

MEMORANDUM IN OPPOSITION

S.4790 (Montgomery)/A.3233 (Clark) Office of the Child Advocate

Provisions of the Bill:

These “same as” bills establish an independent Office of the Child Advocate vested with the authority to examine systemic issues in state-funded programs overseen by OCFS in order to advocate for the rights, safety, and well-being of children in the state’s care. The bill would authorize the Child Advocate to access records, evaluate and report to the Governor and Legislature on systemic issues in publicly funded programs overseen by the Office of Children and Family Services and local social services districts. This includes child welfare, juvenile justice, foster care, child protective, child care and preventive programs and services. In addition, the Child Advocate would monitor implementation of policies, regulations and statutes of state agencies which may be applicable to the legal rights of children in the care, custody, or guardianship of OCFS. The Advocate would also have the authority to hold public hearings and make recommendations for change.

Statement in Opposition:

Various versions of this bill have been introduced in each legislative session beginning in 2004. Originally, the Office of the Child Advocate was suggested out of a very real concern for the safety and well-being of children and youth in OCFS juvenile justice facilities. Since 2004, there have been many improvements which call into question the need for such an office in New York, especially at a time when many vital programs and services have received funding cuts.

- 1) OCFS has fully funded and staffed the Ombudsman Office and the Independent Review Board. The Ombudsman reports directly to OCFS’ commissioner and investigates incidents and complaints involving children and youth residing in OCFS juvenile justice facilities. The recently enacted Budget calls for the closing or downsizing of 11 of those facilities with increased investment in community alternatives. Most importantly, the Governor has formed a Juvenile Justice Task Force to address systemic issues in the system and to make recommendations for change.
- 2) The state has instituted a Children’s Cabinet to address cross-systems issues related to children and their well-being. This year, the Cabinet agreed to address the needs of those children and youth who are “disconnected,” specifically those in the state’s juvenile justice system, in foster care, and those who have parents who are incarcerated. The Cabinet will implement reforms in many state agencies that will lead to improved outcomes for these children and youth.
- 3) OCFS Commissioner Carrion and her staff have begun a review of the child welfare system and are interested in forming a Task Force on Child Welfare, similar to the Juvenile Justice Task Force, to address and implement needed reforms that will lead to improved outcomes.

In addition, entities such as the Citizen Review Panels for Child Protection provide an independent examination and review of the system's policies, procedures, and practices at the state and local level and make recommendations for change yearly.

- 4) OCFS already provides the statutory oversight for many of the same monitoring duties that would be assigned to the Office of the Child Advocate including child welfare, child care, and preventive services. An Office of the Child Advocate would duplicate this work at considerable cost to New York's tax payers.

SCAA supports the intent of this legislation. Children and youth under the state's care warrant our vigilance and protection. Further, these children deserve the same opportunities for success as other children. We care about their well-being and want better outcomes for them.

In past years, the Schuyler Center for Analysis and Advocacy (SCAA) opposed legislation to establish an Office of the Child Advocate due to the overly-broad powers assigned to the Advocate's Office, the duplication of responsibilities assigned to the Child Advocate, and the high costs associated with fulfilling the responsibilities laid out in the proposed legislation. The proposed legislation introduced in 2009 has been revised and greatly reduces the powers and scope of responsibility for the Advocate's Office. Our concerns regarding duplication and costs remain.

Therefore, SCAA stands in strong opposition of S.4790/A.3233.

Karen Schimke
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President /CEO

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