

Foster Care Language Study

Summary Report:
Findings and Continuing Work
Local Law 37 of 2018

INTRODUCTION AND ACKNOWLEDGMENTS

Local Law 37 of 2018 required the Administration for Children’s Services (ACS) to complete a study regarding its ability to provide access to language classes for any child between the ages of 3 years and 12 years who, pursuant to Article 10 of the Family Court Act, was removed from the custody of parents or guardians who are limited-English-proficient individuals (LEP individuals), and who was in the custody of ACS for at least six months. The law tasked ACS with providing information regarding the number of such children in the New York City foster care system, the languages they speak, and the languages spoken by the individuals from whom such children were removed. ACS was also required to identify strategies to assess the language needs of the children and the barriers to addressing these language needs. The local law additionally required ACS to initiate a process to identify and track whether parents or guardians of children removed are limited-English-proficient individuals.

We are grateful for the leadership of Councilmember Margaret S. Chin, who sponsored this legislation, along with the Committee on General Welfare whose support and advocacy for children and families impacted by foster care helps us strengthen our work. ACS shares in the commitment to fully serve the needs of this target population of children and families throughout New York City.

As we focus on continuing improvements to better meet the needs of children in foster care, we know that this work must include making sure that a child’s close family ties, cultural heritage, and language of origin are preserved when a child enters foster care. This study has opened the door to important conversations within ACS and with our contracted foster care agency providers about how we track and use language information, match children with foster parents to optimize cultural and language ties, and offer guidance and technical support to foster care agencies.

Background

ACS has been a pioneer in the implementation of prevention services to safely avoid foster care entry. These home and community-based services help keep children safely at home with their families, and as a result, we have reduced the population of children in foster care to historic low numbers, with fewer than 8,300 children in foster care as of December 2018. When a child faces abuse or neglect and cannot remain safely at home, the Family Court may place the child in foster care with ACS under an Article 10 proceeding in Family Court. ACS makes every effort to identify a safe kinship placement with family or close friends known to the child. When a kinship placement cannot be immediately identified, ACS identifies a foster home or other appropriate foster care setting based on the child’s needs. ACS and our contracted foster care provider agencies continue to work with the family to offer services and support, to safely reunify the child or achieve another permanency plan as quickly as possible. The majority of children are reunified with their families—for the children discharged to permanency in fiscal year 2018, nearly 2,500 children were returned to their parents.

Local Law 37 of 2018 required ACS to assess the population of children in foster care for at least six months, who were between the ages of 3 years and 12 years, and who came from homes where their parent or guardian is a “limited English proficient individual” (LEP individual). The local law defines a LEP individual as someone who identifies as being, or is evidently, unable to communicate meaningfully in English. The local law also defines “primary language” as the language in which a LEP individual chooses to communicate with others. The goals of this study were for ACS to gain insight into how the language needs of this population of children are assessed, how any needs are met or the barriers to meeting such needs, and to inform ACS’s strategic planning around these issues moving forward.

This report describes the language study that ACS conducted, and it provides a summary of key findings from that study. It also outlines ACS’s continuing work to respond to language needs:

- ▶ Better track and use language information;
- ▶ Match children with foster parents to optimize cultural and language ties; and
- ▶ Offer guidance and technical support to foster care agencies.

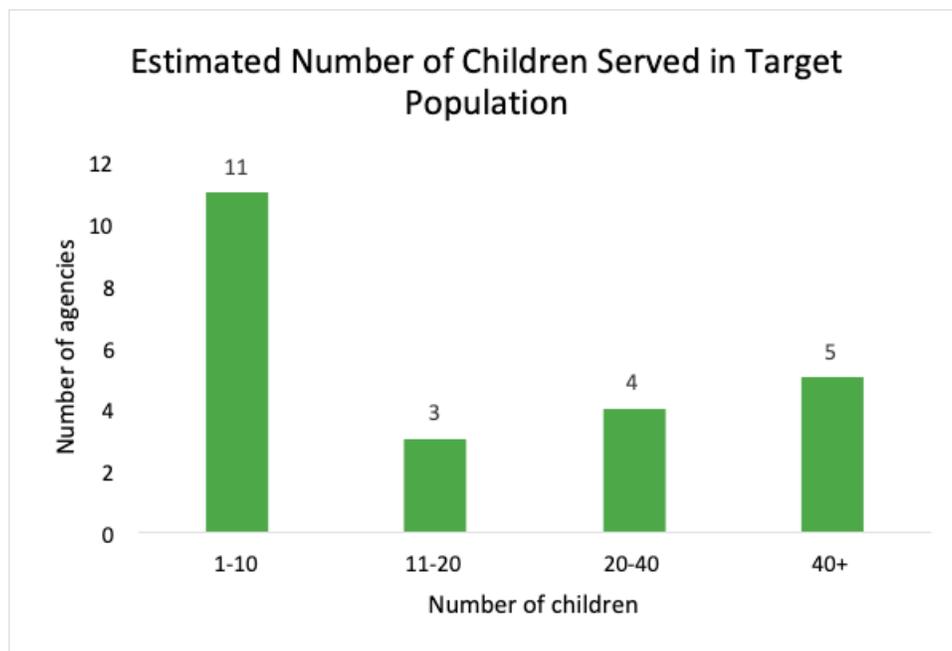
Foster Care Language Study

ACS conducted a language study survey of all of our contracted foster care provider agencies who serve the target population.¹ As the foster care agencies are the direct service providers for this population, they are best positioned to understand the diverse and divergent language needs that can exist within a family, and which this study highlighted. ACS Deputy Commissioners for Family Permanency Services and Policy, Planning and Measurement disseminated the survey to executive leaders within these agencies. The survey sought these providers’ best estimate of the number of target population children served, the current strategies providers use to assess the language needs of these children, and the barriers to addressing these needs.

¹ The survey was sent to 25 foster care agencies who serve the target population of children. The two additional foster care agencies serve older youth in residential settings exclusively.

KEY LANGUAGE STUDY FINDINGS

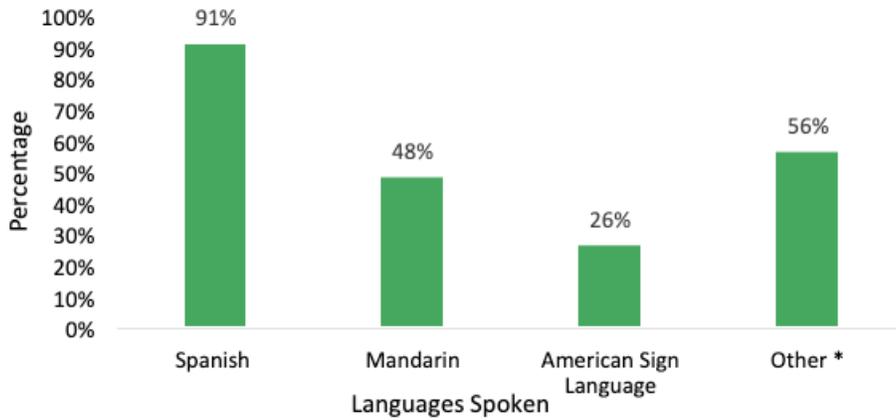
ACS asked the agencies to consider the children in their care that are in the Local Law 37 target population when responding to the survey. Twenty-three (92%) out of the 25 agencies reported that they currently serve the target population. Of the agencies that reported serving the target population: 11 agencies, which is roughly half (48%), estimate they are each currently serving 1-10 children in the target population; 3 agencies (13%) estimate they are serving 11-20 children in the target population; 4 agencies (17%) estimate they are serving between 20-40 children in the target population; and 5 agencies (22%) estimate they are serving over 40 children in the target population.



Nineteen (86%) of the 23 agencies that reported that they currently serve this target population, reported that most of these children speak the language of their parent or guardian as well as English. The top three languages the agencies reported these children and their parents or guardians speak are Spanish (35%), Mandarin (18%) and American Sign Language (10%). Nine other languages were reported as well.²

² Cantonese, Russian, Creole, French, Bengali, Hausa, Croatian, Punjabi, and Yiddish.

Reported Percentage of Providers who Serve LEP Parents or Guardians by Language



*Cantonese, Russian, Creole, French, Bengali, Hausa, Croatian, Punjabi, and Yiddish.

Seventeen (68%) out of the 25 agencies reported that they have the ability to provide or make referrals to language classes for children in the target population. Of the 17 agencies, 12 (71%) reported that they have the ability to provide or make referrals to language classes for the languages spoken by the families they currently serve. The remaining five agencies (29%) reported that they are only able to provide or make referrals for classes in a limited number of languages. Three of these five providers reported only being able to provide classes or make referrals for children who speak Spanish. Of the remaining two, one can provide classes or make referrals for both Spanish and Mandarin, and the other for both Spanish and Creole.

Reported Agency Ability to Provide or Make Referrals to Language Classes*



*17 out of the 25 agencies reported that they have the ability to provide or make referrals to language classes.

Agencies also identified barriers they believe would impact their ability to provide language classes for children in the target population. Overwhelmingly, agencies identified financial constraints, insufficient community resources and insufficient in-house staff as barriers to meeting children's language needs. The majority of agencies described how additional funding would enable them to hire more staff to provide language classes in-house and/or link children to the appropriate referral sources. Agencies also expressed that they feel there is a lack of community resources that provide classes in less common languages. Provider agencies can contact ACS's Office of Immigrant Services and Language Affairs for support and technical assistance on language access questions, as discussed further below. We are in the process of reinforcing the availability of this resource through presentations and discussions with provider agencies.

Learning Opportunities

This study has been the starting point for important ongoing conversations within ACS and with our contracted foster care provider agencies. Our providers' reported perception of their ability to meet the language needs of children in foster care has informed ACS's review of our existing language access policies and the related guidance that we offer. Following the Local Law 37 mandated study we have and will continue to gather additional feedback and information in a number of ways.

ACS issued a follow-up survey to foster care provider agencies to learn more about the agencies' approach to language access for all the families they serve. The responses to that survey are informing how ACS issues guidance and training to agencies. ACS has also hosted multiple listening sessions with community members, leaders, and advocates to get feedback on their experience with foster care agencies' language access and cultural awareness. We regularly convene a working group comprised of parent's and children's attorneys to discuss ways to better support immigrant children and families in the child welfare system. Information from our surveys and the listening sessions is informing our ongoing strategic planning, the updates to the ACS language access policy, and the support we offer to foster care agencies.

We will be holding follow-up meetings with the foster care provider agencies in Fall 2019. During these meetings, ACS will share a presentation of our findings, review future enhancements to track LEP individuals and discuss strategies to better meet the needs of this population. The meetings will also allow ACS to collaborate with foster care provider agencies to ensure transparency of information and serve as a platform for agencies to share different strategies to inform best practice.

Continuing Work to Respond to Language Needs

► Enhancements to better track and use language information

The New York State Office of Children and Family Services (OCFS) requires that ACS and our providers maintain case data in Connections, the state's system of record for child welfare, including foster care. The current data fields only allow ACS and its providers to capture an individual's primary language, which ACS is required to report about under Local Law 73 of 2003. This is a limited picture of an individual's true language abilities and communication preferences, and we are committed to working with OCFS to expand ACS's language tracking capabilities. The study also revealed that foster care agencies' current tracking of language access needs is decentralized and not consistent across provider agencies.

As a major step to put centralized tracking into place and improve the accuracy of our data, ACS has requested enhancements to Connections and will be following up with guidance and training for the foster care agencies on how to more comprehensively track language data. ACS has submitted a request to improve the language information captured in Connections. We continue to follow up with OCFS to approve and make any changes to Connections.

In this instance, we asked OCFS to add questions that would allow ACS and provider agencies to capture the diversity of language access needs within a family. We did this by requesting that OCFS make it mandatory to track each individual in the family's preferred language, in addition to their LEP status. We requested that Connections include a standalone yes-or-no question about whether each person on the case (e.g., parent, guardian, child, etc.) identifies as limited-English-proficient. In the request to OCFS, ACS provided a definition of limited English proficiency to help with standardization of understanding and practice so that the question is being answered in the same manner by all users. We are requesting these additions as mandatory fields, meaning that the Child Protective Specialist or agency case planner who enters this information must complete it before they can move on in the system. This will help ensure that we are getting complete responses on every case.

If approved, these changes will allow ACS to have more informed oversight and monitoring of foster care agencies' language access work, and we can implement data-driven solutions when we identify challenges and opportunities in working with LEP individuals in foster care.

► Match children with foster parents to optimize cultural and language ties

Kinship Placements

ACS is intensely focused on identifying kinship resources for children who are placed into foster care. "Kin" means a grandparent, aunt, uncle, or other relative, and it can

also mean a family friend, neighbor, teacher, or other trusted adult with whom the child has a connection. ACS is implementing a range of strategies to increase kinship placement and this work is producing results. ACS has set a goal to increase the proportion of children placed with kin from 31% to 46% by the end of 2020. We are well on our way to achieving this. The proportion of children in foster care placed with kin rose to 38% in the first quarter of FY 2019.

Research indicates that children in foster care fare best when placed with kin, including relatives and family friends. We know that increasing kinship placements is a major opportunity to preserve a child's cultural heritage and native language, and we remain focused on this goal.

New Foster Care Placement Module

ACS is committed to locating a foster home that can support the child's language needs when a child cannot be placed with kin. ACS and OCFS will implement a new foster care placement module this Fall in the Connections system which will help match children with the best possible foster care placements, in cases where ACS is not able to immediately identify a kinship resource for a child. The module evaluates a range of factors that are used to match a child with a placement. These factors include setting, language, age, gender and any relevant child characteristics (e.g. frequent appointments, developmental disability, dietary restrictions, goal of adoption) that have been identified for the child as required for a foster care resource to be considered a match. The module will also consider the distance between the foster care placement and the priority address for placement, which is typically the child's school address or home of the biological parent or caregiver. This will enhance the ability to place a child within their own community to help preserve the child's cultural and community ties.

► Offer guidance and technical support to foster care agencies

ACS believes that the best approach for children to preserve or learn a language is to create regular, immersive opportunities for the child that would go beyond provision of a language class. These daily normative experiences should include placement in a foster home that aligns with the child's language needs. In addition, ACS has a number of resources to guide and support agency best practice when working with LEP children and families so that children have regular opportunities to converse and experience their language of origin. For providers who identified barriers to support language needs as a part of this study, we are working to clarify the existing resources that are available and will work individually with foster care agencies to address case-specific issues as they arise.

Family Time

Visits, or "family time," are crucial to help minimize trauma and increase child well-being when a child is placed into foster care. Quality regular visits also help maintain parent engagement and support the path to permanency. Facilitating the family's communication in their non-English language helps maintain the child's linguistic capacity. ACS's policy requires all foster care provider agencies to use an interpreter during family time if the

child or parent’s preferred language is not English. ACS offers regular family time trainings for ACS and foster care provider agency staff, with an emphasis on quality family visits that maintain and enhance cultural connections. Staff are trained in best practices to provide in-person interpretation services and to encourage the family to interact in the language most comfortable to them.

ACS also provides technical assistance to enhance family time, including an emphasis on making sure that visiting spaces are family friendly and welcoming to serve families from a range of cultural and language backgrounds. In our ongoing work with agencies, they have affirmed the importance of these best practices.

Centralized Support and Guidance for Foster Care Providers

ACS has a dedicated Office of Immigrant Services and Language Affairs (ISLA), which supports the agency’s efforts to engage with and ensure equal access to services for New York City’s immigrant and limited English proficient children, youth, and families. This office is a resource for all staff, to support the agency’s work with vulnerable children and families, and the office also provides assistance directly to children and families, foster care agency staff, and attorneys and advocates for parents and children. Inquiries and requests for assistance can be directed to NYC311 or language.access@acs.nyc.gov.

ISLA is currently reviewing and planning updates to ACS’s language access policies and guidance to provider agencies. This work has been informed by the Local Law 37 language study and resulting conversations, from which ISLA has been able to assess where there are opportunities in case practice and to hear from providers about what support and guidance is most helpful. ISLA will continue to hold listening sessions and facilitate the crucial dialogue with communities that informs and improves our practice.