

New York State Assembly | Sheldon Silver, Speaker



2009 ANNUAL REPORT

committee on

Children and Families

William Scarborough, Chair

THE ASSEMBLY
STATE OF NEW YORK
ALBANY



WILLIAM SCARBOROUGH
Assemblyman 29th District

CHAIRMAN
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COMMITTEES
Banking, Corporations, Authorities and
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December 15, 2009

The Honorable Sheldon Silver
Speaker of the Assembly
State Capitol, Room 349
Albany, New York 12248

Dear Speaker Silver:

As Chair of the Assembly Standing Committee on Children and Families, it is my distinct pleasure to submit to you the 2009 Annual Report. This year, the Assembly has continued its commitment to improving outcomes for New York's children and families. Despite the budget shortfall, the Legislature approved continued funding for many essential programs including: preventive services, foster care, and adoption subsidies. In addition, the Legislature introduced new funding for community reinvestment for juvenile justice prevention, and directed stimulus funds towards additional child care subsidies and local relief for mandated foster care payments.

The Committee put forward policy initiatives this year concerning all areas under its jurisdiction. Highlights include: enhancing coordination of services for children with cross-systems needs, improving the safety of children in residential care, and establishing a mechanism for youth to re-enter foster care who are in need of basic support. The Committee also advanced legislation to amend and further improve the Safe Harbor Act, passed into law in 2008, to protect children who are victims of sexual exploitation.

As we approach the 2010 Legislative Session, the Committee will continue to address the needs of children and families in our State, as always, keeping the best interests of children as a priority. In particular, the Committee is looking to enhance preventive measures aimed at keeping youth out of foster care and the juvenile justice system. As part of this effort, the Committee will hold a public hearing to examine the ways in which community-based programs are promoting positive outcomes for youth, and how current funds are being utilized to meet this goal.

In closing, I would like to express my appreciation to you, the members of the Committee and the many hard-working advocates across the State for continuing to support these efforts and the goals of this Committee.

Sincerely,

William Scarborough
Chair
Committee on Children and Families

**2009 ANNUAL REPORT
OF THE
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON CHILDREN AND FAMILIES**

**William Scarborough
Chair**

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I. INTRODUCTION

The Assembly Standing Committee on Children and Families, established in 1975 as the Committee on Child Care, has jurisdiction over all legislation affecting: 1) child welfare, including foster care, preventive services, and adoption; 2) child care; 3) juvenile justice, including youth development and delinquency prevention programs, Persons in Need of Supervision (PINS), and the detention and placement of adjudicated youth; and 4) other services and programs for children and their families, including Family Court processes.

This year, the Assembly advanced significant legislation in nearly all policy areas affected by the Committee. Some of these initiatives succeeded in becoming law. These include a bill enhancing information available to Family Court judges in permanency proceedings, as well as a bill to protect home based child care providers by allowing them to opt out of posting their home address online. Another significant measure signed into law was a bill repealing outdated law providing child protective powers to certain not-for-profit entities. By keeping these powers with counties, this law will ensure that child protection is correctly implemented with adequate training and oversight.

In addition, the Assembly enacted legislation through the State budget to draw down increased Federal funding for foster children by authorizing the Office of Temporary and Disability Assistance to receive wage reporting data of a foster child's family. This data would be confidential and would allow more children to be eligible for Title IV-E, the funding stream used to support the needs of children in foster care.

The Assembly also passed a bill this year to establish waiting lists for child care subsidies in each local social services district. Such information is vital in assessing the child care needs of low-income families and to assess whether existing child care services are sufficient. Child care subsidies are crucial in enabling families to maintain employment and self-sufficiency. Consistent to its commitment to improving services and outcomes for children and families, the Assembly also passed legislation pertaining to: procedures for youth prosecuted by their families, appropriate notification when a change in a foster child's placement occurs, and increased attention to the health care needs of foster children.

Subsequent to enacting the SFY 2009-10 budget, the Governor asked the Legislature to approve a Deficit Reduction Plan to close the current year deficit. In the fall of 2009, the Legislature passed a bill which reduced funding for many programs, such as Home Visiting, Youth Development and Delinquency Prevention and Advantage After-School. Such action was difficult, but necessary to respond to the fiscal crisis facing the State. Other vital programs such as the Foster Care Block Grant and the Child Care Block Grant were not cut, so as to avoid shifting costs to localities responsible for providing vital, mandated services.

As we approach the 2010 Legislative Session, the Committee will continue to focus on thoughtful, comprehensive and progressive public policies that will improve the lives of children and families in our state.

II. SUMMARY OF COMMITTEE ACTION

A. CHILD WELFARE

Child abuse and neglect continue to be a reality in the lives of many children in New York State. Victims of abuse and neglect can suffer long-term adverse social and psychological consequences. Therefore, it is imperative that children in these situations are protected and that families are able to receive appropriate services in order to prevent further trauma, thereby lessening the after-effects of abuse.

The foster care system provides temporary placement, care, and services to children and families in crisis while promoting the goal of family reunification. As of June, 2009 there were 25,654 children in foster care. In an effort to achieve family reunification and stability, federal and state laws have driven the development of preventive, protective, and rehabilitative programs to provide needed services. Adequate care for these children and their families is critical, and it is imperative that we provide a wide array of services to support the reunification of stable and healthy families.

For many children who cannot be reunified with their families, adoption may be the final step in obtaining a permanent family environment. Such permanency is crucial to a child's development and greatly enhances successful outcomes into adulthood. The Committee has continuously stressed the need for effective and timely permanency planning, incentives for adoption and continued post-adoption support for families in need.

1. Legislative Initiatives

a. **Establishing the Office of the Child Advocate** (A.3233-A, Clark; Passed the Assembly)

The Office of Children and Family Services (OCFS) is responsible for programs, services and systems providing care and protection for many of the State's vulnerable children and families. New York State is unique in that local social services districts administer many of these programs and services. While OCFS and local districts maintain internal oversight and accountability mechanisms, the complex needs of children and families across the State often require additional review and support. Currently, there is no independent State entity solely dedicated to the oversight of vulnerable children served by the State's juvenile justice or child welfare systems. Such an entity would better enhance the State and localities ability to promote the well-being of children and families.

This bill would establish the independent Office of the Child Advocate, and recommend systemic changes in state policies concerning its juvenile justice system, child protective services, preventative services, and foster care system.

b. Reducing Caseloads (A.3473-A, Scarborough; Passed Assembly)

A 2006 workload study commissioned by the Office of Children and Family Services (OCFS) recommended the reduction of caseloads for child welfare caseworkers in New York State. The study found that the number of cases carried by foster care, preventive, and child protective services workers often greatly exceeds the optimal number of cases recommended in the report. According to the study, many caseworkers are overwhelmed and cannot spend the amount of time necessary interfacing with the children and families they serve. This affects the quality of casework conducted, which in turn could impact the lives of vulnerable children and families.

This bill would authorize OCFS to set caseload standards for child protective, foster care, preventive, and adoption services. The bill would require OCFS to set workload standards for child protective, however would not require districts to increase staff by more than 25% per year.

c. A Study on the Quality of Health Care Services Received By Foster Children in New York State (A.5497, Titus; Passed Assembly)

New York State has a three-tiered system for providing health care services to foster children under Medicaid: a per-diem, fee-for-services, and managed care system. Currently, many of the children's medical needs are going untreated and unaccounted for. Gathering more information from State agencies, foster care agencies, local districts, and advocates to better understand how the Per-Diem, Fee-For-Service and Managed Care financing constructs affect the health outcomes of these children in need could allow policy makers to make better decisions that will improve the health of children in foster care.

This bill would require OCFS to contract with an external research organization to evaluate the implementation and effectiveness of New York State's health care delivery system for children in foster care.

d. Ensuring Appropriate Procedures for Removal of Children (A.5617, Errigo; Passed Assembly)

In certain circumstances, a child may be suspected to be abused or neglected, however not yet be at imminent risk of harm. In such cases, State law provides that officials including police officers, peace officers, and child protective workers may remove a child from his or her home with the written consent of the parent. The parent may then petition the Family Court for the return of the child. Although consent under such circumstances is intended to protect the rights of the parents, the law is silent on what such consent must entail. This could potentially lead to situations where the parent is coerced into consent, or is uninformed of the right not to consent to the removal of his or her child.

This bill would provide that the consent of the parent, under circumstances where such consent is necessary, is not achieved through coercion. The bill would also require the parent to be informed of his or her right not to consent to removal.

e. Removing Special Powers Granted to the Society for the Prevention of Cruelty to Children; Repealer (A.7846-B, Millman; Chapter 329)

Societies for the Prevention of Cruelty to Children (SPCC) were first established in New York State in the mid-1870s, in response to a need for protecting children from abuse and neglect. At that time there were no state laws or authorities to protect children from abusive situations. For over a century these organizations helped to protect the children of our state. However, with the enactment of the Child Protective Services Act in 1973, the state assumed the role of protecting children against abuse and neglect.

This Law repeals unnecessary powers of SPCC organizations so that child protective services may only be handled by the appropriate local social services district.

f. Enhancing the Coordination of Services for Children with Cross-Systems Needs (A.7969, Scarborough; Passed Assembly)

The Coordinated Children's Services Initiative (CCSI) is an interagency model for providing care to children with cross-systems needs. The CCSI involves State and local officials, providers, parents, and children in planning and coordinating services from multiple systems of care. A 2007 report commissioned by members of CCSI found that some changes to the model could better enhance its ability to provide quality services to vulnerable children. The report noted that currently there is no one agency leading the CCSI, that the population of children served is unclear and that regional coordination is missing from the model.

This bill would designate the Executive Director of the Council on Children and Families as the Chair of the CCSI. The bill would also more clearly define the children served and establish a regional team with specified duties and priorities for serving these children.

g. Evidence in Permanency Proceedings (A.8282-A, Bradley; Chapter 334)

The Family Court is responsible for determining the most appropriate permanency goal for children in foster care. Such a determination greatly impacts the lives of foster children, and must be made with full information in order to promote the best interest of the child. This may include materials indicating whether a parent is complying with drug treatment, the mental health status of the foster child, or the opinions of persons who play a large role in the child's life. With the enactment of the permanency legislation of 2005, such evidence, considered material and relevant, was inadvertently left out as admissible in Family Court. This oversight has created ambiguity with courts which were entitled to such evidence prior to 2005.

This law will ensure that the rules of evidence apply in permanency proceedings, and that material and relevant evidence may be admitted.

h. Notification of Change in Placement of Foster Children (A.8418, Scarborough; Passed Assembly)

The removal of a child from his or her home is often a traumatic and life-altering event for the child and family involved. Once the child is placed into foster care, changing such placement brings additional instability and potential trauma into a foster child's life. Currently, local social services districts have the authority to remove a child from his or her foster home into a different setting, such as a group home or a residential facility, without informing the parents, the attorney for the child or the Family Court. As these parties play a vital role in the child's life, they should be informed prior to a district's decision to change placement. Such advance notice provides an opportunity to determine whether such a move is necessary and in the best interest of the child.

This bill would require local social services districts to provide 10 days advance written notice to the parent, attorney for the child, and Family Court when a change in foster care placement is deemed necessary. If the need to change placement is an emergency, such notice would be required as soon as practicable after removal.

i. Trial Discharges of Youth in Foster Care (A.8540, Scarborough; Passed Assembly)

In many instances, when adolescents age out of foster care upon reaching age 18 or shortly thereafter, they are wholly unprepared to function in society. Although currently the law permits them to consent to continued foster care with its attendant supports and services up until age 21, many make precipitous decisions to their independence and refuse consent to remain in care even when they desperately need it.

This measure would permit a youth between ages 18 and 21 who has been discharged from foster care within the past 24 months upon their failure to consent to continued foster care to apply to Family Court for permission to return voluntarily to such care. Additionally, this bill would allow trial discharges to be extended for six-month intervals after a youth leaves foster care. These measures would not only provide adolescents with a means of obtaining assistance in joining the adult community, but would also provide an essential homelessness-prevention.

2. Budget Initiatives

a. Child Welfare Financing (A.157-B; Signed Chapter 53)

The child welfare financing structure provides State reimbursement to localities for child protective and preventive services. Through this funding stream counties are able to fulfill their statutory obligation to help families at imminent risk of foster care. This year, the Assembly worked to extend child welfare financing for three years, until June 30, 2012.

b. Caseload Reduction (A.153-C; Signed Chapter 57)

In 2006, the Office of Children and Family Services (OCFS) completed a workload study to determine the appropriate number of cases child protective workers should have at any given time. OCFS found that many caseworkers are currently overwhelmed and cannot spend the amount of time necessary interfacing with the children and families they serve. This year the Legislature added \$1.68 million to allow counties to hire additional child protective workers in order to meet the recommendations in the OCFS study.

c. Portable Technology (A.157-B; Signed Chapter 57)

The Assembly recognizes the demanding nature of child protective work. In addition to providing ongoing support for families in need, caseworkers are responsible for keeping crucial progress notes that inform child protective agencies of the needs and statuses of present and past cases. The recording and entering of progress notes can consume a great deal of a caseworker's time. This year the Legislature added \$.94 million to continue of a portable technology demonstration project which equips caseworkers with blackberries, laptops, and other tools which can be used to enter data from the field site or while waiting in Family Court.

d. Bridges to Health Medicaid Waiver (A.153-C; Signed Chapter 57)

It is widely recognized that foster children have better outcomes when placed in a family or community-based setting close to their home. Foster children with special needs often require care not offered in these settings, and must be placed in more expensive, institutionalized settings. Beginning in January, 2008, the Bridges to Health Medicaid Waiver has enabled these children to remain in the community by allowing Medicaid reimbursement for intensive, community-based services. These include services from multiple agencies, such as intensive in-home supports, crisis respite, prevocational services, and health care integration. This year the Legislature worked to secure \$31 million in funding for Bridges to Health and avoid a reduction in children served.

e. Home Visiting (Healthy Families NY) (A.153-C; Signed Chapter 57)

The Home Visiting program provides pregnant women and new parents with in-home supports, promoting healthy child development, and reducing risk factors associated with child abuse. The program is voluntary and supports at-risk families until the child is in school. This year the Legislature rejected a proposed 25% cut to Home Visiting programs and restored the funding level to \$23.2 million.

B. CHILD CARE

The availability of child care is tied to both the social and economic development of New York State. Quite often, the child care expenses for a family of four can exceed the cost of food, rent and other household expenses, resulting in the cost of quality child care becoming the single largest expense in the family's budget. The Committee on Children and Families has continued to stress the critical need for accessible, affordable, safe, and quality child care. Parents must have reliable child care in order to maintain their employment, and young children need quality settings for appropriate educational and social development. This year, the Assembly advanced significant legislation that will enhance the quality of child care, while also making it more accessible and safer for children of low-to moderate-income families.

1. Legislative Initiatives

a. Safe Pest Management Techniques for Day Care Centers (A.1698, Englebright; Passed Assembly)

The use of pesticides on the premises of a child care program poses potential health safety risks to children, parents, and staff. Pesticide use should therefore be minimal, and avoided if possible. Current regulations dictate some safety measures; however additional safeguards would help ensure that the community is aware of pesticide usage, and of alternative measures for controlling pests. Notification, training, and public input are essential components to a safe process for controlling pests on day care sites.

This bill would require child care centers to develop a pest integration management plan with public input. Such plan would put procedures in place for controlling pests with the least possible use of pesticides. Notification markers would be required when pesticide application is ongoing. Additionally, all child care programs would be required to receive additional training dedicated to pesticide management.

b. Protecting Home-Based Providers (A.2311-A, Lifton; Chapter 354)

The Office of Children and Family Services website allows parents to search for child day care programs in their area. The parent may view information about a child care program, including its address and a map of its location. While this feature enhances access to child care, it also poses a potential risk to home-based child care providers. Unlike centers, these programs are run out of the provider's home. Some home-based providers feel uncomfortable with posting their address and location online for safety and security reasons.

This law will allow home-based child day care providers to opt out of the posting of their home address and location on the Office of Children and Family Services website. The providers must be informed in writing of their right to opt out, and be able to do so through the agency website.

c. Increasing Provider Input (A.2314, Lifton; Passed Assembly)

Child care policies are significantly shaped by regulations issued by the Office of Children and Family Services (OCFS). These regulations impact provider training, safety standards, licensing requirements and all other components of a child care program. Child care providers and others in the field are in a position to offer valuable insight into the needs of child care programming across the State. Currently, no formal mechanism exists to give all types of child care providers direct access to OCFS specifically to make recommendations on child care policy.

This bill would establish an advisory council consisting of sixteen members including the Commissioners of OCFS and the State Education Department, child care providers, child care resource and referral representatives, and local social services district representatives. The council would identify and review issues in child care policy, and report annually to OCFS regarding its recommendations.

d. Maintaining a Waiting List of Families for Child Care Assistance and Data Regarding the Income of Such Families (A.3660-B, Scarborough; Passed Assembly)

Many low-income families rely on subsidized child care in order to maintain employment and ensure financial security. New York State strives to secure adequate funding each year for child care assistance. In order to do this, it is necessary that an accurate estimate be made of the outstanding need in local social services districts for subsidized child care. By establishing mandatory waiting lists, the number of families and the length of time they must wait for child care assistance can be determined. In addition, the income level of families receiving child care assistance must be determined so lawmakers can understand who the subsidies are reaching and whether current income eligibility requirements are appropriate.

This bill would require local social services districts to maintain waiting lists for child care assistance as well as data pertaining to the income level of the families receiving assistance.

e. CPR Training for Child Care Providers (A.7923, Scarborough; Passed Assembly)

Many parents depend on professional child care to safely care for their children while they cannot. Despite the safety measures required for licensure or certification, incidents may occur which require immediate action to protect the health of a child. CPR may be necessary in such emergency situations. Currently, child care providers are not required to be trained in CPR. Such training would enhance the safety of child care centers and homes.

This bill would require that at least one employee at a family day care home, group family day care home, school age child care program, or child care center be trained and certified in CPR.

f. Enforcement of Child Day Care Safety and Standards; Repealer (A.8827, Scarborough; Passed Assembly)

Professional child care is vital to working families and families that otherwise depend on child care for a portion of the day or week. Child care policy should seek to enhance the safety, availability, and quality of child care programs. Providers must be supported by reducing unnecessary burdens so that they may otherwise focus on providing quality care.

This bill contains various measures which would meet these goals. These include: allowing certain providers to care for additional children, while maintaining a safe staff to child ratio; reducing administrative burdens for providers by allowing licenses and registrations to expire in four years, rather than two, as long as compliance with regulations is maintained; eliminating unnecessary training; and specifying instances of serious safety violations in which the Office of Children and Family Services may issue penalties.

2. Budget Initiatives

a. Child Care Subsidies (A.153-C; Signed Chapter 53)

Child care subsidies provide low-income families with access to quality child care. Each year the Assembly works to ensure that a dedicated funding stream is carved out of existing flexible funding to support child care subsidies. This year, \$356.3 million in funding was preserved for child care assistance, with an additional \$36.67 million added to provide relief to local districts struggling to meet the required market rate increase.

New Federal funding is also available this year for child care through the American Recovery and Investment Act. \$97 million will be available to local districts over a two year period for child care assistance and quality purposes.

b. Child Care Demonstration Programs (A.153-C; Signed Chapter 53)

Outreach to low-income families is essential in order to provide quality child care and fill available slots. The Legislature added \$10.9 million in funding this year for demonstration programs which strive to reach more families with information and referrals for subsidized child care. These programs exist in Monroe County, Oneida County, the Capital Region and New York City.

C. JUVENILE JUSTICE/YOUTH PROGRAMS

As of March 31, 2009 there were 1,363 youth in care in juvenile justice facilities operated by the Office of Children and Family Services (OCFS). An overwhelming number of children in placement have a range of significant needs including the need for assistance with mental health and behavioral health problems, treatment for sex offenses, and treatment for addiction to alcohol and drugs. Rehabilitative services attempt to address the myriad of problems facing these youth to reduce the rate of recidivism. The Committee has continually emphasized the need for an integrated, community-based approach in order to prevent youth from being placed in these types of facilities by providing services for these children before they are placed. For those who must be placed, the Committee traditionally supports intensive after-care services so that they can effectively and safely integrate back into their communities.

1. Legislative Initiatives

a. Preventing Harassment and Discrimination (A.3645, Scarborough; Passed Assembly)

Youth in the State's juvenile justice system are placed there in order to achieve rehabilitation and personal and academic growth while keeping the community safe. The presence of harassment and discrimination in programs and facilities deters from these goals. Currently, there is not a statutory requirement specifically intended to prevent harassment and discrimination. Clear and consistent guidelines are necessary to promote a safe and healthy environment for youth to better themselves. Such guidelines assist staff and youth in establishing appropriate boundaries and respecting one another.

This bill would establish the "Safety Act", which would require the Office of Children and Family Services (OCFS) to develop anti-discrimination training, model policies, and a procedure for reporting incidents of discrimination and harassment of youth in OCFS facilities and programs.

b. Services for Sexually Exploited Youth (A.8082, Scarborough; Passed Assembly)

The Safe Harbor Act of 2008 changed the way the State responds to children who are commercially sexually exploited. The law established services while authorizing the Family Court to adjudicate young victims of sexual exploitation as Persons In Need of Supervision (PINS) rather than juvenile delinquents. As PINS, these children would be referred for services to address their emotional, health and academic needs. While the law took a step forward in terms of recognizing the needs of this population, it was recognized that certain improvements could be made to achieve its intent.

This bill would make amendments to the Safe Harbor Act. These include: clarifying the definition of sexually exploited youth, clarifying the in-take procedure at a safe house, and increasing the instances when a sexually exploited youth would be eligible for services, including as an alternative-to-detention, or when such youth is first arrested.

c. Family Offenses Concerning Juveniles (A.8281-B, Robinson; Passed Assembly)

The Family Court Act provides specific protections for youth and families in turmoil by allowing parents of troubled youth to file a Persons In Need of Supervision (PINS) petition. The PINS process allows for diversion services, right to counsel for the youth, permanency planning and low-level residential placement, should it be necessary. These protections for youth and families are not available through a Family Offense petition, or Criminal Court, through which some families may seek remedy. As PINS protections have expanded in recent years, it has become evident that PINS is the best way to ensure troubled families are receiving the range of assistance they may need in a dire situation.

This bill would require that families offenses alleged against youth under the age of 18 be addressed through a PINS petition, rather than a family offense petition or a petition in Criminal Court.

2. Budget Initiatives

a. Alternatives to Detention and Residential Placement (A.9803-D; Signed Chapter 53)

Community-based programs provide an effective alternative to detention for adjudicated youth. Such programs have been shown to reduce recidivism among youth and cost a fraction of the price of placement in a facility. This year the Assembly ensured continued funding of \$10.7 million for alternative programs which keep adjudicated youth in the community and out of placement.

b. Community Reinvestment (A.9803-D; Signed Chapter 53)

The Legislature provided an additional \$5 million this year to enhance evidence-based community programs that divert at-risk youth from placement in the juvenile justice system. These funds target communities with the highest need, based on the number of youth placed from such communities. Investments into evidence-based diversion programs have shown to lower delinquency among youth and promote positive youth development in the community.

c. Youth Programs (A.9803-D; Signed Chapter 53)

This year, the Legislature restored \$49.1 million in funding for a variety of programs designed to prevent delinquency, promote positive youth development, and respond to youth in crisis. The Assembly rejected a proposal to place Youth Development and Delinquency Programs, Special Delinquency Programs, Alternative to Detention and Residential Placement, and Runaway and Homeless Youth into a block grant which would have amounted to a significant reduction of vital services. These programs provide effective services which prevent delinquency and keep youth out of more intensive, mandated systems of care.

d. Advantage After-School (A.9803-D; Signed Chapter 53)

Advantage After-School programs offer after school activities to school-age youth for three hours per day. The program is structured to promote positive youth development, and lower negative behaviors and risk factors associated with delinquency and teen pregnancy. This year the Assembly secured a total of \$30.5 million for Advantage After-School programs, rejecting a proposed cut of 25% and adding an additional \$5 million in Federal funding.

III. PUBLIC HEARINGS/ROUNDTABLES

A. ADMINISTRATION FOR CHILDREN'S SERVICES TRANSFER OF FIVE YEAR OLDS FROM CHILD CARE CENTERS TO PUBLIC KINDERGARTEN CLASSROOMS

The Assembly Committee on Children and Families, in conjunction with the Assembly Committee on Education, the Senate Committee on Children and Families, and the Senate Committee on Education, held a public hearing on April 30, 2009 to explore the impact of the Administration for Children's Services (ACS) decision to transfer five year olds from ACS funded child care centers to public kindergarten classrooms operated by the New York City Department of Education (DOE). This decision was made by ACS in an effort to close the child care budget deficit in NYC, and affected approximately 3,000 children starting with the 2009-10 school year.

The New York City Administration for Children's Services (ACS) oversees subsidized child day care services for thousands of low-income families. These services can be provided in either home-based settings or child care centers through contracts with ACS. Child care centers provide early care and education to children, typically from 9 a.m. to 5 p.m. The decision to transfer children from centers into public kindergarten classrooms raised concerns among parents who felt their children were best served in their current child care setting. Additionally, questions were raised regarding the plan to enroll children in the Out of School Time (OST) program for after school care.

At the hearing, Committee members gained feedback from representatives of ACS, OST, and DOE. Testimony was also heard from a variety of stakeholders including child care providers, advocates for children, and parents affected by the decision. While the NYC agencies provided feedback relating to the transfer process, other witnesses further explained their concerns over the impact of the decision. Going forward, the Assembly Committee on Children and Families will continue to monitor the effects of the transfer.

B. PEDIATRIC PROTOCOLS FOR SEXUAL ASSAULT AND ABUSE IN NEW YORK STATE

On December 15, The Assembly Committee on Children and Families, in conjunction with the Assembly Committee on Health, the Assembly Committee on Codes, the Assembly Subcommittee on Women's Health, and the Assembly Taskforce on Women's Issues held a roundtable to address the medical response to child sexual abuse victims. The Committee Chairs heard from a variety of professional in the field, including pediatricians, directors of child advocacy centers, education providers and victims.

Currently, child sexual abuse victims are treated in a variety of settings and may be treated either immediately after the abuse takes place, or months or years later when the abuse is discovered. The stakeholders felt that child advocacy centers, as opposed to hospital emergency rooms, are the ideal setting to treat children when injuries are not extreme. Child advocacy centers seek to provide child-friendly settings, with a diverse team of professionals trained in minimizing trauma to the child. Stakeholders also felt that increased training is needed for medical professionals to

gain specialized skills in treating child sexual abuse victims. Currently, the Child Abuse Medical Provider Program (CHAMP) is the only standardized education and training program for assessing and responding to the sexual abuse of children.

The discussion revealed that many areas of the state, both rural and urban, experience a shortage child advocacy centers, and medical professional trained in responding to child sexual abuse victims. The stakeholders discussed the need for increased funding for these programs. Some stakeholders also discussed the need for a statewide protocols and guidelines for medical professional to diagnose and treat child sexual abuse. The Committees involved in the roundtable will continue to examine this issue going into the 2010 legislative session.

APPENDIX A

**SUMMARY OF ACTION ON ALL BILLS
REFERRED TO THE COMMITTEE ON
CHILDREN AND FAMILIES**

<u>FINAL ACTION</u>	<u>ASSEMBLY BILLS</u>	<u>SENATE BILLS</u>	<u>TOTAL BILLS</u>
BILLS REPORTED WITH OR WITHOUT AMENDMENT			
TO FLOOR; NOT RETURNING TO COMMITTEE (FAVORABLE)	3	0	3
TO WAYS AND MEANS	14	0	14
TO CODES	17	0	17
TO RULES			
TO JUDICIARY			
TOTAL	34	0	34
BILLS HAVING COMMITTEE REFERENCE CHANGED			
TO HEALTH COMMITTEE	2	0	2
TO MENTAL HEALTH COMMITTEE	1		1
TOTAL	3	0	3
SENATE BILLS SUBSTITUTED OR RECALLED			
SUBSTITUTED			
RECALLED			
TOTAL		0	0
BILLS DEFEATED IN COMMITTEE			
BILLS HELD FOR CONSIDERATION WITH A ROLL- CALL VOTE	1	0	1
BILLS NEVER REPORTED, HELD IN COMMITTEE	91	0	91
BILLS HAVING ENACTING CLAUSES STRICKEN			
MOTIONS TO DISCHARGE LOST			
TOTAL BILLS IN COMMITTEE	129	0	129
TOTAL NUMBER OF COMMITTEE MEETINGS HELD	9		

APPENDIX B

2009 BILLS SIGNED INTO LAW

Bill #	Sponsor	Description	Chapter #
A.2311-A	Lifton	Prohibits the online posting of the home address or location of a day care provider's home without providing a prior opt out option to such providers	354
A.7846-B	Millman	Removes special powers granted to the society for the prevention of cruelty to children; repealer	329
A.8282-A	Bradley	Relates to evidence in permanency proceedings in the family court	334

APPENDIX C

OUTLOOK FOR 2010

A. CHILD WELFARE

The Committee on Children and Families is committed to ensuring safety, permanency, and well-being for New York State's children and families. Meeting these goals starts with ensuring that meaningful supports are in place for at-risk families and youth. These supports range from recreational programs for youth to intensive preventive services designed to keep families together. The Committee acknowledges that children are served best in the community, preferably with their own families. Therefore, in the upcoming year the Committee will continue to monitor the success of programs designed to keep children out of foster care, such as Home Visiting, family violence and substance abuse programs, and preventive services provided by local social services districts as well as contract agencies. The Committee will also examine new initiatives that can better enhance supports for children and families, such as the Family Assessment Response demonstration program, an alternative to the traditional child protective investigation process which responds to the unique service needs of at-risk families.

Despite preventive supports, there will continue to be a need for foster care and out-of-home placement for children who are at risk in their own homes. The particular placement of these children is critical to their well-being. Evidence suggests that children placed with relatives experience less trauma and greater stability than children placed in stranger foster care. Therefore, the Committee will continue to look at incentives for kinship care, including working with the Office of Children and Family Services to examine options for implementing a subsidized kinship guardianship program. The Committee will continue to examine and support programs such as kinship caregiver, which provides a range of services to relative caregivers such as counseling, parenting skills coaching, legal information, and respite.

Timely permanency is of the utmost importance for children in foster care. This year, the Committee will examine barriers to permanency for foster children. The Committee will seek input from a range of stakeholders including caseworkers, local social services districts, not-for-profit providers, attorneys representing children, and affected families to find solutions for achieving permanency goals in a timely manner. The permanency goal must also be truly permanent, meaning families and adoptive parents continue to receive support when necessary, and that children living independently have access to health care, mental health care, education, employment, and housing.

B. ACCESS TO QUALITY CHILD CARE

The Committee on Children and Families seeks to ensure that all families are able to maintain employment with the assurance that their children are being cared for in a safe and healthy environment. Therefore, the Committee will continue to seek ways to maximize funding for child care assistance in the upcoming year, so that low-income families across the state have equal access to quality child care. The Committee will also continue to examine means for disseminating information on regulated child care, so that families know their options when it comes to setting, location, and structure of available child care programs.

Safety is the most critical element of quality child care. The Committee will continue to work with the Office of Children and Family Services to ensure that appropriate procedures are in place for responding to violations of regulations regarding the safety of children. Staff to child ratios should maximize slots while still ensuring that appropriate supervision is in place at all times.

In 2010, the Committee will monitor the use of stimulus funds provided to New York State for the purposes of enhancing the quality of child care programs. Additionally, the Quality Stars NY initiative will be further explored. This initiative ranks child care programs on various standards, so that families are better able to make informed decisions regarding the best program for their children. As with all new initiatives, it is important that providers have input into how they will be affected, and what supports they need for successful implementation.

C. JUVENILE JUSTICE

The Committee on Children and Families strives to put forward juvenile justice policy which takes into account the needs of the youth, the youth's family, the community, and the employees who serve this population. The committee recognizes that youth have the best outcomes in the community, close to home. Therefore, prevention measures including youth programs and alternatives to detention and residential placement should be used whenever possible to divert youth from placement. This year, the Committee will examine the effectiveness of these programs in improving outcomes for at-risk youth. The Committee will monitor the progress of risk assessment instruments used throughout the state to determine the risk a youth poses to his or her community. Such tools have become increasingly useful to judges in determining the least restrictive placement, as required by State law.

For youth who pose too great of a risk to the community, diversion may not be possible. Some youth will ultimately be placed in residential facilities with the Office of Children and Family Services (OCFS). These youth need specialized support and services in order to rehabilitate and successfully transition back into the community. A recent report by the U.S. Department of Justice revealed that many youth are not receiving appropriate care while in placement. OCFS is currently working with the Federal government to correct these problems. Throughout the upcoming session, the Committee on Children and Families will continue to monitor the progress of these negotiations, and communicate with OCFS regarding potential solutions. As always, the Committee seeks to ensure the rights of adjudicated youth and support the needs of staff that look after them.

Transitioning back into the community can also be challenging for youth leaving placement. This year the Committee will continue to examine initiatives to ensure these youth are receiving appropriate aftercare. Education, health care, and housing are vital components of reintegration, and the Committee will work with all stakeholders to ensure that youth have necessary supports in place to succeed in the community. The Governor's Children's Cabinet and the Taskforce on Transforming Juvenile Justice will be issuing findings and recommendations regarding aftercare and other critical issues facing adjudicated youth. These findings will help to guide the Committee's focus in 2010 on improving the State's juvenile justice system.