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December 10, 2020

The Honorable Andrew Cuomo
State Capitol, Executive Chamber
Albany, NY 12210

Dear Governor Cuomo,

CHAMPS-NY is a statewide coalition of advocates and providers working for policy and practice change to support children, families, and caregivers in child welfare. Lawyers For Children is a not-for-profit legal corporation that provides legal and social work services to individual children in foster care in New York City and advocates for statewide child welfare reform. **Together, we implore you to sign S.8834/A.10581, sponsored by Senator Montgomery and Assembly Members Wright, Barrett, Jaffee, and Hevesi.** This measure, if enacted, would authorize children who have "aged out" of foster care to return to care without waiting for court approval during the COVID-19 state of emergency. When coupled with protocols published by the Office of Children and Family Services in July, this initiative will provide for a stronger safety net for young adults aging out of foster care during this pandemic.

As you are well aware, and responsive to, this pandemic continues to present significant and unique challenges for the thousands of children who have recently been discharged from foster care. During the best of times, children who "age out" of foster care do not perform as well as their peers in the most fundamental aspects of adult life. The statistics are well documented and overwhelming; when youth are discharged without the foundation of family, they face instability with regard to housing, income, and employment. A November report from the Children's Bureau at the Administration for Children and Families also points to the importance of youth remaining connected to supports during the pandemic. COVID-19 has highlighted what happens to our youth who are not connected to permanent families: they have no one to fall back on during a crisis.

Another impact of this pandemic is that New York State is facing a severe fiscal crisis,

increasing the likelihood that many youth aging out of foster care would have trouble finding employment, struggle with homelessness, and be forced to rely on adult welfare services. This is an opportunity for us to “Build Back Better” for children who have recently aged out of foster care by ensuring every child is connected to a loving family, and has the stability that will enable them to further their education and participate in vocational training. It is the better financial decision, but more importantly, it’s the better decision for our youth. This urgent issue [continues to capture press attention](#) and engagement as young adults tell their stories and advocates and lawyers for youth detail the ramifications of inaction. While New York has led the way in much of the pandemic response, we have lagged behind on this issue.

The need for this legislation has become increasingly urgent, with the announcement of Chief Judge Janet DiFiore on [December 7, 2020](#) that staffing levels in courts throughout the state are being reduced by up to 40%, and her acknowledgment that Family Courts do not have the virtual capacity to carry out their important business.

While this legislation assists one population of older youth, the other population who need assistance are youth who are currently in foster care but nearing the age of 21, when they “age out” of care. According to OCFS, that is over 500 youth for this year. In the middle of a global health pandemic, when safe, stable homes and families are key to both individual and public health, no young person should be forced to leave foster care without a family or stable place to live simply because they turn 21. No child should age out of foster care without a permanent, committed family connection that lasts a lifetime--a comfort the rest of us take for granted.

We hope that you will work with the legislature to enact legislation that would establish a moratorium on aging out of foster care, allowing youth over the age of 21 who need the continued support of foster care to stay in care during this crisis. This year, nine other states implemented that protection for children in foster care, showing it is both practically and economically feasible.

In the meantime, we urge you to strengthen your response to youth aging out, and sign S.8834/A.10581 into law. Thank you for your consideration.

Sincerely,

The CHAMPS-NY Campaign

Lawyers For Children