
Memo of Support for S.7547/A.10068

Amend SSL 349-b to Prohibit Collection of Child Support When Parent or Non-Parent Applicants Successfully Prove a Good Cause for Exemption

The NYS KinCare Coalition represents the kinship community across New York State. Led by the statewide Kinship Navigator with support of over 35 participating organizations and stakeholders, the Coalition seeks to improve supports for New York State kinship families - grandparents, other relatives, and family friends who provide care for an estimated 204,000 children not living with their parents, with less than 4,500 of these children in foster care.

Since 2005, the Coalition has co-hosted five statewide summits (2005, 08, 11, 14, 19) that have issued reports with practical recommendations to support kin care families. Over thirty of the recommendations have been enacted, regulated, or resulted in policy changes. The 2004 and 2008 summits recommended adoption of a special “good cause” exemption for kinship caregivers from cooperation with child support collection, and in late 2008, the Office of Temporary Assistance issued 08-INF-16, “Non-parent Caregivers and Good Cause,” that established a new good cause exemption specifically to protect vulnerable kinship families. The exemption has helped thousands of kinship families to access much needed financial assistance. Yet, the exemption does not completely close the door on counties seeking to collect support from parents and many families still refuse to seek assistance.

Kinship families are eligible for a special Temporary Assistance to Needy Families grant, but they must cooperate with the county in seeking to collect support from absent parents unless they are exempt because of fear of violence or harm by the parent(s). Often, the cause for kinship care is a parent(s)’ behavior and the exemption does provide protection, but the protection is not absolute. The county is not prohibited from going forward to collect support without the kin’s cooperation. “A district can proceed to enforce a child support order without the caregiver’s cooperation even when good cause is established if the district can do so without risk to the child or the caregiver. If the district decides to do this, it must notify the caregiver and give her the opportunity to close her case.” 18 NYCRR 369.2(b)(10).

Kin will refuse to apply for assistance when they realize that the county may still choose to seek collection of support from the parent(s). They do not want to jeopardize themselves or the children in their care and do not trust the county to make the right decisions.

Other states, like California, Massachusetts, and Pennsylvania, have chosen to expressly prohibit counties once good cause is proven. Such a prohibition will ensure that kinship families know that they are safe and can apply for the grant without fear of retaliation from the parent(s). Enabling these families to access financial assistance is shown to improve outcomes for impoverished children and the Legislature should help more kinship families to access the grants.



The Legislature should expressly prohibit counties from seeking support when kin have shown good cause. We urge the Legislature to protect vulnerable families by passing S.7547/A.10068.

Signed,

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