Schuyler Center
for Analysis and Advocacy

Testimony before the Joint Fiscal Committees
on the SFY 2020-21 Executive Budget
Human Services Budget Hearing
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The Schuyler Center thanks the chairs and members of the respective committees for the opportunity to submit testimony on the 2020-21 New York State Executive Budget. The Schuyler Center is a 148-year-old statewide, nonprofit organization dedicated to policy analysis and advocacy in support of public systems that meet the needs of disenfranchised populations and people living in poverty.

Our priorities this year, as in the past, focus on strengthening families before they experience crises or trauma and preventing families from enduring hardships like ill-health, economic insecurity, child welfare involvement, or encounters with juvenile justice. Another over-arching priority: ensuring comprehensive and strategic investment in our youngest New Yorkers, ages 0 to 3, when their brains and bodies are most rapidly developing, with impacts that can last a lifetime.

Schuyler Center leads and participates in several coalitions focused on children and families, including Raising New York; the Child Welfare Coalition; CHAMPS (Children Need Amazing Parents); the Empire State Campaign for Child Care; *Winning Beginning New York*; Ready for Kindergarten, Ready for College; Fostering Youth Success Alliance; Raise the Age; Medicaid Matters New York; and a statewide workgroup on maternal, infant, and early childhood home visiting, which brings together State agencies, providers and advocates to strengthen coordination between and access to important whole-family interventions.

For more about Schuyler Center and our work, please visit our website www.scaany.org.

OVERVIEW

All New York children need strong and economically stable families, healthy bodies and minds, safe homes and communities, and a sound education. All New York children need all of these things, every year. Yet, too often, the state balances the budget by shifting funds from one program essential to child and family well-being to fund another program essential to child and family well-being. Or it delays investments long overdue.

Unfortunately, that appears to be the case again with this Executive Budget.

While this Executive Budget contains some important proposals and new investments, it is not a budget that puts children and families first. At best, this budget, if enacted, would require our children and families to continue to “make do” with inadequate resources. At worst, when the many proposed cuts are implemented at the county level – including the cap on Medicaid spending – many New York families that are already facing obstacles like disability, ill health, racism, and poverty, will be left in a worse position.

CHILD POVERTY

ESTABLISH TARGETS TO CUT CHILD POVERTY IN HALF BY 2030, AND TAKE BOLD STEPS THIS YEAR TO BEGIN MEETING THAT GOAL

We challenge New York leaders – the Governor and Legislature – to make a public, binding commitment in 2020 to **cut child poverty in half in New York by 2030,** and dedicate significant State dollars to set New York on a path to meeting that target.

New York children are more likely to live in poverty than in 31 other states.[1] And New York's high rate of child poverty is not new. For more than a decade, the percentage of New York children living in poverty has exceeded 19%.[2] Further, the younger the New York child, the more likely the child is to live in poverty. More than 23% of New York children under the age of five live below the federal poverty level—at exactly the time in their development when they are most vulnerable to poverty's devastating impacts.[3]

The terrible impacts of poverty on our children cannot be overstated. The stress of poverty can actually alter the brain development of young children – causing permanent changes in the structure and functioning of the brain. As a result, many children who experience poverty face significant challenges – in the form of ill health, academic obstacles, and lower earnings – for the rest of their lives. The World Health Organization describes poverty as the greatest cause of suffering on earth and the American Academy of Pediatrics reports that poverty and other adverse social determinants have a detrimental effect on child health and are root causes of child health inequities in the United States.

The uncomfortable truth is that New York has long had the means to tackle child poverty. New York boasts the 11th biggest economy in the world (just after Canada), with a budget this year that will exceed $178 billion.[4] The state has experienced steady economic growth since emerging from the great recession in 2011. New York is overdue to take bold, transformational action to sharply reduce child and family poverty, and provide all New York children a fair chance to thrive.

Growing evidence from peer nations and states shows that coordinated anti-poverty initiatives can drive a nation, state, or community to dramatically reduce child poverty. Setting a target and a coordinated plan will help ensure the state does not continue to fall prey to pressure to balance the budget by diverting funds from one child poverty-reducing program to bolster another.

New York should also implement evidence-based strategies each year to set New York on a path to reducing child poverty and moving families into economic stability. Significantly reducing child poverty will require New York to make substantial investments in numerous, complementary strategies over a number of years. This year, the State should begin by building upon the **Executive Budget** proposal to extend the Empire State Child Credit to cover previously excluded young children by making this credit more robust for young children, and having it cover children living in deep poverty. Robust child credits or allowances have been shown to be the most effective strategy for reducing child poverty.[5]

We urge New York to set bold child poverty targets this year, develop a plan, and, as a first step toward meeting these targets, build upon the Executive's proposal to strengthen the state's child tax credit.

CHILD WELFARE

The child welfare system serves children and families facing significant challenges. The system includes the Statewide Central Register (SCR), child protective services, preventive services, foster care, and adoption/post-adoption. The responsibilities placed upon the child welfare system are enormous and profound, and adequate resources are required if the system is to fulfill them.

2018 saw the passage of groundbreaking federal legislation: the Family First Prevention Services Act (FFPSA). This law makes prevention a priority while at the same time aiming to strengthen foster care supports for children who need it. FFPSA provides states and tribes the opportunity to use federal Title IV-E funding – the principal source of funding for child welfare services – to support mental health, substance use, and parenting programs that help keep families intact and out of the child welfare system. FFPSA encourages the placement of youth in family-based settings while reserving placements in group home care for children in need of clinical services. This federal law presents New York with a tremendous opportunity to bolster its preventive services and strengthen family-based foster care services – if the State fully opts into the law and fully implements it.

STRENGTHEN THE FAMILY FIRST TRANSITION FUND

The **Executive Budget** proposes level funding for the Family First Transition Fund, at $3 million, which supports counties' efforts around recruiting and supporting foster and kinship families in preparation for implementation of the new Family First Prevention Services Act. We applaud and support this proposal and urge an increase.

The Family First Transition Fund is a crucial resource for improving state and local policies and practices related to recruiting, retaining and strengthening foster and kinship families and evaluating current use of residential care. The program was implemented last year, and has helped many counties undertake important steps to reduce their reliance on congregate care, and strengthen their kin and family-based care. With increased funding, counties would be able to strengthen and expand the efforts begun under the first year of the Transition Fund. Increased funding would also ensure that all counties, including the smallest, could receive an allotment large enough to be useful, i.e., sufficient to cover the costs of a full-time employee to expand the county's kin outreach and support services. Strengthening this fund would demonstrate that New York is not only serious about preparing the state for implementation of the federal Family First Prevention Services Act, but considers the animating spirit of the law worthy of investment: every child needs a family.

Schuyler Center urges the Legislature to add $1.5 million to the Governor's proposal, for a total funding of $4.5 million for the Family First Transition Fund.

STRENGTHEN PREVENTIVE SERVICES – INCLUDING IN COMMUNITY-BASED PRIMARY PREVENTION – TO KEEP FAMILIES STRONG AND INTACT

Preventive services are resources provided families that can allow children to remain safely at home by targeting the problems that are known to drive abuse and neglect, including substance use, mental health issues, poverty, housing instability and lack of parenting skills.

The new federal Family First Prevention Services Act (FFPSA) will allow states to seek federal reimbursement for **evidence-based preventive services**. To take advantage of this aspect of the law, each state needs to affirmatively opt into the prevention provisions, and take steps to prepare for implementation, including by expanding the evidence-based services available in the state. New York has opted for a two-year extension to make this decision.

We urge New York to use the second half of this two-year period to prepare for implementing the prevention provisions, and then fully adopt them to help fund existing services, and to expand access to evidence-based preventive programs.

Unfortunately, the **Executive Budget** contains a proposal that appears to weaken New York's preventive services, rather than strengthen them. Specifically, the Budget proposes to reduce the preventive, protective, independent living, adoption, and aftercare services funding line by $25 million to $610 million. The Budget proposes to make up this cut by shifting $40 million from the TANF Flexible Fund for Family Services (FFFS) to be spent on child welfare services. While we are still working to better understand the impact of this shift, it raises two concerns:

1. This collective $40 million reduction of FFFS funding will mean that counties will have to cut or eliminate programs currently relying on these funds if they cannot find other ways to sustain them. By definition, these funds have had to be invested in social services programs supporting low-income seniors and families, like senior services, and child care. Accordingly, those are the types of programs that counties will likely have to cut.
2. This shift will also leave counties with fewer dollars available to draw down preventive services, which could result in an overall cut in preventive services – again at exactly the time New York should be bolstering its preventive services.

The **Executive Budget** also, once again, reduces the State share of preventive funding to 62% from 65% (as is written in statute). Localities use this open-ended, matched funding stream to pay for services that include child protective services and services to prevent children from entering, or re-entering, foster care.

The **Executive Budget** provides flat funding ($12 million) for the Community Optional Preventive Services (COPS) program, but increases the range of programs and counties that qualify for the funding. While we are pleased that these funds will be more widely available, because this expansion is not coupled with an increase in funds, it may effectively decrease the available funds for programs currently relying on COPS funds.

The State should expand its investment in primary prevention – a more strategic approach to prevention that makes services available further upstream, before there is any documented risk of entry into foster care.

We urge the State to restore the funds transferred from FFFS to preventive services, re-assume the 65% State share, as provided in statute, and to reserve that increased funding for community-based primary prevention services that reach families before there is a risk of removal to foster care.

RESTORE FUNDING TO THE FOSTER CARE BLOCK GRANT

In 2017-2018, the State's final budget cut the Foster Care Block Grant by $62 million, with $23 million targeted at New York City, eliminating State reimbursement for tuition costs for children in residential facilities, and the remaining $39 million in statewide cuts, to reflect a reduction in the State's share of funding for foster care. Counties' child welfare systems already operate on tight budgets, leaving them to carry out one of the most sensitive and important government functions – investigating cases of child abuse and assuming custody for those children unsafe in their parents' care – with insufficient resources.

Years later, the cuts have not been restored and counties are still struggling to provide these critical services with reduced resources.

Schuyler Center urges the Legislature to restore funding to the Foster Care Block Grant to 2016-2017 levels so counties have resources needed to provide quality services to the children and young people in their care.

STRENGTHEN THE HOUSING SUBSIDY FOR FOSTER FAMILIES AND YOUTH

Each year approximately 1,300 youth age out of foster care.[6] As many as one-third of youth who age out of foster care experience homelessness, and many more experience unstable housing arrangements. Currently, youth and families involved in the child welfare system may receive a housing subsidy of up to $300 per month to help stabilize their housing.

Last year, the Legislature passed, and the Governor signed into law, legislation clarifying that young people who receive this subsidy should not be precluded from living with roommates. This is particularly powerful, given the high costs of housing, and the importance of community and positive relationships for all young people, including those transitioning from foster care.

However, more policy changes are necessary to enable young people and families involved in the child welfare system to utilize the subsidy. First and foremost, the housing subsidy allowance must be increased. This amount has not changed since 1988. However, the cost of housing is substantially higher: the average cost of a one bedroom apartment in New York City is $3,000 per month,[7] and New York State's median monthly gross residential rent is $1,240 per household.[8] Given these high costs, a $300 monthly subsidy is not sufficient to stabilize the housing of youth or families in most cases.

Another barrier to utilization is that the subsidy is only available to youth until they reach age 21. Because New York extends foster care until age 21, this means that youth aging out of the system are unable to avail themselves of the benefit to assist them in their transition to independent living.

The State should increase the monthly foster care housing subsidy to reflect current housing costs and increase the upper age limit eligibility from 21 to 24 so that youth who age out of foster care at 21 can avail themselves of the subsidy program for up to 3 years.

STRENGTHEN THE FOSTER YOUTH COLLEGE SUCCESS INITIATIVE TO SUPPORT YOUTH IN FOSTER CARE IN PURSUING HIGHER EDUCATION

Only two to seven percent of foster youth complete a two- or four-year degree. However, the best way to ensure that a youth will secure and retain good-paying employment in adulthood is a college education.[9]

The **Executive Budget** proposes $6 million in funding for the Foster Youth College Success Initiative (FYSI) to support youth in foster care to pursue higher education to graduation. This represents level funding compared to last year's final budget. This $6 million is not enough to support hundreds of new students through successful completion of their course of study as more youth avail themselves of the support the initiative provides each year.

The State must fulfill its responsibility to the youth entrusted to its care and ensure they are prepared to lead independent and fulfilling lives by strengthening the Executive's proposed $6 million with another $1.5 million ($7.5 million total) to support youth pursuing higher education who either are or have been in foster care. Funding at this level represents enough funding to support students as the initiative covers an increasing percentage of college-age youth in foster care.

STRENGTHEN KINSHIP GUARDIANSHIP ASSISTANCE (KINGAP) BY FUNDING IT AS A PERMANENCY OPTION OUTSIDE OF THE FOSTER CARE BLOCK GRANT

A relative is a preferred caregiver for children who are removed from their birth parents because such placements help to maintain connections to family and culture. The State should provide robust funding for programs that support families willing to step in and care for young relatives when the parents cannot.

The **Executive Budget** continues to fund the Kinship Guardianship Assistance Program (KinGAP) through the Foster Care Block Grant (FCBG), thereby diverting scarce funds from critical programs that aid foster youth, to fund a program that is not foster care, but a permanency option. This diversion of funds is particularly problematic given the sharp cuts to the Foster Care Block Grant in 2017-2018. In 2011, New York implemented KinGAP using funds from the FCBG, with the intent to use the FCBG for a period of just one year, but KinGAP continues to be funded through the block grant. Although the number of children in foster care has declined, the health and service needs of the children who are in care are significant and costly. The FCBG funds must be preserved to meet their needs.

Relatives in approved or certified foster care settings can apply for KinGAP when both adoption and family reunification are ruled out. Many of these families need financial assistance to continue caring for a foster child in their home. With this option, kin families can exit the foster care system and continue to receive financial support while still caring for the relative child.

Schuyler Center urges the State to fund the Kinship Guardianship Assistance Program as an uncapped permanency option <u>outside</u> of the Foster Care Block Grant to incentivize more counties to use this important permanency option.

RESTORE FUNDING FOR KINSHIP CAREGIVER SERVICES AND THE KINSHIP NAVIGATOR PROGRAM

Hundreds of thousands of children in New York are in informal kinship arrangements,[10] and the number of children entering into direct custody arrangements with kin has been steadily increasing over the last five years.[11] Kinship Caregiver programs offer important supports and services to kin, a majority of whom are grandparents, who care for their relatives' children in their household outside of the formal foster care program, and often with extremely limited resources. Relative caretaker programs provide information about family members' rights, support to meet children's education and health care needs, and assistance with obtaining health and social service benefits. For as little as $510 per child per year, these programs are far less costly than foster care placement.

The Kinship Navigator is a statewide resource and referral network for kinship families, providing information and connections to important resources.

Furthermore, the federal administration has dramatically increased deportations over the last two years and no longer engages in selective enforcement, meaning that immigrants with no criminal history other than immigration-related infractions are targets. The rate of deportations increased by 13% in FY 2018 as compared to FY 2017.[12] This means that all of the children in the more than 250,000 New York families in which one or both parents is unauthorized are at risk of separation from their parents due to immigration detention or deportation.[13] Many children separated from parents due to parental detention or deportation will end up in the care of relatives or close family friends. Providing kin caregivers information and supports through kinship caregiver programs might enable more of these children to remain safely with kin, and speed up reunification with parents, when that is possible and appropriate. These programs require secure, stable, and sufficient funding to support kin caregivers.

The **Executive Budget** proposes funding for kinship caregiver services at $338,750. This is a cut of $1.9 million from last year's final budget. Last year the Assembly added $1.9 million.

The **Executive Budget** also proposes $220,500 in funding for the statewide Kinship Navigator information and referral network. This represents a cut of the $100,000 the Assembly added to last year's budget.

Schuyler Center requests that the Legislature strengthen funding for Kinship Caregiver programs to $4 million by adding $3.7 million and strengthen funding for the Kinship Navigator Program to $1 million by adding $779,500 to ensure the maintenance of kinship support services in the coming year.

FUND POST-PERMANENCY SERVICES

The **Executive Budget** includes a $10.6 million investment, funding that comes from adoption assistance savings, for post-permanency (including adoption and guardianship) services. This includes $3 million for the Family First Transition Fund. This would amount to level funding compared to last year's final budget. The State's responsibility to children in foster care and families should not end if a child is adopted. Many children in foster care have significant emotional, mental, and behavioral health issues due to childhood trauma, and therefore require additional services and supports. Adoptive parents who are unable to find the appropriate supports their child and family needs may be forced to dissolve their family and place their child in foster care, which hurts families and is more costly to the state.

Schuyler Center urges the Legislature to maintain the Executive's $10.6 million for post-adoption services.

EARLY CARE AND LEARNING

It is widely recognized that the earliest years of a child's life are extremely important for health, development, and learning that can last a lifetime. A strong early start is a major predictor of future success and is particularly important to mitigate disparities in health, education, and other long-term outcomes.[14]

SUBSTANTIALLY INCREASE INVESTMENT IN CHILD CARE TO EXPAND EQUITABLE ACCESS TO QUALITY CHILD CARE FOR MORE NEW YORK CHILDREN AND WORKING FAMILIES, AND A FAMILY SUSTAINING INCOME FOR THE CHILD CARE WORKFORCE.

New York's child care system is in crisis. High-quality child care, costing an average of $15,000 annually per child, is prohibitively expensive for nearly all low- and middle-income families.[15, 16] Indeed, applying federal guidance, which pegs affordability at no more than 10% of family income, child care is unaffordable for nearly all New York families. Under this standard, to "afford" the annual cost of center-based care, a family with one child must earn a minimum of $150,000; a family with two children in care, $300,000.[17] (For perspective: median income in NYS for family of 4 is about $89,000.) Yet, due to underinvestment in child care for low-income families, it is estimated that fewer than 20% of eligible low-income families who could benefit from receiving subsidy assistance from New York State receive it.[18]

Counties have to make tough choices to stretch inadequate child care funding. They all do one or more of the following. Some set eligibility levels at less than 200% of poverty; others set co-pays very high. Many do not cover sick days and other absences. Most do not allow families to receive subsidies while job hunting, pursuing higher education.[19] These variations cause significant disparities across counties.

Even for low-income families lucky enough to secure a subsidy, some have to decline the subsidy when the co-pays are set too high. In high co-pay counties, families can pay in excess of $7,400 a year in co-pays; out of reach for many low-income working families.[20]

Even for families who are able to cover child care costs, many cannot find quality care in their communities. More than 64% of New Yorkers live in child care deserts, meaning that they live in a community with no child care, or so few providers that there are more than three children for every licensed child care slot.[21] The shortage is particularly severe for infants and toddlers. It is estimated that there is one licensed spot for every seven infants or toddlers who may need care.[22]

At the same time, child care educator salaries are so low that many live in or near poverty (the average median wage is $12.38 an hour or $25,760 per year[23]). Child care educators caring for New York's youngest, who are overwhelmingly women, many, women of color, are paid wages that leave them living at or near poverty without benefits, and can undermine quality due to high turnover and the stress of economic insecurity.[24] Child care providers, unable to meet rising costs, are closing their doors in rising numbers.

Another year of underinvestment in child care will not only leave thousands of New York working families scrambling to find quality, affordable child care, it will jeopardize the very survival of the state's child care infrastructure.

We are deeply concerned that Governor Cuomo included no new state investments in child care in his **Executive Budget.** Our disappointment in this lack of new investment is particularly sharp given the tremendous work undertaken by the Governor's Child Care Availability Task Force over the past year to address this crisis. Indeed, the Task Force appears poised to recommend a bold, comprehensive plan to create a high-quality child care system that will be accessible to all. This Executive Budget is a wakeup call. This marks the third Executive Budget since Governor Cuomo signed legislation creating the Task Force; none have contained any meaningful new state investment in child care. This repeated lack of investment leaves us no choice but to question the Governor's commitment to the principles set forward by the Task Force.

Further, while we welcome the Governor's proposal to expand the state's child tax credit to cover New Yorkers under age four, it is a mistake to suggest, as is done in the Budget Briefing Book, that this $330 per year credit (at its maximum) will provide meaningful help to families facing annual child care bills that easily exceed $10,000. In fact, the Empire State Child Credit is a working family tax credit, intended to make low-wage paychecks stretch further to cover the everyday high costs of raising children. This credit is not intended, nor is it robust enough, to enable low-income working families to afford child care. So, too, we welcome new ($15 million) investment in pre-K, but note that does not help families in urgent need of quality, affordable child care for their babies, toddlers and pre-schoolers, nor those in the many school districts without pre-K, nor those needing after school care for their school age children.

Schuyler Center is a founding member of the Empire State Campaign for Child Care, *Winning Beginning New York*, and Ready for Kindergarten, Ready for College, which together represent more than 70 organizations – advocates for children and families, child care providers, parents, faith and union leaders – from across the state, and are committed to achieving equitable access to quality child care for all New York children and working families that need it.

To prevent New York's child care system from falling into further decline, and to lay the groundwork for the state to develop a model child care system that provides all New York families access to quality, affordable child care, Schuyler Center, along with Empire State Campaign for Child Care, Winning Beginning New York, and Ready for Kindergarten, Ready for College, urge the Legislature to work with the Executive to ensure the following commitments and investments are included in New York's 2020-2021 final enacted budget.

1. **New York commits to achieving universal access to quality, affordable child care by 2025; and**

2. **To set New York on a path to meeting the goal of universal access, and to curb the loss of providers and the exodus of educators from the field while working toward this goal, New York makes significant building block investments in child care this year, including:**
   a. **Investing at least $40 million to create a fund to increase workforce compensation and improve child care quality; and**
   b. **At least $60 million in the state's child care subsidy program to expand access to more working families by making eligibility levels and co-pays more fair and uniform across the state.**

EXPAND AND STRENGTHEN EVIDENCE-BASED HOME VISITING

Maternal, infant, and early childhood home visiting is recognized across the nation as a uniquely effective approach to family strengthening, with myriad benefits to children and families' health, well-being and economic security. Home visiting has been proven to improve birth outcomes;[25] increase high school graduation rates for children who received home visiting services while young;[26] increase workforce participation and lower rates of welfare dependency;[27] and reduce instances of child maltreatment.[28, 29] And, home visiting has been proven a cost-effective intervention that yields tremendous savings over the lifetime of children in the form of lower health care costs and improved earnings as adults.[30]

Yet, New York State has for years failed to make a substantial investment in these programs. As a result, fewer than three percent of New York children ages 0 to 3 live in communities with access to home visiting.

Schuyler Center urges the Legislature to increase State investment in home visiting to maintain existing programs and expand services to more families. Specifically, to support home visiting programs and infrastructure, we request the following investments:

- **Healthy Families NY: Adopt Executive's $26 million in funding and add $1 million, to serve more families annually.**
- **Nurse-Family Partnership: Adopt the Executive's $3 million and add $1 million to enable growth in underserved communities.**
- **Parent Child Plus Program: Invest $2 million to bring the program to unserved areas.**
- **Parents as Teachers: Invest $3 million to reduce waiting lists and expand to underserved areas.**

STRENGTHEN AND EXPAND ACCESS TO QUALITY AFTER-SCHOOL SERVICES

High-quality afterschool programs provide children and youth with safe, enriching care after school.

The **Executive Budget** again proposes a $5 million reduction in funding to Advantage After-School over last year's enacted budget. We join our partner, the New York State Network for Youth Success, in recommending increasing the Advantage per-student rate from $2,000 to $2,320 to keep up with rising costs, including the minimum wage hike.

The Schuyler Center urges the Legislature to restore $5 million to the Advantage After-School Program, and add $5.12 million, which would increase the per-pupil rate to $2,320.

AN EQUITABLE, WELCOMING NEW YORK

Essential to creating an equitable, welcoming New York, is placing the well-being of our children and families at the very center of New York State leaders' policy agendas. We urge the Legislature to place a special focus on programs designed to aid families in achieving economic security, providing children a strong early start, and reducing inequality and deprivation, by supporting the recommendations in this testimony as steps toward laying more stones on the path of opportunity for all of New York's families and children. Adequately funding these programs will not only enable more New Yorkers to achieve their potential and thrive, but will also yield significant cost savings down the road.

Thank you. We appreciate the opportunity to submit testimony and look forward to continuing to work with you to build a strong New York.

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