



**Testimony submitted to the Assembly Committee on Children and Families
on the Child Welfare System and the Mandatory Reporting of Child Abuse or
Maltreatment in New York State**

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Schuyler Center thanks the chair and members of the committee for the opportunity to submit testimony on the state of mandated reporting in New York State. The Schuyler Center is a 151-year-old nonprofit organization dedicated to policy analysis and advocacy in support of public systems that meet the needs of disenfranchised populations, including people living in poverty.

Our priorities focus on strengthening families before they experience crises or trauma and preventing families from enduring hardships like involvement with the child welfare system. Schuyler Center leads and participates in several coalitions focused on child welfare, including the Child and Family Wellbeing Action Network and the Fostering Youth Success Alliance. For more about Schuyler Center and our work, please visit our website www.scaany.org.

New York has an opportunity this year to make real strides toward transforming its approach to child welfare to one that is intentionally anti-racist and dedicated to improving family well-being and self-determination, increasing non-coercive support, and strengthening community-based services that meet the needs of New York's diverse communities. This vision of child welfare – better described as child and family well-being – should end the current practice of submitting over 100,000 reports to the State Central Register, which leads to traumatic family investigations. Instead, the child welfare system should feature pathways for families to easily, voluntarily, and without shame or punishment, access the resources and supports they need and want. New York must take intentional, additional steps to ensure all New York parents, caregivers, families, and communities are healthy and stable by investing in policies that support instead of punish families.

**MANDATED REPORTING FLOODS NEW YORK'S CHILD WELFARE SYSTEM WITH
UNNECESSARY CASES, RESULTING IN TENS OF THOUSANDS OF UNWARRANTED,
TRAUMATIC INVESTIGATIONS INTO FAMILIES**

Families come to the attention of the child welfare system through reports to the State Central Register (SCR). Certain professionals are required by law to make reports to the SCR if they suspect a child is being abused or neglected. The list of professions that are mandated reporters is extremely long, and it includes law enforcement, schools and daycare, medical, mental health or dental offices, and social services workers.¹ Since 1995, the SCR has received over a hundred thousand reports a year; in 2022 it received 148,087.² Reports from mandated reporters accounted for 72.5% of the reports made to the SCR in 2022 – over 100,000.³

Of these reports, only a fraction are found to be substantiated; in 2022 it was 30,952.⁴ The vast majority of reports to the SCR, 76.1% in 2022, are unfounded.⁵ The child welfare system investigates these reports to determine whether they are substantiated (referred to as indicated) or unfounded, meaning 76.1% of families needlessly suffer through traumatic investigations – which include actions such as searching the home, interviewing family members, examining the children’s bodies – often without being notified of their rights.

Racial disparities follow families through each step of the child welfare system. Black, Latino, and Native American families are disproportionately reported to the SCR every year, investigated by Child Protective Services (CPS), and separated, with their children placed in foster care.⁶ Decades of unnecessary, intrusive, punitive, and traumatic investigations have led to many community members referring to the child welfare system as the Family Regulation System.⁷ This reflects the multigenerational trauma and antagonistic relationship the state of mandated reporting has contributed to in New York, especially New York City.

Once a family comes into contact with the child welfare system, they are often left to navigate interactions with the caseworker investigating them, getting assigned Preventive Services that may not be appropriate for their needs, and facing family separation, all before meeting or being made aware of their eligibility for legal representation. By the time a family reaches court, they have already gone through a traumatic investigation, likely without any support or knowledge about their rights and options. Currently, families cannot access free legal services until CPS files a petition and parents have to appear in court.⁸

New York must act with urgency to stop the cycles of trauma in children, families, and communities by ensuring fewer New York families ever come into contact with the child protection and foster care system. An important part of this crucial work is reducing the number of unnecessary reports to the SCR.

NEW YORK HAS COMMITTED ITSELF TO CUTTING CHILD POVERTY 50% BY 2032: THIS IMPACTS FAMILIES’ AND COMMUNITIES’ INTERACTIONS WITH THE CHILD WELFARE SYSTEM

New York – a state with vast wealth and resources – has for too long allowed hundreds of thousands of children endure the hardships of poverty – in times of recession, and in times of plenty. New York entered the pandemic with more than 700,000 children living in poverty – 18% of all New York children⁹ Due to systemic, historic and ongoing racism, Black children live in poverty at twice the rate of white peers, and children in immigrant families are more likely (33%) to live in low-income, working households than their non-immigrant peers (21%).¹⁰ Compared to the rest of the nation, New York’s children are more likely to live in poverty than children in 31 other states.¹¹ The urgency of child poverty cannot be overstated. The American Academy of Pediatrics has described child poverty as being associated with “lifelong hardship,” and notes that “children who experience poverty, particularly during early life or for an extended period, are at risk of a host of adverse health and developmental outcomes through their life course.”¹²

While these statistics are sobering, in early 2022 New York took the historic step of enacting landmark legislation, the New York State Child Poverty Reduction Act, committing New York State to cutting child poverty in half in a decade.¹³ The Act had near-unanimous, bipartisan support from upstate and downstate, rural, urban, and suburban legislators and constituents.

Late in 2022, the State convened, and has continued to regularly convene, the Child Poverty Reduction Advisory Council to identify and recommend evidenced-based strategies to ensure New York fulfills this commitment. This historic effort is an opportunity for New York to act boldly to once and for all, take aim at child poverty with the urgency it deserves.

Child poverty is a major driver of involvement in the child welfare system.¹⁴ Nearly half of families (47%) who have their children removed from their homes have trouble paying for basic necessities.¹⁵ Additionally, a contributing factor to the disproportionate representation of Black children in the child welfare system is the higher rate of poverty in Black communities – a disparity caused by historic, systemic and ongoing racism. Families involved in the child welfare system also often face barriers to public assistance, including legal services. By the time a family has been reported to the State Central Register, they have fallen through the cracks in other systems (i.e. health, mental health, public assistance, housing, etc.) either because they couldn't afford services, were never referred to services, or are on public assistance waiting lists.¹⁶ Additionally, the symptoms of poverty and being rent-burdened are often confused with neglect once a child protective services (CPS) investigation begins: food insecurity, housing insecurity, inability to pay energy bills in the winter, inability to afford laundry and other basic necessities.¹⁷

Cutting child poverty and providing families the resources and supports they need to achieve economic security is understood by many experts to be one of the most effective ways to keep families safely together.¹⁸

NEW YORK MUST TRANSFORM THE CHILD WELFARE SYSTEM BY TRANSFORMING THE SOCIETAL CONDITIONS THAT STAND IN THE WAY OF CHILDREN AND FAMILIES THRIVING

True child welfare is achieved when families can access resources and supports long before they come into contact with the formal child welfare system. Approaches proven to reduce child poverty, including higher wages, and access to safe housing, high quality child care, more robust and equitable tax credits, more effective and equitable temporary financial assistance, and work supports, are tremendously effective methods of supporting families. Effective policies require the collaboration of multiple state agencies, including the Office of Temporary and Disability Assistance (OTDA), the Department of Tax and Finance (DTF) and the Department of Labor (DOL).

To better support children and families and prevent reports to the SCR, New York must:

- Strengthen and expand New York's refundable tax credits:
 - Ensure the State child tax credit reaches the poorest New Yorkers, who are currently excluded from the full credit, and increase the credit amount to have a meaningful impact on a family's budget;
 - Strengthen the Earned Income Tax Credit (EITC) so all working New Yorkers who may access the credit, including those filing with an Individual Tax Identification Number (ITIN).
- Stabilize housing and reduce costs for thousands of families by funding the Housing Access Voucher Program (HAVP). HAVP would create a state-funded voucher much like the federal Section 8 program. Half of the new vouchers would go toward rehousing people experiencing homelessness, and half to low-income tenants on the brink of eviction to help them remain housed.

- Remove barriers to food, including by establishing and funding a permanent, statewide Healthy School Meals for All program that provides school breakfast and lunch at no cost to students in schools participating in the National School Lunch Program. Healthy School Meals for All is a proven strategy that reduces food insecurity and helps lift families out of poverty. While the SFY 2023-24 budget took a critical step in this direction by expanding an existing federal provision – the Community Eligibility Provision (CEP), many students are still left out.
- Provide authority in the 2024-25 NYS Budget and seek federal approval for New York to ensure eligible children remain enrolled from birth to age 6 in Medicaid and Child Health Plus (CHP) health coverage – programs which provide no-cost or low-cost health coverage for eligible children.
- Make substantial and sustained investments in New York’s child care workforce and ensure all the state’s children can access child care assistance including by:
 - Creating a permanent, robustly-funded program to increase child care worker pay. This program should raise median child care worker pay to parity with similar positions in the public school system. All members of the child care workforce who work in licensed, regulated programs should be eligible for this program.
 - Increasing rates for legally-exempt child care providers to 80% of the family child care rate and to 90% for providers who are eligible for the enhanced rate (for providing care during non-traditional hours, for children experiencing homelessness and special needs) as a means of raising compensation for these providers.
 - Providing state-funded child care assistance to all immigrant children barred from accessing federally-funded subsidies that need it by building from the statewide pilot created in the 2023-24 NYS Budget and Promise NYC program.
 - Enacting presumptive eligibility statewide, with costs covered by federal and state funds(A.4099 (Clark)/ S.4667 (Brouk)) and increasing capacity for non-traditional hour care by paying enhanced reimbursement rate of 15% statewide (A.1374 (Clark)/S.4079 (Brisport)).

Correcting decades of damage to communities inflicted by overreporting will take the passage and implementation of multiple policies, both directly applicable to the child welfare system and mandated reporters and more generally applicable to addressing child poverty.

To better support children and families impacted by the child welfare system, New York must:

- Invest in community-based programs and services that contribute to child and family well-being.
- Expand funding for civil legal services.
- Pass the Informed Consent for Drug Testing Parents and Babies bill, A.109 (Rosenthal)/S.320 (Salazar), which requires medical care providers to seek the informed consent of pregnant people and new mothers before they or their babies are drug tested.
- Pass the Family Miranda Rights bill, A.1980 (Walker)/S.901 (Brisport), which requires caseworkers to advise parents and caregivers of their rights at first contact.

- Pass the Anti-Harassment in Reporting bill, A.2479 (Hevesi)/S.902 (Brisport), which requires reporters to the State Central Register (SCR) to provide their name and contact information, which can only be accessed by the Office of Children and Family Services and counties, to prevent reports being used as a form of harassment.

CONCLUSION

New York is implementing the Child Poverty Reduction Act, a commitment to halving child poverty by 2032. Our leaders must take measures to prioritize New Yorkers who are working hard to make ends meet with concrete supports instead of punitive surveillance. Families should not be forced to endure stressful investigations, or left to navigate complex systems without support, yet that is what is happening. Ensuring families and communities have the support they need and want without fear of involvement with the child welfare system is a crucial part of the work to end child poverty and address the issues resulting from decades of overreporting.

Thank you. We appreciate the opportunity to present testimony and look forward to continuing to work with you to build a strong New York.

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⁶ New York State Office of Children and Family Services. April 26, 2023. Disproportionate Minority Representation Packet 2022 – County Comparison.

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