

**Testimony of Public Advocate Betsy Gotbaum for City Council Hearing on Administration for Children's Services Budget for Fiscal Year 2008, 3/15/07**

Thank you, Chair de Blasio, for holding this important hearing. The budget process represents a critical opportunity to strengthen services for the city's underserved populations. Today, I urge the Council to make funding available to ACS to hire additional Family Court attorneys.

Approached by current ACS attorneys last year, I decided to investigate the situation at the ACS Family Court unit. A report released by my office this past September found that attorneys were overwhelmed by their caseloads. Current and former ACS attorneys interviewed for the report described the situation as a "ticking time bomb" that threatened battered children who might be returned to abusive homes, or removed from a stable, loving family, because their cases were mishandled by the attorneys.

The root of the problem is the extraordinarily high rate of attrition among agency attorneys—22.6 percent a year, more than four times the agency's stated goal of 5 percent and more than two to three times greater than the attrition rates of city district attorney's offices and lawyers with the federal government. It's a dangerous cycle: strained, underpaid attorneys burn out and leave ACS. Their cases are assigned to lawyers whose caseloads are already full. The remaining attorneys often do not get to review a case until moments before entering a courtroom and presenting to the judge. Compounding the problem is the fact that ACS takes a long time to hire and train replacements. By the time the replacements are prepared to handle a caseload, many of the more seasoned attorneys have left. And so the cycle goes on.

In the course of its investigation, my office found the following:

Attorneys with high caseloads and little time to prepare for courtroom appearances are compelled to request adjournments. These delays contribute to the exceptionally lengthy stays in foster care in New York City. At 43.6 months, the city's average length of stay in foster care is more than a year longer than the national average of 31 months. Requesting adjournments, a fairly common practice, delays the provision of services to children and families in the child welfare system.

I was pleased to learn that, in its preliminary budget for 2008, the city has earmarked an additional \$3.4 million to hire an additional 25 ACS attorneys. This is, without question, a step in the right direction. It is, however, a relatively small step.

At the time of their resignation, the vast majority of the attorneys surveyed by my office—88 percent—had caseloads of more than 50, the maximum recommended by the American Bar Association. One-third of the attorneys had caseloads of at least 100, with

one responsible for 150 cases. Sixty percent of those surveyed described their caseloads as “unmanageable.” An additional 25 attorneys is hardly sufficient to bring caseloads down to the ABA-recommended maximum for all ACS attorneys. That must be the city’s ultimate goal if we are to better represent and protect our most vulnerable children.

I therefore urge the Council to not only support the city’s proposed budget increase for ACS but to up the ante and approve additional funding for the recruitment, hiring, and training of more attorneys, as well as paralegal and support staff to help ease the burden of administrative chores, such as faxing and photocopying.

I look forward to working with the Council to ensure that next year’s budget reflects the urgent need to ensure that ACS has the necessary resources to protect battered children from further abuse.

Thank you.