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**THE COUNCIL OF THE CITY OF NEW YORK**

**COMMITTEE REPORT OF THE**

**Human SErvices Division**

*Jeffrey Baker, Legislative Director*

*Andrea Vazquez, Deputy Director, Human Services Division*

**COMMITTEE ON GENERAL WELFARE**

*Hon. Stephen Levin, Chair*

**October 31, 2019**

**INT. NO. 1715:** By Council Members Adams, Chin, Gibson, Ayala, Ampry-Samuel and Lander

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the provision of counsel at fair hearings following an indicated report during an ACS investigation

**ADMINISTRATIVE CODE:** Adds section 21-919

**INT. NO. 1716:** By Council Members Adams, Chin, Gibson, Ayala, Ampry-Samuel and Lander

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to reporting demographic information for emergency removals by the administration for children’s services

**ADMINISTRATIVE CODE:** Amends section 21-901

**INT. NO. 1717:** By Council Members Ampry-Samuel, Levin, Chin, Gibson, Ayala, Cornegy and Lander

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to information regarding demographic information of parents and children at each step in child welfare system and a plan to address racial and income disparities

**ADMINISTRATIVE CODE:** Adds section 21-919

**INT. NO. 1718:** By Council Members Chin, Levin, Ayala, Ampry-Samuel and Lander

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the administration for children’s services to provide a multilingual disclosure form to parents or guardians during a child protective investigation

**ADMINISTRATIVE CODE:** Adds section 21-919

**INT. NO. 1719:** By Council Members Chin, Levin, Gibson, Ayala, Ampry-Samuel and Lander

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to reporting on youth in foster care

**ADMINISTRATIVE CODE:** Adds new paragraph 4 to section 21-902

**INT. NO. 1727:** By Council Members Levin, Chin, Ayala and Lander

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to emergency removals conducted by the administration for children’s services

**ADMINISTRATIVE CODE:** Amends section 21-902

**INT. NO. 1728:** By Council Members Levin, Chin, Ayala and Lander

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the provision of counsel at the first point of contact during an ACS investigation

**ADMINISTRATIVE CODE:** Adds new section 21-919

**INT. NO. 1729:** By Council Members Levin, Rose, Chin, Ayala, Ampry-Samuel and Lander

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring ACS to provide information to parents or caretakers about their right to appeal to expunge a case record during an ACS investigation

**ADMINISTRATIVE CODE:** Adds new section 21-919

**INT. NO. 1736:** By Council Members Rivera, Chin, Ayala, Ampry-Samuel and Lander

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring child protective specialists to orally disseminate information to parents or caretakers about their rights during initial contact at the start of an ACS investigation

**ADMINISTRATIVE CODE:** Adds new section 21-919

**RESOLUTION NO. 736:** By Council Member Cumbo

**TITLE:** Resolution calling upon the New York State Legislature and the New York State Office of Children and Family Services to develop a parents’ bill of rights to be distributed at initial home visits in child protective investigations and made available online.

**RESOLUTION NO. 1066:** By Council Members Rose, Levin, Chin, Ayala and Lander

**TITLE:** Resolution urging New York State to reduce the length of time caretakers, parents or legal guardians remain on the Statewide Central Registry list.

1. **Introduction**

 On October 31, 2019, the Committee on General Welfare, chaired by Council Member Stephen Levin, will hold a hearing on nine bills and two resolutions related to the child welfare system in New York City. Expected to testify are representatives from the Administration for Children’s Services (ACS), child welfare advocates, legal service providers and other interested parties.

1. **Child Welfare Background**

Reports of abuse and neglect go through the Statewide Central Register of Child Abuse and Maltreatment (SCR) hotline, maintained by the New York State Office of Children and Family Services.[[1]](#footnote-1) SCR staff relay information from the calls to the local child protective services for investigation, which is ACS in New York City.[[2]](#footnote-2) ACS is required to investigate all reports received to ensure the safety and well-being of every child listed on the report.[[3]](#footnote-3) A Child Protective Specialist (CPS) will take the following steps during an investigation:[[4]](#footnote-4)

* Have 24 hours to gather more information from the reporting person, if known.
* Make an unannounced visit to the child’s/youth’s home within 24 – 48 hours of the report. The CPS must see and speak to all children living in the home or with other caretakers, as well as all children/youth that are present in the home during the investigation.
* Speak to all adults or caretakers living in the home.
* Give the home a letter called a Notice of Existence, informing adults in the home that they have an open investigation of abuse or maltreatment. If an adult is not home, the CPS will leave a Notice of Home Visit letter informing residents of the visit.
* Check to make sure the home is free of hazards, has adequate food, safe sleeping arrangements, etc.
* Go to the child’s/youth’s school, talk to family members and other people who may know the child/youth, like a neighbor, building superintendent, teacher, doctor, nurse, NYPD, etc.
* During the investigation, if it is determined that services are required, ACS will refer adults in the home to services and work with them to help receive those services.
* The CPS may offer the family [Preventive Services](https://www1.nyc.gov/site/acs/child-welfare/preventive-services.page) (including mental health, substance use and other programs) or ask them to attend an Initial Child Safety Conference as a result of concerns noted during the investigation.

Within 60 days or fewer, the CPS determines whether or not the report is “indicated” or “unfounded”.[[5]](#footnote-5) If the CPS found enough evidence to support the claim that a child has been abused or neglected, the report is deemed as indicated and parents receive a letter from the CPS called a “Notice of Indication.”[[6]](#footnote-6) The letter notifies parents of their right to ask for a review of that decision. The request must be made within 60 days of the receipt of the letter.[[7]](#footnote-7) If the CPS did not find enough evidence to support the claim that a child has been abused or neglected, parents receive a letter from the SCR that the report was unfounded.[[8]](#footnote-8) However, even an unfounded report stays in the SCR for 10 years.[[9]](#footnote-9) All reports made to the SCR are kept on record until the youngest child in the family at the time of the investigation turns 28 years old.[[10]](#footnote-10) Once an investigation has been completed, results may vary, as follows:[[11]](#footnote-11)

* Closed with ACS, no services are needed.
* Referred to a community-based organization and closed with ACS.
* Referred to an ACS-contracted preventive provider in the family’s community, CPS closes its investigation.
* Referred to Family Court for court-ordered supervision. This occurs when there are heighted concerns, but the child/youth will remain in the community with their parent/caretakers. The family court could mandate the parent/caretaker to participate in services and for heightened oversight.
* Temporary placement in out-of-home care. This occurs when a child/youth cannot remain safely in the community with their parent/caretakers.

When a CPS and their supervisor determine that no safety interventions can be put in place to eliminate the imminent danger to a child, ACS will seek a Family Court order to place the child into foster care.[[12]](#footnote-12) When Family Court is not in session, an emergency removal can occur without the permission of a judge, but CPS is required to file a petition in Family Court within the next business day.[[13]](#footnote-13)

After an emergency removal occurs, ACS arranges for a parent to attend an Initial Child Safety Conference (ICSC) to discuss what a parent should do to keep a child safe.[[14]](#footnote-14) At the ICSC, parents have the right to bring family members or other supports.[[15]](#footnote-15) Additionally, parents are offered the services of a Parent Advocate.[[16]](#footnote-16) A Parent Advocate shares information about parents’ rights and responsibilities, explains the process and assists with any concerns or communication issues between a parent and ACS. [[17]](#footnote-17)

Under the Family Court Act, whenever a child is removed, the parent-respondent has a right to a hearing – known as a “1028” hearing[[18]](#footnote-18) – within three days of the removal.[[19]](#footnote-19) The court must also reunite the parent-respondent and the child unless it finds that doing so would put the child’s life or health at “imminent risk.”[[20]](#footnote-20) Courts have determined that the hearing must take into account the harm of removing a child from the home and balance that harm with the risk of keeping the child in the home.[[21]](#footnote-21)

Advocates have raised concerns that emergency removals have risen since the death of Zymere Perkins in October 2016.[[22]](#footnote-22) Historically, such high-profile child deaths have led to increased pressure on the child welfare system, with a greater number of reports to ACS of possible neglect and abuse.[[23]](#footnote-23) There has been a 54% increase in Family Court petitions filed since 2014 and advocates say that the number of months to get to a fact-finding (or trial) stage is rising again.[[24]](#footnote-24) This means that parents can be in programming, and children placed in foster care, sometimes for over a year even when no neglect or abuse allegations have yet been substantiated. The removal of children from their home is shown to have a deleterious effect on children.[[25]](#footnote-25) These children are traumatized from being separated from their biological parents.[[26]](#footnote-26) Research shows that they experience irreparable sense of loss, confusion and mistrust stemming from the separation.[[27]](#footnote-27) Children’s sense of time is narrowly focused on the present; thus, for young children periods of weeks or months are not comprehensible.[[28]](#footnote-28) The legislation the Committee is hearing today aims to ensure that parents and guardians are equipped with the information and resources that they need to effectively work with child protective specialists, ACS attorneys and family defense attorneys to ensure the safety and wellbeing of their children.

1. **Bill Analyses**

 **Int. No. 1715** – A Local Law to amend the administrative code of the city of New York, in relation to the provision of counsel at fair hearings following an indicated report during an ACS investigation

Int. No. 1715 would require the Administration for Children’s Services (ACS) to create a program to provide access to legal services for parents or guardians after an indicated report during an ACS investigation, specifically during the fair hearing process. Int. No. 1715 would take effect immediately.

 **Int. No. 1716** – A Local Law to amend the administrative code of the city of New York, in relation to reporting demographic information for emergency removals by the administration for children's services

Int. No. 1716 would require the Administration for Children’s Services (ACS) to report on the total number of emergency removals of children each quarter. This bill would also require ACS to provide such information disaggregated by race, household income and single-parent status. Int. No. 1716 would take effect immediately.

 **Int. No. 1717** – A Local Law to amend the administrative code of the city of New York, in relation to information regarding demographic information of parents and children at each step in child welfare system and a plan to address racial and income disparities

Int. No. 1717 would require the Administration for Children’s Services (ACS) to report on various demographic information including race, ethnicity and income levels of parents and children at every step of the child welfare system and to create a plan to address any disparities identified as a result of such reporting. Int. No. 1717 would take effect immediately.

 **Int. No. 1718** – A Local Law to amend the administrative code of the city of New York, in relation to requiring the administration for children’s services to provide a multilingual disclosure form to parents or guardians during a child protective investigation

Int. No. 1718 would require the Administration for Children’s Services (ACS) to produce and make available to the relevant parent or caretaker a multilingual disclosure form available in designated citywide languages and to post such form on its website. The form would be provided at the commencement of a child protective investigation and would include information regarding the rights of a parent or caretaker during a child protective investigation; resources that may be available to such parent or caretaker, including legal services; and information about ACS’ Office of Advocacy. Int. No. 1718 would take effect 90 days after it becomes law.

 **Int. No. 1719** – A Local Law to amend the administrative code of the city of New York, in relation to reporting on youth in foster care

Int. No. 1719 would require the Administration for Children’s Services (ACS) to submit to the Council no later than July 31 of each year information on how long it takes for the families of children in ACS custody to get in contact with their child after a placement or transfer, in addition to the number of children who are given placements in boroughs other than those which they are from, disaggregated by borough. Int. No. 1719 would take effect immediately.

 **Int. No. 1727** – A Local Law to amend the administrative code of the city of New York, in relation to emergency removals conducted by the administration for children’s services

Int. No. 1727 would require the Administration for Children’s Services (ACS) to report on emergency removal cases. Emergency removals are when a child is removed out of a home prior to a court hearing when ACS, in the course of an investigation, determines that such child is not safe at home. Int. No. 1727 would take effect immediately.

 **Int. No. 1728** – A Local Law to amend the administrative code of the city of New York, in relation to the provision of counsel at the first point of contact during an ACS investigation

Int. No. 1728 would require the Administration for Children’s Services (ACS) to create a program to provide access to legal services for parents or guardians after an indicated report during an ACS investigation. Specifically, the bill would require that such services be made available immediately after ACS makes contact for the first time with such parents or guardians. Int. No. 1728 would take effect immediately.

 **Int. No. 1729** – A Local Law to amend the administrative code of the city of New York, in relation to requiring ACS to provide information to parents or caretakers about their right to appeal to expunge a case record during an ACS investigation

Int. No. 1729 would require the Administration for Children’s Services (ACS) to provide a parent or caretaker with written information about their right to file an appeal with the New York State Office of Children and Family Services to expunge a case record after an indicated report is made against a parent or caretaker during an ACS child protective investigation. Int. No. 1728 would take effect 90 days after it becomes law.

 **Int. No. 1736** – A Local Law to amend the administrative code of the city of New York, in relation to requiring child protective specialists to orally disseminate information to parents or caretakers about their rights during initial contact at the start of an ACS investigation

Int. No. 1736 would require the Administration for Children’s Services (ACS) to orally disseminate to a parent or caretaker information about their rights during a child protective investigation at ACS’ initial point of contact with a parent or caretaker during such investigation. Int. No. 1736 would take effect 90 days after it becomes law.

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Int. No. 1715

By Council Members Adams, Chin, Gibson, Ayala, Ampry-Samuel and Lander

..Title

A Local Law to amend the administrative code of the city of New York, in relation to the provision of counsel at fair hearings following an indicated report during an ACS investigation

..Body

Be it enacted by the Council as follows:

Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-919 to read as follows:

§ 21-919 Legal services for parents. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Brief legal assistance. The term “brief legal assistance” means individualized legal assistance provided in a single consultation by a designated organization to a covered individual in connection with a covered proceeding.

Covered individual. The term “covered individual” means a parent or other person legally responsible for the care of a child.

Covered proceeding. The term “covered proceeding” means a fair hearing following an indicated report in an ACS investigation.

Designated citywide languages. The term “designated citywide languages” has the meaning ascribed to such term in section 23-1101.

Designated organization. The term “designated organization” means a not-for-profit organization or association that has the capacity to provide legal services.

Legal services. The term “legal services” means brief legal assistance or full legal representation.

b. Provision of legal services. Subject to appropriation, ACS shall establish a program to provide access to legal services for covered individuals in covered proceedings and shall ensure that, no later than January 31, 2021, all covered individuals receive access to brief legal assistance from a designated organization no later than immediately before a covered proceeding.

c. ACS shall annually review the performance of designated organizations and shall require each designated organization to identify the geographic areas for which such organization will provide legal services. For each such geographic area, ACS shall maintain a list of such organizations that provide such legal services.

d. Any legal services performed by a designated organization pursuant to this chapter shall not supplant, replace, or satisfy any obligations or responsibilities of such designated organization pursuant to any other program, agreement, or contract.

e. Nothing in this chapter or the administration or application thereof shall be construed to create a private right of action on the part of any person or entity against the city or any agency, official, or employee thereof.

§ 2. This local law takes effect immediately.

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LS #8785

7/1/2019

Int. No. 1716

By Council Members Adams, Chin, Gibson, Ayala, Ampry-Samuel and Lander

..Title

 A Local Law to amend the administrative code of the city of New York, in relation to reporting demographic information for emergency removals by the administration for children’s services

..Body

Be it enacted by the Council as follows:

Section 1. Section 21-901 of the administrative code of the city of New York, as added by local law number 20 for the year 2006, is amended to read as follows:

§ 21-901. Definitions. Whenever used in this chapter, the terms set forth below are defined as follows:

"Abused child" means a child or youth who has been subjected to "physical abuse," "sexual abuse" and/or "psychological abuse" as defined in section four hundred eighty-eight of the New York state social services law while in the custody of ACS.

"ACS" means the administration for children's services, or any successor agency charged with operating the city's child welfare system.

"Bias-based incidents" means incidents, including fights or altercations between a child and another child or staff, that arose in whole or in part due to a child's perceived or actual sexual orientation, gender expression or gender identity, as reported by such child.

"Case worker" means a diagnostic child protective specialist assigned to a zone.

"Child" means "youth" as defined in this section.

"Commissioner" means the commissioner of ACS.

"Detention" means the temporary care and maintenance of youth held:

1. away from their homes pursuant to article three or seven of the family court act; or

2. pending a hearing for an alleged violation of the conditions of release from the New York state office of children and family services or ACS facility or authorized agency; or

3. pending a hearing for an alleged violation of a condition of parole as a juvenile offender; or

4. pending a return to a jurisdiction other than the one in which the youth is held; or

5. pursuant to a securing order of a criminal court if the youth named therein as principal is charged as a juvenile offender; or

6. pending a hearing on an extension of placement; or

7. pending transfer to a facility upon commitment or placement by a court.

"Detention facility" means a facility, certified by the New York state office of children and family services, for the care of youth detained in accordance with the provisions of the family court act, regulations of the New York state office of children and family services, and the criminal procedure law.

“Emergency removal” means the removal of a child pursuant to section 1024 of the family court act.

"Entry order" means an order entered pursuant to subdivision two of section ten hundred thirty-four of the family court act to enter specific premises where there is probable cause to believe an abused or neglected child may be found.

"Fiscal year" means the fiscal year for the city of New York.

"IRT investigation" means an instant response team investigation conducted pursuant to the Administration for Children's Services and Law Enforcement Instant Response Teams Protocol dated February 1998 or any protocol hereafter promulgated that sets forth guidelines for the use of interdisciplinary instant response teams.

"Limited secure placement facility" means a placement facility characterized by physically restricting construction, hardware and procedures which are less restrictive than the construction, hardware and procedures of a secure placement facility.

"Mechanical restraint" means the use of a mechanical device to restrict the movement or normal function of a portion of a child's body, including but not limited to, handcuffs, leg cuffs, daisy chains or waist restraint.

"Neglected child" means a child or youth who has been subjected to neglect as defined in section four hundred eighty-eight of the New York state social services law while in the custody of ACS.

"Non-secure detention or placement facility" means a detention or placement facility characterized by the absence of physically restricting construction, hardware and procedures.

"Physical injury or impairment" means any confirmed harm, hurt or damage resulting in a significant worsening or diminution of a child's physical condition.

"Physical restraint" means the use of bodily force to limit a child's freedom of movement during a physical confrontation or to prevent a confrontation.

"Placement" means the temporary care and maintenance of adjudicated youth held away from their homes pursuant to article three of the family court act.

"Placement facility" means a facility, certified by the New York state office of children and family services, for the care of youth placed in accordance with the provisions of the family court act and the regulations of the New York state office of children and family services.

"Room confinement" means the confinement of a child in a room, including but not limited to the child's own room, when locked or when the child is authoritatively told not to leave.

"Secure detention or placement facility" means a detention or placement facility characterized by physically restricting construction, hardware and procedures.

"Youth" means a person who resides in a juvenile detention or placement facility in the custody of ACS.

"Zone" means one of no fewer than 13 divisions of ACS child protective services headed by a deputy director who exercises oversight over the work of child protective managers, supervisors and child protective specialists in a specific geographic area, or the Office of Confidential Investigations.

§ 2. Subdivision 3 of section 21-902 of the administrative code of the city of New York, as added by local law number 20 for the year 2006, is renumbered subdivision 4, and a new subdivision 3 is added to read as follows:

3. Emergency removal information. The following information regarding emergency removals shall be included in the quarterly report:

a. The total number of emergency removal cases;

b. The race, including two or more races where applicable, of each child and primary caregiver of a family involved in an emergency removal;

c. The household income of each family involved in an emergency removal;

d. Whether a family involved in an emergency removal is a single-mother household; and

e. Whether a family involved in an emergency removal is a single-father household.

4. ACS may use preliminary data to prepare the report required by this chapter to be delivered no later than July 31, 2006 and may include an acknowledgement that any preliminary data used in the report is non-final and subject to change.

§ 3. This local takes effect immediately.

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LS # 9758

5/3/19

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Int. No. 1717

By Council Members Ampry-Samuel, Levin, Chin, Gibson, Ayala, Cornegy and Lander

..Title

A Local Law to amend the administrative code of the city of New York, in relation to information regarding demographic information of parents and children at each step in child welfare system and a plan to address racial and income disparities

..Body

Be it enacted by the Council as follows:

Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-919 to read as follows:

§ 21-919 Demographic reporting and plan to address disparities. a. Definitions. For purposes of this section, the following terms have the following meanings:

Demographic information. The term “demographic information” means race or ethnicity, gender, income level, and any other category ACS deems relevant.

Step in the child welfare system. The term “step in child welfare system” includes, but is not limited to, when a report is accepted by the state central register and triggers an investigation, when ACS assigns a case to a child protective specialist, when an ACS investigation results in a case being determined indicated, when an ACS investigation results in a case being unfounded, when a child is removed from a home prior to a court hearing, when ACS requires preventive services in a family, and any other instance which ACS deems relevant.

b. Beginning July 1, 2020, and annually on July 1 thereafter, ACS shall submit to the mayor and speaker of the council and post on its website information regarding demographic information of parents and children at every step in the child welfare system. Such report shall include, but need not be limited to:

1. The total number of parents at each step in the child welfare system, disaggregated by race or ethnicity, gender, income level, and any other category ACS deems relevant; and

2. The total number of children at each step in the child welfare system, disaggregated by race or ethnicity, gender, income level, and any other category ACS deems relevant.

c. Plan to address disparities. Not later than January 1, 2021, ACS shall create a plan to address any disparate outcomes identified based on demographic information reported pursuant to subdivision b of this section and shall submit to the mayor and the speaker of the council such plan.

d. No later than January 1, 2022, and no later than July 1 every two years thereafter, ACS shall report to the mayor and the speaker of the council on efforts it has undertaken to implement the plan created pursuant to subdivision c of this section. Such reports shall be made publicly available on ACS’s website.

 e. No information that is otherwise required to be collected and reported pursuant to this section shall be collected and reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of  information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement.

§ 2. This local law takes effect immediately.

ACK

LS 8787/12055

8/16/19

Int. No. 1718

By Council Members Chin, Levin, Ayala, Ampry-Samuel and Lander

..Title

A Local Law to amend the administrative code of the city of New York, in relation to requiring the administration for children’s services to provide a multilingual disclosure form to parents or guardians during a child protective investigation

..Body

Be it enacted by the Council as follows:

Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-919 to read as follows:

§ 21-919 Multilingual Disclosure Form. a. Definitions. For purposes of this section, the following terms have the following meanings:

Designated citywide languages. The term “designated citywide languages” has the meaning ascribed to such term in section 23-1101.

Designated organization. The term “designated organization” means a not-for-profit organization or association that has the capacity to provide legal services to parents or caretaker.

Office of advocacy. The term “office of advocacy” means the office within ACS which provides information and responds to the concerns of parents, youth, foster parents, and others affected by the child welfare system, juvenile justice system, and other ACS services.

b. Upon the commencement of a child protective investigation, ACS shall provide to the parent or caretaker a multilingual disclosure form available in the designated citywide languages. Such form shall be posted on the ACS website and shall include, but need not be limited to:

1. Information regarding the rights of parents and caretakers during a child protective investigation;

2. Resources which may be available to parents and caretakers including access to legal services from a designated organization;

3. The telephone number and address of ACS’ office of advocacy and information on common issues handled by the office; and

4. Any other information ACS deems appropriate.

§ 2. This local law takes effect 90 days after it becomes law.

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LS 10412

6/17/19

Int. No. 1719

By Council Members Chin, Levin, Gibson, Ayala, Ampry-Samuel and Lander

..Title

A Local Law to amend the administrative code of the city of New York, in relation to reporting on youth in foster care

..Body

Be it enacted by the Council as follows:

Section 1. Section 21-902 of the administrative code of the city of New York, as added by local law 20 of 2006, is amended by adding a new paragraph 4 to read as follows:

4. Contact with foster care youth. Beginning with the report due July 31, 2020, the report shall include the following information regarding contact between a foster care youth, as defined by section 21-902.1, and such youth’s family:

 a. The length of time in hours or days it took for the family of a foster care youth to be in direct contact with that youth after such youth was in ACS custody or transferred between placements, provided as an average number and disaggregated by borough; and

 b. The number of foster care youth who received an ACS placement in a borough other than that which they are from, disaggregated by borough.

§ 2. This local law takes effect immediately.

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Int. No. 1727

By Council Members Levin, Chin, Ayala and Lander

A Local Law to amend the administrative code of the city of New York, in relation to emergency removals conducted by the administration for children’s services

Be it enacted by the Council as follows:

Section 1. Section 21-902 of the administrative code of the city of New York, as added by local law number 20 for the year 2006, is amended to read as follows:

§ 21-902 Quarterly Reports Regarding Child Welfare System. Beginning no later than July 31, 2006 and no later than the last day of the month following each calendar quarter thereafter, ACS will furnish to the speaker of the city council a report regarding New York City's child welfare system that includes, at a minimum, the following information:

1.  Child protective services. The following information regarding child protective services shall be included in the quarterly report, disaggregated by zone:

a. number of case workers employed and number of vacancies in case work staff at the end of the reporting period;

b. experience of case workers, broken down by years of  experience in New  York City's child  welfare  system  as  follows:  1-3  years  of experience; 3-5 years of experience; 5-7 years of experience; 7-9  years of experience; 9 or more years of experience;

c. average caseload of case workers;

d. number of case workers with a caseload of more than 15 cases;

e. number of level one supervisors;

f. experience of  level one supervisors, broken down by years of experience in New York City's child welfare system as follows: number with 1-5 years of experience; 5-10 years of experience; 10-15years of experience; 15-20 years of experience; 20 or more years of experience;

g. number of level two supervisors;

h. experience of level  two  supervisors,  broken  down  by  years of experience in New York City's child welfare system as follows: number with 1-5 years of experience; 5-10 years of experience; 10-15 years of experience; 15-20 years of experience; 20 or more years of experience;

i. number of child protective managers;

j. experience  of  child protective managers, broken down by years of experience in New York City's child welfare system  as  follows:  number with  1-5  years of experience; 5-10 years of experience; 10-15 years of experience; 15-20 years of experience; 20 or more years of experience;

k. number of reports of suspected child abuse or neglect  referred  to the zone for investigation, disaggregated by the type of case;

l. number  of reports of suspected child abuse or neglect referred to the zone for investigation that  were  indicated  during  the  reporting period,  disaggregated  by  the  type  of  case and whether the case was referred to preventive services, court mandated  services,  foster  care placement or closed;

m. number of unfounded cases, disaggregated by whether or not the case was referred to preventive services;

n. number of investigations that resulted in closure without referral to preventive services, disaggregated by the type of  case  and  whether the case was indicated or unfounded and the reason for closure;

o. number of reports of suspected child abuse or neglect referred to the zone that involved a family with respect to which ACS  had  received at  least one prior report of suspected abuse or neglect within the past 24 months, disaggregated by the type of case;

p. number of reports of suspected child abuse or neglect  referred  to the  zone  that involved a family that had at least one child previously in the foster care system, disaggregated by the type of case;

q. number of reports of suspected child abuse or neglect  referred  to protective  services  for  which protective services conducted a 72-hour case conference, disaggregated by the type of case;

r. number of reports of suspected child abuse or neglect  referred  to protective  services  for  which  an  elevated risk conference was held, disaggregated by the type of case;

s. number of IRT investigations commenced; and

t. number of entry orders sought and number of entry orders obtained.

2. Family Reunification. The following information regarding family reunification shall be provided in the quarterly report:

a. number of families reunited from foster care during the reporting period, disaggregated by zone and by length of stay in  foster  care  in six month intervals;

b. of all families reunited during the reporting period, the number of families receiving aftercare services, disaggregated by zone and by the type of services being received; and

c. number of children who entered foster  care  during  the  reporting period who  had  been in the custody of the child welfare system within the thirty-six  months immediately  preceding  the  reporting  period,  disaggregated by zone.

3. Emergency Removal Information. Definitions. For purposes of this section, the term “emergency removal” means the removal of a child out of a home prior to a court hearing, when during the investigation of a report of abuse or neglect, ACS determines that such child is not safe at home. The following information regarding emergency removals shall be included in the quarterly report:

a. The total number of emergency removal cases that were approved by a judge on the first day that each case appeared in court;

b. The total number of emergency removal cases in which a child is reunited with their family at the initial court hearing;

c. The total number of emergency removals cases in which a judge makes a decision in each case after the initial court hearing; and

d. The total number of emergency removal cases that were denied by a judge at the initial hearing.

 [3.] 4. ACS may use preliminary data to prepare the report required by this  chapter  to  be delivered no later than July 31, 2006 and may include an acknowledgement  that  any  preliminary  data  used  in  the  report  is  non-final and subject to change.

§ 2. This local law takes effect immediately.

ACK

LS 7916

10/19/18

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Int. No. 1728

By Council Members Levin, Ayala, Ampry-Samuel, Chin and Lander

A Local Law to amend the administrative code of the city of New York, in relation to the provision of counsel at the first point of contact during an ACS investigation

Be it enacted by the Council as follows:

Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-919 to read as follows:

§ 21-919 Legal services for parents. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Brief legal assistance. The term “brief legal assistance” means individualized legal assistance provided in a single consultation by a designated organization to a covered individual in connection with a covered proceeding.

Covered individual. The term “covered individual” means a parent or other person legally responsible for the care of a child.

Covered proceeding. The term “covered proceeding” means ACS’s first point of contact with a parent or other personal legally responsible for the care of a child during an ACS child protective investigation following an indicated report in such investigation pursuant to section 424 of the New York state social services law.

Designated citywide languages. The term “designated citywide languages” has the meaning ascribed to such term in section 23-1101.

Designated organization. The term “designated organization” means a not-for-profit organization or association that has the capacity to provide legal services.

Legal services. The term “legal services” means brief legal assistance or full legal representation.

b. Provision of legal services. Subject to appropriation, ACS shall establish a program to provide access to legal services for all covered individuals in covered proceedings and shall ensure that, no later than January 31, 2021, all covered individuals receive access to such legal services from a designated organization no later than immediately after a covered proceeding.

c. ACS shall annually review the performance of designated organizations and shall require each designated organization to identify the geographic areas for which such organization will provide legal services. For each such geographic area, ACS shall maintain a list of such organizations that provide such legal services.

d. Any legal services performed by a designated organization pursuant to this chapter shall not supplant, replace, or satisfy any obligations or responsibilities of such designated organization pursuant to any other program, agreement, or contract.

e. Nothing in this chapter or the administration or application thereof shall be construed to create a private right of action on the part of any person or entity against the city or any agency, official, or employee thereof.

§ 2. This local law takes effect immediately.

ACK

LS #8788

7/25/2019

Int. No. 1729

By Council Members Levin, Rose, Chin, Ayala, Ampry-Samuel and Lander

A Local Law to amend the administrative code of the city of New York, in relation to requiring ACS to provide information to parents or caretakers about their right to appeal to expunge a case record during an ACS investigation

Be it enacted by the Council as follows:

Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-919 to read as follows:

§ 21-919 Information regarding right to appeal to expunge case record. a. After an indicated report is made against a parent or caretaker during an ACS child protective investigation, ACS shall provide to the parent or caretaker written information regarding how to file an appeal with the New York state office of children and family services to expunge a case record pursuant to section 422 of the social services law.

§ 2. This local law takes effect 90 days after it becomes law.

ACK

LS 10210

7/18/2019

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Int. No. 1736

By Council Members Rivera, Chin, Ayala, Ampry-Samuel and Lander

A Local Law to amend the administrative code of the city of New York, in relation to requiring child protective specialists to orally disseminate information to parents or caretakers about their rights during initial contact at the start of an ACS investigation

Be it enacted by the Council as follows:

Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-919 to read as follows:

§ 21-919 Information regarding the rights of parents and guardians. a. Definitions. For purposes of this section, the term “office of advocacy” means the office within ACS which provides information and responds to the concerns of parents, youth, foster parents, and others affected by the child welfare system, juvenile justice system, and other ACS services.

b. At the initial point of contact with a parent or caretaker during a child protective investigation, ACS shall orally disseminate to the parent or caretaker information regarding their rights during the investigation. Such information shall include, but need not be limited to:

1. Information regarding the right to appeal a case, request a copy of records in a case and request that such records be expunged;

2. Resources which may be available to parents and caretakers during a child protective investigation;

3. The telephone number of ACS’ office of advocacy; and

4. Any other information ACS deems appropriate.

§ 2. This local law takes effect 90 days after it becomes law.

ACK

LS 8039

7/18/2019

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Res. No. 736

Resolution calling upon the New York State Legislature and the New York State Office of Children and Family Services to develop a parents’ bill of rights to be distributed at initial home visits in child protective investigations and made available online.

By Council Member Cumbo

                     Whereas, The Child Protective Services Act of 1973 (Title 6 of the Social Services Law) established a child protective service in each county of New York State, with each service required to investigate reports of suspected child abuse or maltreatment, to protect children under 18 years old from further abuse or maltreatment, and to provide rehabilitative services for children, parents and other family members involved; and

Whereas, The Child Protective Services Act of 1973 also requires the New York State Office of Children and Family Services (“OCFS”) to maintain a Statewide Central Register of Child Abuse and Maltreatment (“SCR”) to receive telephone calls alleging child abuse or maltreatment within New York State and to relay the information to the appropriate local child protective service; and

Whereas, In New York City, the Administration for Children’s Services (“ACS”) is the local child protective service and is required to commence an investigation within 24 hours of receiving a report of suspected child abuse or maltreatment from the SCR; and

Whereas, The child protective investigation must include at least one home visit with one face-to-face contact with the parents or guardians of the child named in the SCR report; and

Whereas, According to ACS, in Fiscal Year 2014, there were 55,529 investigations of SCR reports pertaining to children in New York City; and

Whereas, According to the ACS Office of Advocacy, parents who are involved with the child welfare system are often initially frightened, suspicious, and intimidated because they lack information about and are unfamiliar with system rules and regulations; and

                     Whereas, According to a 2015 report by Public Advocate Letitia James, children in New York City spend more than twice as long on average in foster care as children in the rest of the country do, and many parents of children in foster care have reported difficulty accessing adequate and appropriate services from ACS, leading to unnecessary impediments to reunification; and

Whereas, A parents’ bill of rights could address these problems by setting forth the rights of parents and guardians while they are involved with the child welfare system; and

Whereas, The parents’ bill of rights could be distributed by child protective services caseworkers to parents or guardians at the initial home visit to ensure that parents and guardians are aware of their rights from the outset of the child protective investigation and also could be available on OCFS’s website; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature and the New York State Office of Children and Family Services to develop a parents’ bill of rights to be distributed at initial home visits in child protective investigations and made available online.

MHL

LS #6195/Res. 1322-2016

LS #1022

1/3/18

Res. No. 1066

Resolution urging New York State to reduce the length of time caretakers, parents or legal guardians remain on the Statewide Central Registry list.

By Council Members Rose, Levin, Chin, Ayala and Lander

Whereas, The Federal Child Abuse Prevention and Treatment Act defines child abuse and neglect as “any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm;” and

Whereas,  The New York City Administration for Children’s Services (ACS) expands the definition of child physical abuse to when a parent or caretaker inflicts or allows someone to inflict serious physical injury other than by accidental means; and

Whereas, ACS defines neglect as the failure of a parent or caretaker to provide needed food, clothing, shelter, medical care, or supervision to the degree that the child’s health, safety, and well-being are threatened with harm, including failure to support a child’s educational needs, failure to provide medical or mental health care and exposing a child to family violence; and

Whereas, Reports of abuse and neglect are made to Statewide Central Register of Child Abuse and Maltreatment (SCR), maintained by the New York State Office of Children and Family Services; and

Whereas, SCR staff decide whether a report should be investigated and relay information from the reports to the local child protective services for investigation, which is ACS in New York City; and

Whereas, According to ACS data, the large majority of allegations are for neglect (65%), while 15% are for substance abuse and 10% are for physical abuse; and

Whereas, Of the 59,166 investigations that ACS conducted in Fiscal Year 2018, approximately 38% found credible evidence of abuse or neglect; and

Whereas, If ACS finds some credible evidence of abuse or neglect, ACS will mark the report as “indicated;” and

Whereas, Pursuant to New York State law, indicated reports made to the SCR are kept on record until the youngest child in the family at the time of the investigation turns 28 years old; and

Whereas, Even if a child was not removed from the home and the case was closed, a parent may still have a report against them in the SCR; and

Whereas, Child care employers, foster care and adoption agencies may be notified of indicated reports; and

Whereas, In addition, the police, district attorneys, child welfare agencies, and judges have access to this information; and

Whereas, An indicated report may prevent an individual from getting a job in child care, volunteer work with children, becoming a foster parent, adopting a child, and may even mean losing custody of a child; and

Whereas, If ACS finds that there is no credible evidence in a report, it will be marked as “unfounded” and will be sealed; and

Whereas, A sealed case is not available to employers or licensing agencies that involve the care of children and will be expunged after 10 years; and

Whereas, Other jurisdictions maintain SCR records for a significantly less amount of time; and

Whereas, For indicated cases, states such as Illinois, Iowa, and Kansas allow a record to be expunged from the central registry after 5 years with certain stipulations; and

Whereas, For unfounded cases, records are immediately expunged from the registry in American Samoa, Colorado, Delaware, District of Columbia, Illinois, Hawaii, Michigan, New Jersey, South Carolina, and Wyoming; and

Whereas, According to child welfare and parent advocates, ACS investigations target low-income families, especially women of color and those with a history of domestic violence, who may be disproportionately impacted by the SCR report for at least 28 years; and

Whereas, Maintaining an SCR record until the youngest child turns 28 years old seems severely punitive, thus limiting employment opportunities that may cause families to remain in poverty and putting them at risk of ongoing child welfare involvement; now, therefore, be it

Resolved, That the Council of the City of New York urges New York State to reduce the length of time caretakers, parents or legal guardians remain on the Statewide Central Registry list.

LS 9203 & 8786

3/15/19

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1. NYS Office of Children and Family Services, “Child Protective Services,” *available at* <https://ocfs.ny.gov/main/cps/> [↑](#footnote-ref-1)
2. *Id.* [↑](#footnote-ref-2)
3. Administration for Children’s Services, “A Parent’s Guide to a Child Abuse Investigation,” *available at* <https://www1.nyc.gov/site/acs/child-welfare/parents-guide-child-abuse-investigation.page> [↑](#footnote-ref-3)
4. Administration for Children’s Services, “Child Safety,” *available at* <https://www1.nyc.gov/site/acs/child-welfare/ChildAbuseNeglectKid.page> [↑](#footnote-ref-4)
5. Administration for Children’s Services, “A Parent’s Guide to a Child Abuse Investigation,” *available at* <https://www1.nyc.gov/site/acs/child-welfare/parents-guide-child-abuse-investigation.page> [↑](#footnote-ref-5)
6. *Id.* [↑](#footnote-ref-6)
7. *Id.* [↑](#footnote-ref-7)
8. *Id.* [↑](#footnote-ref-8)
9. Administration for Children’s Services, “A Parent’s Guide to Child Protective Services in New York City,” *available at* <https://www1.nyc.gov/assets/acs/pdf/child_welfare/investigation/guide/ParentsGuide.pdf> [↑](#footnote-ref-9)
10. *Id.* [↑](#footnote-ref-10)
11. Administration for Children’s Services, “Child Safety,” *available at* <https://www1.nyc.gov/site/acs/child-welfare/ChildAbuseNeglectKid.page> [↑](#footnote-ref-11)
12. New York City Administration for Children’s Services, “Will ACS Take My Child?” *available at* <https://www1.nyc.gov/site/acs/child-welfare/will-acs-take-my-child.page>. [↑](#footnote-ref-12)
13. New York City Administration for Children’s Services, “A Parent’s Guide to Child Protective Service in New York City” *available at* https://www1.nyc.gov/assets/acs/pdf/child\_welfare/ACS\_Parents\_Guide\_to\_the\_Child\_Protective\_Investigation.pdf [↑](#footnote-ref-13)
14. *Id.* [↑](#footnote-ref-14)
15. *Id.* [↑](#footnote-ref-15)
16. *Id.* [↑](#footnote-ref-16)
17. New York City Administration for Children’s Services, “Advocacy,” *available at* <https://www1.nyc.gov/site/acs/about/advocacy.page> [↑](#footnote-ref-17)
18. The right to a hearing is located in Section 1028 of the Family Court Act. [↑](#footnote-ref-18)
19. Family Court Act § 1028 [↑](#footnote-ref-19)
20. *Id.* [↑](#footnote-ref-20)
21. *Nicholson v. Scoppetta*, 3 N.Y.3d 357, 378 (N.Y. 2004) [↑](#footnote-ref-21)
22. Abigail Kramer with data analysis by Angela Butel, Center for New York City Affairs, “Child Welfare Surge Continues: Family Court Cases, Emergency Child Removals Remain Up,” pp. (July 2018) *available at* <http://www.centernyc.org/child-welfare-surge-continues/> [↑](#footnote-ref-22)
23. *Id.* [↑](#footnote-ref-23)
24. Child Welfare Surge Continues: Family Court Cases, Emergency Child Removals Remain Up Abigail Kramer July 2018 [↑](#footnote-ref-24)
25. Removal from the Home: Resulting Trauma, The UPenn Collaborative on Community Integration, available at <http://tucollaborative.org/wp-content/uploads/2017/04/Trauma-The-Impact-of-Removing-Children-from-the-Home.pdf> [↑](#footnote-ref-25)
26. *Id.* [↑](#footnote-ref-26)
27. *Id.* [↑](#footnote-ref-27)
28. Committee on Early Childhood, Adoption and Dependent Care, “Developmental Issues for Young Children in Foster Care,” Pediatrics Nov 2000, 106 (5), *available at* <http://pediatrics.aappublications.org/content/106/5/1145> [↑](#footnote-ref-28)