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Memorandum in Opposition

S4790 (Montgomery)/A3233 (Clark) Office of the Child Advocate

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 writes in opposition to S4790/A 3233 with the belief that the establishment of the Office of the Child Advocate (OCA) will create unnecessary confusion, duplication, and costs, with possible unintended, negative consequences to services for children.

While we are pleased that this version of the legislation focuses more on identifying systemic issues that warrant policy attention with respect to protecting the safety and enhancing the welfare of children in the State's care, we continue to be concerned that this legislation merely duplicates existing levels of oversight and will prove burdensome to agencies by interfering with their primary obligation to the children in their care. Furthermore, adding another layer of reporting will result in confusion and cross-messaging, and predictably will prove a drain on the capacity of our agencies' already limited resources and increased service demands. We are quite fearful that instead of the well-intended protections and enhancements, our agencies risk realizing a quality of care compromise and this is unacceptable.

As one of the few state-supervised but locally administered child welfare systems in the country, the systems of care, regulation, funding, and oversight are already overly complex, and in some cases redundant. Adding yet another independent government agency to the oversight is both wasteful in an environment where funding is already being reduced for direct program operations for children, and very likely to result in inconsistent directions to providers and individuals working in the front line programs.

Recent OCFS efforts, including full funding of the Office of the Ombudsman, re-constitution of the Independent Review Board, creation of a Juvenile Justice Task Force, and improved functioning of Citizen Review Panels for Child Protective Services, in addition to already established statutory reviews by OCFS and that agency's wish to create a Task Force on Child Welfare similar to the already existing Task Force on Juvenile Justice, more than adequately address the reasons for creating this new Office. Together with the cross-systems work coming out of the Council on Children and Families in collaboration with the key state agencies, we believe that all of these efforts and more deserve a chance to get started, take root, and prove their effectiveness before layering on additional, duplicative and costly endeavors.

Despite its well-intentioned objectives, New York CAN continues to find the OCA to be a duplicative and costly initiative, stretching the finite and already limited capabilities of our agencies to respond to yet one more state agency. It is on this basis that New York CAN opposes the passage and enactment of S4790 (Montgomery)/A3233 (Clark).

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 and/or the New York CAN position of opposition.

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