



Testimony of

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**Presented to the
New York State Senate Finance Committee
And
New York State Assembly Committee on Ways and Means**

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

February 6, 2018

Good afternoon. My name is Stephanie Gendell and I am the Associate Executive Director for Policy and Advocacy at Citizens' Committee for Children (CCC). CCC is a privately supported, independent, multi-issue child advocacy organization dedicated to ensuring every New York child is healthy, housed, educated and safe.

CCC does not accept or receive public resources, provide direct services, nor represent a sector or workforce. For over 70 years, CCC has undertaken public policy research, community education and advocacy efforts to draw attention to children's needs so that we can advance budget, legislative and policy priorities that produce good outcomes for our youngest New Yorkers.

I would like to thank Chairwoman Weinstein and Chairwoman Young and all the members of the Assembly Ways and Means and Senate Finance Committees for holding today's hearing on the Human Services related proposals in the Governor's Executive Budget for State Fiscal Year 2018-2019.

CCC recognizes the need to be fiscally prudent given the state budget deficit, the threats to New York's economy create by the new federal tax bill, and the potential for additional federal cuts. That said, we are very disappointed that the State's Budget is being balanced by cutting and curtailing services for the most vulnerable children and youth in the state, most glaringly impacting negatively the children of New York City.

CCC is deeply disappointed that the Executive Budget proposes to cap New York City's reimbursement for services that prevent child abuse and neglect at a time when the City has been successfully implementing a strong continuum of evidence based services and on the heels of a \$64 million state cut to foster care. Furthermore, the Executive Budget proposes to eliminate all \$41.4 million of state support for the Close to Home juvenile justice initiative, which is not only critical for justice involved youth but essential for the city's implementation of Raise the Age. The Executive Budget also failed to increase investments in programs that are essential to strong child and family outcomes, including children's behavioral health services, child care and Home Stability Support to prevent homelessness.

That said, there are several Executive Budget proposals that should be applauded. We appreciate proposals that add \$15 million for prekindergarten, \$10 million for after-school programs, \$50 million for community schools, \$7 million to restore previously cut funding for child care, \$4 million to address the minimum wage increase for the Summer Youth Employment Program, and \$100 million to implement a continuum of services associated with raising the age of criminal responsibility. We also support the Executive Budget's inclusion of the First 1,000 Days initiative, which is designed to better address the needs of young children, and we strongly support numerous legislative proposals including the Child Victim's Act and the Dream Act.

Given the need for New Yorkers to rely on their State and Local governments, more than ever, we urge the Legislature to negotiate a budget with the Governor that is balanced in a manner that does not threaten the well-being of children, youth and families.

Turning specifically to the Human Services budget:

CCC is deeply disappointed with the Executive Budget proposals related to Human Services and the totality of the proposals that will impact the City's child welfare agency, the Administration for Children's Services (ACS). The Executive Budget proposes to change the open-ended child welfare financing system to a block grant for New York City, and then cut the amount of funding the City already anticipates spending on these services. At the same time, the State is also proposing to cut all State funding for the Close to Home juvenile justice placement system (\$41.4 million) just when Close to Home placements are due to triple when the implementation of Raise the Age adds 16 and 17 year olds to the system. The budget also appears to leave New York City without any Raise the Age funding. All of these cuts will target the City's child welfare agency, which provides services to the most vulnerable children, youth and families in the City, and was the recipient of a \$64 million annualized cut to foster care and special needs students last year, and has been forced by the State to bring on Kroll as a monitor of their efforts to keep children safe. We are extremely concerned about the impact of these devastating cuts on ACS and their ability to keep children safe, let alone continue to build child welfare and juvenile justice systems that strengthen families and communities.

CHILD WELFARE

The Executive Budget proposes to cap the State share of New York City's child welfare services (child protective services, preventive services, independent living, after care and adoption administration). New York's child welfare financing structure, in place since 2002, incentivizes good outcomes by capping foster care reimbursement while reimbursing counties 62% of the costs for the services that keep children and youth safe and out of foster care. New York City has leveraged this funding stream to lower child protective caseloads, decrease juvenile justice detention and placement, and become a national model for its continuum of high quality, effective preventive services. **This proposed cap would cut reimbursement to NYC by \$65 million in FY18 and \$129 million in FY 19 and effectively turn the successful open-ended funding stream into a block grant.**

This proposed cap and cut is contrary to the safety and needs of New York City families and puts the safety of children at risk. Just last January 27, 2017, OCFS Acting Commissioner Sheila Poole was quoted in a press release announcing the State-required monitor of ACS's ability to keep children safe saying, "The monitor's responsibility will be to evaluate all policies, practices and procedures and determine the reasons for the troubling failures that we have seen in the handling of high-risk cases to follow basic protocols. OCFS will work with the monitor and ACS to strengthen child protection programs across New York City."¹ This cap and cut is to the very same services—protection and prevention—that OCFS committed to strengthening just one year ago.

The most astonishing part of this proposed cap and cut is that New York's child welfare financing scheme has been proven to work—lowering child protective caseloads, decreasing foster care, and increasing access to preventive services. In 1996, there were 30,000 children in

¹ This press release was accessed by CCC on January 28, 2018 at http://ocfs.ny.gov/main/view_article.asp?ID=1445. Since that time, OCFS has removed this press release from their web site resulting in an error message if you click on the link.

foster care in New York City; by 2005 it was down to 18,000; and today there are fewer than 9,000. There are nearly 27,000 children receiving preventive services in NYC today. These include services that have also prevented youth from being placed in detention and placement, which have also seen historic lows. Interestingly, throughout the country, and in many parts of New York, foster care placements have been on the rise as a result of the opioid epidemic.² Despite the crisis, this is not the case in New York City where foster care placements have continued to decrease.³

How did we get here? In 1995, Governor Pataki imposed a cap and a \$130 million cut to child welfare services. Within two years, New York City saw a 17% increase in foster care admissions and an 11% decrease in new families in preventive service programs.⁴ Competing demands and budget shortfalls led the City to focus its resources on foster care at the expense of prevention. In 2002, the State reversed course, implementing the child welfare financing scheme that is essentially in place today. As described by the Office of Children and Family Services (OCFS) in a 2006 Report to the Legislature:

“The premise underlying [child welfare financing] was that it was important to provide a reliable, uncapped source of funding for child welfare services that would encourage localities to invest in services that promote family stability and permanency for children in safe home-based settings. While foster care is an absolutely necessary component of all child welfare systems, it is critical that there be a finance structure that encourages the provision of other services that might alleviate the need for foster care or reduce the time that foster care is necessary. **By juxtaposing a State cap on foster care financial participation with a commitment to reimburse localities for 65%⁵ of all their preventive (and other key child welfare) services, the intention was to create a viable financial incentive for localities to provide non foster care services when children do not need to be separated from their families in order to keep them safe from abuse, neglect or behaviors that endanger themselves or others.”⁶**

This financing scheme, articulately explained by OCFS as one that intentionally incentivizes the investment in services to keep children safe and out of foster care, worked. New York City and other counties have been incentivized to make good choices for children, youth and families. This includes hiring child protective staff to lower caseloads, which is one of the best ways to keep children safe and ensure high quality investigations. This also includes creating a continuum of high-quality community-based preventive services, many of which are evidence-

² J. Kohomban, J. Rodriguez, & R. Haskins. *The Foster Care System was Unprepared for the Last Drug Epidemic-Let's Not Repeat History*. Brookings. Jan. 31, 2018. <https://www.brookings.edu/blog/up-front/2018/01/31/the-foster-care-system-was-unprepared-for-the-last-drug-epidemic-lets-not-repeat-history/>

³ Administration for Children's Services. <http://www1.nyc.gov/site/acs/about/data-policy.page>

⁴ Citizens' Committee for Children. Carrots and Sticks: The Impact of the New York State Family and Children's Services Block Grant on Child Welfare Services in New York. Feb. 1998. <https://www.ccnyc.org/wp-content/publications/CCCReport.CarrotsandSticks.Feb1998.pdf>

⁵ This has been reduced to 62% state reimbursement since 2008.

⁶ New York State Office of Children and Family Services. *Final Report to the Legislature: Child Welfare Financing*. December 2006. https://ocfs.ny.gov/main/reports/CWF_12_2006.pdf

based. In fact, the City's preventive services program has been recognized by one of the leading national child welfare organizations, Casey Family Programs, as a model for the nation.⁷

This proposed state cap is a proposal to undo progress and go back to the very same child welfare financing structure that was proven not to work in New York. This is unconscionable for the children and families of New York City. It is also a terrible precedent for the State to cap this uncapped funding stream for child welfare service. This year the budget cut is targeting New York City, but this opens the door to all other counties in the future.

While the State Division of Budget (DOB) has estimated the impact to NYC will be \$17 million in FY18 and \$21 million in FY19, this analysis is based on old claims data and does not account for the investments the City committed to in their July 2017 financial plan. The City has estimated that the cut is \$65 million in FY18 and \$129 million in FY19 based on their current financial plan. This does not include any new investments the City might wish to make, including investments that would be warranted from raising the age of criminal responsibility.

We strongly urge the Legislature to work with the Governor to ensure that the Adopted Budget does not include this harmful cap on State reimbursement to child welfare services for New York City.

In addition, the Executive Budget fails to support 2 of the 3 cohorts currently participating in the **Foster Youth Success Initiative** and fails to add funding for the 4th cohort (one for each year of college). The current budget includes \$1.5 million for one cohort and failed to restore the \$3 million the Legislature contributed for two additional cohorts. The program now needs \$6 million to support four cohorts. The Foster Youth Success Initiative provides comprehensive college supports for foster youth attending colleges and universities, including help with expenses and supportive services while enrolled. **We urge the legislature to negotiate a budget with the Governor that fully supports this successful program at \$6.0 million.**

Additional child welfare priorities include:

- **Remove KinGAP subsidy funding from the foster care block grant** and fund it in the same manner as adoption subsidy.
- **Prevent homelessness** by improving the **child welfare housing subsidy** to prevent homelessness by increasing the monthly amount from \$300 to \$600, enabling youth to receive it until age 24, and ensuring youth can have roommates. A bill to do this is currently pending in both Houses of the Legislature: **A259/S1291**.
- **Restore critical legislative supports** including \$2.2 million for **child advocacy centers**; and \$3 million for **safe harbor services** for sexually exploited youth;
- **Restore \$1.9 million for local kinship programs. Restore \$100,000 and add \$280,000 for Kinship Navigator programs.**
- **Reject Article VII legislation** related MSW licensing.

⁷ Casey Family Programs. *Assessment of New York City Administration for Children's Services Safety Practice and Initiatives*. May 2017.

<http://www1.nyc.gov/assets/acs/pdf/testimony/2017/NYCACSAssessmentReportMay2017.pdf>

CHILD CARE

Early childhood education is critical for leveling the playing field for low-income children, and enables parents to work and bring income stability to their families. Access to quality child care is important to a child's safety, growth, and social and academic development, especially for low-income children.⁸ It is also a critical component of economic growth in the state. Not only are parents able to work, but the early childhood field employs thousands of providers, many of whom operate small businesses out of their homes. Despite the cost-effectiveness of child care, statewide only 17% of the income eligible children ages 0-5 are able to be enrolled. In New York City, only 14% of income eligible infants and toddlers receive child care.

Despite the tremendous unmet need, last year's State Budget cut the State's support for child care by \$7.0 million. We are pleased that this year's Executive Budget proposes to restore the \$7.0 million, which funds child care at its FY16-17 level. In addition, in his State of the State Address, the Governor committed to creating a Child Care Availability Taskforce.

While these are positive steps in the right direction, increasing access to early childhood education is going to require much greater state commitment and investment in the future. We look forward to working with the Governor and the Child Care Availability Taskforce on various ways to increase access to high quality child care across the state across all income levels, including through subsidies, tax credits, tax incentives and expanding care at nontraditional hours.

In the meantime, we urge the State to make a down payment on this reform by adding \$100 million to expand capacity statewide and help to stabilize the workforce.

FAMILY HOMELESSNESS

CCC was disappointed that despite the statewide affordable housing crisis and the resulting homelessness crisis, the Executive Budget did not include new proposals to create or expand affordable or supportive housing, nor invest in services to promote the well-being of homeless children and their families.

Today in NYC, nearly 13,000 families with 23,000 children are living in homeless shelters.⁹ Addressing family homelessness in New York City will require the State and the City to be partners. The Executive Budget fails to invest any additional resources to better support or expand existing rental assistance programs (such as LINC) nor new programs which could help families secure housing. The Executive Budget also failed to provide any resources to NYCHA, which is clearly struggling to address lead paint and infrastructure issues that jeopardize resident

⁸ Barnett, W. S. (2008). Preschool education and its lasting effects: Research and policy implications. Boulder and Tempe: Education and the Public Interest Center & Education Policy Research Unit. <http://epicpolicy.org/publication/preschooleducation>

⁹ NYC Department of Homeless Services, Daily Report 1/26/18. (available at <http://www1.nyc.gov/assets/dhs/downloads/pdf/dailyreport.pdf>).

safety and ultimately the City's public housing system in its entirety. **CCC urge the State to increase its support to the City for addressing the homelessness crisis.**

CCC strongly supports Assembly member Hevesi's Home Stability Support proposal, which would replace existing state and local rent subsidies with a more effective payment system that promises to save millions of dollars in shelter costs. HSS is a statewide rental supplement for public assistance-eligible families and individuals facing eviction, currently homeless, or facing loss of housing due to domestic violence or hazardous living conditions. By keeping hundreds of thousands of at-risk people in their homes, HSS will alleviate the unsustainable financial burden currently that shelters and other stopgap measures place on the taxpayers of New York State. In addition, keeping families in their homes is the best way to mitigate the extensive social costs of homelessness and the negative impact it has on an individual's education, health and employment. **CCC strongly urges the Governor and the Legislature to include Home Stability Support in the adopted budget.**

Finally, CCC was pleased that in the Education budget there is an additional \$10 million to expand after-school programs, with a portion targeted to homeless children. Homelessness is traumatizing for children and has been proven to have negative impacts on children's education, health and mental health, and long-term success. Targeting investments that enhance supports, academics, social interactions and healthy development are critical for homeless children. We urge the Legislature to support this investment in the Adopted Budget and to target additional investments for homeless children and their families.

FOOD AND ECONOMIC SECURITY

Despite this persistent and growing need, this year's budget does not provide any increase in funding for the Hunger Prevention and Nutrition Assistance Program (HPNAP). An increase in funding for HPNAP would help fill the food banks and soup kitchens that many New Yorkers rely upon to keep hunger at bay. **We urge the state to increase support for HPNAP by \$15 million (for a total of \$51 million.)**

CCC also supports the "No Student Goes Hungry" initiative in the Education budget. The No Student Goes Hungry program includes 5 components:

- Article VII legislation to ban "lunch shaming" programs such as alternative lunches for students with outstanding lunch bills, stigmatizing such students with wrist bands, requiring students with unpaid lunch bills to perform chores, etc.
- Article VII legislation to improve communication with students' parents regarding low school meal balances, information on enrolling in free meal programs, and the school's unpaid meal policies.
- Requiring schools with more than 70% of students eligible for free or reduced price lunch to provide breakfast after the bell. \$7 million capital and \$5 million in reimbursement funding are included for these changes.
- \$750,000 (for a total of \$1.5 million) to connect schools with local farmer products.

- Increasing reimbursement rate from \$0.06 to \$0.25 per meal for school districts that purchase at least 30% of food from New York farmers and growers.

CCC supports these provisions and urges the legislature to include them in the adopted budget.

Last year, the Legislature passed, and the Governor signed, important legislation that will enable New York State tax filers to split their state tax refund at tax time and direct a portion into a 529-college savings account. This is a tremendous win for families throughout the State. The State's new tax forms for the 2017 taxes include this new provision, which has the potential to be life-altering for families. Research has demonstrated that when a low-income child has a small amount of savings in a dedicated college savings account (under \$500), they are three times more likely to go to college.¹⁰ Unfortunately, some low-income families may be reluctant to save money in a college savings account because they do not want to jeopardize their eligibility for public assistance programs nor risk the penalty of early withdrawal **We urge the Legislature to amend Section 131-n of the Social Services Law to exempt 529 college savings from the asset limit test for public assistance.**

JUVENILE JUSTICE

On one hand, CCC is extremely excited that this year will mark the start of raise the age implementation throughout the state. But on the other hand, we are extremely concerned with ensuring that all counties receive the funding they need to implement the full continuum of services to raise the age. We are particularly concerned about New York City because the Executive Budget proposes to cut all of New York City's Close to Home funding (the current placement system for juveniles) and it seems as though New York City will not receive any of the Raise the Age money included in the budget.

As one of the organizations co-leading the Raise the Age-NY Campaign with Children's Defense Fund-NY, we were very pleased that New York passed comprehensive legislation that will keep more youth in their communities, provide developmentally appropriate services, and enable the overwhelming majority of 16 and 17 year olds to have their cases heard in the Family Court pursuant to the Family Court Act.

While passage of the Raise the Age legislation was momentous, ensuring that the law is implemented is critical to ensure that our justice system effectively supports and rehabilitates 16 and 17 year olds, while protecting public safety. We know that counties across the state have been working collaboratively with local law enforcement and social service agencies, courts, child advocates, and family partners on their implementation plans. A key component of implementation is ensuring that counties have the resources they need for services, such as probation, alternative to detention/placement, detention, placement, transportation, health and mental health services, education, and training, among others. **Throughout the negotiation**

¹⁰ Elliott III, et al. *Small-Dollar Children's Savings Accounts, Income, and College Outcomes*. Center for Social Development, George Warren Brown School of Social Work, Washington University in St. Louis (2013). <http://csd.wustl.edu/Publications/Documents/WP13-06.pdf>.

process leading to passage of the law and in the statutory language, the Governor has committed to funding *all* county costs associated with Raise the Age—we urge the Legislature to hold the Governor to his word.

The Executive Budget includes the following proposals related to Juvenile Justice:

- a. Funding to Implement Raise the Age Statewide: The Executive Budget proposes \$100 million for county reimbursement for costs associated with the Raise the Age legislation. Pursuant to the legislation, for a county to be reimbursed for Raise the Age costs, it must remain under the 2% property tax cap or demonstrate financial hardship. This likely means that New York City will not be able to access these funds. There is also an additional \$50 million for capital expenditures related to Raise the Age included in the Executive Budget.
- b. Reauthorizing but Defunding Close to Home: The Executive Budget proposes a five year reauthorization of the Close to Home juvenile placement system in New York City, with the elimination of all state funding. Close to Home currently includes up to \$41.4 million state funding annually.
- c. Capping NYC’s Reimbursement for Some Services that Keep Youth out of Detention and Placement: The Executive Budget proposes a cap on the currently uncapped reimbursement (62% state share) funding stream for preventive services for New York City, which includes juvenile justice after-care and alternative to detention/placement services.
- d. Seeking Authority to Close Ella McQueen: The Executive Budget includes Article VII legislation to give the state authority to close the Ella McQueen intake facility in Brooklyn with 30-days notice (rather than 1 year). Ella McQueen is currently an OCFS-run intake facility for adjudicated youth that are supervised by OCFS.

a) Funding to Implement Raise the Age Statewide

CCC supports the Executive Budget proposal for \$100 million for county expenses for programming related to Raise the Age and \$50 million for capital costs, but we are concerned about how these funds will be distributed.

The inclusion of \$100 million for programming is a necessary investment to ensure the juvenile justice system has the elements that make it different than the adult correctional system, such as diversion programs, health and behavioral health services, juvenile probation support, and facilities appropriate for juveniles. The range of services and juvenile-specific programs are the essence of what makes the juvenile justice vastly more successful in supporting youth and protecting public safety. Raise the Age funding must be distributed in a manner that ensures all counties have the resources they need to successfully implement the whole continuum of services for youth, including community-based services, service-rich detention and placement facilities, transportation, etc.

The Executive Budget requires counties to submit a Raise the Age implementation plan by April 1, 2018. Given that the funding will therefore not be distributed until after the budget is adopted, the Legislature and the advocates will not be able to weigh in on how the money is distributed. This means that we will not know whether all counties will in fact be reimbursed for all their predicted costs or whether all counties are planning to build a continuum of high quality services.

It is unclear about what specific services and programs the \$100 million will support. The proposed legislation leaves it up to state agencies (led by OCFS) to create the instructions for the counties to submit their plans to the state, but because all localities are different, it does not prescribe what services counties must fund. In short assessing whether all counties have the resources they need and are planning for the services advocates and legislators believe are necessary, will not be possible.

It is unclear when counties will know how much reimbursement they should anticipate. Counties must be prepared to serve 16 year olds by October 1, 2018, and the only information the budget provides is that applications are due April 1st without any information about when decisions will be given. This creates uncertainty for localities in the short term as they plan for implementation.

Notably, it also appears New York City will not receive any of the \$100 million of Raise the Age funding. Despite assurances that all counties will be reimbursed for all expenses associated with raising the age of criminal responsibility, the Raise the Age legislation requires counties to remain within their 2% property tax cap or demonstrate financial hardship to receive Raise the Age reimbursement. There is no proposal in the Executive Budget to accommodate New York City's need for raise the age funding if the City is unable to meet those requirements.

It is an important time to remember that the Governor's original Raise the Age proposal, dating back to SFY 2015-2016, has always included a commitment to fully fund Raise the Age.¹¹ New York City represents approximately half of the juvenile justice population in New York.¹² Not only does New York City seem excluded from Raise the Age funding, the Executive Budget proposes tremendous *cuts* to the City's juvenile justice system (these cuts are described in more detail below).

CCC urges the Legislature to negotiate an adopted budget, with the Governor, that upholds the State's commitment to include state funding needed for ALL counties, including New York City, to implement Raise the Age.

b) Reauthorizing but Defunding Close to Home

Close to Home, enacted in 2012, gave New York City the authority to operate its own juvenile justice placement system of non-secure and limited secure placement, and provided the City with up to \$41.4 million annually of state funding for the program. Close to Home sunsets on March 31, 2018. The Executive Budget proposes to reauthorize Close to Home for another 5 years, but eliminates *all* state support for the program.

Prior to the enactment of Close to Home, New York City's adjudicated youth (meaning youth found to have committed an offense under age 16 that would be a crime if they were an adult) who were ordered by a judge to be placed (meaning supervised in a facility that is not the home

¹¹ "Governor Cuomo Calls on Legislature to Raise the Age of Criminal Responsibility This Session." New York State Governor – website. May 28, 2015. Available at <https://www.governor.ny.gov/news/governor-cuomo-calls-legislature-raise-age-criminal-responsibility-session>.

¹² "2012 – 2016 Arrests Involving 16 and 17 Year Olds." New York State Division of Criminal Justice Services. Accessed on January 25, 2018. Available at <http://www.criminaljustice.ny.gov/crimnet/ojsa/youth-arrests/index.htm>.

of the youth) were given to the custody of New York State's Office of Children and Family Services (OCFS). OCFS would place those youth in locations that were most often far from New York City. There were many barriers to the successful treatment of youth in these facilities, such as difficulty engaging family due to extreme geographic distance, lack of educational success due to the inability to transfer any education credits back to NYC's education system, and ultimately recidivism rates that were above 80% for youth from these facilities.¹³

Close to Home changed this system by giving custody and supervision to New York City for youth placed in non-secure or limited-secure facilities. The City's Administration for Children's Services (ACS) contracted with local child-serving providers to create small, residential facilities close to the youth's community. For the past five years, Close to Home has been providing a continuum of services to address youth and family needs, from before placement begins to well after the youth leave the placement facility. Close to Home has emphasized evidence-based and evidence-informed models, family engagement, trauma, education, health and behavioral health services, and thorough aftercare support. Close to Home has been an essential component for many of the positive trends seen in juvenile justice (including plummeting youth and young adult crime rates¹⁴).

Not only does New York City need state support for its current juvenile justice system, but the Executive Budget is proposing to cut all state funding precisely when the system is due to grow and need more resources from the implementation of Raise the Age, as some 16 and 17 year olds will also be placed into the Close to Home system. **This cut to all Close to Home funding is even more unconscionable in light of the fact that the City seems likely to receive \$0 of the identified \$100 million in funds for Raise the Age implementation.**

CCC strongly urges the Legislature to reject the Executive Budget proposal to completely defund Close to Home, and to negotiate a budget with the Governor that restores \$41.4 million for Close to Home for youth under 16 and includes an increase in funding necessary to ensure New York City can implement Raise the Age and serve the anticipated influx of 16 and 17 year olds.

¹³ U.S. Department of Justice, Civil Rights Division, Loretta S. King. "Investigation of the Lansing Residential Center, Louis Gosset, Jr. Residential Center, Tryon Residential Center, and Tryon Girls Center." Letter. August 14, 2009. Available at

https://www.justice.gov/sites/default/files/crt/legacy/2010/12/15/NY_juvenile_facilities_findlet_08-14-2009.pdf.

Citizens' Committee for Children. *Inside Out: youth experiences inside New York's Juvenile Placement System*.

December 2009. Available at [https://www.cccnewyork.org/wp-](https://www.cccnewyork.org/wp-content/publications/CCCReport.JuvenileJustice.Dec2009.pdf)

[content/publications/CCCReport.JuvenileJustice.Dec2009.pdf](https://www.cccnewyork.org/wp-content/publications/CCCReport.JuvenileJustice.Dec2009.pdf). Rebecca Colman, Do Han Kim, Susan Mithcell-Herzfeld, and Therese A. Shady. *Long-Term Consequences of Delinquency: Child Maltreatment and Crime in Early Adulthood*. New York State Office of Children and Family Services. March 31, 2009. Available at <https://www.ncjrs.gov/pdffiles1/nij/grants/226577.pdf>.

¹⁴ Since the Close to Home initiative has begun, juvenile and young adult crime rates have decreased dramatically, and each year has set new record lows. From 2012 to 2016, NYC juvenile arrests have dropped 52% (from 9,675 to 4,615), juvenile detention admissions have dropped 37% (from 3,725 to 2,338) and juvenile placement admissions have dropped 77% (from 568 to 183). There have been similar declines for 16 and 17 year olds, including a 39% decline in arrests (from 23,671 to 14,500). "New York City Juvenile Justice Profile – 2017." New York State Division of Criminal Justice Services. September 1, 2017. Available at

<http://www.criminaljustice.ny.gov/crimnet/ojsa/jj-reports/newyorkcity.pdf>. "New York State Arrests Among 16-17 Year Olds – New York City." New York State Division of Criminal Justice Services. February 17, 2017. Available at <http://www.criminaljustice.ny.gov/crimnet/ojsa/youth-arrests/nyc.pdf>.

c) Seeking Authority to Close Ella McQueen

The Executive Budget proposes Article VII legislation to enable OCFS to close the Ella McQueen facility, located in Brooklyn, with 30-days notice, rather than 12-months notice. Ella McQueen is currently the State's intake facility for youth placed into OCFS placement facilities (most of whom are no longer from NYC due to Close to Home.)

CCC was pleased to see this legislation, as we understand that New York City has requested that it take over Ella McQueen as part of Raise the Age implementation. With the movement of all 16 and 17 year olds off of Rikers Island, the City has stated that it needs the capacity at Ella McQueen. As we understand it, the City plans to use Horizons and Crossroads for most detention, but would use Ella McQueen as intake for detention. Youth detained for less than a week would never be transferred to Horizons or Crossroads.

While the Article VII legislation appears to be a step towards addressing the City's request, it is our understanding that no agreement has yet been reached between the State and the City over the long-term plan for the facility. The Raise the Age legislation included a unique provision for New York City to remove all 16 and 17 year olds off of Rikers Island by October, 2018, which is a year earlier than other counties need to remove 17 year olds from their adult jails. There should thus be appropriate support for this expedited transition. For the City to be able to effectively plan and be in compliance by October 2018, they must know whether they will be able to rely on the capacity at Ella McQueen.

The Article VII legislation in the Executive Budget proposal to give OCFS authority to close Ella McQueen with 30 days notice *seems* to be a positive step towards allowing the City to use that facility. **CCC urges the legislature to include this Article VII bill in the adopted budget and recommends that if the transfer agreement is not reached soon, the adopted budget specifically include an agreement that Ella McQueen will be transferred to New York City to assist the City with Raise the Age implementation.**

YOUTH SERVICES

Youth service programs are critical to ensuring the success of the next generation of New Yorkers. Youth service programs include after school and summer programming, youth employment programs, and services for homeless and runaway youth. These services introduce youth to new experiences and interests, foster positive social development, create safe spaces for youth, enable parents to work, give youth curricular and workforce boosts, and help youth in crises. Many youth would not have access to these programs without state support, especially New York's most vulnerable youth. We urge the legislature to negotiate a budget that invests more in youth services.

a) After-School

High-quality after-school programs have been shown to increase student engagement, increase attendance, improve test scores, support students' social-emotional development, improve

physical well-being and reduce negative behaviors.¹⁵ Access to summer programming is equally important for youth as students lose two months of grade level equivalency over the summer months and this situation is more severe for low income students. Over half of the achievement gap between low and high income youth can be explained by unequal access to summer learning opportunities.¹⁶ In 2014, the RAND Corporation found that children who participated in summer programs gained, on average, between 17% and 21% of a year's learning in math.¹⁷

The Executive Budget proposes expanding the Empire State After-School program by adding \$10 million of school aid funding to serve an additional 6,250 students. This brings total funding for this after-school program to \$45 million. Notably, \$8 million of the new funding for after-school programs will be targeted towards homeless students. The proposal also would expand eligibility to nonprofit community-based organizations, as opposed to only enabling schools to apply. **CCC supports the \$10 million increase to the Empire State After-School program and opening eligibility to community-based organizations, and we are particularly pleased to see the program targeted to homeless children.**

While the education budget includes new funding for after-school programs, the Executive Budget fails to restore the \$2.5 million the legislature added to the Advantage After-school program. This leaves Advantage with a \$5 million deficit from its FY16-17 funding level of \$22.3 million, as the program was cut by \$2.5 million last year. If funding is not restored to the FY16-17 level, the next round of Advantage After School will serve 3,600 fewer children than are currently served. Notably, 103 of the 177 Advantage programs are in areas not served by the Empire State After School Program.

Advantage After School program provides a wide variety of supportive services to youth across the state, with the programming focusing on high-needs communities. There has been a consistent demand for more Advantage After-School programming, as every recent RFP has left three out of four qualified applicants unfunded.

CCC urges the Legislature to negotiate a budget with the Governor that adds \$5 million to Advantage to restore the program to its FY 2016-2017 level of \$22.3 million.

The Executive Budget also fails to restore \$1.698 million the legislature added to the Youth Development Program. In addition, the Youth Development Program has a sunset provision to end the next year. This program provides incentives for businesses to hire local youth and provide job training and workplace skills training. **CCC urges the legislature to negotiate a budget that restores \$1.698 million for the Youth Development Program and eliminates the sunset provision or at a minimum extends it for another three years.**

b) Summer Youth Employment Program

¹⁵ Afterschool Alliance. 2014. Afterschool Programs Keep Kids Safe, Engage Kids in Learning and Help Working Families. Retrieved from: http://www.afterschoolalliance.org/documents/National_fact_sheet_10.07.14.pdf.

¹⁶ National Summer Learning Association. Know the facts. Retrieved from: http://www.summerlearning.org/?page=know_the_facts

¹⁷ Afterschool Alliance. March 2015. Evaluations Backgrounder: A Summary of Formal Evaluations of Afterschool programs' Impact on Academics, Behavior, Safety and Family Life. Retrieved from: http://afterschoolalliance.org/documents/Evaluation_Backgrounder.pdf

The Summer Youth Employment Program (SYEP) has provided transformational experiences for youth through paid jobs with employers across the state. SYEP provides youth with job training, financial literacy education, and wages. This program benefits youth with a real job (which for many youth is their first job), real wages, introduction to new careers, and a productive and supervised program during the potentially idle summer months. Employers also benefit from young employees who they do not have to provide wages. Mutually beneficial, SYEP youth often go on to become full-time employees with their SYEP employer. Many localities have seen the benefit of SYEP and provide substantial local investments as well to expand SYEP access to additional youth.

The Executive Budget proposes to add \$4 million to the state's investment in SYEP to account for the minimum wage increase, for total state support of \$40 million. **CCC supports this \$4 million increase, but also recommends an additional \$4 million be added for 3,000 additional job opportunities for youth across the State.**

Youth employment through SYEP may perversely hurt a youth's family's eligibility for public assistance as these wages may increase the family wage total, which is critical factor for many public assistance programs. There are many current exemptions for income determination s for students under the age of twenty-one, but they do not cover the entire youth population eligible for youth employment programs, such as SYEP. Youth should be encouraged to take advantage of employment program options without fear that they will lose benefits for their families. **CCC recommends that the legislature pass and the Governor sign a law to exclude income youth ages 14-26 earn in programs like SYEP, as part of income when calculating a family's eligibility for public assistance.**

c) Runaway and Homeless Youth (RHY)

Runaway and homeless youth services not only provide a critical safety net, they enable vulnerable youth to safely re-unite with their families, divert hundreds of youth from costly placement, keep minors in school, and provide older homeless youth the opportunity to continue their education and achieve self-sufficiency.

CCC was so pleased that the Governor and the Legislature included legislation in last year's budget to enable localities to serve young people in runaway and homeless youth programs up to age 25 and to enable youth to remain in crisis and transitional shelters for longer lengths of time. Unfortunately, neither last year's budget nor this year's proposed budget included additional funding to enable counties to expand their RHY programming.

We urge the Legislature and the Governor to negotiate a budget that adds \$6.116 million (for a total of \$10.6 million) for RHY. This would enable more counties to create RHY programs (only 25 of the 62 counties have residential programs), enable providers to expand TASC/GED programming, and enable localities to expand RHY programming to youth ages 21-24.

THE HUMAN SERVICE SECTOR

The human service sector is a critical component of the fabric of New York. Children and families throughout the state rely on these services; yet, many of these programs are struggling themselves due to years of under-investment. We urge the legislature to work with the Governor to ensure the human service sector can remain strong in these uncertain times, have the resources needed to provide high-quality services, and have the funding to increase the minimum wage.

Thank you for this opportunity to testify.