



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

**Council of Family and Child Caring Agencies
Testimony Presented by Jim Purcell, President and CEO
Committee on General Welfare Oversight Hearing:
Racial Disparities in the Child Welfare System
October 28, 2020, 1pm
via Videoconference**

Good afternoon, Chairperson Levin and members of the General Welfare Committee, I am Jim Purcell the President and CEO of the Council of Family and Child Caring Agencies (COFCCA). I am very pleased to appear before you today with Damyn Kelly the CEO of Lutheran Social Services and co-chair of our Board of Directors' Committee on Racial Justice. 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.

The pandemic has laid bare what has long been known: child welfare is a system that disproportionately impacts Black and Brown families in every city in the country, and of course that includes New York City. We can identify many reasons why this is so:

- Black and Brown families are more likely to be poor, due to factors of institutional racism including the historic inability to accumulate and inherit assets, employment discrimination, the inability to obtain loans to start business or to buy property and many more reasons. Poverty is often misconstrued as neglect, and neglect is the most-frequent reason a call is made to the Child Abuse Hotline, the New York State Central Registry (SCR).
- Black and Brown families are more likely to be over-monitored; interventions such as heightened police presence in the neighborhood, close attention by school personnel, and assistance from human service agencies create more touch points to protect health and safety, but also create more opportunities to scrutinize parents by mandated reporters – those who are legally required to report suspected child abuse and neglect to the SCR Child Abuse Hotline.
- Black and Brown children are far too often viewed differently by school and police personnel, leading to child welfare or juvenile justice interventions for normal behaviors such as acting out in class or being boisterous in public; at the same time Black and Brown children are also more likely to have experienced Adverse Childhood Experiences (ACEs) and are more likely to have behavioral issues due to psychological trauma.
- Black and Brown families' investigations are indicated at a higher rate; "indicated" is the legal term meaning the investigators found a preponderance of evidence indicating that a child experienced abuse or neglect.

- Black and Brown families are more likely to have a case opened for services after an indicated report, whether for Prevention Services or Foster Care; families of color are also more likely to have their children removed and placed in foster care following an indicated report.

In the world we all strive for, all of New York's children would be with their families, safe, healthy, and thriving. Unfortunately, there are situations where child welfare interventions are required, where a child cannot stay safely at home with their families. These situations include not only situations of abuse but also of serious neglect by the parent. There are times when situations fall into the grey area between poverty and clear neglect or abuse. We as a city are responsible for the safety and wellbeing of all of our children. To this end we must focus our efforts on:

- 1) Real and meaningful change to the systemic factors such as poverty that can lead to child welfare involvement in the first place,
- 2) Taking all steps possible against biased decision-making for those families that do come in contact with the child welfare system.

A child entering foster care, or a family being mandated to participate in prevention services, for reasons mostly related to poverty can be seen as an indictment of our society and the many larger systems that have undermined the family at many points along the way. Why are we, as a society, allowing families to fall into poverty and then grudgingly help them with barely enough to meet basic needs? Why do we use the police as our primary safety intervention, when they are primed to view many behaviors as crimes instead of problems of mental or behavioral health? Why is it the State Central Registry the primary tool we give people who are concerned about the well-being of children? There is clearly a need in our City for quality housing, health care, food, and child care that is affordable and accessible for families across the city. Public education and pre-K are in a highly unusual state of affairs right now, but it remains that *all* the city's children deserve the best education the city can provide, and right now that means technology and internet access that meets their needs. If we did not allow some children, some families to fall behind or "make do" or "get by" on barely enough, we could reduce the number of child welfare calls made for children whose parents are doing the best they can with the limited resources they are allowed.

Who can best determine what families need? **Families.** Unfortunately, we have set up a situation where in order to get help, parents may have to admit that they are struggling to meet their children's needs. This is a risky proposition for parents who are turning to someone who is both a helper and monitor – a school support staffer who is also a mandated reporter, for example. This is where community-based agencies and prevention program providers can be most useful. These programs are meant to serve the parents by addressing parents' identified needs and assisting them in getting the resources to keep their families safe, healthy, and together. The city's three Family Enrichment Centers are tailored to community needs and are available for parents to stop by, connect with neighbors, find resources, and support each other. These community-built, community-serving models are only available in three locations right now, two in the Bronx and one in Brooklyn, and the Council should consider funding more locations throughout the city. In fact, why are they not available to every family in every community?

More formal family services are provided at the many prevention programs throughout the city. These programs offer different levels and types of supports for parents, from general prevention to evidence-based models for parents facing specific problems. Although most families in prevention programs were referred by the Administration for Children's Services, these programs also accept parents who come to them for

assistance without having been involved with ACS. The vast majority (94%) of surveyed parents who received services from NYC prevention providers reported they were happy with the services they received and 86% said the services helped them reach their parenting goals. Parents who completed prevention services were also found to be less likely the subject of a later abuse or neglect allegation.

ACS' expanded investment in prevention services over the years, thanks in very large measure to the intervention and support of this Council Committee, and the increased number of families served each year occurs at the same time as the numbers of children in foster care have steadily declined. But while the number of children coming into care shrunk, rates of racial disproportionality in foster care have not significantly changed. ACS and their contract agencies have been looking at the work through a racial equity lens – some for very many years – and have made more concentrated, intentional efforts at reducing disproportionality. COFCCA member agencies have been participating in Undoing Racism three-day trainings and ongoing monthly discussion groups, which also brings workers from ACS and other organizations to the table.

Disproportionality in child welfare starts at the very beginning. As noted above, people (mostly state-mandated reporters) call the hotline to report suspected neglect about more Black and Brown children than children who are white or Asian. There is a particular need to explore the drivers of any intended protective measures that feed children and families into the child welfare pipeline. School personnel, medical professionals, hospital staff and other community-based workers are mandated reporters. While all of these individuals and institutions are well-meaning, they represent the first line reporters to the State Central Registrar and are the main safety nets constructed to protect children. The process and procedures that enable these stakeholders to make reports must be examined for inequities in reporting. How is it possible that more children of color are reported than white children? What implicit or explicit biases exist that give rise to the over reporting of SCR reports on Black and Brown children?

NYC's 2018 numbers show of all the children in families investigated based on calls about possible abuse or neglect, 42% were Black and 45% were Latinx/Hispanic. For comparison, 22% of the city's population of children were Black and 35% Latinx (2019 US Census Bureau estimates). Black and Brown families are over-monitored and over-reported, and people (especially professionals) need more resources to refer parents for help than the Child Abuse Hotline. The child welfare system cannot control the incoming calls; however, we can take steps to reduce bias in process that follows.

The first encounter with child welfare professionals is a critical touch point of the initial family engagement that produces core case assessments that result in specific dispositions for the family and children (indicted, unfounded, recommendation for services, no services, or case closed). What safety assessment lens is most appropriate at this level? Should investigators use a service lens or a law enforcement lens to make a decision or determine next steps for families? How much weight do decisions at this level have on racial disproportionality?

We applaud the New York State Office of Children and Family Services for taking steps to promote race-blind decision-making throughout the state. OCFS recently outlined a process based on Nassau County's work which requires child removal decisions be made by people who review the facts of each case with race and ethnicity signifiers redacted. We firmly support efforts to reduce disproportionality by addressing bias in removal decisions.

It should also be noted that we have a record low number of children in foster care today, and about half of the children placed in foster care are living with immediate or extended family members in what are known as kinship placements. This is the result of aggressive efforts by both ACS and our foster care agencies to find and approve these families.

Authorization to place children in foster care is the responsibility of the court. The Family Court system - judges, attorneys, and family advocates – form the underpinnings of the court case management process and the court orders that contribute to racial inequities in the system. Any dispositions that give rise to elevated level of removals of Black and Brown children, court supervision, adoptions dispositions, orders to parole children to other parties, residential/congregate placements, and other procedural processes related to Family Court outcomes must be examined for racially disparate impact.

Unfortunately, many of our member agencies report Family Court is also sticking point when it comes to reuniting children with their families, approving family members as legal guardians through the Kinship Guardian Assistance Program (KinGAP), or completing child adoptions. Before the COVID-19 crisis, delays in Family Court proceedings were commonplace, and it could take more than a year for hearings (with multiple adjournments) to determine whether alleged abuse or neglect even took place. Now, the courts are reportedly holding many fewer hearings per day. As a result, the number of children in care is slowly growing because so few are leaving foster care – and, a reminder, most of these children are Black or Brown. In addition, the recently-reported racist behaviors by court officers and others in the Family Court are shocking to see in print, but not surprising to people who have been in their buildings.

As for the service providers, agencies are working to diversify staff, including at management and administrative levels, to better reflect the population they serve; regularly training staff to identify implicit and explicit bias; and assessing agency culture for factors that might lead to racial inequities. All child welfare providers strive to provide high-quality services for the city's families and their performance is measured in several ways, but we need to remember that the experience of each family need to be the first priority, and to push back against evaluation systems that run counter to what is best for the children and parents. Agencies can support families by expanding into new areas, implementing programs that help families build economic mobility, address educational deficits, and provide more vocational-based services, for example. In addition, the city's private child welfare agencies are actively involved in a statewide learning collaborative to review, share and consider the policies and practices that other agencies are using to be more responsive to racial disproportionality in child welfare. Data from the Fiscal Policy Institute shows that across the human services sector, child welfare included, 80% of the front-line staff are women and 44% of them are women of color. When the city's contracts with service providers do not allow for a living wage, it creates a domino effect: underpaid women of color leave and the staff turnover leads to delays in closing child welfare cases.

It's been said "It takes a village to raise a child;" it will take our City to reform the child welfare system. We cannot fix it only from within – outside the system there need to be housing, health, food, and education resources for families to start; community-based, family-serving places to which parents can go for help; anti-bias and community resource education for mandated reporters; and a serious overhaul of the Family Court. Within child welfare, we need to redouble our efforts at identifying and avoiding bias in decision-making, continue to examine child welfare practice for cultural appreciation and sensitivity, along with continuing to identify and change those policies and practices that perpetuate institutional racism.

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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