

**Testimony Presented by
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**Before the New York City Council
General Welfare Committee**

January 30, 2006

Good afternoon, my name is Jim Purcell and I am the executive director of the Council of Family and Child Caring Agencies (COFCCA). We are the principal statewide representative for nearly all the not-for-profit agencies providing services to New York's abused, neglected and troubled children and their families. COFCCA's member agencies keep families together, reunite families broken apart because of substance abuse, domestic violence, or mental health problems, and find new permanent homes for children whose parents can't or won't care for them.

In New York City our 60 plus members include all of the agencies with which ACS contracts for foster care and about 80% of the preventive services capacity.

On their behalf I thank Chairman deBlasio and the General Welfare Committee for the opportunity to address some of the issues involved in protecting children in this city. As agencies dedicated to the well-being and welfare of children at risk, we work closely with the Administration for Children's Services (ACS) in ensuring safety for children with their own families when possible, and in foster homes and residential facilities when necessary.

I first want to state clearly that we fully support the steps that Commissioner Mattingly has taken in recent weeks to strengthen the capacity of ACS to protect children. We applaud Mayor Bloomberg for his willingness to provide the funds to ensure that enough ACS child protective workers are in place and that their caseloads are reasonable; to enhance the supervision of front line workers, to improve their training, and to provide more supports related to Family Court.

We especially support the creation of the Ombudsperson function to serve as a further safeguard when one of our agencies, or any one in the community, believes that a child's safety is compromised. We expect to work closely with the Commissioner and his staff to ensure that this office is able to function as intended, as a special device to be accessed when the usual mechanisms appear not to be responsive.

We are also quite hopeful that the new Family Service Units ACS plans to create will play a crucial role in ensuring that families who have been found by child protective

services to warrant monitoring and services actually get that support. As the Commissioner has noted there have been instances where a family referred for preventive services has refused those services, or where the joint intervention of the city's child protective arm and our agency-based preventive workers will result in better connections with at risk families. These new units are designed to assist in such cases. Again, we will work with ACS to develop the processes of this new unit so that we actually improve this critical area, and not create more layers and hand-offs of cases.

We must also get the message out to everyone in the community that there are options for working with at-risk families. We think too many people, including some professionals, think that a call to the child abuse and neglect hotline leads only to an investigation and possibly foster care. Our agencies offer that middle option when ACS thinks it is prudent – help for families to stay together, safely, while they work to correct any areas of concern. Frankly, we think that some ACS workers also need to better understand the strengths and services our programs offer.

It is our position that Commissioner Mattingly got it exactly right when he said recently that ACS faces, not a problem of policy or of ideology, but of practice. It is and must be the policy of all of us that whenever it is determined that children can be maintained safely with their families that we should do so. Foster care placement should be reserved for only those instances where there is insufficient confidence that the right combination of services and supports made available on a timely basis to a family will leave the children safe. These are indeed very difficult judgments to make, and yet ones which we expect child protective workers to make correctly every single time.

I want to refer back to some of my opening comments. I remind you that our agencies provide foster care to 98% of all NYC children removed from their families by ACS. Our preventive services agencies serve the vast majority of families; and about 60% of these families are referred directly to our agencies by ACS child protective units. ACS has determined that these families can keep their children safely at home if they receive services and supports from our preventive services programs.

These children are by definition at risk of harm – that's why ACS has referred them to us. So I must ask why! Why when the Mayor and ACS have moved so aggressively to hire more city workers to ensure that their own caseloads are not too high, and more supervisors, and more lawyers, and more training – why are those exact same considerations not made available to the very workers who are charged with protecting children deemed by ACS as at-risk of further harm?

Our preventive services contracts are based on caseloads of 15 families per caseworker, perhaps with as many as 35 or 40 or more children in these families. 15 families! Families struggling with substance abuse, alcoholism, domestic violence, and/or mental health needs. Families often severely impacted by poverty and violence. Families with special needs children who can be a cause of enormous stress in a household.

And with the number of children being placed in foster care at historic low levels, our preventive services agencies are serving, we assume, the families who in the past would have had their children removed. These are very high-risk families. The Council on Accreditation, the national organization which sets standards to which agencies that want to be deemed in full compliance with accreditation standards must comply, set family support preventive service caseloads at a maximum of 12:1, and they say that these should be adjusted downward if cases are especially complex.

Caseload ratios sound like some obscure budgetary calculation but at it's simplest it means with how many families each worker will be expected to work. I ask you if you are comfortable with a worker being responsible for monitoring the safety of all the children, working to heal a family, providing or arranging for needed services and all that while documenting every conversation and interaction in two different mandated computer systems, one required by the state and one required by ACS? The current caseloads are too high for the families we are working with today and with all of the accountability requirements our agencies must deal with. I call on the City Council to require that these workloads be reduced to manageable levels.

Let me now turn to community based foster care. Our foster care caseloads are even higher. The rates ACS pays for our foster family programs assume that each worker will have a caseload of 20 children.

With a caseload of 20 children each caseworker has an average of about 5.5 hours per month to devote to each child.

That is an average of 5.5 hours to:

- Visit the child;
- Visit the foster home;
- Visit the birth family;
- Recruit an adoptive family if needed;
- Prepare for and attend court hearings;
- Resolve any stipend payment changes or problems the foster family may experience;
- Arrange needed services for the birth family;
- Arrange needed services the child may need;
- Arrange supports the foster parents needs;
- Oversee training of the foster parents;
- Counsel the child;
- Counsel the birth family;
- Arrange all medical, dental, and mental health care the child needs;
- Prepare the birth family for the return of their child, including arranging housing, welfare supports, food stamps, etc;
- Follow up on any concerns raised by ACS case monitors;
- Respond to emergency calls from the child, foster family, or birth family; and

- Document all of these activities in the mandated new computer system and complete extensive forms required by the new Permanency Law.

It is not possible to do all of these tasks, all the while working energetically to keep the children in foster care only for the shortest possible amount of time, and to consistently do a good job for every child and their family.

Further, the extremely low salaries, and lack of support staff and supervisory spans of control leave workers feeling alone in their responsibilities. These factors combine to create an annual turnover rate of about 40%. This turnover exacerbates the time needed to complete all of the above-enumerated duties. Agencies are forced to leave positions vacant for weeks in order to save money that is not included in their rates or contracts. And, almost unbelievably, ACS demands that our workers continue to be responsible and to do case work for children on trial discharge, AWOL, or hospitalized even as ACS refuses to pay for any of these services. Our workers real caseloads average far more than 20 children.

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We assert that New York City has been inappropriately withholding funds from our foster care agencies. The foster care contracts with ACS say that our agencies will be paid the rate deemed appropriate by the state's rate setting system unless the City has insufficient funds. Yet the City systematically withdraws funds from the foster care account. The impact is that our agencies are paid millions less than they have already caring for the most difficult youth; and we worked with the Governor's Office and the full amount to residential facilities caring for the most difficult youth; and we worked with the Governor's Office and the Legislature to get that requirement fully funded by the state. ACS has so reduced the number of youth in these facilities that there is enough state funds in the foster care budget you passed as well as the new funds in the Governor's budget for NYC for this purpose to fund those rates today. Why wait?

Similarly, ACS has developed their own rate system for the community based foster family programs. It sounds good; it's described as a "performance based" system. We're all for high performance; but when the rate system itself ignores the real costs which agencies must incur and again systematically underpays agencies it's only real connection with performance is to inhibit high level performance by ignoring the actual needs of the agencies for adequate revenue to pay for what the City wants to buy: high quality care for all children.

If New York City really wants the highest quality child welfare program it says it wants and if it expects our preventive services and foster care agencies to deliver these vital safety services at consistently high quality then these issues must be addressed.

We ask the City Council to work with Mayor Bloomberg to make the following happen now.

1. Caseload sizes for preventive services and foster care workers must be lowered. We propose that preventive caseloads be no larger than 12 families; and that this level be reduced for very high-risk cases and for large family sizes. Foster care caseloads should be an average of 15:1 and all children should count and be paid for by the City. In both instances it is critical that sufficient funding be included to enable agencies to recruit replacement workers rapidly so that caseloads are not increased every time a worker leaves.

Salaries for workers must be increased so that the turnover rate is reduced. Salaries more comparable to similar ACS front line workers are appropriate. We believe very strongly that if the caseworkers stayed in their positions longer, that It is not possible to do all of these tasks, all the while working energetically to keep the children in foster care only for the shortest possible amount of time, and to consistently do a good job for every child and their family.

Further, the extremely low salaries, and lack of support staff and supervisory spans of control leave workers feeling alone in their responsibilities. These factors combine to create an annual turnover rate of about 40%. This turnover exacerbates the time needed to complete all of the above-enumerated duties. Agencies are forced to leave positions vacant for weeks in order to save money that is not included in their rates or contracts. And, almost unbelievably, ACS demands that our workers continue to be responsible and to do case work for children on trial discharge, AWOL, or hospitalized even as ACS refuses to pay for any of these services. Our workers real caseloads average far more than 20 children.

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3. Salaries for workers must be increased so that the turnover rate is reduced. Salaries more comparable to similar ACS front line workers are appropriate. We believe very strongly that if the caseworkers stayed in their positions longer, that children would stay in foster care for less time and families would be deemed safe and healthy for their children quicker. Worker turnover is a blight that makes children and families wait while new workers learn their jobs.
4. Provide the funds and require ACS to comply with the contract and pay the correct rates now, while developing the enhancements described herein. We are fully prepared to work with ACS to incorporate a performance base in our contracts so long as reasonable costs of caring for the children, monitoring their safety, and expediting their permanency are included.
5. The addition of family and youth advocate positions to every unit of workers in both preventive services and foster care programs would free up workers for higher priority work, better support permanency efforts, and will speed discharges. These types of para-professional workers have proven their value over and over in better linkages with families, better linkages with community resources, etc. They are not funded in either our foster care or preventive services contracts.
6. The most recent ACS contracts for intensive preventive services have included significant pools of money to purchase needed services and supports, notably substance abuse treatment and mental health services. But the regular preventive contracts which already serve thousands of high need families have only token funds available for these critical services. Additional funds to meet the immediate needs of these high-risk families are vitally needed for all families.
7. Determine if additional preventive services are needed. While the foster care census has declined drastically, 22% last year alone there has not been a concomitant increase in the number of families receiving preventive services.

ACS has announced some additional program slots over recent months, but a more careful analysis is needed particularly because there was actually a slight decline in the use of preventive services last year.

In particular we believe that greater use of Homemaker services for high risk families is a great investment, not only in improving parenting skills, but also because it puts a worker in the home for hours at a time in support of the family.

8. Finally, while it is “politically incorrect” to say this, the basic support and management needed to operate high quality programs are not funded by New York City. Even as ACS has substantially improved its own internal management, created specialist functions to support their front line workers, added dozens of staff to ensure quality, improved office space, etc these components of a quality programs are denied to the not-for-profit agencies.

Included in any review of administrative costs must be recognition of the substantial costs associated with multiple and overlapping automated systems required by OCFS and ACS. The agencies need both more in-house technical support but also recognition of the front line staff time devoted to these endeavors. Training resources as well as most Quality Assurance staff are included in administrative costs centers.