



New York State Assembly Standing Committee on Children and Families

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“New York State funded programs for vulnerable children and youth”

Testimony by

**Raye Barbieri, Deputy Commissioner for Youth & Family Justice
New York City Administration for Children's Services**

I am Raye Barbieri, Deputy Commissioner of the Division of Youth and Family Justice at New York City's Administration for Children's Services (ACS). I regret that I cannot be there in person but I am submitting this written testimony for the record on behalf of ACS. Thank you for the opportunity to update you on our important work implementing the Safe Harbour Act.

Over the last several years, ACS has worked to address the needs of sexually exploited children. We have undertaken this work on a number of fronts through our child protective, preventive, foster care, and juvenile justice programs in order to identify youth who may be or have been sexually exploited and to train staff and establish services that can address the needs of these youth. Through these efforts, ACS staff and our provider partners have learned that it can be very difficult to identify sexually exploited youth. Young people come into contact with Children's Services for many reasons, including but not limited to domestic violence, substance abuse, behavioral issues and/or mental health issues. Any number of these issues can mask sexual exploitation. In addition, youth come into contact with ACS through a number of doors: we see children at our Children's Center, in our contracted foster care and prevention programs, and in our juvenile justice programs and facilities. In the past several years, ACS has established processes to help identify and address instances of sexual exploitation, whether they are identified when a child is arrested for prostitution, is being served through our Children's Center or has been in foster care.

Passed in 2008, the Safe Harbour Act is critical legislation that ACS supported as a platform for strengthening our ability to serve sexually exploited youth, particularly through coordinating our efforts with other New York City agencies. For ACS, the linchpin of the legislation is the provision allowing for the conversion of Family Court delinquency cases of youth under the age of 16 who are arrested for prostitution to a Person in Need of Supervision (PINS) petition. Conversion to a PINS petition prevents the young victim of sexual exploitation from being prosecuted for prostitution and allows that young person to receive critical support and services. The Safe Harbour Act creates a presumption that a young person who is charged in a Family Court delinquency proceeding with committing an act of prostitution is a victim of human trafficking as defined by federal law.

Under this legislation, where a youth has been who coerced or threatened into a prostitution related offense, the Family Court must, upon a motion by that young person's attorney, convert a delinquency petition to a PINS petition. The law contains a number of exceptions. A Family Court judge may deny the conversion if:

1. There is a previous finding that the youth committed a prostitution offense; or
2. The youth has been previously placed due to a PINS petition; or
3. The youth expresses unwillingness to participate in services.

If none of the exceptions apply and the case is converted into a PINS petition, the youth is then eligible to receive services through ACS.

Prior to the Safe Harbour Act taking effect in April 2010, ACS, with assistance from the Mayor's Office, began to coordinate with other New York City agencies including the Department of Youth and Child Development (DYCD), the Law Department, the Department of Probation, and the New York Police Department (NYPD) to implement the Act's provisions. In early 2010, a workgroup involving representatives from these agencies convened to develop a protocol for ensuring sexually exploited youth receive necessary services. That protocol included a role for each agency as follows: the Law Department assists with the PINS conversion process, ACS places children in the appropriate level of care and secures services for them, the NYPD trains officers to recognize the possibility that youth prostitution indicates sexual exploitation, and DYCD establishes drop-in centers to serve impacted youth.

ACS has put in place a process to handle PINS conversion cases that involves our Divisions of Youth and Family Justice, Family Court Legal Services, and Child Protection. In addition, through our Satterwhite Training Academy and community partners, we have conducted extensive training with staff from our Children's Center, Division of Child Protection field offices, and our provider agencies.

Current Status of Implementation

In April 2010, ACS began implementing the provision in the Safe Harbour Act that allows for conversion of delinquency cases involving prostitution to PINS petitions. The process begins when a juvenile arrested for prostitution is brought to Family Court and interviewed by the Department of Probation (DOP). DOP determines whether the case should

be adjusted or referred to the Law Department for prosecution. If the Law Department files a delinquency petition, an attorney will be appointed for the youth and may move to convert the delinquency to a PINS petition. Once a potential Safe Harbour case is identified, the Law Department notifies ACS so that a representative from the Family Assessment Program (FAP) can appear in court to obtain any orders from the Court if a conversion to a PINS petition takes place. FAP then alerts the appropriate divisions: the Office of Placement Administration, to inform them that the child will arrive at the Children's Center; the Division of Child Protection, so that they can administratively open a case; and, when relevant, the Division of Youth and Family Justice, to notify them that a young person may not be returning to detention or placement. Once the case is referred to ACS, we place the youth in a safe setting, either with a foster family or in an appropriate residential setting where the youth will be connected to intensive therapeutic services.

Since Safe Harbour was enacted and this protocol was instituted, ACS has found a relatively small number of young people under the age of 16 who have been arrested on prostitution-related charges and a smaller number have been converted to PINS in Family Court and subsequently referred to ACS. Since enactment in 2010, a total of nine youth under the age of 16 have been arrested for a prostitution-related offense and have been taken to Family Court where their cases have been converted. While those numbers remain low, ACS is prepared to serve any number of youth who may be victims of sexual exploitation and come to our care through a PINS petition.

Over the past five years, the arrests for prostitution or loitering for the purpose of engaging in prostitution have also been relatively low. In 2007, there were seven arrests; in 2008, there were 13 arrests and in 2009 and 2010, there were 12. In 2001, there were 22 petitions filed in Family Court for Prostitution. Of these, two were converted to PINS petitions. The rest of the cases were given delinquency dispositions that ranged from adjournments in contemplation of dismissal, to periods of probation to placement. Some of these youth were placed with ACS and others were placed with OCFS.

The Safe Harbour Act called for the establishment of at least one "safe house" in New York State where youth identified as having sexual exploitation issues could be safely placed away from the perpetrator and receive appropriate services. Last year, ACS and other city agencies were working with the State Office of Children and Family Services (OCFS) to

develop plans for the safe house. However, the anticipated funding of \$3 million to establish a safe house was never realized. Consequently, plans were never finalized to open a facility to provide residential care for sexually exploited youth. However, ACS funds a number of safe options for placement of these youth in New York City, including the Gateways program operated by the Jewish Child Care Association (JCCA) and specialized family foster care programs.

We have continued to move forward under the legislation by training staff and by establishing relevant programs and services. In May of 2012, in collaboration with Safe Horizon, ACS held an all-day forum for our employees to learn about human trafficking and discuss how to define, identify, understand and engage with trafficked youth. Shortly after, ACS released a policy in June 2012 regarding the Assessment and Safety Planning for Commercially Sexually Exploited Children. The policy provides guidance to ACS staff on how to identify, engage, support and safety plan with children who are victims of sex trafficking. The policy directs staff to work with parents and care takers, when applicable, and find targeted services to help children dealing with sex trafficking.

Additionally, ACS is in the process of releasing “Foster Care in the Community,” a safety guide for case planners and a resource guide for parents in identifying, responding to and supporting young people whose safety may be at-risk. This guide, which seeks to bring to light some of the issues children and young people face in foster care, raises awareness about commercial sex trade and domestic trafficking, and provides guidance on how to identify signs of sexual abuse or sexual exploitive behavior.

Meeting the Needs of Sexually Exploited Children

ACS offers placement options for sexually exploited children as well as many supportive services designed to address the special needs of this population. Of course, in order to ensure that children who come into our care receive the services they need, identifying children who may have been sexually exploited is critical. As discussed, it can be very difficult to identify sexual exploitation issues and ACS rarely receives a direct report that a youth is being sexually exploited. In addition, youth are often understandably reluctant to disclose that they have been exploited. In fact, it is much more likely the problem will be identified after the youth has been in foster care or when receiving preventive services

because the therapeutic nature of their placement and those services helps them to develop positive relationships with adults who help them feel comfortable disclosing their stories.

Given this paradigm, ACS must be prepared to identify and assess sexual exploitation at many different points in working with the youth and be able to understand that other presenting issues may mask sexual exploitation. In recent years, ACS has invested in strengthening both our investigative capacity and our clinical expertise in order to better assess these issues. In 2006, ACS hired its first team of Investigative Consultants, retired law enforcement investigators led by Susan Morley, a former Commanding Officer of the NYPD Special Victims Division. We now have 105 Investigative Consultants with extensive law enforcement experience. Any case involving suspected sexual exploitation triggers an immediate alert to our Investigative Consultants. In addition, each of our borough offices has a team of clinical social work staff who consult on difficult cases involving many complex issues, and who also have expertise in issues of violence and trauma that we see in cases involving sexually exploited youth.

ACS' Family Assessment Program is a pivotal program for reaching this vulnerable population and meeting their needs. The overall goal of FAP is to strengthen families and promote stability for adolescents in an effort to divert them from the Court's PINS system. FAP serves approximately 7,000 to 8,000 families annually who come to the program with concerns about school absences, chronic running away, involvement with gangs or substance and abuse, and at times, direct concerns about commercial sexual exploitation. During the past year, we have developed an instrument that allows FAP staff to assess youth's and family's risks and needs and determine the appropriate interventions and therapies. These home-based therapeutic interventions include Functional Family Therapy (FFT), Multidimensional Family Therapy (MDFT) and Multisystemic Therapy (MST). If youth cannot remain safely at home, FAP can also place youth in Multidimensional Treatment Foster Care (MTFC), which is comprised of highly specialized foster homes. These evidence-based practices (models of practice with proven, measurable results) are highly successful family interventions for at-risk youth whose problems range from acting out to conduct disorders to alcohol and/or substance abuse. The outcomes that we see with these modalities include long-term reductions in youth re-offending and violent behavior, reduction of sibling

entry into high-risk behaviors, low school drop-out and high completion rates, and positive impacts on family conflict, family communication, parenting, and youth problem behavior.

If a youth identifies as being sexually exploited in the assessment to the FAP staff, ACS can refer the youth to the Girls Educational and Mentoring Service (GEMS) or to the St. Luke's preventive program to assist the family with these specific issues. In addition, ACS has contracted with other community-based providers who offer preventive, foster care, and therapeutic services in the community and serve sexually exploited youth. As mentioned, since 2009, JCCA has operated a residential program called Gateways, which provides intensive, specialized care for girls ages 12 to 16 who have been victims of commercial sexual exploitation and trafficking. ACS also has a contract with JCCA for a Specialized Family Foster Care program that places sexually exploited youth with foster parents who are specially trained to offer a therapeutic home environment to youth while the youth receives a full range of medical, emotional and psychological services to address their needs. Lastly, we have a contract with the New Beginnings program at St. Luke's – Roosevelt Hospital Center/Community Services for Children & Families, which is an intensive clinical program intended to maintain sexually exploited youth, ages 12 to 17, safely in their homes by providing intensive therapy to the youth and his or her family.

ACS has an additional collaboration in this area: a long-standing partnership with GEMS, the nationally recognized organization that works with sexually exploited youth through intervention and outreach, direct supportive services, training, and technical assistance. GEMS has been invaluable to us at the Children's Center where we provide temporary care and shelter for children awaiting a foster care placement. It is critical that we conduct a comprehensive evaluation of children at the Children's Center, which is often our first point of contact with them. GEMS has worked closely with our staff to provide training on identifying and assessing risk factors for sexual exploitation.

Over the past decade, ACS has recognized and addressed the needs of sexually exploited children. The Safe Harbour Act has brought additional attention to the issue and has allowed us to strengthen our work in this area. We greatly appreciate the Assembly's attention to this vulnerable population of children and we look forward to continuing this important dialogue.