

## HEALTH AND HUMAN SERVICES COMMITTEE

### OF THE

## SUFFOLK COUNTY LEGISLATURE

### *Minutes*

A regular meeting of the Health and Human Services Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on Thursday, August 11, 2011 at 2:00 p.m.

#### **MEMBERS PRESENT:**

Legislator Kate Browning, Chair  
Legislator Vivian Vilorio-Fisher, Vice Chair  
Legislator John Kennedy  
Legislator Jack Eddington

#### **MEMBERS NOT PRESENT:**

Legislator Sarah Anker - Excused Absence

#### **ALSO IN ATTENDANCE:**

George Nolan, Counsel to the Legislature  
Renee Ortiz, Chief Deputy Clerk, Suffolk County Legislature  
Barbara LoMoriello, Deputy Clerk, Suffolk County Legislature  
Terry Pearsall, Chief of Staff, Presiding Officer's Office  
Leslie Kennedy, Aide to Legislator Kennedy  
Ellen Stitt Bove, Aide to Legislator Eddington  
Eric Kopp, Assistant County Executive  
Todd Stebbins, County Executive's Office  
Robert Lipp, Deputy Director, Budget Review Office  
Diane Dono, Budget Review Office  
Craig Freas, Budget Review Office  
Paul Perillie, Aide to Legislator Cooper  
Dr. James Tomarken, Commissioner, SC Department of Health Services  
Greg Blass, Commissioner, SC Department of Social Services  
Ed Hernandez, Deputy Commissioner, SC Department of Social Services  
Linda O'Donohoe, SC Department of Social Services  
Denis Nowak, SC Department of Social Services  
Kathy Ligouri, SC Welfare to Work Commission  
Richard Koubek, SC Welfare to Work Commission  
Mitch Pally, Long Island Builders Institute  
Mary Finin, Health Centers  
Joan Fusco, Health Centers  
Shea Levin, Every Child Matters  
Sonia Palacio-Grottola, Clinics  
Barbara Megelro, LWV  
Eileen Collens, LWV  
Dot Kerrigan, AME 3rd VP  
Rick Brand, Newsday  
Other Interested Parties

**MINUTES TAKEN BY:**

Alison Mahoney, Court Stenographer

**MINUTES TRANSCRIBED BY:**

Kim Castiglione, Legislative Secretary

*(The meeting was called to order at 2:05 P.M.)*

**CHAIRPERSON BROWNING:**

If everyone would please stand for the Pledge of Allegiance led by Legislator Kennedy.

*Salutation*

Okay. Legislator Viloría-Fisher has another meeting to go to, so we will do the agenda before we do the presentation. But we do have some speakers, and the first speaker is Joan Fusco. Joan, you have three minutes.

**MS. FUSCO:**

I'm a Public Health Nurse at Brentwood Family Health Center. I've been working there for many, many years, but I also have worked for the North Shore hospital system as a discharge planner way back. I left that system after four weeks even though I was offered a job because I couldn't find the poor people who I felt my mission was to help. The poor people in Nassau go to Nassau County Medical Center and unfortunately, we are in such a health care crisis right now I'm sending patients there. Stony Brook has shut down all admissions for gastroenterology. We have numerous cases of Hepatitis C that are going unattended. I have sent some people into Bellevue.

I'm not sure if people are aware of the magnitude of the crisis we're facing right now. People are waiting a month and a half, two months even for the North Shore Cardiology Clinic at Southside. They will only pay five dollars, but I can't get them in any sooner really. We try, but it's packed, and they only meet once a month. Many of the clinics for our specialties only meet once a month and we have extremely ill patients.

That's about all I had to say. I just hope that you give a lot of consideration to keeping the health centers open. We keep the people going until they get to their specialist as best we can, but it's a teeny band-aid instead of a big band-aid. Thank you.

**D.P.O. VILORIA-FISHER:**

Thank you.

**CHAIRPERSON BROWNING:**

Thank you. Next we have Mary Finnin.

**MS. FINNIN:**

Good afternoon. I don't have a lot of new to add to the comments I've made at all the meetings in the past. We're still here in the middle of August with no resolution to the funding for our health centers. Our health centers remain in a crisis. Our staff is going day-to-day doing the best they can, not knowing if they're going to have a job next week. Our patients are not able to pay \$75 now that that kicked in, you know, the 60 day, and they're not getting care. They're closing down at several centers. They closed the x-ray department, so even if you come in and you have to be checked for TB or you're TB positive, you're sent out to a private contractor to get your x-rays and our equipment sits there and rests, and we just keep on spreading around whatever it is we're going to spread around. Hopefully the people will be able to get their x-rays someplace.

I would -- I support the efforts that have been made on a bipartisan way by this Legislature and I commend them for the work that you have all done. I also support the resolution to form your own committee and work with the State, because I do believe that unless you do it directly nothing's going to happen. In the meantime, however, we have a critical situation in Suffolk County, and I want to put before you again that I believe that the Legislature should fund the health centers through the end of the year with the tobacco money that is sitting there in the tax reserves, and also put up whatever is the appropriate amount for a tax increase to cover going forward for 2012

because we're going to see more reductions in Medicaid from the Feds and the State. We can't wait for them. They're not doing anything either so we have to take care of our own until another solution is found. Thank you.

**CHAIRPERSON BROWNING:**

Thank you, Mary. Hold on, Mary.

**D.P.O. VILORIA-FISHER:**

Mary, you made the statement at the last meeting about the tax money being held in reserve. Craig, can you address that? We use our tax money. I know that --

**CHAIRPERSON BROWNING:**

Tobacco.

**D.P.O. VILORIA-FISHER:**

The tobacco money, rather, that the tobacco money is used in our Health Department I know for Tobacco Cessation Program, for a program that goes into the schools --

**MR. FREAS:**

I'm not quite sure which tobacco money that Ms. Finnin is referring to. If it's the settlement funds that -- oh, look, here's the Deputy Director. If it's the settlement funds, that's a separate issue from the funds periodically provided by the State with Tobacco Cessation and Enforcement Programs.

**MR. LIPP:**

If she's talking about the tobacco securitization, over \$200 million, that money is tied up. It did go to the --

**D.P.O. VILORIA-FISHER:**

Where is it bound?

*(Laughter)*

**MR. LIPP:**

It goes to defease bonds that we have so -- and it can't be used for anything else.

**D.P.O. VILORIA-FISHER:**

Okay. So I just wanted to -- we don't have that bundle of securitization money in reserve somewhere that we could reach into and use.

**MR. LIPP:**

Those monies are actually off budgeting. You don't even see them in the budget.

**D.P.O. VILORIA-FISHER:**

Okay.

**MS. FINNIN:**

Can I?

**CHAIRPERSON BROWNING:**

Sure.

**MS. FINNIN:**

When we got the settlement, whether it was 30 million or 60 million, whatever that was, four or five million was used for the health centers for the Tobacco Program. The rest was put in a Tax Stabilization Fund. And I'm saying that now's the time, you know, that some of that money should be used to take care of the centers through the rest of this year.

**D.P.O. VILORIA-FISHER:**

You're talking about the Tax Stabilization Reserve Fund.

**MS. FINNIN:**

That's correct.

**D.P.O. VILORIA-FISHER:**

Okay, and that comes from a different -- a number of different revenue sources over the years.

**MR. LIPP:**

We have over \$60 million in that fund, so that's probably what she's referring to then.

**D.P.O. VILORIA-FISHER:**

Okay.

**MR. LIPP:**

And that's at the disposal of the County Executive whether to use that.

**MS. FINNIN:**

That's where the tobacco money went.

**CHAIRPERSON BROWNING:**

The tobacco money went there?

**MR. LIPP:**

No. If you'd like, I could have a conversation with you to clear it up after the meeting?

**CHAIRPERSON BROWNING:**

Is that good? Robert said that he would meet with you after the meeting if you want him to clear everything up with you so you can understand better what the difference between the tobacco money and the Tax Stabilization -- the tobacco money did not go to Tax Stabilization Reserve.

**MS. FINNIN:**

Well, it was my understanding at the time of the hearings, when there was debate over even establishing Tax Stabilization Fund, that that's where some of that money was going. Money is money. Whenever we get it it's put into a General Fund or some other kind of fund. I don't know how it's labeled today, but I do know that we got money that I think today should be used for health care.

**MR. LIPP:**

I would offer to you after the meeting to sit down and talk to you about it, and if that answer is not satisfactory then perhaps we could have further discussions.

**MS. FINNIN:**

I'd be glad to talk to you and I hope there's money at the end of the talk to fund the centers.

*(Laughter)*

**MR. LIPP:**

I think we all do.

**CHAIRPERSON BROWNING:**

We would all love to know that the money is there.

**D.P.O. VILORIA-FISHER:**

A pot at the end of the Robert rainbow, a pot of gold.

**CHAIRPERSON BROWNING:**

Yes. Thank you, Robert. Last but not least, Mitchel Pally.

**D.P.O. VILORIA-FISHER:**

Happy Birthday to Brian.

**MR. PALLY:**

Thank you. That's right, she knows. First of all, Long Island Builder's Institute strongly supports Resolution 1566 sponsored by Legislators Cilmi and Horsley. This issue is not an issue for against the Suffolk County Health Department. We work very closely with the Suffolk County Health Department on many occasions. The issue here is this report and any of its recommendations will affect every man, woman and child who now live in Suffolk County, or will live in Suffolk County, in the years ahead. It affects every economic and environmental decision made by anyone in Suffolk County. These decisions are too important. They will affect millions of people and millions of life decisions.

Such decisions should be made by the elected officials of our County and only by the elected officials of our County. It is your job to do so; it's your responsibility to do so. This issue is of such importance that it may be the only issue in which the two current County Executive candidates both agree, in that Babylon Town Supervisor, Steve Bellone, and Suffolk County Treasurer, Angie Carpenter, both support this legislation and urge the County Legislature to enact it as soon as possible. Thank you very much.

**CHAIRPERSON BROWNING:**

Thank you, Mitchel.

**D.P.O. VILORIA-FISHER:**

May I ask?

**CHAIRPERSON BROWNING:**

You have a question? Okay. Mitch, if you want to come back.

**MR. PALLY:**

Sorry about that.

**D.P.O. VILORIA-FISHER:**

Mitch, you serve on the committee or task force that was doing the Carmans River Study --

**MR. PALLY:**

Yes.

**D.P.O. VILORIA-FISHER:**

-- in the Town of Brookhaven, and I'm not -- I've heard that it's completed, I've heard it's not completed. You know, I don't think it is, right? I haven't seen it.

**MR. PALLY:**

The report -- a report from the task force was completed and was given to the town. The Town Board and the Town Supervisor are now putting -- making whatever modifications they have to because they understand that they are the elected officials of the Town of Brookhaven, and they will implement whatever it is actually finally gets implemented for the Carmans River and all of the protections with it. Those negotiations continue. We are working very closely. I have another meeting with them tomorrow. We are under a time constraint because of the State Legislation which was passed, but I have no doubt the Town Board of the Town of Brookhaven will pass a Carmans River plan. I can't tell you what it's going to say at the moment because those discussions still take place.

**D.P.O. VILORIA-FISHER:**

Actually, Mitch, you answered my question, which was I know that there was a committee working on the study but that, in fact, it's the Council and Supervisor who are making the final determination and --

**MR. PALLY:**

That is correct.

**D.P.O. VILORIA-FISHER:**

-- policy decision and that's actually what this legislation is saying.

**MR. PALLY:**

That's exactly correct. Thank you.

**CHAIRPERSON BROWNING:**

Thank you, Mitch. Okay. We will -- is there anyone else in the room that would like to make a comment? If you'd like to come up and state your name. Hold the button.

**MS. PALACIO-GROTTOLA:**

My name is Sonia Palacio-Grottola. I'm a social worker, 50 year resident of Commack. I'm here in support of Ric Montano's bill 1561, to ensure full operation of all the County clinics. I'm also here in support of Vivian Fisher's proposal, resolution, that she will present today, 1726. I don't know if you remember, but many years ago Jim Morgo was very happy to open the clinics to immigrants and we -- we were so happy that these people that have children that are in our -- that are American citizens can finally go to a clinic and get health care. Now we're taking it away from them.

The mothers and fathers of the children that we see in early intervention and that we as social workers see, we have nowhere to go. They're going to go to a local hospital for something or other. And then as I said before, your children that go to the local hospital for an emergency room are going to have to wait on line and I'm going to hear over and over again "Those people get taken care of and they don't even pay taxes because you're allowing these hospitals to pay for their health care." Well, if we have a clinic where the people can still go to and get primary care they won't have to clog up our local hospitals. Please think about that and keep those centers open as best as you can. Thank you.

**D.P.O. VILORIA-FISHER:**

Thank you, Sonia.

**CHAIRPERSON BROWNING:**

Anyone else? Okay. You want to come up front and state your name again.

**MS. LEVIN:**

My name is Shea Levin and I am from Every Child Matters. In my hands I hold a report of the second edition of We Can Do Better in Child Abuse Deaths in America. The first edition was

published in 2009. Since then we are proud to inform all much work has been done to increase public awareness of child fatalities and to enlist the Federal Government in evaluating the issue. In October 2009, the release of this report reached millions of citizens because of extensive press coverage. The release was followed by a summit on child abuse deaths in America, which brought 150 child abuse experts from around the country to Washington, D.C. for three days of educational sessions and discussions. The summit attendees made many recommendations for ending child abuse and neglect deaths. They can be found on our website at [everychildmatters.org](http://everychildmatters.org).

In January 2010, five national organizations joined forces to address the issue of child abuse fatalities. The partnership, the National Coalition to End Child Abuse Deaths, includes the National Association of Social Workers, the National Childrens Alliance, the National Center for Child Abuse Death and Review and the National District Attorney's Association, along with Every Child Matters Education Fund. The coalition will soon announce an ambitious strategy for generating the attention that some 2500 deaths of children a year at the hands of their family members deserve.

In April, 2010, the new coalition conducted an educational briefing on child abuse and neglect for the Congressional staff at the capital. In a major development, the Governmental Accountability Office in May, 2010, began a study of child abuse fatalities associated with child welfare system. Members of the coalition have met with GOL staff. The coalition has also met with the Commissioner of Federal Administration of Children and Families to voice its concerns and offer its assistance.

In 2011 -- sorry, in 2010 a petition campaign was initiated requesting Congressional hearings on child abuse fatalities. In July of 2011, the President of Every Child Matters testified before Congress about the abuse -- of child abuse fatalities.

Much more must be done. The rate of child abuse fatalities continues to rise. The official number for 2008 was 1,740, nearly double the combined number of five other more publicized causes of death as can be seen in the chart that I have. No one here will deny that a child's health, safety and well-being are vitally important to everyone here, but we also can't deny the statistics that represent the extent of child abuse and neglect in America. America has the highest child fatality rate among the rich democracies.

This is happening right here in our backyard in Suffolk. On Long Island there is a case of child abuse and neglect reported every 50 minutes. The question always gets asked what can be done. Every Child Matters believes that preventative programs to stop the cycle of abuse and neglect in our communities. The truth is in Suffolk County children will benefit from resources like PCAN training to not only inform child care providers of when to make child protective reports, but how to improve the reporting process so cases don't get dismissed and children's lives are saved.

In Suffolk County we need to educate those same child care providers on improving strategies to prevent abuse from occurring in the future. Preventing child abuse needs to be a goal for Suffolk County. We are asking for investments to change lives, to give life to children who are at risk of becoming a statistic of child mortality. In the end, we are just asking to make sure that every child in Suffolk County really does matter.

**CHAIRPERSON BROWNING:**

Thank you.

**D.P.O. VILORIA-FISHER:**

Thank you.

**CHAIRPERSON BROWNING:**

Okay. We will begin with the agenda. We'll have a presentation afterwards and I know I would like when we're done with the agenda if Dr. Tomarken would like to come up and speak also on the

FQHC.

Oh, you have questions about DSS, okay. A couple of issues. Okay. We'll get through the agenda, unless any Commissioners have any comments on anything that's in front of us right now? Dr. Tomarken, you have some on specific resolutions?

**COMMISSIONER TOMARKEN:**

Thank you, Madam Chair. Yes, I just want to put a comment on the record about Resolution 1566-11. I was waiting for one of the staff from the DEQ to come here. I just wanted to inform the committee about the process of this -- how this comprehensive water management report would proceed so that people understand. I had a conversation with Legislator Cilmi. I quite understand the need for the Legislature to be involved, the issues of conservation versus economic development. We're all very sensitive to that, but I just wanted to make sure that people understood what this report was, how it fits in with the context of the State, and I'll try to summarize it. And if Walter shows up he can clarify anything that I may have missed out on.

This is what is called a planning study, and if the -- if it goes to make recommendations to change the Sanitary Code, then it has to go to the state quality review act -- State Environmental Quality Review Act, and so the State DEC and the State DOH have to weigh in so that we can't, as a department, just change the Sanitary Code and not tell anybody or anything like that. So it does have some built in checks and balances.

I have no issues per se with the Legislature being involved in it. What I do caution is that changing the Sanitary Code for issues that are not significant can set a bad precedent. You will get people who will view the -- potentially view the Board of Health or being on the Board of Health as a rubber stamp and you may not get the quality of people that we have on it now and you'd hope to have in the future. So I just think if you are going to take this action that you do it cautiously and prudently and not exercise it in a haphazard way. I'm sure you appreciate and I'm sure you will exercise it appropriately, but I just want to make sure that this doesn't become a routine way of dealing with the Board of Health, which was set up as an independent agency and is supposed to be able to make recommendations and carry out its duties.

**CHAIRPERSON BROWNING:**

Any questions? No. Okay, thank you, Doctor.

**Tabled Resolutions**

Okay, so we will start with Tabled Resolutions. ***1474, Terminating a consultant contract (Degere Physical Therapy Services, P.C.) (Kennedy)***

**LEG. KENNEDY:**

Although I came here prepared to go ahead and make a motion to approve, in deference to the Health Department, Madam Chair, I'm going to table for one more cycle. In our General Meeting in September I am going to move the bill.

**CHAIRPERSON BROWNING:**

Okay.

**LEG. KENNEDY:**

I think it is overdue. I know that we have people on staff that are able to perform the function. I am not a physician, Dr. Tomarken is, so I'll -- I'll defer it to his request for one more cycle and I'll move it in September.

**CHAIRPERSON BROWNING:**

Okay. So that was a motion to table. Second, Legislator Eddington. All in favor? Opposed? Abstentions? ***It is tabled (VOTE: 4-0-0-1 - Absent: Legislator Anker).***

***1475, Directing the Department of Social Services to close the sex offender trailer in Westhampton, Town of Southampton. (Schneiderman)*** I'll make a motion to table.

**D.P.O. VILORIA-FISHER:**  
Second.

**CHAIRPERSON BROWNING:**  
Second, Legislator Viloría-Fisher. All in favor? Opposed? Abstentions? ***It's tabled (VOTE: 4-0-0-1 - Absent: Legislator Anker).***

***1476, Directing the Department of Social Services to close the sex offender trailer in Riverside, Town of Southampton. (Schneiderman).***

Same motion, same second, same vote. **(VOTE: 4-0-0-1 - Absent: Legislator Anker).**

***1565, Establishing a County policy to ensure the full operation of all County Health Centers in 2011. (Montano)*** I will make a motion to table. We are in discussion at this time.

**LEG. KENNEDY:**  
Second.

**CHAIRPERSON BROWNING:**  
I have a bill for equal distribution for all of our health centers and as I say, we are in discussion still with the State. We should be hearing something very shortly. So with that, until we get the answer from the County Executive's Office and how the negotiations went with the State, I think it's appropriate to table this at this time.

So we do have a second from Legislator Kennedy. All in favor? Opposed? Abstentions? ***It's tabled (VOTE: 4-0-0-1 - Absent: Legislator Anker).***

***1566, Adopting Local Law No. 2011, A Local law to require legislative approval of Major Water Management Policy Initiatives. (Cilmi)***

**LEG. KENNEDY:**  
Motion to approve.

**CHAIRPERSON BROWNING:**  
Motion to approve, Legislator Kennedy.

**D.P.O. VILORIA-FISHER:**  
Second.

**CHAIRPERSON BROWNING:**  
Second, Legislator Viloría-Fisher. All in favor? Opposed? Abstentions? ***It's approved (VOTE: 4-0-0-1 - Absent: Legislator Anker).***

***1613, Adopting Local Law No. 2011, A Local law to ensure full representation of disabled persons on the Disabilities Advisory Board. (Schneiderman)*** Is that -- that was closed, right?

**MR. NOLAN:**  
Closed.

**CHAIRPERSON BROWNING:**

Okay. So I'll make a motion to approve. Second, Legislator Viloría-Fisher. All in favor? Opposed? Abstentions? *It's approved (VOTE: 4-0-0-1 - Absent: Legislator Anker).*

**Introductory Resolutions**

*1628, To Establish a Tick and Vector-Borne Diseases Task Force in Suffolk County. (Romaine)*

**D.P.O. VILORIA-FISHER:**

Motion.

**CHAIRPERSON BROWNING:**

Motion to approve, Legislator Viloría-Fisher.

**LEG. KENNEDY:**

Second.

**CHAIRPERSON BROWNING:**

Second, Legislator Kennedy. All in favor? Opposed? Abstentions?

*It's approved (VOTE: 4-0-0-1 - Absent: Legislator Anker).*

*1652, Adopting Local Law No. 2011, A Local Law amending Resolution No. 440-2011, A Local Law to ban the sale and use of coal tar sealers in Suffolk County. (Lindsay)*

**D.P.O. VILORIA-FISHER:**

This is amending.

**CHAIRPERSON BROWNING:**

That's amending the original, yeah. Motion to table for public hearing.

**D.P.O. VILORIA-FISHER:**

I'll second.

**CHAIRPERSON BROWNING:**

Second, Legislator Viloría-Fisher. All in favor? Opposed? Abstentions? *It's tabled for public hearing (VOTE: 4-0-0-1 - Absent: Legislator Anker).*

*1660, Accepting and appropriating 100% grant funding in the amount of \$31,946 from the Department of Social Services for the Safety Net Assistance Project (SNAP) and authorizing the County Executive and the Commissioner of Social Services to execute a contract. (Co. Exec.)*

I'll make a motion to approve and place on the Consent Calendar. Second, Legislator Eddington. All in favor? Opposed? Abstentions? *It is approved and placed on the Consent Calendar (VOTE: 4-0-0-1 - Absent: Legislator Anker).*

*1681, To appoint member to the Food Policy Council of Suffolk County (Donna Boyce). (Viloría-Fisher)*

**D.P.O. VILORIA-FISHER:**

Although Ms. Boyce is not here, she is coming to the General Meeting. I would like to approve this

out of committee. She's one of the directors of Sustainable Long Island. I'll make a motion to approve.

**LEG. EDDINGTON:**

Second.

**CHAIRPERSON BROWNING:**

Motion to approve, Legislator Viloría-Fisher. Second, Legislator Eddington. All in favor? Opposed? Abstentions? *It's approved (VOTE: 4-0-0-1 - Absent: Legislator Anker).*

**D.P.O. VILORIA-FISHER:**

Madam Chair, I would like to thank you for the courtesy of getting the agenda done first. I have Soil and Water.

**CHAIRPERSON BROWNING:**

One more, yours. *1726, Authorizing a legislative solution of Article 6 Dispute. (Viloría-Fisher)* I guess you are making a motion to table?

**D.P.O. VILORIA-FISHER:**

Yes, I'm making a motion to table.

**CHAIRPERSON BROWNING:**

Motion to table, Legislator Viloría-Fisher. I'll second that. All in favor? Opposed? Abstentions? *It is tabled (VOTE: 4-0-0-1 - Absent: Legislator Anker).*

**D.P.O. VILORIA-FISHER:**

I'll stay as long as I can. I just have the Soil & Water Commission in Riverhead at four o'clock.

**CHAIRPERSON BROWNING:**

We know that.

**LEG. KENNEDY:**

Do we have Ed Hernandez?

**CHAIRPERSON BROWNING:**

Yeah, there's a couple of questions that need to be asked. Maybe Dr. Tomarken, if you could come up and speak on the FQHC? This is the application for the Federally qualified health centers, so we have some information on that.

**COMMISSIONER TOMARKEN:**

As you may know, the announcement came out two days ago of who received the FQHC grants and we were not one of those. They gave out about \$68 million to about -- to numerous applicants throughout the country. We are still eligible for -- to apply for the look alike status, which we intend to pursue. What we lose or the difference between the two is there is a one time only grant of up to \$650,000 that we could potentially lose with just getting the look alike status, but if we eventually get the full 330 status we would be eligible for that.

But as a sidenote, of all those plans that got approved, nobody got the \$650,000 maximum amount. It ranged from about 150 to about 550, so we're still going to pursue this. This is really an easier way to go in a sense because you just have to meet criteria, it's not an evaluation. They don't pick one over the other. If you meet the criteria you get the status. And because we've done the 330 application already we're about halfway there. So, that's our status and we'll still get the wraparound revenue.

**CHAIRPERSON BROWNING:**

What's the timeframe? Do you think we're going to hear something by the end of the year?

**COMMISSIONER TOMARKEN:**

Well, part of it depends on how fast the State can deal with the Certificate of Need. So I hope -- would hope by the end of the year, but obviously I can't guarantee it.

**CHAIRPERSON BROWNING:**

Okay. Well, I appreciate you updating us. It's a major disappointment, but I guess we'll continue to move.

With that, Ed Hernandez. I guess there was --

**DEPUTY COMMISSIONER HERNANDEZ:**

I brought enforcement, the Commissioner is here.

**CHAIRPERSON BROWNING:**

Oh, okay. Legislator Eddington, his DSS issue from the last meeting.

**LEG. EDDINGTON:**

Hello.

**COMMISSIONER BLASS:**

Good afternoon.

**LEG. EDDINGTON:**

I'm sure that --

**COMMISSIONER BLASS:**

Yes.

**LEG. EDDINGTON:**

-- Ed has filled you in on my request. As of yesterday, Ms. Bausch hadn't been contacted by the office.

**COMMISSIONER BLASS:**

That's correct. We have not contacted her.

**LEG. EDDINGTON:**

Wait a minute. That already makes the hairs go up. I asked you to and gave you two weeks to contact her, and you're telling me it's correct you haven't contacted her.

**COMMISSIONER BLASS:**

You gave us two weeks to resolve the issue.

**LEG. EDDINGTON:**

You know, that's what I love about you, how you zero in. I did say -- I don't have the records with me, but I think I said to reach out to her and resolve the issue.

**COMMISSIONER BLASS:**

We did not contact her.

**LEG. EDDINGTON:**

She was here and she was expecting a call, and I'm not going to sit here and play with words. You

know what I -- he knows what I meant, and now you're going to start off telling me, "Well, you didn't say" --

**COMMISSIONER BLASS:**

No, we're not going to contact her, and I'll tell you why when I have the opportunity.

**LEG. EDDINGTON:**

So you're telling me that I've asked you to reach out to her and you're not going to do it.

**COMMISSIONER BLASS:**

We're not going to contact her on this case of the claim that she has from us for the return of the security, no, not at this stage. It would be inappropriate, sir.

**LEG. EDDINGTON:**

Why would it be inappropriate?

**COMMISSIONER BLASS:**

May I answer the question? It will take me a few minutes to answer the question, because I would like to go into the history of the case.

**LEG. EDDINGTON:**

Yeah. Well, because, see, what I would like is when we leave here it gets resolved. This is a woman that has really tried to work with the system and has been screwed. And this isn't just an individual case, but this happens to be a particular case that I've taken interest in.

**COMMISSIONER BLASS:**

On the contrary, she has not been screwed. A lot of her problem is self-created. As I said, I will answer the question about the case to the extent that I can when you're ready for me to do that. But in response to your question, we will not contact her. She has studiously and scrupulously avoided contacting us until we had to send her a dunning letter telling -- all right.

**LEG. EDDINGTON:**

I hear what you're saying, but when you look at the facts that she was told not -- to cease and desist, do not come around and contact the person that was renting the area, and so she couldn't go there because she was told not to, and she didn't know that the person left for 52 days.

**COMMISSIONER BLASS:**

We would have taken that into consideration if she had contacted us, as she agreed to in writing, and she chose not to, and her lawyer chose not to. This is not an inexperienced women, nor is this a case that lends itself to the simple explanation that she rented her house to somebody from Social Services and they damaged the place, and she has a right to her security. I wish it could be that simple, but it's not.

**LEG. EDDINGTON:**

Then maybe I need to hear a little bit more about the case.

**COMMISSIONER BLASS:**

Very well.

**CHAIRPERSON BROWNING:**

I was going to say, go ahead.

**COMMISSIONER BLASS:**

Very well. Speaking from the general to the specific, we have very clearly a culture in the landlord

community, I don't know if this is true of Mrs. Bausch, but there is a culture in the landlord community of getting -- agreeing to and receiving, and agreeing to the terms of receiving, cash security deposits and not giving them back. Fixing the place up, improving their property, at the taxpayer's expense.

I wish I had the opportunity to be -- to take the humanistic approach and simply give money back to landlords who plead a serious case. The problem is that unless we let this case go to litigation where she can show to an objective third party that she is entitled to that security back, we will have to return the money to her or let her keep the money at full County expense. If the court orders it to be returned to let her keep it, we get the reimbursement from the State. That's one point.

The second point is it would be a drastic precedent if all of these cases of security deposits not being returned, pursue them in great measure because of that culture I just described, if there were not returns by simply a landlord going to a Legislator or a landlord going to a public forum and getting it back that way individually. We have almost 2,600, over 2,600 cases of security deposits that have now been put up for collection involving millions of dollars. It should never have gotten this bad, but it did, but we are now correcting it. And in each and every instance where it is allowed to be decided by a court, in a Small Claim's Court, that's what this kind of case would be, so it would not be a drastic expense for an experienced landlord like Mrs. Bausch. If we allow that process to unfold as it is unfolding, without setting that kind of a precedent, then and in that event when the court orders us to let her keep it, it becomes a reimbursable expense. But if we do it this way, not only are we setting that bad precedent, but we are also making it a full County charge.

So I would suggest the advisability of letting this case go before a judge and making the point that it's not as simple as believe her or believe someone else. We don't have the -- we are not equipped to judge credibility. If it were a simple matter, as Deputy Commissioner Hernandez described last meeting where we could make a waiver and resolve it like you've talked about, then it would be a different story. But those simple matters are when there is a clear injustice, such as say the person, the landlord, is not experienced, leaves the area and rents out their house to Social Services. This is not an experienced landlord or is a very elderly person. We did that in one case. But the waiver's that we've granted on the departmental level for cash securities only number about 25 to 30 out of thousands and thousands of cases of security deposit issues.

So I would suggest the advisability of allowing the issue of why we never heard from her, why we never heard from her attorney, why we didn't hear until months later that she had this damage done and we were not able to inspect it. If we had been able to inspect it right after the fact when it occurred we certainly would have taken that measure. The question was raised, "Well, why don't you keep track of it?" And "Don't you know that there is an eviction proceeding going on?", as there was in this case. We didn't know nor can we keep track of eviction proceedings in thousands of cases.

I wish I could go into the details of this particular tenant. You had sent us an e-mail which asked some questions about whether she had a caseworker and things like that. I'm unfortunately prohibited from discussing that case in detail. Even its name. But I can tell you that we did not dismiss her claims that she's made in this forum, that we felt we weighed her issues against the issues that I've raised with you about reimbursement, about process, about a cash security system that was getting out of hand until we made some reforms, some of them recent, some of them longstanding, including for a couple of years now we have been sending them out to collection. And that's where we think this can be done. But if we did it in this case it would set a terrible precedent and it would set a precedent not only in terms of a disorganized process, but we would lose the reimbursement that a court order would allow us to get even when we lose.

**LEG. EDDINGTON:**

Well, I appreciate you taking the time and getting involved, but, I mean, Mr. Hernandez did say that

you can waive the following collections, that you could in some cases, and you have --

**COMMISSIONER BLASS:**

Right.

**LEG. EDDINGTON:**

-- but this one is one you have decided not to.

**COMMISSIONER BLASS:**

And I take full -- it's not Dr. Hernandez. I take full responsibility for that decision.

**LEG. EDDINGTON:**

Right. Okay. So let me just go over this a little bit. So that now the woman has paid \$35,000 in damages and she -- and she isn't an experienced landlord, she rented to her daughter and this is the first time she's been involved with DSS, so she's not experienced. She's a school nurse. That's what she is. She lives in one area and works in another area, and this isn't on her route. And when she did go and give feedback to the woman that was renting, because she was doing -- boarding up windows and stuff, she was contacted by a Legal Aid lawyer telling her to cease and desist and stop coming by. So now this is the first time person, it's not that she's been in with DSS for years and knows the system. This is a person who -- this is her retirement investment. And so that now all of this stuff has happened. They built a room down in the basement she didn't know anything about.

Now, the woman that was renting, when she left she left. She was supposed to -- and she had -- this woman that owns the house had to pay \$1850 to have her evicted, the person that was staying there. So now she's into \$5,300 because she rented to Suffolk County. So that now the woman is supposed to be evicted. She doesn't leave on the day, and it turns out that she left 55 days later. So that obviously she can't notify you in a timely fashion and she's been told by a lawyer stay away. So that now I'm starting to say this is a woman that wanted to do the right thing and is scared to death because now instead of helping the government, she's got the government on her. And what you're saying is we don't see how we can waive it for a person like this, and yet we want more people to come and step up and help us. So that now here's the other question. Didn't the woman that rented, that was on Public Assistance from Mrs. Bausch, go to another -- did she get Public Assistance when she left that place?

**COMMISSIONER BLASS:**

That is exactly the kind of question that I unfortunately can't answer.

**LEG. EDDINGTON:**

Yeah, how convenient is it? Because then you were notified that the person left, but it's convenient that you can say I just can't discuss it.

**COMMISSIONER BLASS:**

I can't. I can't.

**LEG. EDDINGTON:**

Do you know how tired I am about hearing that in government?

**COMMISSIONER BLASS:**

I am not allowed by law, but you know what, a judge --

**LEG. EDDINGTON:**

Then do the right thing and waive the cost.

**COMMISSIONER BLASS:**

A judge is able to discuss it and if a judge came down --

**LEG. EDDINGTON:**

But we don't have to go -- why does this have to go -- you know what --

**COMMISSIONER BLASS:**

Because she didn't do what she agreed to do basically. That's why it is self-created.

**LEG. EDDINGTON:**

And you can't understand why based on what I said.

**COMMISSIONER BLASS:**

Sure I can understand.

**LEG. EDDINGTON:**

But you are not willing to do anything about it.

**COMMISSIONER BLASS:**

I am not able to do anything about it.

**LEG. EDDINGTON:**

You could waive it.

**COMMISSIONER BLASS:**

No, I am not setting that precedent. It would be irresponsible for me as Commissioner.

**LEG. EDDINGTON:**

Okay. But you could, but you are refusing.

**COMMISSIONER BLASS:**

I have to refuse, yes. Basically I have to refuse because I don't want to set a precedent where we are reimbursing full unreimbursed amounts. It would come to a huge liability. So if she makes her case --

**LEG. EDDINGTON:**

So maybe you should be doing the right thing all along.

**COMMISSIONER BLASS:**

The right thing to be done all along is for her, as she agreed in writing, to give us notice. And if she didn't know until 55 days later that the person vacated, we would have accepted that and we would have gotten reimbursement for the allowances that we gave the security deposit. But she chose not to. She choose not to talk to us -- excuse me.

**LEG. EDDINGTON:**

Right. And you know it's too bad she didn't have a legal degree because then she would have known exactly what to do.

**COMMISSIONER BLASS:**

She had an attorney, and I only referred to her as an experienced landlord because that's how she was described to us by you in your correspondence with us. So if she wasn't experienced that was a factor that I had the opposite impression of. Yet the point remains that if I start doing that with security deposits that are now outstanding in the millions of dollars and that we are finally getting a handle on and we are finally getting them returned, I would be setting a precedent that would be

very unhealthy and very costly. If a judge says what you said -- you see, if it were simply an issue of she was totally in above her head or was suffering some infirmity, those are objectively ascertainable factors. But the story that she's giving, that she agreed in writing to notify us within a certain timeframe, we never got that notice until months and months later. Let me give you an example of --

**LEG. EDDINGTON:**

No, I'm not -- look, I'm not saying she didn't make a mistake. I think she did. She didn't file -- she was nervous, she was scared, she forgot, she just wanted to get it over with. Yeah, I agree, she made a mistake, but --

**COMMISSIONER BLASS:**

She had an attorney all through that.

**LEG. EDDINGTON:**

You know, maybe there are attorneys that are not as good as some of the others.

**COMMISSIONER BLASS:**

Let me give you an example of something the Legislature does routinely but they still can't do anything with the money involved; 72-h resolutions. 72-h resolutions the Legislature routinely gets the story, the difficulty, the hardship, the kind of situation that Mrs. Bausch has raised, and the Legislature will give her the break with a timeframe. We give a break with a timeframe all the time. We do not hold them literally to 72 hours and ten days. And if she had come to us 55 days later we wouldn't have held her to that. But when the Legislature gets that hardship case and accepts it, they still have to have the taxpayer pay the full amount of money to redeem the property.

We would be willing to do anything we could to address her hardships, but when it comes to the cash security deposit, if we start allowing them on a larger scale we're facing full County cost. And I can't, as Commissioner, responsibly do that. I have -- and that's not to suggest that I never weighed the factors of Mrs. Bausch's situation as you have eloquently and ardently advocated them. I certainly understand that. I used to do the same exact thing when I was on the County Legislature. Those are very serious cases and they have a humanistic side to them that jolt you. But the fact remains that it has to be decided by somebody else. It has to be decided by the judge who does not have to worry about gotcha audits and who doesn't have to worry about whether it's reimbursed or not because it will be if he decides it instead of us. And he doesn't have to worry about precedent because he can base it on equity, on what's fair and what's not fair. We don't think that it would be prudent for us to do that, and we're not burdening her substantially by making the same case to a judge that she made to you, and she doesn't need an attorney in court to do that.

**LEG. EDDINGTON:**

Well, I'm sure you're doing what you believe is right for the County. I'm often in conflict with what the County does, because if I don't think it's the -- because, you know, I just don't feel it's the right thing to do. It may be right based on the laws, but it isn't the right thing to do. And you know what? I'm not going to ask you because I know inside you, and Ed for sure, that you know this woman has been screwed over by the system. Even if she was an idiot and you could say, "Oh, she screwed up all along," we have screwed another citizen. And I doubt if she'll ever rent to DSS, and as the story gets out, that's why we get the same -- some of the people that abuse the system because we can't get people that use the system. And she screwed up, I -- she agrees, I agree, but it's going to cost her about 8,000 -- or to go to court now it will be 10,000. This woman's husband is sick, she's going to fade away.

**COMMISSIONER BLASS:**

I don't think that it will cost her that much to present her case to the court, I disagree with that. A Small Claims Court type of collection or even regular District Court proceeding, because of the amount in the jurisdiction of the court, allows her to do it per se. I've listened, I've read the

minutes of the last meeting, she is quite able to state her case. But if the eviction that she did had included what it normally includes, this is how we normally find out about the date -- when a tenant vacates, not -- they don't call us and tell us, they -- unless they apply for subsequent housing.

**LEG. EDDINGTON:**

Right.

**COMMISSIONER BLASS:**

But they usually have the Sheriff remove the belongings and then when that happens we are given notice of that by the Sheriff's Department. For some reason that didn't happen in this case. I don't believe that Mrs. Bausch availed herself of the Sheriff.

**LEG. EDDINGTON:**

No, my understanding is that she was told to stay away and then finally when she did finally say, "I better check," she was gone. So she tried to extend herself as much human kindness to a woman with three kids and she got screwed for it, is basically what's happened. And I just feel bad about a system that works this way. In about four months I am going to be a strong advocate on the other side and fight for a change in the system, because when a woman like this can get abused and have to go through court, it's wrong. It's just wrong.

**COMMISSIONER BLASS:**

It's wrong, that's why we have that agreement that we enter into and discuss with them, that we need to be notified within a certain timeframe, not because we want to have it early and make it hard for them, but that's because what the State tells us we have to do. It's a State mandate. And I will tell you that one of the reforms we've made just in the past month is that we're diminishing use of cash security deposits and we're substituting vouchers so that there's more discussion between landlord and department. But the difficulty presented here above all was that we, and I'm sure there are good reasons for it, I don't know what they were, we never heard from her or from her attorney at any time until it came here months and months and months later, when it becomes a full County responsibility if we do that waiver. That's why those waivers are rare, and that's why they're done when they involves ascertainable factors.

Here you're talking almost about a credibility issue. How do we know -- I mean, you're convinced and I appreciate that, but how do we know she had all this damage from the tenant. How do we know she didn't also decide to fix the place up more for her daughter. There are a lot of factors here which someone who's a, what they call a trier of fact, can decide better than us, better than we, and that's what we think is the prudent way to deal with a multi-million dollar problem of collecting cash security deposits that a lot of landlords, not necessarily Mrs. Bausch, but a lot of landlords have chosen simply never to return.

**LEG. EDDINGTON:**

Well, thank you for researching it. I'm not happy with the response. I understand your response and I respect you for trying to do what you think is best.

**COMMISSIONER BLASS:**

Thank you.

**CHAIRPERSON BROWNING:**

I'd like to ask you a question. Now, this lady was -- she was preparing to evict the tenant?

**COMMISSIONER BLASS:**

I'm sorry, Madam Chair. Could you say that again?

**CHAIRPERSON BROWNING:**

She was planning to evict the tenant, this --

**D.P.O. VILORIA-FISHER:**

The landlord.

**CHAIRPERSON BROWNING:**

Landlord.

**COMMISSIONER BLASS:**

My understanding was that she was. I don't know until after the fact, until what she said here. All I know about her position is what she chose to say here.

**CHAIRPERSON BROWNING:**

Okay, just a couple of small things. I mean, because you are saying that DSS is not informed of evictions, but you are saying the Sheriff's Department notifies you?

**COMMISSIONER BLASS:**

When they're used we hear from the Sheriff's Department; is that correct?

**DEPUTY COMMISSIONER HERNANDEZ:**

(Nodded head yes).

**CHAIRPERSON BROWNING:**

Okay. Is there something that you can put in the -- you know, you have a contract with the landlord. The contract with the landlord is, you know, a required timeframe for notifying you if the tenant is moving out or whatever. Can you not add that to the contract with the landlord that in the event of an eviction they have -- you know, they have so many days to notify you if they're starting eviction proceedings?

**COMMISSIONER BLASS:**

Essentially that's already in the contract. When the landlord is aware of the vacating, whether they have started a proceeding or whether it comes later, we would never say, "Oh, wait a minute. Your date of vacating was a certain number of days before 72 hours, so we're not going to honor" -- we don't stick -- we can give a break on timeframe just as the 72-h process allows the Legislature to do. We can't give a break on the money. It's not ours to give a break on.

**CHAIRPERSON BROWNING:**

No. I'm just saying about the eviction process. If they decide this is a bad tenant, I'm evicting my tenant, you can't have something in the contract that says to them, you know --

**COMMISSIONER BLASS:**

The landlord, that they have to notify us --

**CHAIRPERSON BROWNING:**

You have to notify us --

**COMMISSIONER BLASS:**

-- of the eviction proceeding?

**CHAIRPERSON BROWNING:**

-- immediately on the beginning of an eviction proceeding.

**COMMISSIONER BLASS:**

We don't have that now.

**CHAIRPERSON BROWNING:**

Can't you do that?

**COMMISSIONER BLASS:**

We can. I'll explore that, definitely.

**CHAIRPERSON BROWNING:**

Okay. And as far as the refund is concerned, I mean, you know that this is not the first time I've heard this stuff where, you know, they rent the house, the tenant destroys the home, and now the landlord has to fix it up. And sometimes, you know, even if they do get the security deposit back, it's not always enough to cover the damage.

**COMMISSIONER BLASS:**

Right.

**CHAIRPERSON BROWNING:**

And I know that you can't tell us whether this tenant is still on DSS, is still receiving rent payment. However, you have Mrs. Jones who, you know, is a DSS client. She's, you know, she's renting the house, she destroyed the home. Now she's moved out, she's moved out of that home and now she comes to you again and wants to rent again, and you know that she just caused say, you know, 15, \$20,000 worth of damage. What can you do with that tenant, nothing?

**COMMISSIONER BLASS:**

Our procedure, as mandated by State law, is that we can recoup from the tenant the amount of the security deposit that was expended in covering those expenses, and we do that if they don't have the money, and usually these are --

**CHAIRPERSON BROWNING:**

They usually don't.

**COMMISSIONER BLASS:**

We have to get a judgment then. We have to reduce the claim to a judgment and if, as and when they ever come into any funding, that that's the difficulty of renting to DSS clients for sure, and cases like this add to it, no question about it. I noticed in the minutes of the discussion of the last meeting, which I apologize for not attending, I was unable to be here, but that discussion talked about whether the jurisdiction of New York is pro-tenant or pro-landlord. And I can tell you without question, having studied and practiced in real property, that New York State is notoriously pro-tenant and has been --

**CHAIRPERSON BROWNING:**

Right.

**COMMISSIONER BLASS:**

-- for more than a generation and still evolves in that direction. So whether it's a DSS client or a non-DSS tenant, if they wreck the place it is very rarely the security deposit covers it, and the landlord has to pursue an additional claim against the tenant, if they can find them after they vacate. But you will find that New York is notorious for prolonged procedures. A landlord-tenant action is a hell of a process to go through from either side, but specifically if you are on the landlord side. There are sometimes benefits to that because there are abusive landlords, but many real estate investors will carefully avoid residential rentals because of that and stick with commercial rentals because it's so problematic.

**CHAIRPERSON BROWNING:**

Jack has another question.

**LEG. EDDINGTON:**

I just wanted to add, you know, the reason I had asked Mr. Hernandez to reach out to her is because I'm not always the best advocate because I can't remember all the facts, and I just looked over my notes here and I realized that she did contact the Sheriff's Office and they said that they would evict her when they get the opportunity or whatever, didn't give her a set date.

The other thing was that she had gotten called from a woman, and I forgot about this, Lisa Grossman {Trula}. She actually is with the Domestic Violence Coordinator, American Choice for United Care, but she told us she was her caseworker and she thought she was the DSS caseworker, so she thought she had communicated with DSS.

The reason I wanted your office to talk to her directly is so that this is one constituent out of, as you know, hundreds that I'm dealing with, and I can't remember every single fact, and your office would know what to ask and she could have talked to you directly. So there's probably more information that I don't have. This woman thought she did the right thing and she didn't. But this woman -- the other woman, Lisa Grossman, told her that she shouldn't evict her and she should leave her there and it'll work out blah, blah, blah, and she thought she was talking to the DSS caseworker.

**COMMISSIONER BLASS:**

I didn't know that, and I'm not declining to reach out to her to be ornery. I just feel that it's beyond us now. But if it would calm the waters I certainly will speak to her myself. I'll be happy to do that, but I want her to understand that my speaking with her and getting these explanations will not very likely cause us to waive it because of the precedent and the issues involved.

**LEG. EDDINGTON:**

You see, that's never been my problem. I don't want you to do the wrong thing. But I thought your office reaching out personally would -- I don't want to explain your rules because I'll screw it up. I'd rather have you listen to her and if she says something that, "Oh, well, I didn't know that" then maybe it will help her. If not, you can always tell her I'm sorry and this is why. I mean, you made it very clear, but I obviously forgot a couple of pieces either last week and this week that could have helped make a more accurate decision. Plus, it just shows a friendlier DSS to me, you know?

**COMMISSIONER BLASS:**

Right, a compassionate approach, I agree with that. And we tried to do that in every instance. So be that as it may, we do know of that DB worker being someone not associated with DSS, but the point of the agreement with landlords is that they've got to get us there to inspect. An inspection is a condition precedent to anything we can do with the security deposit claim, and having not had that opportunity until so much later raises the specter of these other landlords who exploit that and then claim that, "Well, nevertheless I may not have notified you and it may be too late for inspection, but we had to spend all this money to fix this place up because of" yada, yada and yada and that's not -- that's why we have that process. And I expected that we at least would have had the chance to hear from her in a timely fashion so we could make that inspection before her daughter moved in.

**LEG. EDDINGTON:**

Well, I would be personally appreciative if -- it doesn't have to be you, it could be anybody from DSS, that at least -- look, the key thing with people is they want to vent, they want to feel that they have been heard. I'm not asking you to break the rules or change the rules, but give her the opportunity to vent and -- that will be good for me.

**COMMISSIONER BLASS:**

We will do that. I understand completely.

**LEG. EDDINGTON:**

Okay, thank you very much. I appreciate that.

**CHAIRPERSON BROWNING:**

Thank you, Commissioner. I don't know if you are wanting to stay up for the next -- for the presentation. I guess we have Dennis Nowak is here.

**COMMISSIONER BLASS:**

Yes, he's here. If he could come up, Madam Chairman?

**CHAIRPERSON BROWNING:**

Sure. I don't know if we want to try and get the Chair of Welfare-to-Work Commission. If you guys would like to come up and just join us also, if we can make room for you. And Kathy, do you guys want to come up to speak on your presentation? I think we'd like to kind of bring the two together. We kind of have it's one presentation or two presentations within one. You know, we'd like to get some information from you on staffing for CPS, but, you know, Mr. Koubek and Kathy Liguori from Welfare-to-Work have a presentation they would like to share also on some CPS cases and training that's being provided. I'll start with you, Dennis, and then we'll let them go next.

**MR. NOWAK:**

Madam Chair and committee, thank you very much for this opportunity to give you a brief update on the status of Child Welfare Services in Suffolk County and our current staffing and caseload levels in Child Protective Services.

Madam Chair, you were kind enough to visit us in April, come to our facility in Ronkonkoma and meet with our staff, that meant a lot. And I want to offer that opportunity to any Legislator that would like to come and visit us. The staff do appreciate it. They work hard, we're proud of the work that they do, and we would love you to have an opportunity to meet personally with them.

When you met with us in April we are at perhaps our highest caseload levels of the year. Child Protective intake of new cases of child abuse and neglect cycles throughout the year and typically follows the school season. We receive our highest reports in October after the start of the new school year in September, then again in May before school lets out for the summer. Those are two peak points. Also, though, we receive our typically our highest intake of new cases in the year in March. Why? We really haven't figured that out yet, but it's consistent. Year after year in March we receive the highest reports.

This year we set a new record in March of 1,051 new reports of child abuse and neglect, that's the highest level in any one month in Suffolk County. And it's only the second time on record that we have surpassed 1,000 new cases in one month. I'm glad to say that that trend has not continued and even with the peaks in May and June we've received to date 5,837 new reports for the year, and that's 113 or 1.9% fewer than last year. So that's a little bit helpful to us.

Because of the population of Suffolk County, it's population and it's youthful population, Suffolk County receives more reports of child abuse and neglect than any other district in New York State outside of New York City. And when compared to other large counties in the State, Suffolk County receives more reports of child abuse and neglect per worker. Through June of this year our staff received 7.8 new reports per month compared to seven new reports per month in Nassau County and 4.6% -- excuse me, 4.6 cases per month in Westchester County. So our staff are working very high. They also happen to be among the most productive workers in the State, completing on average of 7.6 investigative determinations per month compared to 6.1 on average for the State.

At the peak in April when you visited us we had 1,637 open reports under investigation, and that

was the peak for this year. At that time our case workers were carrying an average of 16.5 open investigations per worker. And as you probably already know, the State standard or suggested level is 12 investigations per worker, so at 16.5 workers are definitely feeling the pressure.

Cases at that time, caseload sizes rather, averaged from -- excuse me, ranged from one case per worker, that's for a new worker, up to 26 reports per worker, with 68% of our staff carrying high and very high caseloads of 16 or more cases per worker. This is a level that the State has been keeping an eye on. Any worker carrying more than 15 open investigations at a time is considered high. Once you get into the 20 range it's considered very high. And at the time, as I said in April, 68% of our staff were in the high to very high range.

These numbers have dropped dramatically this summer as the intake of new reports have decreased. There are currently fewer than 1,300 cases open for investigation. The exact number is 1,289, with average caseloads now at 12.4 cases per worker, and caseload sizes are ranging from one to 21 cases per worker, with only 25% of staff carrying 16 or more cases. We're expecting these numbers to fall further through the rest of the summer. Again, the summertime is when the intake slows down and workers are able to get on top of cases that are already under investigation. As you probably already know, we have 60 days to investigate a case of child abuse and neglect and make a determination. We're expecting the numbers to go down further. Last year at the end of the summer we got down to 10.6 cases per worker. We should be able to reach that again with the slow down in intake.

We have four new Caseworker Trainees graduating from our training unit that will be assigned to Child Protective Investigations. And also, we have another cohort of trainees that will be graduating from the training unit later on this year, just as caseloads start to peak again or as the intake continues to peak. So that's Child Protective Investigations.

While a case is under investigation, when we make a determination a case is either unfounded because there's not enough information to substantiate the allegations, or it's indicated for child abuse and neglect. Cases that are more serious are passed on for ongoing service delivery. At the end of July we had 1,560 open Family Services cases. We were serving over 3,200 children. These are cases that have been passed on for ongoing services. This is a new record high and it's related to the high intake of new investigative reports, especially those reports that came in in March are now finding their way into the open caseload, and also because there's been more serious cases.

We petitioned to Family Court 10% more of our cases this year than we did last year, so that's an indication that we have been seeing more serious cases. So we have been opening more cases for ongoing services, but there's another trend. We have been placing more youth who would require foster care, we have been placing more youth with relative caretakers rather than placing them in foster care. These youth have been served by our ongoing service delivery workers.

Child Protective Preventive Services ongoing service delivery workers are now carrying an average of 22 cases per worker, and this is well above the average of 16 cases per worker. Just one year ago that number was at 20. The increase of two cases on average in the past year may not seem significant. However, the added case work as well as the paperwork demands have taken a toll on staff. It's required a lot of time and a lot of overtime for staff. Again, child safety and permanency for children are of utmost importance to us.

One way of dealing with the high caseloads in ongoing service delivery is to transfer staff from our foster care delivery where the caseloads have been coming down. I'm glad to say that the foster care caseload level in Suffolk County has dropped dramatically since their peak in 2002, when there were over 1,100 youth in care. Despite a record number of new reports of child abuse and neglect, foster care placements have declined to their lowest level on record. Just at the end of last month there were just 671 children in foster care. That's a drop of 409 children or 37%.

So that's the current status right now where we stand with our intake, our ongoing services and foster care delivery and where we stand with staff. I would be glad to take any questions that you have.

**CHAIRPERSON BROWNING:**

Okay. One question I had, because I know not so much on the staffing levels, because clearly you were definitely doing more with less, there was a vehicle issue that some of them have to go pick up children and there seems to be -- there seemed to be an issue with vehicles. I know recently we transferred some vehicles over to CPS. How are you doing right now?

**MR. NOWAK:**

We are definitely in better position since you visited. We have had more vehicles assigned to my divisions where our community service workers now each have a vehicle where they can pick up a child. So that critical point has been addressed.

**CHAIRPERSON BROWNING:**

Okay. Well, just let us know if it comes up again because they do break down. I know that was a major issue for you guys. Do you have any questions?

**LEG. EDDINGTON:**

Actually, I just want to congratulate you, all three of you, because obviously I can remember two or three years ago where we weren't happy and you guys are doing a phenomenal job. I appreciate it and I appreciate both you guys because you must be getting the support that you really need to do your tough job. So thank you very much.

**MR. NOWAK:**

One of the things that we have done over the past few years and when Commissioner Blass came to the department -- yes it is. I'm sorry. One of the things that we've changed in the past few years, and this took place when Commissioner Blass came on board, was to develop a training unit, and two training units in my division, so that when new staff come on board they're no longer just assigned straight to an investigative team. They go into the training unit where they receive four months of training. Part of that is weeks and weeks of training with New York State core services. This way we have a chance to assess their abilities, make sure they're ready to hit the ground running. When they are assigned to a team it's no longer left up to the responsibility of the supervisor in the team to do that. That's taken a lot of pressure off of them to do the work that they need to do and to keep the caseload flowing.

Also, with workers in the training unit we can count on, again, graduates, a regular flow of graduates from the team to backfill vacancies. It's not to say that we don't have any vacancies at this time. Our staffing from year to year has, from this time last year, has remained relatively stable. Currently we have budget staff of 503; on board staff there's 472. This compares to 476 last year, currently 15 vacancies. But when you had visited in April, Madam Chair, there were 27 vacancies, so we have gotten the fills on caseworker trainees and they are now in the training unit. And as I had mentioned, we have four graduating to investigations in a week or two, and that's certainly going to help the levels.

Also, the Commissioner has reminded me that one tremendous benefit of the training unit to ensure that workers are ready to go when they are assigned to the team, is retention. Years ago we had a turnover of approximately 25% per year. That number has come down below 9%. The County is making and the State is making a tremendous investment in training staff to make sure they know the job and do the job right. We hate to lose those workers and the training unit has certainly stemmed that trend and we're down to below 9% now.

**COMMISSIONER BLASS:**

Just let me add on the point of staff. Excuse me. The County Executive has been very responsive with the Family Children Services Division and has given us basically backfills automatically when vacancies occur. This has been crucial to our success and I just thought that I would point that out.

**CHAIRPERSON BROWNING:**

What's the percentage of reimbursement for CPS again?

**MR. NOWAK:**

Child welfare reimbursement, let me see if I get this right. I believe it's around the 72% level now.

**MS. DONO:**

It's changed to ten.

**MR. NOWAK:**

Excuse me, I apologize, 62.3%.

**CHAIRPERSON BROWNING:**

Off the top of your head, huh? I can never remember what it is and I always thought that was one of the hundred percents. I know there's not too many of those. I know Medicaid is probably the only one 100%.

**MS. DONO:**

Yes.

**COMMISSIONER BLASS:**

For now.

**CHAIRPERSON BROWNING:**

But I appreciate it. And again, it's every single case that's reported to you, even if it's a neighborhood dispute and they say, "You know what, I'm going to call CPS," you have to act on that.

**MR. NOWAK:**

We have to act on every report we receive. We do not have the discretion to make the determination whether or not a report has merit. Once it's taken by the State Central Register we need to go out and investigate. An investigation starts within 24-hours. New York State says that we need to make contact at least by phone within 24-hours. We have a higher standard in Suffolk County. We want to make a face-to-face contact within 24-hours. We have seven days to make a safety assessment, and then 60 days to make a determination. Suffolk County is open to Child Protective reports 24-hours a day, seven days a week. During the evenings and the weekend we have an emergency services staff that handle those cases, so we get out within that 24-hour period.

**CHAIRPERSON BROWNING:**

And you do, and you do do it a lot quicker. In fact, a couple of years ago when I was out knocking doors, three little ones in the middle of the street and it was dark. I didn't call and say who I was, I just called in the report and gave my name and number, and I know it's the, you know, the 1-800 number. I did get a call back and I think within less than two hours they were out there. And so I do know you respond extremely well.

My concern is, though, is when you're, you know, when a neighborhood dispute and I have had constituents come in and say, you know, "My neighbor called CPS on me. I don't abuse my kids." You know, how do you -- I mean, how do you handle that? When you go out within the 24-hours, if you find it's unfounded, can you let it go right away or is there a timeframe that you have to kind of

stay on top of the issue before you can decide that it's an unfounded case? And what do you do if you find out it was a false report and just a neighborhood issue where -- because false claims are -- it's a burden on you.

**MR. NOWAK:**

They are. First of all, we do not have to take the full 60 days to make a determination. We can complete an investigation in a shorter timeframe if we make the appropriate contact, see every single family member, all the children, visit them, see them face-to-face, make an assessment, speak with collateral resources. If the reporting party left their name and number and contact information, we will be in touch with them. But as you know, reports can be made anonymously, but we do contact the reporting parties. We gather information from schools and on every case we make a police screening also. So we do a soundex check for police background reports, so that's part of the investigation, so it does take some time.

If a case is unfounded, to determine whether or not a case was made maliciously or -- there has to be intent. We have to be able to show intent and that's a very hard thing to prove, that somebody is trying to cause harm to somebody else by making a child protective report. We have to take every report on face value and investigate it. If we do determine that there's intent to cause harm by creating false child protective reports, we can refer it to the District Attorney's Office. This is very rare, though, once again, because of the difficulty in establishing intent.

**CHAIRPERSON BROWNING:**

Okay. And I would recommend -- Legislator Kennedy is in the back of the room, so it's not just the two of us here. And I would recommend going to visit CPS, because not just to see what they do but to see -- to meet the people. Because I met some employees who are so dedicated, have gone above and beyond. They have bake sales to raise money, it's amazing what these people do for CPS to offset costs. They go out of their way. I know they've done things on their own time besides the bake sales, but Easter and Christmas putting together baskets and, you know, I was extremely impressed about how passionate they are about the job that they do. So I can't say enough about them and I couldn't believe it because I was there and they were having, you know, they're always having something to raise money, and it just amazes me. Here's all these government employees who will raise money to help provide necessary services, whether it be clothing or whatever for their clients. I can't say enough about them. So always a special thank you to them.

**MR. NOWAK:**

We really appreciate that. And I'll be glad to pass that along to our staff because our workers are in this for a reason. They have a passion for the work and they have a passion for family and children and in doing the right thing, so they work very hard at what they do and they take great pride in their work. I am really blessed to be a part of Family and Children Services in Suffolk County. We have a truly dedicated staff and I appreciate my time with them.

**CHAIRPERSON BROWNING:**

Yeah, and I don't know if the Welfare-to-Work, if any of you guys have ever had an opportunity to visit, but you really should to see what these employees do. Like I say, way above and beyond.

But with that, you would like to talk about PCAN if I let you go on next, and again, you're going to talk about the reporting from the industry and the mandated reporters. If you would like to start?

**MR. KOUBEK:**

Thank you, Madam Chair, and thank you for adjusting the agenda so that we could present at the same time. This was not -- this was a coincidence that we're together, though I'm not surprised, because we've been working with you for over two years to improve communication between the child care provider community and the department.

My name is Richard Koubek and I'm Chair of the Welfare-to-Work Commission. I'm joined by Kathy

Liguori, who is our Vice-Chair, and Kathy is also the Chair of the Commission's Child Care Committee. So we're here today with a proposal. And I think our Commission, which is charged with advising the Legislature's on -- Legislature on policies and programs to help people transition from welfare to work, that we've been at our best, I would modestly say, when we focus on specific narrow issues, usually the kind of issue that the Department of Social Services or the Department of Labor is either too busy or lacks the resources to deal with.

For example, five years ago we proposed, the Commission proposed that there be an education mentoring pilot and that was funded by the Legislature, \$29,500, to mentor people in educational programs to get them through those programs. And as a result of this pilot that the Legislature funded, I want to repeat that, the dropout rate among the folks in the pilot went from 25% to 10%. And more importantly, because of the success of that pilot, this mentoring program became part of the Suffolk Community College budget.

So today we're proud to offer a similar pilot program, and this one is going to also be of an educational nature. Our target, our child care providers, our goal to help to prevent child abuse and to help them to report cases of child abuse. We're calling this proposal the Suffolk County PCAN Training Initiative, Enriching Child Care, Protecting Children, Strengthening Families. You heard Mr. Nowak say that in March of this year they hit an all-time high, 1,051 CPS reports, and you also heard him say that we have the second highest number of new CPS reports in New York State for a whole bunch of reasons, second only to two of the boroughs in New York City.

Specifically, 4,362 children, about a third of the children involved in the CPS reports, were children in the ages zero to five. That's the population served by child care providers. There are about a thousand child care providers in Suffolk County and we estimate that they have a staff of anywhere from two to 5,000 in total. We're talking about a lot of providers and they are mandated reporters, that they know. They know they're required to report by law. But this means that when they make a report they need to know the signs of child abuse and that requires training. And as we discovered in our many, many discussions with the department, 70% of the reports are unfounded, meaning there was insufficient evidence.

Now, there are a lot of complex reasons why these reports are unfounded, but one of them is that the people making the reports don't know the accurate signs of child abuse, get a little panicky that they're going to get caught not making the report and so report incidents, and you'll hear about the kind of thing that I am referring to. They report incidents that they think are child abuse and, in fact, are not. And then more important are the child care providers who don't know the cues, don't know the signs and don't report child abuse; that's really serious.

And you heard from Shea Levin today about the need for public education. As we were doing our research on this proposal we came across the National Every Child Matters Fund Report that came out last year. And the title, it's kind of chilling. The title is, of this report, "We Can Do Better. Child Abuse and Neglect Deaths in America", and you heard Shea report earlier that there were 1,740 deaths in 2010. And one of the most important recommendations in this Every Child Matters National Report is this, I'm going to quote it; "The need for public education campaign to encourage reporting of child abuse and neglect and to enlist communities in the protection of children."

So in a perfect world we would simply pick up the phone and call Commissioner Blass and Mr. Nowak and say, "Take some of your budget and do this, it's very important" but it's not a perfect world and they only have funding for training their own staff, which they're doing a very good job which you just heard. But they don't have the funding to get out into the community.

And so in 2011 the department came together with the Welfare-to-Work Commission and with the Child Care Council of Suffolk and we offered a nationally recognized training program called PCAN to

the child care providers. PCAN, by the way, stands for prevent child abuse and neglect. And here's the key; using one time Federal ARRA funds, stimulus funds, one time.

This training had the following objectives: To prevent and reduce child abuse and neglect by helping providers recognize the signs, recognize the cues, of child abuse. Very important. The second goal to improve the quality of CPS reports. You heard how many they get and you can intuit how much they would benefit from improvement in the quality of the reports. We wanted as the third goal to improve communication between the department and child care providers about child abuse and neglect, and lastly we wanted to improve communication between parents, child care providers, about how the families can be helped out of the kinds of crises they have, particularly now in this recession, the kind of crisis that sometimes can lead to child abuse and neglect.

So as you are going to hear in a few moments from Kathy, the pilot reached 87 child care providers. It was so successful, it was a huge success. We've done evaluations and we're really, really impressed with what the providers are saying, how much they learned about child abuse and neglect. We're recommending an expansion, a second round of PCAN training for the child care providers this fall, hoping to reach another 320 providers.

Now, you should know that each session, this is tough, I was a teacher, each session is three hours long and there are four sessions. And they're intense. And as I said, we have the evaluations, they're very effective. We believe in the long run that these trainings are going to save the County many thousands of dollars in medical, social and economic costs related to child abuse and neglect, not to mention save lives, not to mention protect kids. And as I said earlier, we really believe that these PCAN trainings will improve the quality of the reports being made by the child care providers.

We think it's a great proposal, but there's a cost. There's no more Federal funding. We're recommending that the \$100,000 we need for the second round, 100,000 to reach these 320 additional providers, be funded three ways. One, with a legislative grant as we funded our education mentoring program five years ago, \$33,000 from the Legislature; another \$33,000 from the Department of Social Services; and we're meeting tomorrow with Robin Beller of the New York State Office of Family and Children Services in the hopes of getting 33,000 from them.

Now, yesterday we had a very, very, very productive conference call with the Commissioner and the CPS administrators and I'm happy to report that the Commissioner is giving some very positive attention to trying to find some of these funds and there may be an amendment -- I hope I'm getting this right, Commissioner, maybe an amendment to your budget.

**COMMISSIONER BLASS:**

We're considering.

**MR. KOUBEK:**

Considering it, yeah, so no guarantee of the dollars, but less than 24-hours there's a serious attempt to find the dollars on the part of DSS. And tomorrow hopefully we'll get a similar positive comment from the State office.

We also think this is a State model and we're going to push that tomorrow. We're not sure this is happening anywhere else in the state where there's an intensive effort to get out to the providers in child care centers to do what we're trying to do.

So we're looking for these trainings this fall and we're asking you to support this initiative in the hopes that we can build on the success of the trainings that we did in the spring. So with that overview, I'm going to turn it over to our Chair of the Child Care Committee, who went through the trainings and will tell you what she has experienced and what she witnessed.

**MS. LIGUORI:**

Thank you, Dick. For the record, my name is Kathy Liguori, and I am the Vice-Chair as well as the child care designee for the Welfare-to-Work Commission of the Suffolk County Legislature. In my private life I co-own two Tutor Time Child Care Learning Centers, one in Medford and one in Middle Island. And being active in the industry and the day-to-day operation of my schools, I get to witness the various people and the services that influence the lives of children who come into my care.

It was just two years ago that I went and met with Commissioner Blass to discuss the services protecting the children in our County. He immediately offered the department's support and that was when the Child Care Committee of the Suffolk County Welfare-to-Work Commission began to work on improving the communication between the child care providers and Suffolk County Department and CPS, and this was an attempt to better service the protected children. And because this is remarkable, I think it's important that I say to you we have some very talented leadership here in the Department of Social Services and in the Division of Children and Family Services for our County. We worked collaboratively on this project, we debated, we discussed, and we found solutions.

One of those positive outcomes of these discussions, as Dick had mentioned, as recommended by the Child Care Committee and the Department of Social Services, was the Spring of 2011 when we introduced the PCAN training to the 87 child care providers. The training was offered by the Child Care Council of Suffolk using one-time State funded pass through money from the Federal Government, the stimulus money ARRA funds, and this never could have taken place without the aligned support from the Department of Social Services.

From our meetings we learned that, and as Dennis has just reiterated, in 2010 Suffolk County has one of the highest rates of new Child Protective Services cases, reports rather, in the State of New York. Child care providers serve children ages zero to five comprises 35% of Suffolk's new CPS reports. We also learned that it takes a CPS caseworker about 17 and a half hours to perform an investigation at about \$24 an hour. And also we learned that 70% of the reports in 2010 were unfounded.

From this training we also learned that almost all, and I will repeat almost all, the child care providers who attended the training significantly increased their knowledge base about child abuse from low to high levels of understanding in the content areas of understanding and reporting -- I'm sorry. Understanding and responding to abuse and neglect, building collaborative relationships with families, the influence of culture on care giving, supportive responses to troubled parent-child interactions, and then we offered an optional class, and that was question and answers, the points of view between the caseworker and child care provider. We have data to support our findings for you.

We also learned that when the provider can better support and nurture the parents, the parents will be better able to support and nurture their children. And when parents feel respected and supported by child care providers, they offer that same report -- support and respect in kind.

Some of you know me as Legislator Vioria-Fisher would call, riding the bus. I as well as three of my center directors attended these trainings. Not only did I want to learn more, but I wanted to be sure that this was the training that the committee wanted to accomplish. We needed to have it reach our goals. And I can factually share the positive impact this training provided to me as well as preventing an unnecessary report.

I had an Asian child in my care, day two, who did not speak a word of English. She had what appeared to be blue bruising on her backside and her lower back. Now, without this training, as mandated reporters, being that we are just as liable for not reporting a known suspicion should something tragic happen to a child, we would have been quick to report this reasonable suspicion,

and it's not up to us to make a determination, only to report. However, taking a moment to think about the cultural aspects of the family and doing some additional research, we determined that they could be Mongolian birthmarks. We decided to speak with the mother first before filing a report that evening. Mom neglected to tell us about the birthmarks at enrollment, she never gave it a thought, because they only come out -- they dissipate. You might be aware of strawberry marks when babies are born, birthmarks, and they do disappear, but come out with stress or illness. So she never gave it a thought to tell us. But as requested, she provided a doctor's note to support the statement and we didn't have to file a report.

So here we have a Mom, who had her PhD or has her PhD, alone with her child in another country, just starting a new job doing research at a world renowned organization, that literally could have had her life turned upside down. An unfounded report was prevented and more importantly, this family is flourishing and our relationship with them is flourishing too.

So we really are pleased to provide you with this proposal for this training program, this initiative to enrich child care, protect the children and strengthen the families. Our proposal for a modest \$100,000 to prevent child abuse and neglect, the PCAN training program, would be equally funded by the Suffolk County Legislature, the Suffolk County Department of Social Services and the New York State Office of Children and Family Services. It's similar to the family assessment response approach already implemented by New York State. We believe that this PCAN training proposal for child care will strengthen families, reduce the likelihood of maltreatment, which is a state measurement and prevent and reduce child abuse and neglect in Suffolk County, while improving the quality of CPS reports, improving the quality between the child care providers and the CPS staff, all of which will yield long-term financial economic and social benefits to our County.

So on behalf of the Welfare-to-Work Commission of the Suffolk County Legislature, it is our hope even in these trying times that you will give careful consideration to this proposal and join us as a partner in this important public education campaign. I would like to thank you for your time and welcome any questions that you may have.

**CHAIRPERSON BROWNING:**

Thank you, Kathy. While you're at it, did you give a copy to BRO of your report? Because I think it's something that, I believe John, you are in the Budget Working Group, right?

**MR. CAFFEY:**

I'll give it, I got it.

**MS. LIGUORI:**

Jack has the copies.

**CHAIRPERSON BROWNING:**

Yeah, I think it would be a good idea to give it to our BRO so that they can take it under consideration when they are going through the budget process. They haven't had their budget meetings yet. But you're talking about mandated reporters and additional training, which I think is very good. And again, it's -- I look at it as spending money to save money on the part of DSS.

As far as DSS is concerned, I know when you talk about the reports I'm not sure if you'd said it, what's the percentage of reports from mandated reporters versus, you know, a neighbor making the reports? Do you know what the numbers are?

**MR. NOWAK:**

I have the statistics with me. I'd be glad to look them up and report in a minute or two if I do some math.

**CHAIRPERSON BROWNING:**

Okay. You know, it would just be interesting to know, because you have mandated reporters making the reports and then you have the neighborhood people who make reports. You know, just curiosity, because I think you said something like 70% of the mandated reporters are unfounded cases.

**MS. LIGUORI:**

Some seventy percent of the reports in its entirety are unfounded.

**CHAIRPERSON BROWNING:**

Okay, that's a big number. And maybe that would help -- this training would help decrease their caseload.

**MR. NOWAK:**

I'm sorry, I don't have those statistics with me.

**CHAIRPERSON BROWNING:**

Okay.

**MR. NOWAK:**

Kathy is correct, though. In Suffolk County approximately 70% of the cases are unfounded. Typically 30 to 35% are indicated for some suspicion of abuse and neglect, some credible evidence. Actually that's the standard, some credible evidence. And in Suffolk County that number is in line with the State average, and it is higher than several of the other large counties in the State that are running anywhere from 22 to 28% indication rate. We're running around 30% or so.

**CHAIRPERSON BROWNING:**

Okay. And as far as funding is concerned, is there any lines in -- I know we're all stuck for money, but is there a line in the DSS budget that would -- to provide training?

**COMMISSIONER BLASS:**

We had, as the very ably presented report of the Commission indicated, we did have money last year because of the ARRA funding, which is now gone and hasn't been repeated. So the difficulty presented with the budget is that we've already presented our request for 2012. We do have an opportunity to make amendments to our request this month. We are now in the search to see whether we can participate, but funding is so scarce. This would probably be reimbursed to some degree, we're looking that up, too. We've advised the Welfare-to-Work Commission to see whether there might be some revenue streams that have reimbursement possibilities that are separate from DSS.

But all I can say at this stage, given the brief history to this new initiative that we've known about, the particulars of it I should say. I know -- we know they have been working on it for some time. We are not sure where or to what extent we can participate, but we are making a sincere effort to find a way.

**CHAIRPERSON BROWNING:**

Okay. I guess, you know, also State, I don't know whether the Health Department would have a line in your budget as far as, you know, child abuse and things concerned. Is there -- I see Dr. Tomarken shaking his head. You know, it seems to me it's a combination of -- it's child welfare and their health is, you know, shouldn't there be a connection with the Health Department and through the medical services that there could be funding available? I don't know, maybe we can research that and see if there's a way that we can come up with something through that. But, John, you have a question?

**LEG. KENNEDY:**

I do. And first of all, thank you. As always, the Welfare-to-Work Commission does great work, and you have the ability to kind of not just identify problems but bring forward solutions, which is desperately what we need at this time. And the proposal is really one that we would all say is a modest amount. Who wouldn't spend money to keep kids safe? Let me make sure that I understand it and then let me just ask whether we've considered some other options. A hundred thousand and we think that we could spread it amongst three areas, something that would come forward out of the Leg, something perhaps out of the department, and something out of the State Department of Children's Services.

**MR. KOUBEK:**

That's correct.

**LEG. KENNEDY:**

That would get training for 320 providers, child care providers. Now, Kathy, you know this better than anybody. The child care provider community is a range of categories of providers.

**MS. LIGUORI:**

Uh-huh.

**LEG. KENNEDY:**

There are not-for-profits, there are individual family-based providers and then there are proprietary institutional providers, Tutor Time and some of the others. It seems to me that the training is an important piece to have. Is it reasonable to see if the business community can help contribute to any of the cost across the board? Or is that not an option.

**MR. KOUBEK:**

Legislator Kennedy, down the road what we're trying to do is build on the momentum we got in the spring by having a second round now. Down the road, you know, if we get all 320, and we got already 87, there are still thousands of child care providers. So down the road we're thinking of going out to either the business community and/or the not-for-profit community, but what we want to do now is build on the spring success. We didn't mention this in the report, but one of the excellent things that has happened is those 87 providers have become a network among themselves and the Child Care Council has told us that they're beginning to communicate in ways they never did. So we want to build on that network as quickly as we can, which is why we're coming to government basically.

**LEG. KENNEDY:**

Okay.

**MR. KOUBEK:**

But down the road there are some funding sources. It would take probably a year and a half to get those funds.

**LEG. KENNEDY:**

Well, I also -- the data that you provided is extremely illustrative and I'm glad that you put it there. I see the 12th LD has the fourth highest number of child care providers and that's -- that is individuals that are employed in the business of providing child care. Is that how I interpret that? What does 81 mean, Kathy?

**MS. LIGUORI:**

It's the licensed providers in the districts.

**LEG. KENNEDY:**

There's 81 licensed providers in the 12th LD?

**MS. LIGUORI:**

Yes, in the categories of center based, group family and family based.

**LEG. KENNEDY:**

Okay. And we're number seven at 548 on the number of abuse cases, which to me -- well, I shouldn't be surprised, because there's no typical place that child abuse would occur. I know it kind of -- it's one of the things that defies categorization, I believe. So then it behooves me to see what we can do to fund it and to make sure that we get some of the providers from my district in the training. All right.

**MS. LIGUORI:**

We did not want to leave any district out. We originally tried to look at the report from just by the most clustered reports by zip code.

**LEG. KENNEDY:**

Uh-huh.

**MS. LIGUORI:**

But every child matters.

**LEG. KENNEDY:**

Of course, of course. Absolutely. Okay, thank you for providing the information.

**COMMISSIONER BLASS:**

Just further to the Legislator's point. I can tell you that you can go to any Family Court part in the whole Long Island region, and you will see child abuse and neglect cases arising from every possible ethnic, economic and educational background, from all levels of the spectrum and all combinations. It is amazing how it is rampant and there is an inter-breeding of it carrying through to generations where it's considered to be appropriate and breaking that chain, as you know, is one of the challenges that this helps with.

**LEG. KENNEDY:**

Okay.

**MS. LIGUORI:**

It's also important to know that the child care providers are regulated by the State, which you know, but they also are required to have a certain amount of training hours in the licensure period of time in certain topic areas. And it's -- they are incumbent upon themselves to find that training within the organizations that provide it, our Child Care Council being one of them, and there are other organizations that provide the training. But the training that's provided for child abuse and neglect, you get a two hour training and it's so generalized and what you get out of it is report. If you are suspicious report, get that monkey off your back. You are not responsible to take that on and you are just as liable if something should happen. So this training is very, very detailed and I'm really glad that I took it.

**CHAIRPERSON BROWNING:**

Well, I thank you. You know, I did a ride-along in the community in my district on Friday night with the Police Department. We started at nine o'clock at night, I finished with them at three because I was -- and I have to tell you, as I'm going around and I'm seeing small kids maybe three, four years old still on the street at midnight, one o'clock in the morning, the parents are there but it doesn't

matter. Some of the activities that were going on were not appropriate either. And I'm thinking to myself when I'm there, and I was with the Lieutenant, and I said to him, "If CPS was here right now they'd have a field day." You know, with the amount of children that were just hanging out on the street. I was shocked.

And, you know, again, this is my observation just in a couple of hours and, you know, it really is a shame, it really is a shame. But what you said is breaking a cycle, because these are parents who really were never -- don't know how to be a parent because they weren't properly parented either. So how do we break the cycle is you guys doing what do you.

**MS. LIGUORI:**

One other piece that I'd like to expand upon is that this training, we anticipate to be a State model, as Dick had mentioned. And when we have more success, and even now we really would like to consider having your support to reach out to our State Legislature to let them know what we've done here in Suffolk County for our families because it's been a great thing.

**CHAIRPERSON BROWNING:**

We appreciate it and we'll certainly see what we can do in the budget process. And, again, we'll hopefully -- maybe Department of Social Services, you could try and put the entire amount in your budget?

*(Laughter)*

I know it's probably unrealistic. Hey, you know, shoot for the moon and see what you can get. But we appreciate it. Thank you, Kathy, thank you, Dick, for everything that you guys do. And, again, Department of Social Services, thank you and DSS, the CPS workers, again, thank you for everything they do.

**MR. KOUBEK:**

Legislator Browning, following our meeting tomorrow with the State official we'll contact you and also the Commissioner and let you know how that went.

**CHAIRPERSON BROWNING:**

That would be great.

**MR. KOUBEK:**

Thank you.

**CHAIRPERSON BROWNING:**

I guess we're done but I did forget to mention Legislator Anker does have an excused absence for today due to a family emergency.

So with that, I'll make a motion to adjourn. Second, Legislator Eddington. So we are adjourned.

*(The meeting was adjourned at 3:57 P.M.)*

{ } Denotes spelled phonetically