February 15, 2022

Honorable Carl E. Heastie  
Speaker of the Assembly  
932 Legislative Office Building  
Empire State Plaza  
Albany, NY 12248

Honorable Andrea Stewart-Cousins  
President Pro Tempore and Majority Leader  
907 Legislative Office Building  
Empire State Plaza  
Albany, NY 12247

Dear Speaker Heastie and Majority Leader Stewart-Cousins:

We write to respectfully urge you to establish and fund an independent Office of the Child Welfare Advocate (A.6269-A) in the enacted budget.

An independent Office of the Child Welfare Advocate would help families understand how to exercise their rights, provide much-needed information and connection to services, and clarify policies and options available to children and families who get caught up in the byzantine child welfare system. In establishing this office, New York would join the 36 other states with similar offices to offer a much-needed resource for New York youth and families touched by child welfare, and help build a more family-centered, equitable child welfare system.

An Office of the Child Welfare Advocate would seek to strengthen systems of support for New York’s children and families who come in contact with the child welfare system. In New York’s child welfare system, children of color, especially Black children, are disproportionately represented, their families disproportionately investigated by child protective services. Young people of color are disproportionately removed from their families and placed in foster care. New York has taken steps in recent years toward 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.

Another challenge facing children and families in New York’s child welfare system is a shortage of well-supported kinship caregivers and foster parents, depriving New York’s children of quality family-based homes, and undermining their well-being. 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 supports, including financial support.

Finally, New York persistently places a higher percentage of children in congregate care than the national average despite strong evidence that children removed from their family of origin experience the best outcomes in a well-supported family-based setting with kinship caregivers or
foster parents. Nearly one in five children in New York’s foster care system live in an institution. On any day, over 2,300 children are in congregate placements, including group homes and shelters, instead of with a family. Congregate placements can lead to poor outcomes for children and are more expensive than supporting caregivers and families. Further, New York’s congregate placement rates reflect and reinforce the racial disparities that permeate the child welfare system. Black children in New York represent more than half of all children living in institutions and group homes state-wide despite constituting just 15% of children in New York.

It is time for New York to establish an Office of the Child Welfare Advocate as a means of addressing these challenges. The Office will:

- serve as a trusted, independent resource for youth, biological families, kinship caregivers, and foster parents, providing them with information, referrals, and assistance in resolving conflicts related to child welfare;
- track issues across the state, identify trends, and make recommendations to resolve systemic issues;
- produce quarterly and annual reports to the Legislature and the public.

Having such a resource for families will enable families to stay together—with supports—be they biological, kin or foster families, and keep more New York children out of congregate care.

We urge you to fund the Office of the Child Welfare Advocate in the enacted budget and build a more transparent and accountable child welfare system that puts equity and families first.

Sincerely,

Adoptive and Foster Family Coalition of New York
Children’s Aid
Children’s Defense Fund-NY
Families Together in New York State
FPWA
Good Shepherd Services
JCZ Consults
Northern Rivers
NYS Kincare Coalition
NYS Kinship Navigator
Prevent Child Abuse NY
Rise
Schuyler Center for Analysis and Advocacy
The Children’s Agenda
The Jewish Board of Family & Children’s Services
The New York State CASA Association, Inc.