

**TESTIMONY
JOINT LEGISLATIVE HEARING
ON THE GOVERNOR'S PROPOSED HUMAN SERVICES BUDGET
FEBRUARY 9, 2021**

**Supporting the 188,000 Children Living with Grandparents and Other
Relatives Who are *Not* in Kinship Foster Care**

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Executive Summary

The NYS KinCare Coalition represents the kinship community in New York State. Led by the statewide Kinship Navigator with participants from the 14 local kinship programs, the 15 regional permanency resource centers, kinship legal service providers, and voluntary foster care agencies, the Coalition seeks to improve supports for New York State kinship families: grandparents, other relatives, and family friends who provide care for an estimated 195,000ⁱ children not living with their parents. Most children in kinship care are NOT in foster care: less than 7,300 of kinship children are in kinship foster care, while the remainder live with kinship caregivers either by court order or informally, with no official designation.ⁱⁱ

Children live with kin for similar reasons as to why they might enter non-relative foster care, such as: parental abuse/neglect, substance abuse, incarceration, and other safety concerns. Children in these homes experience the same special needs as children in foster care: emotional and behavioral disorders, educational disabilities, trauma, and loss. Kinship caregivers tend to be single, older, and are more likely to be disabled and on a fixed income. Despite the challenges, the research is clear: children have better outcomes when they live with kinship caregivers. By providing a greater likelihood of having a permanent home, maintaining connections to siblings and other extended family, and a remaining connected to a sense of cultural identity, kinship homes lead children to better behavioral and mental health outcomes in the short-term, and decreased adverse health effects as the child enters adulthood.ⁱⁱⁱ

New York State funds a statewide Kinship Navigator (information, referral, advocacy, and education services) and 14 localized kinship service providers (which cover 25 counties, and provide case management, respite, and support groups) administered by the Office of Children and Family Services. Responsibility for meeting the needs of kinship families who are not in foster care primarily falls to the 14 local kinship services and the Kinship Navigator. During the Covid-19 pandemic, these programs have provided valuable services to kinship caregivers and their families – helping provide food, clothing, access to technology, and other vital resources during these unprecedented times, and their work is important to the stability of the families they serve.

The 2021 Consolidated Omnibus Appropriations Act approved states to draw down a 100% match for dollars spent by the States on kinship services. With evidence-based requirements being temporarily waived by the federal government to obtain matching dollars, all 14 programs and the Statewide Kinship Navigator are eligible to receive matching funds to extend the scope of their work. State funding programs is vital for federal matching dollar eligibility.

Budget Requests:

- 1. Restore the legislative addition for local kinship programs of \$1,900,000 to fully fund 14 local kinship care programs.**
- 2. Continue adding \$100,000 for NYS Kinship Navigator funding to fully fund at \$310,000.**



Kinship Services - Budget Proposals

The two budget proposals focus on supports for non-foster care kinship families and seeks to restore budget cuts made last year. Ensuring that programs are fully funded is vital to not only providing crucial services for families, but also makes NYS eligible for a 100% match of federal IV-E funds for all state funded kinship services.

Priority 1: Fund Local Kinship Support Services at \$2.22 Million

Since 2016, the Governor has funded the local case management programs at \$338,750, and the legislature has added \$1,900,000 for a total of \$2,238,750 that funds 14 local kinship “case management” programs. In FY 2020, the legislative funding did not get the planned Senate contribution of \$950,000 in the final budget, while the Assembly still added \$950,000. OCFS stepped in and found dollars to make up for the deficit but cannot commit to this yearly. Based upon the final funding, new awards were announced to fund 14 programs serving 25 counties.^{iv}

Letter dated June 12, 2020 OCFS Commissioner Poole: *“As you know, Governor Cuomo and OCFS are committed to our mission of promoting the safety, permanency, and well-being of NYS’s children, families and communities. OCFS recognizes the importance of the services local kinship programs provide to informal kinship families and the need to support the continuation of these programs. It is for this reason that OCFS has identified funds to support 14 kinship caregiver programs.”*

In his 2021-22 Executive Budget, the Governor provided \$322,000 for these programs, a cut from his normal addition of \$18,750.

The local kinship programs offer case management services to non-foster kinship families^v and are vital toward helping children achieve stability and permanency. Services include counseling, support groups, parenting skills training, youth development information, respite, legal information, access to financial assistance, and information, referrals, and linkages to other needed services. These programs, which serve over 1,500 children each year, help keep children out of foster care and safe at home with kinship caregivers, saving hundreds of millions in possible foster care costs (see Cost Study in Appendix C).

Restored funding will mean the 14 organizations who provide services for kinship caregivers can continue the valuable work of stabilizing kinship families. The 2021 Consolidated Omnibus Appropriations Act approved states to draw down a 100% match for dollars spent by the States on kinship services, and these programs would be eligible to expand their service provision with matching federal dollars. In the past, inconsistent funding opportunities have caused some excellent kinship programs to cease offering services and close their programs. Therefore, it’s important that existing quality programs continue to be funded.



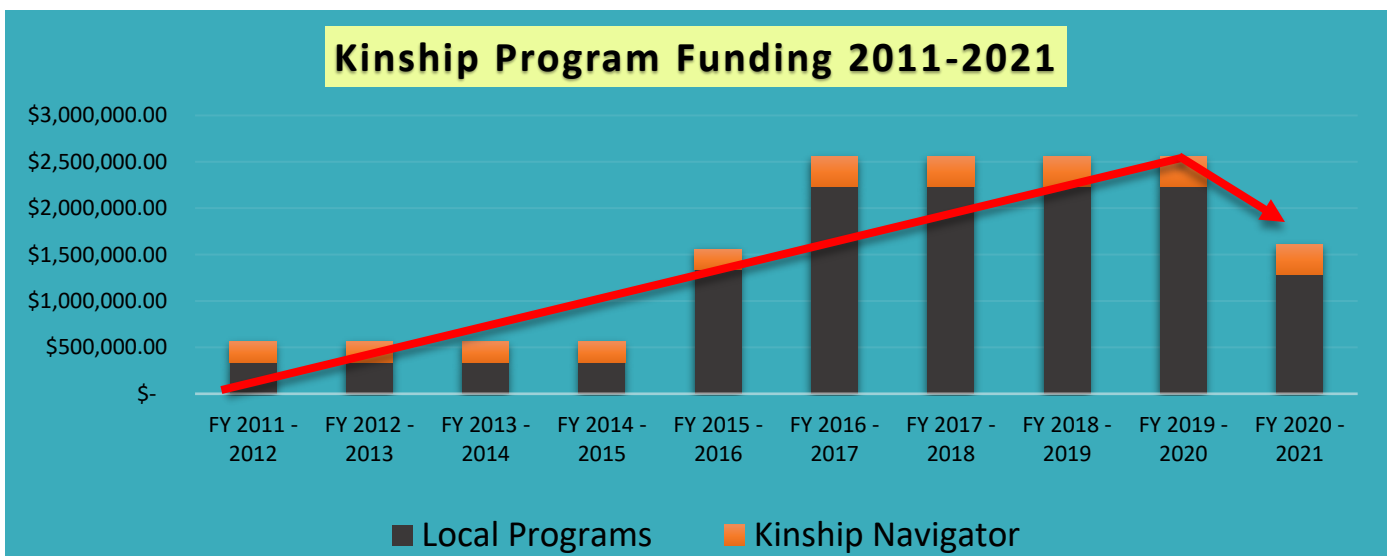
Priority 2: Fund the Statewide NYS Kinship Navigator at \$310,000

Since 2010, the Governor has funded the Kinship Navigator (KN) at \$220,500, and since 2016 the legislature has added \$100,000 (total funding: \$320,500). In his 2021-22 Executive Budget, the Governor provided \$210,000 for KN, a cut of \$10,500.

The statewide Kinship Navigator is the only available resource to all kinship families (not restricted by custodial arrangements as other programs are) in all 62 counties. The program is administered by the Office of Children and Family Services (OCFS) and is operated by the Catholic Family Center in Rochester. KN helps over 4,000 callers each year by connecting them to kinship resources such as financial benefits, permanency information, and facilitating referrals to local support services. Its website serves as the central database for all NYS’s kinship information on more than 50 topics ranging from obtaining a birth certificate and enrolling children in school to filling out applications for college student loan aid.

As part of preparing for the implementation of the Families First Prevention Services Act, OCFS is working with the Kinship Navigator and the Center for Human Services Research to evaluate services to meet the evidence-based requirements to ensure federal matching dollars will continue in years to come. This federally funded initiative is in its third year to evaluate the effectiveness of assisting caregivers with its virtual case management model, and a peer mentor model being provided by local services. Virtual assistance is especially relevant during the COVID pandemic and was ahead of its time as a program installed before the pandemic hit.

In addition to a 100% federal match on funds spent by the State on kinship services, the 2021 Consolidated Omnibus Appropriations Act approved a fourth year of funding to continue to evaluate kinship services for evidence-based criteria. The funding will be used to continue to enhance and evaluate services provided by the Navigator and local programs.





Appendix A

Kinship Caregiver Program Awardees

Albany Region

St. Catherine's Center for Children (Albany, Schenectady)

Buffalo Region

Baker Hall, Inc. (Erie, Chautauqua)

Catholic Charities of Buffalo NY (Allegany, Cattaraugus)

Syracuse Region

Community Action Program for Madison County, Inc. (Madison, Chenango)

The Neighborhood Center, Inc. (Oneida, Herkimer)

Liberty Resources, Inc. (Oswego, Onondaga)

Rochester Region

Hillside Children's Center (Monroe, Erie)

Catholic Charities of the Diocese of Rochester (Monroe, Wayne)

Long Island and Westchester Region

Hope for Youth, Inc. (Nassau, Suffolk)

Family Service Society of Yonkers (Westchester, Rockland)

St. Catherine's Center for Children (Ulster, Greene)

New York City Region

Family Center, Inc. (Brooklyn, Richmond)

Bridge Builders Community Partnership, Inc. - D/B/A Bridge Builders (Bronx, Manhattan)

New York Council on Adoptable Children, Inc. (Manhattan, Queens)



Appendix B

Non-Budget Kinship Legislative Priorities

Priority 1: Define the Term “Kinship Caregiver”

Kinship Caregiver is the accepted term for grandparents, relatives, and family friends caring for children. The term should be defined in SSL §371 to ensure uniformity of usage in statutes, administrative directives, and in determining eligibility for services.

2020-21 Bill Numbers:

A3496 (Hevesi)	S52 (Persaud)
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Priority 2: Extend Kinship Caregiver Rights for Custody and Visitation

Amend DRL § 72 to empower all kinship caregivers, not just grandparents, to have legal standing to petition for visitation or custody when they have cared for a child for more than 12 months.

2019-20 Bill Numbers:

A8316 (Wright)	S5648 (Montgomery)
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Priority 3: Ensure Safety in Kinship “Safety Plans”

Alternative living arrangements (aka “safety plans”) place children with kinship caregivers via informal arrangements initiated by Child Protective Services in order to avoid formal removal proceedings. The practice is commonly used but not adequately monitored or regulated, threatening the potential safety and permanency for the youth and kinship caregivers:

1. Determine when “Alternative Living Arrangements” may be used
2. Collect data on these arrangements
3. Enact a pathway into kinship foster care for children who need additional support

Priority 4: Collect Court and Child Welfare Data on Kinship Families

Data on kinship arrangements from Family Court and OCFS are missing key elements needed to inform best practice. The state needs to:

1. Collect Family Court data on orders of custody and guardianship involving kin as parties.
2. Collect OCFS data on permanency achieved through kinship custody or guardianship pursuant to neglect or abuse cases.

Priority 5: Yearly Commemoration of Kinship Care Month

Since 2014, the Legislature have passed resolutions and the Governor has issued proclamations declaring September as Kinship Care Month in recognition of the families who sacrifice to keep children safe in their homes. We request this be done again in 2021.

Appendix C

Foster Care and Kinship Care Cost Analysis and Savings Profile

Summary

This paper presents a brief overview of the costs associated with non-foster kinship care compared to the costs of foster care. The state had 15,399 children in foster care as of September 30th, 2020. It is estimated that each year New York spends \$1.4 billion on foster care expenses for these children – with funding split between federal, state, local and some private resources. To sustain one child in foster care for one year, the cost is about \$90,000.

Conversely, it is estimated that there are 195,000 children being raised by kinship caregivers (relatives and family friends), with only about 7,300 of those children being in the foster care system. For the children who are not in foster care (but who otherwise would be were it not for the intervention of their families), the state spends approximately \$89 million on behalf of these families. The large majority of this spending, \$86 million, is public assistance which is federally funded. The state only spends \$2.5 million on supportive services. To sustain one child in a kinship home with supportive services and public assistance benefits, the cost is about \$5,223.

Research is clear that children do better when in the home of a kinship caregiver as opposed to being put in foster care with a stranger, or worse, a group home. We seek to make the argument that by investing in the development of a robust kinship service support system the state can vastly reduce its spending on foster care while at the same time increasing positive outcomes for children.

Below is a breakdown of the estimated costs associated with Non-Foster Kinship Care and those of the Foster Care system. Data points are referenced throughout.

Total Non-Foster Kinship Care Expenditure: \$88,741,330

- Cost of one child in a non-foster kinship home with supportive services and public assistance benefits for one year: \$5,223

Total Estimated Foster Care Expenditure in NYS: \$1,396,448,309

- Cost of one child in foster care for one year: \$90,684

Calculations of Non-Foster Kinship Care Costs

There are an estimated 195,000 children being raised by kinship caregivers in New York.^{vi} Only 7,297 are children in foster care with relatives who are their certified foster parents (about 41% of all foster care in NY is children who live with kinship foster parents).^{vii} This means that the majority of kinship caregivers (96%) are raising children outside of foster care, and that will change what access to resources, supports, and benefits they have at their disposal. Most children who live with kin are there for the same reasons they might otherwise be in foster care, namely, abuse and neglect, parental substance abuse, mental health, and/or incarceration.^{viii}



TANF Non-Parent “Child Only” Grants

As of October 2020, there were 14,888 TANF Non-Parent Child Only Cases reported by OTDA.^{ix} These cases cover 20,958 children, an average of 1.36 (1.4) children per case. It is estimated that only about 15% of eligible children receive the grant.^x The non-parent child-only grant is federally TANF funded if a child is living with a relative related by blood, marriage, or adoption. It is funded by Safety Net dollars for children living with non-relative (fictive) kin.

The grant for one child is approximately \$430^{xi}; and for a second child approximately \$130^{xii}. With an average 1.4 children per case, we have calculated the average cost per child:

Cost per month per child: \$342

Cost per year per child: \$4,112

Estimated 2020 Total TANF Non-Parent Child Only Grant Spending: \$86,182,080

Program Supports for Kinship Families

Since 2016, the NYS Budget has appropriated \$2,238,750 to fund local kinship care programs, \$338,750 from the Governor, and \$1.9 million from the legislature. OCFS funded 22 local kinship programs in 2018-19, and 19 local kinship programs in 2019-20 at an average of \$100,000 per program. A new RFP was released in 2020, and 14 programs were awarded funding for 9/1/20 – 8/31/21 at \$150,000 each. NYS also funds a Statewide Kinship Navigator program which does information, referral, education and advocacy. The Navigator is funded at \$220,500 from the Governor, and \$100,000 from the legislature for a total of \$320,500.

The number of children served by 22 Kinship programs for contract year 9/1/17-8/31/18 was 2,034 children. For contract year 9/1/18 – 8/31/19, 19 kinship programs served 1,661 children. At an average of 90 children served per program, the program costs equal \$1,111 per child.

Cost of one child served by a local kinship program per year: \$1,111

With a Child Only Grant: \$5,223

Total State Kinship Care Support Services (2020): \$2,559,250

Total Non-Foster Kinship Care Expenditure (2020): \$88,741,330

Calculation of Foster Care Costs

According to OCFS data, on September 30, 2020 there were 15,399 children in foster care.^{xiii} Foster care costs vary as children may live with in a home-based setting, or a congregate care setting (residential facility or others) and can vary based on a child’s level of needs and age. Sample cost differential calculations:



Average cost of one child in congregate care for one year: \$137,000

Average cost of one child in family-based foster care for one year: \$27,000^{xiv}

Foster Care Funding Streams

Federal

In 2018, NYS spent \$369,648,082 federal dollars on foster care.^{xv} Most of this is Title IV-E reimbursement. Title IV-E reimburses 50% of foster care expenses for eligible children.^{xvi} In 2014, NY claimed IV-E funds for 60% of children in foster care, meaning that 9,239 children would be eligible for a 50% reimbursement in 2020.^{xvii}

State and Local

In New York, 64% of the total foster care expenditures in the state were made by State and Local sources.^{xviii} This means that the \$369,648,082 in federal reimbursement is only 36% of the total expenditure for foster care. Leaving a remainder of \$1,026,800,227 as the total State and Local share. The State appropriated \$383,526,000 in the foster care block grant for FY 2020-21.^{xix} The remaining costs are \$643,274,227 which are covered by local, private, and other state resources.

Estimated Foster Care Spending

State Allocation for the Foster Care Block Grant: \$383,526,000

Total State and Local Spending: \$1,026,800,227

Total Federal Spending on Foster Care (2018): \$369,648,082^{xx}

Total Estimated Foster Care Expenditure in NYS: \$1,396,448,309

Expenditure per child in all foster care: \$90,684

Conclusion

Kinship Care has been the de facto child welfare system since the dawn of time. It is a natural resource for children who cannot safely live with their biological parents and is a tried and true system for keeping children safe. Currently, there is no standardized way in which the state chooses to utilize kin as a resource (whether as a private placement option, or to certify as a foster parent). Children who experience trauma are known to have better long-term health outcomes when placed with kin as opposed to foster care with strangers, or worse, congregate care.^{xxi} Keeping children with family and people they know is both best for children and saves money. Supporting children in these families costs significantly less than having them be pulled into foster care with strangers and can offer vital access to resources that help families maintain permanency without the need to enter foster care.

Contact Information

For information regarding kinship care, please contact:

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ⁱ Estimate taken from the American Community Survey 5-Year Subject Estimates, Grandchildren Characteristics Table, 2014-2018, and expanded to reflect other non-grandparent raised children. Report retrieved from:

<https://data.census.gov/cedsci/table?q=S1001&g=0400000US36&tid=ACST5Y2018.S1001>

ⁱⁱ Family First Prevention Services Act: Outcome Monitoring Report, Number and Percentage of Children in Care and Custody by Setting Type, Sept 30, 2020. Table retrieved from: <https://ocfs.ny.gov/main/sppd/family-first-data.php>

ⁱⁱⁱ Generations United 2017 Grandfamilies Annual Report: In Loving Arms, The protective role of grandparents and other relatives in raising children exposed to trauma. Retrieved from: <https://www.gu.org/app/uploads/2018/05/Grandfamilies-Report-SOGF-2017.pdf>

^{iv} See Appendix A for a list of programs

^v The local kinship programs also are unable to serve caregivers who have orders of guardianship (most often achieved through KinGAP). The restriction does little to prohibit these programs from serving caregivers, as most kinship families do not have Guardianship, but rather have custody.

^{vi} Estimate taken from the American Community Survey 5-Year Subject Estimates, Grandchildren Characteristics Table, 2014-2018, and expanded to reflect other non-grandparent raised children. Report retrieved from:

<https://data.census.gov/cedsci/table?q=S1001&g=0400000US36&tid=ACST5Y2018.S1001>

^{vii} Family First Prevention Services Act: Outcome Monitoring Report, Number and Percentage of Children in Care and Custody by Setting Type, Sept 30, 2020. Table retrieved from: <https://ocfs.ny.gov/main/sppd/family-first-data.php>

^{viii} <https://www.gu.org/app/uploads/2018/09/Grandfamilies-Report-SOGF-Updated.pdf>

^{ix} See OTDA spread sheet.

^x 15% of non-foster kinship children receive non-parent child only grants according to a study done by Chapin Hall in 2012 (Mauldon, Speigman, Sogar, Stagner. 2012. TANF Child-Only Cases: Who are they? What policies effect them? What is being done? Retrieved from <https://www.cfpic.org/sites/default/files/TANF-Child-Only%20Cases-The-Report-0113.pdf>). Our comparison does not compare kinship foster children with most non-foster kinship children who are not receiving the grant.

^{xi} Standards of Assistance calculations are based on Shelter and Rental allowances and are outlined in: 18 NYCRR 352.2; 352.3.

^{xii} Estimated NY state average. County by county calculations can be found at: https://empirejustice.org/resources_post/standard-need-charts/

^{xiii} <https://ocfs.ny.gov/reports/custody/cwstats/NYS-CW-Custody-Stats-2020-Q3.pdf>

^{xiv} Redlich Horowitz Foundation 2018 Report: County Case Studies Right Sizing Congregate Care 2018. Retrieved from:

<https://documentcloud.adobe.com/link/track?uri=urn:aaid:scds:US:fa79c1db-64c6-4b91-8fd4-3e454034fbae#pageNum=2>

^{xv} Casey Family Programs New York State Fact Sheet 2020: <https://caseyfamilypro-wpengine.netdna-ssl.com/media/state-data-sheet-NY.pdf>

^{xvi} <https://ocfs.ny.gov/main/fostercare/titleiv-e/Default.asp>

^{xvii} https://www.childtrends.org/wp-content/uploads/2016/10/New-York_12.2016.pdf

^{xviii} https://www.childtrends.org/wp-content/uploads/2018/12/StateAndLocalSFY2016_ChildTrends_December2018.pdf

^{xix} 2020 Aid to Localities Budget Bill (S7503-C/A9503-C)

^{xx} Casey Family Programs New York State Fact Sheet 2020: <https://caseyfamilypro-wpengine.netdna-ssl.com/media/state-data-sheet-NY.pdf>

^{xxi} <https://www.gu.org/app/uploads/2018/05/Grandfamilies-Report-SOGF-2017.pdf>