

MEMORANDUM OF SUPPORT
S.4809-A (Persaud)/A.4256-A (Hevesi)

The Schuyler Center is a 147-year-old statewide, nonprofit, policy analysis and advocacy organization working to shape policies to strengthen families and improve health, welfare and human services for all New Yorkers. We support S.4809/ A.4256 to reform public assistance eligibility rules that put unfair economic strain on kinship families and the children for whom they care.

Kinship families are a critical resource for the well-being of New York's children, providing care for children when their biological parents are unable to do so. Evidence suggests that children live with kin for reasons similar to placements in foster care, including abuse and neglect, parental drug/alcohol abuse, including an increase in parental heroin/opioid use, and parental mental health issues. These kinship families, who provide care outside of the foster care system, do not receive many of the financial and other supports associated with foster care.

However, New York does offer a special public financial assistance benefit for non-foster kinship families. This benefit is officially termed a "non-parent" grant, but more commonly referred to as a "child only" grant. This grant is available to children who are living with non-parents, when the child's income and resources do not exceed the public assistance budgeting rules. Since most kinship children do not have income and resources, most are eligible. However, only a small percentage of potentially eligible children receive the benefit. According to the Office of Temporary and Disability Assistance, in August 2018, 23,519 were receiving the grant.

The low percentages underscores the need for ensuring that more eligible children receive the grant. **S.4809/A.4256** end unfair denials of benefits for kinship families under SSL§131-c, and presents an opportunity to provide more children with full access to the grant.

The law currently requires that, when a minor is named as an applicant for public assistance, the parents or caregivers and minor siblings (often including half-siblings) in the household all must apply for public assistance, and all must be included in the household for purposes of determining eligibility and grant amount. This means that when a nonparent caregiver who has no legal responsibility for the support of a child in their care takes in a second child with income, the public assistance grant of the first child is reduced, or even eliminated. In effect, this rule makes one grandchild responsible to support the other.

Stated another way, under the current statute, the unearned income of any child, such as child support or social security survivor's benefits is considered available to the entire household, and reduces the entire grant of the household accordingly, unless disregarded under some other provision of law. **S.4809/A.4256** would allow children who have income from absent or deceased parents (such as child support, or Social Security Survivor's or Disability benefits) to retain that income and remain off of public assistance if it is beneficial for the family of the child to do so.

In order to end the unfair treatment caused by current law, and to better support kinship families, we respectfully urge the Legislature to pass **S.4809/A.4256 this legislative session.**