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Joint Legislative Public Hearing on 2021 Executive Budget Proposal: Human Services

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On behalf of the Children's Defense Fund – New York (CDF), I thank Chairpersons Krueger and Weinstein for the opportunity to submit this testimony. CDF is a non-profit child advocacy organization that works statewide to ensure that every child in New York State has a Healthy Start, a Head Start, a Fair Start, a Safe Start and a Moral Start in life and a successful passage to adulthood with the help of caring families and communities. As the New York office of the Children's Defense Fund, a national organization which grew out of the Civil Rights Movement, we are committed to advancing racial equity and to leveling the playing field for vulnerable New York children, youth and families. We provide a strong, effective and independent voice for 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. CDF strives to improve conditions for children through research, public education, policy development, organizing and advocacy. Our policy priority areas are racial justice, health justice, education justice, youth justice, economic justice and child welfare. To learn more about us, please visit www.cdfny.org.

Cuts to the Continuum of Services in Child Welfare Put Vulnerable Families at Risk: They Must be Rejected and Funding Restored

Our children and families face extreme precarity in this moment, made vulnerable by the COVID-19 pandemic's impact on communities, workforces, and schools. One of the most shocking indicators is the suffering that children have faced. Between March and July of 2020, approximately 4,200 New York children, or 1 out of every 1,000 of our State's children, experienced a parental or caregiver death due to COVID-19, with Black and Latinx children experiencing these losses at twice the rate of Asian and white children. Nearly 1,000 children lost a parent or guardian.¹ It is disappointing that, amidst this ongoing crisis, the Executive Budget Proposal cuts State support for child welfare funding that can help families endure stress, avoid family separation and foster care, and support kinship care for children. It is imperative that the State reverse these cut and restore critical funds for children and families.

On behalf of the Children's Defense Fund-New York, the Raise the Age Campaign and the New York State Child Welfare Coalition, we ask you to reject these cuts.

This is the ***wrong time for the State to cut tens of millions of dollars*** in funding for critical services and programs in child welfare, which is why we ask you to:

- Reject the Executive Budget's 5% cut to the open-ended Child Welfare Funding Stream currently providing 62% reimbursement to all counties for vital child welfare services,

¹ "COVID-19 Ripple Effect – The Impact of COVID-19 on Children in New York State. Part 1: Death of Parent or Caregiver," United Hospital Fund, September 2020, https://uhfnyc.org/media/filer_public/22/4b/224bf5ba-6ab2-42f6-8744-929135f2f42b/covid_ripple_effect_part_1_final.pdf.

including local preventive, protective, independent living, and adoption supports for children and families in every community.

- Reject the 5% cuts to kinship care programs that help family members care for children.
- Reject the Executive Budget's proposal to merge the Community Optional Preventive Services (COPS) program and Supervision and Treatment Services for Juveniles Program (STSJP), and the proposed cut in funding to the programs by 20%.
- Reject the Executive Budget's proposed 3% cut to the Foster Care Block Grant.

Local Departments of Social Services have already endured months of financial withholding from the State, which has impacted their ability to support children and families across New York. In the face of widespread economic hardship, and the disproportionate impact of the COVID-19 pandemic on Black and Latinx communities, this is the wrong time to lock-in cuts to State support for critical child welfare programs for the difficult year ahead. Today, as we face a second wave of COVID-19, and the sustained stress that the last year has wrought on families, we cannot divest from the minimum supports that communities need.

Child Welfare Funding for Prevention. Cutting the reimbursement that counties rely upon to serve children and families is something we have seen before. In 2008, the State reduced its support for child welfare preventive services from the statutorily set 65% to 62%, based on similar “capped” funding as part of state-wide austerity measures. Despite the law stating otherwise, the State never returned to meeting its commitment to pay its fair share under the law, even during New York's economic strength before the COVID-19 pandemic. Counties do not have the reserves to back-fill these state cuts and maintain the same level of service. We cannot permit the budget to continue to whittle away at State support for these essential family supports.

Moreover, it is important to note that these cuts are inconsistent with the State's preparation for federal Family First Prevention Services Act implementation, which is included in Part L of the ELFA in the Governor's proposed budget. Under the new federal law, states like New York have financial incentives for investing in family stability supports and reducing the need to remove children from their homes. Weakening state support for preventive services now undermines this work.

Community Optional Preventive Services (COPS) program and Supervision and Treatment Services for Juveniles Program (STSJP). With the increased vulnerability facing youth and families, and the attention placed on concerns for adolescent and child mental health, it is not the time to reduce State funding for community-based primary prevention or targeted youth justice supports to divert youth from the criminal legal system. The proposal to combine and shrink these two OCFS state/local programs should be rejected.

COPS is a state program that supports community-based primary prevention based on a family's living in an under-resourced community. There is no contact with the child welfare system

required to access these supports. Experts in child welfare increasingly point to programs like COPS that separate supports from child welfare system involvement as a necessary component of reform that will reduce surveillance on families, increase trust in services and improve outcomes of children. We should be considering *expanding* COPS grants to communities, not effectively discontinuing them.

The STSJP program was created to provide State support for local youth justice prevention, alternatives to detention, as well as after-care and re-entry supports for young people in both the family court and adult criminal justice system. Local projects funded through STSJP include mental health services for youth, community-based mentorship and training programs, and supports to keep youth in the community and out of detention and incarceration. Combining this program, which is focused on youth at-risk for court-involvement, with COPS is confusing. Moreover, cuts to this program, which has, since its inception 10 years ago, contributed to New York's shrinking youth justice system, would be counter-productive now.

Move Ahead with Closure of Four OCFS Youth Justice Placement Facilities and Embrace Community Reinvestment of Savings

We support the Governor's proposal to close four State-operated juvenile placement facilities and to reduce New York's investment in youth incarceration. Institutional settings can pose significant risk to young people's mental health and well-being, and have been shown to neither reduce future contact with the system nor promote community safety. Moreover, juvenile placement facilities are the site for extreme racial disproportionality. During 2019, almost 75% of children admitted to Office of Children and Family Services (OCFS) custody were Black or Latinx, while they represent only 40% of New York's children. Closing facilities is a crucial step for both youth justice reform and racial equity in New York.

OCFS Commissioner Poole has reported to the Committee on the variety of proactive measures taken to address workforce concerns associated with the closure, but let us keep the focus where it belongs:

- These facilities are a waste of state funds. The annual cost for placement in OCFS-operated facilities is **\$892,206 per child**.²
- Extensive research reveals that secure youth incarceration **increases the likelihood of recidivism** and **harms educational attainment, lifetime wages, and future health outcomes** for youth.³

The success of OCFS-led reforms like Raise the Age, along with work in communities across the state, have shrunk New York's youth justice system. This is a huge success, and the

² Justice Policy Institute, *Sticker Shock 2020: The Cost of Youth Incarceration*:
http://www.justicepolicy.org/uploads/justicepolicy/documents/Sticker_Shock_2020.pdf.

³ *Id.*

result—in part—of stakeholders at the state and local level working tirelessly to implement Raise the Age over the last three years. Now is not the time to invest in sustaining unused beds in expensive and counter-productive youth prisons.

These funds need to be reinvested in community-based supports that can serve children and families. The savings associated with closing these four youth facilities – estimated at over \$21 million in operational and \$14 million in capital costs – should be reinvested in communities, including those that are driving use of state placements for children.

Models for community reimbursement developed by advocates in our State’s mental health system provide a valuable template for how we can systematically redirect funds from expensive residential settings to community-based services and local resources for children and families whenever there is a facility closure. Community stakeholders including impacted youth and families, service providers, child welfare and mental health system administrators, attorneys, judges and probation, should drive local solutions supported with these funds. Community reinvestment is not only a more effective response for youth but also an important tool for promoting racial equity in the youth justice system.

Actions Necessary To Maximize New Federal Funds and Comply with Federal Child Welfare Protections for Transition-Age Youth in Foster Care

Under the federal Consolidated Appropriations Act, 2021, which combined a \$1.4 trillion year-end funding package with a \$900 million dollar COVID-19 relief package, there are several important provisions for the child welfare system. The legislation includes the Supporting Foster Youth and Families through the Pandemic Act (H.R. 7947), which increases federal funding for youth in care, imposes a moratorium on youth aging-out of foster care at age 21, and permits youth to re-enter foster care through age 22 during the COVID-19 pandemic. While federal guidance from the Children’s Bureau is forthcoming, we believe that certain amendments to New York State law are essential now to ensure that New York implements the new law with fidelity to its purpose. Those include:

- A temporary modification of the Family Court Act to give the family court jurisdiction over youth who are over the age of 21 for the purpose of holding permanency hearings and making the findings that are necessary for IV-E claiming; and,
- Further amendment to S.8834/A.10581, which Governor Cuomo signed into law on December 15, authorizing youth who have left foster care after age 18 to voluntarily return to care prior to age 21 without requiring compliance with educational and vocational requirements, and without waiting for prior court approval during the New York State COVID-19 state of emergency. Further amendment is necessary to allow youth to re-enter up to age 22, as provided for in the federal legislation.

We urge the Governor and the Legislature to prioritize implementation of this federal legislation and work together to advance the State legislative amendments necessary to ensure that transition age youth have the benefit of this emergency support without delay.

Conclusion

Thank you for your time and consideration. The Children's Defense Fund – New York looks forward to working with you on a State budget that improves the health and well-being of children and families in New York.

