



Testimony of

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Before the

Department of Health and Mental Hygiene and the Board of Health

Regarding the Proposed Amendments to Article 47 of the New York City Health Code
(related to child care services at family shelters)

July 25, 2017

Good morning. My name is Stephanie Gendell and I am the Associate Executive Director for Policy and Advocacy at Citizens' Committee for Children of New York (CCC). CCC is a 73-year-old independent, multi-issue child advocacy organization dedicated to ensuring every New York child is healthy, housed, educated and safe.

We would like to thank the Department of Health and Mental Hygiene (DOHMH) and the Board of Health for holding today's public hearing and for seeking comments on the proposed amendments to the Health Code, related to regulating the provision of child care/child supervision services in family homeless shelters.

CCC also thanks Comptroller Stringer and his office for investigating the provision of child care services in family shelters and for releasing a report with his concerning findings in October 2016.¹ This report documented serious health and safety risks in many of the on-site, drop-off child care programs in the shelter system. In addition, the report also explained that the drop-off type of child care programs operated at many of the Tier II family shelter sites are exempt from the typical licensing, regulatory, inspection and oversight provisions that Article 47 of the Health Code requires to full-time, long-term child care programs, such as those administered by the Administration for Children's Services (ACS).

CCC appreciates that the Administration took the Comptroller's report and the findings very seriously. CCC strongly agrees with the intent of the proposed regulations: to ensure all young homeless children are in safe, quality, appropriately staffed child care programs, and that as many of these vulnerable children as possible are in full-time, long term programs, as opposed to drop-off care. While we support the City regulating these programs, we are very concerned about the proposal to limit the hours of care to 10 hours per week. We believe that we must preserve on-site drop off child care programs at Tier II shelters and ensure that they provide homeless families with a quality, safe option that is flexible enough to meet the needs of families in the shelter system.

Background

The situation for families with children in the shelter system is dire. Last week, there were 22,220 children in the DHS shelter system. Together with their 17,052 parents and caregivers, these families comprised nearly 70% of the City's shelter system. Many of these families needed to apply for shelter eligibility numerous times, cycling through PATH intake and conditional placements, before being found eligible for shelter. Once found eligible, these families remain in shelter for an average of over 431 days- well over a year. Each year, approximately 1,100 babies are born into the shelter system and nearly half of the children in the shelter system are under age six. Only half of the families in shelter are even placed in Tier II shelters that were created to provide shelter to homeless families, with the remaining families living in cluster sites and hotels.

Many of these families are placed far from their communities of origin, including jobs, schools, child care, health care, child welfare preventive service programs, families and other support

¹ The report may be found online here: https://comptroller.nyc.gov/wp-content/uploads/documents/Homeless-Child-Care-Report_October.pdf

systems. Only 55% of families are placed in the borough where their youngest child attends school. Given that this figure is tracked and reported, and DHS is supposed to place families with school-age children in their borough of origin, it is likely that the percentage of families of younger children placed in their borough of origin is even lower (given that this is not tracked or reported.) Thus, families with children enrolled in child care programs prior to entering the shelter system are often not placed near that child care program, which typically disrupts continuity of care.

The research documents that homelessness, even in the best of circumstances, causes trauma for children, and that exposure to trauma in childhood has lifelong implications. Notably the ACEs studies have shown that the more trauma a child is exposed to, the higher their likelihood for obesity, depression, cardiovascular disease, and premature death. This means that the lives of these 22,000 children (roughly 11,000 under age 6) are literally in the City's hands every day.

High quality early childhood programs have been proven to make a positive difference for children, addressing their developmental needs and preparing them for kindergarten. Through ACS, DOHMH and DOE, the City has also invested resources into early childhood programs such as EarlyLearn and Pre-K For All that help identify trauma in children and their parents and provide referrals and services to mitigate the impact. There is no question that participating in a high-quality early childhood program could have a positive impact on the life trajectory of the young children growing up in homeless shelters. Recently, the City has made a concerted effort to ensure 4-year olds in shelters are enrolled in prekindergarten programs. CCC supports all of this good work.

Currently Tier II family shelter providers are required to either provide on-site child care services or have linkage agreements with programs in the community to which they can refer families. On-site child care programs can either be fully licensed programs (like EarlyLearn) or be drop-off care. There are no such child care requirements for the roughly half of families living in cluster sites or hotels. According to the Comptroller's report, 99 of the 167 DHS shelters for families with children do not have any on-site child care; 43 of the 167 operate drop-off programs that currently are not regulated by the City; and 25 shelters have licensed full-time programs.

The City's Early Childhood System

The City currently serves approximately 100,000 children in its subsidized child care system, through ACS and serves approximately 72,000 4-year olds in Pre-K for All (prekindergarten programs for four-year olds) through DOE. (Note: The four-year olds in ACS's EarlyLearn contract program are counted in both system totals.)

Subsidized child care has eligibility requirements: typically families need to either be on or transitioning off of public assistance or low-income (under 200% of FPL) to be eligible. A 2015 analysis by CCC found that ACS's system, contracted and voucher, only had the capacity to serve 14% of the income eligible infants and toddlers in New York City.²

² Campaign for Children. *NYC's Early Childhood System Only Serves a Fraction of the Need*. September 2015. http://www.campaignforchildrenyc.com/wp-content/uploads/2015/09/Child-Care-Need-2015_final.pdf

There is a federal mandate to serve families on/transitioning off of public assistance. The majority of these families use vouchers for center, family or informal care. In May 2017, 65,772 children had child care vouchers. About half of these children are school-age and using the vouchers for after-school care. In addition, many vouchers are used for informal family, friend or neighbor care, which is largely unregulated.

In May 2017, 32,390 children were enrolled in ACS's contracted child care program for infants, toddlers and preschoolers. This program is called EarlyLearn and mostly serves low-income families earning under 200% of the FPL.

Recently, there has been an effort to increase child care eligibility for homeless children. The federal government's recent reauthorization of the CCDBG allowed states to prioritize homeless children for child care and make them presumptively eligible. New York State has allowed counties, to the extent funding is available, to prioritize income eligible homeless children (under 200% of FPL.) In New York City, ACS has broadened child care eligibility to these low-income homeless children, but not to all homeless children whose parents are on public assistance. For example, if the parent of a homeless child is receiving cash assistance but is exempt from the work requirements (e.g. disability or illness) or has been sanctioned, the homeless child will not be eligible for subsidized child care.

The City's prekindergarten program for 4- year olds does not have an income eligibility requirement: every NYC 4-year old is eligible. Importantly, however, the DOE prekindergarten program operates for the full school day (6 hours a day) for 10 months each year (not during the summer.) ACS's subsidized child care program provides full day (8-10 hours) of care, as well as full year care, which includes the summer. In addition, family child care and informal care can provide child care during nontraditional hours.

The Proposed Regulations:

As mentioned above, CCC appreciates the City seeking to improve the safety and staffing ratios at shelter-based drop-off programs and the City's goal to increase the number of homeless children enrolled in full-time, long-term child care programs, but we are very concerned with limiting the number of hours a child can attend an on-site program at a Tier II shelter.

Proposal: Establish safety, training and staffing ratios for on-site drop-off child care programs at family shelters

On-site child care programs at the City's shelters must be safe and properly staffed. We appreciate the City recognizing this and taking steps to amend Article 47 of the Health Code so that these programs and services would be regulated by DOHMH. We urge the Board of Health to approve these amendments and apply them to any newly created program and/or shelter.

We urge DOHMH to work closely with the shelter providers currently operating these types of drop-off child care programs to assess any deficiency with regard to the seriousness/hazardousness of the violation and to create a plan to address the concern. In some instances, the program may need to be closed during the mitigation, but in other instances it

could still be safe for the children if there is a timeline established to address the concern. In addition, there may be some programs that will not be able to come into compliance with all aspects of the Health Code: we urge DOHMH to assess each of these instances individually and potentially grandfather in some of the programs. Finally, we urge the City to provide the shelter providers with the resources they will need to be compliance with these new rules.

Proposal: Create the new category, “family shelter-based drop-off child supervision programs”, which limits care to no more than 10 hours per week per child

CCC strongly urges the Board of Health to reject the proposal to limit the weekly number of hours of care for each child to no more than 10 hours per week. Furthermore, we urge the Board of Health to reject having an arbitrary hourly limit completely and not simply change 10 hours to another number. Families in shelter are in crisis and need as much support as possible. This type of time-limit will hurt families more than help them for the following reasons:

- The child care system does not have enough capacity to serve every homeless child in the communities where the shelters are located.

The City should not create a rule that limits options for homeless families without being sure every homeless child can be served in the contracted child care system. We know that the EarlyLearn contracted system does not have the capacity in all communities to serve all of these children- this is especially true for infants and toddlers. In fact, even when we combine the contracted system capacity with the vouchers, ACS is only able to serve 14% of income eligible children.

This capacity issue should not be resolved by giving homeless families vouchers. Families new to a community should not be trying to find providers, especially informal providers, in the new community. While there are down-sides to drop-off programs which by their nature cannot have a curriculum in the same way as a long-term program, creating a system where homeless families use vouchers for informal care would be more detrimental.

In addition, children and families enter shelter all throughout the year. Child care programs typically enroll new families in the fall. Even if EarlyLearn capacity is expanded near family shelters, many of these child care programs will not have a vacancy midway through the year.

- Homeless children are not categorially eligible for child care

As discussed above, not all homeless children are even eligible for subsidized child care. CCC urges the state and the city to make these children categorially eligible. Until this happens, the families of these homeless children may not be able to access another option for care besides the drop-off program.

- Prekindergarten programs for 4-year olds (and soon 3-year olds) do not provide full work day care or summer care:

Even parents whose children are enrolled in prekindergarten programs may need more than 10 hours per week of care in a drop-off program. For example, if a family enters shelter in July, the 4-year old child could be enrolled in a pre-k that is starting in September and the family could benefit from the drop-in program in July and August. Similarly, if a 4-year old needs additional care from 3-6 PM each day, that would go over the 10 hour per week rule (15 hours per week).

- Homeless families in crisis need help and flexibility:

Homeless families are in a period of crisis, particularly when they first enter the shelter system. Many are placed far from their communities of origin, their families, workplaces, schools, service providers, and support networks. The City systems serving these families need to do what they can to alleviate stress and trauma and meet the needs of the children and their families. It creates additional stress for families if the child care system in place cannot be available when the parent needs it.

Establishing a rigid and arbitrary rule of 10 hours per week does not accomplish the goal of meeting the needs of homeless families. Drop-off child care programs should be available to parents when they need them.

For example, when a family first enters shelter there are a lot of appointments, some of which could require significant travel time (in addition to perhaps getting another child to school or going to work.) In another example, a parent may have received a LINC voucher and need more than 10 hours during the week to look at apartments. It would likely be easier for a parent to leave their toddlers in the drop-off program rather than bring them on the apartment search. In addition, since that same parent would be moving out of shelter soon (if able to find an apartment) it would not make sense to enroll the child in a full-time, long-term program.

In addition, while it is preferable for children to be enrolled in full-time, long term child care where there is a curriculum, there are a number of reasons why a child may not be enrolled and a family would need more than 10 hours per week of drop-off care. For example, when a family first enters the shelter system in a new community, there is a period of adjustment for everyone. The parent and child are getting used to the shelter itself, new subway stops, new neighbors, etc. The parent may feel uncomfortable leaving his/her child in a child care program in this new community right away. The shelter system and the early education system should be providing support and assistance to these families, not additional stress and barriers.

It is also important to mention that the child care enrollment process is not automatic and takes time. The family would need to be found eligible, the parent would need to find a program with a vacancy, and then the child could be enrolled. Families entering shelter have a lot of appointments so it could take some time for this to all happen.

- Homelessness is supposed to be temporary
While homeless families tend to remain homeless for over a year on average, the system is intended to be temporary. This rule which would essentially try to compel families to enroll their children in long-term programs (if there was a vacancy) is built upon the premise that the family will be in shelter for a long time. While that might be the current state of affairs, we would rather not build the systems presuming long-term stays.

Proposal: Require shelter care liaisons at family shelter-based drop-off child supervision programs whose job responsibilities would be to refer families to child care programs, help families apply for child care services and refer families to Early Intervention

The proposed regulations require that there be at least one shelter child care liaison at each family shelter-based drop off child supervision program and then require that this person be responsible for referring families to child care programs, helping families apply to child care programs, and refer families to Early Intervention.

CCC appreciates that DOHMH has recognized the need for staff at shelters to help families learn about early childhood programs and apply to them. While we think that it is great for there to be a staff member at the on-site drop off child care program who can help families in this way, this would only apply to 43 of the roughly 170 Tier II shelters, and would not apply to cluster sites or hotels. Families in all shelters with children under 5 should have access to an early education specialist who can refer and help families apply to programs such as child care, Early Intervention and preschool special education.

We understand that DOHMH, through the Health Code, can only regulate the programs that it has oversight over and that the issue of early childhood specialists being available to all homeless families is a bigger issue. We urge DOHMH, DHS, ACS and DOE to all come together and develop a comprehensive plan to ensure all families in shelter have access to an expert who can advise them of available programs and help them apply and enroll.

In the meantime, we do urge the Board of Health to adopt this proposed amendment to Article 47 so that some families can receive this invaluable assistance.

Thank you for the opportunity to provide comments.