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Supporting Stronger Families and Neighborhoods:

City Hall and New York's Family and Children's Services

Recommendations to the new Mayor and City Council
at a time of transition in New York City government

Proposed by the Advisory Board of the *Child Welfare Watch* project

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Note to readers:

This report has been circulated throughout the many committees and other groups that participated in the transition in both wings of City Hall. Our hope is to inform the direction of the Administration for Children's Services under the administration of Mayor Michael Bloomberg, and to encourage the newly transformed City Council to play an active, productive role in family and children's services.

If you have thoughts about this report or feel you can contribute to its effectiveness, or if you would like to be added to the *Child Welfare Watch* mailing list, please contact The Center for New York City Affairs at (212) 229-5418.

**Supporting Stronger
Families and
Neighborhoods:**

**City Hall and
New York's
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Services**

I. Summary/Introduction

Family and children's services are no longer the hidden stepchild of social programs in New York City. Today, the city has a child welfare system on its way down the path of meaningful reform and renewal. After years of intensive scrutiny and criticism, the Giuliani administration in its second term intensified systemic improvements at the New York City Administration for Children's Services (ACS) in both policy and practice.

Yet no single administration can make up for decades of neglect. This paper is a call for the new Mayor and the City Council to maintain the momentum of reform and strive to do more.

Mayor Michael Bloomberg has an opportunity to put his own signature on family and children's services in New York by moving ACS toward higher quality front-line services, greater effectiveness at all levels, and visionary, community-focused policy innovation. Members of the City Council can help lead the way.

From the mid-1980s to the early years of the Giuliani administration, the foster care and child welfare case management systems were overwhelmed by a devastating epidemic of crack cocaine that swept through low-income neighborhoods. As recently as six years ago, City Hall budget cuts drained child welfare programs of staff, crushed morale and provoked the political crisis that led the Mayor to create ACS. The new agency's initial strategy, and its top priority from 1996 through 1998, was the aggressive use of child protective services. The number of children removed from their homes and placed in foster care peaked in the Giuliani years at 12,000 in 1998. Only in the last three years have agency priorities shifted beyond child protective services toward more extensive and positive change.

In recent years, ACS has begun to move children out of foster care more quickly. Policymakers have reinvested a modest amount of funding in services to prevent the removal of children. They have boosted training and supports for child protection investigators, and instituted a valuable new set of tools for monitoring and assessing child welfare services. These steps are welcome and supported by the *Child Welfare Watch* project. Clearly, the agency's policymakers have lately been headed in the right direction. Yet many of the most important policy changes pushed forward within ACS have yet to be realized on the front lines, among caseworkers, investigators and nonprofit contract agency staff. This is difficult work, more difficult than anything yet attempted by the outgoing administration, and it needs constant attention from city leadership. Without this, we may lose the positive trajectory of change.

By solidifying recent reforms and moving further, City Hall can establish a child welfare system that keeps children safe and is more responsive to and respectful of the city's minority families and communities—where roughly 95 percent of all child removals take place. This will not require a vast new commitment of city dollars. Rather, the greatest changes are needed in the system's orientation, dedicating the government's resources to stabilizing communities and strengthening families and thus reducing still further the need for foster care.

Many core elements of our child welfare system demand City Hall's attention. The city's harsh fiscal situation should not prevent the new Mayor and City Council from taking advantage of this rare opportunity to build the momentum for child welfare reform.

Everyone in the child welfare field knows that some parents abandon or severely maltreat their children. Most parents who come under the gaze of the city's child protection system do not fit this description, however, and are struggling with issues related to poverty, substance abuse, spousal abuse or illness. Today, thousands of these families cannot or do not obtain desperately needed support services without experiencing a crisis that includes an inherently adversarial intervention by government investigators. Thousands of parents are thrown unnecessarily into an antagonistic relationship with government agencies, herded onto a bureaucratic and judicial treadmill that is too often abusive because of inadequate resources and overloaded staff. Thousands of children suffer the consequences.

Despite many positive reforms, entire communities remain distrustful of the very programs and agencies whose basic purpose is to help troubled, overwhelmed parents obtain social and economic supports, strengthen families and protect children from the traumas of poverty, neglect, removal and loss. This distrust undermines badly needed, family-oriented solutions.

New policies should build upon the strong accomplishments of recent years to establish a more permanently effective and humane child welfare and human services system. This system should be designed to protect children and families from poverty and from the impact of a crisis like that which destabilized New York City during the late 1980s and early 1990s.

Our visionary but achievable goals include the following:

- New York City's child welfare system must of course strive to protect children from abuse and neglect, but its structure and agents must be reoriented to avoid needlessly traumatizing those children whose parents desperately need basic human services and other supports in order to properly care for their youngsters.
- New York City should seek to establish an easily accessible network of human services deeply rooted in every low-income and working class neighborhood in the city, with government and nonprofit agency professionals, outreach workers and local residents working collaboratively to identify and support families in need. Many core elements of such networks already exist.
- New York City must establish a support system that works in partnership with families seeking assistance—and those found to be in need of assistance—to develop an individualized plan of action organized around the most appropriate services and programs. This partnership should routinely include extended family and close friends, government agencies as well as nonprofit providers and community organizations.
- New York City needs a child welfare system that does not sow fear and distrust in the city's black and Latino neighborhoods, but is instead welcomed as a tool for strengthening social capital and reinforcing positive community values.

New York City can certainly accomplish all these things. Much of the groundwork has already been completed, thanks to reforms implemented with the leadership of ACS Commissioner Nicholas Scoppetta and promoted by the Special Child Welfare Advisory Panel, funded by the Annie E. Casey Foundation. The rapidly declining number of children in foster care is one important cornerstone. Large segments of the child welfare system are not functioning in crisis mode for the first time in well over a decade. Further, an increasing number of foster children are living closer to their home communities, their relatives and their biological families. These improvements are the basis for necessary future accomplishments. We support the continuation of the Administration for Children's Services as a free-standing mayoral agency. We also support the creation of a permanent, independent oversight body.

The Bloomberg administration has an opportunity to gain new trust from communities that have long held deep suspicion for City Hall and the city's child welfare authorities. This is a favorable moment for making significant advances against the everyday tragedies of poverty in the nation's wealthiest metropolis.

Among the most important policy innovations the new Mayor of New York and the new City Council could advance immediately are the following, each discussed at greater length in this paper:

- *The Mayor and the city's legislative leaders must vigorously pursue state and federal authorization to reinvest savings gained from the shrinking foster care system in a*

more broadly accessible, expanded, community-based human services network providing individualized programs for parents and families in need. Current spending for foster care dwarfs funding for prevention; by one measure, the ACS non-personnel budget (which includes contracts) for fiscal year 2001, foster care spending is nearly six times greater than preventive service spending (\$807 million versus \$138 million in fiscal year 2001). Even subsidies for adoption (\$245 million in fiscal 2001) far outweigh all preventive service spending.

- *The Mayor and City Council should commence development of large-scale efforts to more effectively integrate the city's human services and other supportive social programs at a neighborhood level in low-income communities.* Welfare job centers, child protection services, housing support programs, homeless services, domestic violence services, the courts and other agencies should never work at cross-purposes, as they commonly do today. High quality neighborhood centers, based in full service schools and other community settings, should provide a welcoming entry point to parents for all social and human support services, including those provided by government, community-based non-profit agencies and other institutions. This is a challenge demanding coordination and leadership—and the reallocation of existing funds.
- *The Mayor and City Council should do all they can to ensure that a fast-growing percentage of child welfare cases are dealt with through mediation and collaborative case planning, thus circumventing the vastly overburdened Family Court system.* In addition, the Mayor and Council should immediately establish a functional system of parent legal representation in Family Court, in order to protect fundamental human rights. The state-run Family Court system continues to barely function, mired in extreme crisis characterized by inadequate legal representation, overwhelmed judges and nonexistent standards of practice.
- *City Hall and ACS should commence a planning effort to begin configuring the front end of the child welfare system to follow the lead of other states and localities, which have established "dual-track" systems:* reports of sexual abuse, sustained physical abuse or severe neglect should be vigorously investigated just as they are today, but the much more common, less clear-cut reports of neglect and less severe abuse should be initially targeted for intensive assessment and individualized support services by skilled caseworkers, not hostile investigators. This will require intensive internal planning as well as engagement with legislative and executive players in Albany. This approach can ensure that more families receive needed support while fewer experience the nightmare of Family Court or lose their children unnecessarily to expensive foster care.
- The Mayor and City Council must acknowledge that child welfare services as they are currently configured overwhelmingly impact only communities of color in New York City, and that nearly all the children in the foster care system (approximately 95 percent of them) are African American and Latino. Regardless of the charitable and benevolent purpose of most of the men and women who work in child welfare, there is no way around the fact that this is a system designed by and mostly managed by white New Yorkers, yet which serves almost exclusively black and Latino New Yorkers. This does not mean the system is inherently flawed in its structures, policies and activities. It does, however, mean that those who hold power must at all times be extraordinarily cautious in how that power is exercised. And it means that communities and people directly affected—including parents themselves—must be increasingly and steadily brought into the fold of leadership and decision making.

City Hall can establish a child welfare system that keeps children safe and is more respectful of the city's minority families and communities.

Such reforms demand that policymakers, practitioners and front line workers think

beyond the boundaries of current practice. The general public will need to be convinced of the necessity of protecting children from neglect and of the long-term necessity of helping more parents achieve stability and independence.

As it stands today, however, the raw, routine, adversarial nature of the child welfare system renders impossible a more thorough assault on poverty and the ravages of social dysfunction. The structure and financing of the system often prevents those who need help from seeking assistance, to the detriment of their children.

The sections that follow include many specific recommendations. These include proposed policy changes, as well as strong support for the direction of numerous improvements already underway.

Collectively, these recommendations and the larger themes described above form a roadmap for a sustained and ambitious child welfare reform effort.

II. Preventive Services

If New York City aims to permanently reduce the number of children placed in financially and emotionally costly foster care, the Mayor and City Council must adopt a more far-reaching family crisis prevention strategy. Human services and family supports should be rooted in neighborhoods, coordinated by both government and community organizations, and readily available to prevent severe crises and strengthen families.

- *Monitor, renew and bolster the previous administration's commitment to neighborhood-based family services as a core strategy for strengthening families and preventing placement of children in foster care.*
- *Redefine child welfare "preventive" services to include a far more expansive definition of supportive family services, and seek to make such programs available by building strong bridges, in more communities, between programs supported by government and non-government funding streams, ranging from workforce development and housing assistance to income support, perinatal and postnatal care, domestic violence services, literacy programs, continuing education, youth leadership and much more. These programs should be welcoming and well-known to the public in the city's low- and moderate-income neighborhoods.*
- *Reinvest savings from the shrinking foster care system and declining welfare rolls in more broadly accessible, expanded, better integrated, community-based human services networks. The neighborhood networks should each be centered around a shared front-door for ACS contract agencies as well as other city human services agencies; the Board of Education; health and mental health providers; substance abuse treatment providers; domestic violence support organizations; community associations and other neighborhood-based groups. This shared front door—a one-stop community center, for example, or a full-service school—can more effectively provide individualized, appropriate services for parents and families in need.*
- *Similarly integrate intensive reunification support services and aftercare services into the community-based networks. Most evidence indicates that the current foster care reentry rate of 11 percent for reunified families can be significantly reduced with targeted, appropriate and accessible services and supports.*
- *Require and organize the integration of ACS field offices into the neighborhood networks currently being developed by organizations under ACS contract, so that the*

city's own child-protective and preventive workers are fully aware of—and building relationships with—the broad spectrum of service providers in their communities.

- Reinforce preventive and neighborhood-based programs with developmentally appropriate services that directly address the very high number of infants taken into care. Research shows very clearly that babies are the biggest single age group appearing in reports of abuse and neglect, and taken into foster care. ACS and its contract agencies must establish prenatal and postnatal home care services as a key linkage for preventive programs, including visiting nurses (not social workers) offering medical and developmental advice to at-risk mothers.
- Family services must be routinely assessed based on outcomes and other quality measures. The results should be distributed to the public. The most effective programs should be offered access to capital investment for the expansion of capacity. The least successful should participate in a closely monitored service improvement effort in collaboration with outside advisors.
- Consistent data analysis should be undertaken to reveal, over time and by community, geographic trends in child abuse and neglect reports, child removals, domestic violence arrests and other related events. With this information routinely plotted by neighborhood or block, preventive services can and should be more effectively deployed. Otherwise, the common year-to-year surges in child removals in particular neighborhoods remain unaddressed. (For example, between 1999 and 2000, there was a 21 percent increase in removals in Staten Island's CD1, and a 33 percent increase in the Rockaways. Such surges demand a response strategy that includes preventive innovations.)
- City Hall should recognize that locally based and controlled organizations are often better able to establish complex neighborhood support systems and promote culturally appropriate methods for working with children and families. The ACS neighborhood-based services initiative is a positive step in this direction. Further advantage would be found in the sponsorship of and capital support for the creation of new community-based and minority-led preventive service agencies, as well as family and group day care service agencies. With the proper financial backing, such new agencies offer great potential for developing tomorrow's leaders in family and children's services. But they have little ability to compete with those major citywide organizations that have large endowments and historical political influence.
- Increase pay for front-line preventive service workers. Rates of pay for family workers, social workers and others providing direct assistance to troubled families are so low that positions remain unfilled for months, and turnover is high. Some agencies are able to supplement city-funded salaries with private grants, but this is not an efficient method for assuring quality services citywide, nor is it fair to smaller organizations with limited fundraising capacity. Private grants should not serve as sandbags propping up a leaking dike. This is a fundamental up-front investment that pays for itself when good workers divert families from foster care, juvenile court or other costly interventions.

Child welfare preventive services currently encompass a handful of strategies for diverting troubled families from involvement with the foster care system. These include counseling, home-making services; rental housing assistance; court-ordered monitoring of families; and an array of small, comprehensive case management programs including supervised drug treatment. These are provided by both ACS and nonprofit contract agencies.

As part of its recently implemented neighborhood-based services initiative, ACS now requires that preventive service providers locate in and serve specific community districts.

Human services should be rooted in neighborhoods and be readily available to prevent severe crises and strengthen families.

A more open and integrated approach to the provision of human services should prevent costly long-term interventions, such as public assistance enrolment or foster care.

The impact of this policy change has been relatively modest, as most preventive programs have always served residents of nearby neighborhoods. Notably, however, preventive providers (as well as foster care agencies) are now also required to establish a "continuum of care" in their communities, building networks and partnerships with providers of alcohol and substance abuse treatment, mental health services, parent skills training, employment and job training and other human services.

This neighborhood focus ensures better access for families, who can obtain assistance close to home. Implemented correctly, a neighborhood-based approach can also ensure that families receive more appropriate services and supports. Providers ought to have a stronger awareness of what is available locally. And locally-based agencies ought to have a stronger cultural competency with local ethnic, racial and religious communities.

The city and its contract agencies have systematically reviewed cases in many neighborhoods in order to determine family needs. ACS has also sought to help providers learn about the many potential funding sources for key human services, and has produced directories of programs, agencies and institutions for each borough. This is important preparatory groundwork.

Recent survey research by the Citizens Committee for Children found that after two years, a large number of the Bronx ACS contract agencies—the first to be funded under the new strategy—have been too slow to build networks with other service providers. But as the effort rolls out citywide, ACS is working with—and pressuring—its contract agencies to more aggressively build these essential linkages.

The ACS neighborhood-based services project as it now stands provides the basis for opening up invaluable human services to the broader public in low-income and working class neighborhoods. The core philosophy is already present: accessible, appropriate and effective community-based services can and frequently do help families steer clear of the kind of severe crises that can endanger their children.

Unfortunately, the structure of government and the nature of ACS policies are such that in most cases, families must be in the thick of a crisis before they obtain any assistance. Increasingly, the city intends to use ACS preventive services for families identified and referred by child protective investigators. About 50 percent of new preventive services cases last year were referred by child protective services. Commissioner Scoppetta's latest policy agenda seeks to boost that number to 65 percent within two years.

This is a myopic approach. Certainly prevention must be seen as an alternative to removal, and child protection workers must recognize and use it as such. But these services should not as a consequence be made less available to other families. Rather, the entire system must be opened up, more broadly defined and more widely used so that families in need of all kinds of support and services are welcomed and served appropriately.

Extensive research shows that parents most at risk for child abuse or neglect are those who are overstressed, depressed, abusing alcohol or drugs, isolated, dealing with an abusive partner or struggling with other effects of poverty. Additionally, parents of hyperactive or disabled children as well as those with small infants tend to be more at risk. New York City's current systems not only fail to identify such parents, they do not offer adequate strategies for providing support or otherwise intervening prior to a report of abuse or neglect.

A more open and integrated approach to the provision of human services should prevent costly long-term interventions, such as public assistance enrolment or foster care. There is evidence for such savings in smaller municipalities, although New York City ought to mount a strong research effort of its own.

This strategy will require an aggressive campaign to form strong new partnerships between nonprofit organizations, government agencies and other institutions at the neighborhood level, as well as resident associations. Services will have to be integrated and accessible through a community-based "front door" that offers more than the typical bland or even hostile bureaucratic response parents routinely encounter at most city government assistance offices.

Services and supports that can be made more accessible through community centers or full service schools include: child care; job training and placement services; rental housing assistance; legal services; Food Stamps; domestic violence counseling, support and shelter referrals; substance abuse treatment; health and mental health care; peer support groups; home-making services; programs for young people such as recreation, after school education and tutoring; and much more.

Clearly this would be an ambitious reconfiguration of staff and resources for many institutions and agencies. Yet it would not require anything as dramatic as a restructuring of mayoral agencies. Many fundamental elements are already in place in a few neighborhoods and these could be built upon to create pilot programs.

There is an immense body of knowledge and experience in New York regarding the joint placement of programs that could be tapped to execute this strategy. Programs in Sunset Park, Washington Heights, Red Hook, Central Harlem and other communities have accomplished this on a modest scale. In recent years, New York City has seen poorly designed family service integration efforts fail because of bureaucratic hurdles, overwhelming social problems, the resistance of organized labor and insufficient City Hall support. Times have changed: visionary leadership from the city's political leaders, labor and community organizations, combined with existing expertise and the careful use of current, innovative programs to construct this new infrastructure will only strengthen the public's embrace of government services and those who administer and guide them.

This strategy will require an aggressive campaign to form strong new partnerships between nonprofit organizations, government agencies and other institutions.

III. Child Protection

In order to establish a system that more effectively prevents child abuse and neglect, and that strengthens families in need of assistance, the advisory board urges the Mayor and ACS to:

- *Commence development of a formal "dual-track" system for protecting children and strengthening families.* Reports made to the state hotline of sexual abuse, sustained physical abuse or severe neglect must be aggressively investigated, as they are today. The much more common, less clear-cut reports of neglect and less severe abuse should be targeted for intensive assessment and, when necessary, individualized support services. These assessments should initially be performed in a collaborative manner with the family and, whenever possible, other community-based partners. And they should be a common vehicle for early intervention efforts. Important elements of this systemic reform would require state legislation and support, but the city must take the lead in their pursuit.
- *Revise or establish guidelines, training and protocols for child protective investigators and supervisors that validate and encourage a wider array of alternatives to child removal.* Not only is child removal a traumatic event, it also does not always result in a safe placement. The culture of ACS casework and supervision should underline that removal must be avoided whenever a child can otherwise be protected from serious harm.
- *Sustain and expand the current commitment to the professionalization and extensive training of investigators, and to the frequent review of the quality of their work.* The improved quality of child protective investigations has been documented and lauded by the Special Child Welfare Advisory Panel. The necessity of meaningful training and review—as well as hiring of talented staff—can not be overemphasized. Any attempt to cut costs at the expense of training will inevitably result in much higher costs elsewhere in the system, as more children enter foster care unnecessarily.
- *Place a greater emphasis, when removal is unavoidable, on initial placements with extended family, relatives and close family friends.*

Any attempt to cut costs at the expense of training will inevitably result in much higher costs elsewhere in the system, as more children enter foster care unnecessarily.

- *Institute management and case investigative guidelines that require investigators to approach biological parents as partners in a discussion about the family situation. It is far easier to ratchet up the intensity of the relationship to more coercive strategies than it is to ratchet down.*
- *Standards of removal must be applied fairly, and child protective staff must be effectively trained to recognize and avoid racial, ethnic and class bias in their work. When Child Welfare Watch published a review of relevant research on this subject in 1998, the findings then were stark: a comprehensive 1994 federal study of child welfare cases in all 50 states found that in comparable families, regardless of specific problems, black and Latino children with open cases were much more likely than white children to be placed in foster care. A 1991 study of women whose newborns tested positive for cocaine in New York City hospitals, published in the *American Journal of Public Health*, found that African American women were 72 percent more likely than white women to have their children placed in foster care. These removals had no statistical relationship to whether or not the mother had a prior reported history of substance abuse. Most research also finds that racial and ethnic biases are present among child welfare workers who are themselves black or Latino, not just among whites. Training must therefore cross all such boundaries. Supervisors must frequently reinforce this training through dialogue and close attention to bias among staff and in their own work.*

The city and state's child protection system is first and foremost an adversarial investigative process. Once a caller makes a report of abuse or neglect to the state hotline, the information is referred to an ACS child protection investigator. The investigator must contact the family within 24 hours, make a home visit within 48 hours, complete an assessment of the safety of each child within seven days and determine within 60 days whether abuse or neglect has indeed taken place.

In the current system, the case investigator's relationship with the subjects of his investigations is necessarily antagonistic. Investigators must obtain a great deal of information, and they are trained to follow meticulous state guidelines for assessing child safety and threats posed by the adults in the home. This system requires interviews with the children, caretakers, neighbors, teachers and other adults who have contact with the family—interviews that are clearly necessary in some cases, yet which any family would consider extremely intrusive.

While various risk factors are delineated by the state guidelines, an investigator must routinely use professional judgement about whether or not to pressure a parent for information, remove a child, or alternatively, decide whether preventive services should be provided to the family. This professional judgement is driven largely by training, experience, stress and the guidance of supervisors and colleagues. In short, the agency culture established by ACS management, training and supervision has a large impact on decisions to remove.

The Administration for Children's Services has recently improved training for child protective investigators and cut their caseloads to a more manageable level. Five years ago investigative specialists carried an average of 26 cases at a time. Today, they carry 13. The quality of these investigations has by most accounts improved, as has the speed with which they are handled. Still, the number of new cases handed over to each investigator in a given month remains as high as ever.

Furthermore, the number of children removed from parents and placed in foster care has declined from the period of very high rates typical during the early years of Scoppetta's leadership, when protective removal was considered the first priority of the child welfare system.

A renewed and sustained emphasis on alternatives to removal, rooted in strengthened neighborhood-based preventive services and reinforced through quality supervision and training, would greatly increase the agency's ability to assist families and protect children. Fundamentally, however, the nature of this front end of the system has to change. As it is currently configured, child protective services remains by definition reactive rather than proac-

tive. An exclusively reactive system based squarely on aggressive investigations cannot effectively protect the majority of children in families in need of human services or other supports.

Last year, there were 88,312 children involved in reports to the state hotline. Slightly more than one-third led to verified "indications" of abuse or neglect. Roughly one in ten, or 8,729, were removed from their homes and placed in foster care.

In investigations involving about 16,000 children, the families were enrolled in some form of social services program designed to stabilize the situation and prevent a foster care placement.

In the remaining investigations—accounting for more than 60,000 children—the reports were declared unfounded or, in a small number of cases, the report was considered reliable but no services were provided and the case was soon closed.

This expensive system of routinely adversarial investigations has obvious flaws:

- Even in the current aggressive investigation system, just 10 percent of reported cases are serious enough to warrant removal.
- Nearly one-quarter of all first-time removals are reversed within 30 days, and the children return home. One-third of removed children return home within six months, and 60 percent of first-time removals leave foster care within one year. In many of these cases, a more effective assessment process may have prevented removal.
- Increasingly, only families who are the subject of investigations avail themselves of preventive services.
- Tremendous resources are invested in extensive investigations of unfounded cases. The majority of families subjected to this process receive no help whatsoever from ACS; rather, they experience intrusion and hostility.

As an undifferentiated strategy that uses the same blunt tool no matter what the allegation, ACS commences its relationship with each family in the most aggressive possible manner. This often forestalls the possibility of future collaboration with parents in efforts to improve their parenting skills and effectively address problems such as substance abuse, domestic violence, lack of social support in child-rearing, or joblessness.

As a consequence of this adversarial investigative system, more children than necessary may be brought into expensive foster care, and fewer receive less costly support services. With so many resources devoted to out-of-home-care, little is available for productive work with families who will certainly be caring for their children for years to come.

The process is designed such that families in many black and Latino communities avoid, at all costs, any contact with human service programs that may expose them to a hostile intervention. The lack of trust for the social service system is endemic in some communities, thanks largely to the fact that so many parents there have had encounters with child welfare investigators. For some parents, this is the only experience they have had with government social services. For others, it simply accentuates their hostile experiences with city welfare, jobs and Medicaid programs.

Dual track systems have been established in other states and localities, including the state of Missouri and the city of Louisville, Kentucky. In other places, such as Alabama, efforts to fundamentally adjust the culture of child protective services have led to far fewer removals and greater resources for families needing a variety of support services.

The city could unilaterally make important moves toward such a system. Indeed, the current movement toward neighborhood-based services and the effort to establish better integration and communication among government and nonprofit organizations is an important early step in this direction. The reinvestment of money saved by shrinkage of the foster care system

in preventive human services is another.

But many state laws and regulations block full implementation of a more proactive, differentiated system. The Pataki administration has suggested some initial improvements in drafts of child welfare financing bills. The Mayor, City Council and the city's legislative caucus should rally to the cause of child safety and stronger families and push for changes in state law that would establish at the very least a New York City-based pilot of a dual track system.

IV. Foster Care Services

- The mayor and his ACS commissioner must immediately reemphasize the importance of neighborhood-based foster care placements and services, clarifying for all providers, families and foster parents in the system that this is a permanent change and not a passing fad.* Foster care placements of children close to parents, relatives, familiar neighbors and schools—and close to culturally appropriate support services—has long been among the top priorities of the Child Welfare Watch. It has since become one of the key reforms of the Scoppetta era in child welfare. Earlier this year, about 17 percent of new foster boarding home placements were made within the child's community district of origin. By 2003, ACS intends to boost this number to 65 percent. The new administration should reiterate these targets. In a very few low-income districts, the best strategy for recruiting sufficient foster boarding homes may be to pair neighboring districts in order to obtain a broader socioeconomic population mix.
- City Hall should work with state legislators, the Governor and members of Congress to increase incentives for nonprofit foster care agencies to move children toward permanency more rapidly.* The current Safe and Timely Reunification (STAR) incentive program enables foster care agencies to retain a percentage of their city per-child payments for a time even after a child returns home or is adopted. It is a welcome beginning. If federal law could be altered to authorize the use of Washington's dollars in the program, the incentive would be much more formidable.
- The preferred placement for any child removed from his or her parents must be with extended family, as ACS has recently stated, so long as the placement is safe and stable.* In most cases, kinship care minimizes the trauma of removal, ensures stability and encourages permanency and reunification. The city's current goal is to boost kinship placements from 21 percent of all children entering foster care to about 30 percent by July 2002. This is admirable and long awaited, but it is a fragile commitment when judged against history. In the late 1980s through the early 1990s, the rate of kinship placements was high. But the drop-off was stunning and steep in the mid-1990s because of ill-conceived decisions in Albany and City Hall. Today, after a few years of improvement, just over one-quarter of all children in foster care live with family and relatives.
- The new administration should continue the current fast-paced ACS initiative to place most siblings in the same foster home, so long as safety isn't compromised.* Children placed in the same foster family with their brothers and sisters often cope much better with the trauma of separation from their parents. The city has spent the last decade slowly improving its track record in sibling togetherness. A key element of this effort has been the recruitment by contract agencies of foster homes prepared to receive groups of siblings. It is a process that must be pursued and completed at the rapid pace recently outlined in the ACS "Renewed Plan of Action."
- The Mayor and City Council, along with ACS, must work with the Board of Education to reform the manner in which foster children are handled in the city's public edu-*

cation system. More than one-third of the children placed in foster care change schools for non-educational reasons, and many more do so when they change placements. Re-enrolment in a new school routinely takes three to six months, and sometimes longer. During this period, many of these children are out of school entirely. These delays are inexcusable, and have very real consequences in reading, math and other life skills. Children should return to school almost immediately after any new placement.

- *Move foster teens from group homes to foster boarding homes whenever possible, in order to strengthen their long-term ties to caring adults.* However, this must be done with great care. ACS should contract with agencies to establish a program for recruiting and training foster parents specifically capable of working with teenagers. Too many teens are bumped from one placement to another because of ill-prepared foster parents. In all cases, teens themselves must have an influential role in planning their foster care placement.
- *City Hall and local legislators must press the state to significantly increase rates of pay for child care staff in group homes and residential treatment centers.* More than 4,000 New York City teens live in group homes or on the campuses of residential treatment centers. The workers who have constant day-to-day contact with these youngsters earn an average starting salary of \$18,500. For many, it is a second job, or one they will not hold for long. The city is the legal guardian of these teenagers; the child care workers personify that responsibility. These homes are often difficult work environments and the staff must be talented, tolerant and quick-witted. To ensure that more child care workers are both highly qualified and motivated, they should be paid a reasonable living wage. Higher wages have long since been authorized by state legislators, but sufficient funds have not been appropriated, leaving tens of millions of dollars in federal matching dollars out of reach. Meanwhile, the current agency reimbursement formula used by the state Office of Child and Family Services makes wage increases all but impossible.
- *Similarly, pay scales for caseworkers and supervisors at nonprofit foster care agencies must be increased significantly.* As with child care staff, pay is extremely low, turnover is high, and quality of care suffers. The same state legislative and executive issues apply. In addition, scholarships for studies toward a Master's Degree should be made available to encourage the further professionalization of staff.
- *To further strengthen efforts to prevent children from returning to foster care after reunification with parents, appropriate support services must be made available.* For instance, mothers reunited with toddlers need child care assistance immediately, and possibly home-making support. Individualized supports should be made available that are developmentally appropriate for the child and family. The families become stronger—and any reductions in foster care re-entry produces immediate cost savings for the city.

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V. Family Court

- *The Mayor, ACS and state court administrators must begin the development of large-scale, viable alternatives to Family Court for the resolution of most child neglect cases.* The city's Family Courts are horrifically overburdened and incapable of properly serving children or families. What's more, the classic adversarial prosecution-and-defense model is inappropriate and often ineffectual in handling cases of child neglect.
- *All parents facing the loss of their children must receive adequate legal representation and access to legally-mandated services and support.* Toward that end, the

The city's Family Courts are horrifically overburdened and incapable of properly serving children or families.

Mayor and City Council should create a government-funded organization analogous to Legal Aid's Juvenile Rights Division (JRD), to provide an institutional legal base for the defense of poor parents. Unlike JRD, this organization should receive adequate funding. At the bare minimum, the state needs to provide parents' attorneys with substantial per-hour pay increases and greater resources to obtain expert testimony.

- *With City Hall's encouragement, the city's Association of the Bar, the State's Office of Court Administration, ACS, as well as parents and advocates for children must convene a professional standards committee to create a code of professional and procedural conduct for the practice of law in Family Court. A Family Court Oversight Committee should establish and monitor strict standards of conduct that transform the court into an institution that treats all litigants, including parents, with respect and consideration. This committee could be modeled on the State Supreme Court's Indigent Defense Organization Oversight Committee of the Appellate Court, established in 1996 to evaluate representation of the poor in criminal court. By rule, the Appellate Court committee sets standards of representation and presents the court with an annual review and recommendations.*
- *City Hall should immediately demand that in every case in Family Court, judicial orders be properly documented and provided directly to the parents involved. Too often, parents in child welfare cases have no copy of the judge's orders, and have no clear understanding of what is expected of them.*

VI. Family-Centered Practice and Policy

- *Translate the official rhetoric supporting effective and frequent family engagement into the reality of front-line practice. City officials' recent statements recognizing the importance of working closely with parents are more emphatic than any they have made in the past. As Commissioner Scoppetta himself has acknowledged, however, the reality of practice both within ACS and in contract agencies has a long way to go to match the new objectives of ACS leadership. "Parents should be included at every step," reads the official "Renewed Plan of Action for ACS" released late last spring. "They must be fully engaged, from the start, so that they understand why their children have been removed, fully participate in designing their own and their children's service plans, and can provide input about placement resources.... Parents must also be fully informed of their role in court proceedings and the concrete steps required for unification." These statements, combined with ACS goals for frequent visitation and Scoppetta's call for casework to be done in a spirit of partnership and collaboration, are welcome and directly reflect the core values of the Child Welfare Watch project.*
- *Institute at least weekly visitation for parents of children in foster care who have reunification as a goal. A recent state review determined that only 29 percent of these children had even biweekly visits with their parents or future guardians. This failure underlines the lack of respect for parents that is rampant among administrators and supervisors throughout the foster care system. Frequent visitation is shown in most research to be a key factor in a timely reunification. Placement of children within their districts of origin will ease visitation dramatically, but casework practice must improve dramatically as well. Missed meetings should be the exception, not the rule. Visits canceled by agencies, a worker's failure to contact parents regularly, or his unwillingness to work around a parent's schedule, reflect an unproductive and often hostile attitude conveyed by senior workers to frontline staff. Only through retraining, and through the*

restructuring of policy and supervision to enforce weekly meetings, can families be strengthened, not undermined.

- *Training and practice of front-line staff must emphasize collaborative partnerships with parents, not simply information sharing.* Adults in families that are the subject of preventive cases or of foster care cases with a goal of reunification, or where no goal has been set, should always have the opportunity to take a leadership role in devising and pursuing a meaningful case plan. The simple fact that a meeting with parents has taken place is not a sufficient measure of success; the meeting must center around individualized and appropriate analysis and goal setting. Parents facing economic difficulties are far more likely to pursue employment or necessary supports if their case goals reflect their own aspirations. Parents coping with violent partners are more likely to pull permanently clear of the violence if they are supported in their own decision to do so, rather than forced into action. Similarly, it is a premise of most substance abuse therapy that respectful collaboration with the addict is a tool for instilling a greater sense of personal responsibility, producing a greater likelihood of recovery and stability. For relapse prevention to succeed, the addict must have control over the direction of his/her life—control that in a child welfare context is too easily taken away by thoughtless or disrespectful caseworkers.
- *Enforce the recently defined ACS goals for frequent, high-quality family team conferencing at key points in the progress of a case.*
- *The EQUIP evaluation of the nonprofit contract foster care agencies must include a strong focus on both the numerical goals for family engagement, and the quality of family centered practice.* These contractor evaluations must serve as a vehicle for requiring and ensuring that agencies promote partnership with parents and respect for parents' rights, goals and aspirations.
- *Parents and foster children should be included in all child welfare policy advisory groups, planning committees and individual agencies' boards of directors.*
- *Parent advocates—former parents involved in the system—should be available to assist parents in each foster care agency, preventive service agency and through ACS.*

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VII. Monitoring and Accountability

The effectiveness of any public policy is impossible to assess without accurate information about implementation. During the Giuliani years, access to publicly owned government data was routinely blocked by City Hall and various agency administrators. During the last two years, however, ACS has been a glowing exception to this overt policy of obstruction. It has recently made great strides in terms of the collection, analysis and dissemination of program data.

These policies must be encouraged, continued and improved.

More importantly, the data must be used even more effectively—and more creatively—to assess the work of the scores of nonprofit agencies that receive an annual total of nearly \$800 million in government funds to provide foster care and preventive services.

Private ACS-contract agencies are responsible for the well being of roughly 88 percent of the New York City children in foster care. The quality of their work has a marked effect on the stability and happiness of these children and can make the difference between whether they spend weeks or years in temporary homes. Only this year has ACS at long last produced a public report cards allowing outsiders to judge the quality of this care. Happily, the city also used

the tool to assess its own performance in the provision of city-run foster care services. Next year, a similar report card will be generated for preventive service providers.

This report card system (The Evaluation and Quality Improvement Protocol, or EQUIP) is at its core a good one. Some changes are needed, however. None of these require a major redesign. Indeed, agencies need year-to-year consistency if they are to comply. But there should be some changes in emphasis and greater room for flexibility in programs.

ACS must provide its contractors with resources they need to effectively use the management data and other information the city provides.

- *The city should revisit the weighting of key measures in its EQUIP reporting system. The EQUIP ratings currently give more weight to process-related measures, such as paperwork and state-required case deadlines, than they give to important outcomes such as timely reunification or adoption, transfers, and re-entry rates, according to some close observers. Though important, there is little or no research to prove that compliance with all state case processing guidelines is a critical factor affecting the amount of time a child remains in foster care. What's more, an over-emphasis on process instead of results can undermine the badly needed flexibility of human service programs. All cases cannot possibly conform to an ideal norm. Of course such rules should be measured and accounted for, but outcomes deserve somewhat more weight.*
- *Chronically poor performers should continue to be sanctioned by limiting the flow of children into those agencies until service improves. This year, the city began to do this. ACS and the agencies' religious and trade associations should explore new ways to assist struggling groups, if needed, to build their strength over the long term. Heightened competition should not force the closing of neighborhood-based agencies, many of which struggle with poor funding. Their participation is vital if child welfare services are to be truly community-centered.*
- *ACS's evaluation system must more effectively factor in the experiences of parents and children served by the system. Outside specialists evaluating New York's system have repeatedly said that the experiences of children and parents must be measured, but their input is absent thus far. The agency has announced its intention to weigh parent participation in case planning, parent visitation and other vital elements of casework—but only in terms of numeric compliance with regulations. These numeric measures are important, but ACS must also include some more qualitative measures.*
- *City Hall and ACS must require that its employees and contractors properly gather data on the characteristics of the children and families receiving services. In the years since we published the "Race, Bias & Power in Child Welfare" issue of the Watch, the collection of data reflecting the racial and ethnic characteristics of children and families in the system has worsened significantly. Today roughly one-third of the children in the system have no race reported in their case characteristics. This is inexcusable.*
- *ACS should improve its own direct services to ensure the system is not entirely dependent on the nonprofit sector. The first round of report cards issued by the city revealed what many already knew: some of ACS direct care programs have rated among the worst foster care services in the city. The city's own performance should be a model for private agencies, not an excuse for them to perform poorly.*
- *ACS must provide its contract agencies with the resources and human capital they need to effectively use the vast amount of management data and other information the city is now providing. Agency management must be able to use the results of ACS performance evaluations to make internal improvements. The new materials are complex, but potentially of tremendous value. Currently, few agencies have the capacity to use the information to their own advantage, and thus many administrators are becoming quietly*

hostile to the new monitoring systems. With proper resources in each agency, a useful reporting system would naturally develop.

- *ACS must develop an easy-to-read format for publishing and comparing this evaluation data.* The published ratings are a positive first step, but more detail should be available to the public. We like the Board of Education's school report card system, which features a limited number of key indicators that can be tracked over time. Such a system would increase public scrutiny of both private and public foster care services—and ideally inspire all involved to change the values and goals of foster care to better reflect the needs of children and families in their care.
- *City Hall, ACS and the nonprofit sector should strongly encourage efforts to achieve greater racial congruity between agency management, directors, front-line staff and their clientele.* This is especially urgent at the policymaking and senior staff level. Diversity is never a goal by itself; quality and effectiveness are essential as well. But most notably among the nonprofit contract agencies, racial and ethnic diversity is limited at top staff levels and on the boards of directors.

VIII. Coping with ASFA

The federal Adoption and Safe Families Act of 1997 is, ostensibly, all about encouraging permanency and speeding the pace with which children move through and out of the foster care system. On its face, that's admirable. The problem is that the systems in place at present make it all but impossible to adhere to this faster pace and still protect parents' and children's rights. The most basic requirements of ASFA are these:

- Permanency hearings must be held for children no later than 12 months after they enter foster care (6 months earlier than under prior law).
- State agencies must review their existing caseloads and track new children entering care so that termination of parental rights (TPR) proceedings will be initiated for children who have been under the responsibility of the state for 15 out of the most recent 22 months, unless, in individual cases, certain exceptions apply.

The only exceptions to this latter requirement for termination of parental rights are:

1. The child is in the care of a relative;
2. The state agency documents a compelling reason why filing is not in the best interest of the child; or
3. The state agency has not provided to the child's family, consistent with the time period in the case plan, the services deemed necessary to return the child to a safe home.

The law has intensified pressure on child welfare systems nationwide to expedite the termination of parental rights in order to speed adoptions and comply with the law. In New York City, with its terribly ineffective Family Court, the chronic delays and adjournments in even the most basic initial court processing of abuse and neglect cases has long kept parents in limbo. Now, because of ASFA, the court must also hold a permanency hearing within 12 months of a child's entering foster care, too many cases are barely underway when critical decisions must be made about permanency.

The Special Child Welfare Advisory Panel's report of March, 2000 wrote:

"With rare exceptions, hearings lack sufficient docket time for a true examination of the issues. A family that becomes the subject of an abuse or neglect proceeding in these courts can expect to return to court repeatedly and to remain involved in litigation for many months, and sometimes for years. A single fact-finding or dispositional hearing may require four to six separate dates and extend over six months or more. It is not uncommon for children to be in care for a full year, at which point an ASFA permanency hearing is required, without having had a disposition of the original protective proceeding. (By contrast, in many other states it is routine for fact finding and disposition to be completed within sixty to ninety days after placement.)"

As it stands now, a very large percentage of the families caught up in the New York City child welfare system would qualify for a waiver of the termination of parental rights at the 15 month deadline because they have not received adequate services. However, this waiver can be applied only on an individual basis, not system-wide. A recent decision in Illinois State Supreme Court knocked down ASFA's 15 month termination provision. Legal action may produce similar results in New York, but at present the provision still applies.

There is a basic inequity in the way ASFA was drafted and is being implemented. The system already fails to provide enough help to parents. If we don't address that problem quickly, families will be broken up, without getting a fair shot to get back together. One solution would be to mandate—and fund—overdue institutional reforms: smaller caseloads for foster care workers, increased visits for parents and better representation for parents in Family Court, to name just three. The Administration for Children's Services has begun to move forward on the first two of these. Authorities have yet to pursue reasonable reform of the Family Court.

- *ACS must hold its contract agencies accountable for providing adequate services before they proceed with terminations against parents.* ASFA's great flaw is that it speeds up the clock on terminations without creating an equal mandate to pressure agencies to make energetic efforts on behalf of reuniting families. The city needs to increase its pressure on nonprofit foster care agencies to ensure that quality services are in fact being provided to parents in a timely way. In addition, the city must fulfill its promises to increase the abundance and quality of services it has identified as essential for families, including housing assistance and drug treatment. Real neighborhood-based human service networks will go a long way toward improving access to these programs.
- *ACS needs to scrutinize agencies that finalize an unusually high number of adoptions.* For some agencies, an extraordinarily high number of adoptions reflects an insufficient commitment to reuniting parents with their kids. Of course, there are agencies that properly specialize in adoption, and others that care for a large number of very young children who are more likely to be adopted. But citywide, between 20 and 25 percent of all children who enter foster care are eventually adopted, and a higher rate in any one agency deserves a closer look. If an agency is failing to help parents adequately, ACS should pursue corrective action.
- *Agencies and ACS need to make maximum use of ASFA's exemptions for kinship care, failure to provide services and reunification.* Under ASFA, agencies can use any one of the three exemptions mentioned above to pull children off of the termination track. An exemption is possible if a child is placed in kinship care. An exemption is also granted if an agency lawyer stands up in court and admits his agency failed to provide necessary services to parents. The third—and most important—exemption is simply to keep kids off the adoption track by assigning them to be reunified with their families. All three tools should be used as vigorously as possible.

IX. Conclusion

The fiscal crisis now emerging on the city's balance sheets is already having very real consequences in the lives of city residents. The most vulnerable communities are those that lack resources to purchase services privately—be they legal, medical, or in the realm of family support. Of course these are the very communities where the child welfare system is a daily presence.

In past economic downturns, fiscal constraints have led to disasters in the child welfare system. Morale among workers was crushed. Families were broken up unnecessarily. Other families fell below the system's radar and children were badly hurt.

The Mayor and City Council are directly responsible for ensuring that this system does not fail again. They are not alone, however. Communities themselves, the nonprofit contract agencies that provide preventive and foster care services, and the many other institutions that serve New York families—schools, hospitals, religious institutions and the entire human services sector—are also responsible. The city must formalize their roles in the creation and expansion of easily accessible networks of human services deeply rooted in every low-income and working class neighborhood in the city.

It will take that and more to establish a child welfare system that is welcomed as a tool for strengthening social capital and reinforcing positive community values.

A permanent reduction in the number of New York City children placed in foster care will generate enough cost savings to support a more far-reaching family crisis prevention strategy such as that outlined in this paper. Meanwhile, our elected leaders must sharpen their demands of state and federal lawmakers and officials to enact major reforms in the court system and to provide the dollars that will make ASFA permanency requirements truly achievable.

The city has the experience and know-how to make all of this happen. This year, City Hall has a valuable opportunity to provide the necessary leadership.

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The Child Welfare Fund is interested in supporting projects to implement the proposals in this report. For application guidelines and other information visit the fund's Web site at www.nycwf.org, or call The Center for the Study of Family Policy at Hunter College, (212) 772-5548.

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