MEMORANDUM IN SUPPORT
S.3119/A.2798

The Schuyler Center for Analysis and Advocacy urges the Governor to sign S.3119/A.2798, to study the number of children in foster care who have a developmental disability, inclusive of age, race, and gender identity, among other demographics; evaluate current guidelines and regulations regarding the placement of children with a developmental disability; and analyze the extent to which such children/youth are prepared for a transition from foster care to an independent living situation.

The Schuyler Center for Analysis and Advocacy is a 150-year-old statewide, nonprofit organization dedicated to policy analysis and advocacy in support of public systems that meet the needs of disenfranchised populations and people living in poverty.

Research has found that children with disabilities are disproportionately removed from their families, spend more days in foster care, and enter foster care younger. For children with disabilities, the challenges of being in foster care are compounded with the difficulties of dealing with a disability.

Children with developmental disabilities have unique and disparate needs that caregivers and systems should be better prepared to help address. Within the child welfare system, young people with disabilities tend to have greater placement instability, more restrictive placements, and are overrepresented in out-of-home placements.1 Our current limited understanding of developmental disability in foster care hampers the capacity to better support children and their caregivers. Disability on its own is often associated with worse educational outcomes, difficulty securing employment, and difficulty in independent living. Aging out of foster care is challenging for many reasons, including lack of family support, confusion about services, limited resources, and lack of thorough, realistic planning; a young person with a developmental disability should be provided the specialized support they need or desire.

New York does not track the numbers of children with developmental disabilities placed in the child welfare system, so cannot ensure that these children receive the care and attention they need. S.3119/A.2798 offers a first step to address this gap by requiring the Office of Children and Family Services, in consultation with the Office for People with Developmental Disabilities, to conduct a study on children with developmental disabilities in foster care; evaluate current regulations on these placements; and analyze the extent to which young adults with developmental disabilities are prepared for independent living. This bill, passed unanimously in both houses of the Legislature, would equip New York to more effectively prevent entry into foster care by enhancing our understanding of how to best support families who have a child with developmental disabilities. This data gathering and analysis should become a regular function, not a one-time-only activity.


September 6, 2023