



Leadership, voice and vision for child welfare in New York State

**Council of Family and Child Caring Agencies
Testimony Presented by Lisa Gitelson, Associate Executive Director
City Council
Committee on General Welfare
October 31, 2019**

Good afternoon, Chairperson Levin and all Council Members. I am Lisa Gitelson and I am the Associate Executive Director of the Council of Family and Child Caring Agencies (COFCCA). Our member agencies include over fifty not-for-profit organizations providing foster care, adoption, family preservation, and juvenile justice services in New York City and over 100 agencies providing the same services Statewide. On behalf of our member agencies, their thousands of employees, and mostly on behalf of the tens of thousands of children and families that our agencies serve, we thank you for the opportunity to testify before you today.

As the City continues its strong commitment to keeping our children and families safe while seeking the most expeditious permanency, it is imperative that the Council takes into consideration all of the impacts of the proposed resolutions and bills seeking to secure this safety for all.

Package of Proposals

COFCCA supports the bulk of the proposals and applauds the intentions and work of the Council Members who have together presented this package.

We agree with the sentiments of Chairperson Levin in his statements at the City Council Meeting, September 25, 2018, "The bills we're introducing today with my colleagues will bring greater accountability, transparency..." ACS and the Voluntary Foster Care Agencies believe in accountability and transparency in all of the work that is done to serve the families of NYC. We do want to make certain that ACS is fiscally supported to do the work that will be required to produce the data to show the accountability and transparency required by this package.

We further support the statement of Council Member Adams at the City Council meeting on September 25, 2018, "We must do everything possible to prevent unwarranted separations especially for those who are only guilty of parenting while poor or black or immigrant." Every child should be safely with their family. Every family should have a safe home. There must be racial/economic/immigrant justice for all of our families.

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Where we disagree with the package is at the intersection of social work intervention and legal representation. Initial meetings with ACS are social work interventions and the introduction of legal representation will immediately change the nature of the work and shift the focus from



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safety and permanency to litigation and adversarial positions. Introducing an attorney for one party, by its very nature, introduces the introduction of attorneys for all parties. Attorneys are not trained to advise as to safety and permanency matters, nor should they give opinions that would impact those determinations. Social work staff and those supervised by social work staff are trained in safety and permanency and are the people who should be involved in these determinations. Attorneys are trained in advocacy and litigation and should be involved to either present or defend a case presented in a courtroom.

Involving attorneys at the outset of a case will by the nature of the work, change the tenor from a social work intervention to an adversarial setting. Decisions will need to be made regarding safety without the benefit of a full social work evaluation once this happens. None of us want safety to be compromised. All of us here today agree that the safety of all of NYC's children and families is paramount.

Recommendations

COFCCA believes that ACS staff, who are well-trained in every aspect of safety, is the correct team to be at the initial contact and at contacts until and if there is a decision to file in court. Understanding the Council's concerns and possible disagreement with this position, we would recommend a further examination and discussion of the manner in which the social work interventions happen, rather than ending the social work intervention in preference for a legal one.

I would be happy to answer any questions the Council members may have.

I thank you for allowing me to submit testimony.

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