



Testimony

Joint Legislative Budget Hearing

Human Services

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Submitted by

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CHAMPS-NY would like to thank the chairs and members of the respective committees for the opportunity to submit testimony on the 2020-21 New York State Executive Budget.

CHAMPS-NY (which stands for Children Need Amazing Parents) is a coalition of advocates and providers from across New York State. Our members represent children and families with foster care experience all around the state. We are grounded in research that shows that children do better when they live in a family – birth, kin, foster or adoptive. We are dedicated to advancing policy and practice change to ensure that when children are unable to remain safely at home, they are placed in supportive, caring families.

For more about CHAMPS-NY and our work, please visit our website fosteringchamps.org/ny

Nearly 16,000 children across New York State live in foster care.ⁱ There is significant variance across the state with regard to where children live when they enter foster care. In New York City, 35% of children in foster care are placed with kin – a relative or someone who acts like a relative in the child’s life – while less than 12% live in congregate care.ⁱⁱ In counties outside of New York City, however, only 15% of children in foster care live with kin, while 21% reside in congregate care.ⁱⁱⁱ

The research is clear that children experience better outcomes when they reside in families, and particularly with kin. Youth in kinship care tend to have fewer disruptions and overall better outcomes than those in congregate care.^{iv} Children placed with kin or a foster family in their community are more likely to eventually find a permanent home. They also tend to have greater success in school, maintain formative social relationships and experience fewer challenges coping with mental health issues.^v

What is more, family-based foster care placements are also less expensive. Group placements can cost taxpayers 7 to 10 times more than placement with a family.^{vi}

A new federal law, the Family First Prevention Services Act, recognizes the power of family-based placements and places new requirements around the use of federal foster care funding, with the goal of ensuring that children only enter congregate care when truly necessary. The Act, which will go into effective in New York in October 2021, will require counties to place more children in family-based settings, which will require counties to recruit and retain more foster families, including kinship families. Equally important, counties will need to ensure that these families are provided the supports and services they need to successfully care for the children in their care.

New York has begun to make significant progress toward ensuring that all children in foster care are appropriately placed with families and with kin. With the creation of the Family First Transition Fund in last year’s budget, the State is actively supporting counties in their efforts to better understand their data and examine their practice, making the changes necessary to make family, and kin, a priority in placement decisions for all children. There is still more that must be done in order to continue to strengthen policy and practice around the state as we move closer to Family First implementation. We urge the State to do the following in the context of this year’s budget:

STRENGTHEN THE FAMILY FIRST TRANSITION FUND

The **Executive Budget** proposes level funding for the Family First Transition Fund, at \$3 million, which supports counties’ efforts around recruiting and supporting foster and kinship families in preparation for implementation of the new Family First Prevention Services Act. We applaud and support this proposal.

We believe that the Family First Transition Fund is a crucial resource for improving state and local policies and practices related to recruiting, retaining and strengthening foster and kinship families and evaluating current use of residential care. With increased funding counties would

be able to strengthen and expand the efforts begun under the first year of the Transition Fund. Strengthening this fund would demonstrate that New York is not only serious about preparing the state for implementation of the federal Family First Prevention Services Act, but recognizes that the spirit and the intent of the law is a goal worth investing in: children thrive in families.

CHAMPS-NY urges the Legislature to add \$1.5 million to the Governor's proposal, for a total of \$4.5 million per year for the Family First Transition Fund for 2 years, for a total of \$9 million.

STRENGTHEN KINSHIP GUARDIANSHIP ASSISTANCE (KINGAP) BY FUNDING IT AS A PERMANENCY OPTION OUTSIDE OF THE FOSTER CARE BLOCK GRANT

As counties across New York State work to ensure that more children in foster care are placed with kin, the State should provide a viable, appropriate exit to permanency for those children.

Relatives in approved or certified foster care settings can apply for the Kinship Guardianship Assistance Program (KinGAP) when both adoption and family reunification are ruled out. KinGAP allows children in foster care to exit to permanency with kin, without pursuing adoption. Many kinship families need financial assistance to continue caring for the child in their home. With this option, kin families can exit the foster care system and continue to receive financial support -- akin to the adoption subsidy -- while still caring for the relative child.

The **Executive Budget** continues to fund KinGAP through the Foster Care Block Grant (FCBG), thereby diverting scarce funds from critical programs that aid foster youth, to fund a program that is not foster care, but a permanency option. This diversion of funds is particularly problematic given the sharp cuts to the Foster Care Block Grant in 2017-2018, which have resulted in lower state funding for counties' foster care systems, meaning that counties essentially take on the full cost for any finalized KinGAP arrangements. This funding mechanism has created a disincentive to counties to utilize KinGAP, despite the fact that many children in their foster care system might benefit from it.

Although the number of children in foster care has declined, the health and service needs of the children who are in care are significant and costly. The FCBG funds must be preserved to meet their needs.

CHAMPS-NY urges the Legislature to fund the Kinship Guardianship Assistance Program as an uncapped permanency option outside of the Foster Care Block Grant to incentivize more counties to use this important permanency option.

KIN-FIRST FIREWALL

The State of the State briefing book included a proposal to expand "firewall" policy developed by Nassau County. This policy would require documentation that caseworkers had exhausted all possible kinship placement options before placing a child in any placement that is not with kin. A policy like this one could help to ensure that more children in care are appropriately placed

with relatives. CHAMPS-NY is eager to see more details on this proposal and urges the State to ensure that counties receive adequate support so that it can be successfully implemented.

ESTABLISH AN OFFICE OF THE FOSTER CARE OMBUDSMAN

Not included in the Executive Budget, but a priority for this group, is the establishment of a Foster Care Ombudsman.

As New York moves forward with implementation of the federal Family First Prevention Services law requirements, recruiting, retaining and better supporting foster families, including kinship families, will be critically important.

One tool to better support foster and kinship parents would be an office of the Foster Care Ombudsman. This Office would be a resource for foster and kinship parents, young people in care, and birth parents who have children in foster care, to answer questions, provide information and clarification about foster care policies and regulations, receive complaints, mediate and act as a liaison between involved parties. This Office would be geared toward finding real-time resolutions and would follow up to ensure that recommendations and resolution are achieved. On a macro level, the Ombudsman would regularly issue public reports that could help identify trends and lead to system improvement.

CHAMPS-NY urges the legislature to invest in the establishment of an Office of the Foster Care Ombudsman to better support families involved in the foster care system.

RESTORE FUNDING FOR KINSHIP CAREGIVER SERVICES AND THE KINSHIP NAVIGATOR PROGRAM

Hundreds of thousands of children in New York are in informal kinship arrangements -- outside of the formal foster care system -- and the number of children entering into direct custody arrangements with kin has been steadily increasing over the last five years.^{vii} Kinship Caregiver programs offer important supports and services to kin, a majority of whom are grandparents, who care for their relatives' children in their household outside of the formal foster care program, and often with extremely limited resources. Relative caretaker programs provide information about family members' rights, support to meet children's education and health care needs, and assistance with obtaining health and social service benefits. For as little as \$510 per child per year, these programs are far less costly than foster care placement.

The Kinship Navigator is a statewide resource and referral network for kinship families, providing information and connections to important resources. The Navigator helps kinship caregivers understand and access the services and resources they need to provide for the children in their care. These programs require secure, stable, and sufficient funding to support kin caregivers.

The **Executive Budget** proposes funding for kinship caregiver services at \$338,750. This is a cut of \$1.9 million from last year's final budget.

The **Executive Budget** also proposes \$220,500 in funding for the statewide Kinship Navigator information and referral network. This represents a cut of the \$100,000 compared to last year's final budget.

CHAMPS-NY urges the Legislature to restore funding for Kinship Caregiver programs to \$2.3 million by adding \$1.9 million and to restore funding for the Kinship Navigator Program to \$320,500.

The 2020-2021 State Budget represents a unique opportunity to ensure that children who come into foster care are placed with nurturing, supportive families who are, in turn, supported to provide the best possible care. The State also has both the opportunity and the responsibility to ensure that children are able to exit foster care to permanency appropriately. With real investments in this year's budget, we can ensure that the state is prepared for the implementation of Family First in 2021 and continues to lead as a kin-first state.

We look forward to working with our partners in the Legislature to ensure that New York's children in foster receive the best possible support through family- and kin-based placements and through appropriate permanency options.

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ⁱ 2018 Monitoring and Analysis Profiles with Selected Trend Data: New York State. New York State Office of Children and Family Services. <https://ocfs.ny.gov/main/reports/maps/counties/New%20York%20State.pdf>

ⁱⁱ 2018 Monitoring and Analysis Profiles with Selected Trend Data: New York City. New York State Office of Children and Family Services. <https://ocfs.ny.gov/main/reports/maps/counties/New%20York%20City.pdf>

ⁱⁱⁱ 2018 Monitoring and Analysis Profiles with Selected Trend Data: Upstate. New York State Office of Children and Family Services. <https://ocfs.ny.gov/main/reports/maps/counties/Upstate.pdf>

^{iv} <https://drive.google.com/file/d/1dboJ2DXmEDZjihKV35bi4QQCmZVMK2Ea/view>

^v Kinship Care is Better for Children and Families. 2017. Heidi Redlich Epstein. American Bar Association.

https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol-36/july-aug-2017/kinship-care-is-better-for-children-and-families/

^{vi} Policy Report: Every Kid Needs A Family. 2015. The Annie E. Casey Foundation.

<https://drive.google.com/file/d/1dboJ2DXmEDZjihKV35bi4QQCmZVMK2Ea/view>

^{vii} *New York State Kinship Navigator*. NYS KinCare Summit 2014 Recommendations.

www.nysnavigator.org/pg/professionals/documents/2014KincareSummitOctober232014Final.pdf