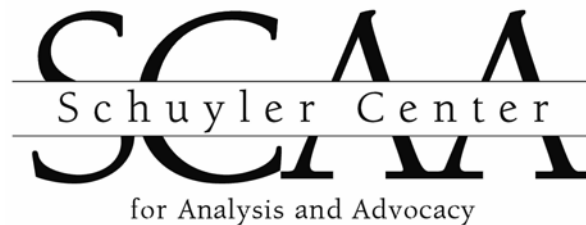


**Testimony before the Assembly Standing Committee  
on Children and Families  
Assembly Subcommittee on Foster Care  
Oversight of Foster Care Services Hearing  
December 11, 2008**

**Presented by Karen Schimke, President/CEO  
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*Shaping New York State public policy  
for people in need since 1872*

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Thank you for this opportunity to speak to you about quality child welfare and foster care services and recommendations for change in New York State. My name is Karen Schimke, President/CEO of the Schuyler Center for Analysis and Advocacy (SCAA). SCAA is a non-partisan organization that seeks to promote the public interest by shaping policies to improve health, welfare and human services in New York State. Since 1872, SCAA has served as a voice for social and economic justice for disenfranchised populations throughout New York State.

My testimony today will address the importance of prevention, child welfare funding, and specific foster care issues.

**Invest in Prevention: Hold funding for home visiting harmless.**

First and foremost the best approach to foster care is to prevent entry into foster care by minimizing the need to remove children from their families. During this downturn in the economy and the state's fiscal difficulties, it is more important than ever to have services known to prevent harm to our most vulnerable children available. In general, families need safe housing, mental health care, substance abuse treatment, home visiting, and parenting education in order to better care for their children. We have evidenced-based practices which have proven to keep children safe from harm and these programs and services should be held harmless as budget cuts are considered. This is particularly important for home visiting programs which are funded through preventive funding, COPS funding, and Healthy Families funds.

A number of counties, including Monroe and New York City, fund Nurse-Family Partnership programs (NFP) through COPS funds. NFP is an evidence-based home visiting program that has demonstrated a significant return on investment over many years of evaluation. For every 100,000 families served by Nurse-Family Partnership, research demonstrates that 14,000 fewer children will be hospitalized for injuries in their first two years of life; 300 fewer infants will die in their first year of life; 11,000 fewer children will develop language delays by age two; 23,000 fewer children will suffer child abuse and neglect in their first 15 years of life; and 22,000 fewer children will be arrested and enter the criminal justice system through their first 15 years of life, among other outcomes. This investment in low-income, first-time mothers will also significantly reduce government expenditures. The Rand Corporation found a net benefit to society of \$34,148 (in 2003 dollars) per highest-risk family served, which equals a \$5.70 return per dollar invested in Nurse-Family Partnership, with the bulk of the savings accruing to government in reduced health care, educational, social services and criminal justice expenditures.

Likewise, Healthy Families NY home visiting programs are beginning to show similar positive outcomes and have been acknowledged by the Rand Corporation as a proven practice. New York State's stringent randomized trial evaluation of Healthy Families demonstrates improved health, development, and abuse prevention, including:

- A dramatic reduction in the incidence of low birth-weight.
- Sustained access to primary care providers and health insurance.
- More children receiving needed medical care.
- Children having fewer somatic complaints (e.g., headaches, nausea, aches).
- Mothers' reduced use of harmful substances (cigarettes, alcohol, drugs).
- More positive parenting attitudes, which contribute to lower rates of maltreatment.
- Less psychological abuse, physical punishment, and neglect.
- Fewer instances of severe physical abuse and violent acts toward children.

Healthy Families NY is currently funded at just over \$23M, compared to \$25M a year ago. That 8% cut resulted in lost services to about 500 families. A 20-25% cut is anticipated, which would decimate programs and devastate families.

New York has, by investing a relatively small amount of money, been able to significantly improve lives and save money. Spending on these services may be the best child welfare spending possible and these programs should be protected at all costs.

### **Restore 65/35 state/local share and maintain COPS funding.**

The "65/35" uncapped funding for all child welfare services has proven successful. Not only have children at risk of foster care received much needed services, but so have families not yet in the child welfare system. One cannot overstate the importance of this funding stream over the last several years, both to prevent entry into foster care and to intervene early in a family's life—before a crisis can occur leading to a report of child maltreatment.

According to OCFS sources, spending for Community Optional Preventive Services totals nearly \$30 million or about 2% of the total \$1.2 billion, 65/35 spending. The use of the word "optional" is unfortunate as these services are far from optional. Rather, they are vital services to protect child and family well-being. For example, COPS funds spending in probation departments for essential and required services based on the results of an assessment using the Youth Assessment and Services Inventory, an evidence-based tool.

Unfortunately, during the 2008-09 *Budget* the state share was reduced to 63.7% and the county share was increased to 36.3% in the enacted budget. During the budget-cutting discussions in August this funding stream was exempt from further cuts, but reductions are predicted for the 2009-10 *Budget*. There is serious concern about funding for preventive services—especially COPS.

### **Extend the Child Welfare Financing Law to 2012.**

In June 2002, New York State enacted legislation to fundamentally change how child welfare is financed. The new Child Welfare Financing law contains three major components and a number of minor changes. Those components are:

- A capped foster care block grant.
- Reimbursement for all other child welfare services, including protective, preventive, adoption, aftercare and independent living services, at 65% state share and 35% local share after applying available Title IV-B federal funds. This provision is commonly called “65/35.” It includes a category called Community Optional Preventive Services\* (COPS), which can be used for services to children and families not known to the system, in school, mental health and other settings. Eligibility and reporting requirements are more lenient than those for mandated preventive services.
- Creation of a Quality Enhancement Fund to increase the availability and/or quality of services for children and their families.

OCFS has several initiatives and pilot projects in place that are worth noting and that can potentially inform any changes to the Child Welfare Financing Law. These reforms and initiatives include family case conferencing, teaming, ACS’s Improved Outcomes for Children (IOC) initiative, ChildStat and Family Assessment Response. In addition, OCFS is now finalizing its Performance Improvement Plan in response to the federal Child and Family Services Review. OCFS has begun a review of the child welfare system, its current laws, policies, and practices to assess whether or not changes over the last 40 years have indeed led to improvements in child safety, permanency, and well-being and to issue a report with recommendations for reform. This review could lead to the formation of a commission or task force for change.

These important initiatives will inform any recommendations for reform and will re-shape the provision of services to families reported to child protection services. Therefore, SCAA recommends a simple extension to the current child welfare financing law until 2012.

**Invest in the Child Welfare Workforce.**

Over the last several years the child welfare workload has emerged as a significant issue needing urgent attention. All districts report ongoing problems managing their caseloads and there is mounting evidence that overwhelmed workers are unable to assure safety in the way the public expects. The average caseload in protection, prevention and foster care is nearly double the standard recommended by Child Welfare League of America and other child welfare experts.

The New York State Legislature directed OCFS to contract with a national child welfare expert to conduct a caseload study. Walter R. McDonald and Associates (WRMA) issued their report on New York in late 2006. WRMA studied a total of 11 local departments of social services, including New York City’s Administration for Children’s Services and 45 voluntary agencies. That study recommended caseload reductions as follows:

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\* Mandated services are required for children who otherwise would need placement in foster care. COPS are intended to prevent families from reaching a crisis and have many fewer reporting requirements and restrictions than mandated services.

- Child Protection—12 active investigations per month (currently 20 in New York City and 27 in 10 other districts studied).
- Foster care—11-12 children per caseworker (compared to current 17 in New York City and 20 in the other districts).
- Preventive—12-16 families (currently 27 families in NYC and 20 in remaining districts).

There are numerous reasons for such sizeable caseloads; certainly the adequacy of resources leads the list. Counties also struggle with recruitment, retention, training challenges and other issues.

It should be noted that currently New York State has a statute prohibiting the state from requiring workload sizes. It is clear that New York must, in order to assure safety, permanency and child well-being, enable workers to provide adequate services. The Legislature has been quite concerned about caseload issues in the past and, despite a bleak fiscal picture, must continue to be concerned. In fact, spending on child welfare, regardless of the structure, will be squandered unless there is a high-quality, stable workforce with leaders who can move the system forward.

**Provide quality education for foster care children and youth.**

Office of Children and Family Services (OCFS) currently has responsibility for the education of youth in its care. Young people often leave these placements ill-prepared to return to school because they are behind in their studies, or because the credits they’ve earned while in placement are non-transferable to the public school system. The last thing that these young people need is to be even farther behind than their peers.

The state should shift responsibility for the education of these young people in OCFS care to a collaborative effort between OCFS and SED. Curriculum in residential settings should be standardized so that these youth receive a high-quality education and are able to re-enter an appropriate school program with minimal interruptions. There should never be more than a two-week interruption in schooling. Every attempt to facilitate a smooth transition back to the community and the school of origin should be made. This includes planning with the student and school long before the transition takes place, and the assignment of a mentor or another caring adult to help with the transition process.

**Strengthen transitional services and supports for foster youth to age 21.**

The 2007 Kids Count Essay notes that “Research indicates that kids who spend extensive time in foster care fare poorly on virtually every predictor of making a successful transition to adulthood when they exit the system without a permanent family.” It is obvious that youth transitioning out of foster care are vulnerable and have significant potential to drop out of school and face unemployment.

The Governor’s Children’s Cabinet recently added disconnected youth to its agenda. Disconnected youth are usually described as youth age 16-24 who are not in school or employed. The Cabinet placed particular emphasis on youth aging-out of foster care, youth served in juvenile justice and youth with incarcerated parent(s). Foster care is definitely a pathway to disconnection.

In an effort to better support youth aging-out of foster care, the New York State 2008-09 *Budget* extended Medicaid eligibility for these youth up to age 21, an important first step. Many groups have begun to think about additional strategies to support these youth, including waiving SUNY/CUNY tuition, improving the Tuition Assistance Program (TAP) schedule to treat foster youth in the same way as other college applicants, providing housing subsidies, affording opportunities for youth to return to foster care if a discharge is not working well, and more. The goal is to provide foster youth with the kinds of supports that youth leaving a biological family might have in order to increase their potential to finish school and connect with employment.

**Enact legislation to create subsidized guardianship.**

The number of children and youth living with kin is large and growing. It is only in the last several years that the public child welfare system has recognized the importance of relative caretakers, even though there are about 400,000 children in care with kin, more than ten times the number in foster care. Instead, they are supported by relatives or receive “child only” benefits through public assistance. The “child only” benefits are meager, do not adequately cover room and board, and end at age 18, regardless of the child’s educational status. The children living with relatives have similar pathways as children in foster care and have similar potential to get off track and become disconnected.

Although there are numerous areas needing attention for this group of youth, one key area is subsidized guardianship. In the 2007 Kids Count Essay, the Casey Foundation strongly recommended that a premium be placed on kinship care: “The first placement option explored for any child and their siblings should be a relative who knows and loves them and can provide an ongoing sense of familiarity and security.” To strengthen these living situations New York State must explore ways to make more resources available to relative caretakers through foster care and subsidized guardianship. Subsidized guardianship is an increasingly popular permanency option that provides a financial subsidy to eligible children who are in the permanent care of a legal guardian, often a grandparent or other relative.

Thirty-eight states and the District of Columbia have some form of subsidized guardianship. Five of those states offer subsidized guardianship support to non-foster kinship families as well as those who were already foster parents. In September, both houses of Congress passed and the President signed compromise child welfare legislation. *The Fostering Connections to Success Act*, will allow federal support for subsidized guardianship. This would be a boon for children in care with kin and should be carefully considered during Legislative Session.

In conclusion, I have one more comment regarding the subject of this hearing, Oversight of Foster Care Services. In the past few years, several pieces of legislation have been proposed to create the Office of the Child Advocate and SCAA has opposed those bills vigorously. We remain opposed to the creation of an Office of the Child Advocate. If we are serious about keeping children safe, what we need most is a workforce with the critical skills, education, training, resources and time necessary to do their job.

Thank you for your attention to child welfare and foster care. I appreciate the opportunity to testify. I look forward to working with you on any proposed changes and am available should you have further questions.