



David A. Hansell, Commissioner
Testimony to the New York City Council
Committee on General Welfare
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"Int. 1590-2017, Int. 1598-2017, Int. 1601-2017, Int. 1607-2017, & 1609-2017"

Good afternoon Chair Levin and members of the General Welfare Committee. I am David Hansell, Commissioner of the New York City Administration for Children's Services. With me are Andrew White, Deputy Commissioner for Policy, Planning and Measurement, Jacqueline Martin, Deputy Commissioner for Preventive Services, and William Fletcher, Deputy Commissioner for Child Protection. I am pleased to be back before the Council, just a week after you passed the FY 2018 budget. Thank you for the opportunity to share with you the work that is underway at ACS in protective and preventive services, and to discuss the child welfare bills on the agenda today.

Casey Family Programs Report

When I began my service as Commissioner –one hundred days ago – I immediately initiated a top to bottom review of ACS, paying special attention to our preventive and protective functions. As part of my review, I continued and refocused ACS' engagement with Casey Family Programs, a nationally recognized child welfare organization, to complete a comprehensive assessment of ACS' child safety initiatives, policies, casework practice, and decision-making processes. The key findings and recommendations from their review were encapsulated in a report which was released last week, and I would like to take a moment now to discuss the findings and recommendations in the report.

Overall, Casey found that ACS performs well in relation to other large urban child welfare organizations, and other child welfare jurisdictions in New York State. Casey determined that ACS has a strong and well-supported child welfare system with

impressive safety-related practices and initiatives in place. In our investigative practices, they found ACS performed well in critical areas, including our home environment and child safety assessments, which benefit from our use of clinical consultants – subject matter experts in substance abuse, domestic violence and mental health. Casey also found strong protocols in place for collaboration between ACS and other city agencies, as well as an impressive commitment to multidisciplinary support for investigations. They found that ACS caseworkers perform well when assessing family environments – assessing the vulnerability, well-being and needs of children; determining parents’ or caregivers’ ability to recognize and provide for children’s needs; and responding with urgency to any unsafe conditions. And once family needs have been determined, our Child Protective Specialist (CPS) staff do well in using data to connect families to appropriate services.

Casey also recognized that New York City is a national leader in preventive services. Unlike other jurisdictions, ACS excels at both linking families with services and tracking whether families actually engage in them. We also are leading the way in implementing evidence-based preventive models—many of which address trauma in accordance with accepted best practice—and which comprise 25% of our preventive services. They also noted that child welfare-involved families in New York City have a substantially lower rate of repeat maltreatment within six months as compared to the rest of the state (9.8 percent compared to 13.0 percent, respectively). We have also seen a decline in repeat maltreatment when families are engaged in preventive services.

In addition to acknowledging what we do well, Casey also identified areas of opportunity in which ACS should improve, such as strengthening practice regarding the consideration of prior reports and behavior patterns in investigations, timely supervisory and managerial follow-up, and the organization and dissemination of policy guidance to front-line staff. Casey issued a set of twelve recommendations for strengthening our practice, all of which I have accepted. Work is already underway to implement many of them, and others will guide our effort going forward. New investments in the FY18 budget will support this implementation, as I will explain shortly.

As Casey recognizes and as we in the City acknowledge, safeguarding children cannot be accomplished by one city agency, but must be a shared responsibility. They recommended the development of a mayoral multisystem citywide response to child safety, in partnership with the community. This effort is well underway, through the Children's Cabinet and through our work to strengthen our direct partnerships with other City agencies. In just the past three months, we have:

- Expanded our collaboration with the NYPD in multiple ways, through our revitalized ChildStat program, our Neighborhood Coordination Officer partnership, and our coordinated investigatory work;
- Executed a new Memorandum of Understanding with the Department of Homeless Services that builds on our existing practices to enhance coordination between our agencies and our providers, and to better support ACS-involved families residing in the shelter system; and,

- Re-launched our citywide safe sleep campaign in partnership with the Department of Health and Mental Hygiene, focusing particularly in neighborhoods that are disproportionately impacted by sleep-related fatalities.

Other key recommendations from Casey are that ACS should closely examine the interaction between CPS staff and preventive providers, and strengthen ACS support for and the capacity of our contracted preventive service providers. In the area of child protection, Casey calls for ACS to look beyond the number of cases a CPS worker is handling in order to understand their actual workload. Although ACS has some of the lowest caseloads among major child welfare jurisdictions, we also know that the caseload metric doesn't always reveal the full story. By taking into account all of their job-related duties—including making contact with all of the children and family members involved in a case, handling paperwork, going to court, and seeking professional consultations, we can better assess the real impact of our staffing and case management levels. I will talk more about our work to address this, including an initiative funded by the adopted FY18 budget.

I'd like to thank Casey Family Programs for their comprehensive review and assessment, and I look forward to working with our partners on implementing all of the recommendations.

FY 2018 Budget & New Initiatives

As I also discussed during my budget testimony last month, I have met with hundreds of our frontline ACS staff and with most of our provider partners to gain a deeper understanding of the challenges staff face in their day-to-day work. I have

received their valuable feedback on ways to improve practice and strengthen supports for staff, much of which has already been woven into the reforms and investments in child welfare that we have announced in the past 100 days.

Since I became Commissioner, I have focused the agency on tightening our safety net for children and families. Thanks to the commitment of Mayor de Blasio and the Council, the City's FY18 budget provides ACS with an extraordinary investment of \$54.7 million in new funding for child welfare initiatives to help with this effort. Many of these align with both Casey's recommendations, and the bills that are the subject of this hearing.

Preventive Contract Adjustments

Currently, ACS contracts with 56 organizations to provide a total of 18 different service models of preventive services. Our current capacity of approximately 13,000 slots will expand by Fiscal Year 2019 to approximately 16,000 slots. ACS has heard from the provider community that many of the existing funding models do not cover the full cost of delivering quality services and that the salaries and staffing structures are inadequate to retain and support the staff that providers need. We share this concern, and appreciate the Council's support in addressing it robustly in the FY18 budget. Building on the City's non-profit resiliency work, ACS has made a commitment to review and modify the bulk of our preventive budgets. We recognize that our providers' budgets may not always reflect the requirements and complexities of the model they are delivering. To that end, ACS is developing a process to review the budgets of different

models of preventive services, which include general preventive programs, family treatment and rehabilitation, certain evidence-based programs, and Beacon Programs. The review will focus on our expectations around the cost and quality of services, and whether existing budgets need adjustments or additional funding to ensure that requirements can be met. We expect to begin engaging providers in that process in the very near future.

The FY 2018 Budget allocates \$26 million for adjusting funding to our contracted preventive providers, where this review determines that an adjustment is necessary. Our review and assessment will also guide the next preventive services RFP, which we anticipate to release by early 2019. This work is being done in conjunction with the Office of Management and Budget and builds upon Mayor de Blasio's commitments in ACS' FY 18 Executive Budget that I discussed last month – including \$11.2 million to support 147 new facilitators for our provider programs who will help implement new case conferencing protocols and \$2.45 million that will allow preventive agencies to send staff to required training each year.

Workload Assessment and Demonstration Project

As I have said repeatedly since I assumed this role, there is nothing more important to our success than making sure we are doing everything possible to support our frontline CPS workers. To that end, we are embarking on a multi-faceted effort to address CPS working conditions, improve morale, and decrease attrition. To directly

address Casey's recommendation that we more fully and appropriately assess workload impacts, ACS will be conducting a workload study with funding in the adopted FY18 budget, so we can better understand the key areas of workload strain and develop effective case management and assignment mechanisms that take into account factors that affect the complexity and intensity of a case, such as family size, travel distance and court engagement. ACS will work with a vendor to revamp our existing workload model, which is based on a study from nearly 30 years ago.

Using internal resources, we are also exploring ways to address staffing needs, by restructuring work in our Division of Child Protection Borough Offices and speeding up hiring. DCP will launch a demonstration program in a Bronx zone to hire 17 caseworkers who will handle administrative tasks with the goal of allowing CPS to focus more on direct family engagement and higher-quality practice. We are also creating a dedicated unit in our human resources office that will expedite the process for new CPS to be hired. As I announced in the Executive Budget Hearing, we hope that other initiatives like equipping CPS with tablet devices and providing other technology-based tools will promote productivity and alleviate workload stress.

Innovating and Bolstering Training & Professional Development for Child Protection Staff

Training and continued professional development are essential components for ensuring our staff are well-equipped on day one in the field, and have the most effective tools and skills to effectively engage families and protect children. To that end, we are

allocating \$3.8 million to partner with the City University of New York (CUNY) to redesign our initial trainings for newly hired CPS and Supervisors. The curriculum will provide for more real-life experiential learning, coaching supports and on-the-job training, as well as individualized assessments. We also recognize the need to better assist our new CPS with the transition from the Training Academy to the Field Office. The adopted FY18 budget provides an additional \$900,000 to hire ten staff development coordinators—one for each of our Borough Offices—who will help identify staff development needs and will coordinate between the borough offices and the Workforce Institute to help ensure that fundamental training is carried forward in practice and that specialized training on issues like domestic violence and mental health is developed as needed.

Supporting CPS Retention, Morale, and Well-Being

There are few positions in public service as unique, demanding and rewarding as those of our CPS workers—they truly are our city's unsung heroes, our child safety first responders—and we want to help the public understand that. The FY18 adopted budget allocates funds for a new campaign to increase public and professional recognition of CPS workers, and to recruit new CPS. We will also do more to honor our CPS workers internally through staff appreciation activities that acknowledge their contributions. To support the well-being of frontline staff who handle particularly difficult or stressful cases, we have executed an agreement with the Office of Labor Relations for additional counselors for the Employee Assistance Program (EAP) to specifically support our child

protection workers. We are proud to partner with EAP, a lifeline for city employees, which will organize and offer programs that address exposure to trauma, coping with challenges, and building resilience.

These important investments and initiatives would not be possible without the Mayor's commitment and the Council's support through the budget process, and I am deeply appreciative. I look forward to updating you on the implementation of these initiatives, and the progress we achieve, in the coming months and years.

Council Bills

I hope I have demonstrated that, through our recent budgetary and programmatic initiatives, we are moving forward in the areas of concern to the Council, as embodied in the legislation that is the specific subject of this hearing. I believe we share the same goals and spirit as the Council in this area, but we do have significant concerns about the prescriptiveness of some of the legislation, which we believe may not ultimately have the intended impact, and may even inhibit our efforts toward reform.

Preventive Services

Int. 1590: Training for Preventive Services Employees

As Casey recognized, ACS has built a robust network of preventive services and community resources to support families in our child welfare system. ACS' non-profit providers are among the best in the nation, and I am proud to partner with them in serving the City's children and families. We hold our providers to high standards, and

we recognize that in order for them to provide the highest quality services, they must be appropriately trained and adequately supported. As I've explained, the FY18 budget supports that commitment through significant investments to support the preventive services workforce, and specifically by providing the necessary financial supports for our providers to enable staff participation in mandated annual training. Through the ACS Workforce Institute, we are developing a new 12-day curriculum that will train new preventive agency staff. The curriculum will consist of a new two-day course available once a month for all new preventive staff before they take any cases, followed by an additional ten-day course provided every other month, which new staff will complete within two months of hiring. These courses, which also include training on safety and risk, will begin later this year and will be available throughout the year on an ongoing basis. As I mentioned earlier, \$2.45 million of new funding will be available to preventive agencies so that they can send all of their frontline staff to six days of required training each year.

Int. 1590 would require ACS to provide training on identifying and reporting suspected physical abuse and neglect to all preventive services workers before the individual begins to provide services, and would also require ACS to ensure that all individuals providing preventive services attend at least two trainings per year, the content of which ACS would determine. While ACS is not opposed to this bill in concept, we believe the legislation is not necessary for the following reasons.

First, New York Social Services Law and regulations of the State Office of Children and Family Services (OCFS) already mandate preventive agency staff to participate in Mandated Reporter training, and set out detailed requirements for the content of the training. Thus this bill may be preempted by state law and regulations. In addition, as described above, our FY 2018 budget provides resources for a new 12-day onboarding curriculum through the ACS Workforce Institute for new preventive agency staff. Moreover, ACS is going beyond the mandate of this bill and funding our agencies to cover the actual expenses associated with allowing all frontline preventive workers to participate in trainings every year.

Int. 1598: Preventive Services Surveys

Int. 1598 would require ACS to provide to all families receiving preventive services an annual survey regarding the family's experiences with each preventive services provider that provided services to them during the preceding calendar year, and to produce for the Council an annual report of aggregate data obtained from the surveys.

ACS values assessment of the experiences of our families and is not opposed to surveying families, but we have concerns about this bill as drafted. First, the bill requires ACS – rather than our providers – to send the surveys. Given that many families' initial involvement with ACS involves Child Protection, we are concerned that families may perceive the notices to be part of an investigation and be less inclined to participate.

Since many families develop a strong relationship with their preventive agency, we would propose that the survey be issued by the agency.

Second, there are significant costs associated with this bill which, without funding, will create workload issues for ACS and unfunded mandates for our preventive service providers. Third, rather than survey every one of the approximately 20,000 families that receive preventive services each year, we believe that collecting statistically valid data from a sample of families would produce results of high quality for a public report with far less expense and burden.

Given these concerns, ACS proposes having preventive providers conduct the surveys at the time a family concludes its involvement with the provider, and that ACS be permitted to collect data from providers, representing a statistically significant sample of families rather than all families who received preventive services. We are happy to work with the Council to refine this bill.

Child Protection

Int. 1601: ChildStat

One of my first areas of focus after my appointment was to restructure and reinvigorate ChildStat—a quality assurance tool for child protection operations. We embrace ChildStat as a vital approach to strengthening the agency's focus on performance accountability around child protection, and to building a more unified culture of excellence in practice across all five boroughs. The newly restructured

ChildStat launched last month and is the result of extensive review and analysis of previous iterations, observation of the NYPD's CompStat, and incorporation of best practices from other jurisdictions.

This legislation would lock ACS into a rigid ChildStat model, and strip ACS of the flexibility to modify the quality assurance tool as best practices emerge and child welfare practices evolve. We are concerned that the detailed codification of an Executive agency's internal quality improvement system, and of specific operational and administrative methods and practices, extends beyond the normal scope of legislation. Int. 1601 seeks to legislate every aspect of ACS' ChildStat sessions—from the frequency of the meetings and the staffing of the meetings, to the information to be reviewed and the data to be collected. ACS is strongly opposed to this approach. We believe the model just implemented meets the goals of this legislation, and that the Council's ongoing oversight authority would enable it to address any deviations that a future Administration might make. At most, we would instead propose that Council mandate ACS to implement a detailed quality improvement program, and provide routine updates to the Council to ensure that it is robust and meaningful.

Int. 1607: CPS Caseloads and Child Safety Conferences

Int. 1607 would amend Local Law 20 of 2016 to require ACS to report additional data relating to the caseloads for CPS workers and certain child protective procedures, including Child Safety Conferences and removals of children. As I discussed earlier, we accept Casey's recommendation that we look at alternative measures that truly reflect

CPS workload rather than simply caseload, and in line with their recommendation, ACS will be conducting a study that will yield metrics to better define caseloads and make corresponding workload changes. We are also in the midst of redesigning our case assignment data system, which will incorporate best practices that are different from those described in this bill. In its current form, this legislation would lock the agency into specific definitions that would prevent us from implementing the knowledge we gain from the workload study, other jurisdictions, and our own experience—that will likely more accurately reflect the specific work conditions of our CPS.

Second, ACS does not have the technical capacity to report on a substantial amount of the information the legislation requires, and would need to work with the Council to devise provisions that better align with ACS' data collection capabilities, limitations of the statewide system of record, and mechanisms by which ACS currently generates automated reports. Third, New York State already prescribes that all local social services districts use a different caseload measure, which would be inconsistent with that proposed in this bill.

Int. 1609: Accountability Review Panel Report

Int. 1609 would require ACS to produce an annual report on the aggregate findings and recommendations of the agency's Accountability Review Panel (ARP). While ACS is not opposed to regular reporting on child fatalities, we would request some flexibility in the reporting structure. We would also like to work with the Council to devise language that aligns with ACS' capacity to produce reports.

ACS created the Accountability Review Panel for internal quality improvement purposes and the methodology, composition, name, and even the panel itself are subject to change over time to accommodate best practices. We propose that the legislation not be specifically linked to the “Accountability Review Panel”, but instead focus on the desired outcome: an annual report on child fatalities in New York City that are known to the ACS child welfare system, with recommendations for systemic change resulting from review of those fatalities. We would also need a longer time frame for producing a report, as “45 days after the end of the year” is not a sufficient timeframe to obtain all the information needed for the report, especially pertaining to fatalities that occur at the end of the year. For example, information from the Office of the Chief Medical Examiner (OCME) is essential to produce a report on fatalities, but the Medical Examiner’s office frequently takes many months, or even longer, to finalize its reviews. In order to ensure that OCME reports for fatalities are received in time for inclusion in an annual report, we propose extending the timeframe for producing the report to 18 months from the end of the year.

Conclusion

Before I close, I want to share a development in foster care, which is not directly related to these bills, but I know is important to the Council and to this Committee. The Interagency Foster Care Task Force, established by the City Council and signed into law by the Mayor last fall, is meeting for the first time later this month. The Task Force comprises myself, Speaker Mark-Viverito, Chair Levin, Public Advocate James, and five city agencies—HRA, DOE, DYCD, Health, and NYCHA—along with representatives

from the parent community, advocates and providers, and of course, young people involved in the foster care system.

As you know, the goal of the task force is to develop recommendations to improve services for youth in foster care and promote better outcomes for young people aging out of care. The Task Force is charged with making recommendations on a wide range of domains including education, housing, mental health, and employment. We thank the Council for appointing members and I look forward to working with you, Chair Levin, and the group to further our commitment to our young people, and to develop a new schedule for completing the Task Force's work.

As I mark 100 days with ACS, I would like to thank the Council for your support and partnership as we work to promote safety, stability and well-being for children and families across the City. Just as importantly, I thank you for your advocacy on behalf of ACS' frontline staff and our non-profit provider staff. We appreciate the opportunity to discuss the Council's proposed legislation and the work that is currently underway at ACS that address the needs these bills aim to meet. We look forward to working with you to refine the legislation so it can best serve the interests of our children and families, and the dedicated workforce who serve them. I am happy to take your questions.