



Building a State Foster Care Ombudsman

New York Should Join 36 Other States in Creating a Foster Care Ombudsman to Help Build a More Responsive, Supportive, Equitable Child Welfare System

Children experience better health, safety, and well-being outcomes when they are cared for by supportive families. In cases where children must be removed from their family of origin and enter the child welfare system, they experience the best outcomes in a well-supported [family-based](#) setting with kin or foster caregivers. Yet, nearly [1 in 5](#) children in New York's foster care system live in an institution. On any day, over 2,500 children are in congregate placements, which include group homes and shelters, instead of with a family. New York currently, as it has for decades, places a higher percentage of children in congregate care [than the national average](#).

While specialized congregate placements can be the best setting for children who have endured severe trauma or have other special needs, for the vast majority of children, congregate placements [undermine child well-being](#) in the short term or the long term. It is well-documented that even high-quality settings increase risk for physical and emotional harm, especially for younger children, and set up older youth to leave foster care without permanent family bonds.

Due to structural racism, Black children in New York represent [half](#) of all children living in institutions and group homes statewide, yet only constitute [15%](#) of children in New York. Overall, youth of color, especially Black children, are [disproportionately](#) represented in New York's child welfare system because their families are disproportionately investigated by child protective services, removed from their families, and placed in foster care. Notably, New York has taken important steps in recent years to create a more racially just child welfare system, including adopting a policy [of blind removal and a kin-first firewall](#) in 2020. These are important reforms, but disparities persist. Finally, congregate placements are much more expensive than family-based care.

Now is the time for New York to pass S.3109/A.6269, join the vast majority of states ([36](#)), and establish an Office of the Foster Care Ombudsman.

An Office of the Foster Care Ombudsman Will Help New York Meet New Federal Requirements and Improve New York's Child Welfare System

Federal child welfare reform, known as the Family First Prevention Services Act ("Family First"), establishes new financial incentives to reduce the use of congregate settings, increase support for kin caregivers, and strengthen community-based preventive services. New York will be required to comply with Family First in [September 2021](#).

New York has long struggled to recruit and retain enough kin and foster caregivers to meet the needs of youth in its child welfare system. Additionally, some New York counties rely on kin to care for children who were removed from their parents' care—[without providing them financial support](#). The shortage of well-supported kin and foster caregivers deprives New York's children of quality family-based care, and has and continues to impede New York's efforts to prepare for Family First implementation—and undermines well-being of children in the child welfare system.

The bill to establish the Office of the Foster Care Ombudsman, S.3109/A.6269, would create a strong, effective and publicly accountable office that can neutrally and impartially mediate conflict, provide information, and protect the interests and rights of youth and caregivers in foster care.

The Office would provide an avenue for raising and finding solutions to concerns, help families and youth navigate foster care policy and practice, and provide families with a robust level of support. Along with providing one-on-one assistance, the Office would track the issues and concerns raised from across the state, enabling the ombudsman to identify and report annually to the legislature with recommendations to resolve systemic issues in New York's child welfare system. As a county-administered child welfare system, it is particularly challenging for New York to identify trends and systemic issues whether arising across the state, or in specific regions. The Ombudsman will help address this challenge.

The Office would improve oversight of New York's child welfare system via its independent structure:

- ▶ The Foster Care Ombudsman would be located within the Office of Children and Family Services, but with a director appointed by an Independent Review Board. The Independent Review Board would:
 - Include appointees by the judiciary, Executive, Senate and Assembly, ensuring a mix of expertise and experience, including individuals formerly in foster care, and a current or former foster parent, relative caregiver, or adoptive parent.
 - Have the authority to hire/fire the director of the office of the foster care ombudsman, and evaluate the effectiveness and performance of the office.
 - Meet quarterly to review reports and responses, and advise on matters concerning complaints and grievances, dispute resolution, and recommendations for changes to applicable law, regulation and policy concerning the foster care system.
- ▶ Staff would be professionals who possess comprehensive knowledge of the state's foster care system and expertise in the fields of child welfare, foster care, and dispute resolution.
- ▶ The Office would work with local departments of social services, voluntary agencies, foster parents, biological parents, relatives, and youth in care to resolve conflicts.

The Office would also increase the accountability of New York's child welfare system via its public reporting and analysis:

- ▶ The Office would ensure that individual foster parents, relatives, biological families and youth in care receive information, referrals and assistance in resolving conflicts related to foster care, while protecting them from retaliation.
- ▶ Staff would undergo annual anti-bias training for ombudsmen.
- ▶ The Office would simultaneously identify and track recurring issues/trends, and affirmatively recommend policies, regulations, and legislation designed to promote and improve family-based foster care.
- ▶ The Office would produce quarterly and annual reports to the OCFS Commissioner, legislature and the public.

Now is the Time to Establish New York's Office of the Foster Care Ombudsman

Even before COVID-19 hit New York in March 2020, youth and caregivers in New York's child welfare system needed one place to turn to that would mediate conflict, provide information, and help protect their interests and rights. The stress, isolation and economic fall-out of the pandemic have only increased the need for focused support. In addition, the looming Family First implementation deadline for New York State of September 2021 makes the need for New York to establish an Office of the Foster Care Ombudsman more urgent.