



New York State
Office of
Children & Family
Services

New York City Citizen Review Panel
Roundtable Discussion
on
Dual Track Legislation, Children's Protective Services

New York City
Friday, June 10, 2005
10:30 AM – 1:30 PM
Queens Borough Hall

Submitted by Commissioner John A. Johnson

Members of the New York City Citizen Review Panel, my name is John A. Johnson, and I am the Commissioner of the New York State Office of Children and Family Services (OCFS). I wish to begin by thanking the Panel for hosting this event, and for giving OCFS the opportunity to submit written comments on this important policy issue.

Today's roundtable discussion regards a legislative proposal currently making its way through both the Senate and Assembly: S.1574-A/A.313-A, sponsored by Senator Rath and Assemblymember Paulin. It would amend the New York Child Protective Services Act of 1973 by adding a new section 427-a to the state's Social Services Law. This proposed section establishes a "Dual Track Response Demonstration Project" (Dual Track). According to its sponsors, Dual Track is intended to explore new ways of minimizing the adversarial relationship between parent and government that often results from the commencement of a child protective investigation.

According to S. 1574-A/A.313-A, OCFS would be tasked with selecting seven social services districts to participate in Dual Track. The Dual Track proposal will allow these participating counties to substitute a service-based approach in what they describe as less serious cases of child abuse or maltreatment. The proposed section 427-a sets forth procedures to be followed by the social services district when implementing the provisions of the Dual Track project. It is the intent of Dual Track's sponsors that its reach not extend to include serious cases of child abuse and neglect; these reports would remain subject to a full-fledged Child Protective Services (CPS) investigation.

As the state agency with primary responsibility for implementing the New York Child Protective Services Act of 1973, OCFS has an obvious interest in considering the impact such a demonstration program would have on the administration and efficacy of the state's child protective services system.

As the members of the New York City Citizen Review Panel are certainly aware, New York's Social Services Law codifies a state-supervised, locally administered system of child protective services. The 1973 law established a Child Protective Service in each county in our state. Each county CPS is required to investigate child abuse and maltreatment reports, to protect children (under 18 years old) from further abuse or maltreatment when necessary, and to provide for and monitor rehabilitative or preventive services for children and their families as deemed appropriate.

OCFS maintains a Statewide Central Register of Child Abuse and Maltreatment for reports made pursuant to the Social Services Law. This Statewide Central Register, commonly known as the "Child Abuse Hotline," relays this information to the local CPS for investigation, monitors the county's prompt response, and identifies for investigators whether there are prior child abuse or maltreatment reports.

The OCFS Central Register receives calls 24 hours a day, seven days a week, from two sources: persons who are required by law, *or mandated*, to report suspected cases of child abuse and maltreatment; and non-mandated reporters, including the public. Among those who are mandated to make reports are:

- medical and hospital personnel
- school officials
- social service workers
- child care workers
- residential care workers and volunteers, and
- law enforcement personnel.

OCFS has a very close and cooperative working relationship with each county CPS as well as a wide variety of other agencies, particularly those involving mandated reporters, to permit the successful administration of the state's child protective services system.

As Commissioner, I understand very well how county CPS investigations of child abuse and neglect reports have long been marked by a tension between two missions: an emphasis on protecting children from abusive or neglectful families and efforts to support and preserve their families

Since the 1973 legislation, New York State has periodically considered and implemented a number of reform measures intended to tighten up our child protective system. However, the singular goal of each investigation remains the same: to determine whether credible evidence of abuse or maltreatment exists in each case reported to the Child Abuse Hotline.

I do believe that the vast majority of county CPS investigators and supervisors who respond to these calls are consummate, dedicated professionals. The guiding purpose by which they operate is one in which maintaining the safety and well-being of the children they are charged with protecting always comes first. CPS investigations are conducted as fact-finding processes that include interviews, observation, and information gathering. CPS investigators and supervisors are trained to be empathetic to all of the parties involved in an investigation, and to treat parents and caregivers with respect.

Notwithstanding all of the above, OCFS is always willing to discuss and consider innovative practices that may improve New York's delivery of child protective services.

With these considerations in mind, I offer the following comments regarding the concept of Dual Track in New York, both in general and as it is expressed by S.1574-A/A.313-A:

Protecting the safety of children is a fundamental task of the child welfare system, and the best way to achieve safety for children is by preventing abuse and maltreatment of children before it ever happens.

For that reason, OCFS supports the concept underlying a dual track approach to child protective services and has supported the concept for many years. OCFS agrees that

provision of services both to families in crisis and to families that are approaching the point of crisis is a vital function of the child welfare system and one that must be enhanced to the maximum extent that is feasible.

The support for the underlying concept has been shown to be successful in the Home Visiting program where at-risk families are offered services to prevent abuse and maltreatment and promote healthy outcomes, starting during pregnancy and continuing through infancy and the toddler years.

The recent PINS Diversion legislation, which was originally developed by OCFS, also utilizes this approach. Although it addresses specifically potential PINS cases, the predominant concept underlying that legislation is that it is far preferable to identify and resolve family problems and issues before matters escalate to the point that the family becomes involved in the court system.

There are also other initiatives being undertaken on the local level that demonstrate that, even within the existing statutory framework, it is possible to achieve better coordination of services in child protective services cases, thereby enhancing the effectiveness of service delivery.

We note in particular Chautauqua County, where a model involving a commitment to better collaboration with the family -- including the use of family meetings and improved integration of service delivery -- has achieved many of the same goals as the proposed dual track approach, within the bounds of current law.

This suggests that, while dual track is an encouraging concept, the real issue before us is improving the efficiency, effectiveness, timeliness and method of service provision, so that service provision actually accomplishes the goal of avoiding the occurrence, or recurrence, of child abuse and maltreatment.

OCFS fully supports the concept of providing services to families to prevent any issues from escalating into abuse or serious maltreatment. However, any dual track system must achieve the delicate balance between diverting families from the child protective system where appropriate and yet leaving within the purview of that system those families where there is actual or imminent danger to children. No dual track system can be successful if it does not accomplish the fundamental underlying goal of protecting the safety of children both immediately and in the long term.

Finally, I wish to convey one additional observation about S.1574-A/A.313-A: This legislative proposal does not include a fiscal appropriation, nor does it make funding provisions for an OCFS evaluation of the seven-county demonstration project. In 2003, concerns voiced by New York City and others over the omission of appropriation language for a multi-county demonstration project served as one of the major stumbling blocks over approval of that year's iteration of the Dual Track Demonstration Project, S.4542-B.

I hope the panel finds these written comments informative and useful. OCFS is certainly prepared to work with our partners in the child welfare world to try to achieve the very laudable objective of developing and implementing a dual track demonstration project.

Thank you very much.