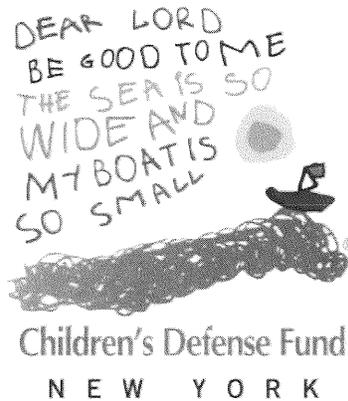


Joint Legislative Hearing on Human Services
2018-2019 Executive Budget Proposal

February 6, 2018



Testimony of The Children's Defense Fund – New York

Beth Powers
Director, Youth Justice
epowers@childrensdefense.org
(212) 697 - 0882

The Children's Defense Fund's (CDF) Leave No Child Behind® mission is to ensure every child a healthy start, a head start, a fair start, a safe start and a moral start in life, and successful passage to adulthood with the help of caring families and communities. CDF provides a strong, effective and independent voice for all the children of America who cannot vote, lobby or speak for themselves. We pay particular attention to the needs of poor children, children of color and those with disabilities. CDF – New York's unique approach to improving conditions for children combines research, public education, policy development, community organizing and advocacy activities, making us an innovative leader for New York's children, particularly in the areas of health, education, early childhood and juvenile justice.

We would like to thank Chairwoman Young, Chairwoman Weinstein and members of the legislature for this opportunity to submit testimony on the Public Protection proposals in the Governor's Executive Budget for State Fiscal Year 2018-2019.

CDF-NY's Legislative and Budget Priorities reflect our commitment to advancing effective policies and investments to provide children and youth with the support they need to be successful. As a lead-member of the state-wide Raise the Age NY Campaign, we are enthused by the passage of raise the age legislation. For the benefits of raise the age to be fully realized, all counties across the state, including New York City, must be appropriately funded to implemented this significant shift in the way we respond to young people who come into contact with the justice system.

Raise the Age

We strongly support the inclusion of \$100 million for Raise the Age expenses and \$50 million in additional capital funding to implement raise the age in the Executive Budget Proposal. However, the Executive Budget lacks specificity in regard to how these resources will be distributed across the state, including New York City.

For raise the age to be successfully implemented it is critical that all counties have access to appropriate funding across the entire continuum which young people intersect with the justice system. This includes but is not limited to funding for community-based alternatives, probation, court resources, youth facilities with comprehensive services and programming, training for all stakeholders within the system, and re-entry services. While the raise the age legislation does provide for a reimbursement mechanism, this does not guarantee that every county will meet the standards required for reimbursement.

For many years New York was one of only two states where 16- and 17-year olds were treated in the adult justice system for all charges. Shedding this distinction represents significant progress in the way New York responds to justice system impacted youth. **However, to ensure that the full benefits of raise the age are felt by New Yorkers, funding must be made available across all counties and to the city of New York.**

Close to Home

As the result of raise the age legislation taking effect, the majority of 16- and 17-year olds will be processed in the juvenile system as opposed to the adult justice system. Thus, the functioning of the juvenile justice system is critical in order to absorb the older youth. We are greatly alarmed at the elimination of state funding for Close to Home, New York City's juvenile placement and aftercare program.

Prior to Close to Home, youth from New York City adjudicated delinquent by the Family Court were placed in residential facilities outside of New York City. This model was problematic with the geographical distance making contact with family extremely difficult. Additionally, educational credits did not regularly transfer to the youth's home school upon discharge, setting the young person further back educationally instead of helping them to make education gains. Moreover, the Office of Children and Family Services (OCFS) facilities had a documented history of inadequate conditions for youth. The passage of Close to Home marked a significant improvement in the way New York responded to the needs of justice system placed youth. Of note, the enabling legislation was written with a sunset provision, set to expire in March 2018.

Providers of Close to Home services adhere to evidence-based models, some long utilized by the child serving agencies and some newly adapted to accommodate the population of youth brought to their care through Close to Home. Examples of evidence-based models utilized by Close to Home providers include the Missouri Model, the Sanctuary Model, Integrated Treatment Model, and other trauma-informed models. In addition to following these models, the providers all offer comprehensive health and mental health services to youth. They additionally supplement the programs with a wide-range of youth appropriate services such as summer youth employment opportunities, volunteer opportunities, athletics, arts, and more.

A major benefit of Close to Home is the ability of providers to engage with family. Having small home-like facilities in and near New York City allows for significantly easier travel for families. Families are able to visit youth and participate in social events at residences. Additionally, clinicians can engage with youth and their families to holistically address the needs of the young person. This is important given the multiple complicated needs that a young person may be facing when they enter Close to Home and the critical role of family in addressing the needs of youth.

Youth in Close to Home are placed in facilities within neighborhoods in and near New York City. While multiple factors influence which residence a particular youth will be assigned, the young person's home community is considered with efforts made to keep the young person close to their neighborhood when appropriate. Community members are also able to be involved with youth through Community Advisory Boards, which are maintained by each provider. Youth in non-secure facilities engage with the community through volunteering or other community events.

A major benefit of Close to Home has been the ability of youth to earn Department of Education (DOE) credits. Prior to Close to Home, youth attended school in OCFS facilities, however the schools were not DOE schools and thus the credits did not easily transfer upon the return of young people to their home schools. This practice was unfair to students who had completed the work, counterproductive to the goals of helping youth make positive strides toward future success, and discouraged youth who were already in a tenuous state having just been released from confinement.

Close to Home eliminates this barrier by keeping young people enrolled in DOE schools throughout their placements. Youth earn credits and take Regents exams, helping them to get on a path to academic success upon discharge. Youth in non-secure placement are transported daily to one of two school buildings in New York City while youth in the more secure limited-secure settings attend school on-site.

Once a young person has completed their placement in a Close to Home facility, they return home with continued support on aftercare. This support includes ensuring the young person is enrolled in an appropriate home school before discharge and that they have an appropriate home to return to. Services may also include a clinical intervention such as Multi-systemic Therapy for the youth and family to address any barriers to successful reunification.

Close to Home represents a marked improvement in the way that New York responds to justice system impacted young people in New York City. **CDF-NY supports reauthorization of Close to Home and urges continued state reimbursement for this vital program.** The success of Close to Home is critical not only for the youth currently served by the system, but also the young people soon to be treated in the juvenile justice system as a result of raise the age implementation.

Preventative Funding

A related cut that will impact the ability to properly implement raise the age regards funding for preventative services. The Executive Budget proposes to cap the child welfare services and preventive services funding stream for New York City. While this funding is predominantly aimed at the child welfare population, this stream also includes funding for preventative services for youth at risk of entering the juvenile justice system, such as alternatives to placement.

A critical component of the City's successful implementation of Close to Home and its ability to reduce the populations in both detention and placement has been the City's ability to tap into the State's preventive services funding stream, which reimburses counties at a rate of 62%. These funds have allowed the City to develop a continuum of evidence-based and evidence-informed programs that prevent youth from being placed in non-secure placement. These services, which have been supported by the state and the city, have enabled youth to remain with their families which is more cost effective and more promising than penetration deeper in the system. The Executive Budget proposes to cap this child welfare services/preventive services funding stream for New York City. **We urge the Legislature to reject the proposed cap on preventative funding for New York City to help ensure that youth can continue to receive preventative services to keep them from ever entering the justice system.**

Conclusion

Passing Raise the Age was a historic step for the youth, families and communities throughout New York State. CDF-NY strongly urges the legislature to ensure all counties and New York City are fully funded along the entire justice continuum to provide appropriate implementation statewide. We urge the Governor and the Legislature to adopt a budget that includes raise the age funding for all counties and New York City, removes the proposed cap on funding for prevention, reauthorizes Close to Home, and restores State funding for Close to Home to ensure that all localities will have

the resources necessary to effectively raise the age of criminal responsibility. We are eager to work with you and your colleagues in the Legislature to implement a comprehensive and thoughtful agenda for New York's children and their families this session. Thank you for carefully considering our testimony. If you have any questions or you would like further information, please contact Beth Powers, Director of Youth Justice, 212-697-0882.

