



Leadership, voice and vision for child welfare in New York State

Council of Family and Child Caring Agencies

Testimony Presented by

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Before the

Assembly Standing Committee on Children and Families &

Assembly Task Force on Women's Issues

Public Hearing

November 21, 2019

Good morning, my name is Kathleen Brady-Stepien and I am the Associate Executive Director of the Council of Family and Child Caring Agencies (COFCCA). Our member agencies include over 100 not-for-profit organizations providing preventive, foster care, adoption, juvenile justice, and special education services in New York State. On behalf of our member agencies, their more than 55,000 employees all across New York State, and, mostly on behalf of the tens of thousands of children and families that our agencies work with, I thank Chairpersons Jaffee and Walker for the opportunity to testify before you today.

New York State's Commitment to Preventive Services

Since 2002, New York State has invested in an unprecedented commitment to the provision of open-ended preventive services, aimed at keeping families together and preventing unnecessary entry into foster care. The statutory commitment for NYS is 65% reimbursement to the counties, with the counties picking up the remaining 35% of costs. Each budget year since 2008, however, NYS has instead reimbursed 62% to counties for preventive services. COFCCA is a member of the NYS Child Welfare Coalition, a group of organizations leading up

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efforts each year to enhance supports and services available to families. This year, as in years past, the Child Welfare Coalition will again advocate to restore the state’s share of preventive services to 65% up from 62%. We are recommending that the 3% additional funds be utilized to support Family First Prevention Services Act (FFPSA) implementation of evidence-based preventive services in NYS. It will undoubtedly be a challenge for upstate counties to be able to take full advantage of the new federal commitment to funding 50% of certain evidence-based, time-limited preventive services, without some up-front financial support to implement the costly evidence-based services.

Beyond our current preventive services array, we can do more as a state to invest in primary prevention—preventive services aimed at providing support to families and communities before there is any imminent threat of foster care placement. NYS has some of these types of services available through the Community Optional Preventive Services (COPS) program that has been funded in our state budget at about \$12 million for several years now. The program has been frozen, however, and there have not been additional opportunities to add services beyond the purposes the funds had been used for in 2008. One example of the funds’ usage is for the Nurse Family Partnership, home visiting for new mothers living in certain lower income areas. Other examples may include after-school programs, parenting education, and mental health services. We would recommend expansion of the COPS program to bring more primary prevention services to communities in NYS. If we are able to provide support before families get near a crisis point, we will undoubtedly do better at keeping families together.

State Central Registry Reform

All states maintain records of child abuse and neglect, often in statewide databases that are known as central registries. Unlike many states, in New York, a parent can be excluded from certain categories of employment for decades based on allegations of abuse or neglect that may never make it to court or be substantiated by a judge. Parents who have faced these allegations are listed on the State Central Registry (SCR) for up to ten years after their youngest child turns 18—which could be as many as 28 years. The process for getting off the SCR is very difficult, and relatively few parents even pursue it.

In New York State, our standard for level of evidence in indicating allegations of child abuse and maltreatment, “some credible evidence,” makes us an outlier with only 7 other states in the country using this very low standard.¹ We were thrilled to see a bill to change that be not only introduced but also to pass both houses of the Legislature this session. COFCCA strongly

¹ “Table C-1 State Administrative Structure, Level of Evidence, and Data Files Submitted, 2017.” *Child Maltreatment Report 2017*, U.S. Department of Health and Human Services
<https://www.acf.hhs.gov/sites/default/files/cb/cm2017.pdf#page=130>



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supported S.6427-A/A.8060-A sponsored by Senator Montgomery and Assemblywoman Jaffee. If signed into law, the bill would bring us into line with the vast majority of states in the country that use a fair standard of indication, ensuring that CPS investigators can focus on the most serious allegations while protecting children and preventing innocent parents from the current practice of their case remaining on the state register for decades—which creates real barriers to employment, exacerbating often already vulnerable economic circumstances for families.

Under the current system, nearly 47,000 reports are added to the SCR each year, which result in thousands of parents becoming ineligible for employment opportunities that require SCR clearance, such as child care, positions within hospitals and schools, and home health aide jobs. These collateral consequences of being listed on the SCR directly impact families, diminishing employment opportunities and resources for children in their homes. This is especially counterproductive as most cases (over 70%) stem from poverty and involve allegations of neglect – not child abuse.

A.8060-A / S.6427-A would address these problems without sacrificing child safety. Specifically, it would:

- Remove unnecessary and unfair employment barriers for parents by automatically, conditionally sealing indicated reports of neglect after 8 years from most employment and after 12 years for all employment, while ensuring that all reports continue to be available to child welfare and foster care agencies who must ensure child safety. Reports of abuse would continue to be accessible to these agencies for up to 28 years.
- Make the process for parents to challenge their inclusion in the SCR more fair and efficient by improving court procedures and allowing them to present evidence of rehabilitation, where applicable. By eliminating duplicative proceedings and permitting parents to show how they have addressed matters contributing to their being placed in the SCR, parents have a better opportunity to have their records sealed, and to avoid the collateral consequences that create barriers to obtaining and keeping their jobs.

If signed into law, this bill would represent the most significant advancement in child protection in New York State in decades. Based on our experience working with families affected by the SCR, we anticipate that under the proposed legislation fewer individuals would seek fair hearings to challenge their SCR records. Thus we expect the reforms would not only make the system more fair, but also save tax dollars in the future. We continue to be advocate for the bill's passage into law, and we thank Assemblywoman Jaffee and Senator Montgomery for their strong leadership in advancing the bill this year.

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Supporting KinGAP Outside of the Foster Care Block Grant

The Kinship Guardianship Assistance Program (KinGAP) is a source of financial support for kinship caregivers in a certified foster home. When a child has had “return home” and “adoption” ruled out as permanency options for the child, KinGAP provides the financial assistance necessary to support the child to a permanent placement with a relative guardian.

New York State has set an intention and a goal for the state as we implement the FFPSA: by the fall of 2021, NYS aims to have a statewide minimum of 30% of children in foster care in a kinship home, and a maximum of 12% of children in foster care in a residential placement.² Individual LDSS’s have stated their own county goals via the planning work for the FFPSA transition fund dollars that were made available through this past year’s state budget.

For several years the Child Welfare Coalition has encouraged the state to remove Kinship Guardianship Assistance Program (KinGAP) dollars from the state’s Foster Care Block Grant and instead to make KinGAP its own funding stream similar to the state’s funding of adoption subsidies. Given the capped amount each county has in the Foster Care Block Grant each year, a county uses their funding amount to pay for the county’s foster care needs. As a state we are disincentivizing KinGAP simply by virtue of its funding stream. We can do better to support counties’ increased push for kinship placements by placing KinGAP on a stand-alone funding line.

Investing in Our NYS Human Services Workforce

COFCCA has just recently completed our Child Welfare Workforce Report, which gives information on turnover and compensation levels regionally and statewide for our key child welfare staff positions. We know from this report that in 2018, we had a 38.3% turnover level in our caseworkers around the state. This is slightly decreased from the 2016 study’s turnover level of 40.9%. This level of worker turnover is simply unacceptable for the families we support. Every time a family member has to tell his or her story again to a new caseworker, it is incredibly difficult and potentially re-traumatizing. COFCCA has supported the larger human services field’s request for the human services Cost of Living Adjustment, or COLA, for the past several years. This statutory COLA has been deferred for almost every year over the past ten years. In so doing, NYS has saved millions of dollars that were meant to assist human services agencies with providing small and regular salary increases to its staff. We continue to work with our human services agency partners towards proposing salary increases for the human

² 19-OCFS-LCM-09, accessed 11/19/19 at https://ocfs.ny.gov/main/policies/external/ocfs_2019/LCM/19-OCFS-LCM-09.pdf



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services field. It is vital—in order to support families, we must adequately pay the workers that families rely on to access housing supports, employment supports, mental health providers, and child welfare staff. We have truly appreciated the Legislature’s vocal support for our workforce and we will of course keep working together with you to advocate for more funding for our staff across the field.

Thank you for your time and for hearing our suggestions today. I look forward to continuing our work with the Legislature to strengthen NYS’s families and communities. We are available for any assistance that you may need.

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COFCCA Summary of Recommendations:

The Council of Family and Child Caring Agencies supports:

- Restoring NYS's reimbursement to the counties for preventive services at 65%, increased from its current 62% reimbursement; we recommend investing the 3% into supporting counties' move towards evidence-based preventive models.
- Increasing the state's financial commitment to primary prevention through additional dollars added into the Community Optional Preventive Services (COPS) program.
- Signage of A8060A/S6427A into law to create NYS SCR Reforms that will help to remove unnecessary and unfair employment barriers for parents, and to promote fairness in the level of evidence used to substantiate allegations of abuse and neglect.
- Ensuring that KinGAP is available as a stand-alone funding stream to provide counties with the funding needed for kinship caregivers.
- Increasing investment in our NYS human services workforce to ensure that we have a well-trained, stable workforce to support the needs of our families and communities across the state.

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