

## ACS IN OVERDRIVE:

### SINCE THE DEATH OF A HARLEM 6-YEAR-OLD, ARE FEWER FAMILIES GETTING THE HELP THEY NEED?

BY ABIGAIL KRAMER

After a series of widely publicized child deaths in 2016, New York City's child welfare system continues to struggle under a glut of new cases.

In response to a surge in child abuse and neglect reports, the Administration for Children's Services (ACS) has drastically increased the number of families it brings into the system, filing more cases in Family Court and placing more children in foster care.

Attorneys for parents and other court observers say the increases are due, in part, to heightened anxiety and caution among child welfare staff. But the resulting system-overload, they say, increases the risk of breaking up families unnecessarily, and may make children less safe.

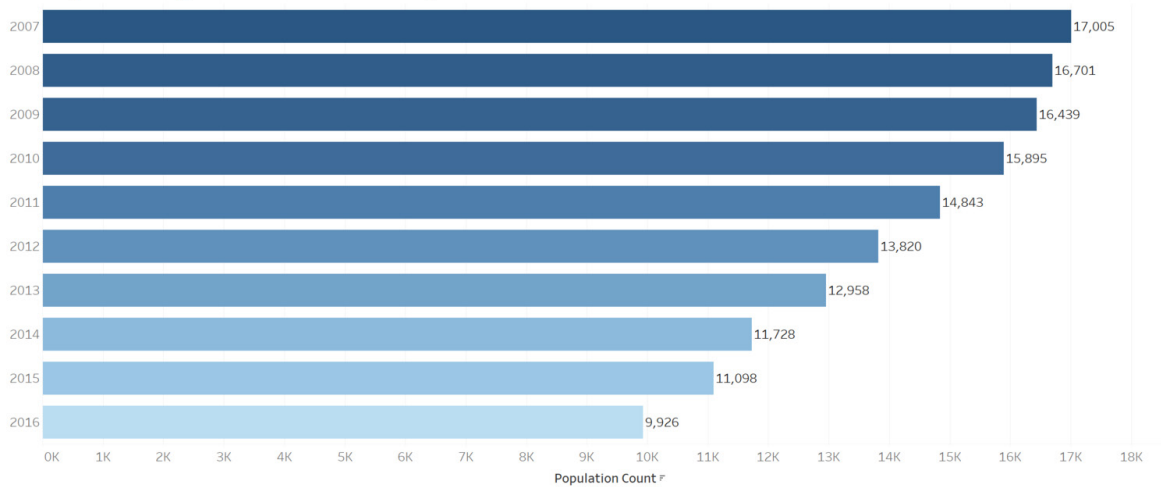
Caseloads among the workers responsible for investigating and monitoring families are significantly up. Family Court is overwhelmed, exacerbating its chronic problems of delayed and cancelled hearings. And lawyers for ACS-involved parents say that families are sitting on waitlists—sometimes for weeks—for preventive service programs designed to help stabilize and supervise kids' safety at home.

The surge of new cases began in October 2016, shortly after the killing of Zymere Perkins, a 6-year-old who was beaten to death less than two months after his child welfare case was closed. In another highly publicized case, 3-year-old Jaden Jordan was killed in December, after an ACS investigator, responding to a report of abuse, failed to find his home.

ACS faced scathing criticism, including critical reports from the Department of Investigation and both the City and State comptrollers' offices, and was ordered by the State to hire an external monitor. Then-Commissioner Gladys Carrión resigned from the agency, and ACS announced a series of new training procedures, as well as reformed protocols around worker safety and case reviews.

This cycle is not new. In years past, similarly horrific and high-profile deaths of children known to ACS have triggered intense public scrutiny, followed by surges in the number of children removed from their homes.

### Yearly Average Foster Care Population

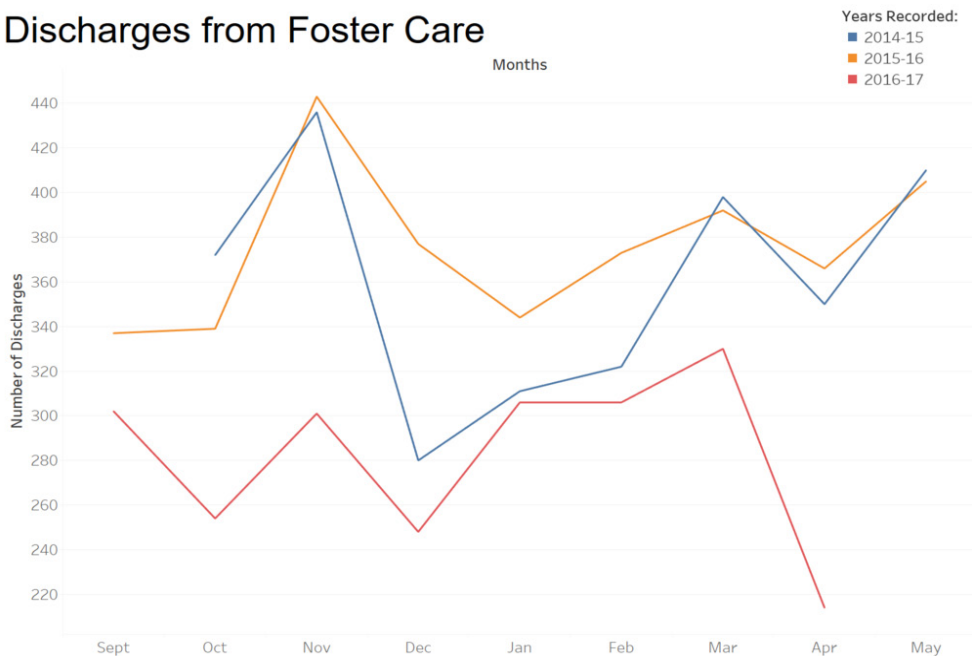


New York City has shrunk its foster care system by close to 40 percent in the past decade.

Data source: ACS and CNYCA "Watching the Numbers"

In the past decade, however, the City has shrunk its foster care system by close to 40 percent, shifting resources to preventive services that aim to stabilize struggling families and avoid the deep trauma that many children experience when they are removed from a home. There are currently fewer than 10,000 New York City kids in foster care, down from 17,000 in 2007 (and more than 45,000 in the 1990s), according to ACS data.

### Discharges from Foster Care



Foster care discharges were down 26 percent in the seven months after Zymere Perkins died, compared to the same period of the previous year.

Data source: ACS flash data

\*The April 2017 data is unexpectedly low. In the past, ACS has revised these numbers upwards.

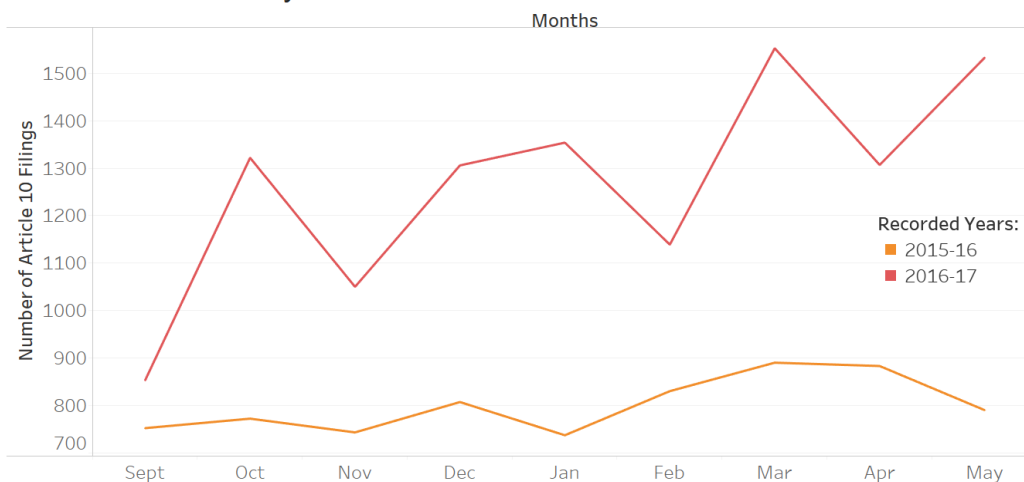
The decreased use of foster care has not corresponded to an increase in the number of homicides of children known to ACS.<sup>1</sup> That number fluctuated annually, with no discernible pattern, between a low of six and a high of 16 in the years from 2006 to 2015, according to medical examiner data recently published [as part of an ACS assessment performed by Casey Family Programs](#).

In the aftermath of Zymere Perkins’s death, activity jumped at the front end of the child welfare system: In December 2016, for example, the State’s child abuse hotline took in over 6,000 reports—an approximately 20 percent increase over the previous December.

Once cases are open, advocates and lawyers for parents say that ACS is making more conservative choices at each step of the Family Court process, filing cases where, in the past, the agency would likely have recommended voluntary preventive services; seeking court-ordered supervision where, before, a case might have been settled; and moving more slowly to discharge children from foster care.

“There appears to be a culture of fear driving decision-making,” says Chris Gottlieb, the co-director of the Family Defense Clinic at New York University.

Court Cases Filed by ACS



ACS brought more than 10,500 cases alleging child abuse or neglect to Family Court in the seven months after Zymere Perkins died -- an increase of 64 percent over the same period of the previous year.

Data source: ACS flash data

Between October 2016 and May 2017, ACS filed more than 10,500 cases accusing families of child abuse or neglect in Family Court—an increase of 64 percent over the number of cases filed by the agency during the same months of the previous year.

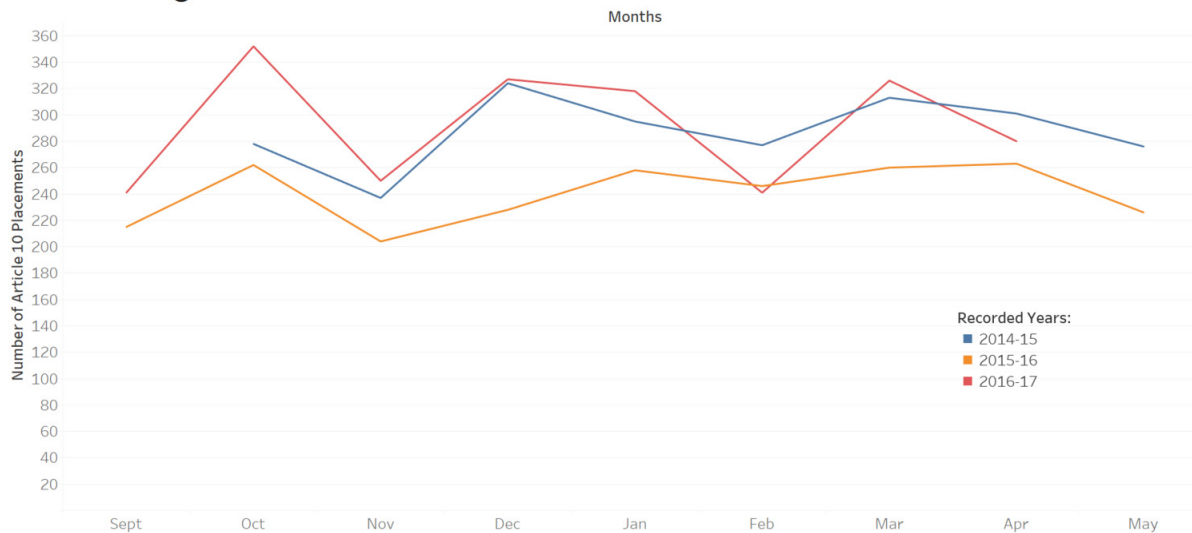
And while the foster care census remains near historic lows, there were more than 2,000 children placed in care as a result of ACS abuse and neglect filings in the most recent seven months for which data are available—a more than 20 percent increase over the same period of the previous year.

<sup>1</sup> Children known to the agency is broadly defined as a child living in a family where an adult has been subject to an abuse or neglect allegation in the previous 10 years.

(The ratio of foster care placements to child protective investigations remains as low or lower than in previous years, indicating that ACS is not more likely than in the past to remove a child once his or her case has come to the agency’s attention. In the first quarter of 2017, there were 52 foster care placements per 1,000 child abuse or neglect investigations, compared to 50 per 1000 in the first quarter of 2016 and 60 per 1000 in the first quarter of 2015. That’s a major drop from ten years ago, when there were 93 placements for every 1000 investigations.)

Increased court backlogs create a cascade of consequences for families at every level of the system, advocates say. Hearings and court conferences are postponed more frequently than ever, resulting in more anxiety, lost time, and missed work for parents. It takes longer to get families into appropriate, court-ordered services like drug treatment or parenting classes. And children move more slowly along the trajectory from supervised, to unsupervised, to overnight visits that ultimately allows them to come home from foster care.

### Foster Care Placements Made as a Result of ACS Child Abuse & Neglect Court Filings



There was a 22 percent increase in foster care placements resulting from Article 10 filings between September 2016 and April 2017, compared to the same period of the previous year. This jump took place after many years of decline in the total foster care census, which remains near record lows. The ratio of foster care placements to child protective investigations also remains near historic lows.

Data Source: ACS flash data

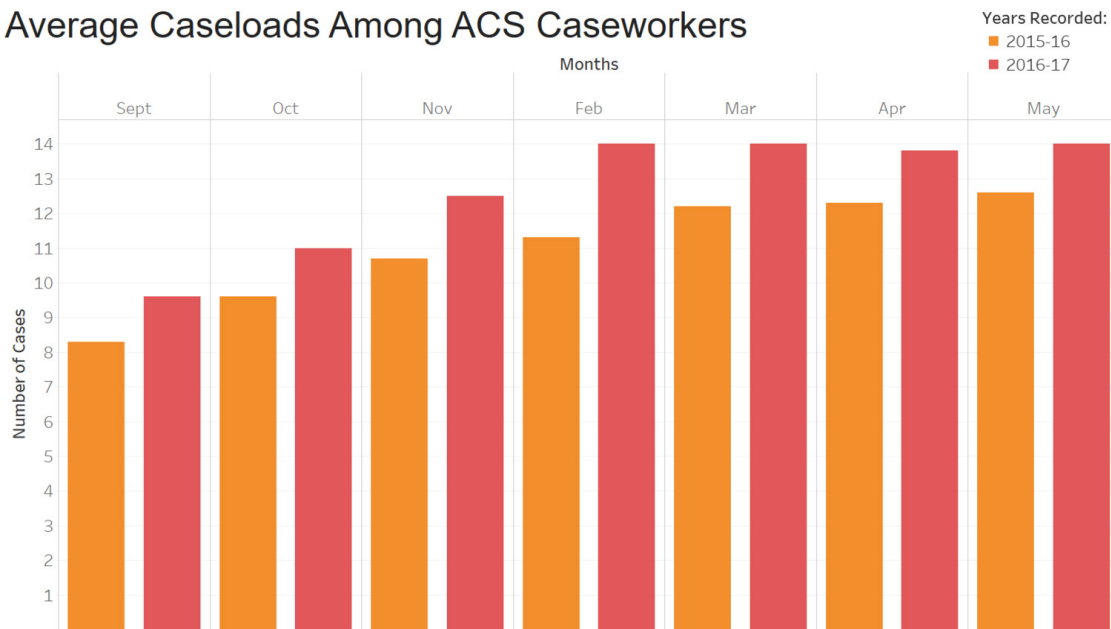
The surge in cases also creates higher caseloads among professionals across the system, giving caseworkers, judges, and lawyers representing both ACS and parents less time to focus on each child.

“A culture that is generated by incendiary media coverage is not good for children,” Gottlieb says. “We can’t go back and save Zymere Perkins’s life, as much as we wish we could. There’s every reason to think that flooding the system with new cases means you’re giving less attention to the ones who should be getting more attention.”

In recent years, ACS has made significant investments in reducing caseloads among the staff who investigate allegations and monitor families. Since Perkins’s death, however, case-

workers have been leaving the job in higher numbers than usual, according to the Casey Family Programs report. Remaining caseworkers report “significant workload strain, resulting in part from increased caseloads and policy reactions to recent pressures,” the report says.

### Average Caseloads Among ACS Caseworkers



The average caseload of protective and diagnostic caseworkers at ACS rose from 9.6 to 14 between September 2016 and May 2017. For context: average annual caseloads have ranged from a low of 8.2 to a high of 10.6 in the past 5 years.

Data source: ACS flash data  
 \*Missing data from December 2016 to January 2017

ACS data show that the average caseload of protective and diagnostic caseworkers rose from 9.6 in September 2016 to 14 in May of this year.

The system has also seen a logjam in families’ access to preventive service programs.

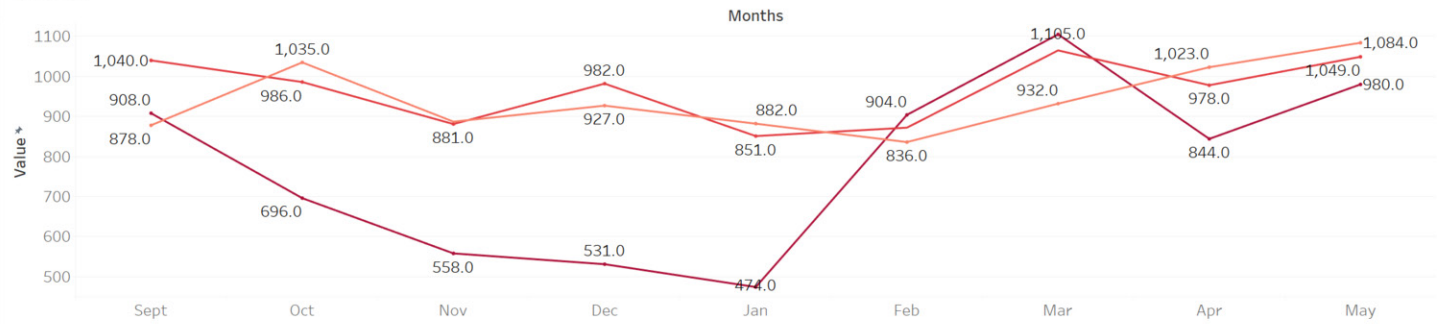
In October 2016, ACS established a new policy requiring preventive service providers to hold a conference with ACS staff and obtain approval before closing any cases. Over the following four months, preventive service case closings plummeted by 40 percent, compared to the same period of the previous year.

As a result, programs couldn’t take on new families or open new cases, says Sophie Charles, the director of preventive services at the Council of Family and Child Caring Agencies, which represents many of the City’s child welfare providers. “ACS moved very quickly to implement service termination conferences to review all cases before closing them and there were unintended consequences.”

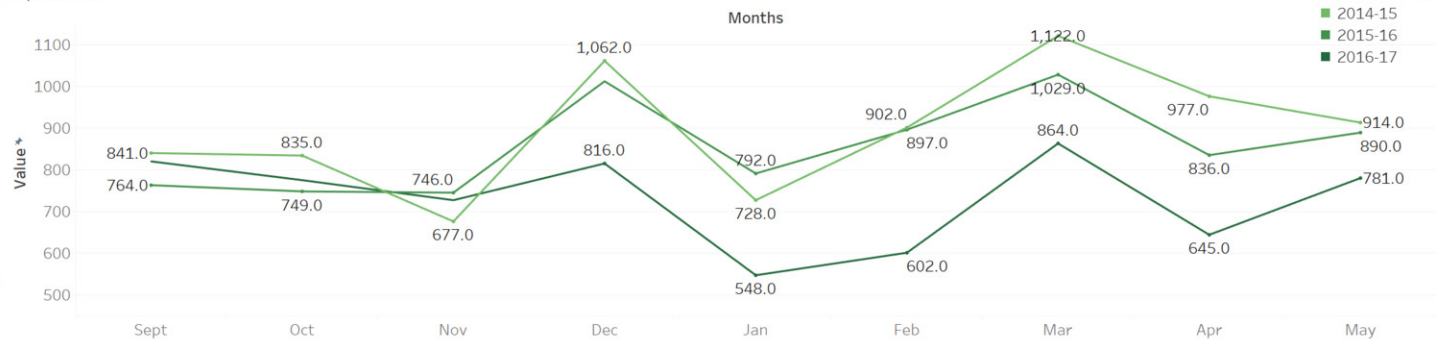
In February 2017, ACS amended its policy so that only programs serving families designated as “high risk” must seek approval. That month, case closings returned to similar levels as previous years, but the lag in opening new cases continues. In total, between October 2016 and May 2017, the City opened a total of about 5,800 new preventive service cases—a drop of nearly 20 percent from the same period in the previous year.

# Preventive Service Cases: Closings and Openings

## Closed



## Opened



Closures of preventive services cases plummeted by close to 40 percent in the four months after Zymere Perkins died, compared to the same period of the previous year. The City continues to lag in opening new preventive service cases.

The delay in access to preventive service programs is particularly detrimental to families who’ve been brought to court under threat of having their children removed, says Jessica Marcus, a supervising attorney at Brooklyn Defender Services.

“The ACS attorney says we want the family to do preventive services. We come back to court a month later, the family hasn’t been assigned to a preventive service agency, and ACS is asking to remove the kids,” Marcus says. “They’re saying this situation has gotten worse, but we haven’t put in services that would have made it better.”

*Editor's note: ACS did not respond to requests for comment before original publication of this article on 7/20/17. Following publication, ACS deputy commissioner of policy, planning, and measurement Andrew White provided comment, explaining that even as calls to the State Central Registry increased sharply last fall, ACS aimed to keep its caseloads below 12, and have nearly returned to that target this month. White acknowledges that along with the increase in calls to the State Central Registry, the number of families referred for preventive services has also risen, but says that in recent months "ACS has reduced the waitlist [for preventive services] by more than two-thirds through careful coordination with providers, and intends to eliminate it entirely by the end of the summer so that families are served as quickly as possible. The wait for some families has been as long as 30 days, which is too long, so we have contracted for an additional 600 slots of preventive services in the highest needs communities."*

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