



**Executive Director**  
Karen J. Freedman, Esq.  
**Deputy Executive Director**  
Glenn Metsch-Ampel, Esq.

## **TESTIMONY OF LAWYERS FOR CHILDREN**

To the New York State Senate Finance Committee & New York State Assembly  
Committee on Ways and Means

*New York State Executive Budget Proposals for Human Services  
Fiscal Year 2018-2019*

February 13, 2018

Submitted by:

Karen J. Freedman, Executive Director

Betsy Kramer, Public Policy Project Director

Lawyers For Children (LFC) thanks the State Senate Finance Committee & New York State Assembly Committee on Ways and Means for providing us the opportunity to submit this testimony in response to the proposed Executive Budget for the Fiscal Year 2018-2019.

Founded in 1984, LFC is a non-profit legal corporation dedicated to protecting the rights of children in foster care and compelling system-wide child welfare reform on behalf of children in cases involving foster care, abuse, neglect, termination of parental rights, adoption, guardianship, custody and visitation. Currently, we represent children and youth in more than 6,000 judicial proceedings in New York City's Family Courts each year. We have also successfully participated in numerous class-action lawsuits and advocated for legislative and policy changes to promote better outcomes for all children involved in the child welfare system.

As legal and social work advocates for New York's most vulnerable children, we are deeply concerned about numerous proposed cuts that will jeopardize their safety and well-being. While these cuts may result in short-term savings to the State, they are likely to result in a greater cost in spending over time, and will have an immense long-term negative impact on the affected children.

I. Capping Reimbursement for Protective, Preventive and Independent Living Services Threatens 20 Years of Progress & Promotes Wrong Incentives

The State should not accept the Governor's proposal to cap reimbursement to New York City for protective, preventive and independent living services. That proposal does a grave disservice to children and families, puts them at risk of increased harm.

As a State, we should all be proud of the enormous decline in the number of children in New York City's foster care system. In the 1990's, well over 50,000 New York City children were in foster care. Today there are less than 9,000 children in foster care. More children are remaining at home, while their families receive preventive services, which address the issues that brought them to the attention of the child welfare system. These include, for example, family therapy, mental health services, treatment for substance misuse, services to address special medical needs, parenting skills classes, and domestic violence intervention. The effectiveness of these services in keeping children safe at home has been magnified in recent years by New York City's implementation of a nationally recognized continuum of rigorous and intensive evidence-based services, which are grounded in the science of what works.

These accomplishments have been possible primarily because the State intentionally created an open-ended child welfare services funding stream that incentivizes local agencies to invest in prevention and protection on the front end, while relying less on the foster care system to keep children safe.

We are deeply concerned that the Executive Budget's proposal to cap reimbursement for preventive services in New York City will result in the most drastic cuts in decades and threaten over 20 years of progress. These devastating cuts may force preventive services providers to reduce or terminate the services they provide to struggling children and families. We are particularly concerned about the effect on families in already underserved communities, children in foster care waiting for community based services to be put into place before they can go home, and young parents who have, themselves, been subjects of child welfare proceedings. Preventive services are vital in breaking the generational cycle of child welfare involvement, as described in the case of our client, Zoe:

*Zoe is a mother of three who was separated from her own family and placed in foster care as a teenager. Shortly after her first child was born, Zoe became overwhelmed taking care of her baby without any family support. When she subsequently gave birth to twins, preventive services were put into place that allowed the children to stay at home with her. A homemaker was able to help her take care of her children, teach her practical life skills, and watch the children while she received services and went to work and therapy appointments. Now, Zoe is back on her feet and her children are thriving in her care.*

The proposal to cap the State's investment in New York City's preventive and protective services comes at a critical time for New York City. A year ago, in the wake of several high-profile child fatalities, OCFS ordered ACS to hire an outside monitor to review, evaluate and assess the adequacy of ACS' child protective and preventive services programs. After extensive investigation, that Monitor concluded that ACS needed to "improve the continuity and oversight of preventive services cases."<sup>1</sup> It further found that ACS was hampered by the "critical resource challenges" experienced by many of the preventive provider agencies.<sup>2</sup> The already-strained system has been further burdened by significant increases in reports of child abuse and neglect (a jump of ten percent from 2015 to 2017), and the number of abuse and neglect cases filed in family

---

<sup>1</sup> See Kroll: The New York City Administration for Children's Services, Dec. 8, 2017 Report, available at: <https://ocfs.ny.gov/main/reports/2017-NYC-ACS-Report-Kroll.pdf> at p. 28

<sup>2</sup> *Id.*

court<sup>3</sup>. In light of these findings, the Governor's proposal to curtail the State's contribution to New York City is curious given the State's clear mandate to oversee New York City's child welfare system and the legal challenges that have been presented based on the State's failure to comply with that mandate.<sup>4</sup>

If the State truly wants to be fiscally responsible, it should create incentives for greater investments in preventive and protective services rather than placing greater restrictions on them. The RAND Corporation, in a December 2017 analysis, found that promoting prevention services not only reduces child abuse and improves outcomes, but also saves 3-7% in spending over a five-year period.<sup>5</sup>

We are also quite concerned about the impact the proposed cap will have on independent living support for older youth in care who are transitioning to adulthood. As of December 31, 2016, there were 1,057 youth in foster care in New York City without the goal of returning back to their families or being adopted.<sup>6</sup> These young people need significant support to be able to obtain and sustain housing, employment, education and the skills needed to live on their own. The data regarding youth who age out of foster care after the age of 18 is abysmal. The United States Interagency Council on Homelessness reports that one fourth of youth in foster care experience homelessness within four years of aging out of foster care.<sup>7</sup> In New York City, 26% of the homeless shelter population had a history in foster care.<sup>8</sup>

In 2012, LFC, together with the Legal Aid Society, brought and settled *D.B. v. Richter*<sup>9</sup>, a class action lawsuit addressing the City's failure to provide appropriate

---

<sup>3</sup> See NYC Administration for Children's Services Flash Monthly Indicator Report at p. 3, available at: <http://www1.nyc.gov/assets/acs/pdf/data-analysis/flashReports/2018/01.pdf>

<sup>4</sup> See *Marisol v. Giuliani*, 929 F. Supp. 662 (S.D.N.Y. 2011); see also *Elisa W. v. City of New York* No. 15 CV 5273-LTS-HBP (S.D.N.Y. September 27, 2016); see <https://chronicleofsocialchange.org/child-welfare-2/29149/29149>

<sup>5</sup> See "Improving Child Welfare Outcomes: Balancing Investments in Prevention and Treatment," available at: [https://www.rand.org/pubs/research\\_reports/RR1775-1.html](https://www.rand.org/pubs/research_reports/RR1775-1.html)

<sup>6</sup> See NYC Administration for Children's Services 2016 City Council Report: Local Law 145 at p 1, available at: <http://www1.nyc.gov/assets/acs/pdf/data-analysis/2016/ACSReportOnYouthInFosterCareLL1452016.pdf>

<sup>7</sup> See United States Interagency Council on Homelessness, "Supplemental Document to the Federal Strategic Plan to Prevent and End Homelessness: June 2010," at p. 3 available at: [https://www.usich.gov/resources/uploads/asset\\_library/BkgrdPap\\_Youth.pdf](https://www.usich.gov/resources/uploads/asset_library/BkgrdPap_Youth.pdf)

<sup>8</sup> See "Keeping Foster Youth Off the Streets: Improving Housing Outcomes for Youth that Age Out of Care in New York City," at p. 13, available: <http://fpwa.org/wp-content/uploads/2015/01/Keeping-Foster-Youth-Off-the-Streets.pdf>

<sup>9</sup> See *CityLimits*, "City: We're Stemming Flow of Foster-Care Kids into Homelessness," (March 16, 2015), available at: <https://citylimits.org/2015/03/16/city-were-stemming-flow-of-foster-care-kids-into-homelessness/>

housing services and post-discharge services to youth who leave foster care to live on their own. Over the last several years, the City has implemented numerous programs designed to assist young adults transitioning out of care, including job readiness, programs for pregnant and parenting young adults, housing workshops, and additional resources to assist youth in applying for subsidized housing. The State's failure to continue to fund these services puts them in jeopardy and we fear will cause greater instability for this population.

Capping reimbursement for New York City protective, preventive, and independent living services, while continuing open-ended reimbursement for children in all other counties, is deeply unfair to the children of New York City. It is simply unacceptable for the State to provide services intended to keep children safe at home in some areas of the state, but deny those same services to similarly situated children in other parts of the state. New York City is already bearing the burden of the \$62 million cut to child welfare programs imposed by the State last year. This additional limitation on the City's ability to appropriately serve children and families is dangerously misguided.

## II. Specific Cuts to Support Youth in Care

In addition to restoring these larger cuts, we urge the State to fully fund two key initiatives:

### *Foster Youth College Success Initiative (FYCSI)*

Without a doubt, graduating from high school and pursuing higher education is a key determinate of future success and independence. Youth in foster care face extraordinary obstacles in obtaining a college degree—studies show that less than 10% of foster youth achieve this goal<sup>10</sup>. The State has already made investments to change this dismal statistic by investing in the Fostering Youth Success Initiative (FYCSI), which provides resources to help address the challenges experienced by youth in college who do not have strong family supports. FYCSI helps students purchase textbooks and course materials and access specialized counseling services, tutoring and advising. These services can play a crucial role in ensuring that foster youth stay in and succeed in college. This Executive Budget includes only \$1.5 million for FYCSI. This amount is far from the \$4.5 million needed to continue to assist the three classes of students who are

---

<sup>10</sup> See: <http://college.usatoday.com/2017/06/12/only-3-of-foster-care-youth-graduate-college-felicitas-reyes-is-one-of-them/>

currently participating in the program, and fails to provide for a new, entering class of freshmen.

The impact of these cuts would be devastating for young people in foster care, like our client Dominique:

*Dominique entered foster care when she was 15, due to conflict with her adoptive mother. During the next three years, she bounced between a residential treatment center, several foster homes and a group home. Defying the odds, Dominique graduated from high school. This fall, she enrolled in college in Binghamton. Her mother, who is now in a nursing home, provides no support. Far from all that is familiar and without family support, college is a struggle for even the most gifted and determined students like Dominique. The FYCSI is a vital lifeline, providing the financial and emotional support they need to stay in school and succeed.*

*The FYCSI is a sound investment that the state should continue to make in the future of young people in foster care.*

#### *Safe Harbor Anti-Trafficking Initiative*

We are also especially concerned that the Executive Budget cuts all dedicated funding to help prevent child trafficking and support victims in child welfare, homeless and runaway youth and juvenile justice systems. Because of the cycle of abuse and the trauma they have experienced, youth in foster care are particularly vulnerable to falling victim to sexual exploitation and trafficking. The federal government estimates that between 50 to 90% of child trafficking victims have been involved the child welfare system, and in 2016, the City of New York identified 2,480 youth who were sexually exploited—a figure that is likely much higher.<sup>11</sup>

Recognizing the risk to children in foster care and other vulnerable youth, the State created the Safe Harbor initiative in 2013, designed to increase supportive services to both prevent youth from being trafficked and also help victims heal and move forward. Using its share of State Safe Harbor funding, New York City has been able to establish a wide-continuum of services including street outreach targeting homeless youth, as well as youth in foster care who run away from foster care placement, intensive therapy, specific outreach to LGBTQ youth, peer support from leading anti-trafficking organizations like

---

<sup>11</sup> See Local Law 23 of 2013: 2016 Annual report, *available*: [http://www1.nyc.gov/assets/acs/pdf/child\\_welfare/ct/2016/2016SafeHarbourLocalLaw23Report.pdf](http://www1.nyc.gov/assets/acs/pdf/child_welfare/ct/2016/2016SafeHarbourLocalLaw23Report.pdf)

Girls Educational & Mentoring Services (GEMS), transitional living, and employment readiness programs.

In New York City, specialized services made possible through Safe Harbor funding has supported our clients like Justine:

*Justine was in and out of multiple foster homes following repeated sexual abuse. Her foster care agency was unable to prevent her from running away from placement or from being lured into sex trafficking, until she received services through GEMS, a Safe Harbor-funded organization that provides trafficked girls with a range of services. GEMS engaged Justine in peer support groups, a safe-haven, even when her foster homes were unstable. GEMS has helped set Justine on the path away from trafficking and exploitation, toward safe, stable, transitional housing.*

We urge the Legislature to reinstate Safe Harbor funding so that victims of sex trafficking and commercial sexual exploitation do not fall through the cracks.

### III. Conclusion

We strongly urge the Legislature to reconsider the proposed cuts, which would hurt New York's most vulnerable children, particularly in New York City. This Executive Budget, if enacted, threatens to undo over two decades of progress, to place children at risk of harm, and to result in greater costs—both in dollars and the cost to our children's futures. We implore the Legislature to reinstate the proposed budget cuts and continue to make the critical investments in New York's at-risk children that have already proven to provide a lifeline to their future success.

If we can provide you with any additional information, please do not hesitate to contact us. We are available to assist in any possible way to make sure our State supports children in need.

***Contact Information:***

Karen J. Freedman, Esq.  
Executive Director  
[KFreedman@lawyersforchildren.org](mailto:KFreedman@lawyersforchildren.org)

Betsy Kramer, Esq.  
Public Policy Project Director  
[BKramer@lawyersforchildren.org](mailto:BKramer@lawyersforchildren.org)