



Office of Children and Family Services

KATHY HOCHUL
Governor

DAMIA HARRISMADDEN, Ed.D., MBA, M.S.
Commissioner

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Darlene Ward
WRI Solutions, Inc.
14 Columbia Circle
Suite 104
Albany, NY 12203

Dear Darlene Ward:

The New York State Office of Children and Family Services (OCFS) has received the New York State Citizen Review Panels' (the Panels) 2023 Annual Report, *From Intrusion to Empowerment* and thanks the members for providing critical feedback and recommendations, as well as their passion and advocacy for children and parents alike. OCFS acknowledges Panel members' breadth of knowledge and experience in child welfare practice, policy, law, social work, education, and technology, and looks forward to deepening our collaboration.

The New York State child welfare system is transforming, moving from its history of child protection as a primary prevention strategy toward services and resources that strengthen families and enable children to remain safely at home. OCFS seeks to build a child and family well-being system through the lens of social determinants of health and consideration of the national successes of direct and family-specific support programs, such as direct cash transfer programs, that are shown to decrease poverty-related reports of child maltreatment and abuse. Essentially, OCFS seeks to be more proactive in its service provision.

OCFS recognizes that changing the child welfare system is a complex process with many moving parts. As we continue to strive towards systems transformation to become more equitable and trauma-informed, it is imperative that we include the voices of families, and particularly those with lived experience. It necessitates collaboration and partnership between child welfare, sister-state agencies, not-for-profit providers, community-based organizations, and philanthropic partners to meaningfully engage and strengthen families and communities. In creating a system of "no wrong door", we can more effectively support parents and children to thrive together as a family and achieve the goal of truly being a system of family well-being.

Under New York State's Family First Prevention Plan, OCFS' approach to prevention includes primary prevention strategies and an expanded service array, including but not limited to, Family Resource Centers (FRCs), Family Opportunity Centers (FOCs), parenting education programs, home visiting programs, and domestic violence services. FOCs and FRCs aim to improve the well-being of children and families by increasing protective factors to help individuals thrive and reducing barriers to mental health and substance use disorder services. As of January 2024, there are currently 23 FOCs and FRCs in operation across the state. OCFS tentatively plans to continue or expand the FRCs and FOCs

beyond 2026; this effort will be shaped by an evaluation currently underway.

New York State is committed to the intent of Family First, keeping children safely in their homes, keeping families intact, and reducing the need for foster care. Family First is one core lever at the center of a broader array of strategies designed to transform child welfare in New York State.

Reviewing the NYS Citizen Review Panels' recommendations for 2024, OCFS submits the following information for consideration:

I. Restore the 75% rate of reimbursement to local governments for preventive services.

New York State has long been a national leader in providing open-ended state reimbursement for child welfare services, including preventive services. This funding stream has been an important tool in significantly reducing our foster care caseload over the years, resulting in New York having one of the lowest foster care admission rates in the nation. OCFS stands ready to implement the laws that are enacted, and defers to the governor and the legislature to negotiate these complex matters.

II. Universalize Home Visiting Programs by ensuring at least two home visits for every newborn child, continuing for up to two years.

New York State, through OCFS, DOH, and OASAS, supports a variety of evidence-based home visiting programs across the state, including Healthy Families New York (HFNY), and Nurse-Family Partnership (NFP). OCFS recently expanded HFNY to ensure services are available in every county and borough of the State. All programs can enroll families from prenatally until the child is three months old under the "Signature HFNY" service. In December 2023, OCFS approved HFNY programs to implement the Child Welfare Protocol (CWP), an enhancement of the Signature Model. Under CWP, OCFS began phasing in a longer enrollment window so families in those counties, who are referred to HFNY by child welfare, can enroll prenatally until their child is two years old. Other enhancements of the CWP include services provided by staff trained in trauma-informed approaches, substance use disorder, and mental health needs; as well as curricula for families with older children. Currently, 32 counties are in various stages of enhancing the Signature services by adding the CWP.

Healthy Families New York is an evidence-based service that is proven by research to achieve outcomes for families. Outcomes for HFNY families include improved birth outcomes, prevention of child abuse and neglect, improved school success, increased positive parent practices, and reduced costs related to child welfare services, health care, and special education. Both Healthy Families and Nurse-Family Partnership have the highest ratings of evidence by the California Evidence-Based Clearinghouse for Child Welfare <https://www.cebc4cw.org/> and in the Title IV-E Prevention Services Clearinghouse <https://preventionservices.acf.hhs.gov/>.

Increasing the utilization at these proven programs is critical. Healthy Families New York programs have existing capacity to serve more families. On average, programs have approximately 30% of their capacity unused. Funding has already been allocated to the programs; thus, no additional funding is needed. In addition, a robust infrastructure needed to provide HFNY is already in place including extensive training for home visitors, quality assurance and evaluation activities, a comprehensive data collection system, and a network of programs across the state. Notably, HFNY recently exceeded national standards for its infrastructure.

OCFS is working to increase enrollment in existing programs. Rolling out the CWP is one strategy to increase utilization. OCFS is exploring launching new strategies in the next year to reach more families and will invite stakeholders to collaborate in those efforts. Understanding the service gaps and current system needs will inform the development of any potential new programs, including a universal home visiting service.

OCFS supports expanding home visiting. Implementing this expansion by maximizing existing programs, coordinating efforts between OCFS, DOH, and OASAS; and empowering families can avoid unnecessary costs and lead to positive outcomes for children, families and communities.

III. Reduce child poverty with attention to racial equity by strengthening the Empire State Child Credit

OCFS is happy to share that the Empire State Child Credit was enhanced with the Enacted SFY 2025 New York State Budget. OCFS cannot take credit for this achievement, which was agreed upon by the Legislature and Governor, but this concrete support for low-income families is welcome. The SFY 2024-25 Enacted Budget includes an enhancement to the Empire State Child Tax Credit. For tax year 2023, families will receive a supplemental Empire State Child Credit. The supplemental credits, which are in addition to the normal credit, are available as follows:

- 100% of the credit allowed to taxpayers whose income was less than \$10,000;
- 75% of the credit allowed to taxpayers whose income is between \$10,000 and \$25,000;
- 50% of the credit allowed to taxpayers whose income is between \$25,000 and \$50,000;
- or
- 25% of the credit allowed to taxpayers whose income exceeds \$50,000.

IV. Restrict Child Protective Services (CPS) interviews at public schools unless a court order is obtained.

The first duty of the child protective service in conducting a CPS investigation is to determine the safety of the child.¹ In a situation where a parent is alleged to have abused or maltreated a child, it is sometimes necessary to interview the child outside the presence of the parent who has allegedly abused or maltreated the child. The CPS Program Manual and the OCFS/SED Model Policy on Educational Neglect provide guidance on interviewing children at school. The circumstances or allegations that may prompt a decision to interview a child at school include, but are not limited to:

- Bruises inflicted by parents
- Unusual punishments
- Unattended illness
- Child fearful of returning home
- Sexual abuse

It is OCFS' stance that caseworkers should interview children in a sensitive manner, since the children may have experienced trauma, and efforts should always be made to minimize any additional trauma. Caseworkers should make any decision to interview children mindfully, on a

¹ See SSL § 424(6)(a) and 18 NYCRR 423.2(b)(3).

case-by-case basis, and with supervisory input. OCFS requires caseworkers to consider safety and situational factors, such as whether a parent is the subject of the report; the apparent reliability of the source of the report and/or the information in the report; and whether the source of the report is a mandated reporter when determining the appropriate location to conduct such interviews. Caseworkers are permitted to interview children at school without the permission of parents when it is deemed necessary to protect a child, as interviewing a child in the home may compound the concern for a child's safety.

V. Provide Miranda-type warnings for parents during CPS interviews, coupled with the provision of legal counsel from the outset of investigations, to ensure fair and consistent procedures.

OCFS continues to explore the development of the "Know your Rights" brochures that will provide information to caretakers about their rights when there is a CPS investigation and/or their child(ren) are removed from their care and placed in foster care, as well as information on prevention services in New York State. Currently, the New York City Administration for Children's Services (ACS) is piloting a notice to parents that are visited by CPS in the Bronx and Brooklyn. The pilot is called "Front Door Notification" that CPS are required to offer to all parents at first interaction, which includes a card for parents which reads:

- ACS has received a report from the New York Statewide Central Register (SCR) with concerns about your child(ren). ACS has a legal obligation to assess the safety of your child(ren) to complete an assessment of the concerns.
- We are requesting your permission to enter your home to have a conversation with you about the alleged concerns and to explain the process.
- We want you to know that you have a right to not let ACS into your home. If you choose not to let ACS into your home, ACS is required by law to determine how best to assess the safety of your child(ren). This may include seeking permission from Family Court to complete the assessment.
- We also want you to know that you may call an attorney at any point during this investigation.
- We have an informational packet that includes contact information for local family defense organizations and other resources within your community.

The OCFS NYC Regional Office will continue to monitor the implementation of the ACS Front Door Notification program, while considering a similar program statewide.

Additionally, OCFS continues to actively work with our state partners and stakeholders to increase Title IV-E reimbursement for legal representation for children and parents involved in child welfare matters. We acknowledge the importance of legal representation to help protect the rights of children and parents.

In furtherance of intentional reform, OCFS has contracted with Families Together of New York State (FTNYS) to infuse the voice of lived experience into the work facilitated at OCFS. Currently, OCFS has ten Family Policy Advisor (FPA) positions, at least one at each OCFS Regional Office, one with the Office of Native American Services, and one at the OCFS Home Office. The FPAs are an integral part of policy development and implementation as well as program development. OCFS encourages LDSS' to include the voice of impacted individuals at the local level, and with the assistance of FTNYS, OCFS is not only encouraging it, but we are also modeling it.

Additionally, since 2019, OCFS has convened a Parent Advisory Board (PAB) that reviews and recommends changes to existing policies, programs, and practices; and is a valued partner in striving for continued improvement to the child welfare system in New York.

Conclusion

OCFS administration and staff members are committed to improving child welfare services in New York State, in a culturally responsive manner through the lens of diversity, equity, inclusion, and accessibility. OCFS values the contributions of the CRPs and honors your zealous commitment to child welfare reform. I welcome your insight, feedback, and assistance as we chart a course together. I thank you for your recommendations and look forward to deepening our partnership in promoting the welfare and safety of children and families in New York State.

Sincerely,



Gail Geohagen-Pratt
Deputy Commissioner
Child Welfare and Community Services