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to the  
Joint Legislative Fiscal Committee

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Thursday, March 1, 2007  
Legislative Office Building  
Hearing Room B  
9:30 AM

State of New York



Eliot Spitzer, Governor

Chairman Johnson, Chairman Farrell, and distinguished members of the Legislature, thank you for the opportunity to speak with you today about the 2007-2008 Executive Budget for human services. I am pleased to be here with my distinguished colleagues, David Hansell, Acting Commissioner of the Office of Temporary and Disability Assistance, and Patricia Smith, Acting Commissioner of the Department of Labor, with whom I will be working very closely. I am honored that Governor Spitzer has given me the opportunity to serve as Commissioner of the Office of Children and Family Services (OCFS). I look forward to working collaboratively with partners across the State, including the Legislature, to improve the lives of New York's vulnerable children and families. My entire career has been dedicated to that goal and I look forward to continuing this work as Commissioner.

I believe the 2007–2008 Executive Budget will help strengthen the continuum of services for which OCFS is responsible. But before I talk in more detail about the Budget, I want to say a few words about the approach I will be taking, and requiring of my staff, during my tenure as Commissioner. Going forward, openness and inclusion will be the guiding principles at OCFS. We will actively reach out to, and seek input from, diverse groups of public and private partners across the State who have a stake in improving outcomes for children and families. I believe this approach is a prerequisite for the success of any agency and it will be the approach taken at OCFS.

I will be asking these diverse groups of stakeholders to work with OCFS to not only identify problem areas – that's the easy part – but to also recommend and help implement, where appropriate, strategies for change. These discussions will not always be easy, and common ground may not always be readily apparent. But it is my experience that this collaborative approach often results in solutions that would not have otherwise been possible. The children and families to whom we are responsible deserve our best problem-solving efforts and as Commissioner, I will settle for no less.

And now, I'd like to talk more specifically about the Executive Budget and the ways in which it supports OCFS' priorities. Most notably, the Budget provides an increase in resources for juvenile justice services and child welfare services. With this comes the responsibility for OCFS to strengthen its focus on accountability, oversight and performance measurement.

### **Juvenile Justice Services**

First, I'd like to talk with you about our State's juvenile justice system and the support the Executive Budget provides for it. As you know, it is now my responsibility to oversee the care provided to the youth placed in my custody by the courts. I cannot overstate the seriousness with which I take this responsibility. I am proud of the commitment I have demonstrated throughout my career in caring for children, and in particular children of color, and my insistence that those who work for me do the same. I bring this same determination and commitment to the youth in placement with OCFS.

The Executive Budget provides support to enhance the continuum of juvenile justice services, including: prevention of out-of-home placement whenever possible and appropriate; quality rehabilitative services for the children who come into placement and services for their families; and strengthened aftercare services that support the return of placed youth to their families, communities and schools.

To prevent placement in detention and OCFS facilities, the Executive Budget increases support for alternatives to detention by \$1.4 million raising it to \$8 million. These funds are allocated to local districts for community alternatives to avoid higher cost detention placement, and are used to provide State-level technical assistance. An increase of \$3.6 million is also recommended for programs that provide alternatives to placement in OCFS facilities. In addition, the Budget includes \$7.8 million to support the continued implementation of evidence-based community initiatives, or EbCI, which provide family-focused interventions and therapies in a youth's home or specialized foster home. These community-based services are intended to prevent the placement of non-violent youth, increase the intensity of community supervision and treatment, and shorten lengths of stay in facilities for youth who are placed. The Budget continues funding for the Youth Development and Delinquency Prevention Program (YDDP) and the Special Delinquency Prevention Program (SDPP) at current levels.

Support is also provided in the Budget to improve the quality of rehabilitative services for youth in OCFS facilities. An important addition in the Budget is funding for 182 new direct child care staff and 18 new mental health positions. The increase in direct child care staff will provide enhanced coverage at facilities to allow staff more time to give individual attention to youth, as well as to enhance security and safety and reduce overtime costs. The new mental health staff positions will help us better serve the increasing number of youth with serious mental health diagnoses, along with the addition of two discrete mental health units in OCFS facilities, bringing the number of these units to nine, statewide.

Maintaining the connection between youth and their families during placement is critical to successful rehabilitative services and community reintegration. OCFS is placing youth closer to home than in the past, to support family involvement during the youth's placement. OCFS case managers are starting their work with families earlier in a youth's placement and continuing to encourage family participation throughout placement. OCFS is making video conferencing technology available statewide to allow parent participation in treatment plans for their children, and visitation via video conferencing when the family is unable to travel to the facility. OCFS is also strengthening partnerships with local departments of social services, New York City's Administration for Children's Services, and private service providers to enhance communication with families who were receiving services at the time their children were placed, and to strengthen case planning to prepare for the youths' discharge from residential care. Significant initiatives are underway in selected upstate counties and the Bronx to strengthen case planning and service provision partnerships between OCFS and local providers.

The process of aligning bed capacity in OCFS facilities with the needs of youth being placed is ongoing, to allow for appropriate services and levels of security to be provided in a cost effective manner. This process led to the recommendation in the Budget to close three community residences, as well as the non-secure Great Valley facility. In addition, we are considering alternative uses for the Cass Residential Center in Albany County, including its potential use as a training facility for OCFS staff.

The closing of the community residences is due to a reduction in the number of youth coming into OCFS custody who are appropriate for placement in community residences. This is a result of intensified diversion and supervision activities that allow youth to remain with their families or in more homelike specialized family foster home settings instead of congregate community residences. The decision to close a non-secure facility was based on excess bed

capacity in this level of facility statewide and the opportunity for cost savings. The selection of Great Valley as the non-secure facility targeted for closure is based on the nearby location of another OCFS facility that can accommodate youth placed from surrounding counties, and the need for capital improvements to Great Valley over the next couple of years, if it were to remain open. Staff from the community residences and Great Valley will be offered positions in nearby facilities to avoid the loss of jobs.

The safety and security of residents and staff in OCFS facilities is one of OCFS's highest priorities. OCFS has developed standards for physical plant safety and security at each of our facilities and is entering the second year of a five-year safety and security Capital Plan.

OCFS continues to work toward reducing the use of physical restraints of residents. I have just approved the revised OCFS physical restraint policy, which reduces from seven to three, the number of circumstances under which physical restraint may be used. The revised policy emphasizes the use of non-physical, proactive behavior management techniques with youth and requires a debriefing of each incident where physical restraint is used. It is consistent with OCFS's overall expectation that all children and youth in residential programs operated or regulated by OCFS will be provided care in a safe environment.

OCFS will continue to train and support staff in techniques to de-escalate potential crisis situations and the use of non-physical behavior management techniques. OCFS is also moving forward with the implementation of the Sanctuary Model in up to five facilities over the next three years. The Sanctuary Model represents a trauma-informed method for changing an organizational culture to address the psychological and social trauma experienced by the majority of youth entering our system. All of these activities should lead to significant reductions in physical restraints of youth, with the ultimate goal of eliminating physical restraints. This represents an enormous undertaking, since it involves a significant change in the culture of a juvenile justice system that, to my knowledge, no other state has yet undertaken.

Strengthening the oversight of OCFS facilities is one of my top priorities. OCFS will continue to have a zero tolerance policy for staff misconduct and will continue to aggressively investigate all such allegations. We will continue to fully cooperate with external investigative entities including the Office of the Inspector General, the State Police, and local law enforcement. In addition, OCFS makes full use of several internal investigative bodies including the Office of the Ombudsman, the Special Investigations Unit, and the Institutional Abuse Investigation Units, which are located in each regional office.

However, I am not satisfied with the current level of oversight of OCFS facilities and am taking a number of steps in this regard. Today, I am reactivating the Independent Review Board (IRB) that will work directly with my office to review unusual incidents in OCFS facilities and provide guidance on facility operations. This board will have up to 15 members who have knowledge of and commitment to our juvenile justice system. I am actively seeking qualified members for the IRB and encourage you to forward referrals to my office. I am also adding two additional full-time professional staff to the OCFS Ombudsman's office, which will now report directly to me. These staff will be available to address the concerns of individual youth and to identify systemic issues. I have also begun meeting with advocacy groups that have a stake in the success of New York's juvenile justice system to listen to their concerns, provide additional information about the services we offer, and reduce any misunderstandings and

misrepresentations about the conditions within OCFS facilities that have received much public attention. And lastly, I am undertaking a national search for a Deputy Commissioner of OCFS's Division of Rehabilitative Services who will continue to move our reform efforts forward.

## **Child Welfare Services**

I would like to shift gears a bit and talk with you about the support the Budget provides for child welfare services. A key component of the human services Budget is the proposed permanent reauthorization of child welfare financing. This financing structure supports the policy and programmatic direction that I will continue to support; that is, one of significant investment in prevention of out-of-home placement, reduced lengths of stay in foster care when out-of-home placement is necessary, and strengthened aftercare services to support the child's return home and reintegration into the community.

The child welfare financing structure is consistent with that policy framework in that it provides uncapped 65% State reimbursement, net of federal funds, for child preventive, protective, aftercare, independent living and adoption services and continues to be available to support community-based preventive services for the expanded PINS population. It also caps the amount of funds available for out-of-home placement through the foster care block grant, although there is a proposed increase of \$36.3 million in the block grant to fund mandated cost-of-living adjustments for foster care providers.

There is a new requirement in the Budget for OCFS to promulgate regulations requiring performance or outcome-based provisions for preventive services provided by local social services districts. Beginning January 1, 2008, districts will be required to implement such provisions or be subject to limitations on reimbursement for increases in the amounts claimed. Some local districts do this as a matter of course already, while others have more work to do to meet this requirement. OCFS will provide technical assistance to aid districts in measuring the results achieved through these expenditures, the outcome of which will be beneficial to all. This approach is consistent with the increased emphasis on accountability endorsed by Governor Spitzer, and is appropriate for a program estimated to cost taxpayers \$465.6 million next year.

The past year was an especially challenging one for child welfare services, and especially child protective services. Following the tragic and high-profile deaths of several children known to the child welfare system, reports of suspected child abuse and neglect increased 15% in 2006 over the previous year, with a 31% increase in New York City. Let me be clear that the fact more people are reporting concerns about the safety of children is positive and to be encouraged. However, the workload generated by these unprecedented increases is challenging the child protective services system in New York City and many other counties as well. New York City's Administration for Children's Services has hired hundreds of additional child protective services staff in the past year. OCFS has assisted in expediting the training for new staff so they can assume some of the workload from overburdened existing staff.

Last year, many steps were taken at the State and local levels to strengthen child protective services. The Legislature recognized the need for additional resources to strengthen the child protective services system. The Executive Budget for next year continues many of these supports, including: \$5 million to improve staff-to-client ratios in the child protective services workforce in local social services districts; \$5 million to strengthen and expand training for child protective, foster care and preventive services caseworkers; an

increase of \$2 million in the Quality Enhancement Fund to support child protective mandated reporter training and a public awareness campaign; and \$1 million to continue to test ways in which portable technology can streamline and support caseworkers' responsibilities. The Budget also supports funding for child fatality review teams, multi-disciplinary teams and child advocacy centers.

Of critical importance to the child welfare field is the issue of caseload size. To provide individualized assessment and service planning to each family, caseworkers and supervisors must have manageable workloads. The Legislature directed OCFS to contract for a workload study in 2006. The study found that caseload sizes in many local districts are too large, leaving insufficient time for critical tasks like face-to-face contacts with children and families. OCFS is currently prohibited by State law from mandating maximum caseload sizes. We would like this prohibition removed. Simultaneously, OCFS is exercising its administrative authority to review with local districts their child protective services caseload sizes, focusing on those with excessively high caseloads and/or overdue child protective investigations.

There are several areas related to child welfare in which OCFS and OTDA will be strengthening our collaboration. One is the opportunity to work more closely on "child-only cases," which are cases where the child, but not the parent or relative with whom the child resides, is receiving Temporary Assistance for Needy Families (TANF). We believe that many of these children and their families are also receiving child welfare services and that a coordinated approach to service delivery may result in improved outcomes. A second area for continued collaboration is the fatherhood initiative, including the five pilot sites where approaches to strengthening the involvement of fathers in the lives of their children are now underway.

The Budget also continues funding for a number of preventive services programs designed to support families in caring for their children safely. I'd like to highlight a few of these:

- \$5 million to continue co-location demonstration projects to improve access to substance abuse preventive services and treatment.
- \$4.3 million to support OCFS's new Medicaid waiver for foster children.
- \$25.2 million to continue Home Visiting programs in 28 high-need areas.
- \$7.47 million to continue Adolescent Pregnancy and Prevention Services Programs.
- \$20.5 million for State-contracted preventive services, at least \$2.6 million of which is available to provide post-adoption services.
- \$6.25 million for preventive services programs models as well as family preservation programs and settlement houses.
- \$2.15 million is continued to support services to relatives caring for children, and
- \$28.2 million for the Advantage After-School program.

Before I conclude my remarks about child welfare, I want to say a few words about children in our State who have needs that cut across the artificial barriers established by the creation of State agencies. These children are sometimes referred to as "cross systems children." For example, we have children placed in foster care because of abuse or neglect by a parent, who also have developmental disabilities and mental health diagnoses. These children technically

qualify for services from OCFS, OMH and OMRDD. In addition, their parents may need substance abuse services from the OASAS system and have mental health and developmental disability needs of their own. If you talk with any service provider at the local level in this State, you will hear about the difficulties in establishing eligibility for services from multiple State and local agencies, as well as coordination and funding barriers. When solutions are found, it is through inefficient case-by-case resolution. More often than not, one agency becomes the default provider of services without the expertise to meet all of the child's and family's needs. I am deeply troubled by the absence of a remedy to this situation and invite all New York State Commissioners to join me at the table to set aside agency turf issues and put the needs of these most vulnerable children and families front and center.

## **CONNECTIONS**

Before concluding my testimony, I want to speak with you very briefly about CONNECTIONS. I am aware that CONNECTIONS has been the topic of much discussion at this forum in previous years. Frankly, I am in the process of determining the best ways to move it forward. I arrived at OCFS as a former CONNECTIONS user and bring a certain perspective to these discussions as a result. On one hand, I recognize the significant value of having case records automated and readily available 24 hours a day for staff who need to know a family's history in order to serve them effectively. Imagine being expected to provide immediate services to a family so they can care for and keep their children safe, but having no case file to provide information about the family for days or even weeks. CONNECTIONS makes these files immediately available to the caseworkers and agencies that need this information. However, I also know that CONNECTIONS is not as user-friendly as it needs to be, does not always support supervisors in their review and approval processes, and is not easily modified to keep up with changes in policy and legislation.

I understand that after difficulties with implementation, CONNECTIONS is currently stable but cannot grow any larger as designed. As I learn more about the options for the future of CONNECTIONS, my guiding principles involve listening attentively to the field to identify ways to make the system more user friendly, reaching consensus with partners in our State about the best ways to make the system more easily modifiable and able to increase in size, and cost effectiveness. We then need to strengthen our partnership with the federal government to gain support for our strategy moving forward.

## **Child Care**

OCFS will work to strengthen partnerships with the child care community and continue collaborating with OTDA on issues related to child care. This collaboration is essential as we continue to strive for quality child care that is safe and promotes child development, while also recognizing that child care is an essential support for families working toward self-sufficiency.

The Executive Budget provides significant support for child care in New York, including over \$533 million in funding for child care subsidy and quality activities through a combination of State General Fund and federal Child Care Development Funds. Local social services districts may also transfer TANF funds from the Flexible Fund for Family Services to the Child Care Block Grant to meet local child care subsidy needs. The child care quality initiatives are individually lined out in the Budget to provide increased transparency about the purposes for which these funds are allocated. The Budget provides support for child care subsidies for low-

income students attending the City and State Universities of New York and to meet the special needs of migrant workers' children.

One last item I would like to mention in regard to child care is legislation that sunsets at the end of this month related to the administration of medications in child care settings. Legislative action to extend this law is needed to avoid limiting the administration of medication in child care settings to only those with a medical license such as nurses, physicians, and physicians' assistants. Even if sufficient licensed professionals were available to administer medications at hundreds of child care settings, the cost would be prohibitive to parents paying for the child care. OCFS has worked extensively with providers and the health care consultant community to train and approve staff to administer medications in those child care settings that have elected to do so. I ask for your support in reauthorizing this statute.

## **Conclusion**

And finally, I am asking that you partner with us in advancing a federal agenda that will benefit vulnerable children and families. First and foremost on this agenda is to insist that the federal government eliminate the "look back" provision from Title IV-E requirements, which relies on the 1996 standard of poverty to establish eligibility for federal funding for children placed in foster care. This decade-long systematic withdrawal of federal support has cost New York many millions of dollars because hundreds of additional poor children are left out of the federal eligibility formula because they are not poor enough.

In closing, I would like to again express my appreciation for the opportunity to speak with you today about my priorities for the Office of Children and Family Services and the ways in which the Executive Budget supports these priorities. I am excited about serving as Commissioner and the work we can collectively accomplish through strengthened partnerships that keep the needs of children and families first. I look forward to working collaboratively with each of you and your staff, and encourage you to contact my office at any time. And now, I am happy to take any questions you may have.

