



**TESTIMONY OF JULIA L. DAVIS, ESQ.
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BEFORE THE ASSEMBLY STANDING COMMITTEE ON CHILDREN AND FAMILIES AND
ASSEMBLY TASK FORCE ON WOMEN'S ISSUES**

Thursday November 21, 2019 at 10:00 am
Legislative Office Building, Hearing Room C

Good morning. Thank you for the opportunity to testify before you today. My name is Julia Davis and I am the Director of Youth Justice and Child Welfare at the Children's Defense Fund-New York (CDF-NY). Our Leave No Child Behind mission is to ensure every child a healthy start, a head start, a fair start, a safe start and a moral start in life, and successful passage to adulthood with the help of caring families and communities. We provide a strong, effective and independent voice for all children who cannot vote, lobby or speak for themselves. We pay particular attention to the needs of poor children, children of color and those with disabilities. Our unique approach to improving conditions for children combines research, public education, policy development, community organizing and advocacy activities, making us an innovative leader for New York's children, particularly in the areas of health, education, early childhood, youth justice and child welfare.

We Must Increase Out Investments in Preventive Services Statewide

New York is a leader in child welfare nationally, in part because we invest state and local dollars in preventive services to strengthen families. Since 2002, New York has provided open-ended state dollars for these services, which are available to families before a child is removed and placed in foster care, to support reunification of children in care, and to reduce the likelihood that a child will be removed again from her family and return to foster care. These investments

have contributed to a significant decline in the number of children in New York’s foster care system, from 37,000 children in 2002 to 16,000 in 2018.¹

We know that to be effective, preventive services must be community-based, family-focused, and child-centered, based on the belief that the family is, and should continue to be, the place where children can best grow and thrive.

My office is in New York City, where there are a broad range of preventive services available. The City’s Administration for Children’s Services (ACS) operates a diverse continuum of preventive programs.² ACS contracts with community-based organizations to provide prevention services to approximately 20,000 families per year.³ These services provide case management, counseling, and clinical interventions offered primarily in-home and in the community. These include many services that are “evidence-based” or “evidence-informed,” meaning they employ models of engagement and care that are supported by scientific research and demonstrate that they work for specific children and families.

Unfortunately, the full breadth of these supports cannot be found in all communities across the State. Some children and families live in areas where preventive services are limited, and there is a need to invest in these services generally, including evidence-based approaches. Our safety net for families has been diminished by New York State’s reimbursement for preventive services, which is set at 65% in statute, but has been reduced to 62% through the state budget each year since 2008. Our failure to meet our statutory commitment over the last decade means we have missed opportunities to grow the breadth of services we need to help keep families strong and stable.

¹ Office of Children and Family Services, Strategic Planning and Policy Development, available at: <https://ocfs.ny.gov/main/sppd/family-first.php>.

² Casey Family Programs, *Implementing Evidence-Based Child Welfare: The New York City Experience* (2017), available at: <https://caseyfamilypro-wpengine.netdna-ssl.com/media/evidence-based-child-welfare-nyc.pdf>, at 6.

³ *Id.* at 8.

This hearing is critical now because the federal Family First Prevention Services Act (Family First) passed in 2018 will allow states like New York to seek federal reimbursement for evidence-based preventive services for the first time. New York has opted to delay implementation of Family First implementation until September 2021, which they are permitted to do under the federal law, giving us time to plan for the mandatory provisions to reduce congregate care, and hopefully adopt the voluntary provisions to seek federal funding for some of our preventive work.

A primary objective of Family First is to keep children in their homes whenever safe and possible by allowing states to claim federal title IV-E reimbursement for prevention programs and services to support eligible children, youth and their families. This marks a significant policy change and finally brings federal child welfare financing into alignment with what research tells us is best for children and families. Services and programs that will be newly eligible for federal title IV-E reimbursement include mental health and substance abuse prevention and treatment services and in-home parent skill-based programs that include parenting skills training, parent education, as well as individual and family counseling.

In addition to these kinds of programs, Family First also provides a real opportunity for states like New York to invest in services that are culturally-responsive and focus on reducing racial disparities in the demographics of children and youth who enter and remain in the foster care system.

To capitalize on this big change in federal child welfare law, New York must build up its array of services and programs that work to keep children safely at home. Under Family First, 50 percent of the funding can support programs shown to be “well supported” by evidence (the highest standard set by the federal government, requiring the most rigorous evidence of effectiveness). New federal legislation recently introduced called the Family First Transition and Support Act (HR 2702/S 1376) would delay this requirement for two years (through FY 2021), and then allow spending on both “supported” and “well supported” programs to count toward that 50 percent requirement in fiscal years 2022 and 2023. Critically, this would allow states like New

York to receive reimbursement for a wider range of evidence-based foster care prevention programs as they implement Family First. This legislation has not yet passed into law.

In order to be in the best position to take advantage of these new federal dollars, we urge New York to adopt the preventive funding provision of Family First to help fund existing services, and to expand access to evidence-based preventive programs across the state.

We recommend that the state restore local preventive services reimbursement to 65%-- and to dedicate the restored funds to support counties in building up their array of evidence-based services for children and families.

We Must Remove the KinGAP Program from the Capped Foster Care Block Grant to Better Support Children’s Permanency

New York’s Kinship Guardianship Assistance Program, or “KinGap,” is designed to help children in foster care live in a permanent home with a relative. The key difference from adoption is that the biological parent’s rights are not terminated and the child is not legally adopted, but the relative still receives the same financial support as an adoptive parent. This program is incredibly valuable to supporting family ties for children, and building up the ability of extended family to care for them long-term.

Unfortunately, KinGAP is under-utilized across the state; in 2018, there were more than 4,000 children in foster care with a relative,⁴ but only 425 children statewide left foster care through a KinGAP arrangement.⁵ Nearly three-quarters of those were in New York City.⁶ We must expand the reach of the program across New York, especially outside of New York City, to support children and families.

To do this, New York should remove KinGAP from the Foster Care Block Grant, which is a capped State reimbursement to local child welfare districts for foster care services. Because

⁴ <https://ocfs.ny.gov/main/reports/maps/counties/New%20York%20State.pdf> at 11.

⁵ *Id.*

⁶ *Id.* NYC had 310 of the 425 children discharged from a relative foster home to KinGap in 2018.

counties must prioritize their Block Grant funds for foster care, funding KinGAP from these limited dollars can create a disincentive for counties to use these funds to support families with KinGAP. To remedy this, the State should make KinGAP subsidies an independent and open-ended funding stream, the same way that the State approaches adoption subsidies.

We Support Legislation Passed Last Session to Reform the State Central Register

Finally, I want to thank the members of the Committees today for their support for the State Central Register Reform that was passed last session (S6247/A8060). As advocates for children and families, we urge the governor to sign this legislation into law.

This law would bring New York in line with 41 other states that require the government to find that it is at least more likely than not that maltreatment occurred, before a parent is found to have done something wrong. Under the new rules, we can protect children while preventing innocent parents from ending up on the register for decades, creating sometimes insurmountable hurdles to employment that drive families deeper into poverty.

Being so quick to put parents on the register does not make children or communities safer, and this bill would not limit CPS authority to remove children from dangerous situations. Rather, the new rules give our local CPS experts the time to respond to the most serious needs in our communities.

Thank you for the opportunity to speak with you today.

Julia L. Davis