



Leadership, voice and vision for child welfare in New York State

## **Council of Family and Child Caring Agencies**

### **Testimony Presented by**

**Kathleen Brady-Stepien, Associate Executive Director**

### **Before the**

**Assembly Ways and Means and Senate Finance Committees**

### **Joint Legislative Hearing**

**January 24, 2019**

Good afternoon, my name is Kathleen Brady-Stepien and I am the Associate Executive Director of the Council of Family and Child Caring Agencies (COFCCA). Our member agencies include over 100 not-for-profit organizations providing foster care, adoption, family preservation, juvenile justice, and special education services in New York State. On behalf of our member agencies, their more than 55,000 employees all across New York State, and, mostly on behalf of the tens of thousands of children and families that our agencies serve, we thank Chairpersons Krueger and Weinstein for the opportunity to testify before you today.

Over the past several years, COFCCA and our member agencies have increased advocacy efforts to educate members of the Legislature regarding the challenges that the foster care system has faced--seven years of stagnant rates, unfunded mandates, implementing healthcare reform, implementing Raise the Age, the severe recruitment and retention challenges among our staff, and perhaps most importantly, the changing and complex needs of children and youth in foster care. Throughout all of these challenges, the Legislature has partnered with us to advocate and promote the safety, permanency, and well-being of children and youth in foster care and juvenile justice and we cannot thank you enough. I am here today to ask that you continue to provide support, and the first ask is that you continue to support our dedicated staff.

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## Investing in the State's Child Welfare Workforce

COFCCA administers a study of salary and turnover data amongst our agencies statewide. The most recent report, completed in 2017, shows a workforce crisis in our field. **There was a 47% turnover in the direct care, front line staff (child care workers) working in our programs. The statewide average starting salary for a child care worker working in a foster care program in 2017 was \$25,668—or approximately \$12.34 per hour.** Given the low pay we are able to offer to direct care staff, our programs compete with fast food and other entry-level employment to hire workers—and we are losing. Our agencies consistently report to us that they will offer a job fair or recruitment event only to have two or three people show up to interview. Our recruitment and retention challenges only continue to grow year after year, and recently a few agencies chose to take residential beds off-line due in large part to the inability to recruit qualified staff for the programs.

Our work with children and youth in foster care is driven by the relationships our staff form with them. Children succeed when they know they have supportive adults to care for them and these adults have high expectations for them. Most of the children in foster care have experienced trauma and [Adverse Childhood Experiences](#). By the time children enter foster care, they may have experienced several adults in their lives abandoning them or disappointing them. When a worker leaves one of our programs, children often experience that event as yet another loss of a supportive adult. Children are resilient, and the best way to support them is through the stable presence of supportive adults. Depending on the child's placement, workers in our foster care programs and foster parents should provide that support, until we are able to accomplish a child's permanency goal. Staff turnover impacts treatment and causes longer lengths of stay for children in foster care—this is an unacceptable outcome for the children and families we serve, and it is costly for the state and counties as it extends a child's time in care.

As you know, the expenses for foster care programs are paid through a rate, the Maximum State Aid Rate, or MSAR. The MSAR is an administrative rate that is set after the state budget passes; the rate is set via the state Office of Children and Family Services (OCFS) and the Division of the Budget (DOB). Since 2015, thanks to the support of the Legislature, this MSAR rate has achieved continual modest growth each year. Last year, with the support and advocacy of the Legislature, we received 2% growth on the whole MSAR as well as a 3.25% increase in pay for direct care staff.

We hope you again will be a champion this year for the children and youth in foster care by supporting the workers they depend on for quality services. This year we are advocating for a 4% increase to the MSAR for the period of July 1, 2019 to June 30, 2020; in addition, we are advocating for parity in salary increases for our direct care staff and our clinical staff in line with

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any increases that are provided through the budget process for OMH, OASAS, and OPWDD programs. While we truly appreciate the past four years of growth, the rate increases we have received do not begin to address the very real difficulties our providers face in competing to hire staff who can provide quality care to children and youth with complex needs.

COFCCA supports the larger human services field's request for a 2.9% Human Services Cost of Living Adjustment, or COLA. The statutory COLA has consistently been deferred almost every year for each of the last ten years. This has meant that the state has saved more than \$500 million over the years, because the COLA has not been provided to human services workers.

**While the foster care rate, the MSAR, is established post-budget, we hope you will use the budget process to highlight the need for investments into the foster care system and join our advocacy efforts for 4% growth to the MSAR through the administrative rate setting process that occurs between OCFS and DOB, as well as salary increases for our direct care staff and clinical staff in line with any increases the state provides for OMH, OASAS, and OPWDD programs.**

**COFCCA supports the request for a Human Services COLA of 2.9%, which would benefit not only our workforce but the larger human services workforce as well.**

### **Providing a Career Pathway for the State's Child Welfare Workforce**

One way in which the Legislature can support our child welfare workforce is by providing a career pathway to help us recruit and retain workers. New York State has invested \$100,000 over each of the last two years in setting up two higher education programs for the state's child welfare workforce--the NYS Child Welfare Worker Incentive Scholarship and the NYS Child Welfare Worker Loan Forgiveness Incentive Program (each program now has \$100,000 in funding). We are very appreciative of the Executive Budget's proposed investment of \$50,000 for each of these programs this year.

We consistently hear from our child welfare workers that although they find the work very challenging, they enjoy what they do and want to stay with our agencies. They are forced to look for other jobs, however, because they cannot afford to pay their student loan monthly repayment schedule (with payments ranging from several hundred dollars per month to payments even in excess of \$1000 per month). The low pay we are able to offer staff is largely to blame for the high turnover our programs see. **In 2017, our programs experienced a 41% turnover in Caseworkers/Case Planners statewide.** The statewide average starting salaries for our Caseworkers/Case planners in 2017 were as below:

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- Statewide average starting salary (BA): \$34,753
- Statewide average starting salary (Master's degree): \$39,106

Our child welfare staff tell us that in addition to salary increases, they need more support in achieving their higher education goals. Many staff in our programs desire to become supervisors or even aspire to be in a senior leadership position such as a program director or a CEO someday; however, they need advanced education degrees to pursue those positions. If our staff receive support in achieving their educational goals, we can begin to build a true career pathway for our state's child welfare professionals.

Our child welfare staff are very excited to begin applying to these programs; indeed, our office gets calls often asking about the status of these programs! The Higher Education Services Corporation (HESC) has been working to get the programs up and running so that staff may begin to access the funds; we are expecting the application period for both programs to start up within the next month.

We believe that increased state investment into our child welfare workforce's higher education pursuits will not only assist in our staff recruitment and retention efforts, but will also create the next generation of child welfare leaders in the field.

**We support the Executive Budget's inclusion of \$50,000 each for the NYS Child Welfare Worker Incentive Scholarship and for the NYS Child Welfare Worker Loan Forgiveness Incentive Program.**

**We request an additional \$1,900,000 investment to support higher education opportunities for our child welfare workforce in NYS; we would propose that \$950,000 of that funding be available for tuition support, through the NYS Child Welfare Worker Incentive Scholarship, and the remaining \$950,000 be available for loan forgiveness for our staff, through the NYS Child Welfare Worker Loan Forgiveness Incentive Program.**

### **Temporary Operator (Education, Labor, and Family Assistance Article VII Bill, Part M)**

The ELFA Bill contains language in Part M that would authorize the Office of Children and Family Services (OCFS) to appoint a temporary operator for foster care programs.

COFCCA has strong concerns with this proposal that does not have clear standards in regards to what would constitute a health and safety deficiency. Moreover, this proposal would require

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another foster care agency to come in for a period of up to 180 days to correct deficiencies without any additional funding or supports.

At a time when the foster care system continues to be underfunded, is facing a severe workforce crisis and continues to see increasing needs and challenges among the children and youth in care, we have strong concerns with the proposal—namely, that would not help the overall system, or the children and youth in foster care.

### **Federal Family First Prevention Services Act Transition**

The federal Family First Prevention Services Act (FFPSA) became law in early 2018. The law will require all states to make many changes to their child welfare systems over the next few years. The legislation provides some limited federal funding for preventive services, and largely proposes to pay for those investments in preventive services by restricting the usage of federal funding for residential placements. We now know that NYS has requested a two year waiver on meeting the requirements for restriction of federal IV-E funding for residential placements, and we have an opportunity to work together over the next few years to prepare for implementation.

The FFPSA will require our state to recruit more foster families and to support the needs of kinship caregivers. Foster parents are the vital volunteers who step up to provide a family-based treatment option for the majority of the approximately 16,000 children currently in foster care in New York. New York State should be proud of this success, because most children do best when with family. Nationally, however, as in many areas around our state, we struggle to recruit, support, and retain foster parents.

We understand from the Executive Budget Briefing Book (FY 2020 Executive Budget Briefing Book, p 106) that the Governor proposes to invest in a Family First Transition fund. While we are still learning details about this fund, we were encouraged to see the Executive Budget Briefing Book's description that this would assist both counties and foster care agencies in moving towards compliance with the new federal requirements. The foster care agencies will be working alongside the counties to recruit and retain more foster parents (especially for those children requiring a higher level of care, or therapeutic care). In addition, the agencies providing residential care will need state support over the next few years to come into compliance with expectations for becoming a Qualified Residential Treatment Program, or QRTP. If residential programs do not become a QRTP, in most cases the state will not be able to get federal IV-E funding to pay for a child's residential placement there beyond the first two

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weeks of placement. Per the FFPSA, residential programs must become accredited by one of the national accrediting bodies. About half of the state’s existing residential programs are currently accredited. This is a very costly endeavor that costs agencies on average upwards of \$30,000. We ask for the state’s support in covering such costs.

**We support the Executive’s proposal to establish a Family First Act Transition fund, and request that the needs of voluntary agencies—including support to recruit and retain more foster parents, and to become QRTPs—are also included within this fund.**

### **Improving Safety and Living Spaces for Youth in Foster Care**

As agencies experienced seven years without growth to the foster care rate, they had to make difficult decisions to plan and execute their budgets. As a result, our residential programs across the state have not been able to perform regular maintenance and instead have had to defer necessary projects. Many of the residential programs have roofs in need of repair, and several have aging boilers in need of replacement. When teenagers are living in a building, the inevitable wear and tear happens, and many of our facilities need to repair carpets or walls. Agencies additionally need funding to put cameras in their residential programs to aid in worker and child safety; the Justice Center recommends these cameras be put in residential facilities as an added safety measure. Many of our programs are seeking to convert existing double or triple rooms into single bedrooms for safety reasons. We have heard from staff in our programs that the conversion to single bedrooms truly helps reduce behavioral problems within a cottage. The residential cottages are the temporary homes for our children and youth in foster care, and we must make repairs and improvements to make them safe.

We appreciated the Legislature’s support a few years ago of the Nonprofit Infrastructure Capital Investment Program; the program was funded for a total of \$120 million. While some of our agencies were able to benefit from this funding, the RFP was open to the entire not-for-profit sector, and the amount of applicants for funding far exceeded the available state resources for the program. Despite an overwhelming need for more investment in nonprofits’ infrastructure priorities, there is no additional funding included for the NICIP in this year’s Executive Budget.

**We request \$15 million in capital funding for deferred maintenance projects at residential foster care programs in this year’s budget and \$15 million in next year’s state budget.**

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## Other Initiatives COFCCA Supports

### Educational Opportunities for Youth in Foster Care

Over the past four years, New York State has committed resources to assist youth in foster care as they pursue higher education. Currently, the funding of the Foster Youth College Success Initiative (FYCSI) supports four cohorts of students (for a total of over 500 foster youth) in college. These young people attend more than 70 NYS colleges and universities and they are on their way to achieving success through post-secondary education. Nationwide studies have found that only 2% to 7% of youth in foster care complete a two- or four-year degree. The FYCSI program uniquely provides necessary social, academic, and financial supports to ensure that barriers to opportunity for the foster care population are mitigated. Our young people in foster care want to pursue post-secondary education to be able to succeed and to pursue their desired career paths; we need NYS to continue the great commitment it has begun to assist foster youth in achieving their goals. If a minimum of \$4.5 million in funding is not added beyond the Governor's inclusion of \$1.5 million in his Executive Budget, students currently benefiting from Foster Youth College Success Initiative funds will not have funds available to support them through to graduating college.

**We support the Governor's inclusion of \$1.5 million for the Foster Youth College Success Initiative, and support the Fostering Youth Success Alliance's request for an additional \$4.5 million, for a total of \$6 million; this funding total would ensure continued support for the existing cohorts of youth attending college.**

### Supporting Continued Implementation of Raise the Age

**We support the proposed \$200 million in the Executive Budget to continue implementing Raise the Age this year.**

Thirteen of our COFCCA agencies (upstate and on Long Island—outside of NYC) are currently approved residential providers for youth placed through Raise the Age. These agencies have engaged in a regular learning collaborative with OCFS throughout the past year to work through programmatic questions and to learn from one another as they build the best possible programs for youth placed through Raise the Age.

We appreciate that the Raise the Age programs have a “hold harmless” period for their residential beds so that the MSAR rate paid to these providers does not depend upon meeting their approved utilization.

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We have requested that the Raise the Age provider agencies with rate-based schools (853 schools and Special Act School Districts) also have a “hold harmless” period approved for their tuition rates. Many agencies have set aside desks in their schools so that they are available when youth come in through Raise the Age. Finally, there are differences in the educational array of services that schools are able to offer. For example, 853 schools that are not registered high schools are not able to offer credit recovery. In addition, 853 schools are not authorized to contract with BOCES for services. 853 schools are not currently able to provide High School Equivalency preparatory programs for those students wanting to pursue a TASC.

We believe that meeting a student’s individual educational needs is vitally important to preventing young people from future engagement with the criminal justice system. Our agencies’ staff are well-trained and well-equipped to support students in building up their confidence to pursue educational and career goals. We ask for the Legislature’s support in removing some of the existing educational barriers noted above.

We also note that the way that the Raise the Age funding was created, it essentially bars New York City – and only New York City – from accessing these funds. All children and youth in the state deserve the same commitment of funding. There is no program reason why New York City is excluded.

### **Post-Adoption Services**

New York State has increased its financial commitment to providing post-adoption services over the past few years; we are pleased to see a continuation of that increased commitment this year proposed in the Executive Budget. Post-adoption services provide adoptive families with support as they navigate challenges. Examples of these services include peer support groups for adoptive parents and children, respite services, and counseling. The services assist in preserving adoptions and in preventing re-entry into the foster care system.

**We support the Governor’s recommendation of \$10.6 million for post-adoption services that is included in the Executive Budget.**

### **Safe Harbor: Services for Sexually Exploited Children and Youth**

The Safe Harbor program, last year funded at \$3 million thanks to the support of the Legislature, provides vital services to children and youth who are sexually exploited, and

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ensures that they are treated as child victims. Youth in foster care are at increased risk of becoming victims of sex trafficking.

**We urge the State to continue funding of direct services to victims of trafficking, including but not limited to street outreach, trauma-informed, holistic community based care and counseling, safe houses, and continued funding to counties performing important services for this population such as case management and coordination and health services and counseling.**

We welcome the opportunity to continue the conversation with you on these important issues and to be helpful to you; we are available for any assistance that you need.

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## Summary of 2019-20 RECOMMENDATIONS:

### The Council of Family and Child Caring Agencies supports:

- A 2.9% Human Services COLA;
- 4% increase in funding for foster care, as well as salary increases, through the Maximum State Aid Rates (MSARs) that are set post-budget between the Office of Child and Family Services (OCFS) and the Division of Budget (DOB).
- The Executive Budget's proposal to fund the NYS Child Welfare Worker Incentive Scholarship and the NYS Child Welfare Worker Loan Forgiveness Incentive Program at \$50,000 each; we request an additional \$1.9 million in funds for the two programs.
- A \$15 million investment in capital improvements on residential campuses for children and youth in foster care and an additional \$15 million in next year's budget for the same.
- The Executive's proposal for a Family First Prevention Services Act Transition Fund; we request that this fund support the transitional needs for voluntary foster care agencies in addition to the needs of Local Departments of Social Services.
- The Executive Budget's proposal for a commitment to funding post-adoption services at \$10.6 million.
- The Executive Budget's inclusion of \$200 million for costs associated with implementation of Raise the Age.
- The Executive Budget's \$1.5 million in funding to assist youth in foster care in pursuing higher education (the Foster Youth College Success Initiative); in addition, we request an additional \$4.5 million in funding for the program. This is a request put forth by the Fostering Youth Success Alliance, of which we are proud to be a steering member.
- The continuation and expansion of funding for services devoted to supporting sexually exploited children and youth (Safe Harbor).

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### COFCCA Employees by REDC Region

REDC Region	Number of Employees
NYC	28,141
Mid-Hudson	7,085
Long Island	3,880
Capital Region	3,325
Central NY	2,926
Western NY	3,787
Finger Lakes	2,952
Southern Tier	2,278
Mohawk Valley	717
North Country	291
<b>Total</b>	<b>55,382</b>

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