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Submitted to the
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Assembly Task Force on Women's Issues

***Oversight Hearing: Family Involvement in the
Child Welfare and Family Court Systems***

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Citizens' Committee for the Children of New York (CCC) is a 74-year-old independent, multi-issue child advocacy organization dedicated to ensuring that every New York child is healthy, housed, educated, and safe. We would like to thank Chairs Latrice Walker and Ellen C. Jaffee, and the other members of the Assembly Standing Committee on Children and Families and the Assembly Task Force on Women's Issues for the opportunity to submit testimony on Family Involvement in the Child Welfare System. Our advocacy is fact-based and utilizes data-driven methods that prioritize, first and foremost, the **safety of children**, and recognizes the significance of **strengthening families** and **keeping them together when possible**.

In this testimony, CCC will highlight three areas of concern in the child welfare system that compromise family stability and child wellbeing: first, unmet needs due to **economic insecurity and inadequate investments in preventive services**; second, the **State Central Register (SCR) and records that limit employment for parents** and caregivers who have cases of alleged child abuse or neglect; third, **the funding structure** of Kinship Guardianship Assistance Program (KinGAP), funded through a foster care block grant, which **discourages counties from using kin as a permanent option**.

INVESTING IN PREVENTIVE SERVICES TO REDUCE INCOME INEQUALITY

History of Race-Based Income Disparities

In New York City, ACS investigated 57,883 cases of child abuse and neglect¹ and served 25,265 children and families through community-based preventive services programs in 2018.² It is important to note that Black and Latinx children are over-represented in the foster care system, making upwards of 84.5% of the population³ despite being 51% of the total population in New York City.⁴ In addition, Black and Latinx families make up nearly 80% of investigated cases of child abuse and neglect.⁵

¹Keeping Track Online: The Status of New York City Children. Child Abuse and Neglect Investigations, 2018. Retrieved from: <https://data.cccnewyork.org/data/map/3/child-abuse-and-neglect-investigations#3/a/3/5/40/a> Accessed on: October 28, 2019.

² New York City Administration of Children's Services. Data and Policy page. Retrieved from: <http://www1.nyc.gov/site/acs/about/data-policy.page> Accessed on: July 29, 2019.

³Indicator Data: Citizens' Committee for Children of New York. Keeping Track Online: The Status of New York City Children. Foster Care Placements, 2013. Retrieved from: <https://data.cccnewyork.org/data/map/27/foster-care-placements#1199/12/1/1342/14/a> Accessed on: October 29, 2019.

⁴ Indicator Data: Citizens' Committee for Children of New York. Keeping Track Online: The Status of New York City Children. Total Population, 2017. Retrieved from: <https://data.cccnewyork.org/data/map/97/total-population#84/17/3/129/25/a> Accessed on: October 29, 2019.

⁵ Indicator Data: Citizens' Committee for Children of New York. Keeping Track Online Database: Race and Ethnicity, 2018. Retrieved from: <https://data.cccnewyork.org/data/map/1/children-in-child-abuse-and-neglect-investigations#1383/17/1/1634/40/a> Accessed on: October 31, 2019.

Importantly, 73% of cases under ACS's purview are cases related to economic insecurity, resulting in neglect due to unmet medical, food, clothing, shelter, education, and other basic needs. In New York City, some of the same populations investigated for alleged child abuse and neglect are Black and Latinx communities affected by economic insecurity. In 2018, for example, city-wide nearly 32% of children lived in households where no adults were employed full time, with rates as high as 59% in areas of the Bronx.⁶ Latinx children bear the highest poverty rate at 38%, and Black children come in second at 31.9%, followed by Asian children at 21.7%.⁷ It is also important to note that the highest percentage of children experiencing poverty are among the youngest New Yorkers: 23.4% are babies and toddlers between the ages of zero and three (3).⁸

Restore State Funding for Preventive Services

CCC is a champion of the provision of preventive services to better serve families that are economically insecure. To this end, we urge the Committee and the Task Force to **restore preventive funding from 62% state share back to 65% and to designate the restored funds to evidence-based services**. As New York State prepares to implement Family First Prevention Services Act in the next two years, it is essential to bolster existing preventive services, including funding the implementation of evidence-based services to support counties across New York State. According to the Office of Children and Family Services, this federal law "reforms federal financing to prioritize family based foster care over residential care by limiting federal reimbursement for certain residential placements. The law permits states to use title IV-E funds for evidence based prevention services for families at risk of entering the child welfare system. In addition, FFPSA provides new federal funding opportunities for kin navigator programs."⁹

Preventive services are community-based programs that strengthen and support families by tailoring to the families' specific needs. Preventive services aide in the reduction of risks and in the assessment of child safety through home visits and casework contacts. CCC's research¹⁰ suggests that the most effective child welfare system is one that prevents abuse or neglect from occurring in the first place. Preventive services enable children to remain safely in their homes,

⁶ Indicator Data: Citizens' Committee for Children of New York. Keeping Track Online Database: Parental Employment Instability. Retrieved from: <https://data.cccnewyork.org/data/map/1242/parental-employment-instability#1242/a/3/1418/40/a> Accessed on December 5, 2019.

⁷ *Keeping Track of New York City's Children: 2017* by Citizens' Committee for Children of New York. Consolidated Color Press: New York. Pg.11.

⁸ "The State of New York Babies" in *State of Babies Yearbook 2019* by Zero to Three, Child Trends, and Think Babies. Retrieved from: https://stateofbabies.org/data/#/New_York Accessed on December 4, 2019.

⁹ Strategic Planning and Policy Development: Family First. <https://ocfs.ny.gov/main/sppd/family-first.php> Accessed on December 5, 2019.

¹⁰ Citizens' Committee for Children of New York The Wisest Investment: New York City's Preventive Service System. Retrieved from: <http://www.cccnewyork.org/wp-content/publications/CCCReport.WisestInvestment.PreventiveServices.April2010.pdf> Accessed on: October 28, 2019.

protecting them from abuse, neglect, and/or the need for foster care. The hallmark of an effective child welfare system is one that supports families during a time of crisis through the prevention of the trauma of removal while also strengthening a family's ability to provide a safe home for their child. CCC's advocacy focuses on ensuring that child welfare financing supports preventive services.

Investment in preventive services is also a cost-effective choice, compared to costs related to foster care. According to the Citizens' Budget Commission, "in fiscal year 2015 the average daily cost per child in foster care was \$125 per day, compared to \$24 per child per day in preventive services."¹¹ For children who do not need to be removed from their families to stay safe, preventive services are a good option.

No other state has a funding structure like ours, and through CCC's work with other states, as well as our data-driven research, we have identified New York City, especially, as one of the largest, and most diverse system offering evidence-based services that prevent children from entering the foster care system unnecessarily. Since 2007, the number of children in foster care has decreased steadily from 14,783 to 8,310.¹² Beyond being an extremely impressive feat, it behooves us to recognize this accomplishment and to continue to strive to maintain all of New York's children and their families safe and well-resourced.

NEED TO REFORM STATE CENTRAL REGISTER SYSTEM

CCC is concerned with the long-term negative impacts that a record on the SCR has on families and caregivers. When a case is open, parents and caregivers have a record that can stand in the way of their gaining employment. The law states that a record will remain in the SCR until the youngest child reaches the age of 28. CCC strongly supports reforms to the SCR. These reforms include: raising the standard from "some credible evidence" of child abuse to improving court procedures by specifically allowing parents and caregivers to challenge their inclusion in the SCR in a fair and efficient manner, such as by presenting evidence of rehabilitation, if applicable. Currently, New York has the lowest standard to substantiate an allegation of child abuse and neglect: only "some credible evidence" is required.

Additionally, CCC recommends removing unnecessary and unfair employment barriers for parents by automatically sealing indicated reports of neglect after 5 years to shield them from employers, while ensuring that all reports continue to be available to child welfare and foster care agencies who must ensure child safety. A reduction of the length of time individuals remain on the SCR list and the expunging of records, would also help keep families safely together as the ramifications of unemployment have severe effects on the wellbeing of children. CCC supports these SCR reforms as good practices for the stability of children and their families and communities.

¹¹ Data Before Dollars: Are Child Welfare Preventive Services Worth the Investment? Retrieved from: <https://cbcny.org/research/data-dollars> Accessed on: November 21, 2019.

¹² New York City Administration of Children's Services. Data and Policy page. Retrieved from: <http://www1.nyc.gov/site/acs/about/data-policy.page> Accessed on: July 29, 2019.

FUNDING KINGAP INDEPENDENTLY FROM THE FOSTER CARE BLOCK GRANT

Passed in 2010 and effective in April 2011, New York State's KinGAP promotes permanency for foster children whose permanency plans are not reunification or adoption by providing them with safe permanent placements with kin who can continue to receive the financial assistance they need to care for the child outside of the foster care system. However, across the state, KinGAP is under-utilized. In 2017, for example, there were 3,645 children in foster care with a relative,¹³ but only 481 children statewide left foster care for a KinGAP arrangement.¹⁴ Nearly 80% of those children were in New York City.¹⁵

When a child is adopted, adoptive parents receive assistance through an adoption subsidy. KinGAP provides this same financial assistance and enables children to achieve permanency and stability outside the foster care system and yet this subsidy is funded differently.

CCC supports permanent placement with kin and with a KinGAP subsidy as a permanency option for foster children cared by kin when the termination of parental rights is not appropriate or possible, or when the children do not want to be adopted. The KinGAP program provides children and their families with a sense of stability that can only be achieved outside of the foster care system with the same financial support that adoptive parents receive.

Despite the passage of the KinGAP statute in 2010, Social Service Law Section 153-k has not yet been amended to outline that state and local financial shares for the subsidy. Since 2011, the State's budget bills have added KinGAP payments as components of the State's foster care block grant. This foster care block grant funding is intended for the children in the custody of the state and localities who have not yet achieved permanency. It is not fair to these children to have their funding partially diverted to children who have achieved permanency.

CCC recommends that KinGAP be funded in the same way as an adoption subsidy outside of the foster care block grant. Like children who have been adopted from the foster care system, children are outside of the foster care system living with the adults who have assumed permanent legal care for them.

CCC urges the Assembly Standing Committee on Children and Families and the Assembly Task Force on Women's Issues to continue to take steps to alleviate potential circumstances, such as the three areas we have outlined above. CCC looks forward to continued partnership with the Committee and the Task Force to improve outcomes for families and children in the child welfare system.

¹³ "2018 Monitoring and Analysis Profiles With Selected Trend Data: 2014-2018" Retrieved from: <https://ocfs.ny.gov/main/reports/maps/counties/New%20York%20State.pdf> Accessed on December 5, 2019.

¹⁴ "Trends in Relative Foster Care Settings 2012-2017" Retrieved from: <https://ocfs.ny.gov/main/reports/Trends-in-Relative-Placements-2017.pdf> Accessed on December 5, 2019.

¹⁵ *Ibid.*

Thank you for the opportunity to submit our testimonial.

Respectfully,

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