Testimony submitted to the Assembly Committee on Children and Families on Family Involvement in the Child Welfare System

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Schuyler Center thanks the chair and members of the committee for the opportunity to submit testimony on family involvement in the child welfare system. The Schuyler Center is celebrating our 150th anniversary as a nonprofit organization dedicated to policy analysis and advocacy in support of public systems that meet the needs of disenfranchised populations, including people living in poverty.

Our priorities for the coming year, as in the past, focus on strengthening families before they experience crises or trauma and preventing families from enduring hardships like involvement with the child welfare system. Schuyler Center leads and participates in several coalitions focused on child welfare, including the Child Welfare Coalition, CHAMPS-NY (Children Need Amazing Parents), and the Fostering Youth Success Alliance. For more about Schuyler Center and our work, please visit our website www.scaany.org.

New York has an opportunity this year to make real strides toward transforming its child welfare system into one that is intentionally anti-racist and dedicated to improving family well-being and self-determination, increasing non-coercive support, and strengthening community-based services that meet the needs of New York’s diverse communities. By beginning to fully implement the Family First Prevention Services Act (Family First), which changes the paradigm in child welfare by providing more federal funds for preventive services, New York can make real change in family involvement with the child welfare system. However, Family First does not go far enough, rather, it sets a higher floor for the support the state must provide to keep families safely together; New York still must take intentional, additional steps to ensure all New York parents, caregivers, families, and communities are healthy and stable by investing in primary prevention programs that reach them long before families are flagged for a call to the State Central Register (SCR). Below we lay out three areas of opportunity New York should seize this year to improve the well-being of all the state’s children.

Importantly, primary prevention is and should be the purview of all state agencies, including and not limited to the Office of Children and Family Services.

Invest in primary and secondary prevention

Robust investment in and effective delivery of primary and secondary prevention services is a matter of racial justice. Racial disparities follow families through each step of the child protection and foster care process. Black families are disproportionately reported to the SCR every year (disparity index 1.91: moderate disparity), investigated by Child Protective Services...
(disparity index 2.21: high disparity), and separated, with Black children placed in foster care (disparity index 3.34: high disparity). New York must act with urgency to end these disparities and to create a just child welfare system by directing resources and supports to families long before they come into contact with the formal child welfare system.

For those families who do come into contact with the formal child welfare system, New York must redouble its efforts to connect those families immediately with secondary preventive services targeted to address each family’s unique challenges. In 2020, 80,000 children and families were provided preventive services, with an average number of preventive cases opened for children between 2018 and 2020 at 42,123. According to this data, families need a range of services, from parenting classes to parent and child mental health services, to housing subsidies. Unfortunately, at present, a full 60% of New York children who have been removed from their families into foster care have not received prevention services prior to removal.

New York must reauthorize the enabling legislation for essential investments in child welfare preventive services (SSL 153-k). This legislation is subject to a sunset provision in 2022 and it is imperative that we both reauthorize the statute and restore state funding to the statutory mandated level to meet the full potential of its purpose by budgeting for the state share of these costs codified in statute at 65% for open-ended state reimbursement to counties. Now is the time to fully fund New York’s preventive services.

Regulate and monitor the use of safety plans

A related area needing policy attention: the misuse of safety plans when a child is informally removed from their home by child protective services (CPS) and placed—often indefinitely—with a kin caregiver. While we do not have access to any aggregate data on how many families are subjected to safety plans, and the outcomes of such arrangements, there is significant anecdotal evidence that safety plans create what has been referred to as a “hidden foster care system,” one which too often leads to children remaining for long periods with kinship caregivers who are not connected to support services or financial resources. At the same time, the children are not returned to their homes because their parents are not connected to prevention services.

In theory, CPS should use safety plans to avoid pulling a family deeper into the child welfare system, giving families time to swiftly address safety concerns. However, the way these plans are implemented can disempower parents, diminish a family’s constitutional rights, cause harm and trauma to the child, and damage trust in the agency and child welfare system by the parents, children, and kin caregivers moving forward. New York must increase all families’ and caregivers’ access to and awareness of prevention services and other resources – including families and caregivers subject to a safety plan.

Create an Office of the Child Welfare Advocate

New York can support efforts to strengthen families and prevent family separation by establishing an Office of the Child Welfare Advocate. This office would be a resource for all New York youth and families touched by the child welfare system. Its role would be to help families and youth resolve misunderstandings and problems quickly, before they escalate; connect to resources and supports before problems become crises; and to act as a data
repository to enable New York to identify trends across counties, recurring challenges, and opportunities to improve the child welfare system to better serve New York families. By establishing an Office of the Child Welfare Advocate, New York would join the 36 other states with similar offices. It could be an indispensable resource in efforts to reduce family involvement in the child welfare system.

New York has an opportunity now to make innovative changes and investments in prevention services. The implementation of Family First is the first step in investing in services that center family strengthening, but it is clear that Family First is not enough. New York’s families and communities need robust primary prevention services that will support their health and stability, which is what children need to thrive.

Thank you. We appreciate the opportunity to submit testimony and look forward to continuing to work with you to reduce family involvement in the child welfare system.

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