

CHILDREN'S DEFENSE FUND-NY 2019-20 STATE LEGISLATIVE AND BUDGET PRIORITIES



YOUTH JUSTICE

Secure Funding for Youth Justice Reform

Raise the Age is in its first year of implementation, and the state earmarked \$100M to reimburse counties for local services and costs associated with the new law over the first two years. Future funding is necessary to support the continuum of services and supports required for the law to be implemented with fidelity to its principles, and to expand preventative and community-based alternatives for all children at risk of, or in contact with, the youth justice system generally.

Expand Youthful Offender Status and Access to Record Sealing

Under existing law, youth under the age of 19 are eligible for Youthful Offender status, which allows for reduced prison sentences and automatic sealing. By expanding access to YO to respond to the scientific consensus that adolescent brain development continues into the mid-20s, more young people can benefit from the law and avoid the debilitating collateral consequences of a criminal conviction. The State should also expand the eligibility and reduce wait times for sealing criminal records from the current requirement of 10 years.

Set the Lower Age of Juvenile Delinquency at 12

Children as young as 7 are currently arrested and processed as juvenile delinquents in New York. The very young children who are coming into contact with the police should receive services and supports, not probation, detention and placement.

Restore State Support for Close to Home

Close to Home allows youth placed outside of their home as the result of juvenile delinquency proceedings to remain in small home-like environments in and near New York City. Before state funding was cut, the City received more than \$40M in State support to operate a network of local residences and aftercare supports for youth in the juvenile justice system. More youth will enter CTH due to Raise the Age, and the State should restore funds to support these youth.

End Adult Corrections Role in Youth Facilities

When 16 and 17 year olds must be detained or otherwise incarcerated, they should be held in juvenile facilities without adult corrections involvement or oversight. The State's Office of Children and Family Services is the most appropriate agency to administer and oversee facilities for detained or sentenced youth.

HEALTH ACCESS

Pass the New York Health Act

Too many families still lack affordable, comprehensive health coverage. Coverage options remain fragmented and confusing, creating barriers for consumers. The health system is rife with go-between entities, from third-party administrators to billing and collection agencies. The multiple layers and sectors of go-between entities create waste and inefficiencies

that cost consumers and unduly limit care. Accordingly, the time has come for universal, comprehensive coverage in the form of the New York Health Act.

Increase Funds for Enrollment Assistance and Outreach

Implementation of the New York Health Act will take time, and many New Yorkers need help now. Over 100,000 children in New York are uninsured. Most are eligible for coverage, but families are unaware of free or affordable coverage options.

- Navigators can help children gain coverage. Navigators provide local, in-person assistance to families looking for health coverage, including Medicaid and Children's Health Insurance Program (CHIP) plans. Navigators answer questions about confusing terms and complicated enrollment procedures. Navigators have helped over 300,000 New Yorkers enroll since 2013, without ever receiving a cost-of-living increase. The State should increase the navigator budget from \$27.2M to \$32M to guarantee high quality enrollment services.

- Funding for outreach in the hardest-to reach communities is also needed. The State should provide \$2M for community-based organizations to educate consumers, particularly in immigrant communities where people are living in fear and uncertainty because of federal threats like public charge.

Restore Funding for School-Based Health Centers

School-based health centers (SBHCs) provide critical services to students in medically underserved communities across the state, improving educational outcomes for those who would otherwise miss school or forego care. Last year's executive budget cut funding for SBHCs. \$5M in permanent funding is needed to restore the cuts and provide financial stability.

LEAD POISONING PREVENTION

Lead poisoning is a completely preventable, but irreversible condition with lifelong impacts. Even low-level exposure can cause permanent neurological damage and behavioral disorders. As many as 175,000 New York children may have had some level of lead exposure.

Lower the Threshold for Lead Hazard Inspections

Prevention requires identification and elimination of lead hazards before they harm children. At the very least, this means investigating and eliminating lead hazards impacting children with blood lead levels of 5 micrograms per deciliter or higher (the lowest level that can be conclusively determined by all New York laboratories at this time).

Fund Inspections and Repairs with Medicaid and CHIP

Current funding to eliminate lead hazards is insufficient. Additional, targeted funding streams are necessary to address housing units currently occupied or likely to become occupied by young, low-income children. Several states now fund this work through Medicaid and CHIP. Funding inspections, remediation and abatement through Medicaid and CHIP will

allow the State to receive federal matching funds to help eliminate lead poisoning.

EARLY INTERVENTION SERVICES

Secure Sustainable Funding for EI Services

Reimbursement rates for early intervention (EI) services have remained stagnant since drastic cuts were made in 2011, forcing experienced, high-quality EI providers to close their doors or stop taking EI clients. This means children have less access to quality services, or face waitlists. To address these long-standing issues, the State should:

- Increase rates by 5% to restore rates to pre-2011 levels
- Increase insurance reimbursement by prohibiting claim denials for lack of medical necessity, lack of precertification, use of out-of-network providers, or other similar reasons
- Conduct a cost-study with stakeholder input to determine appropriate future payment rates

EDUCATION JUSTICE

Prioritize School Climate Reform

The State should pass the Judge Judith S. Kaye Safe and Supportive Schools Act, legislation that would significantly limit suspensions for students in kindergarten through third grade, cap most long-term suspensions at 20 days, and promote positive school discipline approaches such as restorative practices. This legislation will establish strong state policies that better support schools in building the skills and capacities of students and adults to constructively resolve conflict, collectively hold each other accountable and create learning environments that value the dignity of everyone.

CHILD WELFARE

Restore Preventative Funding

The State should restore preventive funding from 62% state share back to 65%, as written in statute.

Strengthen the Child Welfare Housing Subsidy

Unchanged since first established in 1988, state law has provided for a child welfare housing subsidy of up to \$300 per month to help stabilize housing for children and families. The State should increase the monthly housing subsidy allowance to \$600; increase the upper age limit eligibility from 21 to 24; and ensure those receiving the housing subsidy can live with unrelated roommates.

Remove KinGAP from the Foster Care Block Grant

To encourage counties to help foster youth find permanency with relatives, the State should remove funding for KinGAP from the Foster Care Block Grant and create a funding stream like adoption subsidies.

Restore State Funds to the Foster Care Block Grant

In 2017-2018 fiscal year, the State reduced its block grant appropriation by \$62 million, squeezing county child welfare systems already strained by the opioid epidemic and staff turnover. The State should restore funding to ensure counties have the resources they need to serve all youth in their care.

IMMIGRATION

Expand Immigrant Health Coverage

Over 400,000 New Yorkers cannot obtain coverage because of their immigration status. Without coverage, individuals forego the care they need, jeopardizing their health and ability to work and care for their families. The State can provide coverage to a portion of these individuals by allocating \$532M to create a state-funded Essential Plan for New Yorkers excluded from coverage due to immigration status.

Pass the Dream Act

New York must not waste the untapped resources of its young people by denying them an opportunity to pursue higher education because of their immigration status. New York must ensure they have access and an opportunity to pursue their education at the college level through eligibility for general financial aid awards, performance based awards or New York State's Tuition Assistance Program (TAP).

Provide Equal Access to Driver's Licenses

New Yorkers should not have to worry that they will be deported because they need to drive to work or drive their children to school. Equal access to driver's license for all would allow all people of a certain age, regardless of immigration status to drive. Equal access would create \$57 million in combined annual government revenue and \$26 million in one-time revenue as people get their driver's licenses and buy cars.

BAIL REFORM

The State should pass comprehensive bail reform legislation that ends cash bail, significantly restricts the use of pre-trial detention, ensures swift due process for those detained, and limits burdensome conditions of release.

GUN SAFETY

New York must protect its children through common sense gun control laws. Last year almost 40,000 people were killed by firearms – the highest number in four decades. Extended waiting periods and ensuring that guns don't get into the wrong hands will help keep our children safer.

INCOME SECURITY

New York families still face rising costs of raising children, and difficulties working and paying for their needs. The State should alleviate this burden by:

- Expanding the Empire State Child Tax Credit to cover children under age four, and double the credit for young children
- Increase the percentage of the federal Earned Income Tax Credit paid to families from 30% to 40% and expand the credit to young adults without children (under 25)

For more information, please contact Naomi Post, Executive Director at npost@childrensdefense.org