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Memorandum in Support

S3880 (Montgomery)/A8223 (Titus)

The New York Children's Action Network (New York CAN) is a broad-based coalition with a membership of over 170 coalitions, organizations and individuals providing a unified voice on behalf of children. New York CAN supports S3880/A8223, especially aspects of the bill relating to the reinstatement of parental relationships and enhancement of supervised independent living programs (SILPs), as put forth by the Office of Children and Family Services (OCFS).

New York CAN is satisfied that returning limited judicial discretion to allow an order of disposition vacating guardianship and custody and reinstating parental rights in limited circumstances is appropriate. Especially in the cases of older, mature youth in foster care, the reinstatement of parental rights will likely further key elements of the child's permanency plan. There are instances where reversing the termination is in the best interests of the young person.

Supervised Independent Living Programs (SILP's) are considered to be a form of Agency Operated Boarding Homes, (AOBH) in statute. In fact they more closely resemble Family Foster Homes. New York CAN's members and their own agencies who operate SILP's regularly discuss ways to be "good and better neighbors," maintain the physical property with constant care and attention, and more generally create a sound fit with the block or neighborhood in which they are located. With required supervisory attention, the foster youth residing in these SILP's learn a variety of life skills and disciplines ranging from personal hygiene to transportation, employment and financial management.

A typical SILP unit is an apartment that houses two or three foster children at a time, the neighborhood landscape is minimally impacted by the operation and the youth have a more typical community experience than they might otherwise. Given the ages of the youth residents and the fact that the SILP is their foster care program for a short period of time, regular turnover of apartments is somewhat predictable. However, the discharged youth often remain in and assume the property lease in their familiar environment and new SILP units must be located and opened. The impracticality and inefficiency of subjecting this turnstile process to a municipal notification, review, and approval process is self-evident.

Unlike residential facilities operated on a shift basis by authorized agencies, which are subject to local notification procedures, these SILP settings are much more like family foster care, which must meet OCFS requirements, but which are considered private dwellings not subject to such public notification rules.

For the above stated reasons and more, New York CAN writes in support of S3880/A8223. We are grateful to the bill's legislative sponsors and supporters. Please feel free to contact Karen Schimke, New York CAN Convener at 463-1896, ext. 25 or by email at kschimke@scaany.org to further discuss the proposed legislation and/or the New York CAN position of support.

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