



Kinship Care - Legislative Priorities 2020

Budget and Policy Considerations

(Developed by NYS Kinship Navigator and NYS KinCare Coalition)

Budget Priorities

1. **Fund OCFS administered kinship support services:** at a total of \$5,000,000 (\$4 million to local supports, \$1 million to statewide supports).

New Policy Priorities

2. **Protect Kinship Caregivers from Harmful Child Support Actions:** 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.
3. **Permit KinGAP Subsidy to Continue Post-Adoption:** Codify ruling that KinGAP can convert to private adoption without losing the support subsidy in order to ensure permanency for children.
4. **Define the Term “Kinship Care”:** Kinship Care is the common term for grandparents, relatives, and family friends caring for children. The term should be defined in statute to ensure uniformity of usage.
5. **Define Alternative Living Arrangements, Require Data Collection, and Enact a Pathway into Foster Care for Safety Plan Kinship Families:** Alternative living arrangements (aka “safety plans”) place children with kin via informal arrangements suggested by Child Protective Services in order to avoid formal removal proceedings. The practice is common, but not adequately monitored and in many instances, kin who assume care, may need an opportunity to petition to become foster parents.

New Policy Considerations

6. **Investigate and Regulate the Use of “Hidden Foster Care”:** The legislature should engage with the Office of Children and Family Services to strengthen data collection on the use of “alternative living arrangements” (aka: “safety plans”) as a placement mechanism used by local social services districts; to evaluate the use of these placements, including their length of time, permanency outcomes, and services offered; to assist in updating data collection to accurately collect all incidents of Non-LDSS Custody-Relative/Resource Placements, to require county follow up and review of all such placements, and to establish a clear definition of the practice.
7. **Collect Court and Child Welfare Data on Kinship Families:** Collect data outcomes for non-foster kinship families in family court orders of custody and guardianship, as well as for conversions initiated by social services districts Article Ten proceedings.
8. **Implementation of the Family First Prevention Services Act and the Family First Transition and Support Act:** Both acts implement and provide funding for programs related to kinship care. Issues of particular importance to the kinship community are: the definition of “imminent



risk standard” and what kinship children are eligible for services, which kinship families will receive preventive services, and support for new kinship navigator services.

Renewed Policy Priorities

9. **Assign Legal Counsel for Indigent Caregivers:** Amend FCA 262 to provide counsel to indigent caregivers who petition for custody or guardianship (S5434/A7586). Develop cost analysis. HEVESI/SALAZAR
10. **Permit Financial Supports for Families in Need:** Amend SSL 131-c to include eligibility for certain children who currently cannot receive child-only grants (S4809A/A4256, passed 2019, vetoed by Governor). Develop cost analysis. HEVESI/PERSAUD
11. **Expand a Kinship Family’s Right to Petition:** Amend DRL 72(2) to empower all kinship caregivers, not just grandparents, to have legal standing in court when caring for children for an extended period of time (S5648/A8316). WRIGHT/MONTGOMERY
12. **Strengthen Legal Custody Powers for Caregivers:** Amend EdL 3212 and PHL 2164, to authorize caregivers with an order of custody to make certain education and health decisions for children (S4475/A1121). Jaffee/Montgomery. JAFFEE/MONTGOMERY

Budget Priorities

Priority 1. Fund Non-Foster Kinship Support Services: \$5,000,000 (\$4 Million to Local Supports, \$1 Million to Statewide Supports)

Enactment of the 2018 Family First Prevention Services Act created potential matching funds for kinship navigator programs and provided for transitional payments for qualifying kinship navigators. Additionally, Congress appropriated a three year federal grant to assist states in meeting the qualifying requirements. These Congressional actions highlight the increasing attention to supports for kinship families not in foster care. New York should decide to build on its existing services and develop a more robust system that incorporates important best practices from across the nation and can meet the requirements for the federal fifty percent match.

The below proposal seeks to move the budget towards a more comprehensive funding, by increasing funding to \$5 million from the current \$2,559,250.

A. Increase Funding for Local Kinship Navigator Programs to \$4,000,000 (up from \$2,238,750)

The OCFS local kinship program contracts end in August 2020. OCFS has indicated that it intends to issue a new RFA before the April 1, 2020 budget deadline. However, the RFA is contingent upon the FY 2020/21 funding provided in the state budget. The current programs each receive \$98,000 - \$103,000 per budget year. Most of the best performing programs, especially those in metropolitan areas, cannot provide adequate services to meet the demand at that amount of funding.



Programs that could comprehensively implement best practices and support more caregivers should be funded minimally at \$200,000 per program. Funding 20 programs with capabilities to serve multiple counties at \$200,000 each would cost \$4 million.

Increased funding will mean more organizations may be interested in kinship care and new organizations will seek funding. Any new RFA will likely be weighted to provide credit to programs with established histories of kinship services. In the past, inconsistent funding opportunities have caused some excellent kinship programs to cease offering services and close their programs. Therefore, it's important that existing quality programs continue to be funded. Additionally, along with improving its current kinship services, the increased funding will enable programs to implement kinship services that may qualify for matching federal dollars.

B. Increase funding for the Statewide Kinship Navigator Program to \$1,000,000 (up from \$320,500) and amend the line item to include support services

In the last two years, the Kinship Navigator successfully expanded its educational services. This work has been partially funded via the federal pilot project. The Navigator's core program functions, a centralized kinship information database and assistance to caregivers in accessing and obtaining benefits, has also continued to expand and the demand for its existence consistently exceeds its resources. Given the evolution of kinship services and the Navigator's key role, there are many services and collaborative efforts that the Navigator could implement with more program funding.

Enhanced funding would allow the Kinship Navigator to:

- Expand upon its successful regionalized work by hiring additional kinship experts across the state to offer specialized virtual assistance to caregivers
- Participate and advise in state and county stakeholder groups as counties implement Families First kinship-focused practices
- Increase service collaborations with local providers to expand the services available to the kinship community
- Offer region-specific localized training and education with state, county, and voluntary agencies, including for OCFS kinship champions and the Kin-First Firewall.
- Tailor its program elements to meet requirements to qualify for matching federal dollars.

The demand for the educational work of the NYS Kinship Navigator continued to rise with the increase in use of kinship caregivers as placements for children, and such activities would require a significant increase in funding. Additionally, the budget line item text should add caregiver "support services" to the operational responsibilities in order to permit development of program elements that qualify for Title IV-E funding.

For services and expenses of the Catholic Family Center in Rochester to establish and operate a statewide kinship information, education, **SUPPORT SERVICES**, and referral network.