in on this. Something that's
10 been neglected for far too long.

11 There's no more important work done in our court
12 system than the work done for children and families.
13 For this reason, I'm here to tell you that the Family
14 Court should be given the highest priority when New
15 York City resources are allocated. And their
16 operation should receive the maximum support that the
17 city can provide.

18 Sadly, experience has shown me that Family Court
19 is not given the appropriate level of priority in
20 terms of resources or operational assistance.
21 Families are the foundation of our city. As with any
22 structure, if its foundation isn't given priority,
23 then everything built on top of that structure is
24 going to ultimately crumble. Thus, it is imperative
25 that New York City put its foundation, its families,

1 first when making policy and legislative decisions in
2 order to ensure that our city remains a safe, strong,
3 and prosperous.
4

5 Well, let me start with a bit of positive news
6 because I've heard a lot of things where we have
7 challenges. Our Family Court administration and the
8 judiciary are, for the most part, hardworking,
9 caring, and qualified people. They truly care about
10 children and families, and they do all that they can,
11 with the limited resources that they are given, to
12 make our Family Courts places where the best
13 interests of children, protection of victims of
14 intimate domestic violence, and the rights of parents
15 are given the highest priority.

16 As an attorney who has been a member of the
17 Assigned Counsel Panel in New York City Family Court
18 for over a decade, and as a leader of my Family Court
19 Panel, and as the Vice President of the Assigned
20 Counsel Association of the State of New York, I have
21 spent my days, my nights, and my weekends dealing
22 with issues regarding children and families and how
23 to navigate the Family Court.

24 That means that I come face-to-face with many of
25 its operational challenges. And in addressing those

1 operational challenges, there's a lot the city can
2 do. Everything the Court system, and the city does
3 relative to Family Court proceedings should center
4 around the most important players in the process, and
5 that's the litigants. Families and children need to
6 be assured that the process is fair, efficient—

8 CHAIRPERSON BREWER: You need to start to wrap up
9 or summarize.

10 PHILIP KATZ: Okay, so, well first, my apologies
11 but first I want to touch on virtual process.
12 Virtual process is something we learned through COVID
13 can be an invaluable part of the system in the right
14 places. The city should facilitate this and
15 encourage this by creating community centers where
16 there is internet, where there is availability.

17 Number two, with respect to appointing of Judges,
18 the Mayor's Office obviously leads that charge but
19 more judges are needed and we've heard talk about
20 that. There's a problem with the fact that elected
21 judges end up in family court for two years and in
22 that two-year period, that case can take longer than
23 that.

24 We need to have Family Court Judges who are
25 dealing with cases that start from the beginning to

1 the end, and that doesn't happen sadly in our court.
2
3 Either that two-year timeframe has to be expanded.

4 CHAIRPERSON BREWER: Justice O'Shea mentioned
5 that.

6 PHILIP KATZ: Right or something else needs to be
7 done to make sure that we have more judges there.

8 Now, with respect to the assigned counsel and
9 that's why I represent and where I work. We're a
10 diverse group of individuals. We represent many who
11 come from many cultures, many ethnic backgrounds and
12 speak many languages. We're focused on helping
13 families but our hands are often tied when we try to
14 do this. We're given no benefits for the work that
15 we do. We're required to -

16 CHAIRPERSON BREWER: Summarize, summarize.

17 PHILIP KATZ: This is, I really am summarizing
18 Chair. I'm doing my best here. So, with respect to
19 the fact that we get cases and we get no assistance,
20 then it makes it hardest for us to help families.
21 They have a constitutional right to counsel that
22 they're not getting to the fullest that they deserve.
23 We're required to make ourselves available for at
24 least once a month, if not more to do this work, be
25 assigned to cases.

1 I started on this panel over a decade ago and say
2 about 2011, there were about 70 attorney's on my
3 Manhattan panel. By 2020, there were 35.

4 CHAIRPERSON BREWER: We're going to have to stop
5 there. We have many more witnesses to go but we'll
6 definitely accept your testimony.

7 PHILIP KATZ: Okay and I have submitted my
8 testimony and if I may say one last thing.

9 CHAIRPERSON BREWER: Quickly.

10 PHILIP KATZ: The city has a language line
11 account. We have residents that speak over 200
12 languages. We should have access to that language
13 line account. We've been fighting for that for years
14 and we've been given lip service. That is something
15 that could speed the process up. It would be
16 actually efficient.

17 CHAIRPERSON BREWER: Got it. Got it. Thank you
18 very much.

19 PHILIP KATZ: Thank you.

20 CHAIRPERSON BREWER: Judge Richter.

21 RONALD RICHTER: Can you hear me?

22 CHAIRPERSON BREWER: Yes.

23 RONALD RICHTER: Okay. So, good afternoon Chair
24 Brewer, Chair Ayala, much appreciation to Council
25

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1 Member Williams. Thank you for calling this hearing
2 and inviting me to testify on behalf of the children
3 and families we serve. Do I have more time?

4 CHAIRPERSON BREWER: You have two minutes, just
5 like everybody else.

6 RONALD RICHTER: I'm Ron Richter, see and I do
7 want to say -

8 CHAIRPERSON BREWER: Just because I know you
9 doesn't mean you get more time.

10 RONALD RICHTER: I know, I know. So, I do want
11 to thank both Chairs who are present for an enduring
12 commitment to the people that the Family Court serves
13 and I think that I'll just put out there that a city,
14 state working group of any sort to advance more
15 equity in Family Court is an amazingly important
16 suggestion.

17 CHAIRPERSON BREWER: I'll make sure you share it.

18 RONALD RICHTER: Okay. I'm Ron Richter, CEO and
19 Executive Director of JCCA. I have been honored to
20 serve both as the ACS Commissioner and as a Judge in
21 Queens Family Court. I basically spent my career
22 around the court. Although the specific
23 recommendations I'm making do not directly relate to
24

1 race, the disproportionate involvement of Black and
2 Brown families has to be kept in mind every day.

3
4 Family Court hours and availability are designed
5 for court staff, as opposed to the individuals and
6 families who come before the court. Currently,
7 Family Court hours of operation are posted 9 to 5,
8 much shorter than civil and criminal courts. This
9 schedule limits the ability of the court to respond
10 to emergencies, where delays can cause further harm
11 or burden to families.

12 If a New Yorker needs an Order of Protection,
13 they should not be forced to wait until court re-
14 opens the following day. And as you know, Family
15 Court issues Order of Protection that no other court
16 has jurisdiction to issue, namely where there isn't
17 an arrest and people live together, for example. The
18 schedule reduces the amount of time judges can spend
19 considering the needs of each family that appears
20 before them. I support legislation that increases
21 the hours of the court. We spend a lot of money
22 making sure that applicants in matrimonial matters in
23 Supreme Court can get emergency applications for
24 vacations, for time in the Hamptons, etc.

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1 In Family Court, literally hearings are stopped
2 at 4:30, even if a judge is deciding whether to
3 remove a child. That is abhorrent and represented
4 inequity in our court system. Judges literally have
5 court staff telling them it's 4:30 and they need
6 approval from a supervising judge to go to overtime.
7 That has to change.

8 Family Court strongly discourages overtime as I
9 just explained. 18-day salaries have to be
10 increased. Parents deserve the most able counsel.
11 You've heard this before. I just want to say
12 institutional providers have made it even more
13 pronounced how important it is to support 18-day
14 lawyers.

15 Finally, I really feel strongly that all of this
16 business about hybrid Family Court proceedings has to
17 be regulated by the court system. It is not
18 appropriate for judges to be conducting termination
19 of parental rights fact findings while a parent is
20 using free Wi-Fi at McDonalds. That is unjust and
21 has to change. Other jurisdictions have put together
22 kiosks around their city including America, Copa
23 County and Arizona so that parents can fully
24 participate with their lawyer and be treated like
25

1 human beings. It is extremely disconcerting that I
2 have had a judge ask my agency to host a parent and
3 their lawyer for a termination proceeding when we are
4 in fact the presentment agency. That just reflects
5 desperation on the part of judges.

6
7 So, it is an honor to be here. As you know
8 Chairs, I feel really strongly about this stuff.
9 Family Court Judges are working very hard as are the
10 lawyers and the court staff that work with them but
11 they need a significant investment in strategic ways.
12 So, thank you very much.

13 CHAIRPERSON BREWER: Thank you both very much.
14 Did you both submit testimony? I know that we have
15 some here but you -

16 PHILIP KATZ: I definitely did, so if you don't
17 have it, I'll leave an extra copy if that's okay.

18 CHAIRPERSON BREWER: So, we'll make sure that we
19 have it and thank you both very much. These are
20 serious issues and we're going to take them very
21 seriously. Council Member Williams, do you have a
22 question? Go ahead.

23 COUNCIL MEMBER WILLIAMS: Yeah, I just wanted to
24 ask outside of the recommendations you listed in your
25 testimony, are there specific recommendations or

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1 additional recommendations you have for how the
2 agencies could work better to improve court
3 proceedings as well? You know we heard a lot of
4 testimony from ACS and like as former Commissioner of
5 ACS and also like a Judge, do you have other points
6 and recommendations?
7

8 RONALD RICHTER: Yeah, I mean, I agree with Chair
9 Brewer that offering agency staff, ACS staff, limited
10 ability to work remotely sometimes is making it very
11 hard for ACS. I think the reduction in filings is
12 very important and I think that that should continue.
13 I do think that the Department of Education is not
14 here and their absence should echo around the room.
15 Kids in foster care desperately need educational
16 supports more than any other kids, maybe homeless
17 kids also. But I was the Commissioner a long time
18 ago and I was a judge a while back and DOE has
19 persistently been unengaged I would say in the effort
20 to educate our kids in care and also, our kids on
21 preventive cases. So, I think coordination is
22 important but as everyone is saying, it has to occur
23 on the ground. And I think agencies can be helpful
24 in that and that might be a worthwhile undertaking to
25

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1 figure out how to institutionalize some of the
2 coordination.
3

4 CHAIRPERSON BREWER: Thank you both very much.

5 PHILIP KATZ: Thank you Chair Brewer.

6 COMMITTEE COUNSEL: Thank you for your testimony.

7 We will now hear from Miriam Mack, Nila Natarajan,
8 Zainab Akbar, Jennifer Feinberg and Justine Van
9 Straaten Lill.

10 CHAIRPERSON BREWER: Whomever would like to
11 begin, go ahead.

12 ZAINAB AKBAR: Thank you. Good afternoon. My
13 name is Zainab Akbar and I'm the Managing Attorney of
14 the Family Defense Practice at Neighborhood Defender
15 Service of Harlem. Thank you to the Chairs and the
16 members and the staff of the Committees for this
17 opportunity to testify with my colleagues from Bronx
18 Defenders, Brooklyn Defender Services and Center for
19 Family Representation about the Family Court System.
20 We collectively represent the agencies who provide
21 public defense in New York City's family courts.

22 We are here to ask the Committee's to focus not
23 on nameless, faceless standards and goals but instead
24 on the real impact that the current functioning of
25 the Family Court and ACS has on your individual

1 constituents, their families, their communities and
2 the city at large. The current state of affairs in
3 Family Court is a reflection of the structural racism
4 and classes that underlies this system. And which
5 system am I talking about?
6

7 As you'll hear from us, our organizations have
8 affirmatively adopted the phrase Family Policing
9 System or Family Regulation System to describe what
10 has traditionally been called the Child Welfare
11 System. And we do that because that reflects the
12 systems prioritization of surveillance, punishment
13 and control of low-income Black and Brown and other
14 marginalized communities, rather than genuine
15 assistance to families.

16 I'm here to provide a background and history to
17 our collective and joint testimony. Just like our
18 modern police systems are directly descended from
19 slave patrols, the family policing systems origins
20 are in the separation of enslaved Black children and
21 parents to profit from their labor and in the
22 government sponsored separation of indigenous
23 children from their parents, meant to destroy the
24 communities whose land the government was seeking to
25 colonize.

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1 Today, as everyone knows, Black and Brown
2 children are separated from their parents by ACS and
3 placed in the foster system at rates hugely
4 disproportionate to their presence in the total
5 population of New York City's children. And this is
6 not an accident. Widespread research including two
7 recent internal investigations commissioned by ACS
8 itself consistently and reliably demonstrate that
9 Black and Brown families are targeted by the family
10 policing system. These internal reports also
11 demonstrate that ACS caseworkers are pressured to
12 coerce vulnerable families to relinquish their
13 constitutional rights before court is even involved
14 or they have assigned counsel.

16 The current system of mandated reporting
17 unnecessarily funnels huge numbers of low income
18 Black and Brown families into intrusive
19 investigations. Without any evidence that the system
20 actually helps families or prevents or reduces harm
21 to children. What harms children is being separated
22 from their families. What harms children is entering
23 a system that literally guarantees higher delinquency
24 rates, higher teen birth rates, lower earnings over
25 life. I'll wrap up.

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1 Increase likelihood of juvenile justice system
2 involvement and increase likelihood of needing
3 emergency health care within a year of their parents
4 being investigated. The system creates a stop and
5 frisk dynamic that entangles vulnerable families into
6 a system of child safety theater where families are
7 torn apart by the court and ACS instead of supported.
8 The idea of an innocent person being wrongly
9 incarcerated is intolerable to New Yorkers. That
10 same logic should apply in the system, even one child
11 wrongfully torn from their parents is one child too
12 many.
13

14 New York City should have a children and family
15 services institution that turns to prosecution and
16 separation as an absolute last resort. But that's
17 not what happens day to day and it should be an
18 institution that serves family based on the families
19 self-identified needs and not the needs identified by
20 the system.

21 CHAIRPERSON BREWER: Thank you very much.

22 ZAINAB AKBAR: Thank you.

23 CHAIRPERSON BREWER: Next.

24 JENNIFER FEINBERG: Good afternoon. My name is
25 Jennifer Feinberg and I'm the Litigation Supervisor

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1 for Policy and Government Affairs at the Center for
2 Family Representation. Thank you Chair Brewer, Chair
3 Ayala, and Chair Hanks and the Committees for holding
4 this hearing today and considering the ways that
5 operations of our family courts and the players who
6 practice in it, so often fail to deliver the justice
7 and fairness that New York families deserve, and
8 instead perpetuate racism and harm on the communities
9 they are meant to serve.
10

11 CFR is the county-wide indigent defense provider
12 for parents prosecuted for neglect and abuse by ACS
13 in Queens and Manhattan, and as of 2022, a conflict
14 provider in the Bronx Family Court. 90 percent of
15 our clients are Black, brown, and people of color,
16 and all of them are poor. The 2020 Report from the
17 Special Adviser of Equal Justice in the New York
18 State Courts found that New York's family courts
19 provide "a second-class system of justice for people
20 of color in New York State." Three years later,
21 following a pandemic that disproportionately impacted
22 these same communities, that has not changed. Black
23 and brown families continue to be separated for too
24 long, or even sometimes permanently, as the family
25 courts fail to administer justice.

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1
2 Unnecessary delays undermine the procedural and
3 substantive due process right of families, extending
4 separation, and making it more likely that a family
5 will be permanently separated by termination of
6 parental rights given strict statutory timelines.
7 Family Court Legal Services, or FCLS, attorneys
8 representing ACS, consistently fail to provide timely
9 discovery and court reports, and request repeated
10 adjournments when their witnesses do not appear. ACS
11 workers fail to make timely referrals which delays
12 parents to engage in their services plans and they
13 fail to provide reports to their attorneys. Those
14 adjournments requested FCLS are almost always
15 granted, while adjournments are rarely given when a
16 parent is not present. Long adjournments prevent the
17 adjudication of cases and make it more difficult for
18 families to work towards reunification.

19 On the other hand, any absence by a parent is
20 held against parents and seen as proof that they are
21 not invested in their families, even if their absence
22 is due to work or child care.

23 CHAIRPERSON BREWER: You need to start to wrap
24 up.
25

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1
2 JENNIFER FEINBERG: Yes. The Family Court itself
3 perpetuates the harms of the family regulation
4 system, often failing to work as a check on the
5 family regulation system and prioritizing adoption
6 and family separation over what is best for children
7 and families. Standards and goals set for judges,
8 prioritize how quickly judges complete fact findings,
9 dispositions, and termination of parental rights
10 cases, instead of focusing a reunification on the
11 best outcomes for families, which sometimes means
12 giving parents more time to meet the requirements of
13 a burdensome service plan to address complicated
14 problems, like substance abuse, which may take years
15 to resolve.

16 The courts repeatedly fail to prioritize
17 emergency hearings requested for reunification called
18 1027's and 1028's, which are statutorily required to
19 be held expeditiously. Long adjournments and
20 inadequate hearing times often cause these hearings
21 to last for weeks, if not months.

22 CHAIRPERSON BREWER: Thank you very much. Next.

23 JENNIFER FEINBERG: Thank you.

24 MIRIAM MACK: Thank you for the opportunity to
25 testify today. My name is Miriam Mack and I am the

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1 Policy Director of the Family Defense Practice of the
2 Bronx Defenders. One of the major challenges that
3 impedes justice and fairness in New York City family
4 court and undermines a fundamental right to family
5 integrity, in deed occurs before families ever get to
6 court. Over 20,000 families in New York City were
7 subjected to highly invasive stressful ACS
8 investigations from January through May 25 and 22
9 alone. 75 percent of these investigations were
10 neither indicated for neglection nor abuse. The
11 trauma to families and especially children is long
12 lasting and well understood. Parents are subjected
13 to invasive questioning about the most intimate
14 details of their life. Asked to sign blank HIPAA
15 forms and take drug tests and are forced to endure
16 expansive home searches. Children are interviewed
17 separately from their parents and often taken from
18 school in front of their friends and teachers and
19 routinely asked about a host of mature topics not
20 introduced to them by their parents.

22 Investigations cause terror and trauma that are
23 most disproportionately born by Black and Latina
24 children. And to be clear, all of this happens
25 without parents ever being told that they have

1 rights. Not only rights guaranteed by the federal
2 constitution but New York State Law. This is not
3 social work. What is happening in the homes of Black
4 and Brown and marginalized New Yorkers. This is
5 government coercion targeted specifically at our most
6 marginalized communities.
7

8 To shift towards justice and fairness in New York
9 Family Court, we must first and foremost reduce the
10 number of families that are targeted and surveilled
11 and controlled and separated by the family regulation
12 system. To do this, we have to narrow the front
13 door, by addressing systematically and systemically
14 the largest drivers of families into the system,
15 poverty and racism. And replacing a policing system
16 with a system of community response and support and
17 to be clear, this expansion, the shift, is not CARES
18 and Preventative Services. That's not the answer.
19 While described as voluntary, the CARES program is
20 often terrifying for parents and they know that
21 parents know that they can't reject CARES. Because a
22 rejection of CARES means that you continue on the
23 investigative track and the possibility of family
24 separation.
25

1 I'll wrap up. And so, as we shift to reducing
2 the system, there are other things that we can do in
3 the interim. Number one, pass Miranda Family Rights
4 Intro. 294 2022 and 1736 2019. It is imperative that
5 parents know their rights when they're interacting
6 with the government. There cannot be any justice or
7 fairness if there's not transparency in what parents
8 do or don't have to do.

9
10 And lastly, investing in timely defense. We know
11 as defense attorney's that having defense attorney's
12 during the investigation can really shift away from
13 misconception, mistakes of fact, lack of context,
14 racial bias. All of the things that lead to so many
15 cases being filed in Family Court. We know that
16 having access to timely defense prevents this.

17 CHAIRPERSON BREWER: Thank you very much. Next.

18 NILA NATARAJAN: Good afternoon. My name is Nila
19 Natarajan and I'm a Supervising Attorney and Policy
20 Counsel at Brooklyn Defender Services. Thank you for
21 having this and holding this hearing.

22 I'm going to expand on what Ms. Mack described as
23 our interdisciplinary representation. Along with my
24 colleagues here, our organizations have created a
25 robust interdisciplinary model of defense that has

1 empowered families to make the best decisions for
2 themselves, avoided some of the most dramatizing
3 harms of investigations, avoided court proceedings,
4 kept families together and if separated, returned
5 those children home faster.
6

7 Our office provides comprehensive legal and
8 social work services. Our teams ensure that a family
9 legal and non-legal needs are met. Our social
10 workers work closely with parents, we're the experts
11 of their lives and needs to identify needed resources
12 and supports and then make those vital connections.
13 Our advocates connect families to community-based
14 programs and to tangible resources. Like, signing up
15 for public benefits and insurance, navigating complex
16 public housing systems and even accessing food
17 pantries and other supplies for children.

18 All the while, our attorneys are working on a
19 parent legal case. Appearing in court to litigate
20 complex trials and hearings, providing in depth legal
21 counsel, negotiating with counsel for ACS, filing
22 motions to address a variety of issues such as the
23 frequency of family time or visitation, reunifying
24 families and most importantly, addressing the
25

1 failures of ACS and foster agencies that fulfill
2 their legal obligations to families.
3

4 As you can begin to see, our attorney's and
5 advocates are often stepping into support families
6 when ACS, foster agencies and their counsel place
7 unneeded and punitive barriers between children,
8 their parents and their resources and supports they
9 need. This model works, there's a holistic study
10 that shows that when a family has interdisciplinary
11 representation, New York City has saved \$40 million
12 in foster expenditures and children return home
13 nearly four months earlier than they would otherwise
14 without any real difference to the safety of
15 children. And I'll wrap up there.

16 CHAIRPERSON BREWER: Thank you very much. Next.

17 JUSTINE VAN STRAATEN LILL: My name is Justine
18 Lill from the Center for Justice Innovation, which
19 has a vision of a fair, effective, and humane justice
20 system. Operational challenges in family court
21 unfortunately undermine this vision.

22 The centers outline some of the operational
23 challenges in family court in its written testimony,
24 including delays in adjudicating custody and child
25 support cases that compromise safety and the lack of

1 diversion opportunities for youth. But I want to
2 focus on the challenges navigated first hand by the
3 Strong Starts Court Initiative, a program dedicated
4 to the especially vulnerable group of court involved
5 children ages 0-3.
6

7 Strong starts incorporates expertise in infant
8 mental health and serves as a response to an under
9 resourced family court that can compound trauma for
10 infants by causing unnecessary separations, multiple
11 moves in foster care and delayed permanency. These
12 outcomes are devastating for babies because of the
13 rapid brain development at this age and the highly
14 adverse impact of neglect and toxic stress on brain
15 structure and function.

16 There are more than 10,000 babies known to the
17 New York City Family Courts and Strong Starts is able
18 to serve only a fraction of these children but does
19 so effectively by mitigating operational challenges
20 that must be addressed on a larger scale, including
21 lack of resources, notably the lack of supervised
22 visitation. The staggering waitlist minimize and
23 delay child, parent contact, prolonged reunification
24 and prevent cases from moving forward. The lack of
25 streamline communication and coordination amongst the

1 many city agencies serving these children and
2 families also causing incredible delay.

3
4 Staffing shortages across the system rendering
5 needed supports unavailable. All families,
6 especially those with young children deserve a family
7 court that offers support and is a catalyst for
8 positive change. Family court has an incredible
9 opportunity to intervene at the earliest entry into
10 the justice system and respond effectively and
11 efficiently to the needs of New York City families.

12 Operational challenges can be addressed and
13 mitigated with programs like Strong Starts, which
14 work to transform a court system that can exacerbate
15 harm into one that improves outcomes for families,
16 minimizes trauma for young children and reduces
17 future system and court involvement. Thank you.

18 CHAIRPERSON BREWER: Thank you. I just have one
19 question because first of all, thank you for your
20 service. People say that to me but I really mean it
21 to you, not to me. And the reason I ask is these are
22 in my opinion, the families that need the help the
23 most in the entire of New York City and others
24 particularly, Council Member Ayala and Williams and
25 others asked about the holistic approach, which

1
2 you're talking about. In other words, why in the
3 world can we not bring the Department of Education
4 and others to do the kind of work before young people
5 end up in the system. So, did this discussion ever
6 take place etc., from your experience. You're trying
7 to deal with it once the problem exists but do you
8 have any discussion or is there any discussion from
9 experience about how to have prevention in the first
10 place?

11 ZAINAB AKBAR: Thank you for that question and
12 it's very good to see everybody in three dimensions.
13 Usually we're in these hearings on screen and so,
14 it's good to be here in person. I think from my
15 perspective, this is a question of mandated
16 reporting. I think the system of mandated reporting
17 has been punitive and prosecutorial since its
18 inception. And I may get these numbers slightly
19 wrong, so I'll ask my colleagues to correct me if I'm
20 wrong but I believe something like 70, sorry, 40
21 percent of the calls that come into the State Central
22 Registry come from the DOE, and something like 80
23 percent of those are unfounded.

24 So, there is no structural support for families
25 who are struggling and whose children are going to

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1 the DOE for their schooling, right? And we all know
2 that families in New York City who are living in
3 poverty or you know just above the poverty line are
4 really struggling and there's lots of basic things
5 that a school could do to help instead of calling on
6 a case. And from our experience, including the
7 experience of some of my staff who themselves are
8 impacted parents, these calls are often made
9 retaliatorily. So, there is legislation that the
10 City Council can support and I don't have the numbers
11 with me and I'll try to get them to you but that
12 would prohibit anonymous reporting right and where it
13 would be confidential but the anonymous reporting
14 would be prohibited, so the people who are making the
15 calls, would have to be accountable, right?
16

17 And I want to come back to this question that has
18 been asked and I think it's part of what you're
19 asking Chair Brewer about communication. I think
20 there are lots of really wonderful ideas and projects
21 and thoughts and perspectives coming from the upper
22 level. I think Council Member Williams was saying
23 the earlier right?

24 COUNCIL MEMBER STEVENS: Stevens.
25

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1
2 ZAINAB AKBAR: Oh, Stevens oh I'm sorry. I'm
3 looking at your - I couldn't see from back there.
4 Alright, I also just couldn't really see very well
5 from the back, so I apologize. But what ends up
6 happening is that there's no accountability. There's
7 no trickle-down effect. There's no accountability on
8 the ground level. People may not be talking enough
9 on the top level but there sure isn't any
10 accountability or communication on the people -
11 towards the people on the ground, right? I've been
12 doing this work since 2011 and since then, I have
13 always heard really inspiring, really hopeful, very
14 progressive things from the Commissioners of ACS. I
15 have never seen it on the ground and to this day, I
16 go to court at least once a week. I supervise intake
17 at least once a month in the Bronx and in Manhattan.
18 And we see the continuous sort of like lack of
19 application of ACS's own policies that are supposed
20 to be pro-reunification, pro-family, pro-parent but
21 instead we see just so much punitive perspective,
22 absolutely no compassion and just a lack of
23 understanding of what it's like to be a low-income
24 parent in New York City.

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4 CHAIRPERSON BREWER: If anybody wants to add to
5 it but Council Member Ayala, go ahead.

6 CHAIRPERSON AYALA: No, no, no. I was going to
7 ask a question regarding the mandated reporting at
8 the DOE. Is there any level of education from ACS to
9 those mandated reporters in specific that you know
10 better informs them of what an appropriate referral
11 is?

12 MIRIAM MACK: Thank you for that question. And
13 so, I know that there has OCFS has taken steps to
14 really sort of readjust and talk about mandated
15 reporting and sort of shrink or at least clarify that
16 mandated reporting is not as broad as people
17 interpret it to be but I think that we would submit
18 that it's not just about training but it's actually
19 shifting away from the structure of mandated
20 reporting. Because what mandated reporting really
21 does is it turns the social service providers that
22 families, especially vulnerable families need to be
23 able to rely on and trust and it turns them into
24 extensions of the family policing system.

25 And so, as a result, what it means is that
parents are fearful and their children are fearful of
interacting with these services providers, whether

1
2 it's teachers, it's nurses, it's doctors, and it has
3 an effect of creating almost an adversarial system
4 between these social service providers which are
5 critical for parents and critical for families of
6 course.

7 And I really want to lift up the work of the
8 Narrowing the Front Door Coalition. They have put
9 forth recommendations, really a pathway to move away
10 from mandated reporting. And also, I think there was
11 a question earlier about, is there money that we can
12 be investing in the family instead of the family
13 regulation system? The mandated reporting
14 infrastructure requires massive amounts of money and
15 so, if we moved away from mandated reporting, we
16 could put that money into schools, into our
17 communities, into parents, so that instead of having
18 to you know rely or have the false notion that ACS is
19 going to provide resources, which they don't, schools
20 will have resources imbedded within them.
21 Communities will have resources; families will have
22 resources.

23 ZAINAB AKBAR: Actually Ms. Mack's answer was
24 excellent and very concrete but I have a six-year-old
25 who goes to PSI 16 in Brooklyn and I am on the school

1 leadership team and I'm in meetings with ACS where
2 they're talking about training DOE. Where they're
3 talking about you know how to make sure that mandated
4 reporters in schools don't make frivolous or false or
5 harmful calls and then I'm going to the SLT meeting
6 and saying - and they said that you know everybody
7 has been trained. And the principal and vice
8 principal haven't heard of this right. So, again,
9 there is a trickle-down problem where there are all
10 these really wonderful ideas at the top but there's
11 absolutely no accountability or like revisiting of
12 how these - or assessment or of evaluation of how
13 these like great ideas are actually playing out on
14 the ground.

16 CHAIRPERSON AYALA: I think, I think it's a
17 little, you know as a parent, as a person who has
18 seen and somehow been involved in the system in many
19 you know different ways, it's a really scary process
20 and I don't think that you know especially if you're
21 in a school and a child is coming in and looks like
22 they haven't eaten right or they have bruising, then
23 somebody right, should be paying attention and
24 monitoring that case. And I agree with you, the ACS
25 system is very punitive and very scary and I you

1 know, I've had that knock on my door and I've been
2 innocent and I've been scared you know, I'm not going
3 to say what the other word is because that's how
4 we've been ingrained. That feeling of what ACS means
5 right to a family or could mean is traumatizing
6 whether you are you know a great parent or a
7 struggling parent. It doesn't matter, so I get that
8 but I also believe that there has to be some
9 mechanism to track you know those cases where those
10 parents need a little bit more support. And I think
11 that that's why you know it's important to have that
12 conversation with educators because if we're talking
13 about a family that cannot afford uniforms, right,
14 then maybe we should be supporting that family as a
15 school community, right? Maybe we could as elected
16 officials put in resources to create you know some
17 sort of little store where kids can come in for free,
18 right if needed and have access to that. But if a
19 child is coming in malnourished, if a child is coming
20 in and has signs of you know physical abuse, then who
21 do we refer those cases to and how you know do we
22 differentiate between the two?

24 ZAINAB AKBAR: Yeah, I think often times the
25 question is a question of it's rare that it gets to

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1 those cases. The number of times that I'm sure all
2 of us have seen cases where a child goes to school
3 once or twice and says, "I'm hungry." And we all
4 know when children are growing, they're hungry all
5 the time. And also for example, my daughters lunch
6 is at 10:20 in the morning, right, so the timing
7 might be part of the issue to right? But we've seen,
8 all of us have seen so many cases where a case is
9 called in and allegations of neglect are made. They
10 get all the way to that point of filing something in
11 court because a child came to school and said, "I'm
12 hungry." When the solution is so obvious and clear.
13 Give that child food. Give that parent a gift card
14 or tell them where the food pantry is, right? It
15 doesn't have to get to a point of investigation and I
16 think the culture of mandated reporting has become
17 this knee jerk response, right. And we've talked
18 with - our organizations have talked to educators and
19 to medical professionals where they say like, we have
20 been trained. You know, shoot the gun and put it
21 down and don't look what happened next, right?
22 They're not given any training on the actual impact
23 of mandated reporting and how children are strip
24 searched when their parents are being investigated.
25

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1 How you know ACS has the ability to seek a warrant in
2 court but never does. They do it in something like
3 .7 percent of their cases, right? And that clients,
4 parents have rights based on the constitution, New
5 York State Constitution and the State Laws to say no
6 and to make decisions for their own family. And I'm
7 so sorry that you've gone through an investigation
8 but as you're saying, it's part of the culture,
9 right? That you are scared and I won't say the
10 second word either when somebody comes to your door,
11 so you just do whatever you have to do but what most
12 parents don't understand is that when ACS comes to
13 their door, they have rights and they don't have to
14 go through this interrogation and they don't have to
15 reveal every tiny private thing about their lives
16 that then is used against them. Yes, my child is
17 hungry sometimes because they are going through a
18 growth spurt. That doesn't mean I'm harming my child
19 right.

21 And of course, you know children are harmed
22 regardless of where we are on the economic spectrum,
23 right? That harm is part of society. Harm is part
24 of culture right; we can't get rid of it but what do
25 we do when it happens in a community where there

1 aren't resources. We should do the same thing that
2 is done in a community where there are resources,
3 which is provide excellent care for that family.
4 Provide support for that family. Don't separate
5 them. Don't put the children with strangers. Don't
6 prosecute the parents, right. All of that is a wild
7 over reaction, right? As somebody else testified, I
8 think even, it was the Commissioner that a very high
9 number and I looked at the numbers recently, I think
10 about 50 percent if not more of foster system entries
11 are for neglect, right, not for abuse. And so, the
12 whole systems priorities are upside down and we
13 really need to - there needs to be accountability for
14 ACS. I know this body can't really do a lot to hold
15 a family court accountable.
16

17 CHAIRPERSON AYALA: That's a really good point.
18 I mean, just understanding right that such a huge
19 percentage of the cases are for neglect, right?
20 That's important to me. I just, for me, it's also
21 really important that we you know, we're balancing
22 the scale in a way that is fair. That is equitable.
23 That it is taking into account right, poverty and all
24 of the other underlined issues that contribute to a
25 lot of these cases, while also not neglecting right

1 the fact that there are some cases. As small as they
2 may be, of instances where children are at risk.
3 Where they you know need somebody, some level of
4 intervention and I'm not at all you know advocating
5 for removal but if that's necessary for that child
6 right, there has to be. And I think that often in
7 government and what I've learned sitting in the City
8 Council is that we're either, we see a lot of this or
9 a lot of this, right? And then there's a lot of
10 nuance in the middle that doesn't get addressed
11 because we're so passionate about one thing or the
12 other and you know you're absolutely right. Years
13 and years of you know abuse, abusive tactics and
14 inappropriate reporting models and the way that we
15 address these issues, I get all of that but I just
16 want to make sure that even if there's that you know
17 three percent, two percent, whatever that small
18 percentage is of children that are at risk and which
19 I have seen and I know.

21 I had an instance many years ago when I was a
22 tenant and my next-door neighbor was a victim of
23 domestic violence and I tried you know to help her.
24 I didn't know what to do and finally, the last straw,
25 it was like 5:00 in the morning, her husband I mean

1 beat her severely and the children were always there
2 and you know her daughter had become the mother if
3 you will, right, the caregiver to the rest of the
4 children and she must have been eight years old. And
5 at that point I had no other choice. I had to call
6 somebody so that they could come and you know make
7 sure that those children were okay and that mom
8 received the services and the care. And I think that
9 that's the problem right that we're with one
10 intention and then something else happens and so, I'm
11 more you know really focused on what happens after
12 that call is made. If it has to be made, right? In
13 that case, I really felt that it was necessary to
14 call and I think a lot of people you know do as well
15 and you know but - okay, I really appreciate this.
16 This is really, really, really important.

17 ZAINAB AKBAR: Can I just add one thing. That
18 ten percent or less of cases are abuse cases and
19 imagine the 90 percent of cases that are neglect that
20 all of the resources that go into those cases are
21 then not used on the cases that you are describing
22 right. So, I think there has to be reorientation
23 priorities.
24

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1
2 MIRIAM MACK: And I just want to add that saying
3 that we need to reduce mandated reporting or get rid
4 of the mandate, doesn't mean that either you in that
5 situation or a teacher in some sort of dire situation
6 couldn't still make an assessment, a meaningful
7 assessment that respects the family and call a
8 report. Now, I wouldn't condone that but say,
9 getting rid of the mandate allows that teacher to
10 pause and think about it and really make an
11 assessment that's in the best interest of that child
12 and their family as opposed to fearing loss of their
13 job or employment or license or whatever they're
14 fearful of. They can make a better more informed
15 decision that's really about the wellbeing of a child
16 and not their own fear frankly.

17 CHAIRPERSON AYALA: Yeah, no, I appreciate it.
18 Thank you so guys so much.

19 CHAIRPERSON BREWER: Council Member Williams, did
20 you have a question?

21 COUNCIL MEMBER WILLIAMS: Yeah, what was the
22 organization you said that was working on a process
23 front door?

24 MARIAM MACK: Yes, the Narrowing the Front Door
25 Coalition. Narrowing the Front Door. They have a

1 report online. We can provide the report and the
2 contact information.
3

4 COUNCIL MEMBER WILLIAMS: Okay and I typically,
5 like I try not to like talk about my personal
6 experiences. Like, I listen to you guys, something
7 that should be said, then we think of a story. My
8 mom was a case worker for ACS for 36 years and she
9 told me about lots of stories. But one of the
10 stories that I thought about was one day she had to –
11 she told me she had to do an investigation and they
12 had a mattress on the floor, which is like, at that
13 time, I don't know if that's still the ruling now.
14 It was the early 80's. That was like a violation.
15 Like, she could have removed the kids because the
16 mattress was on the floor. But she essentially like
17 disobeyed the rules because she's like, they have
18 beds and there's food in the fridge.

19 And so, I'm just thinking about how a lot of
20 frontline workers do have this discretion and/or the
21 lack of the discretion because they don't want to
22 lose their jobs and how that can impact what happens
23 after a call is made. So, in this case, there was a
24 situation where they said the child was hungry and
25 when she went to go visit, she was like, well,

1 there's food in the fridge and yeah, the mattresses
2 are on the floor but like they have mattresses. They
3 have a place to sleep and that's just because of her
4 own experience growing up in public housing and
5 understanding what it means to live in poverty but I
6 feel like that's really not how the system treats our
7 children.
8

9 And then I just had a quick question about the
10 discovery. Like, are you seeing discovery issues on
11 your end when you're trying to defend either like
12 youth offenders or parents who are being prosecuted
13 for a neglect or abuse case?

14 JENNIFER FEINBERG: Yeah, I guess I can address
15 that. So, for our Youth Defense practice is a little
16 separate but I'll answer for Family Defense. We're
17 consistently facing issues with discovery. Where it
18 can take years literally to get discovery on a fact
19 finding. So, we can't go forward to a trial to
20 adjudicate whether or not there was neglect in a
21 home. You know, I've had cases go on for three years
22 and the reunification of that family, it was like
23 let's say it's an abuse, I had an abuse case. It
24 went on for three years because of lack of witnesses,
25 lack of discovery. Finally, at the end of the trial,

1 the judge dismissed the abuse and my clients kids
2 were allowed to go home immediately. So, why were we
3 waiting for years to get those children home? There
4 was no safety concern, right. So, these sorts of I
5 mean, yes, we are consistently seeing lack of
6 discovery or getting discovery at the very last
7 minute. Which also makes it very difficult for us to
8 be prepared and to do you know, advocate for our
9 client, which is our responsibility.
10

11 NILA NATARAJAN: I would say like to add to what
12 Ms. Feinberg is saying is discovery is late,
13 settlement offers are late, reports and information
14 from agencies in ACS is late. It puts us families in
15 the position of not being able to make fully informed
16 decisions for their families including in the course
17 of a trial.

18 So, you know if I don't have discovery timely,
19 then counsel for ACS can come to court and say your
20 client should take a plea essentially so their
21 children can be returned home or we can do this trial
22 for the next six months.

23 And one, that's inappropriate because I believe
24 that if ACS believes their child can go home, that
25 child should go home regardless of a parents

1
2 decisions to take a neglect finding or what have you
3 in court. But secondly, it puts a parent in the
4 position of – they have to take, they have to take
5 that loss for their child, as opposed to getting a
6 fair chance at actually litigating that trial and
7 defending themselves and you know, perhaps walking
8 away without that on their record. But they're not
9 given the latitude to make a really informed choice.
10 They have to decide between their children and you
11 know a finding.

12 COUNCIL MEMBER WILLIAMS: Yeah, the state laws on
13 discovery, does that impact Family Court? Or that
14 was just for Criminal Court, so those laws don't even
15 apply to family proceedings?

16 JENNIFER FEINBERG: They also don't apply to some
17 of the youth defense cases as well, which is
18 difficult because actually youth who are diverted are
19 not receiving, they're not getting the same speedy
20 trial and the same discovery turn over in the way
21 that they would in criminal court. So, they're
22 actually in some ways, it's detrimental to them at
23 least from the litigation perspective and our ability
24 to get that discovery and move the case forward.

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4 CHAIRPERSON BREWER: Thank you all very much.

5 Next panel.

6 PANEL: Thank you.

7 COMMITTEE COUNSEL: Thank you for your testimony.

8 We'll now hear from Rachel Braunstein, Stacy
9 Schecter, Karen Simmons and Joyce McMillan.

10 CHAIRPERSON BREWER: Go ahead, thank you very
11 much.

12 RACHEL BRAUNSTEIN: Thank you so much. Thank you
13 Chair Brewer and the Council and the Committees on
14 Oversight and Investigations, Public Safety and
15 General Welfare. My name is Rachel Braunstein, I'm
16 the Director of Policy at Her Justice. For 30 years,
17 Her Justice has stood with women living in poverty,
18 working in the areas of legal services in
19 matrimonial, Family Court and Immigration matters.

20 In 2022, Her Justice provided help to more than
21 5,300 women and children and we are dedicated to
22 helping women in Family Courts, which they must
23 access for legal relief that can provide essential
24 security and stability to them and their families.
25 We're grateful for the Council's support for these
issues.

1 Women living in poverty, particularly Black and
2 Brown women, are forced to rely on the civil justice
3 system that as we've discussed today, has been
4 historically and systematically under-resourced.
5 While the Family Court system was originally imagined
6 as one without lawyers, over time the process has
7 become so complicated that those who are
8 unrepresented often come up short. The COVID-19
9 pandemic certainly brought into greater focus
10 existing challenges in the Family Courts but it also
11 set the stage for possibilities for future
12 improvement. More than three years after the start
13 of the pandemic, the New York City Family Courts have
14 not fully resumed normal operations. Creating
15 significant confusion and uncertainty for litigants.

16 I'm just going to highlight very briefly four
17 issues. One is the need to address backlogs and
18 delays. Just as an example, child support is a
19 critical issue, especially for custodial parents but
20 the inefficiencies are critical for all families.
21 There is typically 200,000 filings for child support
22 in the New York Family Courts, which means there is a
23 great need for this help. But at the start of the
24

1 pandemic, child support was not deemed an essential
2 case type, so families couldn't file for relief.

3
4 Today, they remain unacceptable delays, which of
5 course impact families in terms of financial support
6 but also in terms of missed days of work, extra
7 childcare costs etc.. Similarly, custody cases were
8 not deemed essential at the beginning of the pandemic
9 and so, families waited for the courts help to sort
10 out parenting access arrangements which impact
11 families greatly.

12 I'll wrap up and rely on my written testimony.
13 Thank you for the time.

14 CHAIRPERSON BREWER: Thank you very much. Next.

15 STACY SCHECTER: Thank you for the opportunity to
16 provide testimony at this hearing on New York City
17 Family Courts. My name is Stacy Schecter and I have
18 spent my 13-year career in Family Court first at ACS,
19 then as a Court Attorney to a Family Court Judge and
20 now, as Director of Legal Services at Safe Horizon's
21 Domestic Violence Law Project.

22 Safe Horizon is the nation's largest non-profit
23 victim services organization, offering client-
24 centered and trauma-informed response to 250,000 New
25 Yorkers each year who have experienced domestic

1 violence or abuse. Domestic Violence Law Project
2 assists with orders of protection, custody, child
3 support and uncontested divorce in the Family Court
4 and Supreme Courts. We run a legal helpline for DV
5 survivors and provide assistance in all five borough
6 Family Courts, via the Family Justice Centers and our
7 Family Court program. So, we understand what
8 practice in Family Court is and what it lacks.
9 Today, Safe Horizon would like to just highlight a
10 few points.
11

12 One, funding for attorney's, to help ensure that
13 DV survivors are successful in seeking Orders of
14 Protection, custody, visitation and child support,
15 they need attorneys who understand the complexities
16 of domestic violence, which can be not only physical
17 but mental and emotional as well. Survivors need
18 attorneys who understand how these victims behave
19 after prolonged trauma, how trauma bonds cause
20 survivors to return to the relationships and how
21 abusers often engage in the tactic of litigation
22 abuse.

23 Survivors need particularized assistance in
24 navigating our Family Courts but free and low-cost
25 legal services are incredibly limited in New York

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1
2 City and as such, so are the chances that survivors
3 will receive representation from a trauma informed
4 practitioner.

5 City Council funding via the Safe Alternatives to
6 Violent Encounters Initiative, helps ensure that Safe
7 Horizon DV Law Projects can offer expert legal
8 services to low-income survivors and the city's
9 family and in the domestic violence courts this
10 essential funding, which also supports our colleagues
11 at Sanctuary for Families and Her Justice, must be
12 fully restored in the Fiscal Year 2024. And to help
13 sustain the health and mentality of Safe Horizon and
14 our colleagues in the nonprofit legal services
15 community, the city must also include a 6.5 percent
16 cost of living adjustment in the final city budget.
17 And I will rely on the rest of my written testimony
18 we have submitted online. Thank you.

19 CHAIRPERSON BREWER: Thank you very much.

20 JOYCE MCMILLAN: Good afternoon. Thank you for
21 this opportunity to the Chairs. My name is Joyce
22 McMillan, I'm the Founder of JMac for Families and I
23 am Co-Chair for the Narrowing the Front Door
24 alongside Angela Burton from OCA and Christin Morse
25

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1 the Director at the Center for New York City Affairs
2 at the new school.

3
4 I just have a couple of quick points I would like
5 to make, nothing that I'm reading off. Commissioner
6 Dannhauser mentioned during his testimony that they
7 have reduced court filings to almost half. But
8 because they're not filing court cases don't mean
9 they're not intruding on the same number of
10 households and terrorizing the families. And it's
11 actually even more dangerous because there's no
12 oversight and families are just going along with
13 whatever ACS is directing them to do out of fear.

14 A family can be under invest- uhm, ACS partners
15 with a lot of people. We were asking questions about
16 the people who was testifying with them earlier and
17 what does their partnership look like. The problem
18 is the partnerships are only designed to create
19 surveillance of the families, not to figure out how
20 to best serve families and they were never partner
21 with whole foods or Tai or any of the regular things
22 that people need. And when we talk about mandated
23 reporters, the problem of having mandated reporters
24 is that we all want children to be safe. Even though
25 I'm a starch advocate against child welfare and

1 family policing, I understand that children need to
2 be safe but having a mandated reporter will never
3 help us to accomplish that. Because if you're a
4 mandated reporter and I'm in need of assistance, who
5 is it that I can go to when everyone that has a
6 professional involvement in my life is mandated to
7 report me. It creates a fear and it makes me go
8 inside of a shell and not ask for the help that my
9 family needs.
10

11 If allowed, may I please just make a couple of
12 other points, so I can clarify for some of the things
13 that was said? OCFS and ACS continue to say that
14 they're trying to train people to the point where
15 there won't be over reporting by mandated reporters.
16 The way to train them is not to spend a lot of money
17 on trainings but when they call and they know to
18 call, does not rise to a level that they should be
19 reporting. Just tell them they will not take the
20 report and save that money and put it into the
21 communities.

22 Everyone, everything that's hurting families and
23 everything around the courts are falling apart. The
24 court building itself, but no one at ACS or these
25 foster care agencies are taking a reduction in pay.

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1 Judge Ron Richter asked for an increase in the pay of
2 the 18-B attorneys who show up to court and only see
3 their clients for the first time, two minutes before
4 they enter the courtroom but everyone is being paid.
5 Children are changing at home using garbage bags but
6 you have foster care presidents making over \$500,000
7 a year. It's an atrocity and it's a disrespect to
8 families, communities and elected officials who give
9 them the benefit of the doubt as they continue to
10 promise change and never change. It's been decades.
11 I was impacted 23 years ago, and they're still doing
12 the exact same thing today that they were doing two
13 decades ago.

14
15 CHAIRPERSON BREWER: Thank you very much for your
16 testimony all three of you and every persons
17 testimony will be taken seriously. I'm going to do
18 follow-up. Thank you very much.

19 PANEL: Thank you.

20 COMMITTEE COUNSEL: Thank you for your testimony.
21 We will now be hearing from people on Zoom. We'll be
22 starting with Cathy Cramer. For virtual panelists,
23 once your name is called, a member of our staff will
24 unmute you and the Sergeant at Arms will set the
25 timer and give you the go ahead to begin. Please

1 wait for the Sergeant to announce that you may begin
2 before delivering your testimony. So, I will now
3 call on Cathy Cramer followed by Lisa Freeman,
4 followed by Dr. Sophine Charles.
5

6 SERGEANT AT ARMS: Time starts now.

7 CATHY CRAMER: Chair, many of you [LOST AUDIO
8 03:57:47] organization in New York dedicated solely
9 to working with parents and caregivers who don't have
10 lawyers when they come to Family Court primarily in
11 child support, custody and visitation, parentage,
12 domestic violence and guardianship cases. Thank you
13 so much for the invitation to testify today. I just
14 hope it's the beginning of a public conversation that
15 is overdue.

16 I want to make clear; I am not disparaging the
17 personnel of the family court. We work very closely
18 with the courts and know they're doing their best
19 with very limited resources. The Family Court is
20 supposed to be a place where you can get justice
21 without an attorney but 80 percent of people come to
22 family court without a lawyer. The reality is that
23 it's a very complicated case and some legal support
24 is essential.
25

1
2 In addition, Family Court serves low-income
3 families and people of color. It's perceived as a
4 second-class court. Fixing the family courts is a
5 racial justice and equity issue. We have several
6 recommendations which we cover in more detail in our
7 written testimony that I encourage you to read. But
8 here are just a couple.

9 The courts need more funding to hire additional
10 jurists and support staff. They've been understaffed
11 for ages and decades before, during and after the
12 pandemic and this hurts child custody, child support
13 and all the issues we work on. There needs to be
14 standardized procedures across the family court
15 system. Right now, jurists have their own
16 procedures, litigants are not told about them at the
17 outset and so many cases get dismissed or adjourned
18 on technicalities.

19 The courts need to prioritize child support.
20 It's a poverty prevention tool that can help prevent
21 other issues from every reaching the Family Court,
22 including what we've been talked about today, child
23 welfare, juvenile justice.

24 SERGEANT AT ARMS: Time expired.
25

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1
2 CATHY CRAMER: All these issues. The courts need
3 to increase universal case management system and
4 access to it. It needs to upgrade its outdated
5 technology. The website is terrible and it needs to
6 move up on e-filing and the virtual hearings are
7 great for people who don't - who have technology but
8 for the people who don't have technology, the court
9 has to address their needs. The digital divide is
10 real.

11 CHAIRPERSON BREWER: Thank you.

12 CATHY CRAMER: Our clients are navigating highly
13 emotional issues involving family stability,
14 relationships and finances. Strong families are
15 essential to the future of our great city and
16 addressing the challenges of pro se litigants in
17 family court is vital to increase access to justice.

18 CHAIRPERSON BREWER: Thank you very much because
19 your two minutes is up and your staff has been
20 wonderful here today. Thank you Cathy Cramer. Thank
21 you.

22 CATHY CRAMER: Okay, thank you very much Gale
23 Brewer.

24 CHAIRPERSON BREWER: Bye, bye.

25 CATHY CRAMER: Bye.

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS
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AND THE COMMITTEE ON GENERAL WELFARE 207

2 COMMITTEE COUNSEL: Thank you very much for your
3 testimony. We'll now hear from people from Lawyers
4 for Children.

5 SERGEANT AT ARMS: Time starts now.

6 KAREN FREEDMAN: Thank you very much. I am going
7 to put aside my testimony, so I can speak quickly to
8 points that have not yet been raised. My name is
9 Karen Freedman, I'm the Founder and President of
10 Lawyers for Children. We've been practicing in the
11 New York City Family Courts for over 40 years and we
12 are representing 3,000 children a year in a holistic
13 representational system. We have attorney's, social
14 workers and youth advocates representing our clients
15 in foster care, abuse, neglect, custody, termination
16 parental rights, delinquency cases. And it was you
17 Chair Brewer who brought up at the very beginning the
18 fact that the responsibility for funding our
19 organizations, the attorney's for children law
20 offices, the non-profits throughout New York State.
21 There are 11 of us. That falls under the judiciary
22 budget. So, why am I here bothering you?

23 In New York City, over 90 percent of the children
24 in Family Court are represented by Attorney's for
25 Children's Law Offices, nonprofit law offices. We,

1 right now, are sitting with a ten percent budget cut
2 that was put in place at the beginning of the
3 pandemic and has not been changed since that time.
4 That is in addition to over close to 20 years of flat
5 funding for AFC offices and why does this happen?
6 This happens because the voices of children are often
7 ignored. And that's what our office is dedicated to
8 prevent. I so appreciate your focusing on the Family
9 Court and I would ask you, I beg you, to do one thing
10 that the City Council can do, which is to contact
11 Senator Hoylman and tell him that the City Council
12 needs funding for attorneys for children, 90 percent
13 of whom are here. I'm sorry, we have very long
14 testimony. I just have one minute from my colleague.

15
16 CHAIRPERSON BREWER: Go ahead.

17 ANNA SCHISSEL: Thank you. My name is Anna
18 Schissel, I am the Deputy Director of Litigation at
19 Lawyers for Children and I would like to just make a
20 couple of additional points about operational issues
21 on the ground. We urge the City Council to improve
22 Family Court operations by embracing technology. As
23 you have heard, remote proceedings have dramatically
24 improved the courts efficiency. When participants
25 are able to appear by video, fewer cases require

1
2 adjournment and more people have the opportunity to
3 participate.

4 The need for remote access to the court house is
5 made even more acute by the shortage of security
6 personnel. Physical altercations between litigants
7 in the Family Court hallways are sadly not uncommon
8 since the resumption of in person proceedings, the
9 number of officers in Manhattan Family Court has
10 dropped precipitously. There are no officers in the
11 rooms where referees preside over a custody and
12 visitation matters to provide protection from an
13 emotional and angry litigant and some floors in the
14 buildings do not have a single officer on the floor
15 to provide assistance. Ironically, this means that
16 victims of domestic violence who come to the court
17 house seeking orders of protections cannot be assured
18 that they will be safe in the building.

19 Being able to participate in court proceedings
20 from a secure location is essential. We urge the
21 City Council to ensure that there additional
22 technology hubs throughout the city to ensure that
23 litigants can meaningfully participate in Family
24 Court without having to travel to court. In
25 addition, if all children in the New York City public

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1 schools were guaranteed both access to hardware and
2 home-based Wi-Fi, it would not only level the
3 educational playing field but ensure that every child
4 with a family court case could appear remotely
5 without missing school and participate effectively in
6 youth court proceedings that so drastically impact
7 their lives.

9 I would ask the Council to please refer to our
10 written testimony regarding increasing access to
11 supervised family visitation programs. And finally,
12 we would urge the City Council to improve Family
13 Court operations by addressing the in-person mandate.
14 Family Court operations have been significantly
15 hampered by the frequent turnover among ACS attorneys
16 and case workers. The number of ACS attorneys in
17 Manhattan Family Court has dropped by nearly one-
18 third since March 2020. We've been told repeatedly
19 by departing attorneys and case workers that the
20 mandate to be present in the office five days a week,
21 even when they could effectively worked from home is
22 a significant factor in the decision to leave ACS.

23 CHAIRPERSON BREWER: Thank you very much both of
24 you. Thank you so much.

25 ANNA SCHISSEL: Thank you very much.

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AND THE COMMITTEE ON GENERAL WELFARE 211

2 KAREN FREEDMAN: Thank you.

3 COMMITTEE COUNSEL: Thank you very much for your
4 testimony. If we inadvertently missed anyone who
5 would like to testify in-person, please visit the
6 Sergeants table and complete a witness slip now. We
7 will now resume testimony. We will first hear from
8 Lisa Freeman followed by Dr. Sophine Charles followed
9 by Darlene Jackson.

10 SERGEANT AT ARMS: Time starts now.

11 LISA FREEMAN: Good afternoon Chair Brewer.
12 Thank you so much for holding this lengthy hearing.
13 As you can see, there are a lot of issues that I'm
14 sorry, I'm not sure if the audio just started. Thank
15 you so much for holding this lengthy hearing. As you
16 can see, there are many issues that touch on Family
17 Court. It's a complicated system and very
18 dysfunctional system. My name is Lisa Freeman, I'm
19 the Director of the Special Litigation and Law Reform
20 Unit in the Juvenile Rights Practice of the Legal
21 Aid Society. We represent the majority of children
22 whose parents are charged with abuse and neglect in
23 Family Court. In addition, we represent the majority
24 of children who are charged as juvenile delinquents.

25

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1 So, in addition the Legal Aid Society has a civil
2 practice that represents survivors of domestic
3 violence, handles orders of protection, custody,
4 visitation, child and spousal support, as well as
5 contested and uncontested divorces. So, we have a
6 lot of experience in the system in all five boroughs
7 and we will be providing extensive written testimony,
8 so I just wanted to highlight a couple of issues now.
9 The first, since no one has really spoken exactly
10 from the perspective of representing juvenile
11 delinquents in the system, I wanted to mention that
12 there is a significant shortage of staffing for ACS's
13 division for youth and family justice and that as a
14 result of that, the arraignment process is delayed
15 for many youth. And that process implicates you
16 know, not just the lawyers for the children or the
17 children themselves having to be in custody longer
18 than necessary but all the other players that have to
19 interview the youth in the court houses.
20

21 So, often during arraignments, people are waiting
22 for the DYFJ staff to arrive in order to move forward
23 and it's unacceptable. In addition, kids from the
24 same staffing shortage, kids in detention are being
25 deprived of access to school on occasion. We have

1 several reports where there are not escorts available
2 and so children just are not brought to school.

3
4 SERGEANT AT ARMS: Time expired.

5 LISA FREEMAN: Again, that's obviously not
6 acceptable.

7 CHAIRPERSON BREWER: You need to try to wrap up.
8 Thank you.

9 LISA FREEMAN: Yes, so I wanted to mention
10 there's been a lot of discussion of technology, which
11 obviously has helped many, many stakeholders in the
12 system. We would advocate for an evaluation to be
13 done that hears from actual impacted parties, the
14 children and parents that are effected. Without
15 that, I think we really, it's difficult to know who
16 is benefiting and under what circumstances from this
17 technology, which obviously needs to be improved as
18 well but we think an evaluation would be essential.
19 I also, there was discussion about cost earlier. The
20 cost of congregate care for children in ACS custody
21 is enormous, something on the order of \$280,000 a
22 year. And so, that's one circumstance in which we
23 think it really would be beneficial. The federal
24 legislation was intended to reduce the number of
25 children in congregate care. All too often you know,

1 kids wind up institutionalized and at great expense
2 when that money could be better spent.
3

4 CHAIRPERSON BREWER: Thank you.

5 LISA FREEMAN: Finally, I would just reiterate
6 the issue with regard to UCMS and access. That we
7 need to coordinate with the state that we are being
8 deprived full access to the UCMS technology, which
9 interferes with our ability to represent our clients.
10 We don't get access to all dockets that our clients
11 are involved with and we don't get access to all
12 documents and that's obviously just not appropriate
13 in coordination with the state and pressure on the
14 state to change that would be beneficial. Alright,
15 thank you very much.

16 CHAIRPERSON BREWER: Thank you very much.

17 COMMITTEE COUNSEL: Thank you for your testimony.
18 We will now hear from Dr. Sophine Charles followed by
19 Darlene Jackson followed by Tanisha Grant.

20 SERGEANT AT ARMS: Time starts now.

21 DR. SOPHINE CHARLES: Good afternoon Council
22 Members Ayala and Brewer. Thank you for the
23 opportunity to testify. I'm Dr. Sophine Charles, the
24 Associate Executive Director Downstate for COFCCA,
25 the Council of Family and Child Caring Agencies. We

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1 represent over 100 agencies statewide, providing
2 foster care, adoption services, family preservation
3 and juvenile justice. We represent more than 50
4 agencies in New York City.
5

6 And I'd like to begin by first acknowledging and
7 recognizing that there are collaborative efforts that
8 are already underway between the ACS legal team, the
9 Administrative Judge Jolly's Office and provider
10 agencies. We applaud ACS legal team and Judge Jolly
11 and the Family Court Staff for their willingness to
12 convene regular meetings with agencies to review, to
13 collect data and feedback and review recommendations
14 for how to increase outcomes for children and
15 families.

16 Today, I raise three areas of concern from the
17 provider agencies and families perspective. Number
18 one is scheduling barriers across the various court
19 hearings and proceedings. Number two, unrealistic
20 court orders presented to case planning teams and
21 staffing challenges across all levels and the
22 stakeholders, case workers, FCLS attorneys and judges
23 and I'll say that the fact-finding proceedings are
24 significantly delayed, which thereby delays all other
25 advancements of families through the court system and

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1
2 that on the side of unrealistic court orders,
3 agencies are required to infuse resources into
4 helping -

5 SERGEANT AT ARMS: Time expired.

6 DR. SOPHINE CHARLES: Families through the
7 system. They have limited budgets; limited contracts
8 and they are required to pay for mental health
9 evaluations or families and parents without
10 insurance. They're required to transport children
11 across the city to different boroughs and all of this
12 absorbs time of the case workers and resources of the
13 agencies that are not reimbursed and I'll also just
14 mention the staffing challenges, hugely impact the
15 agencies. Provider staff have limited access to
16 transition planning. FCLS attorneys leave and
17 they're delays in judge assignments to cases.

18 CHAIRPERSON BREWER: Thank you.

19 DR. SOPHINE CHARLES: And all of this means that
20 the staff are, agency staff are challenged with
21 trying to navigate and assist families and advancing
22 the cases through the system.

23 CHAIRPERSON BREWER: Thank you.

24 DR. SOPHINE CHARLES: And I'll rest on four
25 recommendations. One is that the implementation

1
2 technology, the implementation of technology upgrades
3 are definitely needed in the family court
4 infrastructure.

5 CHAIRPERSON BREWER: You need to wrap up.

6 DR. SOPHINE CHARLES: Case planners and families
7 support remote methods to navigate the proceedings.

8 CHAIRPERSON BREWER: Okay.

9 DR. SOPHINE CHARLES: And to consider the use of
10 mediation.

11 SERGEANT AT ARMS: Time expired.

12 DR. SOPHINE CHARLES: For cases that do not
13 require mandatory oversight. We need to invest in
14 more opportunities for mediation as an alternative.
15 And my last two recommendations are that there needs
16 to be a system for collecting data on the lengths of
17 stay in foster care that result from extensive delays
18 attributed to the many scheduling barriers,
19 adjournments and stagnations in the court process.

20 And the last one is, there needs to be data
21 collection on the average time it takes to advance
22 cases through the fact-finding process. Fact finding
23 is a fundamental process in the system and when there
24 are delays there, the delays extend throughout the
25 system and often the agencies take the hit who are

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1
2 delaying and advancing families through the - to
3 termination of foster care cases.

4 CHAIRPERSON BREWER: Thank you very much.

5 DR. SOHPINE CHARLES: Thank you for the
6 opportunity to testify.

7 CHAIRPERSON BREWER: Thank you very much.

8 COMMITTEE COUNSEL: Thank you. We will now hear
9 from Darlene Jackson followed by Tanisha Grant
10 followed by Jennifer Blanco.

11 SERGEANT AT ARMS: Time starts now.

12 DARLENE JACKSON: Yes, thank you to all three
13 Committee Chairs for today's critical public hearing.
14 I did want to defer my time to my youngest sister
15 Jennifer Blanco, an impacted parent and has
16 experienced the foster system but unfortunately the
17 ACS CARES program is conducting a home visit as we
18 speak. My family continues to struggle with
19 generational trauma and now impacting my sisters
20 children in which the ACS CARES program does not
21 address or mitigate.

22 Instead, I will submit a written testimony but
23 want to emphasize the following: As we collectively
24 demand to fund fairness to improve operational
25 challenges of Family Court and in my experience as a

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1 client advocate at the Neighborhood Defender Services
2 of Harlem, New York City Council should provide
3 quarterly evaluations of our public defense
4 organizations throughout New York City to ensure that
5 they are in fact implementing abolitionist framework
6 and not an extension of the family policing system
7 due to inadequate daily practices, support and
8 representation towards positive outcomes in and
9 outside of the Family Court. We need our public
10 defense orgs equipped with the necessary tools to
11 lead to by action and not rhetoric. That also
12 includes judicial child welfare advocacy
13 organizations. Thank you again for attending to the
14 disparities within the Family Court system and
15 focusing on investing in families and communities.
16 Thank you.

18 CHAIRPERSON BREWER: Thank you very much.

19 COMMITTEE COUNSEL: Thank you very much. Last
20 call, if we inadvertently missed anyone who would
21 like to testify in person, please visit the Sergeants
22 table and complete a witness slip now.

23 Turning back to Zoom, we will hear from Tanisha
24 Grant followed by Jennifer Blanco.

25 SERGEANT AT ARMS: Time starts now.

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1 TANISHA GRANT: Hello, my name is Tanisha Grant.

2
3 I am the Executive Director of Parent Support and
4 Parents New York. Today, thank you Chair Gale, I
5 mean Councilwoman Brewer for having this very
6 important hearing. I come to you today not only as a
7 community organizer, not only as a parent advocate,
8 but as someone who was impacted by ACS, by the Family
9 Court system, by the family policing system at birth.
10 I'm 47 years old and I'm sad to say that in the 47
11 years that I have been just trying to find out where
12 I came from because of a system that decided to
13 separate me from my entire family, that things have
14 not changed.

15 On here, I hear people saying the same thing that
16 they have said for decades but yet, nothing changes.
17 On the ground, we don't see any of these wonderful
18 ideas that ACS is talking about. We don't see any of
19 these tactics to keep children with their families.
20 As a parent advocate, when I go with parents to
21 Family Court, it is horrendous to us. It is
22 traumatic for parents to have to go in them horrible
23 buildings that the city owns, that City Council for
24 years and for decades have not seen to make it a
25 number one priority to have them fixed. We know that

1 most people that go in there are Black and Brown and
2 it is unacceptable. It is unacceptable at 47 years
3 old; I am still trying to find my family.

4 I cannot tell you the generational trauma that me
5 and my children suffer at being separated by a
6 system. A system that continuously keeps the power
7 to keep separating us. I am very disgusted to see
8 White people, especially White men sit here and talk
9 about my life when they will never understand what it
10 is like to be separated as a Black child from your
11 whole family. All of these nice resources that you
12 say that we have, I have never seen it in my 47
13 years.

14 SERGEANT AT ARMS: Time expired.

15 TANISHA GRANT: I was an adopted child. It was a
16 failed adoption. I was thrown back into the system,
17 into the foster system at 11 years old and again, I
18 advocate for parents and children that this
19 continuously happens to today. So, when we talk
20 about community-based organizations and who's really
21 on the ground doing the work, my community-based
22 organization is on the ground doing the work every
23 day because I am a lived experience expert.
24
25

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS
2 JOINTLY WITH THE COMMITTEE ON PUBLIC SAFETY
3 AND THE COMMITTEE ON GENERAL WELFARE 222

4 CHAIRPERSON BREWER: Okay, can you wrap up
5 please?

6 TANISHA GRANT: In what I do. So, I really ask
7 you guys to really, really think about who you are
8 funding. How you are funding them and who is really
9 on the ground supporting these people when ACS comes
10 to their door and when they have to go to Family
11 Court. Thank you for listening to me. I yield back.

12 CHAIRPERSON BREWER: Thank you very much.

13 COMMITTEE COUNSEL: Thank you. We have one more
14 person who has signed up to testify in person. If we
15 inadvertently missed anyone who would like to testify
16 virtually on Zoom, please use the raised hand
17 function in Zoom and we will call on you in the order
18 of hands raised. First, we will hear from Brian
19 Zimmerman.

20 BRIAN ZIMMERMAN: Thank you Chairpersons for
21 giving me this opportunity. I'm Brian Zimmerman, I'm
22 the President of Kings County 18-B Family Court panel
23 as well as the New York State Assigned Counsel
24 Association. I'm not going to touch on a lot of
25 things. I know it's late in the day and time is
pressing.

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1 I want the Chairperson to know that last week the
2 Mayor appointed five more Family Court Judges. I
3 think that got missed this morning but I want to
4 focus on just one area that I think that it is
5 correct that a lot of the numbers have gone down as
6 ACS reported, as Corp Counsel reported on Juvenile
7 Delinquencies.
8

9 The one area where numbers really have not gone
10 down is custody visitation, Order of Protection
11 support cases. And we've heard a lot about diversion
12 today, a lot of diversion programs. These are areas
13 I believe the City Council actually can work to fund.
14 And so, I would encourage the Council to also and I
15 talk about this in my testimony. Look at how we can
16 stop cases from getting to court by use of mediation
17 in every kind of discipline. It's not just child
18 protection. It's not just the delinquency matters.
19 There is mediation that could be made available for
20 families in need on custody visitation matters that
21 bring them to court and once it gets to court, it
22 gets highly litigated. And if we can find ways to
23 create those kind of opportunities and in support
24 cases, I mean many of the litigants that comes to the
25 Family Court don't have a lot of money, so they're

1 actually fighting over real things. It's fighting
2 over food on the table. We're fighting about orders
3 that they can no longer pay and all the parent that
4 has the children wants is to see some of the money.
5 How can we work to make that a better thing? And
6 funding those kind of programs would really help.
7

8 I just also want to stress the use of remote
9 technology has really assisted, I believe, the
10 courts. And you heard a little bit about it from
11 some of the other stakeholders. For our clients who
12 often can't afford to take days off to come to court.
13 They often can't appear. The person on the child
14 support case can't take a day off but they can come
15 and you get better orders. One that reflect what can
16 be actually paid and that really does help the system
17 to have those kind of help for the litigants in a
18 focus and Family Court administration has really
19 understood for the disproportionately impacted
20 communities that more flexibility about coming to
21 court is actually beneficial to the system as a
22 whole.

23 So, that is another area I wanted to trust in.
24 In terms of something the city can control, if you
25 come to something like Brooklyn Family Court, there

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1 are no outlets for people to charge their phones.

2
3 There's no places within the building, the Wi-Fi is
4 not good. It might be true in the other boroughs.

5 CHAIRPERSON BREWER: It is. It's bad everywhere.

6 BRIAN ZIMMERMAN: That is something that I think
7 should be or could be addressed and maybe Ms. Cramer
8 said it, remote locations that are in the communities
9 so that people can appear in that fashion would also
10 be a great assistance that I think the Council can
11 assist with.

12 CHAIRPERSON BREWER: Thank you very much. Thank
13 you for waiting.

14 COMMITTEE COUNSEL: Thank you. We have now heard
15 from everyone who has signed up to testify. Once
16 more, if we inadvertently missed anyone who would
17 like to testify in person, please visit the Sergeants
18 table and complete a witness slip now.

19 If we inadvertently missed anyone who would like
20 to testify virtually, please use the raised hand
21 function in Zoom and we will call on you in the order
22 of hands raised.

23 Seeing no one else, I would like to note that
24 written testimony, which will be reviewed in full by
25 Committee Staff may be submitted to the record up to

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1
2 72 hours after the close of this hearing by emailing
3 it to testimony@council.nyc.gov. And I would like to
4 turn it back over to Chair Brewer.

5 CHAIRPERSON BREWER: Thank you very much. This
6 hearing will conclude but I do want to thank everyone
7 who participated and I want those stakeholders from
8 the Administration, from the community, from everyone
9 whose interested in this topic, this is just a
10 beginning of a longer conversation and we are very
11 serious about trying to address the issues that were
12 brought to our attention today. [GAVEL] Thank you
13 very much.

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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 MAY 13, 2023