

**TESTIMONY
JOINT LEGISLATIVE HEARING
ON THE GOVERNOR'S PROPOSED HUMAN SERVICES BUDGET
FEBRUARY 2, 2022**

**Supporting the 195,000 Children Living with Grandparents and Other
Relatives Who are *Not* in Kinship Foster Care**

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Executive Summary

Priority 1: Increase funding for the Kinship System of Care to \$10 million

Priority 2: Pass the “Unified Kinship System of Care” bill to stabilize kinship services

The NYS KinCare Coalition represents the kinship community in New York State. Led by the statewide Kinship Navigator, it includes kinship caregivers as well as stakeholders 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 full-time care for an estimated 195,000ⁱ children. Most children in kinship care are NOT in foster care: 7,201 children are in kinship foster care, while the remainder live with kinship caregivers either by court order or with no official designation.ⁱⁱ

When a child is unable to remain in the home of a parent, research shows that the home of a kinship caregiver is the best place for them to go.ⁱⁱⁱ Family members and close family friends are the natural child welfare support system and were relied on to raise children in need of care long before the current child welfare system was in place. Children in kinship care have similar circumstances to children who are in foster care, often having experienced severe trauma, and can come to a caregiver’s home with a litany of complex behavioral and emotional problems that can be difficult to navigate.^{iv} Kinship caregivers are often asked to take children on a moment’s notice. They tend to be older, have limited resources such as fixed income or inadequate housing, and can therefore struggle to provide for a child who is otherwise on a path for stability and permanency in the caregiver’s home.

Despite the lack of resources available to caregivers, children have been shown to thrive in kinship care due to a number of protective factors that help mitigate the negative effects of trauma. For example, children in kinship care have less frequent placement moves compared to children in foster care with non-kin. They also tend to maintain connections with extended family and birth parents, and as a result have a higher likelihood of being reunified with their parents.^v Children in kinship care are more likely to experience stability and permanency with kinship caregivers when compared to children in foster care with non-kin. Research has shown that 46% of kinship caregivers have children in their home for 5 years or longer.^{vi}

The majority of children in kinship care are there informally, meaning CPS and/or the custodial parent have agreed to place the children with a kinship caregiver without the child being placed into the foster care system. This arrangement results in caregivers having no access to the resources and supports provided to certified foster parents.



Connecting kinship caregivers to available community resources, providing training on raising children exposed to trauma, offering legal assistance to help navigate complex court proceedings, and providing respite are just a few of the types of services needed to help the children in kinship care thrive. While foster care offers a robustly funded system of supports, informal kinship families have fewer services and supports available.

New York State funds a statewide Kinship Navigator (information, referral, advocacy, and education services) and 14 localized kinship service providers which cover 25 counties with 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. Their work is important to the stability of the families they serve.

In 2021, \$2.2 million dollars in appropriated funds for localized kinship care case management services went to fund these 14 programs that serve 25 counties. Each program receives \$150,000. Catholic Charities Family and Community Services’ (formerly Catholic Family Center) statewide kinship navigator receives \$320,500 to serve all 62 counties in New York with information, referral, advocacy and education. But funding for kinship services has been unstable. Since 2006, dozens of programs around the state have opened and then abruptly closed their doors to kinship caregivers due to loss of funding or to the uncertainty in the stability of the funds they received. As a result, kinship caregivers are less likely to access available resources like public assistance, Medicaid, food stamps, and other needed benefits. Passing the “Unified Kinship System of Care” bill will ensure kinship services are consistently available to families throughout the state.

The need to unify the Kinship System of Care under one umbrella has never been greater. As New York transitions into implementation of the Families First Prevention Services Act (FFPSA), it has been estimated that kinship caregiving will increase as a result of fewer children going into foster care. Having services available to families that meet the needs they present with will be increasingly important in order to ensure that children who have been diverted from foster care stay out of foster care and can remain safely in the homes of kinship caregivers. Creating a Unified Kinship System of Care under the Kinship Navigator by consolidating the current system into one entity with a physical presence regionally throughout the state will help streamline services for caregivers and ensure they have access to robust information and advocacy, case management, legal, and respite services.

Budget Requests:

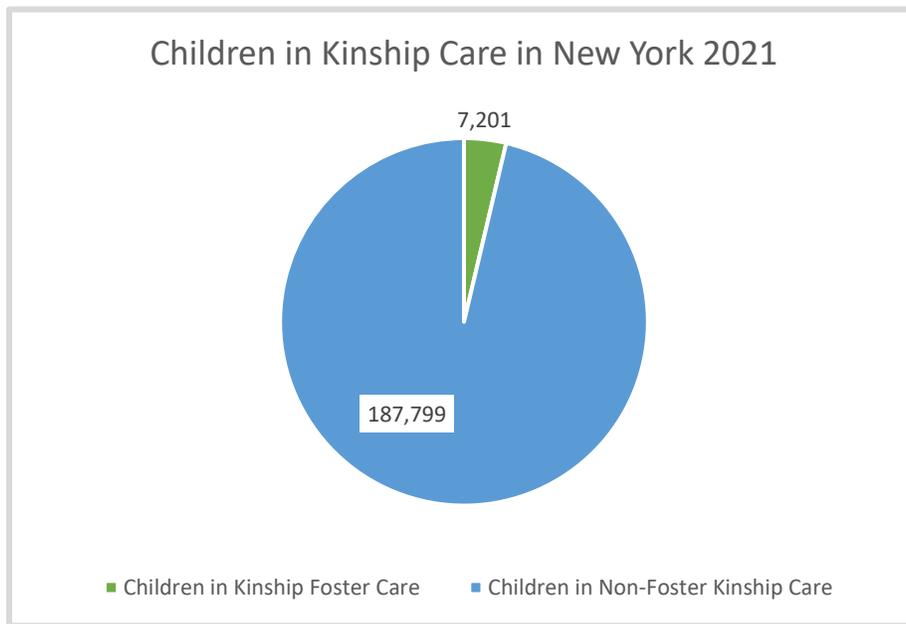
- 1. Fund the Kinship System of Care at \$10 million – creating more access to services for families in need by expanding the number of local providers and adding in new services for families like respite care and legal consultation.**
- 2. Pass the “Unified Kinship System of Care” bill to ensure kinship services remain stable**

Creating a Unified Kinship Navigator System of Care

HISTORY OF KINSHIP SERVICES

In 2006, New York began investing state funds for kinship supports meant to serve the non-foster care kinship community. A kinship navigator service was enacted through budget language that would allow “for services and expenses of the Catholic Family Center (*now called Catholic Charities Family and Community Services*) in Rochester to establish, operate, and administrate a statewide kinship information and referral network.” The program was appropriated \$250,000 to provide this service to the kinship community across all of New York State. In addition to the statewide kinship navigator, a total of \$750,000 was appropriated to establish and fund “kinship care demonstration programs” which was used to fund localized kinship care case management services throughout the state.

Prior to 2006, a handful of community agencies received small amounts of funding from local departments of social services and private funders and operated localized kinship case management services. Little had been done to consolidate the efforts of these programs under one umbrella until the state began investing in services for these families.



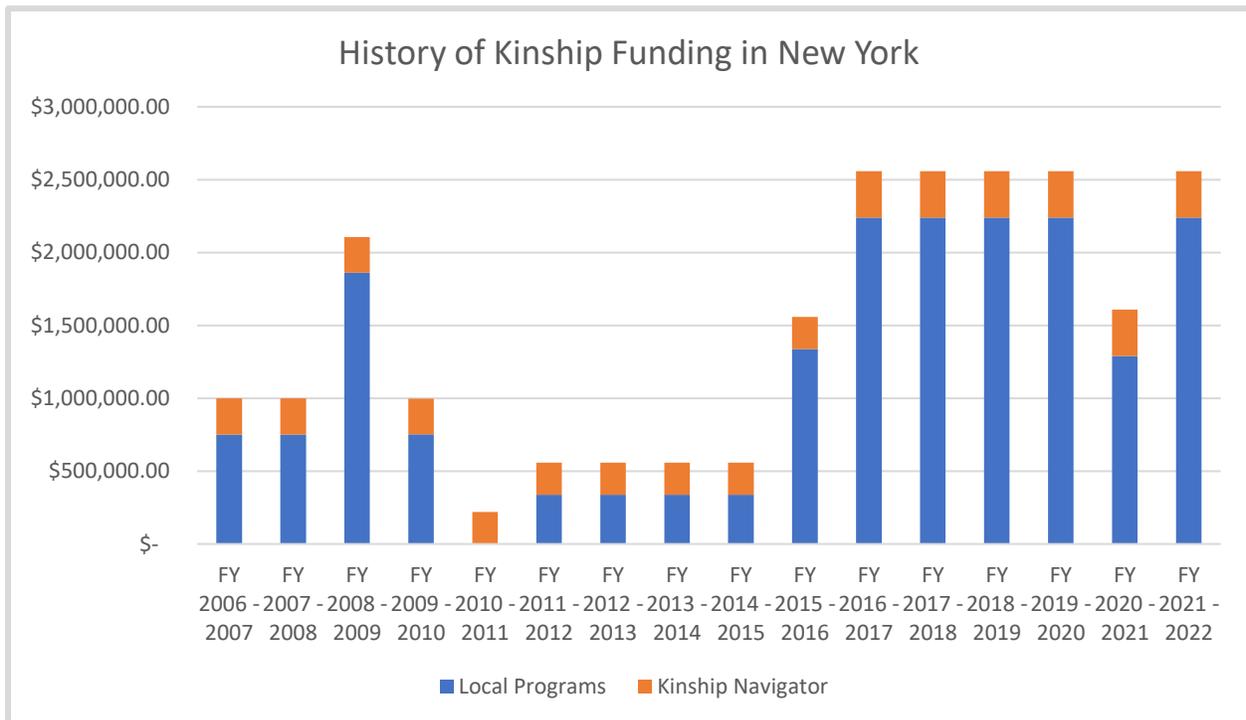
Funding for kinship services has been unstable. Dozens of programs around the state have opened and then abruptly closed their doors to kinship caregivers due to loss of funding or to the uncertainty in the stability of the funds they received. As a result, kinship caregivers are less likely to access available resources like public assistance, Medicaid, food stamps, and other needed benefits.

According to a study done by Chapin Hall, only 12% of eligible kinship children in New York are receiving a special public assistance grant called the Non-Parent Caregiver Grant (also known as the “Child Only” grant), a grant available for children living with kin.^{viii} This grant, funded completely by federal TANF dollars, amounts to roughly \$400 per month for one child (\$150 for a second and beyond), and most children living with kin who are not in foster care or receiving another source of income for the child are eligible for the subsidy.

Reasons for the lack of enrollment in the subsidy include a general lack of knowledge of the existence of the subsidy, difficulty in filling out the application, and inability to produce needed legal documents such as a birth

Only 12% of eligible children in kinship care receive the Child-Only Grant

certificate or social security number. If kinship support services were readily available, barriers to supports like the grant would be minimized.



In 2021, \$2.2 million dollars in appropriated funds for localized kinship care case management services goes to fund 14 programs that serve 25 counties, and each program receives \$150,000. Catholic Charities Family and Community Services’ (CCFCS) statewide Kinship Navigator receives \$320,500 to serve all 62 counties in New York.



NEED FOR REFORM

Due to the current funding structure of New York's kinship services, the system has been a rotating door of private agencies applying for a grant every 3-5 years from the Office of Children and Family Services (OCFS). With each round of funds comes a new batch of programs who start from nothing and try to build a meaningful service for kinship caregivers in their community over the course of the grant period. When new grants have been issued the older, more established programs have often been de-funded in favor of new programs falling in unserved New York state regions, leaving kinship caregivers without the supports of programs in smaller communities, and forcing experienced kinship professionals to move on to other areas of expertise. This way of funding kinship services has been a disservice to the kinship community and is in desperate need of reform.

In 2018, the Families First Prevention Services Act (FFPSA) opened up funding for kinship navigator services through Title IV-E if those services could meet an evidence-based standard. A 50% reimbursement of funds spent by the state on kinship navigator services could be claimed if the service provided was approved by the national clearinghouse. New York has been engaged in implementation and evaluation of its kinship services in an effort to meet the standards set forth by the FFPSA but has yet to submit collected data to meet the difficult standards. OCFS has entrusted the Catholic Charities Family and Community Services' Kinship Navigator program to be the pass-through for all federal demonstration project funds, and CCFCS has in turn partnered with local agencies to run programs intended to be evaluated for the clearinghouse.

This experience has shown that CCFCS is viewed by OCFS and local agencies to be the central source for kinship services in New York. The vast experience of the staff at CCFCS alongside the consistency in kinship navigator service provision since its inception in 2006 has made it the leading agency for kinship care in New York.

PROPOSED CHANGES TO KINSHIP FUNDING

The need to unify the Kinship System of Care under one umbrella has never been greater. As New York transitions into implementation of the FFPSA, it has been estimated that kinship caregiving will increase as a result of fewer children going into foster care. Having services available to families that meet the needs they present with will be increasingly important in order to ensure that children who have been diverted from foster care stay out of foster care and can remain safely in the homes of kinship caregivers. Creating a unified statewide kinship navigator by consolidating the current system into one entity with a physical presence regionally throughout the state will help streamline services for caregivers and ensure they have access to robust information, case management, legal, and respite services.

Catholic Family Center has recently merged with Catholic Charities Community Services, creating a newer, much larger agency called Catholic Charities Family and Community Services. As a large regional agency with the long-standing statewide kinship navigator history, it is well-suited to be the host of a larger statewide kinship navigator service.

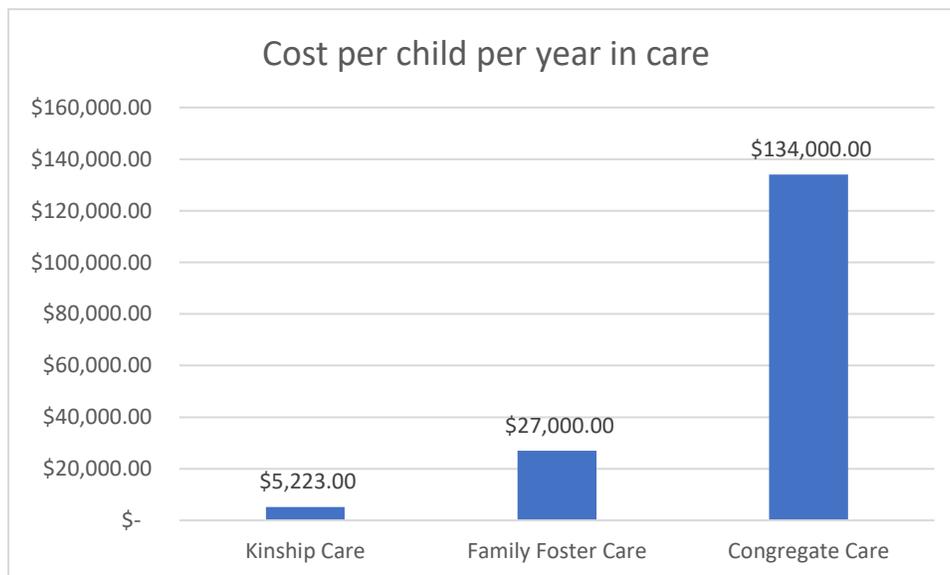
Ohio's department of family services, which has been given \$8 million by the Ohio state legislature to operate a kinship navigator program, has similarly subcontracted their service out to an established kinship navigator



program called Kinnect Ohio, who has implemented a statewide kinship navigator using a regional model with dozens of staff located throughout the state providing on the ground services to kinship families. This united model is highly replicable for New York State.

New York has an estimated 195,000 children being raised by kinship caregivers. Investing in these children by funding a kinship navigator at \$10 million to be a regional presence available in every county would ensure that these families receive the support they need to thrive.

New York spends an average of \$67,000 per child per year in foster care.^{viii} The NYS Kinship Navigator program, in its current form, serves roughly 4,000 calls per year with a state operating budget of \$320,500. The local programs serve an average of 90 families per year. With the \$2.2 million in local programs, adding in federally funded TANF Non-Parent grant, the average expenditure to support a kinship family has come to roughly \$5,200 per year per child.



At \$10 million dollars, a unified kinship navigator system of care could provide its services for as little as \$2,000 per child per year, all while helping stabilize families who are keeping children out of the foster care system.

Proposed services would include:

- **A statewide legal assistance helpline**, where kinship caregivers who normally would not have access to legal counsel can obtain free legal consultation from trained lawyers in any kinship related legal matter.
- **Regional case management** to assist in applying for and obtaining public benefits such as the Non-Parent grant, Medicaid, SNAP, navigation of disability systems, trauma supports, other assistance as needed.
- **Regional kinship caregiver training** made widely available to caregivers who wish to participate in parenting classes on how to raise children exposed to trauma.



- **Regional respite services** in partnership with local providers to ensure kinship families have access to much needed respite.
- **An informational helpline and website** that would serve as the gateway for kinship services and provide information and referral services to kinship families.
- **Flexible funds** to provide for the immediate physical needs of kinship families
- **Outreach** to families to engage them in service provision

Since 2006, kinship services have hinged on unstable budget negotiations, causing uncertainty for the programs who are engaged in services. New York should follow the lead of other states who have enacted legislation directing OCFS to establish a comprehensive kinship navigator program. While this will not guarantee funding stability from year to year, it will ensure that kinship services remain a top priority for the state.

RECOMMENDATIONS

1. Fund the Kinship System of Care at \$10 million
2. Pass the bill to enact a “Unified Kinship System of Care” navigator service

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Appendix A

Proposed Unified System of Care Legislative Bill Language

Social Services Law

ARTICLE 8-C: STATEWIDE KINSHIP NAVIGATOR PROGRAM

467: Establishment

Statewide Kinship Navigator program; establishment. The statewide kinship navigator program is established within the office of children and family services. The program is established to assist kinship caregivers who are seeking information regarding, or assistance obtaining, services and benefits available at the state and local level that address the needs of those caregivers residing in each county. The program shall provide to kinship caregivers information, referral services and assistance obtaining support services including, but not limited to, the services outlined in subsection four hundred sixty-seven -c of this article.

467-A: Definitions

"Kinship caregiver" shall mean any caregiver as defined by subdivision twenty-two of section three hundred seventy-one of this article who is currently caring for a child or is a prospective kinship caregiver.

§ 467-B. Responsibilities of the commissioner.

The commissioner shall through contract administer a kinship navigator program that shall include but not be limited to:

1. statewide coordination;
2. provision of information as to the availability of, eligibility criteria for, and application procedure for available benefits and services;
3. coordination of efforts among state agencies including, but not limited to, the department of health, the office for the aging, the education department, the office of temporary and disability assistance, the office of addiction services and supports, and local departments of social services and community agencies;
4. compilation of statistical data from state and local agencies and dissemination to the public;
5. The commissioner shall divide the state into not less than seven and not greater than twelve regions for the kinship care navigator program to establish regional expertise in.

467-C: Grants

Grant to a community organization. The commissioner shall make a grant within the amount appropriated therefore to a community-based organization or consortia of community-based organizations to operate the statewide kinship navigator program.

The activities of the program shall include but not be limited to:

1. operation of a toll-free telephone number that may be called to obtain basic information about the rights of, and services available to, kinship caregivers, including but not limited to;



2. access to free legal consultation for kinship caregivers who are in need of legal assistance;
3. local respite services;
4. training related to caring for children;
5. assisting kinship caregivers in applying for public assistance, including Medicaid, publicly funded childcare, food stamps, and other services.



Appendix B

Local OCFS Kinship Caregiver Programs

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

Other Kinship Legislative Priorities

1. 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:

2021-22 Bill Numbers:

A8090 (Hevesi)	S8148 (Brisport)
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2. Assign Counsel to Kinship Caregivers

Indigent kinship caregivers do not have a right to counsel when they seek custody or guardianship in family court, and while some judges occasionally assign counsel, many do not. Providing assignment of counsel for indigent kinship caregivers will ensure that custody and guardianship petitions are timely and fully considering the best interests of children.

2021-22 Bill Numbers:

A2581 (Hevesi)	S6074 (Salazar)
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3. Reinforce the Good Cause Exemption

Prohibit child support collection enforcement when good cause exemptions are claimed and proven by kinship caregivers who are seeking TANF Non-Parent child only grants

2021-22 Bill Numbers:

A6266 (Hevesi)	S2586 (Brisport)
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4. Maximize Benefits for Low-Income Children

Current law requires caregivers and any other minor siblings living in the home to also apply for assistance and be included in the household for purposes of determining both eligibility and grant amount. This reduces the entire grant for the household, negatively impacting poor children.

2019 Bill Numbers

A4256A – 2019 (Hevesi)	S4809A – 2019 (Persaud)
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5. Commemorate 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 2022.



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 <https://pubmed.ncbi.nlm.nih.gov/28348199/>

^{iv} <https://www.gu.org/resources/the-state-of-grandfamilies-in-america-2017/>

^v <https://pubmed.ncbi.nlm.nih.gov/28348199/>

^{vi} <https://www.gao.gov/assets/gao-20-434.pdf>

^{vii} <https://peerta.acf.hhs.gov/content/tanf-child-only-cases-who-are-they-what-policies-affect-them-what-being-done>

^{viii} <https://documentcloud.adobe.com/link/track?uri=urn:aaid:scds:US:fa79c1db-64c6-4b91-8fd4-3e454034fba#pageNum=2>