

# **Roundtable Discussion on Proposed Dual Track Legislation**

Sponsored by New York City Citizen Review Panel

Queens Borough Hall, New York City

June 10, 2005

Present: Eric Brettschneider	Michael Arsham	Zeinab Chahine
Bernadette Blount	Joseph Cardieri	Marion White
Sania Metzger	Mathea Rubin	Dr. Jocelyn Brown
Andrew White	Violet Rittenhour	Jennifer March-Joly
Karen Schimke	Raul Rubio	Philip Goldstein
Rolando Bini	James McIntosh	Yvonne Hutchins-Plummer
Jennifer Goldstein	Bryan Hurst	Krinstina Moore
Kathleen Jones	Adriana Dermenjian	Linette McIntosh
Teresa Bachiller	Philneia Timmons	Linfa Carrion
Rosita Pagan	Deborah Zipf	Martin Baron
Melissa Baker	Elizabeth solar	Elizabeth Speidel
Rena Dascal	Jillynn Stevens	Jill-Ann Medlow
Folasade Campbell	Diane Mastin	

Facilitated by: Eric Brettschneider, Co-Chair, New York City Citizen Review Panel

The discussion opened with introductions. Panel members introduced themselves and commented on their interest in dual track legislation.

Zeinab Chahine, Administration for Children's Services (ACS), commented on several points from her written testimony. ACS opposes the dual track legislation and feels that their current system addresses the core issues that the dual track bill seeks to address without running a risk to the safety of children that may arise due to the failure to fully investigate certain allegations. She stated that CPS services have transformed greatly over the last 20 years. ACS once had 41,000 children in foster care. That figure is now reduced to 18,000. 33,000 children now receive preventive services. They currently assess new reports in a comprehensive, flexible way with trained staff offering services that support families. Given the current direction in which ACS is headed, she does not believe that dual track will enhance or serve their effort. Some key points:

- CPS has the capacity to distinguish different levels of risk and assign that case to a different level of response and services.
- ACS has developed its capacity to specialize. They have developed standards for workers which add clarity to what they are looking for/assessing when they take a new case and to help manage caseloads.
- They have a philosophy that values family engagement and treats families with dignity and respect to keep children safe. ACS is planning to hold family/team conferences before removals take place.
- The training they have provided workers has increased skill bases and ensured that ACS values of safety, assessment and family engagement are developed. Their goal is to do more primary prevention and to continue to build their neighborhood-based approach. To do this, they are redirecting Child Welfare dollars and reinvesting from savings realized through reduced foster care rolls.

- ACS has technical problems with the bill. She stated the need to adopt principles behind the dual track legislation. Also, the bill does not offer any additional resources to support this approach.

In response to several questions having to do with different levels of assessment, evaluation, consumer response, a system that could be overwhelmed and the potential for bias or racism, Ms. Chahine made the following comments:

- ACS is able to assess different levels of risk but does not train caseworkers differently as to their approach or how to engage families. They have looked at their recurrence data and have not seen any increase although they are always concerned about it.
- They have done well on the safety areas on their Child and Family Service (CFSR) reviews. They do not have any measures of consumer satisfaction yet but will have that feedback in the future.
- CPS systems in other communities may be overwhelmed because they do not have the management or system in place that ACS has been able to develop. ACS has been able to offer preventive services without a family having involvement in the CPS system.
- ACS needs to continue to move their CPS system in this direction so that all families are treated with dignity and respect.

Karen Schimke, Schuyler Center for Analysis and Advocacy (SCAA), offered comments from her testimony. She began by complementing the work that ACS has done over the last few years in implementing reform. She stated that she and Zeinab Chahine are in agreement on most points having to do with CPS reform. Ms. Schimke's position is that there needs to be a different front door for families and that dual track offers that. Five years ago, New York State was thinking about changing the financing for Child Welfare services and she believed that families would not experience any difference from such a change. She began to research what would make a change for families and found that reform was taking place in other states, often called alternative response or dual track.

Currently 2/3s of reports to State Central Register are unfounded and 40% of those indicated are closed in one day. When reports first come in, they should be looked at in terms of whether this is a serious case calling for a full investigative response, or a family in need of services and support. Some key points:

- If families are assigned to an "assessment track", they would not receive the same rights letter, there would be no determination, and the information would not be part of a record that could affect their job prospects.
- Dual track is one tool in a tool bag to enhance family engagement. It would not replace other tools, but would remove barriers.
- The proposed legislation is statewide, not city specific.
- Some technical problems that ACS expressed in the past have been addressed in the current version of the legislation. This year, concerns expressed by domestic violence advocates resulted in changes as well.
- Minnesota has tested a dual track approach and has done an extensive evaluation which resulted in five key findings: 1) child safety was improved, 2) approach was less costly and more effective long term, 3) families are less likely to have repeat cases, 4) families liked the approach, and 5) case workers liked the approach.

In response to several questions regarding overrepresentation in the system, reducing disproportionality, and the ability to enhance family engagement with a dual track approach, Ms. Schimke answered:

- Dual track is not a silver bullet and needs a range of strategies along side it.
- Successful family engagement is a question of where services are located, who is providing them, and what tools those providers bring to the services.
- The system we are really talking about is dual track with community child protection.

Phil Goldstein, Westchester County Child Welfare Case Management, stated that Minnesota now has a bill before the legislature that would make this approach the modus operandi for the state Aug. 1<sup>st</sup>. He added that Minnesota, with permissive legislation passed some years ago, has fully implemented dual track in all of its counties (88). Westchester County personnel visited both St. Louis and Minnesota. They decided to move into a dual track system without legislation. Some key points:

- They offer neighborhood-based services and do community mapping.
- In the past, they never addressed the underlying reasons that brought families into the CPS system.
- Dual track approach offers a way to strengthen families.
- The system in Westchester County is over loaded.

In response to a question regarding the legislation, Mr. Goldstein responded that with the legislation, they could overcome the stigma of the report and the resulting strain that causes. Currently, they lose precious engagement time and they still have to reach a determination. The change in the rights letter they were able to make has helped.

The Child Welfare Organizing project (CWOP) was represented by three people: Michael Arsham, Executive Director and two parents: Bernadette Blount and Violet Rittenhour. Mr. Arsham began by agreeing that ACS has changed its services and improved them tremendously. He stated that changes have to be made on the policy level as well as on the practice level to successfully engage families. Mr. Arsham stated that dual track is not a silver bullet but offers one more tool, one more option, and one more chance. Dual track has a chance to change the culture.

Bernadette Blount introduced herself and shared that her children were removed from her home for two years while she attended therapy and parenting classes because she used corporal punishment. A different approach would have given her the flexibility to keep her children at home while she was given the services she needed. She asked that ACS go along with this approach as a tool, not as a replacement.

Violet Rittenhour emphasized in her comments the trauma that children experience. She shared her difficulties having her four children removed and placed into four different foster care homes, two of which were abusive. She agreed with Ms. Blount that Dual Track approach would have allowed better outcomes.

Andrew White, Center for NYC Affairs, The New School, offered comments next. He emphasized that ACS is a huge system with thousands of employees that has many reforms currently under way. He posed the question as to whether or not one complements or distracts from the other. Research indicates that people are more likely to call in reports based on race. Poverty is correlated with neglect and abuse. Class distinctions do exist. Low-income families have less access. Good assessments are required in order to achieve stronger families. Research also indicates that the first moment you meet a family is the most important moment.

Jennifer March-Joly, Citizen's Committee for Children, added to the discussion with comments based on testimony she was submitting. She stated that engaging families is critical. Of the 20 states that have implemented dual track the majority (19) have failed their safety outcomes on the Child and Family Service Review. In addition, the approach has not always ensured that families got the services they need. The problems with the proposed legislation include the appropriateness of the assessment, trainings, service availabilities, and that there are no funds for this. She emphasized that prevention services are available to families before entry into CPS.

Discussion followed.

- Panel member, Sania Metzger commented that there is a need for better assessment tools and there are issues to address with removals and placement into foster care including taking into consideration the educational development of children. She stated that California stands out in particular in placing children within their school districts.
- Mr. Arsham, in reference to comments regarding lack of resources, suggested that this approach would be paid for by diverting resources saved in other ways. This approach would generate savings.
- Jennifer Goldstein, Court Appoint Special Advocates (CASA-NYC), added that she did not know if a dual track approach would have changed anything for the parents who were at the table. She talked about the individual caseworker's approach as being important in terms of engaging families. She questioned how one could assign a case without going to the home for a visit.
- Karen Schimke offered that other states have been able to assign cases with good workers making those judgments. Whether or not a system can get workers out to homes in a certain number of days as prescribed, as well as meeting other requirements, is a function of management. She stated that additional resources for services and evaluation will not be there unless we can all come together.
- Panel member, Jocelyn Brown, asked for the citation for the statistics that Jennifer March-Joly quoted. She agreed with comments regarding class differences. A middle class family is less likely to be reported.

Eric Brettschneider posed the question, "What about demonstrations outside of NYC?"

Discussion followed.

- Zeinab Chahine stated her concern about the transferability of such a demonstration in another part of the state to NYC. She also stated that it was very important to ACS to continue moving forward with what they are already doing.
- Joseph Cardieri added that with dual track you are trying to legislate a change in the interaction that takes place when a caseworker meets a family. He does not know if that can happen across the system. The best chance for a change is with the pre-removal conferences

that ACS will be piloting soon. Such a meeting gives them the opportunity to sit around the table with the family and all their supports. Dual track leaves many unanswered questions.

- Panel member Sania Metzger, pointed out that the changes ACS has made are positive, that frequently reforms can not be sustained due to electoral change. She followed with a question about the need to have consumer feedback.
- Zeinab Chahine stated that ACS quality assurance unit will be more involved in getting that feedback. ACS had met for 2 ½ years with an advisory group, of which Andrew White is a member, to plan this new direction. She does not believe that dual track gives ACS statutory cover in the case of an electoral change.
- Eric Brettschneider commented that some of the responsibility for dual track legislation not passing was placed onto the city when the lack of support for it was much broader than that. He asked, if not dual track what kind of legislative change would protect the kind of change ACS has put into place.
- Raul Rubio, Jr., Agenda for Children Tomorrow/BMCI, added that ACS has done a phenomenal job in making changes but those changes are only as good as the individual worker. Change has to happen from the top to the bottom and thinks that legislative change can help. With regard to the pre-removal conferences planned by ACS, he stated that many families would not even reach that level in the system to participate in one.
- Karen Schimke added that there are 58 local Departments of Social Services in New York State. The proposed Dual Track legislation is ready to go to the floor in the Senate and is ready to move in the Assembly. The governor would then have to sign the legislation if passed in both houses.
- Rolando Bini, Parents in Action, commented from the audience that he agrees with the changes ACS has made. He asked that ACS make services voluntary, emphasizing that fear of being reported keeps many families away from services. He referenced the work of Dr. James McIntosh, psychologist, whose work emphasizes the trauma children experience when taken away from where they live.
- Jennifer Goldstein, CASA, added that workers' perspectives are influenced by their background and whether or not they received training in social work or criminal justice. To simply split the two according to the two tracks will not work.
- Violet Rittenhour added that it would make a world of difference if workers came out to observe rather than to investigate. ACS needs to do more around implementation.
- Folasade Campbell, concerned Citizens for Family Preservation, read from the testimony about the plight of one homeless mother with five children, Ebony Jones.

The roundtable discussion ended with panel members and Zeinab Chahine thanking everyone who responded, especially the parent advocates who shared their stories.