



THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
BRAD LANDER

December 2, 2024

Via electronic mail

The Honorable Rowan D. Wilson
Chief Judge of the Court of Appeals
New York State Court of Appeals
Albany, NY 12207

Re: Monitoring the Safety of Children in Foster Care

Dear Chief Judge Wilson:

As the Chief Accountability Officer of New York City, I want to share the results of an audit recently completed by my office concerning the Administration of Children's Services' (ACS) Monitoring of the Safety of Children in Foster Care. The report is attached for your consideration.

During the period of review, from FY2020 through FY2023, there were over 2,100 substantiated cases of neglect and/or abuse involving 1,641 children living in foster care. The audit found the overwhelming number of incidents occurred during familial visits — including supervised visits, unsupervised visits, and trial discharges with birth family or close family members.

ACS noted Family Court judges have authority to order a foster child to be temporarily returned to their birth family on a trial discharge at any stage of the child protective proceeding/court process, or to order a child to be released to their birth family with ACS supervision. It is for this reason I write to you today. My office has made several recommendations to ACS; ACS has agreed to implement 4 of the 5 recommendations contained in the audit report. However, ACS alone cannot reduce or prevent instances of neglect and abuse during familial visits.

With the utmost respect, I ask the Family Court to evaluate the impact of foster care visitation decisions, particularly in instances when ordered familial visits have resulted in substantiated cases of maltreatment. Collecting and analyzing the impact of past judicial decisions granting familial visits in foster care cases could assist the Family Court to identify additional key risk factors. This information could further inform a judge's assessment of the best interest of the child and improve outcomes for one of New York City's most vulnerable populations.

Thank you for your consideration of this matter.

Sincerely,

Brad Lander
NYC Comptroller

Encl.