

**SOCIAL SERVICES COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE**

Minutes

A regular meeting of the Social Services Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York on Tuesday, **May 14, 2002.**

Members Present:

Legislator Vivian Fisher - Vice-Chair
Legislator Brian Foley
Legislator William Lindsay
Legislator Lynne Nowick
Legislator Caracciolo

Members not Present:

Legislator Paul Tonna - Chairman

Also In Attendance:

Paul Sabatino II - Counsel to the Legislature
Legislator Maxine Postal
Sylvia Diaz - Deputy Commissioner of Social Services
Ellen Martin - Aide to Legislator Tonna
Kim Brandeau - Budget Review Office
Todd Johnson - County Executive's Office
Judge Nicolette Pach
Anita Fleishman - Pederson-Krag
MJ Pulling - Pederson-Krag
Ruth Ellerd - Pederson-Krag
Wayne Gurnick - Pederson-Krag
Kyla Blattberg - Pederson-Krag
All other interested parties

Minutes Taken By:

Donna Barrett - Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 11:35 A.M.*)

VICE-CHAIRPERSON FIELDS:

There's some Legislators who have to leave early, so we're going to begin now, and we'll be going straight to the agenda. Good afternoon. Welcome to the Social Services Committee. The Pledge of Allegiance

will be led by Legislator Caracciolo.

SALUTATION

VICE-CHAIRPERSON FIELDS:

I apologize, the wind has given me such a headache. Legislator Caracciolo has requested that we go right to the agenda. That does not mean that we will not be inviting the members of the public who have filled out yellow cards to come forward. We will do that after the agenda. Okay.

INTRODUCTORY RESOLUTIONS

1421-02. Directing the County Executive to establish a Unified Child Placement Committee. (POSTAL)

VICE-CHAIRPERSON FISHER:

The sponsor of that legislation is here today. And, Maxine, would you like to tell us a little bit about the resolution?

LEG. POSTAL:

I would. Thank you very much. But I don't know whether you are aware that Judge Nicolette Pach is here, and she was really the person who, I guess you could say, inspired this resolution based on what she has seen in the Family Court. And I would ask the Chair since she has a very limited amount of time, if Judge Pach could address the committee.

VICE-CHAIRPERSON FIELDS:

Certainly. Judge Pach, can you come forward, please.

JUDGE PACH:

Good morning. Thank you for hearing me and hearing me quickly. I appreciate it, so I can get back to my cases. I contacted Maxine after those articles appeared in Newsday about the soaring cost of placements in child care facilities. And having had a bad case that week, I felt like saying, I'll give you high cost of child placement. But I wrote an op-ed piece which never got published, so I sent it on to Maxine about that particular case, which was an extremely frustrating one where a child who we had placed in care because of reasons of educational neglect and truancy was in care for over a year before she had a day of school. And that day of school failed, and she was back returned to her group home and ended up needing more acute care, ended up hospitalized in a psychiatric hospital. But I've -- I've cooled down since then and thought more about what I think the dynamics are of what's happening with these child placements.

As you know, Family Court judges place children in a variety of circumstances. We have -- since we have jurisdiction over juvenile delinquents we can place in secure facilities, but in addition, we

have jurisdiction over persons in need of supervision, PINS children, abused and neglected children as well. So we can place in a variety of non-secure settings, and that's really what I'm addressing here. A non-secure setting in everything from care with a relative, foster care placement, therapeutic foster homes, sometimes referred to AIP homes, alternative to institutional placement homes, group homes, residential treatment centers and residential treatment facilities, a facility being a higher level of care, and, of course, the childrens' psychiatric hospitals. So I would like to address these non-secure placements. Take a child who's under the supervision of the Department of Social Services Child Protective Services with a court order who lives at home and attends the local school. That child may be in special education for behavioral, emotional or mental health reasons, and the parent is inadequately prepared to meet the child's needs. Child Protective Services struggles to keep the home intact, avoiding the cost of placement. The school struggles to keep the child in the least intensive level of special education, saving the cost of more teacher supervisory intensive special education setting. Neither the school nor Child Protective Services are seeing the results that they would like to see. But they are keeping the services and the cost at the bare minimum to meet the educational and safety needs of the child.

The child's difficulties will continue to escalate, and finally, one system or the other brings the matter before the court. A typical scenario leads the judge to order the child be screened by Sagamore Children's Psychiatric Hospital. These screenings are available right at the court house. If the circumstances warrant, the child is admitted to Sagamore for what is now supposed to be a ten day diagnostic evaluation. This was recently reduced from 30 days. Sometimes the child is placed in Saint Mary's for a longer term diagnostic evaluation. At the ends of ten days, a report will come back to the court recommending a particular level of care, but not a specific plan of how this care is to be achieved. At this -- this is the point at which the costs begin to escalate. The child has to be somewhere while the planning goes on.

Child Protective Services has not been at the table with Sagamore, nor has the school district. While Sagamore is a mental health facility, it does have the capacity to effectuate admission of children to either residential treatment center or a residential treatment facility. If the child is on probation or is a PINS, then probation gets involved, and they also are doing evaluations of this child. If the residential treatment facility is required or recommended by Sagamore, there's an additional entity that comes into play. That's the State Office of Mental Health, OMH. Depending on the child's placement needs -- the needs and the placement required, the cost of

placement would either be borne by the County or the school or the state or some combination of them. And the natural bureaucratic dynamics of this inevitably leads to each entity trying to figure out or to resist the responsibility for placement or to select the least expensive alternative. This does not serve the child well, and in the end is more costly for the taxpayer.

As a taxpayer, it's all money out of my pocket, whether it's part of my property tax or my income tax or the state or the school or the

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town or the county budget, it's all money I don't get to spend on my family. And I want it spent in the most effective way possible. If we're going to intervene in children's lives with the hope of helping them become productive adults, then we need to intervene as effectively as possible as early as possible. If we don't, we will all be paying the cost of more expensive future payments or placements or outcomes. And by this I mean, the child I spoke of started out with a recommendation that she live in a group home because her mother could not provide the structure that was required for her to be successful in school and that she go to the Sagamore Day Treatment Center where she could attend school and get therapeutic services. So that placement is not as expensive as sending a child to Kids Peace or some other alternative, but it is a cost that has to be partially borne by the school district.

Now, when that recommendation was made, we had to go to the school district to say will you accept your part of the deal here, your part of the payment. Well, then -- she -- her original school district who sent her to us said, fine, but in the course of having to place her in the Commission of Social Services custody when she was at St. Mary's, a second school district became involved. The second school district didn't have any experience with this child and said, we're not going to that alternative yet, we want to try a BOCES placement. That was while the child was still at St. Mary's. We then placed the child in the group home that was recommended, and this was in a third school district, which agreed with the second school district. And when we went to effectuate that placement for the BOCES School, the BOCES officials who saw her on the first day said, this is not an appropriate placement for this child. She went back to the St. Mary's Group Home, she deteriorated and ended up in a psychiatric hospital, where I now have a recommendation for a residential treatment facility.

So you can see why I get a little crazy with this. In any event, if with a wand -- a wave of a wand we could have a single funding source for child placements, we might eliminate a lot of the problem. But that is a solution with so many political barriers, involving so many levels of government that I would rather find a more pragmatic

solution on the local level. All of these entities operate within Suffolk County, even if they are not under County control. People of good will can work better together. For instance, if Sagamore does the psychiatric evaluation, but does not have a comprehensive home study, then how do they know if the child can go home or not? If Child Protective Services or the Probation Department has done the home study, why aren't they at the table with Sagamore when it makes its recommendation? And if the recommendation involves a school district, why isn't the school district at the table? Why does the school have to conduct its own separate evaluation -- Committee on Special Education Evaluation of this child to decide whether or not they are going to agree with this placement? And how is that all the recommendations are to no avail if the recommendation is a residential treatment facility and that recommendation can be vetoed by the Office of Mental Health? And beyond that, how is it that all of these people who are really trying to help children can make all these recommendations for appropriate levels of care without considering whether or not there is an actual facility available?

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I deal with this daily, and I deal with the practical outcome of this daily. At the end of the discussion, if I get -- even if I get a few of these players to my table my question is all this: Where is this child going to spend the night tonight? And if I get an answer to that question by strong arming Sagamore to keep the child or placing the child in an emergency foster care situation, I have a bad result. I have a bad result today, and two weeks from now, I will still be asking the same question. If I leave the child in Sagamore, some other child is deprived of a bed. If I place the child in emergency foster care, nothing has been accomplished in meeting the child's educational and mental health needs. A short run solution would be getting people of sufficient authority with good will from each entity involved to sit down at the table. There they could put -- pull all of the pieces of the puzzle together, they could exchange information instead reevaluating the already evaluated child, they could get solid information about the homes and parents to help determine if the parents can effectuate a plan, they could have realistic information about what the school can realistically offer. It takes more than just a global vision -- it takes more of a global vision than just figuring out if one entity has to bear responsibility or can successfully ship it to somebody else.

That's why I suggest a vehicle for coordination among all the entities involved. That's what we can do in the short run. In the long run, we should consider whether some kind of intermediate facility would serve our needs. Some kind of cross between a foster care and a diagnostic setting where children's needs can be assessed, where they can be safely maintained, where they can be schooled, where a real plan can be put into place. A plan that is specific as to where the child should go, as to who supplies the services and put everything

into place so we can either return the child to their family or in a longer term residential placement that will be a well thought out decision with a real chance of successful intervention. Thank you.

VICE-CHAIRPERSON FIELDS:

Judge Pach, I have three questions. As you continued to speak, I came up with more questions, unfortunately. The first one is I think it's a wonderful idea to have coordination of efforts, because there are so many areas where we have to duplication of effort or overlapping or gaps because we don't have coordination. But my question is even if we were to have a Unified Child Placement Facility, would the school district be bound to -- to operate within the recommendations of that committee?

JUDGE PACH:

No. That's why you have to get their cooperation.

VICE-CHAIRPERSON FISHER:

So the school member would be the -- the school personnel that would be a member of that committee, would it be a different person then depending on what school district the child goes to? But what about the case where you just mentioned this child moved from one school district to another, wouldn't we be running into the same obstacles?

JUDGE PACH:

We would be, but if we had a practice of having the coordinator of

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special ed for each school district expected to sit down at this table and expected -- and respecting the work of the others, it's not easy. It's complicated, but I think it's doable. You start with, for instance, maybe the big districts and have them sit down at the table and set the example of saying, all right, St. Mary's is a reputable institution, they brought this child over, this is their recommendation, we're going to go with that recommendation. Another time the school district might walk in with their last child, a CSE evaluation, and it be a comprehensive evaluation and CPS say, maybe we don't need St. Mary's involved here, let's go with what the school is recommending, they see the child everyday. So it's going to take time to get people in that habit. We do this in Family Treatment Court. It didn't start out with everybody willing to sit down at the table. Everybody resisted, but now in the Family Treatment Court, Child Protective Services comes to our comprehensive case reviews, so do the treatment agencies, so do the public health nurses, it takes time.

VICE-CHAIRPERSON FIELDS:

My second question. I thought that public law required that schools have the Committee on Special Education do evaluations, isn't that --

JUDGE PACH:

I am not --

VICE-CHAIRPERSON FIELDS:

By law --

JUDGE PACH:

But it would seem to me that if you're correcting that, that there -- I can't imagine that there is a prohibition against them reviewing another entity's evaluation and saying this seems to adequately meet the criteria and fill in, you know, if it doesn't have the right IQ. test, fill in with just the parts that they're missing.

VICE-CHAIRPERSON FIELDS:

Yes, because as a public school teacher I have dealt with the Committee on Special Education, and I know that there are members of that committee that are established and that have to do -- follow certain perimeters by state law. Okay. I can't remember my third question, so if anyone else has a question. Legislator Foley.

LEG. FOLEY:

Thank you, Madam Chair. Thank you, Judge, for -- for this very direct and unifying approach. It really is -- to try to distill it to its fundamental appoints, it's really to bring everyone around the same table to -- to discuss the child's future, and whether this resolution can compel some of the -- some of the state or school district personnel to attend that meeting it probably can't compel them. However, I think the promise of the legislation as drafted by -- by the sponsor, Legislator Postal, is that it would create the frame work from within which that all those involved at the different levels of government can sit at the same table and try come up with a -- with a comprehensive and direct -- let's say answer as to how they wanted to treat the child's future.

Something similar to years back when Suffolk Community Council tried

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to --was -- is developing in some districts the Criss Cross Program where its elements from a whole host of human services delivery organizations get together to speak about the child and where the child is and where the child needs to be in the future, whether it has to do with Mental Health, Social Services, Public Health and the like. I think this is a similar approach, whereas we -- whereas we can't force them, some of these folks to come to the table, but I think at least it would develop a system by which we can challenge them to come to this table because this a probably the -- I would imagine that the best effort that is put forward to try to have this comprehensive review without having layers and delays and duplication that would, I would say, delay the time that it be an adequate answer as to where the child's future should be. So it's certainly a very practical pragmatic suggestion that you put forward to Legislator Postal.

JUDGE PACH:

Thank you.

VICE-CHAIRPERSON FIELDS:

I do have a third question. I just remembered it. At the -- toward the end of your presentation, you did say that perhaps we could develop a hybrid resolution or hybrid --

JUDGE PACH:

I realize it's not part of the resolution.

VICE-CHAIRPERSON FIELDS:

Yes. But my question is aren't the centers -- isn't that what the centers are supposed to be, some place where there could be an evaluative portion and yet not quite a facility?

JUDGE PACH:

To my understanding, no. I get this idea from an idea they've used in Maine, where they used something called the Bridge Foster Home. And they have a -- the child does not go live with an individual family. It's lives in a Bridge Foster home where there's professional staff. It's run by a social worker, and the staff that comes in on a rotating eight hour shift is a constant staff. It's not like they're seeing a new stranger everyday, a new child care giver. But while they're at the Bridge Foster Home, arrangements are made so that the child might go to, say Stony Brook for an evaluation or go to their pediatrician to get their health work up and get all those things done and brought together in one place with this professional at the helm who can accumulate all of it and come up with a recommendation for either a return to parent or another -- a longer term placement where they actually do the work.

VICE-CHAIRPERSON FIELDS:

Legislator Postal.

LEG. POSTAL:

I don't know if any members of the committee had other questions for Judge Pach. If not, I would just like to make a couple of comments, and I know Judge Pach has got to be back in court. I could certainly not add anything or improve in any way on the information that Judge Pach has given the committee and the way she's presented it. It's

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clear, it's simple, she is right on the front line, she sees what happens. And I think that this is not a momentous initiative. You know, it's not like everything in the world is going to change, but it relies on the good will of all the players. And that's why while there is no power to compel people to participate in the process, the resolution uses the County Executive as a facilitator to encourage all

of the parties to come together and work together so that there is that exchange of information, which just, you know -- I met with people from the Department of Social Services, I spoken with a number of people about this, and one of the things the Department of Social Services said to me was that they have meetings within their department where they discuss a particular case at length. And they have a number of people, evaluators, participants who discuss this, and they wondered how this would function.

Well, I guess it functions similarly to Judge Pach's suggestion about how the Committee on Special Education would function. And then the coordinator for special education from the school district would participate sitting at the table and sharing and exchanging information, same thing would happen in DSS. There would be that internal meeting, but then there would be a coming together. I think that whether we're looking at this from the standpoint of saving dollars or we're looking at it from the standpoint of saving people, Judge Pach said it, none of us -- none of us is happy spending money on things that we don't choose to spend money on, but when your money gets spent, if you feel it's being spent for a good purpose, you have a very different feeling from feeling that it's being wasted. I think that this Unified Committee deserves a chance. It certainly will help the various agencies to exchange information, because they may each being seeing that child through this narrow peep hole. And they can only benefit from sharing that information. I also think that its speeds up the process.

Judge Pach talked about this sequential approach where nothing is happening, at the same time, moves things along for children who are in terrible jeopardy and to who -- I mean, certainly the Chair knows as a professional educator, that a matter of weeks can make a tremendous difference in the outcome for a child. I did also speak with the County Executive's Office, and I see Todd Johnson, I think, at the back of the auditorium, and if I'm wrong, you can tell me, Todd, but after we spoke there is a corrected copy coming out with a very simple change, just a deletion of a word from the title and from, I think, the first resolve clause, am I right? And I believe that with those two deletions, that the bill is acceptable to the County Executive, am I right, Todd?

VICE-CHAIRPERSON FIELDS:

Will we need to table it today then or can we approve it?

LEG. POSTAL:

No. I requested the corrected copy yesterday -- definitely -- I can't remember whether it was in the morning or early afternoon.

VICE-CHAIRPERSON FIELDS:

So then it should be ready.

MR. JOHNSON:

I haven't seen the corrected copy of the resolution. Certainly the County Executive understands the intent of the resolution and what you're trying to do. We're still waiting for a full report from the Department of Social Services on how they see this as going to work out. We look forward to the debate that the Legislature is going to have on the resolution. But we certainly support the concept. If we have any questions, we can certainly discuss it after this. I haven't seen the corrected copy yet, and --

LEG. POSTAL:

Madam Chair, if I may. The correct copy is exactly as we discussed, that single word that appears in the title and the first resolve clause is going to be deleted.

MR. JOHNSON:

Okay.

VICE-CHAIRPERSON FIELDS:

Which word is that?

LEG. POSTAL:

Direct.

LEG. FOLEY:

The administration has always been sensitive to that word directing.

LEG. POSTAL:

In the spirit of facilitation, I've removed the word direct.

LEG. FOLEY:

Did we substitute it with another word?

VICE-CHAIRPERSON FIELDS:

Begging.

LEG. FOLEY:

Resolution to the County Executive to establish a --

VICE-CHAIRPERSON FIELDS:

Okay.

LEG. FOLEY:

And what about the first -- through the Chair, the first resolve clause. How -- how does that read differently? Does the Clerk's Office have a copy of the change? It's deleted in total? It can't be, because that -- that establishes the committee. The first resolve can't be deleted, because that establishes the actual committee.

LEG. POSTAL:

I believe that the first resolve clause, Madam Chair, will read, "resolve that the County Executive is hereby authorized and empowered to establish a Unified Child Placement Committee."

VICE-CHAIRPERSON FIELDS:

So the first sentence.

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LEG. POSTAL:

It would be directed, the word directed would be eliminated.

VICE-CHAIRPERSON FIELDS:

Yes, there is. The first resolve clause, the second line has the word directed.

LEG. FOLEY:

I would make a motion to approve, Madam Chair.

LEG. CARACCIOLO:

Motion to table.

VICE-CHAIRPERSON FIELDS:

I'll second the motion to approve. Okay.

LEG. LINDSAY:

I ask this of the sponsor. I mean, besides the obvious urgency of creating this type of vehicle to save young people, is there anything else that we should know about the urgency of adopting this?

LEG. POSTAL:

No. It's just the timeliness of being able to do it in terms of -- I mean, Judge Pach spoke about a particular case where there was a delay, and at the end of this delay, which was not a month's long delay, the child needed to be placed in a psychiatric facility. So it does make a difference. And certainly I think this is going to take some time. If we pass this resolution, I can't imagine that within a week the County Executive will have all the players sitting at the same table. So that's going to take some time. And before know it, we're at July, where we don't have any meetings. So you know I think that there's a real need to move along with this and begin this process of reaching out and encouraging all of the participants. And I know Judge Pach has a comment that might address Legislator Lindsay's question.

JUDGE PACH:

I don't want you to think that my case is a singular case. This is a weekly if not daily occurrence in the court house. Some judge has placed the child in Sagamore, and the report is coming back. So it's not -- it's not an unusual occurrence.

VICE-CHAIRPERSON FIELDS:

There's a motion to approve and a second. All in favor? Opposed?

LEG. CARACCIOLO:

Abstain.

VICE-CHAIRPERSON FIELDS:

Motion is APPROVED. (VOTE: 4-0-1-1) (LEG. CARACCIOLO: ABSTAINED) (LEG. TONNA; NOT PRESENT)

LEG. LINDSAY:

Just a procedural question. So we approved this resolution that is faulty and is going to be corrected.

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VICE-CHAIRPERSON FIELDS:

But there's a corrected copy that has been filed.

LEG. LINDSAY:

Okay.

VICE-CHAIRPERSON FIELDS:

So the corrected -- and we have put -- put the corrections on the record.

LEG. POSTAL:

You'll have it before Tuesday.

VICE-CHAIRPERSON FIELDS:

We have verbally put the corrections on the record that the word directed has been deleted from the first resolve, and the word directed has been deleted from the title. So the record reflects that. I'm sorry. There's another question.

LEG. NOWICK:

Just one question. How many -- Judge, how many children do you think that -- how many children will be affected by this per month, per year, could you -- do you have any idea?

JUDGE PACH:

I don't have any idea. Department of Social Services may know or Sagamore would certainly know.

VICE-CHAIRPERSON FIELDS:

Okay. Thank you very much.

1468-02. Accepting and appropriating a 100% reimbursed grant from the US Department of Housing and Urban Development for an Emergency

Shelter Grants Program and authorize the County Executive to execute agreements. (COUNTY EXEC)

LEG. FOLEY:

Motion.

VICE-CHAIRPERSON FIELDS:

Motion by Legislator Foley, seconded by Legislator -- I forgot your name -- Lindsay. I'm sorry. I apologize, I have a very bad sinus headache. It's hard to think straight. All in favor? Opposed?
APPROVED (VOTE: 5-0-0-1) (LEG. TONNA: NOT PRESENT)

And I'll make a motion to place that on the Consent Calendar.

LEG. FOLEY:

Second.

VICE-CHAIRPERSON FIELDS:

Seconded by Legislator Foley. All in favor? Opposed? Thank you. Okay. We have several cards. Anita Fleishman. You don't look like an Anita. I was kidding. Please state your name for the record.

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MS. FLEISHMAN:

Good morning. My name is Anita Fleishman. I'm the Executive Director of the Pederson-Krag Center, which is an outpatient mental health, substance abuse facility at multiple sites, actually, in Suffolk County. Thank you for allowing us to speak this morning. I would like to introduce to you Mr. Wayne Gurnick, who's the Division Director of our Community Childrens Programs, and he would like to speak to the Post-Adoption Program.

MR. GURNICK:

Good morning. Legislator Cooper in mid --

VICE-CHAIRPERSON FIELDS:

Could you pull the microphone closer to you, please, so that you'll be on the record.

MR. GURNICK:

Is that better?

VICE-CHAIRPERSON FIELDS:

Yes.

MR. GURNICK:

In mid 2000, Legislator Jon Cooper had approached the Pederson-Krag Center in regards to post-adoption services, which we like to call adoption support and preservation services, viewing adoption as a life long process. The funding that had come down did not come to us until the end of the 2001 through the Department of Social Services.

Initially, the funding was to be for \$100,000, it was then to be \$50,000 in the Year 2001. And is it came to us at the very end of 2001 where we did a lot of foundation building, a lot of training through the Spence Chapin Organizations, a very well established adoption agency based in Manhattan, a lot of resource building, training of therapists in our agency, training of staff within the program itself and developing a very large resource library for professionals in the community as well as for parents an children. As of the beginning of this year, the funding was cut to 25,000 to really provide a very comprehensive program for families in Suffolk County that have adopted children. And so with those kinds of dollars it's very difficult to really provide very comprehensive services that are needed in the community.

Basically, we've been able to put on board two part time staff members that work a total of 25 hours providing direct services to the families, and we've really dedicated the funds to that, to the direct service the agency has in allocating any administrative and overhead expenses or just really operating the program, because we believe in this issue, and there are no services out there for post adoption. We've really committed to trying to build a foundation for a long standing program. And that's why we come to you today to look for the future and the permanency -- for permanency for children and permanency for this program to support the long term placements of adopted children.

Without outreach dollars, with just having the 25,000 going really

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directly to services, without those outreach dollars -- and starting at the beginning of this year we've already are servicing currently 46 adopted children in 16 families and have many children on the waiting list -- we've not able to service the need, we haven't really outreached. The families just come to us. And there's a lot of families out there in Suffolk County who are -- who are adoptive families. And basically, this past year, 2001, there were record number of adoptions in Suffolk County, and the number that I received from the Department of Social Services, 149. And they're still 757 children in foster care by the end of last year. Many families turn away from adoption because there's no support. Block grants that come

down are for getting the finalization. After that, the dollars are not there. So the families are really left out there to -- to fend for themselves, and we find that a lot of children who come into the adoption arena have other needs, particularly special needs, you know, emotional and behavioral difficulties stemming from attachment, from neglect, from being in a foster care system that has been moving from family to family.

So permanency really is critical. And besides the fact that, you know, the dollars, the cost dollar savings are tremendous, a very conservative estimate of \$15,000 to keep a child in foster care for a year, talking about out of home placement to meet the needs of the children that have not be met. So put them into an out of home placement -- if they stay in New York, the estimate is about \$59,000. To place them out-of-state, if there aren't services here in New York to provide for them, we're talking about \$131,000 a year. So -- so the cost savings are extreme. And we all know that permanency in a child's life, the benefits are immeasurable to keep children safe, to keep children in warm nurturing environments.

The KC Organizations in Connecticut has done vast research in the area, and that's where we developed that program, looking at vast arrays of literature of what's been done across the country. And we will be providing you with a packet of just a summary or our program this year, what we've done and some of the literature that you may be able to take some time to look at. But they really talk about that this isn't an option anymore. Years ago, it was an option, but today the cost are too high, the numbers are raised -- are being -- are higher and higher, and a comprehensive approach is -- is needed. It's not just simply about therapy, it's about supportive and educational programming, it's about parent education, it's about support groups, it's about networking for family, it's about providing social opportunities and recreational opportunities for -- for skill building for children, for providing families with networks, providing respite to give attention tension a break in the family when needed and counseling over -- over adoption issues. As adoption is a life long process, many issues come up in various developmental stages. And so it's not just, okay, here, we're done. So there's a lot of expertise and a lot of knowledge required of all professionals, and our program does that. It brings together a number of professionals with a number of difference types of services that I had mentioned.

VICE-CHAIRPERSON FIELDS:

If you could just conclude your remarks, because we have a number of cards and there is a time limit.

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MR. GURNICK:

So, you know, we're looking -- really what we're looking for at this point is to look for permanency for the program, to increase the

dollars back to the original numbers and to provide a permanency for this program in the County for the residents of the County.

VICE-CHAIRPERSON FIELDS:

Okay. Thank you. Ms. Fleishman, did you have any remarks? Okay. Thank you. If we could hold the questions until everyone who speaks on this has spoken that would be helpful in the consideration of time. Okay. MJ Pulling.

MR. PULLING:

I defer to Wayne.

VICE-CHAIRPERSON FIELDS:

Okay. And Ruth Ellerd.

MR. GURNICK:

Ruth Ellerd can speak a little bit about the families that we're serving.

VICE-CHAIRPERSON FIELDS:

Okay. She can tell us when she comes up. Thank you. And Kyla Blattberg.

MS. BLATTBERG:

I donate my time also to Wayne.

VICE-CHAIRPERSON FIELDS:

Okay. So Ruth Ellerd.

MS. ELLERD:

Yes. And I'm going to give you a little packet. Hi. Thank you for hearing us. And I just wanted to give you the voice of some of the families that we do service and speak for them on their behalf since a lot of them it's very difficult for them to be here. I know some of them would like to have been here themselves, and at some point we would like to have families talk to the Legislators themselves. I'm going to just read an adoption creed to start off. "Not flesh of my flesh, nor bone of my bone, but still miraculously my own. Never forget a single minute you didn't grow under my heart, but in it." That's an anonymous creed. I don't know who wrote it, but it's really beautiful, and I think it speaks to the fact that when families do adopt, these children do become part of that family.

Unfortunately, as Wayne indicated, many times what happens is later on in the adoption these families are faced with very difficult children stemming from the fact that they do have some attachment issues. I am the voice now of a women who has -- at the age of 55 is married, raised three children, they've been married for over 30 years, raised three children of her own who are now grown, and has taken the -- I don't know what you want to call it -- has just amazingly taken on ten

adopted children ranging in age of 15 to two years old. During the last year her husband has developed Alzheimers and is progressing rather quickly. She comes to our support groups, she comes to our

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work shops, she is a support amazingly for others and has an amazing sense of humor and wit and offers an amazing amount of strength and support as a said. What we can offer her is the opportunity, an arena, to -- to talk about her woes, her problems, her feelings and be there for her. Without a support group, where would she go? Can she talk to her friends? Sure. Is it the same? No. We have a professionally run support group who have other people in common with the same similar problems. I think that she's one of our greatest supporters, and I think she would have liked to be here today.

Another family came to us ready to basically dissolve an adoption that had been legally finalized. Again, because of the problems that she was having with her children, and one child in particular. She was basically saying to us, I cannot handle this child anymore, I do not want this child anymore, you have to help me find a placement, you have to help me basically get rid of this child. It took several weeks for us to be able to redirect her, to be able to look, inward, to look at the child, to look at some of the child's problems, difficulties, needs. Thankfully because of the support of the mental health clinic that we work with within the same agency, we were able to arrange for an immediate evaluation of this child. The child is now on medication, mom is much happier, she's much able to handle the child, she's no longer ready to give the child up.

A very sad situation just occurred. Family number three took on, as a single mom, and by the way, a lot of these moms surprisingly and/or dads have already raised their own children and are doing this, you know, at the age of 50 or above 50. The family that I was going to tell you about had adopted four children. They had been told -- actually, they first adopted three, and they were three boys. They were then wanting a daughter. They wanted to adopt a female child, which they did. Now the history of two of the boys were that they were physically and sexually abused. Not a lot of other information was given to her. She wasn't counseled at length about the -- the possibility that this might occur in the home. However, she did adopt a 12 year old girl who is somewhat emotionally limited. And within several months of this last adoption, this child was molested by the two boys. Now, this woman has had the boys in her house, they are considered her sons, but yet, you know, she has this daughter who has been molested. So what does she do? Who does she turn to? You know, we needed to help her go through a process. Unfortunately, CPS -- well, fortunately, I should say, did get involved. She was told in the beginning, you know, just put a locked door, you know, on the child's room, this will prevent any problems. Well, obviously, not. This mom needs a place to go. These parents need respite, we provide

them with respite. They need a work shop, they need education, we provide them with education.

The two women that are -- that have been hired as full time -- not full time, but part time staff dedicated to this program have basically, you know, are donating their time. They have, you know, graduate degrees, are being paid very little money, but they believe in this program. So we are working very hard with these families to try to sustain some sort of semblance and prevent children from going back into foster care, because that does happen. And we don't want to see that. And as Wayne indicated, there are no post-adoption

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services. It just really is astounding to me that there are no post-adoption services in this County, and we're it. It blows me away, and I don't know how else to say it. I've just explained three families. There are many more, they're in the back of your pamphlet. I -- you know, I didn't describe the situations, but I did give family summaries on them. It would be really appreciated if you could go through the work that we are doing and some of the research in the back that the KC Foundation has done. It's called the "White Paper," which has a lot of significant research and has helped us tremendously. So I don't really have anything more to say.

VICE-CHAIRPERSON FIELDS:

Thank you.

LEG. NOWICK:

What happened what was the end of the story with the woman with the child that was molested?

MS. ELLERD:

The two boys were remanded to crisis respite and they're at the home right now.

LEG. NOWICK:

They've been separated?

MS. ELLERD:

Right. Right. It hasn't been determined whether or not they will return. It's in the court system.

LEG. LINDSAY:

Thank you very much for coming forward. I apologize, our Chairlady has a headache, had to get a glass of water. Thank you for coming. Would anybody else like to address the committee? I didn't forget you. Legislator Postal would like to address the committee.

LEG. POSTAL:

I'm not often here, but when I am, I like to take full advantage of

being here. I'm here because a gentleman who actually is a constituent of Legislator Bishop's, that's why Legislator Bishop is here, contacted me a number of years ago about a problem he was having with the Department of Social Services and a Medicaid application. He contacted me at that time because I was Chairing what was then called the Human Services Committee. After attempting to assist this gentleman, who's name is Steven Donnelly, I was no longer Chairing the committee, and I enlisted the help of Legislator Binder, who was then Chairing the committee. So with actually three of us working on this; Legislator Bishop as Mr. Donnelly's County legislator, myself in my capacity as Committee Chair, followed by Legislator Binder in his capacity as Committee Chair tried to resolve this situation unsuccessfully.

And it's -- I'm here today because not only am I concerned about Mr. Donnelly, but I'm afraid that Mr. Donnelly's case is an example of a systemic problem that exists in DSS with applications for a number of different forms of assistance including Medicaid. I realize we're holding the purse string very tightly, but it almost seems as though

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there's an incentive to not grant applications or to delay the approval of these applications as long as possible. And I'm going to, a little later when I finish, give the Presiding Officer's staff copies of this -- excuse me, but copies of, but this voluminous stack or correspondence so that copies can be made for members of the committee and they can return the my originals to me at another time.

But very simply, Mr. Donnelly applied for Medicaid in December of 1995, when he suffered a heart attack. In August of 1996, DSS felt that he had provided acceptable documentation, and on September 24th, 1996, his application was denied by DSS. On November 18th, DSS said, and I believe this was when I contacted them, that Mr. Donnelly was not fully providing the documentation regarding his employment and wages. He did provide information about some, I believe, it was \$17,000, \$17,580 in income, but I think they wanted an actual breakdown about hours and things like that. That was their statement. Mr. Donnelly requested a fair hearing which took place on June 19th, 1996. Now at this point, that's a little more than a year and a half from the date of his heart attack and his application for Medicaid. As a result of that hearing, DSS agreed to review Mr. Donnelly's application and render a new determination, and stated, and I have that decision, that DSS did not comply with the stipulation that they were supposed to comply with.

On April 30th of 1997, there was a statement by the New York State Department of Health regarding the Medicaid applications, and on October 10th of 1997, there was an amended decision following the fair hearing, where the denial of his application for Medicaid was reversed. And DSS was directed to pay all the bills that Mr. Donnelly

had, if he was eligible, which is just reviewing the material again. In a letter that you'll see that I received from Mr. Donnelly on October 20th, 1997, DSS was contesting the decision of the fair hearing. Now that was 22 months after his heart attack and his original application for Medicaid. There was a fair hearing, the fair hearing had determined that DSS did not comply, and now DSS, now contests that fair hearing decision 22 months after the fact. You know, that almost seems vindictive, to do something like that.

And as of the end -- later in that month, they still wanted documentation concerning that employment that resulted in a check of \$17,580. Now, during that time and the time following, Mr. Donnelly had enormous medical bills, as you might imagine. He had to declare bankruptcy. His family relationships, his friendships were under an enormous amount of stress. I don't need to tell you what happens when a person has tremendous debt, is very frustrated, seeks assistance in paying those debts because he's paid his taxes all the years that he's worked. DSS denies him, he has a fair hearing in which -- at the fair hearing, they determine that DSS didn't do what it was supposed to do, and now DSS contests it. So 22 months after the fact we're kind of back at square one. Eventually -- and this is why Mr. Donnelly came back to me, and this -- this saga went on for years. I mean, you'll see that there's all kinds of correspondence from 1997 and 1998 and on and on and on.

Well, Mr. Donnelly finally got frustrated and decided to sue the Department of Social Services and the County, which he did. He filed

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suit. And very recently, the Department of Social Services decided to settle with Mr. Donnelly. Now, I know that a settlement doesn't always mean an admission of any kind, but, you know, I would assume that if DSS had a real strong case, because I've sat on the Ways and Means Committee, if they had a real strong case, they would allow -- they would not go for a settlement. Now, it was a small settlement, but Mr. Donnelly frankly wasn't interested in the money, he was making a point. So the settlement was for a check, which I have a copy of here and you will get, and a letter stipulating exactly what happened in this situation, which Mr. Donnelly felt he could use to restore his damaged credit, at the very least after all this time, because Mr. Donnelly till today is unable to get credit that he needs for his business.

So I'm here and presenting this information, which I'm asking the Presiding Officer to copy and make available to all members of the committee in the hope that, number one, Mr. Donnelly will receive his letter of stipulation. I mean, this is incredible. After all of this and it was settled for a check and a letter stipulating to everything that took place, and Mr. Donnelly still doesn't have the letter. You know, it seems to me that would be a relatively simple thing to do,

and yet he still doesn't have this letter. So I really would like to see the County Attorney's Office and/or DSS put together the stipulation or letter acknowledging the events leading to this dispute and to his ultimate bankruptcy proceeding. And I have no idea why that letter has not been forthcoming, but I can tell you that Mr. Donnelly is going back to his attorney, because there was a settlement based on those two things being accomplished, and one of them has not been accomplished.

So I would suggest that if we don't want Mr. Donnelly to pursue this suit, and I think he has one heck of a good case, and if he wins it, it's going to cost this County an awful lot more than the little check they gave him, I would suggest he gets that letter of stipulation immediately. The other thing is that I would hope that this committee would look at this situation with an eye toward examining whether this is a systemic problem, whether the goal is to stop -- to avoid making payments to people, or the goal is to help people who are in need, whose taxes have paid for these benefits that they're now entitled to and whether there's any element of the vindictive here in having kind of gone out of its way to stop this guy from getting Medicaid, even after a fair hearing said that DSS was wrong. So that's why I'm here today. And I'm going to ask that this be copied and provided to all the members of this committee. Thank you.

LEG. LINDSAY:

And I'm going to ask who would like to answer Legislator Postal's question.

LEG. POSTAL:

The one about the stipulation or the whole thing?

LEG. FOLEY:

Mr. Chairman, if we could have the -- there's a few -- there's a few --

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LEG. LINDSAY:

Let's see what Todd has to say.

LEG. FOLEY:

-- Deputy Commissioners, there's two Deputy Commissioners --

MR. JOHNSON:

I would just like to say -- I'm sorry, Legislator Foley. But I would just like to say that I'm not sure the Chief Deputy Commissioner of Health Services knows the details of this. I'm not sure what the terms are of the lawsuit and whether this should be discussed. I'm not sure if it's open. I think maybe we should seek advice from the County Attorney's Office before we make any comments on the record with regard to the terms and how we're going to comply and what the

terms of the original settlement were.

LEG. POSTAL:

Mr. Chairman, could I just suggest that -- I assume that there's a settlement --

MR. JOHNSON:

I'm not disputing the fact that the settlement is there.

LEG. POSTAL:

I mean, I have a check to Mr. Donnelly drawn from the County. I assume that -- that's part of a settlement. You know, I assume that the County didn't just --

MR. JOHNSON:

Usually matters of litigation are not discussed in open meetings.

LEG. POSTAL:

Right. But once it's settled, you know, I'm sure it's a matter of public record that this case was settled. And I have a copy of the check. So -- but I would suggest that at the next meeting of this committee --

MR. JOHNSON:

I would agree with you.

LEG. POSTAL:

-- there should be a clarification, and I would suggest that at the very least if this matter is indeed settled and was indeed settled for the payment of this check to Mr. Donnelly and this letter of stipulation, that we also have a copy of the letter of stipulation to show that it has actually been provided to Mr. Donnelly.

MR. JOHNSON:

Okay. I think that the Department of Social Services should probably speak with the County Attorney's Office before, you know, before they make any further comment on it. Just to confirm all the information here, that's all.

LEG. POSTAL:

No problem.

LEG. FOLEY:

Also, Mr. Chairman, to Deputy Commissioner, to either today or at the follow up meeting to also address the issue of whether this is an exceptional case or whether it was, since it was five years ago a pattern or a systemic problem that needed to be addressed and whether it has been addressed and how the department intends to do things differently, because this has come up before as far as systemic issues

with applications, whether it was for public assistance, medical assistance or -- as in this case, Medicaid. So that would be important for the department to -- to respond to the issue of systemic changes that have they taken place over the last five years or not and where the department intends to go in the future in addressing the issues of Medicaid applications and Medicaid applicant's frustration with the -- with the system.

LEG. LINDSAY:
Go ahead.

MS. DIAZ:
In addition to providing the Legislative subcommittee with this information, would you be so kind as to provide our office with the same information so that we could take a look at it? Thank you very much.

LEG. POSTAL:
Ellen Martin has the information.

MS. DIAZ:
Thank you.

LEG. POSTAL:
Some of those letters are in your file, if you look Steven Donnelly, you'll find a lot of them, including I'm sure the results of the fair hearing and the amended decision.

MS. DIAZ:
Just to make sure that the material we have is consistent with what you have provided. Thank you.

LEG. LINDSAY:
Does anybody else have any other comments with this matter or anything else before the committee? Seeing none, motion to adjourn.

LEG. FOLEY:
Second the motion.

(*THE MEETING WAS ADJOURNED AT 12:30 P.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY