

**TESTIMONY OF JAMES F. PURCELL
CHIEF EXECUTIVE OFFICER
COUNCIL OF FAMILY AND CHILD CARING AGENCIES
BEFORE THE
NYS SENATE COMMITTEE ON CHILDREN AND FAMILIES
AND THE NYS SENATE COMMITTEE ON SOCIAL SERVICES
NOVEMBER 29, 2011**

Good morning. I am Jim Purcell, the CEO of the Council of Family and Child Caring Agencies (COFCCA). COFCCA is the principal statewide membership organization for the non profit child welfare services providers, representing 110 agencies that contract with the New York City Administration for Children's Services and nearly every county department of social services in the state to provide preventive services, foster care, and adoption, as well as services to at-risk youth and education for children on our facility campuses. Our member agencies provide nearly all foster care and two thirds of preventive services statewide. Our agencies also serve youth involved with the juvenile justice system and their families, including a wide range of community-based diversion and aftercare services to such youth. About half of the juvenile delinquent youth placed in residential care by the courts are served by private member agencies.

On behalf of the thousands of vulnerable children and families helped by COFCCA member agencies, I thank the Chair of the Children and Families Committee Senator Diane Savino and the Chair of the Social Services Committee Senator Patrick Gallivan for your recognition of the pain inflicted on New York's most vulnerable children and families by the economic climate of the past few years—and for your understanding of the strain placed on child welfare services providers in their efforts to protect New York's most at-risk children and their families. We greatly appreciate the opportunity to address your Committees on ways to improve the provision of services to the vulnerable children and their families so desperately in need in these difficult times.

The past several years have been especially hard on the children and their families in our state. Children in families under great stress are far more likely to be in harm's way. Sometimes this is a natural consequence of lack of basic needs – food or shelter. The news of chronic shortages in food pantries and stories of families living in their cars or pushing the census of the homeless shelters to record highs attest to this. But the child who has had no breakfast and is unable to concentrate in school or the young child left unsupervised after school are even more numerous, and less visible. And we know that when adults are over stressed about their capacity to care for their children, they are sometimes more likely to strike out physically in anger and frustration. All of these things are happening in our state every day.

For older teens, already far behind in school, the clarity that their prospects of finding any job, let alone one that will allow them to live independently and raise a family increase even further their alienation

and despair. These are not good times for many children to be growing up in our country or our state. And as we all know, you only get to be a child once in life.

Yet even as the numbers of families needing help increase, the resources to help them are dropping. The very programs that provide these services have been de-stabilized in the past few years. While federal stimulus funding helped for a couple of years, the willingness of the federal government to step up seems over, even as New York State and all of its counties face continuing revenue shortfalls brought on by the national recession. And for those trapped on the lowest rungs of our economic ladder the question of a double dip recession must seem either irrelevant or like some sort of diabolic joke.

Allow me to be very clear, we are fully aware that New York State, all of the counties and New York City, and our school districts all face extremely challenging budget problems. We have not requested any real increases at all in recent years. We know the choices that you have to make about scarce dollars are not easy ones. But we must also realize that the most vulnerable in our state cannot survive if we cannot find ways to help them to help themselves.

It is a sad and ironic reality that we cut these programs for the poorest and most vulnerable, just as their numbers and the intensity of their needs increases. The federal government decides it must cut spending, so the state suffers. The state must balance its budget, so it cuts funding for the counties, the schools and its own spending on social services programs. So in the end the counties and schools do the same.

So I note that the first thing you and your committees can do is to help your colleagues understand that while the budget must surely be balanced, we cannot balance it on the backs of the most vulnerable – our children-- especially the at-risk children who, through no fault of their own, have families who are fragile or even unsafe.

As we look to next year's state budget we note several priorities. First, both of the funding streams which support the child welfare system sunset in 2012 and must be addressed in this very challenging budget. Working with the NY Public Welfare Association representing the county departments of social services, we have developed a set of recommendations which seek to protect this ultimate safety net for abused and neglected children.

The availability of state funding to support the state commitment to counties for child protective and preventive services is absolutely critical. While this funding has been cut from 65% to 62% over the past two years it must be continued in its current form, with the hope that one year soon full funding of 65% can be re-instated. Better and targeted preventive services has been the lynchpin to the unlikely fact that even as the numbers of child protective cases has risen sharply over the past decade, the number of children in foster care has dropped to historically low levels. From a peak of 65,000 children in foster care twenty years ago, the current census is less than 23, 000 children today.

These services not only save lives, they also save money. The annual cost for a family in New York City receiving preventive services (no matter how many children are included) is approximately \$10,000, compared to an average of \$20,000 per year for just one child in foster care. Over the years, the

expanded use of preventive services has saved tens of millions of dollars in reduced foster care costs. And by stabilizing families, preventive services also stabilizes communities.

It has been said that prevention is better than any remedy and New York State has reaped the benefits from expanding beyond mandated preventive services-- into primary and secondary services. This expansion has resulted in more aftercare programs, as well as innovations in the delivery of non-mandated preventive services, and in primary prevention. These programs not only keep families together and help them care for their children safely, but are cost effective.

While the number of children in foster care has declined, the complexity and concentration of needs of those who still need this level of care has of course increased. Maintenance of funding for foster care is vital. These children, whose legal custody has been taken from their families pursuant to state statute by a Family Court judge, are, quite literally, your children. I can think of no more fundamental role of government than to make sure children who had to be removed from their families are safely cared for until they can return home, live with relatives or be adopted. While there may be fewer children in foster care, it is a fundamental component of the safety net for abused and neglected children.

So we are not seeking significant changes or increases in these funding areas. But we do need some additional flexibility and opportunities for innovation. Child welfare is a very heavily regulated arena, with countless mandates both for service delivery, quality practices, as well as enormously extensive documentation and procedural safeguards. While most of these requirements are appropriate, we must continue to seek new and better ways to meet the needs of families and communities. This type of innovation often requires some start up funding, and careful consideration of whether existing mandates can and should be waived to test these out.

The creation of Community Optional Preventive Services (COPS) afforded localities a way to individualize and target services to families whose children are not at immediate risk of foster care placement, but could experience crisis or later need for foster care. Allowing local districts to provide group parenting skills education, or more generalized community education, and school-based programs that accommodated their needs has proven another effective use of primary and secondary preventive services. Similarly the Child Welfare Quality Enhancement Fund, a small component of the current funding system, was eliminated last year. It should be re-tooled to support innovations and included in the law next year. Perhaps mechanisms to better integrate its role with existing funding streams, while reducing redundancy and mandates would be costs effective.

We must mention one critical aspect of child welfare which is not included in these funding mechanisms which sunset next year. When a child is placed with a private agency in foster care that agency is responsible for all medical and mental health services the child or youth requires. Most of these services are now funded through a separate Medicaid rate for each foster care program. That will change in the next couple of years based on the Medicaid Redesign included in this year's budget ending the "carve out" of these children from managed care. We are working to determine how these changes can improve the health and mental health care these children need, while maintaining the capacity of

our agencies to meet their child welfare responsibilities for safety, permanency, and well-being of the children. This is complex and we simply have to get it right.

We are working hard to find ways to meet the Medicaid reform demands, while ensuring that the agencies have the resources and flexibility to meet their child welfare requirements. At a minimum our expectation must be that any change not result in reducing our capacity to meet the complex mental health, developmental, and health needs of our children. We must start this process with a “do no harm” perspective even as we seek cost effective improvements.

And we urge you to resist the temptation to support other areas of the budget with new fees and mandates on our not-for-profit agencies. In the same year when rates are being held flat or even cut our agencies also must pay new fees designed to support other government programs. These range from the MTA tax to local garbage collection and fire safety inspection fees by local government, to costs imposed by late contracts as documented by the State Comptroller and others. At the very time that government is demanding better return on their investments in our programs, the same governments are imposing new and higher costs of doing business. These dollars have to come from somewhere, and too often the only place left to cut is actual services to clients.

Finally, the hearing notice asked for suggestions for mandate and workload relief. We have several suggestions:

At the heart of the child welfare system, making it possible to stabilize families, reunify foster children with their families, facilitate adoptions when necessary, and enable severely troubled children in group settings to reside with a family, is the caseworker. Caseworkers are entrusted with keeping children safe, ensuring their well-being, and expediting their permanency.

But in some areas our caseworkers are heavily overburdened—sometimes overwhelmed. A state study ordered by the Legislature and conducted by a national expert in consultation with the Office of Child and Family Services was conducted in 2006. It recommended a caseload of 11 or 12 children for a foster care caseworker. Most of our NYC agencies for example report caseloads approaching double that size.

The study found that after caseworkers attend Family Court hearings, many of which are adjourned, after they undertake all of their required work, and spend many more hours each week documenting that work in the CONNECTIONS system, after many hours ensuring that foster parents are supported, that teachers have been contacted, that medical visits are made...with these current caseload sizes, they have left an average of 52 minutes a month in face to face contact with the child and/or the family. And that was before the implementation of the Permanency Law, which doubled the number of court hearings, with the broken promise of no or fewer adjournments, and the implementation of family team conferences in NYC to improve casework practice.

So we must find ways to alleviate these demands and mandates until we can afford to reduce the caseload size. We could increase Family Court resources to eliminate adjournments, often of 3 to 5 months, or suspend requirements of the Permanency Law’s additional hearings until we can resource both the courts and the caseworkers.

Another example of a heavy demand on caseworker time that could be alleviated involves the amount of time that caseworkers spend entering information into the computer systems. While the computer system of record, CONNECTIONS has been vastly improved in the last few years, caseworkers must still data enter some of the same information into the outmoded and antiquated stand- alone system of CCRS-the Child Care Review System. OCFS needs to complete its improvements to CONNECTIONS and end this duplicative and old system.

All the services providers are well aware of the dire economic situation facing our state and nation. We understand that the state cannot pay for everything that is wanted or needed. But we also know that New York has a special obligation to the children it takes into its custody—and in effect becomes their parent. For those children, there must be a guarantee of a life better than the one that led to their removal from their own families.

And as we noted, the core child welfare system is overwhelmed with mandates and requirements. The new child welfare financing mechanisms next year should provide some local flexibility and the capacity for our agencies, working closely with the local districts they work with to develop and implement innovative approaches, with fewer process and documentation demands to improve service delivery. One area ripe for attention relates to the 650 children still placed in out of state residential settings, at a cost of \$143 Million to New York. While this number is considerably lower than ten years ago, it is still far too high. We need the ability to work with the county and school officials who now find it necessary to send their children so far away to put in place those special supports or services that will allow us to serve those children closer to home, employing New York residents as staff, and at a lower cost than is now being incurred.

In closing, I'd like to again thank the Committees for convening this hearing and would welcome the opportunity to discuss any of these issues with you in more detail.