September 30, 2021

The Honorable Kathy Hochul
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Dear Governor Hochul:

We appreciate the critical actions the State has taken to address the many serious challenges COVID-19 has presented to New York children and families, among them, adopting a moratorium on aging out of foster care, and provisions allowing for youth to easily re-enter foster care during the pandemic. However, these provisions are set to expire today, September 30, 2021. Allowing these protections to lapse will leave young people with experience in foster care at risk of being cut off from critical services and supports and at imminent risk of becoming homeless just as the Delta variant has caused COVID-19 to resurge. We urge you to act immediately by extending the moratorium on aging out of foster care and the requirements for re-entry into foster care (including the extension of family court jurisdiction over youth who are eligible to remain in foster care) via executive order until September 30, 2022 so that young people do not discharge to homelessness and instability. At a minimum, we request that New York return to the Protocols for Supporting Young Adults Aging Out of Care During the COVID-19 Pandemic administered by the Office of Children and Family Services from July through December 2020.

In recent days, advocates have begun to hear from youth who would be directly impacted by the end of the moratorium. Among them is a young man who lives upstate, is 21, in college and about to turn 22. He is due to graduate in the spring, but has no place to live if he is discharged from foster care now, and no way to support himself because he is working toward finishing his degree. An end to the moratorium will likely mean he will have to leave college and could even face homelessness.

This is not an isolated concern. Data from a state-wide survey of older youth conducted by Fostering Youth Success Alliance from earlier this year shows that 1 in 4 youth reported facing or fearing housing instability.1

Earlier this week, the Office of Children and Family Services sent a letter to Local Department of Social Services Commissioners regarding the end of the moratorium. The letter said “it is not acceptable to discharge youth precipitously from foster care or to homelessness.” And, yet, it also noted “As of September 30, 2021, LDSSs no longer have the legal authority to keep youth 21 years of age or older in foster care.” We urge you to issue an Executive Order granting the LDSSs that legal authority, so that no youth are discharged from foster care before they have a safe and stable place to live.

We recognize that the current moratorium and ability to return to care derives from codification of the Supporting Foster Youth and Families Through the Pandemic Act in the Consolidated Appropriations Act of 2021 in New York law. While federal legislation extending those protections

1 https://readymag.com/fysa/movingforward/9/
has been introduced, it has not yet passed. Accordingly, it is critical that New York act now to ensure
the safety and well-being of youth in, or formerly in, foster care.

Thank you for your consideration. We look forward to hearing your response to this urgent inquiry,
and working with you to best support these youth.

Respectfully,

Julia L. Davis, Children’s Defense Fund-NY
Paige Pierce, Families Together in New York State
Betsy Kramer, Lawyers for Children
Kate Breslin, Schuyler Center for Analysis and Advocacy

cc: Sheila Poole, Commissioner, Office of Children and Family Services