

2



**Joint Legislative Public Hearing on 2012-2013 Executive Budget Proposal:**

**Human Services**

**The New York State Assembly Ways and Means and Senate Finance Committees, and  
the Assembly and Senate Human Services Budget Committees**

**Monday, February 13, 2012**

**Testimony by**

**Ronald E. Richter, Commissioner**

**New York City Administration for Children's Services**

Good afternoon Chair Farrell, Chair DeFranciso, Chair Savino, Chair Paulin, Chair Titus, and Chair Gallivan, as well as members of the Assembly Ways and Means Committee, the Senate Finance Committee, and the Assembly and Senate Human Services Budget Committees. I am Ron Richter, Commissioner of New York City's Administration for Children's Services. I would like to thank you for this opportunity to testify before you. With me today is Laurence Busching, Executive Deputy Commissioner for our Division of Youth and Family Justice.

I will focus most of my remarks on juvenile justice reform and the "Close to Home" initiative included in Governor Cuomo's Proposed 2012-2013 Executive Budget. I will also discuss briefly our funding priorities for early care and education programs.

As Mayor Bloomberg testified before some of you several weeks ago, the proposed Close to Home Initiative will keep youth placed by the Courts in facilities near their New York City homes. Expensive placement facilities far away from New York City are not helping to either reform adjudicated juvenile delinquents or to keep our communities safe. Now is the time to take the next step and transfer the authority and the funds to operate non-secure and limited secure facilities to New York City. Children's Services applauds Governor Cuomo's proposed reforms that will create a juvenile justice system where all but the most serious New York City juvenile offenders stay closer to their homes and families. Children's Services will work closely with the Mayor's Office, the New York City Department of Probation, the State Office of Children and Family Services (OCFS) and our many juvenile justice partners to implement juvenile justice realignment under the Close to Home legislation.

Throughout my career, I have worked with youth involved in the juvenile justice system and their families through my work representing young people in child protective and delinquency matters at The Legal Aid Society, overseeing the lawyers that represent ACS in Family Court, and as a Judge in New York City Family Court. I have worked on almost all sides of the process. I know the struggles that families face as they try their best to raise their children under what can be almost insurmountable circumstances. I have stood next to parents as they learn that their child is being placed in a facility far from the City where it will cause

substantial hardship to visit. I understand the difficult choices parents often need to make when trying to get help for their children.

Currently, almost 400 young people from New York City are held in juvenile placement facilities operated by the State. The fact that so many facilities are hundreds of miles from the City leads to two primary problems: 1) it is very difficult for families to visit and participate in their children's rehabilitation process, and 2) successfully reintegrating children back into their communities is difficult to achieve. In fact, despite very high costs to both the City and the State, outcomes are poor for youth leaving these facilities; historically, approximately 80% are re-arrested within three years.

### **Benefits of a Realigned System**

Over the past several years, the City has been moving in the right direction to reduce the number of youth placed in upstate facilities by the Court through the use of alternative to placement programs that have been proven to work. Today, two-thirds fewer youth are in State institutions than in the year 2000. Crime has not increased. In fact, over the past five years, violent felonies among juveniles in the City have decreased by 22%, the number of youth placed in State facilities as a result of probation violations dropped by 25%, and the felony re-arrest rate for juveniles on probation declined by 10%.

As a result of these trends, fewer youth have been placed upstate and the State has been closing under-utilized juvenile facilities. Continuing this trend and allowing most New York City young people to remain in city facilities would offer significant benefits.

One very important benefit, we believe, will be to keep communities safer. The City has an obligation to keep its residents safe, and it can better achieve this by operating its own system with a focus on preventing adjudicated youth from re-offending. Our providers know our City and many have a track record of providing services in and around our communities. Moving youth closer to home will be the latest in a series of juvenile justice reform initiatives that have successfully reduced recidivism rates, resulting in stronger, safer communities.

A critical, additional benefit to realignment is that youth in city-based facilities will receive better educational opportunities. They will attend and receive credits from New York City public schools, or schools in which they can earn credits toward graduation.

As I mentioned before, a significant benefit of the Close to Home plan will be to keep families engaged with their children and to keep children connected to their communities. Rather than having to travel to distant facilities to visit their children and participate in their rehabilitation, families will maintain frequent contact with their children in care, enhancing significantly their children's likelihood of success when re-entering the community.

Moreover, youth placed in or close to the City will have the opportunity to participate in local programs and stay connected to the support systems in their community. The practical downside of the current system is that a youth and his or her family age chronologically during the youth's period of placement – the disease of delinquency festers - and then they are reunified without having shared the benefit of joint rehabilitation. Close to Home introduces the opportunity for joint rehabilitation for the first time.

Finally, a realigned system will have strong oversight. New York City juvenile justice programs will be operated by experienced, non-profit residential providers. But OCFS will regulate and oversee the programs. Overall, the new system will maintain the existing authority and oversight abilities that OCFS and State elected officials currently have.

### **Program Development and Implementation**

Currently, the Division of Youth and Family Justice (DYFJ) within ACS operates a continuum of programs for youth including the Juvenile Justice Initiative for alternatives to placement and the Family Assessment Program for Persons in Need of Supervision (PINS) diversion. Non-secure and limited secure placement will be part of this residential care continuum for adjudicated juvenile delinquents in the City.

We have begun planning discussions with juvenile justice stakeholders including judges, advocates, attorneys for youth and for the City, elected officials, law enforcement, educators, community representatives, and national experts. Once the legislation is adopted, this continued intensive planning will result in a final plan for non-secure placement that we hope will be issued for public comment in April 2012. A public hearing will then be held as required so that we can receive direct feedback from the community.

Other key partners in developing and implementing this reform plan are OCFS, the New York City Council, the Department of Probation, placement providers, and community based-services providers. The plan will include an expanded continuum of community-based programs that will provide graduated levels of probation supervision and services, as well as a variety of local programs matched to the youth's risk-level and needs. For youth that require a residential placement, ACS will contract with well-regarded, local, non-profit providers to provide high quality, non-secure and limited secure placements.

The plan for implementing Close to Home will include a number of key elements that we consider essential to successful operation. These include a continuum of care for youth, rehabilitative outcomes rooted in evidence-based modalities, improved educational outcomes, and a structured decision-making model that will use risk assessment and offense severity to guide the Department of Probation's recommendations to the courts.

A new State block grant will fund the non-secure and limited-secure placement facilities. ACS issued a negotiated acquisition solicitation on January 26, 2012 to current OCFS-authorized programs for non-secure placements. The anticipated total annual funding for the new non-secure placements and services that are included in the negotiated acquisition solicitation is \$56.7 million. Awards will be given for 300 non-secure beds, including beds for specialized services. Beginning in the Spring of 2013, ACS will issue a plan and a negotiated acquisition solicitation for limited-secure placement facilities.

Equally important as residential care, Close to Home will also give New York City the flexibility to provide youth with alternative services in the community through a wide array of

community-based programs that provide counseling, support groups, educational services, job training, and outreach among many other services. Community-based services, as an alternative to placement, are much more cost effective and optimal for most youth. We have also found that, if coordinated appropriately with the Department of Probation and consistent with court order, Community-based services can protect communities.

### **Early Care and Education**

Now I would like to turn our attention to another critical area of services in New York City: early care and education. As members of the Legislature know, early care and education programs are critical to working parents and to children. In order to promote positive child development and to support parental employment, it is imperative that we provide access to sufficient, high-quality, affordable child care. We can also avoid juvenile delinquency by investing in our youngest citizens' early education and development. Countless studies support this proposition.

New York City is committed to delivering the highest quality care to the most children. The City greatly appreciates the remarkable \$93 million included in the Governor's 2012-13 budget intended to offset a decrease in federal funding in the State Child Care Block Grant program. New York City has always contributed more funds and resources to child care than required by law. In our common desire to see that as many children as possible are served in the highest quality settings, we must recognize that higher quality care costs more and those expenses continue to rise.

Child care costs overall in New York City are still higher than the funding provided in the Child Care Block Grant. Increasing rent, utilities, insurance, New York State market rates, increased use of regulated care, and increases in the number of infants and toddlers served, all contribute to the rising costs of care. In recent years, New York City has offset the additional costs by using one-time funds and local tax levy but those sources are no longer available. Because of these increasing costs and greater demand, we urge the Legislature to increase

New York City's block grant allocation to fully fund New York City's child care subsidy program.

We would like to voice our support for the proposal mentioned by the Mayor that the State fully reimburse local districts for providing child care to families on public assistance after the local district's contribution or Maintenance of Effort is met. Currently, New York City, as well as all counties throughout the State, is only reimbursed for 75% of this cost, making it difficult to maximize the use of limited resources for providing child care to all eligible families. We ask the State to reimburse New York City and all counties for 100% of these costs, the same reimbursement that is provided for child care for low-income families. Collectively with an increased Child Care Block Grant and relief in local match for public assistance families, we will be able to address the rising needs of child care services.

Lastly, I would like to add that ACS is moving forward with EarlyLearn NYC, a program that will raise child care standards to further strengthen the quality of our contract system. ACS is excited about the response to our Request for Proposals from providers interested in administering EarlyLearn NYC. We strongly believe that EarlyLearn NYC will strengthen children's development and educational experiences by setting higher program standards to improve program quality leading to positive outcomes for children. EarlyLearn NYC also places a priority on supports for families with very young children, infants and toddlers. Quality infant and toddler care is more costly than care for preschoolers. In fact, two pre-school slots cost the same as just one infant/toddler slot. Our commitment in EarlyLearn NYC reflects this reality and is attempting to accommodate the needs of parents for more infant and toddler care, the most underserved group in the city.

## **Conclusion**

Children's Services greatly appreciates the Legislature's interest in services for children, youth and families, and its commitment to strengthening those services through New York City. We are tremendously excited about the Close to Home initiative in the Governor's Proposed Budget. In anticipation of the Legislature passing juvenile justice reform, we have

begun planning and are looking forward to continuing our work with members of the legislature, juvenile justice partners, and community members to develop the programs and begin implementation. As I have testified today, the City believes that through this reform, our communities will be safer, and our youth and their families will be better served.

We look forward to working with the Legislature toward realizing our goals for improving youth services that I have described.

Thank you for the opportunity to speak before you today, and for your service to the People of New York. I am happy to answer any questions.