March 11, 2004

REMINDERS BY ASSEMBLYMAN ROGER GREEN, CHAIRMAN OF THE ASSEMBLY
COMMITTEE ON CHILDREN AND FAMILIES, FOR THE CONFERENCE ON CHILDREN
AND THE LAW IN NEW YORK

As Chairman of the Assembly Committee on Children and Families, I have been concerned
for many years about the quality of care provided to children in out-of-home placements in New
York. These concerns range from worries that children in foster care are not receiving the services
needed to meet their mental health and educational needs to fear that children in foster care and
juvenile justice settings are experiencing physical or emotional abuse in the very settings that were
established to meet their many special needs. It is critical that children who the State chooses to
remove from their homes receive a high quality of care despite the fact that many of these children do
not have an adult advocate monitoring the care that they receive while placed away from their homes.

In response to some of these concerns, the Legislature created the State Commission on the
Quality of Foster Care in the 2002-03 state budget. Established at a time when the Legislature also
reformed the mechanisms for financing child welfare services, the Commission was created to
provide an independent body to monitor the quality of care provided to children in congregate foster
care settings. While I had initially proposed a bill that went further than the scope of the existing
Commission by including oversight of all youth in foster care settings, I supported the creation of this
more limited Commission as a critical first step in providing youth in congregate foster care settings
an advocate for their needs and a voice for their concerns.

Unfortunately, this Commission, which was codified in Title 1-A of Article 6 of the Social
Services Law, has never been implemented by the executive. While the original statute was
accompanied by a $500,000 appropriation that has continued to be reappropriated, the Commission
has never been created. Youth in congregate foster care settings remain without an independent
advocate to monitor the quality of their care despite the fact that the Legislature created exactly that
advocate and it remains a mandate in our state law. In the wake of the many horrors that have
recently been revealed just across the river in New Jersey, I remain deeply troubled that there is no
independent advocate ensuring that youth who are being cared for by the State are well cared for in
settings that allow them to thrive. I am planning to sponsor a bill that will expand the State
Commission on the Quality of Foster Care to cover all youth in New York who are in out-of-home
placements. It is my sincere hope that the executive will implement the Commission that already
exists and that we can soon move the dialogue away from implementation of existing law and toward
the expansion of that good start to ensure that all youth being cared for by the state are safe, well
cared for, and have every opportunity to thrive.