

# ANNUAL REPORT 2021



CARL E. HEASTIE, SPEAKER  
ELLEN C. JAFFEE, CHAIR

**NEW YORK STATE ASSEMBLY**  
**COMMITTEE ON CHILDREN AND FAMILIES**

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY



Ellen Jaffee  
Assembly 97<sup>th</sup> District

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COMMITTEES  
Education, Environmental Conservation,  
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Taskforce on Women's Issues

Legislative Women's Caucus

Honorable Carl Heastie  
Speaker of the Assembly  
932 Legislative Office Building  
Albany, New York 12248

December 15, 2021

Dear Speaker Heastie,

As Chair of the Assembly Standing Committee on Children and Families, I am honored to present to you the 2021 Annual Report. As our state continues to grapple with the effects of the pandemic, it is imperative that we implement policy that mitigates the trauma our children and families have endured and continue to endure due to COVID-19.

Since the pandemic began, 325,000 children have fallen near or below the Federal Poverty Level in New York State. More than 4,000 children have lost a parent or caregiver and it is estimated that 23% of these children will end up in foster care. The pandemic's effects on New York State's child care infrastructure have been just as severe, with 25% of home-based child care programs and 70% of centers for school-aged children having closed their doors. At the height of the pandemic, 724 providers closed permanently within a 28-week span, averaging nearly 26 closures per week. As a result, the child care workforce, predominantly women of color, has suffered huge financial losses.

I am extremely proud to have fought for and delivered a budget that makes huge strides in addressing these issues and also lays the groundwork to overhaul and reimagine our child care system, improving it for providers, families, and children alike.



For child care, this year's budget:

- Added additional child care subsidies throughout New York State;
- Increased eligibility for child care subsidies to 200% of the Federal Poverty Level statewide;
- Provided \$1.26 billion in upfront stabilization grants to providers that may be used to cover a range of costs, including provider expenses for personnel costs, rent, facility maintenance and improvements, personal protective equipment (PPE), public health emergency-related supplies, goods and services necessary to resume providing care, mental health supports for children and early educators, and reimbursement of costs associated with the current public health emergency;
- Capped child care co-payments to 10% of a family's income over the Federal Poverty Level;
- Reimbursed providers for up to 24 absences for providers per year for last year and will continue to cover these costs for three future years;
- Ensured 12-month eligibility for families in receipt of child care subsidies statewide;
- Provided an additional \$50 million in funding for existing facilitated enrollment child care providers in six regions of the state over the next two years;
- Invested \$100 million to build new child care capacity in areas of the state deemed to be child care deserts as determined by the Office of Children and Family Services;
- Provided \$25 million for child care scholarships for essential workers;
- Provided \$39 million for Quality Stars; and
- Provided \$40 million in grants for supplies and PPE to providers

This year's budget also included monumental language to provide mandated reporters with updated trauma-informed practice training that also includes implicit bias training, and training to identify child abuse virtually. The funds allocated will also be used to create a curriculum and educational materials to implement the new training through new and/or existing channels.

The committee also had a number of legislative victories this year. Assembly bill A.4982 raises the lower age of juvenile delinquency, from seven years old to twelve years old, and creates an alternative response for children under the age of twelve who would have otherwise been brought within

the jurisdiction of family court and the juvenile justice system. The American Academy of Pediatrics has found that 90% of justice-involved youth have experienced at least one form of childhood trauma, and according to the National Child Traumatic Stress Network, the average justice-involved youth will have experienced 5 different forms of childhood trauma, 62% of these youth having experienced that trauma within the first 5 years of their life. We know that youth who have high numbers of Adverse Childhood Experiences (ACEs) and have endured childhood trauma are at a higher risk of experiencing a range of problems through adulthood, including difficulty in school, alcohol and substance abuse, suicide, homelessness, obesity, asthma, cancer, heart disease, auto-immune disease, cardiovascular disease, generational trauma, generational poverty, and incarceration and recidivism.

However, when traumatized children receive the proper supports, services, and protective factors, the likelihood of lasting negative impacts into adulthood stemming from childhood trauma decrease significantly. Exposing children to the family court and juvenile justice system, handcuffing them, interrogating them, and placing them in pre-trial detention only further traumatizes these youth rather than helping them become the successful adults they can be. Passing this crucial legislation is also a racial justice issue. In 2019 in NYC, nearly 9 out of 10 (86%) delinquency petitions filed against children under 12 involved Black or Latinx children. This is despite the fact that Black and Latinx youth represent only 22% and 36% of the City's children, respectively. In the rest of New York State, 31% of delinquency petitions filed for children under 12 were Black youth who represent only 15% of the population in the rest of state.

This disproportionate representation of youth of color in the system is inherently racist and speaks to the fact that Black and brown children are often adultified – looked at by authority figures as older than they really are. Earlier this year we all saw a 9-year-old Black girl pepper-sprayed and aggressively put in the back of a patrol car. No child should experience this, and this rarely, if ever, happens to white children. Most 7- to 11-year-olds are brought in on charges of vandalism, stealing, or fighting, and none of these acts can be properly addressed through the justice system, which only further penalizes and traumatizes these youth. Providing them with services, meeting their needs, and treating them like the children that they are is what our state should be in the business of doing. The legislature made great strides to raise the age of criminality, and this bill is a follow up to those efforts. No child, especially those as young as 7, should have to endure the trauma of the court and juvenile justice systems, especially when we know those experiences lead to worse outcomes.

This bill has passed in both the Senate and Assembly and eagerly awaits the Governor's signature.

Our committee successfully passed legislation that was signed into law allowing former foster care youth to return to previous placements during a state of emergency, even after they have aged out. Safe housing was one of the best ways to combat this pandemic, especially at its height when New York was under the stay-at-home order. This new law bypasses the need for youth to enter the backlogged court system for approval to return to placement and waives previously required vocational and educational provisions. One of the single most important things is that our youth have safe homes to go to, and this law removes unnecessary barriers to that safety.

The committee also successfully expanded and defined the term "kinship caregiver." Kinship caregivers are any relative or non-relative who is acting as a parent and is related to the child through blood, marriage or adoption, is related to a half-sibling of the child through blood, marriage or adoption, or is an adult with a positive prior relationship with the child, a half-sibling of the child or the child's parent, including, but not limited to, a step-parent, godparent, neighbor or family friend. Kinship caregivers provide critical care for vulnerable youth and help keep youth out of foster care. This law puts the expanded definition into statutory law to provide kinship caregivers with supports.

Overall, the Children and Families Committee has a wide net of policy initiatives which we plan to implement and support this upcoming session, with special attention and consideration given to matters addressing the devastation experienced due to the COVID-19 pandemic. These programs will provide tools for immediate relief and greatly help New York State's children and families succeed for generations to come.

Sincerely,

Andrew Hevesi, Chair  
Committee on Children and Families

**2021 ANNUAL REPORT  
OF THE  
NEW YORK STATE ASSEMBLY  
STANDING COMMITTEE ON CHILDREN AND FAMILIES**

**Andrew D. Hevesi  
Chair**

**Committee Members**

**Majority**

Khaleel Anderson  
Sarah Clark  
Catalina Cruz  
Taylor Darling  
Maritza Davila  
Mathylde Frontus  
Jessica Gonzales-Rojas  
Kimberly Jean-Pierre  
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Demond Meeks  
Marcela Mitaynes  
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**Minority**

Marjorie Byrnes (Ranker)  
Jeffery Gallahan  
Melissa Miller  
John Salka

**Committee Staff**

Rebecca Rasmussen - Executive Director/Committee Clerk

**Program and Counsel Staff**

Jennifer Sacco – Assistant Secretary for Program and Policy  
Meg Antz – Principal Legislative Analyst

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## I. INTRODUCTION

The Assembly Standing Committee on Children and Families, established in 1975 as the Committee on Child Care, has jurisdiction over legislation affecting: 1) child welfare, including foster care, preventive services, and adoption; 2) child care; 3) juvenile justice, including youth development and delinquency prevention programs, Persons in Need of Supervision (PINS), and the detention and placement of adjudicated youth; 4) adult protective services; 5) residential and non-residential domestic violence services; and 6) other services and programs for children and their families, including Family Court processes.

In New York State, there are 62 counties and 58 local social services districts. Each county represents a local district, with the exception of New York City, which operates as one district for all five counties. The Office of Children and Family Services (OCFS) oversees local district provision and administration of child welfare, child care, youth programs, adult protective and other publicly funded services for children and families. In addition, in New York City, the Administration for Children's Services (ACS) is responsible for the provision and administration of child welfare services, juvenile justice services and child care assistance.

Each local social services district is required by law to provide child protective services, preventive services where a risk of foster care exists, and foster care services for children who are at imminent risk in their own homes. After a child protective investigation, a district will make a determination regarding the need for preventive services, as well as foster care. The district may provide preventive and foster care services directly or through contract with a private not-for-profit agency. Preventive services may help the family avoid foster care or help a child to return home from foster care. Such services may include counseling, drug treatment and home management skills.

If a child is placed in foster care, that decision must be affirmed by a Family Court judge. The court will also determine whether the local district has made reasonable efforts to reunite the child with his or her family and set forward a permanency goal for the child. Foster children may reside in a variety of settings, including foster family homes, group homes and residential institutions. Foster parents receive subsidy payments, comprised of federal, state, and local funds and issued by the local social services district.

Local social services districts also issue subsidy payments to child care providers on behalf of low-income families eligible for child care assistance. This assistance is comprised of federal, state, and local funds and helps families maintain employment while their children are being cared for in a safe environment. Outside of New York City, child care providers are licensed or registered by OCFS, which also conducts inspections to ensure compliance with state regulations. In New York City, the New York City Department of Health and Mental Hygiene is the licensing agency for child care providers, while ACS contracts with and issues payments to providers. These payments may also come in the form of a voucher given directly to the eligible family. Statewide, child care is provided in a variety of settings such as child care centers, group family day care homes and family day care homes. Informal child care is also available statewide, for providers that serve no more than two children or serve children for no more than three hours a day. Unlike child care centers and family day care homes, these providers are not required to be registered or licensed. However, due to



amendments made by the federal government in 2014, the re-authorization of the Child Care Development Block Grant Act (CCDBG) requires these providers to receive background checks and meet additional requirements similar to child care centers and family day care homes. The CCDBG is a block grant to state, territory, and tribal governments that provides support for children and their families with paying for child care. The key goals of the 2014 CCDBG re-authorization are to protect the health and safety of children in care through more consistent standards and monitoring of standards; improve the quality of care, including through increased supports for child care providers; and enable families to more easily access child care assistance that supports stable and continuous care and that can be coordinated with other programs.

The juvenile justice system in New York State is comprised of state, local and privately operated programs for youth. Youth may be placed by the Family Court in a private voluntary agency, contracting with either the local social services district or OCFS. OCFS operates secure, limited-secure, and non-secure juvenile justice facilities, where adjudicated youth may be placed as juvenile delinquents or by the Criminal Court as juvenile offenders. The “Close to Home” reform enacted in the SFY 2012-13 budget requires that adjudicated youth from NYC be placed with the Administration for Children’s Services (ACS) rather than OCFS. This reform lowered the number of youth placed with OCFS by transferring NYC youth in non-secure facilities to, and by placing all newly adjudicated youth with ACS.

In 2017, the enacted budget included language to increase the age of juvenile jurisdiction, thereby ensuring that more youth will receive necessary services and diversion rather than becoming more deeply entrenched in the criminal justice system. Under the new law, youths aged 16 or 17 charged with a misdemeanor offense would have their cases heard in Family Court. For youths aged 16 and 17 charged with a felony, their cases would originate in a separate Youth Part in Criminal Court with a family court judge presiding, where non-violent felonies would be subject to removal to Family Court.

This year, the Legislature passed and the Governor signed a measure into law that would raise the lower age of youth eligible to be charged as a juvenile delinquent from age seven to age twelve. Some youth, depending on the type of crime committed, would still be considered juvenile delinquents. Instead of being charged as such, youth would be referred for services through an alternative system administered by the local social service districts to be assessed and receive services to address any potential trauma or issues the youth is facing.

OCFS provides after-care services to youth leaving placement, based in statewide Community Multi-Services Offices. Each youth leaving placement in an OCFS-operated facility receives after-care services to help with the transition back into the community. Pursuant to the “Close to Home” plan submitted by ACS; the city provides after-care to youth transitioning out of placement in voluntary agencies.

Localities also operate and provide juvenile justice programs and services. Counties operate detention facilities where a youth may be held prior to adjudication or placement. Counties also operate or contract with providers for non-mandated services for youth involved, or at risk of involvement, in the juvenile justice system. These programs include alternatives to detention and residential care, where an at-risk youth may receive services such as supervision and counseling.

While the state provides funding for alternative programs, the number and types of programs that are available vary statewide.

Local social services districts are also responsible for providing adult protective services for adults who, because of mental or physical impairments, are unable to manage their own resources, carry out activities of daily living, or protect themselves from physical, sexual, or emotional abuse, and have no one willing or able to assist them. Districts are mandated to accept and investigate reports of persons alleged to need protective services and provide such services without regard to income. These services may include arranging for medical and mental health services, assisting in relocating the adult to a safe location, providing drug treatment and assuming guardianship of the adult.

Domestic violence services are also provided by each local social services district, as required by the New York State Domestic Violence Prevention Act of 1987. OCFS issues regulations establishing standards for such services, which include both non-residential and residential domestic violence programs. The residential programs are licensed by OCFS and include shelters with ten beds or more, safe dwellings for victims and their children and safe home networks providing emergency services coordinated by a not-for-profit organization. OCFS also sets the per diem rate for residential domestic violence programs.

## I. SUMMARY OF COMMITTEE ACTION

### A. CHILD CARE

The availability of child care is tied to both the social and economic development of New York State. Quite often, the child care expenses for a family of four can exceed the cost of food, rent and other household expenses, resulting in the cost of quality child care becoming the single largest expense in the family's budget. The Committee on Children and Families has continued to stress the critical need for accessible, affordable, safe, and quality child care. Parents must have reliable child care in order to maintain their employment, and young children need quality settings for appropriate educational and social development. This year, the Assembly fought to ensure that the State budget would preserve funding for quality child care, while also making quality child care more accessible and safer for children of low- to moderate-income families. In response to the COVID-19 pandemic, the Federal government allocated funds through the CARES Act to be used exclusively for child care expenditures.

#### 1. Legislative Initiatives

**a. Child care documents** (A.1860 Jean-Pierre/S.5081 Benjamin; Chapter 114 of 2021; A.7723 Jean-Pierre/S.7008 Benjamin; Chapter 145 of 2021)

This bill and an accompanying chapter amendment would require the Office of Children and Family Services, upon request, to provide all applications and forms necessary to become a licensed or registered child care provider in English, French, Polish or any of the ten most common non-English languages spoken by individuals with limited-English proficiency in New York State.

**b. Requiring cordless window coverings in child day care centers and certain other facilities** (A.2150A Rosenthal, L./ S.6900 Brisport; Passed Assembly)

Window blinds and coverings with easily accessible drawstrings create a serious safety hazard for young children who lack full control of their motor functions, especially when they are present in facilities that care for children.

This bill would establish new definitions relating to cordless window coverings for child day care centers, foster care agencies, and other facilities caring for children. Any facility installing new or replacement window covers would be required to install cordless window coverings or window coverings with inaccessible operational and inner chords. Window coverings in place prior to the effective date would have to meet the requirements of the Window Covering Manufacturer's Association (WCMA). An authorized agency may require replacement of window covers with cordless window coverings or window coverings with inaccessible operational and inner chords, in the case of failure to comply with the (WCMA) standards.

**c. Reimbursement for child care absences** (A.5017 Lunsford/S.5085 Kennedy, Reported to Ways and Means)

This bill would require local social services districts to pay for at least 12 days in a 6- month period wherein a child is absent from care.

**d. Direct deposit for child care subsidies** (A.5840A Clark/S.5162A Brisport; Chapter 650 of 2021)

This bill would require OCFS to issue regulations requiring local social services districts to give child care providers who receive subsidy payments the option to be paid through direct deposit. Currently, providers are paid via checks in the mail and due to lags in mail delivery, providers can go weeks without payments. The ongoing COVID- 19 pandemic has only exacerbated this issue.

**e. Eligibility requirements for child care assistance** (A.7093 Clark/S.6865 Kennedy; Reported from Committee)

This bill would remove the requirement for a person receiving a child care subsidy and attending a post-secondary educational program to work 17.5 hours per week.

**f. Differential rate payments for child care providers** (A.7095 Clark/S.6077A Brisport; Reported from Committee)

This bill would require local social services districts to establish differential payment rates at 15% higher than the actual cost of child care or the market rate, whichever is less, for child care subsidies for children who are experiencing homelessness and children being cared for during nontraditional hours.

**g. Child care definition change** (A.7176A Jean-Pierre/S.6415A Gaughran; Chapter 328 of 2021)

This bill would change the definition of what does not constitute a child day care provider to clarify that per-kindergartens and kindergartens operated by a public school district would not be considered a child day care if the kindergarten and per-kindergarten is not located on the premises or campus where elementary or secondary education is provided.

**h. Cost estimation model** (A.7468 Clark/S.3903 Kennedy; Reported from Committee)

Every two years the Office of Children and Family Services (OCFS) conducts a market rate survey among licensed, registered and legally exempt child care providers. The survey collects data on what child care providers are charging for child care. The data collected is then used to set a payment rate to providers for subsidized care. While useful in setting rates, the market rate survey does not necessarily reflect the actual costs of providing child care. Child care providers have many fixed costs such as maintaining adequate staff and complying with building codes as well as regulatory and licensing requirements, yet they can only charge what the market is willing to pay. When corresponding subsidy rates are not high enough, the quality of child care sometimes suffers as providers struggle to make ends meet.

This bill would require that a cost estimation model be utilized for each category of care for which a market rate is determined. A cost estimation model can provide valuable data on the actual cost of

providing child care, not just what price is charged to parents. Such information can then be used to determine the adequacy of the rate paid to providers, as well as inform policy decisions to ensure child care providers remain stable. Therefore, this legislation is one step forward in creating a more robust and better-quality child-care system.

**i. Expansion of child care assistance eligibility** (A.7582A Hevesi/S.6706B Brisport; Reported from Committee)

This bill would expand the child care assistance eligibility to families making up to 85 % of the state median income from 200% of the state income standard (federal poverty level). 85% of the state median income is equal to about 300% of the federal poverty level.

**j. Child care assistance eligibility clarification** (A.7661 Hevesi/S.6655A Brisport; Reported from Committee)

This bill would clarify that local social services districts are not required to limit child care assistance to families based on the work, training, or education schedule of the parents or the number of hours the parents spend in work, training, or educational activities.

**k. Extension of child care availability task force** (A.7721A Clark/S.7128 Brisport; Chapter 797 of 2021)

This bill would:

- extend the child care availability task force to December 31, 2024;
- make changes to the composition of the task force;
- change the focus of the task force to require the examination of certain components relating to child care availability that have been affected by the implementation of policies supported by federally funded programs through various stimulus packages; and
- report on the implementation of the recommendations that the task force was required to make pursuant to the original chapter.

## 2. Budget Initiatives

Child care subsidies provide low-income families with access to quality child care. The Assembly has found that child care assistance is most successful when a dedicated, stable funding source is provided from year to year. A total of \$832 million in child care subsidies was appropriated in the final budget, which maintains last year's appropriation. Additionally, increased federal funding was provided over a three-year period starting in SFY 2018-2019, with at least \$290 million, to be allocated for the continuation of the State's efforts to comply with the 2014 re-authorization of the Child Care Development Block Grant (CCDBG). The Assembly successfully allocated at least \$10 million each fiscal year of such appropriation to supplement local funding for subsidized child care slots. Additionally, up to \$80 million of such funds is to be appropriated each fiscal year to comply with certain CCDBG re-authorization requirements to be broken down as follows: \$17 million for background checks; \$15 million for infant care and quality efforts; \$31 million for inspections; \$12 million for training programs; and \$2 million for staffing system changes.

In addition to the \$832 million in child care subsidies, the state received \$2.4 billion in federal funding for child care costs associated with recovering from the COVID-19 pandemic. Throughout the time this funding is scheduled to be spent, the legislature will receive copies of the plan developed by OCFS and approved by the Director of the Budget relating to how the funds will be utilized; annual reports of how the funds have been utilized; and quarterly reports during the first two quarters of SFY 2021-22 on child care stabilization activities and child care deserts. This new federal funding is appropriated as follows:

- \$1.26 billion for stabilization grants for child care providers, including personnel costs, rent, facility maintenance and improvements, PPE, public health emergency related supplies, goods, and services necessary to resume providing care, mental health supports for children and early educators, and reimbursement of costs associated with the current public health emergency;
- \$291 million for costs associated with the twelve-month eligibility process for child care subsidies for three fiscal years;
- \$255 million to supplement existing statewide child care subsidies and expand eligibility to 200% of the federal poverty level for three fiscal years;
- \$192 million to cap copayments to 10% of the family's income for three fiscal years;
- \$120 million to cover the cost of 24 child care absences per year for providers for four fiscal years starting SFY 2020-21;
- \$100 million for grants to expand child care in areas of the state that have the least amount of access to child care, including authorization to be used for start-up and capital costs and training and technical assistance to providers;
- \$50 million to support existing facilitated enrollment programs in New York City, Capital Region-Oneida, and Erie and Onondaga Counties for two fiscal years;
- \$40 million to support grants for cleaning, PPE, and other supplies for child care providers;
- \$39 million for the Quality Stars NY Program and technology improvements to the child care system; and
- \$25 million for essential worker scholarships.

The enacted budget also included language that would cap a family's child care subsidy copayment limit to be no more than ten percent of their income above the federal poverty level.

The Executive Budget proposed eliminating certain vital child care programs important to families struggling to maintain self-sufficiency. Facilitated enrollment programs, located throughout New York City, the Capital Region, Oneida, Onondaga, and Monroe Counties, serve families up to 275% of the poverty level, offering child care subsidy opportunities for families whose income places them above the current subsidy levels. The Legislature was able to restore funding for these programs to last year's levels. The Legislature took further action to ensure that essential child care programs are preserved by restoring funding for child care centers at SUNY and CUNY with \$1.241 million and \$1.1 million, respectively.

The Legislature was also able to secure funding for the Advantage After-School Program in the amount of \$5 million. This program provides structured after-school activities in order to reduce negative behaviors and offer a safe environment for children.

## **B. JUVENILE JUSTICE/YOUTH PROGRAMS**



The Committee has jurisdiction over issues facing families and youth at every stage in the juvenile justice process. Policies concerning preventive services, alternatives to detention and placement programs, treatment of youth in care and after-care supervision all fall under the Committee's purview. The Committee has continually emphasized the need for an integrated, community-based approach in order to prevent youth from being placed in State-operated facilities. For those who must be placed, the Committee traditionally supports a rehabilitative approach to treatment while in care, as well as intensive after-care services so that youth can effectively and safely integrate back into their communities.

### 1. Legislative Initiatives

#### **a. Raising the lower age of juvenile delinquency (A.4982A Hevesi/ S.4051A Bailey; Chapter 810 of the laws of 2021)**

This bill would raise the lower age of juvenile delinquency jurisdiction from age seven to age twelve, prohibiting such youth from being charged as juvenile delinquent for allegedly committing a crime or violation. Also, this bill would:

- still require youth between the ages of 7-12 who have committed certain crimes relating to homicide to be considered a juvenile delinquent;
- require local departments of social services (LDSS) to create a differential response system to provide assessments and services for such youth under the age of 12; and
- expands current training requirements for police and LDSS staff to include appropriate responses to youth under the age of 12 to ensure that children and families are directed toward appropriate services.

#### **b. Execution of warrants in juvenile delinquency cases (A.7601 Darling/S.7172 Bailey; Chapter 456 of 2021)**

This bill requires juveniles arrested pursuant to a warrant to be taken directly to family court or when the family court is not in session, before the most accessible magistrate designated by the Appellate Division of the Supreme Court. The magistrates would determine whether the juvenile should be released or detained and set a date for the juvenile to appear in family court no later than the next day the family court is in session if the juvenile is detained and within ten court days if the juvenile is released.

#### **c. Discontinue the use of “incorrigible” in the Family Court Act (A.5873 Reyes/S.2737 Salazar; Chapter 97 of 2021)**

This bill deletes references to the term “incorrigible” throughout the family court act when defining certain actions by youth that could potentially require supervision. This change is made in an effort to modernize the statutes that impact the supervision of children, especially those disproportionately involved with the juvenile justice system.

#### **d. Procedures when arresting a juvenile (A.5891B Joyner/S.2800B Bailey; Reported from Committee)**

This bill would provide for additional protections and procedures when a youth is taken into custody by law enforcement and during youth interrogations. This bill would strengthen the current provisions in law that a youth be released to their parent or person legally responsible rather than being brought to a detention facility or station house. Additionally, the bill requires that a youth consult with an attorney (either by telephone, video conference or in person) before being questioned. This consultation cannot be waived prior to the questioning.

**e. Sealing of Records in PINS cases** (A.7621 Hevesi/No Same As; Reported from Committee.)

This bill would amend the family court act as it relates to Persons in Need of Services (PINS) to ensure that court records which are terminated in favor to the respondent are automatically sealed. Furthermore, if a youth has been adjudicated as a PINS, this bill would allow the record to be sealed if the court finds it is appropriate to do so in the interest of justice.

**f. Juvenile delinquent temporary orders of protection** (A.7649 Davila/No same as; Passed Assembly)

This bill would make changes to the provisions relating to juvenile delinquent temporary orders of protections by authorizing such orders to initially be effective for up to 21 days with the ability to be extended for an additional 30 days or for the time period that coincides with the period of adjustment rather than until a disposition is entered.

**g. Foster care re-entry** (A.7681A Fernandez/S.7179 Persaud; Chapter 798 of 2021)

Currently, certain youth are afforded the opportunity to petition the family court requesting to re-enter foster care under certain circumstances. The opportunity for such youth to re-enter foster care has provided essential safety net protections for some of the most vulnerable and at-risk youth. This bill would expand the categories of foster youth who may petition to re-enter foster care at the age of 18 to juvenile delinquents, persons in need of supervision (PINS) and children who were voluntarily placed. Also, this bill would allow any foster youth who is discharged from care on or after the age of 16 and is at risk of becoming homeless to petition to re-enter care.

## 2. Budget Initiatives

The Legislature was able to continue funding for critical youth programs, including an additional \$1.5 million in funding for Youth Development Programs (YDP). YDP are those programs formerly known as Youth Development and Delinquency Prevention (YDDP) and Special Delinquency Prevention Programs (SDPP). This restoration is in addition to a base amount of \$14.12 million. Additionally, the final state budget included language to make permanent the authorization to consolidate funding for the YDP program and SDPP program.

The Legislature also approved \$45 million in funding for the Summer Youth Employment Program (SYEP). This funding will ensure that the program continues to provide paid employment to youth during the summer months.

Education Law requires OCFS to provide for the educational needs of the children in its custody. Over the past several years, various changes in the law have authorized OCFS to contract with BOCES to provide special education, career, and technical education services to youth in OCFS juvenile justice facilities. This year's final budget included provisions to make permanent the authority for such contracting.

The Executive budget included Article VII language that would have changed the one-year closure notice requirement to six months for four OCFS operated youth facilities, Brentwood Non-Secure Residential Center, Columbia Secure, Goshen Secure, and Red Hook Non-Secure. The Legislature modified the proposal by only authorizing a six-month notice requirement for the closure of the Columbia Girls Secure Center and the Red Hook Residential Center and ensuring that affected employees at such facilities are placed on the civil services transfer list.

## **C. CHILD WELFARE**

Child abuse and neglect continue to be a reality in the lives of many children in New York State. Victims of abuse and neglect can suffer long-term adverse social and psychological consequences. Therefore, it is imperative that children in these situations are protected and that families are able to receive appropriate services in order to prevent further trauma, thereby lessening the after-effects of abuse.

The foster care system provides temporary placement, care, and services to children and families in crisis while promoting the goal of family reunification. In an effort to achieve family reunification and stability, Federal and State laws have driven the development of preventive, protective, and rehabilitative programs to provide needed services. Adequate care for these children and their families is critical, and it is imperative that a wide array of services is provided to support the reunification of stable and healthy families.

For many children who cannot be reunified with their families, adoption may be the final step in obtaining a permanent family environment. Such permanency is crucial to a child's development and greatly enhances successful outcomes into adulthood. The Committee has continuously stressed the need for effective and timely permanency planning, incentives for adoption and continued post-adoption support for families in need.

### **1. Legislative Initiatives**

#### **a. Placement of Former Foster Care Youth During a State of Emergency (A.1255 Hevesi/S.2075 Brisport; Chapter 34 of the laws of 2021)**

This bill would allow a former foster care youth between the ages of 18 and 21 to return to care without having to file a motion with the family court during the declared COVID-19 state of emergency. Any requirement for such youth to participate in a vocational or educational program would be waived during the state of emergency.

**b. Reporting requirements for foster care settings and recruitment of foster parents** (A.1256 Epstein/S.872 Benjamin; Chapter 11 of the laws of 2021)

This bill is a chapter amendment to Chapter 321 of the laws of 2020 and would require the Office of Children and Family Services to make information related to foster care settings and the recruitment of foster parents publicly available and updated biannually on its website.

**c. Increased effective data on preventive services** (A.1261 Hevesi/S.882 Persaud; Chapter 16 from 2021)

This bill is a chapter amendment to Chapter 329 of the laws 2020 which would make clarifying amendments to the original chapter by aligning the reporting requirements with reporting requirements required by the federal government.

**d. Bill of Rights for Youth** (A.1486 Perry/S.550 Sanders Reported from Committee)

This bill would establish a bill of rights for youth placed in residential facilities with Office of Children and Family Services (OCFS) and a Youth Advisory Board within such facilities to develop policies affecting youth in care.

**e. Rent Subsidies for families** (A.2476 Hevesi/S.5419 Brisport; Reported from Committee)

This bill would increase the rent subsidy available for families from \$300 to \$600 per month, when housing is determined to be a factor that could lead to a youth entering or being discharged from foster care.

**f. Defining the term “kinship caregiver”** (A.3496 Hevesi/S.54 Persaud; Chapter 246 of 2021)

Essential in providing clarity in the law and for certain populations of caregivers, this bill would establish a definition of "kinship caregiver" in law.

**g. Informational Materials Related to Adverse Childhood Experiences** (A.4109 Hevesi/S.4692 Bailey, Reported from Committee.)

This bill would require the Office of Children and Family Services, in consultation with the Office of Temporary and Disability Assistance, the Office of Mental Health, the Office of Addiction Services and Support and the Department of Health, to develop or utilize existing educational materials for the purpose of educating parents, guardians and other authorized individuals on adverse childhood experiences (ACEs) including the environmental events that may impact or lead to ACEs, the importance of protective factors, and the availability of health, mental health and preventive services for children at risk of or suffering from ACEs.

**h. Access to postadoption services information** (A.6665A Cruz/S.2585A Brisport; Chapter 659 of 2021)

This bill would require OCFS and social services districts, when placing information on their respective websites regarding post adoption services funded by OCFS or the district, to ensure such information is available in English, French, Polish, and the ten most common non-English languages spoken by individuals with limited English proficiency in the New York State.

**i. Society for the Prevention of Cruelty to Children extension** (A.7329 Zebrowski/S.6392 Reichlin-Melnick; Chapter 175 of 2021)

The Society for the Prevention of Cruelty to Children is a private entity that performs child protective services statewide. In order to balance and limit these private entities from performing government functions, the Legislature disbanded all Society for the Prevention of Cruelty to Children (SPCC) organizations in the state except for a chapter in Rockland County. This bill would provide a two-year extension to the Rockland County SPCC so that it can continue assisting local police departments to prevent underage alcohol and tobacco sales.

**j. Child protective service worker caseload standards** (A.7332A Hevesi/S.6227 Brisport; Reported from Committee)

This bill would require OCFS, after consultation with local child protective services (CPS), to promulgate regulations limiting caseloads for CPS workers to no more than two initial investigations per week. Also, this bill would require the State to reimburse local social services districts for 100% of their expenditures relating to standardizing CPS caseloads.

## 2. Budget Initiatives

In 2018, the Federal Government passed the Family First Preventive Services Act (FFPSA) as part of a bipartisan budget agreement. Amongst other things, FFPSA aims to limit the amount of foster care placements in congregate care settings and instead focuses on placing more children in foster family homes. Continued from last year's final budget was the Family First Transition Fund, which will assist local social services districts in preparing for compliance with FFPSA. This \$3 million fund is available to local social districts for services to support, recruit, and retain current and prospective foster families including kinship caregivers. The Final Budget also included \$75 million in federal appropriations to assist the State in the implementation of and ensuring compliance with the requirements of FFPSA. Additionally, the final budget included Article VII language that relates to the placement of foster care youth into Qualified Residential Treatment Centers.

Despite a difficult economic climate, the Legislature worked to preserve vital programs in the area of child welfare. Through the support of the Legislature, many of these programs received continued funding during the SFY 2020-2021, such as Child Advocacy Centers, Safe Harbour, Runaway and Homeless Youth programs and programs for kinship caregivers.

The Assembly was able to appropriate \$2 million in funding for the Safe Harbor program created under the Safe Harbor for Exploited Children Act in 2008. Under this groundbreaking law, the Legislature established that commercially sexually exploited children are crime victims, not criminals, and recognized that these children must be provided with critical services, including short-

term emergency shelter to keep them off the streets, food, clothing, medical care, counseling and crisis intervention services, and long-term housing with specialized services such as case management, legal, mental health and substance and alcohol abuse services. The Safe Harbor program also contemplates the utilization of funding to train law enforcement to better identify sexually exploited children and obtain appropriate services for them.

The Legislature also provided \$2 million for Child Advocacy Centers, which provide a comfortable setting for abused children to receive care and treatment. These centers are important places where multi-disciplinary teams of professionals, including doctors, mental health providers and law enforcement, can gather information about a case. The child benefits because multiple interviews, which can be a source of additional trauma, are avoided.

The Legislature also continued funding for Runaway and Homeless Youth programs, improving the chances of stability and permanency options for these youth. Kinship care and navigator programs, which provide vital resources and services to grandparents and other family members caring for children, received \$1.9 million in funding and \$100,000, respectively.

The enacted State Fiscal Year 2021-22 budget modified the Executive's proposal to eliminate the state reimbursement for residential Committee on Special Education placements made by school districts outside of New York City, and for students attending a state-operated school for the deaf or blind, to only authorize the elimination of state reimbursement for one year.

The final budget also included Article VII language that would:

- provide supports and services to youth suffering from Adverse Childhood Experiences (ACEs);
- update mandated reported training to include protocols for reducing implicit bias in the decision-making process and strategies for identifying ACEs and child abuse and maltreatment while interacting virtually;
- ensure the funds received by foster care agencies through the federal Paycheck Protection Program (PPP) do not reduce a foster care agency's future Maximum State Aid Rates;
- prevent foster care youth from aging out of care during the COVID-19 pandemic and authorize such youth to receive foster care maintenance payments; and
- authorize youth who were discharged from care during the pandemic to voluntarily re-enter and remain in care.

### **III. PUBLIC HEARINGS**

#### **Family Involvement in the Child Welfare System**

On October 21, the Committee hosted a public hearing to examine the child welfare and Family Court systems as they relate to the availability of supports and services to help keep families together.

Over the last several years, advocates and other key stakeholders have identified situations in the State's child welfare and Family Court systems, which have created potential barriers to keeping families together. These circumstances could range from how legal standards affect people during a family's interaction with child protective services and insufficient caseload standards for



caseworkers, to insufficient preventive service funding and kinship guardianship placements to help prevent unnecessary separations. Work has been done to try to address some of these likely issues, but it is possible barriers still exist.

This hearing provided an opportunity for the Assembly to learn more about what stakeholders view as the most critical obstacles that may be preventing families from remaining together throughout their involvement with the child welfare and Family Court systems and receive recommendations on steps the State can continue to take to help alleviate some of these potential circumstances.

# 2021 SUMMARY SHEET

SUMMARY OF ACTION ON ALL BILLS  
REFERRED TO THE COMMITTEE ON

Children and Families

**TOTAL NUMBER OF COMMITTEE MEETINGS HELD 6**

ASSEMBLY	SENATE	TOTAL
BILLS	BILLS	BILLS

**BILLS REPORTED FAVORABLE TO:**

Codes	8	0	8
Judiciary	0	0	0
Ways and Means	9	0	9
Rules	6	0	6
Floor	6	0	6
<b>TOTAL</b>	<b>29</b>	<b>0</b>	<b>29</b>

**COMMITTEE ACTION**

Held For Consideration	2	0	2
Defeated	0	0	0
Enacting Clause Stricken	2	0	2
<b>REMAINING IN COMMITTEE</b>	<b>71</b>	<b>9</b>	<b>80</b>

**BILLS REFERENCE CHANGED TO:**

**Social Services**

TOTAL	1	0	1
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**APPENDIX B**

**2021 BILLS SIGNED INTO LAW**

A.1255/S.2075	Hevesi/Brisport	Relates to placement of former foster care youth during a certain state of emergency	34
A.1256/S.872	Epstein/Benjamin	Relates to the reporting of youth placed in foster care settings and recruitment of foster parents	11
A.1261/S.882	Hevesi/Persaud	Relates to certain data to be reported regarding child welfare preventive services and adds a repeal date	16
A.1860/S.5081	Jean-Pierre/Benjamin	Relates to information provided to unlicensed or unregistered child day care providers by the office of children and family services	114
A.3496/S.54	Hevesi/Persaud	Relates to defining the term kinship caregiver	246
A.4982A/S.4051A	Hevesi/Bailey	Relates to raising the lower age of juvenile delinquency jurisdiction from seven to twelve years of age and establishing differential response programs for children under the age of twelve	810
A.5840A/S.5162A	Clark/Brisport	Requires local social services districts to offer to pay childcare providers via a direct deposit for any subsidized child care funds owed	650
A.5873/S.2737	Reyes/Salazar	Eliminates the use of the term "incurrible"	97
A.6665A/S.2585A	Cruz/Brisport	Requires OCFS to provide information relating to post-adoption services on its website in certain languages for those with limited English proficiency	659
A.7176A/S.6415A	Jean-Pierre/Gaughran	Excludes certain kindergartens and pre-kindergartens from the definition of child day care	328
A.7329/S.6392	Zebrowski/Reichlin-Melnick	Extends the effectiveness of certain provisions of chapter 329 of the laws of 2009, relating to removing special powers granted to the society for the prevention of cruelty to children	175

A.7601/S.7172	Darling/Bailey	Relates to the execution of warrants in juvenile delinquency cases when family courts are closed	456
A.7681A/S.7179	Fernandez/Persaud	Relates to the reentry of former foster care children into foster care	798
A.7721A/S.7128	Clark/Brisport	Relates to the composition and obligations of the child care availability taskforce and the focus of such taskforce	797
A.7723/S.7008	Jean-Pierre/Benjamin	Relates to information provided to unlicensed or unregistered child day care providers by the office of children and family services	145

**2021 BILLS PASSED ASSEMBLY**

<b>Bill #</b>	<b>Sponsor</b>	<b>Description</b>	<b>Last Action</b>
A.2150A/S.6900	Rosenthal, L./Brisport	Establishes “Brendan’s Law” by requiring cordless window coverings in certain facilities that care for children	Delivered to Senate
A.7649/No same as	Davila	Relates to expiration dates of orders of protection and the duration of temporary orders of protection in juvenile delinquency cases	Delivered to Senate

**2021 BILLS REPORTED**

<b>Bill #</b>	<b>Sponsor</b>	<b>Description</b>	<b>Last Action</b>
A.1486/S.550	Perry/Sanders	Relates to residential programs for children	Reported, referred to Codes
A.2476/S.5419	Hevesi/Brisport	Increases the value of rent subsidies included as a part of preventive services	Enacting Clause Stricken
A.4109/S.4692	Hevesi/Bailey	Relates to providing supports and services for youth suffering from adverse childhood experiences	Reported, referred to Ways and Means
A.5017/S.5085	Lunsford/Kennedy	Relates to reimbursement for child care absences	Reported, referred to Ways and Means
A.5891B/S.2800B	Joyner/Bailey	Relates to procedures required for the custodial interrogation of children	3 <sup>rd</sup> Reading
A.7093/S.6865	Clark/Kennedy	Relates to eligibility requirements for the receipt of child care assistance	3rd Reading
A.7095/S.6077A	Clark/Brisport	Establishes differential payment rates for child care services provided by licensed, registered or enrolled child care providers	Reported, referred to Ways and Means
A.7332A/S.6227	Hevesi/Brisport	Relates to the caseloads of child protective services workers	Reported, referred to Ways and Means
A.7468/S3903	Clark/Kennedy	Implements a cost estimation model for child care	Reported, referred to Ways and Means
A.7582A/S.6706B	Hevesi/Brisport	Relates to certain families' access to child care assistance	3 <sup>rd</sup> Reading
A.7621/No same as	Hevesi/No same as	Relates to the sealing and expungement of records in persons in need of supervision cases in family court	Reported, referred to rules
A.7661/S.6655A	Hevesi/Brisport	Provides that public welfare officials shall not be required to limit authorized child care services strictly based on the work, training, or educational schedule of the parents and makes technical changes	3 <sup>rd</sup> Reading

