



**children's  
defense fund  
new york**

# **Joint Legislative Public Hearing on 2022 Executive Budget Proposal: Human Services**

**Testimony of Julia L. Davis  
Director of Youth Justice & Child Welfare  
Children's Defense Fund-NY  
[jdavis@childrensdefense.org](mailto:jdavis@childrensdefense.org)**

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**February 2, 2022**

## Testimony on the Executive Budget Proposal: Human Services

On behalf of the Children's Defense Fund – New York (CDF), I thank Chairpersons Krueger and Weinstein for the opportunity to submit this testimony.

The Children's Defense Fund (CDF) envisions a nation where marginalized children flourish, leaders prioritize their well-being and communities wield the power to ensure they thrive. CDF's Leave No Child Behind mission is to ensure every child a Healthy Start, a Head Start, a Fair Start, a Safe Start and a Moral Start in life and successful passage to adulthood with the help of caring families and communities. We serve and advocate for the largest, most diverse generation in America: the 74 million children and youth under the age of 18 and 30 million young adults under the age of 25, with particular attention to those living in poverty and communities of color. CDF partners with policymakers, aligned organizations and funders in this service. The Children's Defense Fund is the only national, multi-issue advocacy organization working at the intersection of child well-being and racial justice by wielding the moral authority of programmatic proximity and community organizing to inform public policy. In New York, our work is focused on economic mobility, health equity, education, youth justice and child welfare. To learn more about us, please visit [www.cdfny.org](http://www.cdfny.org).

### Children and Families Reinvestment Act (Hevesi/Brisport)

We support Assembly and Senate Children and Families Committee Chair Hevesi and Chair Brisport in their bold proposal set forth in the Children and Families Reinvestment Act, which would make critical investments to establish an equitable universal child care system, support child welfare services, and establish a new, flexible and community-responsive fund for innovative programs and projects to better support children, youth and families, including direct cash support.

### Investing \$5 Billion to Support Universal Child Care Will Dramatically Reduce Child Poverty

Nearly 1 in 5 children in New York live in child poverty. The numbers are even greater among families with young children. Contributing to the challenges of raising young children in New York is the lack of affordable, quality child care. Caregivers are forced to make difficult decisions about not paying other bills, taking on debt or, doubling up in housing to pay for child care. Some mothers even forego work altogether because the cost of care exceeds what they earn in their own jobs. Making matters worse, New York's current child care subsidy system does not even reach all the families who are eligible for it because it is systemically underfunded.

Our 2019 report on reducing child poverty, produced in collaboration with the Urban Institute, found that New York could cut its child poverty rate by 12 percent simply by fully

funding its child care subsidy program at current eligibility levels. While these results are impressive and would alleviate significant financial burdens for many families, New York should not stop there. Child care assistance helps parents earn greater income by allowing them to work more. This improves the economic well-being for the family and everyone in the community. Expanded access to child care assistance is particularly important for families who have historically been economically disadvantaged, including low- and middle-income people of color. The expansion should also be available to all families, regardless of immigration status. These policies will empower all families to make child care choices that best suit their needs, which will allow many more families to advance economically. This is why New York must invest \$5 billion to support universal child care.

Specific allocations of the funding should include:

- \$3 billion for child care subsidies for families most in need;
- \$1 billion for a worker compensation fund to ensure Black women and other women of color in particular are appropriately compensated for their work;
- \$400 million to support child care infrastructure expansion to provide care for families who work evenings and nights; and
- \$600 million for child care reimbursement transformation payments to transition reimbursement away from the current funding structure.

### **Re-Authorize Child Welfare Funding and Invest 65% State Support for Preventive Services**

This fall, New York began implementing the federal Family First Prevention Services Act (“Family First”), creating an opportunity for the state to make strides toward transforming its child welfare system, committed to ensuring family self-determination and strengthening community-based services that meet the needs of New York’s communities. At the same time, New York State’s prevention services statute is up for reauthorization, presenting an opportunity to expand investment in family support.

New York State currently invests state dollars in services for families to avoid deeper child welfare system involvement and to support children remaining in their homes. This open-ended state reimbursement funding has contributed to the 59% reduction of children in foster care since 2010 through supports including housing assistance, childcare, clinical services, home visiting, transportation, job training, education, and emergency cash grants. Many of these kinds of resources are not eligible for federal reimbursement under Family First, making it a crucial state budget issue.

The enabling legislation for these supports (SSL Sec. 153-k) is subject to a sunset provision this year, and New York State must reauthorize the statute and restore state funding at 65% to meet the full potential of its purpose by budgeting for the full state share for these costs. In state statute, the requirement is 65% funding, yet since 2008, the state has consistently reduced its share of reimbursement for these essential services to 62% each year—forcing counties to absorb

a larger share of costs of serving families and children outside of foster care. The FY2023 state budget must restore the reimbursement rate required under the original law.

### **Create Independent Funding for KinGAP so More Children Live with Family**

The trauma that children separated from their family and placed in foster care experience can be mitigated when they are placed with family, preferably with relatives or someone with whom they have an existing relationship. The Kinship Guardianship Assistance Program (KinGAP) provides long-term support so children can leave foster care and live with kin. As more children in foster care are placed with relatives, KinGAP will become an increasingly crucial resource for achieving permanency.

KinGAP is under-utilized across the state. In 2019, there were 7,058 children in foster care with a relative, but only 526 (7%) children statewide left foster care via KinGAP. About 69% of those were in New York City. KinGAP is one proven strategy to reduce the over-representation of Black and brown New York children in foster care and to strengthen families. KinGAP also can reduce the amount of time children stay in foster care and reduce the likelihood they will “age out” of care. When youth age out of foster care without returning to their family or having another form of permanency, they face devastating outcomes in education, employment, housing, and justice-involvement, all of which disproportionately impact youth of color. New York State must invest in proven strategies, like KinGAP, that can prevent youth from exiting the system without permanent family supports.

There is a clear opportunity to expand the use of KinGAP across the state. To do this, New York should fund KinGAP outside of the Foster Care Block Grant. To provide an avenue to permanency with kin for more children in foster care, New York State must invest \$25 million to establish an independent and open-ended funding stream for KinGAP outside of the Foster Care Block Grant.

### **Prioritize Housing for Families and Older Youth Leaving Foster Care and Increase the Child Welfare Housing Subsidy (A1777-A Hevesi)**

The goal of the child welfare housing subsidy program is to stabilize housing for families and prevent family separation and child removals, expedite the reunification of children in foster care and help youth aging out of foster care who face substantial risk of housing instability and homelessness. Under this existing program, families with open CPS investigations, families receiving preventive services, families of children reunifying from foster care, and youth ages 18 through 21 are eligible for the housing subsidy through their local department of social services (LDSS). LDSSs are currently authorized to provide eligible families and youth with a housing subsidy of up to \$300 per month for up to three years or until reaching the limit of \$10,800.

The subsidy amount has not changed since it was created in 1988, although the law was recently amended to clarify that the subsidy can be used by families and youth living with roommates. With housing costs having increased exponentially since 1988, the low dollar amount has rendered the subsidy largely ineffective at achieving its intended purpose of stabilizing housing for child welfare system-involved families and young adults aging out of foster care. Moreover, while there are new federal housing vouchers and new state rent subsidies being funded by federal pandemic stimulus and recovery funds, many of those funding streams are temporary.

New York must prioritize new housing resources for families and older youth and increase the child welfare housing subsidy from \$300 to \$725/month and raise the total funds available to \$26,100 (\$725/month for a maximum of 36 months) as an additional resource that counties can use when other housing subsidies are unavailable or as a bridge while families or youth are waiting to receive other longer term housing subsidies. New York State must also build-in ongoing automatic increases to the subsidy, tying it to inflation, to ensure it meaningfully supports families as cost of living rises.

Rent subsidies are more critical now than ever as families face great threats to their housing security because of deepened economic hardship due to the COVID-19 crisis. Housing resources are also critical for older youth leaving foster care. According to New York's Foster Youth Success Alliance, nearly 25% of older youth were facing or fearing housing instability during the COVID pandemic last year. The child welfare housing subsidy can serve as a critical tool to secure housing along with other statewide housing supports.

### **Establish the Office of the Child Welfare Advocate (A.6269-A Frontus)**

An independent Office of the Child Welfare Advocate would help families exercise their rights, provide much-needed information, and clarify policies and options available to children and families who have contact with the child welfare system. In establishing this office, New York would join the 36 other states with similar offices to offer a much-needed resource for New York youth and families, and help build a more family-centered, equitable child welfare system.

### **Pass the Families Over Facilities Act**

Nearly 1 in 5 children in New York's foster care system live in an institution. Congregate settings increase the risk for physical and emotional harm, especially for younger children, and set up older youth for leaving foster care without permanent family bonds. Youth of color, especially Black children, are disproportionately represented in institutions and represent half of all children living in group settings state-wide. Institutions are also much more expensive than family-based care, and reducing our reliance on unnecessary institutional placements not only serves children better, it saves taxpayer dollars.

Soon to be introduced, the Families Over Facilities Act would prohibit the use of non-therapeutic institutional and congregate settings for children under 13 and permit higher rates

of foster care support for kinship and non-kinship families to care for children of all ages who have been entered foster care. The legislation would also require each local department of social services to develop a targeted, localized plan to ensure that communities are prepared, and resources are available to care for children of all ages who enter foster care without relying on unnecessary institutional settings for short or long-term stays.

### **Pass Legislation to Establish a Universal Basic Income Pilot for All Youth Aging-Out of Foster Care (S8160 – Brisport)**

Transition Age Youth are generally recognized as young people ages 14 to 25 and include those who are in legal and physical custody of the child welfare system, as well as those who have left as adults or aged-out (left care without legal permanency) but may be receiving supports for education or vocational training post-custody. In New York state there are about 48,000 Transition Age Youth aged 14-26, among whom 38% are Black and 18% are Latinx.<sup>1</sup> Longitudinal studies about this group of young people show high rates of homelessness, criminal legal system contact, underemployment and unemployment, and lack of access to health care. These outcomes are disproportionately worse for Black and Latinx youth, as well as LGBTQIA+ youth, and have been profoundly exacerbated by the COVID crisis. Data from the Think of Us survey of New York youth highlighted heightened concerns amid COVID-19 about: housing and eviction; reduced and precarious employment; medical needs, and help obtaining insurance, and paying for physical and psychological healthcare.<sup>2</sup>

We are in a unique and encouraging policy moment, which includes the emergence of universal basic income and direct cash transfer as a more widely accepted anti-poverty strategy, recent changes to federal law that address increased vulnerability Transition Age Youth face because of COVID, and broad acceptance of “Emerging Adulthood” theory across social policy disciplines that see young adults as needing dedicated, targeted supports that are responsive to their age and stage in life. This is the opportunity to explore targeted and sustained direct cash transfers to young adults, and New York should take a leadership position by advancing a 3-year state-funded pilot for all youth leaving foster care.

### **Pass Legislation Supporting Innovative Pilot Programs to Support Universal Basic Income and Direct Cash Transfer Projects and Protect Participants from Benefits Cliffs (S5759B Brisport / A6709B Rosenthal)**

Pilots are in development or underway across New York State to explore direct cash transfer projects with a broad range of community-members, including parents and older youth. These ground-breaking projects will provide essential information for state and local policy-making, driven by the expertise and experience of impacted communities. Building this knowledge base should not come at the expense of those who participate in pilot projects, and

<sup>1</sup> See, Annie E. Casey Foundation Child Welfare Stimulus Funds Eligibility Fact Sheet (2021): <https://www.aecf.org/m/blogdoc/aecf-childwelfarestimulusfunds-2021.pdf>.

<sup>2</sup> See, the Think of Us Dashboard (NY): <https://www.thinkof-us.org/covid19-impact-on-current-and-former-foster-youth>.

their entitlements to SNAP and Cash Assistance should not be diminished when they receive direct cash transfers as part of this research. We urge the legislature to pass this bill and permit income received under qualified research projects to be disregarded for the purposes of other safety-net programs.

## Continue to Support Raise the Age Implementation and Youth Justice Reform

The pandemic has compromised the safety and stability of families, highlighting, and exacerbating existing inequalities and disproportionately impacting youth of color. New York's children, youth and families have experienced enormous adversity and disruption. As we recover from the collective trauma of the COVID-19 crisis across New York, this is the moment for a bold new vision for youth justice for more resilient and safer communities. We urge the legislature to adopt the following in the state budget session ahead:

***Promote and Center the Leadership of Directly Impacted Youth and Young Adults*** - Provide funding for an Independent New York State Youth Justice Task Force composed of youth leaders impacted by the juvenile or adult criminal legal system to make annual recommendations on youth justice policy to the Governor and legislature, and to oversee and assist with implementation of youth justice policies. Task Force members would receive leadership and professional development as well as living wage compensation.

***Build on the Success of Raise the Age Reforms*** - Show strong and unwavering support for landmark Raise the Age legislation and resist any rollbacks to the law. Increase implementation funding and direct funds to community-based organizations who have the strongest ties to youth and families and are best equipped to serve them.

***Embrace a Public Health Response to Gun Violence*** - Every young person has a right to feel safe in their neighborhood, on their block, in parks and playgrounds, and in school. Too often, New York has responded to the real problem of gun violence with more police, [even when that strategy has been proven ineffective time and time again](#). Research provides evidence that the safest communities have the most resources and support for families, high-quality housing, and green space – not the most police.

Recent research from the [Center for Court Innovation](#), [John Jay College Research & Evaluation Center](#), and the [Vera Institute of Justice](#), among other sources, points to a wide range of solutions that the State can pursue or expand right now to reverse the increase in gun violence that began in the summer of 2020. These include:

- Expanding investment in Cure Violence and other programs across the state that employ a public health approach, utilize violence intervention, and strengthen anti-violence norms. [While New York State has led the nation by investing in these programs](#), the resources they receive remain a tiny fraction of those received by traditional law enforcement. Violence intervention programs must be funded to expand catchment



areas, hire more staff, and create robust intake systems to serve more participants city and statewide.

- Bringing high-quality youth engagement programs and services, including those employing “credible messengers,” to young people in spaces that are important to them.
- Creating job programs that meet young people where they are (including in schools) and help them find pathways to living wage jobs.
- Funding comprehensive civil legal services for young people facing barriers to employment, housing, accessing public benefits, or any other legal need.
- [Investing in green spaces, safe and affordable housing, and accessible public spaces.](#)

***Invest in Health, Mental Health and Well-Being for Youth and Families*** - New York’s Black and Latinx communities that are hardest hit by gun violence *have also been the hardest hit by COVID-19*. During the first few months of the COVID-19 pandemic, [1 in 600 Black children and 1 in 700 Latinx children lost their parent or caregiver to the pandemic in New York State](#), more than double the rate of white and Asian children. Losing a primary or secondary caregiver is associated with a range of negative health effects, including lower self-esteem, a higher risk of suicide, and mental health issues. According to pediatricians, addressing the impact of family death on young people will [“require intentional investment to address individual, community, and structural inequalities.”](#)

Research over the past 18 months has also highlighted devastating mental health impacts of COVID-19 on youth across the country—more psychiatric emergency room visits, more reports of suicidal thoughts, and the single largest increase in drug overdoses in 20 years. Children’s health experts, including the [American Academy of Pediatrics \(AAP\)](#), have recently called a State of Emergency in Children’s Mental Health. The AAP stated that the “worsening crisis in child and adolescent mental health is inextricably tied to the stress brought on by COVID-19 and the ongoing struggle for racial justice and represents an acceleration of trends observed prior to 2020. . . We are caring for young people with soaring rates of depression, anxiety, trauma, loneliness, and suicidality that will have lasting impacts on them, their families, and their communities.” In response, we must:

- Increase investments in high-quality, culturally competent mental health services for youth and families, in schools and in the community, [reversing a trend of disinvestment and lost opportunities to provide needed care](#), and addressing [needs that bring many young people into the youth justice system](#).
- Ensure access, equity, and quality of behavioral health services for young people delivered via telehealth, particularly for vulnerable youth impacted by the digital divide and for those living in unstable home environments. This includes providing options covered by Medicaid and other major state insurance providers as well as free options for the uninsured.
- [Fully resource schools with licensed school counselors and social workers who are representative of the racial and ethnic communities of New York’s public schools](#) so that every student has access to support.
- Invest more deeply in conflict mediation resources at schools and in neighborhoods.



- Ensure that all children and youth have access to comprehensive health care services, by, at a minimum, protecting and expanding Medicaid and the Children’s Health Insurance Program (CHIP) for children and their families.
- Deliver health and mental health services to young people where they are by expanding Medicaid-covered school health services in New York public schools and making them available to more students.
- Move swiftly to reverse [troubling trends in Black youth suicide in New York](#) by increasing investments in youth suicide prevention through such actions as creating a Black Youth Suicide Prevention Task Force.

**Focus Investments on Education, Employment for Youth, and Economic Mobility** - Emerging evidence shows that the pandemic has widened pre-existing academic disparities and raised new barriers for many students. This has a heightened impact on students of color, students with disabilities, and students who are caregivers, both for entry into higher education and for continuing and completing their studies. Moreover, the number of young people 18-25 who are out of school and out of work [likely doubled](#) in the year after COVID-19 lockdowns began. We must:

- Build on recent investments to further expand access to social and emotional support for all students.
- Increase year-round and summer youth employment as well as after school and summer programs with wide-ranging academic, artistic, athletic, and cultural opportunities.
- Support state-law changes to permit New York State’s Earned Income Tax Credit to include eligibility for young adults without children.

**Support Youth Justice Reforms** - Every year, tens of thousands of young people 25 and under are arrested in New York, and the large majority are Black and Latinx. Today, New York needs bold policies that will promote genuine community safety, racial justice, and opportunities for youth. We also need to stay the course with successful reforms that have recognized that children are not small adults, and that young people’s development continues through their mid-twenties. We must:

- Expand protections for young people age 25 and younger who face the threat of permanent criminal convictions and adult prison sentences with the [Youth Justice & Opportunities Act](#).
- Expand investment in high quality diversion, alternative to incarceration, and reentry programs and ensure continuity of programs between adult and family court for youth whose cases are transferred.
- Pass the [Right 2 Remain Silent](#) bill to protect young people during police interrogations.
- Pass the [Solutions Not Suspensions](#) bill to limit exclusionary discipline statewide, and disrupt the school-to-prison-pipeline with school-based services to address conflict and meet students’ needs.
- Pass the [Promoting Pre-Trial \(PromPT\) Stability Act](#), which ensures due process and individualized decision-making in the issuing of stay-away orders in criminal cases.

***Build Community Capacity to Reduce Youth Incarceration and Reinvest Savings from Youth Prison Closure*** - Services that provide for young people and their families in or close to their communities have been shown to be more effective in delivering long term community safety. Moreover, juvenile placement facilities are the site for extreme racial disproportionality. During 2019, almost 75% of children admitted to Office of Children and Family Services (OCFS) custody were Black or Latinx, while they represent only 40% of New York’s children. Working toward building stronger community-based alternatives and closing state facilities is a crucial step for youth justice reform and racial equity in New York.

Between 2007 and 2013, the State closed 23 youth facilities and reduced capacity in others. Overall, OCFS reduced its residential capacity by more than 1,000 beds, which was part of a steep reduction in family court placements that continued for a decade. We also saw a [decrease in arrests](#) among youth under 18 during this time. These kinds of closures provide an opportunity for reinvestment in mental health, family support and youth development programming to further reduce reliance on the carceral system and to decarcerate more youth.

Today the costs associated with placements in New York are nearly \$900,000 per child per year. Following the OCFS facility closures in 2012, a new fund was created (the Supervision and Treatment Services for Juveniles Program) to push more state dollars into counties to support prevention, alternatives to detention/placement, and reentry services. This is one of the most important mechanisms for reducing youth incarceration as communities develop programs that courts can rely on instead of sending youth to OCFS-operated facilities.

To continue to reduce reliance on youth incarceration and fully support community-based solutions, we must:

- Increase funding for Raise the Age implementation and for diversion and alternative to incarceration programs statewide and make existing funding streams such as the Supervision and Treatment Services for Juveniles Program—as well as capital funding for community centers—as flexible as possible so funding can be accessed by small community-based organizations closest to the young people they serve.
- Invest in targeted intervention facilities that serve as specialized residential alternatives to incarceration for youth sentenced to jail or prison.
- Restore State funding for New York City’s Close to Home Initiative and incentivize other counties to implement similar programs.
- Close more OCFS placement facilities and ensure that 100% of the dollars saved are reinvested in communities.

### **Establish an Independent Office to Produce Racial and Ethnic Impact Statements for All Legislation and Rules**

New York’s pervasive racial and ethnic disparities must be addressed through systemic change. The pandemic has provided irrefutable evidence of the long-standing, deeply-rooted racial inequities that have caused increasingly disparate outcomes in New York and throughout

the nation for far too long. These wide-ranging and long-standing inequities, encompassing such areas as healthcare access, involvement in the child welfare and youth justice systems, economic security, educational opportunity, and workforce disparities, continue to harm New York's most marginalized children and families.

Our State can lead the nation in achieving equity in all policies by establishing an independent office to ensure that we no longer pass legislation or adopt rules without first examining whether these policies will create, eliminate, or perpetuate racial and ethnic disparities. Enacting new legislation and rules without first evaluating their potential to disproportionately impact communities of color only perpetuates these disparities. In the absence of racial impact assessment, legislation that "appears" race-neutral at face value can, in practice, adversely – and disparately – affect New York's children and families of color. This is evidenced by the pervasive, wide-ranging, and long-standing disparities and inequities that assault people and communities of color in our state and around the nation due to the impact of our policies and regulations. Just as our State legislators consider the fiscal and environmental impacts of new laws, so too must they examine the potential racial disparities of all legislation and rule-making activity – prior to enactment.

To implement this approach, the State will need to invest more resources in both the legislative and rule-making processes. Furthermore, the evaluation of racial and ethnic impact needs to be insulated from politics – meaning the office producing the impact statements should be independent from both the Legislature and the Governor. Maintaining this independence will ensure that meaningful, unbiased impact statements are faithfully and consistently produced at an optimal level.

Undoing generations of racial and ethnic disparities and institutionalized harm demands an anti-racist approach that actively examines the role of legislative and regulatory action in perpetuating inequality in New York. To ensure that our laws truly advance racial and ethnic equity and begin to dismantle systemic racism, New York should adopt:

- (1) The establishment of an independent office or entity tasked with producing racial impact statements.
- (2) A requirement that all bills and amendments to bills in the legislature must be accompanied by a racial impact statement.
- (3) A requirement that all proposed rules must be accompanied by a racial impact statement when introduced.
- (4) A requirement that racial impact statements must include an estimate of the impact of the bill, amendment or proposed rule on racial and ethnic minorities, and the basis for the estimate, including any specific data relied upon.
- (5) A prohibition against passing bills that increase racial or ethnic disparities.

## Conclusion

Thank you for your time and consideration. The Children's Defense Fund – New York looks forward to working with you on a State budget that improves the health and well-being of children, youth, and families in every community across New York.

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