



2019-2020 Policy Priorities

Persons in Need of Supervision (PINS) Reform. While we strongly support the proposal to eliminate PINS detention in the Governor's Proposed Budget Article VII bill, we urge the Legislature to reject other provisions contained in the bill as they would eliminate State support for PINS prevention and diversion services and would leave many PINS youth without safe placement options.

With respect to the proposal to eliminate state support for PINS prevention and diversion, eliminating the ability of counties to rely on the child welfare funding stream diminishes the ability of localities to deliver family supports, respite, and preventive and diversion services to PINS youth and their families. With respect to PINS placement, while we believe the placement of PINS into foster care should be rare, we are concerned that the proposal is overly broad in limiting family courts' ability to order foster care placement. Even with the proposed exception, which requires a finding that the child has already been the victim of sex trafficking or abuse, the Court is prohibited from making a placement when there is *risk* of such victimization or other harm.

We recommend amending language in the Article VII ELFA Bill to:

- **ensure that counties are reimbursed for ALL PINS prevention and diversion services through the open-ended child welfare services funding stream since diversion, respite, and family support services prevent placement of youth into foster care as well as their involvement in the criminal or juvenile justice systems.** And,
- **allow PINS youth to be placed with the Commissioner (in foster care) when the court determines it is necessary.** Modifying the bill language is important to ensure the safety of youth and protect them from victimization or harm. Failure to make these changes also leaves families who are afraid of the negative actions and consequences for their teens without any support.

Strengthen Preventive Resources for Families

- **Maximize Investments in Evidence-Based Preventive Services and Implement Family First Prevention Services Act's Prevention Provisions:** The new federal Family First Prevention Services Act (FFPSA) will allow states to seek federal reimbursement for evidence-based preventive services. We urge New York to adopt this provision of the new federal law to help fund existing services, and to expand access to evidence-based preventive programs.
 - **Restore State Funding for Preventive Services:** To help meet eligibility criteria for federal funding under FFPSA and support counties' efforts to both expand and implement evidence-based preventive services, the State should **restore preventive funding** from 62% state share back to 65%, as is written in state statute, and **designate the restored funds to used be by counties to support evidence-based services.** State reimbursement for preventive and protective services, which is set at 65% in statute, has been reduced to 62% through the state budget each year since 2008.

This investment in expanding evidence-based prevention will help to ensure that children

and families across the state have access to high-quality preventive services when they're needed, and will increase the number of programs and services that will be eligible for federal reimbursement under FFPSA. To ensure that the funding expands service availability, new funds – both state dollars and federal reimbursement under FFPSA -- should be used to supplement, not supplant existing state reimbursement for preventive services.

Improve Supports for Young People Leaving Foster Care

- **Remove KinGAP from the Foster Care Block Grant:** In 2017, New York amended its Kinship Guardianship Assistance Program (KinGAP) to make more families eligible. However, KinGAP continues to be under-utilized across the state; in 2017, there were 3,645 children in foster care with a relative,ⁱ but only 481 children statewide left foster care for a KinGAP arrangement.ⁱⁱ Of the 481 children leaving foster care to KinGAP, 378 were in New York City.ⁱⁱⁱ There is a clear opportunity to expand the use of KinGAP across the state.

To facilitate expanded use of the program and ensure that more counties are financially incentivized to use KinGAP, New York should remove it from the Foster Care Block Grant (FCBG). Because counties must prioritize their FCBG funds to be used for foster care, funding KinGAP from limited FCBG funds may, in some cases, create a disincentive for counties to utilize KinGAP. We propose that the State remove this disincentive by reimbursing counties for KinGAP subsidy payments in a manner akin to reimbursement for adoption subsidies, creating a designated funding stream for KinGAP and enabling foster care funding to be used for children in foster care.

- **Strengthen the Child Welfare Housing Subsidy:** Since 1988, the Social Service Law has provided for a child welfare housing subsidy of up to \$300 per month to help stabilize housing for families and youth and prevent children from entering foster care, help families when children reunify from foster care, and help youth who age out of foster care. Due to the low subsidy amount, the child welfare housing subsidy is no longer able to effectively prevent homelessness for families and youth involved with the child welfare system.

To ensure the housing subsidy is better able to stabilize housing for families and youth, the State should:

- Increase the monthly housing subsidy allowance to \$600 (from \$300);
- Increase the upper age limit eligibility from 21 to 24 so that youth who age out of foster care at 21 can avail themselves of the subsidy for up to 3 years;
- Ensure those receiving the housing subsidy can live with unrelated roommates.

Restore State Funds to the Foster Care Block Grant: Since 2002, the State of New York has provided county reimbursement for foster care costs via a capped block grant. The block grant supports reimbursement for costs associated to providing foster care. In 2017-2018 fiscal year, the State reduced its block grant appropriation by \$62 million. Counties' child welfare systems already operate on tight budgets, and these cuts impacted a system already strained by current events such as the opioid epidemic and facing challenges related to staff retention due to funding-related salary issues. We urge the State to restore funding to the Foster Care Block Grant to ensure that counties have the resources they need to provide quality foster care services to the children and young people in their care.

ⁱ <https://ocfs.ny.gov/main/reports/maps/counties/New%20York%20State.pdf>

ⁱⁱ <https://ocfs.ny.gov/main/reports/Trends-in-Relative-Placements-2017.pdf>

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