



Testimony of

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Oversight: Foster Care in NYC
Foster care bills:

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Good morning. My name is Stephanie Gendell and I am the Associate Executive Director for Policy and Advocacy at Citizens' Committee for Children of New York, Inc. (CCC). CCC is a 72-year-old, independent, multi-issue child advocacy organization dedicated to ensuring every New York child is healthy, housed, educated and safe.

I would like to thank Chair Levin, as well as the members of the City Council General Welfare Committee for holding today's oversight hearing on foster care in New York City and for introducing several bills and a resolution aimed at increasing transparency and improving outcomes for children and youth and families involved in the foster care system. I would also like to thank all of the City Council Members and the Public Advocate who have sponsored the legislation being addressed at today's hearing, including Council Members Levin, Ferreras-Copeland, Grodenchik, Richards, Eugene, Palma, Dromm, and Salamanca, Jr.

In addition, I want to thank the City Council and the Public Advocate for the attention you have been paying to the child welfare system, and the foster care system in particular. As you know, children and youth in foster care are some of the most vulnerable New Yorkers—and they are literally in the custody of the City. It is therefore, our collective responsibility to ensure they receive the highest quality care and services in their foster homes and by the foster care agencies charged with their care.

This includes ensuring children and youth are placed in safe, caring and supportive foster homes; expediting permanency so children are discharged from foster care to a family as soon as possible; providing for educational stability whenever possible and educational supports whenever needed; providing high quality and timely services that meet identified needs for parents and children; providing preventive services to keep as many children as possible safely at home and outside the foster care system; ensuring there are services available for children and their families when they leave foster care through reunification, KinGAP or adoption; and providing any services or support for all foster youth to help them transition successfully to adulthood, particularly for those youth who age out of foster care without a family.

The City Council has been a tremendous ally to date and we look forward to continue to partner together. I would like to add a special thank you to Council Member Levin who has met with CCC and other child welfare advocates countless times so he can better understand the intricacies of this system and how the City Council and his Committee can be helpful for the children, youth and parents touched by child welfare.

Furthermore, the City Council's Foster Youth Shadow Day was a tremendous success and has helped Council Members better understand the needs of foster youth. We were also so pleased that the City Council's response to the City's Preliminary Budget included requests for funding to bring back discharge grants and for agencies to have the funds to comply with federal and state laws related to normalcy, which encourages and supports foster children and youth to participate in developmentally appropriate activities, such as sleepovers, music, and athletics, as their peers outside the system do.

Notably, ACS has been continuously working to improve child welfare outcomes and strengthen their foster care system. In fact, the Executive Budget includes funding for both the discharge grants and normalcy (via increasing funding for special payments), as well as proposals to add funding for preventive services, foster parent/adoptive parent stipends, and college supports for foster youth. In addition, ACS has recently brought in CCC's friend and colleague, Julie Farber, as the Deputy Commissioner for Permanency (foster care) and they have been implementing a number of reforms and initiatives aimed at addressing permanency, the quality of foster homes, educational stability for foster children, and the training of caseworkers. ACS has also included CCC on its Steering Committee for some of the reform work underway with other child welfare advocates, and we appreciate having a seat at that table.

The child welfare system and the foster care system are extremely complex, and the needs of the children and families are varied, numerous and complex as well. We know that Commissioner Carrion, the de Blasio administration and the foster care providers are committed to doing everything they can to produce the best outcomes possible for the children and families touched by this system. We want to thank all of the hard-working caseworkers and staff throughout the child welfare system who dedicate their lives to improving the lives of children and their families.

CCC supports (with some recommendations discussed below) all of the City Council legislation being introduced today. We believe that this package of bills will help the child welfare community better understand the strengths, needs and barriers in the system (and other city systems) over time, which will in turn help us better focus our advocacy efforts at the federal, state and local level regarding budgets, legislation, and policies. We look forward to working with both the City Council and the Administration to strengthen and pass this legislation—but ultimately to lend our voices in a helpful and collaborative way that will strengthen and support New York City's child welfare system.

Foster Care

Foster care is intended to be a temporary arrangement for children and youth when it is not safe for them to remain in their homes. Children in foster care have been removed from their homes by a child protective agency (like ACS) upon approval by a Family Court, which must determine amongst other things that reasonable efforts were made to prevent the removal and that it is in the child's best interest to be removed and placed in foster care.

Pursuant to the Nicholson decision, the Court must weigh the risk of harm in the home against the psychological harm that could be created by the removal itself. The state's intrusion into a family, whereby a child is removed from a parent, is a tremendous step by a government and clearly causes trauma to all of those involved. This is why it is so critical to ensure that foster care is reserved for the children who truly need to be in care and why it is so incumbent upon the City to provide the highest quality care to the children in its custody.

The goal of foster care is to place the child in a safe home while parents receive the services they need to enable the child to return home safely. Thus, the child welfare agency and its providers must have access to the services both the children and their parents need.

It is also typically in child's best interests to achieve what is referred to as permanency, as soon as possible. **While "permanency" is child welfare-speak, to a child it means the safety, stability and security of having a family and knowing that it is permanent.** Living in foster care and not having permanency has a profound impact on a child.

Federal and state law require all foster children to have a permanency plan and for this plan to be reviewed by a court periodically (every 12 months under federal law and every 6 months under state law). These permanency plans are: reunification; adoption; legal guardianship; permanent placement with a fit and willing relative; and another planned permanent living arrangement (commonly referred to as APPLA).

New York Law defines the permanency plan of APPLA to be, "placement in another planned permanent living arrangement that includes a significant connection to an adult willing to be a permanency resource for the child."¹ Only youth 16 and older can have a permanency plan of APPLA and the social services agency (ACS/its providers) must document to the court a compelling reason why it would not be in the child's best interest to return home, be referred for termination of parental rights and placed for adoption, be placed with a fit and willing relative or referred for legal guardianship.² The statute tries to put as many barriers as possible to prevent youth from aging out of the system without a permanent family connection.

As mentioned above, the goal for children in foster care is to discharge them as soon as possible to a permanent resource. Most children are discharged via reunification with their parents. Other discharges include adoption, KinGAP (which is through a legal guardianship and a KinGAP subsidy agreement), AWOL, and APPLA (aging out.)

Foster Care in New York City

Foster care in New York City has undergone a tremendous transformation since the creation of ACS in 1996- 20 years ago. In 1996, there were 41,669 children in foster care. Today there are **fewer than 10,000 children in foster care** (9,563 as of March 2016).³ This is a tremendous accomplishment.

In addition, the number of children and youth in congregate care settings has been dramatically reduced. In 1996, there were 4,340 youth who were living in group care settings and not families. Today, there are 818 youth in residential care, 8.6% of the foster children.

There are a number of reasons why foster care has declined so dramatically, including an increased focus on permanency over time and a tremendous increase in the continuum of preventive services available to keep children safely at home and out of foster care. In addition, many children were entering foster care in the 80s and 90s due to the crack epidemic and the advent of HIV/AIDS, which in the 80s left many children orphaned. With regard to congregate care placements, starting with Commissioner Mattingly, ACS made deliberate efforts to reduce the number of children living in these group settings. We have come a long way for sure.

¹ Family Court Action Section 1089(c).

² Id.

³ www.nyc.gov/acs. Visited 6/3/16.

Data is critical to understanding where the child welfare system has been, where it is going and what CCC and others should be advocating for in terms of budgets, legislation and policies. The child welfare data currently available has helped in this and we hope the passage of the bills being discussed today will provide us with even more guidance.

Here is a closer look at the current foster care system:

Age:

Children in foster care run the age gamut. Notably, a substantial number of children enter foster care very young or as teenagers. It is therefore critical that the foster care system is able to address the needs of children and youth of all ages.

- Since CY 2013 and up through March 2016, the percentages of children entering foster care at various age ranges has been consistent: about half of children entering foster care are newborn-5 years old; about 20% are 6-11 years old and about 30% are 12 years of age and over at the time of entry.⁴
- Point in time data about the ages of children currently in foster care is not publicly available. The most recent data CCC has is from 2013. At that time, about one third (35.8%) were under 5 years old; another third (30.1%) were 6-13; about one fifth (20.4%) were 14-17 years old; and 13.7% were 18 years or older.⁵

Race/ethnicity:

While CCC does not have the most recent race/ethnicity data, the race/ethnicity of the City's child welfare system has consistently been disproportionately children of color. In 2014, Black children made up more than half of the foster care population (they make up 23.5% of the general child population). Latino children made up 31.6% of the foster children (they are 35.5% of the general NYC population). Asian and White children were 6% of the total foster care population.

We must be mindful of this disproportionate minority contact with the child welfare system when we put into place reform efforts.

Placements:

Being removed from a parent or parents is traumatic to a child. This trauma can be lessened if the child is placed in the home of someone familiar, such as a relative or close family friend.

In March 2016, about one-third (32.5%) of the 9,563 children in foster care were living in kinship foster homes (3,112 children). About half of the children (47.6%) were living in regular foster boarding homes (4,555 children). Another 864 children were living in treatment family foster care, 818 children were in residential care and 214 children were in special medical foster care.⁶

⁴ New York City Administration for Children's Services. Monthly Flash: May 2016, at 15.
<http://www1.nyc.gov/assets/acs/pdf/data-analysis/2016/FlashIndicators.pdf>

⁵ Citizens' Committee for Children. *Keeping Track of New York City's Children (2015)*, at 80.

⁶ New York City Administration for Children's Services. Monthly Flash: May 2016, at 16.
<http://www1.nyc.gov/assets/acs/pdf/data-analysis/2016/FlashIndicators.pdf>

Permanency

Despite all of the reforms and initiatives that have been put into place throughout the past 20 years, children in New York (and NYC) still have longer foster care stays on average than children in the rest of the country. While we would not necessarily want New York/New York City to have the shortest stays as that could mean we were not providing important services, for many of the children who have been in NYC's foster care could have probably benefited from achieving permanency more expeditiously.

According to the Mayor's Management Report, in FY15, 31% of foster children achieved permanency in 12 months or less.⁷ The median length of stay before adoption continues to remain over 50 months.⁸ Approximately 600-800 youth age of New York City's foster care system each year.

The federal government's oversight of child welfare includes the Child and Family Services Review (CFSR). This review includes a data component, where states are compared to one another, and an on-site review. In the most recent data review, New York has continued to lag behind other states:

- Maltreatment in care (rate): 46 out of 48 ranked states (did not meet national standards)
- Recurrence of maltreatment (%): 48 out of 48 ranked states (did not meet national standards)
- Permanency in 12 months (%): 35 out of 49 ranked states (did not meet national standards)
- Permanency in 12 months for children in care 12-23 months (%): 50 out of 51 ranked states (did not meet national standards)
- Permanency in 12 months for children in care 24 months or more (%): 48 out of 51 ranked states (did not meet national standards)
- Re-entry to foster care in 12 months (%): 40 out of 48 ranked states (did not meet national standards)
- Placement stability (rate): 3 out of 46 ranked states (met national standards)

Initiatives, Reforms and Outcomes

The child welfare system has three main objectives with regard to the children and families it serves: Safety, Permanency and Well-being. It is important to note that keeping a child safe and discharging him/her from foster care quickly does not necessarily ensure the well-being of the child.

Over time, ACS has implemented a number of reforms and initiatives aimed at improving safety, permanency and well-being. From Commissioner Scoppetta, to Commissioner Bell, to Commissioner Mattingly, to Commissioner Richter, and now with Commissioner Carrion, we have seen many initiatives that have helped countless children and youth and their families. With regard to foster care these have included family team conferencing, parent to parent, congregate care reduction, one year home, improved outcomes for children, realignment, foster parent recruitment campaigns, no time to wait, and the list goes on.

⁷ Mayor's Management Report, Fiscal Year 2015.

<http://www1.nyc.gov/assets/operations/downloads/pdf/pmmr2016/acs.pdf>

⁸ Id.

CCC is inspired by all of the work underway at ACS to not only decrease foster care length of stay, but also to ensure staff are better trained, fewer children age out of care, foster youth receive the education and support they need to go to college and foster parents receive the subsidies they need to better provide for children and youth. CCC is also pleased to see that ACS is conducting a significant amount of internal data analysis to both see where there are structural reforms that can be implemented and to begin to use predictive analytics. We look forward to continuing to collaborate with ACS to strengthen the child welfare system.

The City Council Bills

CCC is generally supportive of all of the bills being addressed at today's hearing: Intros: 1187-2016; 1191-2016; 1192-2016; 1196-2016; 1197-2016; 1199-2016 and Resolution 1073-2016.

With regard to all of the legislation, the data we at CCC analyze from ACS is invaluable. **We respectfully request that when ACS adds new data reports that they keep the prior year's report online as well; otherwise, we are unable to compare from one year to the next. This would apply to the new bills being discussed today, as well as previous data reports ACS produces.**

Below are some recommendations with regard to each piece of legislation:

1) Local Law 1192-2016: In relation to a foster care task force

CCC supports the creation of an interagency task force to develop and submit recommendations to the Mayor and the City Council with regard to improving services and outcomes for youth in foster care. We believe that this Task Force, which as drafted would include youth, providers, advocates, the City Council and relevant city agencies (ACS, DHS, DOE, DYCD, DOHMH and NYCHA) would be an invaluable way to address cross-systems issues for youth in foster care, and those age out of foster care. CCC appreciates the City Council recognizing that the Task Force should not last forever and that after the Task Force issues its recommendations there will be two years of annual reports regarding implementation of the recommendations.

CCC respectfully makes the following recommendations with regard to Local Law 1192-2016/the inter-agency task force:

- While CCC appreciates the City Council's attempt to keep the size of the Task Force manageable by limiting it to 17 members, we ask the Council to consider adding the following members:
 - Parent(s) with experience in the child welfare system. We suggest that both the Mayor and the City Council appoint a parent with prior child welfare experience.
 - Foster parent(s). We suggest that there be at least 1 foster parent added to the task force.
 - An additional advocacy organization appointed by the City Council. While, the proposed legislation includes 2 advocacy organizations appointed by the Mayor, we believe there could be value in the City Council also selecting an advocate.

- The Council may want to add a clause that would allow the Task Force to be extended if the Task Force believes that they need more time for implementation and the Mayor, the Speaker and the Chair of the General Welfare Committee all consent to the extension.
- With regard to the areas that the recommendations will address in Section d, we suggest adding post-permanency services (regardless of type of discharge) and access to youth employment opportunities.
- We believe that the Task Force reports could be a substantial amount of work and suggest that the legislation charge an entity to be responsible for coordinating this process, be it ACS, the City Council, an advocacy organization or a consultant brought on for this purpose.

2) Local Law 1196-2016: In relation to a report on permanency indicators

CCC supports Local Law 1196, which would require ACS to report publicly on a number of indicators related to permanency including the rate of maltreatment for children in foster care; repeat maltreatment; the percentage of children achieving permanency within 12 months, 12-23 months, and 24 months or more; the percentage of children discharged to reunification or KinGAP who re-enter care within 12 months (i.e. re-entry); the rate of moves for children in foster care; and the percentage of children who are AWOL.

We believe that ACS collects most, if not all of this data already, and reports a small portion of it in the Mayor’s Management Report. CCC supports ACS reporting on all of these indicators and respectfully makes the following recommendations for Local Law 1196-2016:

- CCC urges the City Council and the Administration to work together to make the burden on ACS of reporting pursuant to this local law as minimal as possible by enabling ACS to report in the manner ACS is already collecting this data wherever possible. CCC knows that ACS already collects much of this data and reports some of it in the Mayor’s Management Report.
- CCC respectfully requests that the definition of KinGAP be amended to more accurately reflect that the Council is referring to those children who have been discharged from foster care with a KinGAP finalization. The language in the proposed legislation focuses on children who could be eligible. CCC suggests defining KinGAP to be “the permanency and discharge outcome for children for whom a relative has become the legal guardian via court order and whereby the relative and ACS have entered into a finalized KinGAP agreement for a subsidy, pursuant to the Kinship Guardianship Assistance Program.”
- CCC respectfully requests the following amendments and additions to the indicators:
 - Sections 3, 4 and 5 are aimed at providing data with regard to children’s lengths of stay in foster care. As drafted it would require the percent of children discharged in less than 12 months; 12-23 months; and over 24 months. We ask for more specificity here:

- a) We would like to see both the number of children discharged and the percentage.
 - b) We would like to see the number and percentage discharged over the various periods of time in total but also by permanency outcome: reunification, adoption, KinGAP, guardianship or custody without subsidy, APPLA, other.
 - c) We would like for the periods of time to go further out than 24 months. The median length of stay before an adoption is 50 months, so ending with over 24 months is too short of a time to learn as much as possible from the data. We suggest reporting: Less than 12 months; 12-23 months; 24-35 months; 36-47 months; 48-60 months; over 60 months.
- Section 6 is requesting re-entry data for reunification and KinGAP. We respectfully request that the data for each discharge be reported out separately (meaning separate reunification re-entry data from KinGAP re-entry data.) We would also ask if ACS could report on re-entry for children who are adopted, if they are able to do this.

3) Local Law 1191-2016: *In relation to certain children who have spent the greatest length of time in foster care.*

This law would require ACS to report quarterly demographic data and barriers to permanency for the 200 children and youth who have been in foster care the longest amount of time. CCC supports this legislation in principle and believes that when ACS, the City Council, advocates and others have more information about the children spending the longest amount of time in foster care and their barriers to permanency, it will help us to direct resources, change laws, create new initiatives, etc. to address the barriers.

Our one concern with this bill is ensuring the confidentiality of the 200 children and that there be no way for the public or the child to deduce who the children are when they look at the report.

CCC respectfully makes the following recommendations with regard to Local Law 1191-2016:

- We have heard some concerns that if this report was published online, the children described in it would be able to figure out when they were discussed in the report. One option to address this would be to not require ACS to publish the report online, but rather to require ACS provide the report to the City Council. We would also suggest that there be a way for advocates to have access to the report.
- In Section b(4), instead of asking for the “barriers to placement” we suggest labeling this, “barriers to **permanency.**”
- With regard to the barriers list, we suggest working with ACS to create a fairly detailed list of barriers. Some additional items to consider include: Grounds for TPR took time to achieve; family court delays; no permanency resource yet found; juvenile incarceration; etc.
- CCC respectfully requests that the definition of KinGAP be amended to more accurately reflect that the Council is referring to those children who have been discharged from foster care with a KinGAP finalization. The language in the

proposed legislation focuses on children who could be eligible. CCC suggests defining KinGAP to be “the permanency and discharge outcome for children for whom a relative has become the legal guardian via court order and whereby the relative and ACS have entered into a finalized KinGAP agreement for a subsidy, pursuant to the Kinship Guardianship Assistance Program.”

4) *Local Law 1199-2016: In Relation to surveys for youth in foster care regarding experiences with foster parents*

CCC greatly appreciates the thoughtfulness of this piece of legislation and the desire to capture the experiences youth are having in their foster homes. We also understand that this legislation is responsive to suggestions from youth who have been in foster care and we thank the City Council from listening and responding to these youth voices.

We support this legislation but respectfully submit the following recommendations:

- In general, we suggest that ACS and the City Council work with someone who is an expert in surveys to develop the survey instrument. For example, while some of the questions should be yes/no, we believe some of them should be restructured with a scale (e.g. always, almost always, sometimes, never) and some of them should be Yes/No with follow-up (if yes- please answer). For example, question number 6 with regard to whether the young feels they are treated as a member of the family might be better asked as a scale rather than yes/no.
- We suggest that ACS and the City Council think about how best to engage youth 13 and older in filling out this survey. We appreciate the legislation requiring that the young person complete the survey outside the foster home. We ask ACS and the Council to consider ways that the survey could be conducted electronically and/or as an App on a mobile device.
- We suggest that there also be a survey for youth ages 13 and older who are residing in residential care. The first question on the survey could ask whether they are living in a foster home or in residential care and then direct the youth to appropriate questions based on that response.
- We suggest that the survey have additional questions with regard to implementing normalcy/the reasonable and prudent parent standard. We believe the barriers to implementation (besides training) have been addressed now that ACS has included additional funding in the budget (via special payments) and the state has passed a statute protecting foster parents/residential programs from liability if a child is hurt when the standard is applied (e.g. when a child breaks their leg playing soccer.) Specifically we suggest adding questions like:
 - Have you been asked what activities (e.g. academic, music, sports, theater, etc.) you would like to participate in? If yes, have you been able to participate in activities?
 - Have you been able to participate in activities with your friends from school (such as sleepovers or school trips)?

- The Council may want to consider requiring that the results of the survey be provided to the Foster Care Task Force and that the Task Force amend its recommendations based on the survey findings, where appropriate.

5) Local Law 1190-2016: *In relation to a report on educational continuity of children in foster care.*

Educational stability is critical for foster children. Research has shown the detrimental impact moving schools has on educational outcomes for foster children and youth. In addition, for children who are removed from their families, being able to attend the same school with their teachers and friends provides them with an important point of continuity at a time in their lives when there is much trauma and upheaval. Furthermore, educational stability for foster children is federal law.

CCC supports this local law and looks forward to seeing the data with regard to educational stability both for children entering foster care and children moving placements while in care. We understand that there are times when it is appropriate to change schools such as to allow a child to be placed with a relative, or because a child is not safe in the school of origin, or because the child is not connected to the school. We appreciate that the legislation allows ACS to provide data regarding the reasons why educational stability is not always in the child's best interests.

We respectfully make the following suggestions with regard to Local Law 1190-2016:

- We believe it would be helpful if the data was disaggregated either by grade level (e.g. K, 1, 2, 3, etc.) or by type of school (elementary, middle, high). We think that there are important differences that would be captured by reporting the data disaggregated by grade level.
- It might also be helpful for ACS to report out on how often ACS/DOE are required to make transportation arrangements to accommodate educational stability.

6) Local Laws 1197-2016 and 1187-2016: *Amendments to previously passed City Council data reporting laws related to foster youth and obtaining government-issued identification for youth. In addition the Local Law to amend Local Law 49 with regard to high school graduation rates.*

CCC is grateful for all of the efforts the Public Advocate Tish James and Council Members Levin, Dromm and Cumbo put forth to pass these bills two years ago. CCC also appreciates all of the work that ACS has clearly put into reporting out the data required by these three Local Laws of 2014 (Local Law 46, 48 and 49 of 2014).

While the past two years of data have been interesting to review, the way the data is reported does not enable one to know if outcomes have improved, remained the same, or gotten worse in a number of the areas. This is because most of the data required asks merely for the number of foster children (with regard to housing, permanency, SIJS, birth certificates, etc.) The reports do not provide the base so one does not know how many children there are of a certain age.

The amendments attempt to resolve this issue by asking ACS to report out the number of children in the different age categories.

In the current bill about foster youth leaving with government identification, ACS is required to report out how many children and youth receive various IDs (driver's license, social security card, birth certificate, etc.) While this is helpful, there is no way to know how many individual children left care with one form of ID versus one child leaving with multiple forms.

The other addition is to Local Law 1197 (amending Local Law 46 of 2014), which adds reporting on the number of former foster children who are homeless or receiving public assistance or SNAP. These items were in the original proposed law, but were removed from the final legislation due to a request by ACS.

CCC supports the proposed legislation.

We respectfully we make the following recommendation:

- We suggest that ACS, the Public Advocate's Office, the City Council and other advocates using the reports (like CCC) meet together to understand from ACS how the reporting could be less onerous but more meaningful. This could include combining some items and/or reporting out percentages in addition to whole numbers.

7) Reso 1073-2016: Calling upon the New York State Legislature to pass, and the Governor to sign A. 7756-A, in increase the housing subsidy amount from \$300 to \$600 per month and to extend the age of eligibility from 21 to 24.

At the State level, CCC has been spearheading efforts to amend the child welfare housing subsidy, Social Service Law Section 409-a. This work has included working with Assembly member Hevesi, who introduced A7756-A this past winter. This bill includes three components: increasing the amount of the monthly subsidy from \$300-\$600; increasing the age for youth from 21 to 24; and allowing those who use the subsidy to have roommates.

Unfortunately, as we were advocating for this legislation throughout the winter and spring, CCC and other advocates encountered a stumbling block, which was the City only supporting the portion that would increase the amount, which was consistent with a bill introduced by Senator Avella. As we tried to resolve this issue through a variety of advocacy efforts CCC organized in Albany, we also worked with the de Blasio administration. By late Spring, ACS and HRA had met with Assembly member Hevesi and were developing new language with regard to the age increase that the City would be more comfortable with. Unfortunately, neither the state Assembly or the Senate have amended their bills and it does not seem like this bill will pass this session.

CCC has not given up and will be pushing hard for this bill to move next year- using the City's language. We are so grateful for the City Council's support for this bill, in your budget response and now through this legislation.

We urge you to amend the language in the resolution to support the amendments related to housing subsidy, not only for youth aging out of foster care but for families receiving the subsidy, as well.

Housing stability and child welfare are inextricably linked. Research has shown a higher rate of homelessness among those involved with the child welfare system than other low-income families and that housing can be a barrier to reunification.⁹ “Homeless families are more likely than their non-homeless counterparts to be the focus of a child protective services (CPS) investigation, to have an open child welfare case or to have a child placed in out of home care.”¹⁰ Furthermore, as documented in a recent U.S. Department of Housing and Urban Development (HUD) report, youth who age out of foster care are at a heightened risk of homelessness.¹¹

In 1988, New York created the child welfare housing subsidy to help address homelessness and housing instability for families with open child welfare cases and youth aging out of foster care. Specifically, since 1988, the law has authorized local social service districts to provide eligible families and youth with a housing subsidy of up to \$300 per month for up to 3 years or until reaching the limit of \$10,800. The housing subsidy program is a preventive service, pursuant to State Social Service law and corresponding regulations.¹²

The goal of the child welfare housing subsidy program to stabilize housing situations and prevent homelessness so as to help prevent foster care placements, expedite reunification, and help youth aging out of foster care. Thus, families with open CPS investigations, families receiving preventive services, families where children are reunifying from foster care, and youth ages 18-21 have been eligible for the housing subsidy.

Given that the \$300 monthly limit has not increased since 1988, has not been adjusted for inflation, and does not reflect the Fair Market Rent in New York City (or almost all counties in New York), the \$300 housing subsidy is no longer a significant enough rental assistance mechanism to secure and stabilize housing for families or youth aging out of foster care in almost any county in New York State. If the \$300 subsidy is adjusted for inflation using the United States Department of Labor Consumer Price Index (CPI) inflations calculator, \$300 in 1988 has the same buying power as \$602.11 in 2014.¹³

With regard to New York’s youth, the child welfare laws enable youth to remain in foster care up to age 21. For those youth who choose to do this, they are not ever able to receive the housing subsidy, as it has been interpreted to end at age 21. These youth never get the opportunity to have avail themselves of the child welfare housing subsidy, which would otherwise be an important support for these young adults as they first learn to live on their own, pay rent, and support themselves.

⁹ Dworsky, Amy. Families at the Nexus of Housing and Child Welfare. Chapin Hall. Nov. 2014. <http://childwelfaresparc.org/wp-content/uploads/2014/12/Families-at-the-Nexus-of-Housing-and-Child-Welfare.pdf>.

¹⁰ Id.

¹¹ U.S. Department of Housing and Urban Development (HUD). Housing for Youth Aging out of Foster Care. May 2014. http://www.huduser.gov/portal/publications/pdf/youth_hsg_main_report.pdf.

¹² Social Service Law Section 409-a(5)(c); 18 NYCRR 423.3(b)(ii); 18NYCRR 423.4(l).

¹³ U.S. Department of Labor, Bureau of Labor Statistics. *CPI Inflation Calculator*. http://www.bls.gov/data/inflation_calculator.htm. Visited 11/26/14.

The federal government has recognized the value of enabling youth to remain in foster care through age 21 (rather than 18) and in 2008 passed the Fostering Connections to Success Act, which extended federal reimbursement for foster care up to age 21. Other states are now beginning to follow New York's lead in this area. Extending the child welfare housing subsidy through age 24 would be in line with this practice and best support young people through age 21 and beyond.

Finally, for families and even more so for youth, the high cost of housing and the benefit of living with others, often leads most New Yorkers to have roommates. This bill makes it clear that those receiving the child welfare housing subsidy can also have unrelated roommates.

In summary, to ensure the housing subsidy program is better able to prevent homelessness and address housing instability for families and youth aging out of foster care, this statute includes three components:

- Increases the monthly limit to \$600 (from \$300)
- Increases the upper age limit of subsidy eligibility from 21 to 24 so that youth who age out of foster care from ages 18-21 can avail themselves of the subsidy for up to 3 years.
- Allows those receiving the housing subsidy to live with unrelated roommates/not be required to be the leaseholder.

These steps would go a long way towards helping to address the homeless crisis, and will strengthen and support families involved with the child welfare system and youth aging out of foster care. We urge the City Council to amend this resolution to support all three components and all those who would benefit from the subsidy, including families who avail themselves of subsidy to prevent foster care, to assist with reunification, as well as youth who have been in foster care.

The Future

We look forward to working with the City Council and ACS to not only implement this legislation and use the data that comes out of it, but to advance, advocate and secure resources for the child welfare system and the foster care system in particular. We think that this package of legislation is an enormous step forward with regard to foster children, particularly foster youth.

As we continue to work to strengthen the child welfare system, we hope that the City Council, ACS and the advocates can also discuss additional measures that might better support younger foster children.

In addition, the best way to prevent youth from aging out of care and to prevent the trauma of foster care for all children, youth and parents, is to prevent children from coming into foster care in the first place. ACS has one of the most extensive continuums of preventive services in the country. New York State and New York City have invested significant resources in prevention.

When I speak with my colleagues from other states and counties, they are all extremely impressed (and jealous) by the preventive services we have here in NYC. Notably, ACS's budget includes additional funding for both slots for families and a new primary prevention model, similar to what New Jersey has implemented.

We are eager to learn more about the impact of these budget enhancements and the City's preventive system in general. We would encourage the City Council to hold a hearing on preventive services so that we can learn more about the work underway at ACS with regard to prevention. CCC would also be interested in seeing more preventive services data publicly available.

Finally, at the federal level, the Family First Prevention Services Act was recently introduced in the House. CCC co-chairs the New York Coalition for Child Welfare Finance Reform. Federal funding for child welfare focuses on funding for children in foster care, meaning that they pay more for more care days and nothing for prevention. This new law opens up federal funding for preventive services, and also attempts to reduce the use of congregate care and extends Chafee independent living funds to youth up through age 23 (it now ends at 21). CCC is supporting these federal efforts and encourages the City Council to weigh in supportively with your federal counterparts.

Conclusion

CCC wants to give a tremendous thank you to Council Member Levin, Council Member Levin's staff, and the General Welfare Committee staff who have worked so hard on this bill package. We thank you for your efforts and your eagerness to collaborate with CCC and other advocates and providers. We look forward to the passage of these bills and our work together, with the Administration, to strengthen the child welfare system.

Thank you for the opportunity to testify.