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MEMORANDUM IN OPPOSITION

S1510 (DeFransisco) / A182 (Christenson) S4249 (Aubertine) / A6791 Barclay

The New York Children's Action Network (New York CAN) is a broad-based coalition with a membership of over 170 coalitions, organizations and individuals providing a unified voice on behalf of children. New York CAN members believe that each child should have the opportunity to become a healthy, educated, productive and responsible adult. New York CAN strongly opposes these two bills and asks that you not support them.

In 2008, a tragic child death in central New York garnered enormous media attention. The investigation into Erin Maxwell's death and fatality review exposed a number of practice issues which demand correction. These bills do not make the needed corrections that will lead to improved practice to increase the safety of children. Instead, they will overburden a system which is already overwhelmed and will increase costs significantly. Our comments address portions of these two bills and offer no comment on the changes to the penal code.

1) S1510/A182 (Erin's Law) contains a number of provisions which are costly, includes requirements which are already part of every day practice, and above all, will not necessarily lead to the desired increase in child safety. These provisions include:

- Recording of all calls to the State Central Register (SCR). This provision will require additional personnel and storage capacity with unknown benefits. Further, some may become reluctant to make a report because a call will be taped.
- Broadens the definition of neglect by removing the term "imminent" from "imminent danger." This provision will lead to more reports to the SCR, more reports accepted for investigation, and possibly more removals into foster care without any consideration for the capacity of the system to handle the additional workload. Currently, two-thirds of the reports accepted for investigation are determined to be unfounded.
- Current law states that parents must provide food, clothing, and shelter. This bill adds to the requirements, stating that parents must provide their children to include "warmth," "sanitary living conditions," "moral supervision", and "free from disease" among others without clear definitions or standards to guide parents or caseworkers.
- Requires law enforcement personnel to accompany a child protective worker to the child or home when a report has been received within six months of any two prior reports. Again, this is a question of capacity on the part of law enforcement to meet this new requirement. Child Protective workers' investigation skills can be improved with quality training.

2) S4249/A6791 requires the local social services department to investigate and evaluate a family at least once a year for the next five years when there are three or more previous reports related to the same individual, including unfounded reports. Again, there is no consideration of the capacity of the system to meet the resulting increased workload. More importantly, families are not afforded normal due process. Instead, they are left in an uncertain status for 5 years, creating anxiety and fear.

3) There are solutions which will lead to better outcomes for child safety. Some are listed below and we urge you to support these investments in the system.

- The Family Assessment Response (FAR), currently piloted in six counties, including Onondaga, offers an example of a child welfare practice that supports families to make change. Erin's family might have responded to a FAR option, if it had been available the first time a report was made to the State Central Register.
- The Teaming approach is currently piloted in several counties and is showing promise leading to better casework practice and decision making.
- Investments that are needed to reduce workloads for child welfare caseworkers in order for workers to have the time they need to do the job that is asked of them. Currently workloads are nearly double the recommended levels and are climbing due to the downturn in the economy.
- Investments in preventive services are needed for families to be able to access mental health treatment, and alcohol and substance abuse treatment so that they can better care for their children.
- Enhanced training addressing improvements in critical thinking and decision-making skills are needed for the workforce.
- Changes in civil service requirements are needed in order for local districts to hire those most suitable for child welfare positions. Currently, civil service treats these positions as entry level when local districts need staff with the capabilities needed to work with families with complex needs.

New York CAN strongly urges you to oppose both S1510/A182 (Erin's Law) and S4249/A6791. Instead, we ask that you invest in changes that will lead to increased child safety including support for the expansion of FAR, making FAR permanent in statute, reduced workloads, increased services, and changes in civil service requirements. Please feel free to contact Karen Schimke, New York CAN Convener at 463-1896, ext. 25 or by email at kschimke@scaany.org to further discuss the proposed legislation.

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