
Kinship Care – 2020

Legislative Budget and Policy Priorities

Kinship care refers to grandparents, aunts, uncles, other relatives, and family friends who are raising children. In New York State, approximately 200,000 children live with kin; less than 5,000 are in kinship foster care.

Children live with kin because of parental neglect, drug/alcohol use, mental illness, incarceration, death, disability, and other unfortunate circumstances.

Budget Priorities

1. **Restore funding for Office of Children and Family administered kinship support services:** Fund at last year's \$2,559,250 and consider an increase to \$5,000,000 (\$4 million for local and \$1 million for statewide kinship supports) to finally provide comprehensive coverage for all kinship families.

Renewed Policy Priorities

2. **Assign Legal Counsel for Indigent Caregivers:** Amend FCA § 262 to provide counsel to indigent kinship caregivers who petition for custody or guardianship. **S5434/A7586 (2019)**. HEVESI/SALAZAR
3. **Permit Financial Supports for Families in Need:** Amend SSL § 131-c to include eligibility for certain children who currently cannot receive child-only grants. **S7260/A9064 (passed 2019, vetoed by Governor)**. HEVESI/PERSAUD
4. **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 (2019)**. WRIGHT/MONTGOMERY
5. **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 (2019)**. JAFFEE/MONTGOMERY

New Policy Priorities

6. **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. **S7546/A9840 (2020)**. WRIGHT/MONTGOMERY
7. **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.

New Policy Priorities (continued)

8. **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.
9. **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 initiated 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 become foster parents.

New Policy Considerations

10. **Investigate and Regulate the Use of Alternative Living Arrangements:** The legislature should engage with the Office of Children and Family Services to develop stronger oversight, to strengthen data collection on the use of “alternative living arrangements” (aka: “safety plans”), and to evaluate such placements including their appropriate use, the length of time children remain in kinship homes, permanency outcomes, and provision of services.
11. **Collect Court and Child Welfare Data on Kinship Families:** Collect family court data on judicial orders Article Six orders of custody and guardianship involving kin as parties, as well as on conversions initiated by social services districts to Family Court Article Six from Article Ten proceedings.
12. **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 “candidates” for services, which kinship families will receive preventive services, and funding for new kinship navigator services.

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