

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON GENERAL WELFARE

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July 22, 2019
Start: 12:38 p.m.
Recess: 12:50 p.m.

HELD AT: 250 Broadway - Committee Room 16th
Floor

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

COUNCIL MEMBERS: Mark Treyger
Ritchie J. Torres
Antonio Reynoso
Brad Lander
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A P P E A R A N C E S (CONTINUED)

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2 DANE HOPE: Mike test, mike test, one,
3 two, one two. Today's date is 7/22/2109. Today's
4 committee hearing is on General Welfare and is being
5 recorded by Dane Hope. [pause]

6 CHAIRPERSON LEVIN: [gavel] Good
7 afternoon, everybody. I am Council Member Steve
8 Levin, chair of the council's Committee on General
9 Welfare. Today we are holding a vote on Resolution
10 number 740, calling on the New York City
11 Administration for Children's Services to implement a
12 policy finding that a person's mere possession or use
13 of marijuana does not by itself create an imminent
14 risk of harm to a child, warranting the child's
15 removal. I want to thank Council Member Carlina
16 Rivera for joining me in bringing this important
17 topic to a hearing in April of this year. Before we
18 proceed, I would like to acknowledge the council
19 members that have joined us: Council Member Mark
20 Treyger of Brooklyn, Council Member Ritchie Torres of
21 the Bronx, Council Member Antonio Reynoso of
22 Brooklyn, Council Member Brad Lander of Brooklyn as
23 well. As New York State contemplates the
24 legalization of marijuana use, marijuana use is being
25 rapidly normalized, and it is incumbent upon us to

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2 scrutinize how current laws and policies impact
3 families. 15% of the 34,642 allegations that were
4 referred to ACS between July and September of 2018
5 were for parental or child substance abuse. That is
6 a significant number. While we know that the opioid
7 crisis has heavily influenced these numbers, we also
8 know that a good chunk of these cases were for
9 marijuana use. Child welfare investigation is a huge
10 invasion of privacy and can be a threat to dignity
11 when ACS workers are calling and visiting your
12 child's school, teachers, friends, the super in your
13 building and neighbors, just because you tested
14 positive to marijuana use. We need to ensure that
15 ACS is not wasting its time on bogus reports and that
16 families are not being subject to unnecessary
17 investigations and pressured into unneeded services
18 to prove that they are worthy enough to keep their
19 children. Currently state law is very clear that
20 substance use alone is not cause for indicating a
21 neglect case and that a child's physical, mental, or
22 emotional condition must also be impaired or in
23 imminent danger of becoming impaired due to a parent
24 or guardian's failure to provide minimum care due to
25 the "misusing" of the drug. ACS has previously

1 testified that marijuana use alone is not used to
2 justify removing a child from the home, restrict
3 parental visitation, or keep a child from being
4 reunited with their parents. However, advocates have
5 testified to the opposite being true, and we've heard
6 from parents as well. We need more clarity on this
7 issue, with or without legalization. Vague
8 directives lead to wide discretion and this
9 discretion leads to discrimination. We cannot allow
10 for this to continue. Thus, today we are voting on
11 Resolution 740 to call on ACS to make a formal policy
12 change. We must ensure that a person's mere
13 possession or use of marijuana is not used as a
14 justification for a child's removal. I would like to
15 thank council staff for their work to prepare for
16 today's hearing, senior counsel Amanda Kiliwan,
17 senior policy analysts Tanya Cyrus and Crystal Pond,
18 financial analyst Daniel Krouf. I would also like to
19 thank my legislative director, Elizabeth Adams, and
20 chief of staff, Jonathan Bouchet. And I'm going to
21 turn it over to Council Member Lander for a moment
22 and then I have another statement I'd like to make
23 and then we'll call the vote.

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2 COUNCIL MEMBER LANDER: Thank you, Mr.
3 Chair, for your work on these issues and for the very
4 good hearing that you chaired and convened a few
5 weeks or couple months ago, which I thought was
6 really, we learned a lot at, and I think some of the
7 exact discrepancies that you just spoke to. There is
8 not a formal policy that says mere marijuana use or
9 possessions is not a reason for child removal, you
10 know, the commissioner testified that they don't do
11 it, and yet some lawyers who do this work said that
12 they see it on a somewhat regular basis. So it
13 seemed pretty simple to say OK, if we're at a moment
14 when we are clear that we may in the near future be
15 that we have, are decriminalizing and maybe
16 legalizing marijuana where we know nonetheless that
17 there are too high a number of arrests that are in
18 some ways out of our control or allegations that
19 happen anywhere where those are dramatically racially
20 disproportionate and discriminatory, and where there
21 is still concern that in some cases children are
22 being removed from their parents solely as the result
23 of an allegation of marijuana possession or use, that
24 it's pretty straightforward, that it's time for ACS
25 simply to adopt a simple policy as outlined in this

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2 resolution, something that I wish we had done a long
3 time ago, you know, the resolution cites sometimes
4 stories from 2010 or 2011 when this was happening
5 hundreds and hundreds of times, so I think it's worth
6 remembering that means not that long ago there was a
7 time when we were conducting a policy of family
8 separation based really only on marijuana use and
9 doing it in a way that we all know is deeply racially
10 discriminatory. So, I'm sorry we did not correct
11 this sooner. I'm glad that we're pulling in the
12 right direction. I appreciate the opportunity to
13 have this resolution heard and passed, and I hope
14 that ACS will adopt it as clear policy and make sure
15 this is something that does not happen again.

16 CHAIRPERSON LEVIN: Thank you very much,
17 Council Member Lander. And I just want to take a
18 moment to thank a great colleague who has been with
19 the General Welfare Committee for a number of years,
20 Tanya Cyrus, who is our senior policy analyst here at
21 the General Welfare Committee. This is her last
22 week, and she is going over to the administration for
23 city legislative affairs and certainly our loss is
24 their gain. They are very fortunate to have somebody
25 with Tanya's experience, knowledge of the issues,

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2 knowledge of the legislative process, tremendous work
3 ethic and compassion and dedication to the work of
4 government and making the city a better place, and so
5 we are going to miss her greatly. We know where to
6 find her, she's just next door at 253 Broadway, but
7 we thank her so much for being part of really this
8 family and it's been, it's been a wonderful time
9 working with you, Tanya, so thank you very much. We
10 can have a quick round of applause, I'll allow it.
11 [applause] OK, with that I will ask the clerk to call
12 the role.

13 COMMITTEE CLERK MARTIN: Billy Martin,
14 committee clerk, roll call vote, Committee on General
15 Welfare, resolution 740. Chair Levin.

16 CHAIRPERSON LEVIN: Aye.

17 COMMITTEE CLERK MARTIN: Lander.

18 COUNCIL MEMBER LANDER: Aye.

19 COMMITTEE CLERK MARTIN: Reynoso.

20 COUNCIL MEMBER REYNOSO: Aye.

21 COMMITTEE CLERK MARTIN: Torres.

22 COUNCIL MEMBER TORRES: Aye.

23 COMMITTEE CLERK MARTIN: Treyger.

24 COUNCIL MEMBER TREYGER: Aye.

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COMMITTEE CLERK MARTIN: By a vote of 5 in the affirmative, zero in the negative, and no abstentions, the item has been adopted by the committee.

CHAIRPERSON LEVIN: So we'll keep the roll open for a few moments for other members. But, again, thank you all for being here, and Tanya, thank you so much for all the wonderful, OK. This hearing is adjourned. [gavel]

C E R T I F I C A T E

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



Date July 29, 2019