

**JOINT LEGISLATIVE PUBLIC HEARING  
HUMAN SERVICES 2013-14 EXECUTIVE BUDGET PROPOSAL  
February 5, 2013**

**SUPPORT FOR KINSHIP SERVICES KEEPS  
CHILDREN FROM ENTERING FOSTER CARE  
AND SAVES STATE DOLLARS**

Presented by Gerard Wallace, Esq.

**In New York State, between 150,000 to 200,000 children live with relatives who are their primary caregivers. Less than 6,000 are in kinship foster care. The added cost of 125 children leaving kinship care and entering foster care will equal the cost of full funding for the Office of Children and Families Kinship Program.**

*Imagine getting a call from the local social services department asking you to immediately become the caregiver for your four-year old granddaughter. Her mother's been arrested, or she's on drugs, or worse. What would you do? You would say, "Yes. I want my grandchild." Because that's what families do. It's a core family value – to care for our own.*

*Yet, good intentions aren't enough. The next day brings real questions. How do I go to work? How do I get medical care for the child? I cannot afford this. Is there any financial help? I don't know if I can do this alone. What can I do about my daughter? Do I have to go to court?*

*That's the family reality when a parent suddenly dies, or becomes ill, or something else goes terribly wrong. Often the family makes the placement on their own, with no contact from social services. But contact or no contact, the circumstances are similar. Children who've suffered loss, who are injured in body, mind, or spirit, now need their grandparents and relatives to be their parents.*

*The NYS Kinship Navigator and the regional kinship programs, originally funded with just under \$3 million dollars, are New York's resource for kinship families.*

**Current Funding Going into 2013 Legislative Session for remainder of FY 2013 and Governor's Proposed Funding**

Eight Kinship Programs are currently funded thru Nov. 2013 (General Funds and partial TANF) Another nine Kinship Programs end in May 2013 but can extend their funds to Oct. 2013 (TANF). The Statewide Kinship Navigator is funded thru Nov. 2013 (General Funds). With the Governor proposing only \$338,750 for local Kinship Programs and the likelihood that OCFS will not provide additional funding, local kinship services are virtually eliminated. The NYS Kinship Navigator, the only statewide program, is part of the Governor's budget.

**Recommendation:**

- Fully fund the Office of Children and Family Services Kinship Program – \$3 million.

**Introduction**

I am the Director of the Kinship Navigator, a program operated by Catholic Family Center in Rochester, New York and administered by the Office of Children and Family Services (OCFS). The Navigator provides information, referrals, and assistance to kinship caregivers across New York State via a toll-free phone line and a website. We refer kinship caregivers to OCFS funded regional kinship programs serving up to 32 counties, as well as to other kinship services, or where there is no specialized kinship services, we are the only resource. Our work helps support the needs of kinship families in every county. I am also the co-chair of the NYS KinCare Coalition, whose members represent over sixty service providers interested in kinship issues.

**Definition and Scope of Kinship Care**

Kinship care refers to non-parental care of children. It is the full time care of children by grandparents, relatives, and sometimes family friends, without the assistance of parents. Grandparents provide over 60% of kinship care.<sup>1</sup>

According to the "Stepping up for Kids: What Government and Communities Should Do to Support Kinship Families", Kids Count Report (May 2012), **in New York 153, 000 children are living with relatives. Of these, approximately 6,000 are in foster care.**

According to the Council on Children and Families' "Kinship Care in New York State" (June 2p12) 7.6% of children living with relatives have an incarcerated parents.

According to the 2010 American Community Survey, in the New York State, 141,157 grandparents are responsible for their grandchildren. 54,305 of these grandparents age 60 or older. 64,932 are white. 29.4% black. 27.7% identify as Hispanic or Latino. Of grandchildren living with a responsible grandparent, 40.5% receive public assistance of some kind. 28.2 % had income below the poverty line in the past 12 months.

**Child Welfare and Kinship Care: Children Benefit - Better Outcome**

Child welfare experts recognize that kinship care is the only large scale, effective resource for children whose parents cannot or will not parent. Yet, until recently, most of the attention focused on foster care. That is changing. The much larger number of children in private care is an increasingly integral part of child welfare policies. For instance, Social Services Law 392 directs counties to inform kin of public benefits for kinship families and the Office of Temporary and Disability Assistance recognizes the Kinship Navigator as a resource (12-ADM-01). Similarly, OCFS's "Having a Voice & a Choice", which must be given to all kin who are

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<sup>1</sup> The Federal Interagency Forum on Child and Family Statistics estimates that grandparents make up 61%, other relatives 29%, and non-relatives (fictive kin) 10% of kinship caregivers.

approached to become caregivers, refers kin to the Navigator and to the OCFS regional kinship programs.

Kinship care is the natural ally of foster care. Both foster and informal kinship care assist children at risk. And both have the same goals: permanency, stability, and well-being of children.

There are numerous studies showing children raised by family members live in safer and more stable homes than children in the care of non-relatives. An article in *Families in Society: the Journal of Contemporary Social Services*, "Matched Comparison of Children in Kinship Care and Foster Care on Child Welfare Outcomes," by Winker, Crawford, Longobardi, and Valentine, emphasizes this fact:

"The documented growth of kinship care has boldly thrust this topic into the forefront of child welfare practice. This study compares the permanency, safety, and stability outcomes for a matched group of children placed in kinship care and foster care. After controlling for demographic and placement characteristics, children in kinship care had significantly fewer placements than did children in foster care, and they were less likely to still be in care, have a new allegation of institutional abuse or neglect, be involved with the juvenile justice system, and achieve reunification. These findings call for a greater commitment by child welfare professionals, policy makers, and researchers to make kinship care a viable out-of-home placement option for children and families."

A June 2008 study, published in the "Archives of Pediatric and Adolescence Medicine," conclusively shows that children have better outcomes with relatives than in stranger foster homes. This study has bolstered policy arguments supportive of private and public kinship care and contributed significantly to the passage of the federal "Fostering Connections Act."

From the February 2011 Archives of Pediatric and Adolescent Medicine in a survey on children in non-foster private kinship care who've been placed there by child welfare agencies:

"Compared with children in foster care, children in kinship care had significantly lower risks of behavioral problems and poor social skills at the 3-year follow-up. These nationally representative findings on the behavioral outcomes of kinship care vs foster care are consistent with prior studies.<sup>8-10</sup> The prevalence of behavioral problems for children in foster care increased over time, from 46.9% at baseline to 53.1% at the 3-year follow-up. Conversely, children in kinship care did not experience such an increase in the prevalence of behavioral problems (from 34.1% at baseline to 30.2% at the 3-year follow-up). The findings suggest that increased placement of children with behavioral problems in kinship care may be beneficial to help prevent escalation of behavioral problems." [Page 163] "This study compared court-involved kinship care with foster care. The findings therefore may not generalize to kinship arrangements that are made without involvement of the CWS. With even less supervision and fewer resources available in these informal kinship arrangements, the well-being of children in these settings deserves more thorough investigation."

Unfortunately, children in these arrangements are not readily identified in the NSCAW, which follows only children in contact with the CWS. Further research is needed on the impact." [Page164]<sup>2</sup>

### **Causes of Kinship Care**

Children come to live in private kinship care - with grandparents and other relative caregivers - for many of the same reasons that children enter foster care, because their parents abused, neglected or abandoned them, or their parents are alcohol and/or substance abusers, are deceased, deployed, mentally ill or unable or unwilling to parent.<sup>3</sup> These circumstances cause many kinship children to face special challenges, including higher rates of developmental disabilities,<sup>4</sup> emotional problems,<sup>5</sup> physical and learning disabilities,<sup>6</sup> bereavement issues, attachment disorders and parental alienation.<sup>7</sup>

Not only the children but the caregivers themselves face special challenges. Caregivers may be suddenly confronted with the need to leave the workforce in order to care for children. The children's parents frequently remain involved either directly or peripherally with the children, although not in a parental role. Elderly caregivers may be dealing with their own health issues.

Grandparents and other relative caregivers face barriers related to benefits, services, and custodial rights. Private kinship caregivers face challenges enrolling children in school, getting medical care for children, standing in custodial procedures, access to legal services, and obtaining benefits. Kinship families have very few specialized services, and can face barriers when seeking general services that are not faced by parental families.

### **Federal and State Laws Place More Children in Private Kinship Care**

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<sup>2</sup> *Health Outcomes and Family Services in Kinship Care : Analysis of a National Sample of Children in the Child Welfare System*, Christina Sakai, MD; Hua Lin, PhD; Glenn Flores, MD, ARCH PEDIATR ADOLESC MED/VOL 165 (NO. 2), FEB 2011.

<sup>3</sup> Smithgall, C., Mason, S., Michaels, S., LiCalsi, C., & Goerge, R. (2006). *Caring for their children's children: Assessing the mental health needs and service experiences of grandparent caregiver families*. Chapin Hall, University of Chicago.

<sup>4</sup> Kinney, J., McGrew, K., Nelson, I. (2003). *Grandparent Caregivers to Children with Developmental Disabilities: Added Challenges*. New York: Springer Publishing Company.

<sup>5</sup> Smithgall, C., Mason, S., Michels, S., LiCalsi, C., & Goerge, R. (2006). *Caring for their Children's Children: Assessing the Mental Health Needs and Service Experiences of Grandparent Caregiver Families* Chapin Hall Center for Children: Summary Sheet 103.

<sup>6</sup> A study conducted in 1994 found that 70 percent of grandparents reported caring for a child with one or more medical, psychological or behavioral problems. Lai, D. & Yuan, S. (1994). *Grandparenting in Cuyahoga County: A report of survey findings*. Cleveland, OH: Cuyahoga County Community Office of Aging.

<sup>7</sup> "Over a quarter of the caregivers (27.5%) indicated that the child had a disability." Gleeson et al. (2008). *Individual and social protective factors for children in informal kinship care*. Jane Addams College of Social Work, University of Illinois at Chicago.

State and federal laws increasingly rely upon private kinship placements. The “Fostering Connections to Success and Improving Adoptions Act” (2008) focuses on keeping children with relatives and out of foster care. It funds kinship navigator demonstration projects aimed at devising effective strategies that achieve this goal. In fact, the NYS Kinship Navigator is one of eight current awardees, receiving \$2.1 million dollars for a three year demonstration project in five upstate counties (Orange, Broome, Tioga, Ulster, and Dutchess) that focuses on keeping children out of foster care and into informal private kinship care.

Moreover, the new KinGAP program, which quickens the exit of children from kinship foster care, will place more children in the informal kinship system.

### **Funding for the OCFS Kinship Program**

New York has a network of services for private kinship families, via the OCFS program, which funds the statewide Kinship Navigator and up to 21 direct service programs (that once covered thirty-two counties. The Kinship Navigator website has a county listing of all current OCFS programs and the counties covered by them).

In 2005, New York appropriated \$1.4 million dollars for nine regional kinship programs. Later it added another \$750,000 for four more regional programs and the statewide Kinship Navigator. In FY 2009-10, another nine programs were funded. Here is a summary of past funding since 2009.

### **Current Funding Going into 2013 Legislative Session for remainder of FY 2013**

Eight kinship programs are funded thru Nov. 2013 (General Funds and partial TANF)

Another nine Kinship Programs end in May 2013 but can extend their funds to Oct. 2013 (TANF). The Statewide Kinship Navigator funded thru Nov. 2013 (General Funds).

With the Governor proposing only \$338,750 and the likelihood that OCFS will not provide additional funding, except for the Navigator, the kinship programs are facing elimination.

### **Governor's Proposed 2013-14 Budget (released Jan. 22, 2013)**

Page 223 of aid to localities:

14 For services and expenses of kinship care  
15 programs. Such funds are available pursuant to a plan prepared by the office of  
17 children and family services and approved  
18 by the director of the budget to continue  
19 or expand existing programs with existing  
20 contractors that are satisfactorily  
21 performing as determined by the office of  
22 children and family services, to award new  
23 contracts to continue programs where the  
24 existing contractors are not satisfactorily  
25 performing as determined by the office  
26 of children and family services and/or

27 award new contracts through a competitive  
28 process. Such contracts shall provide for  
29 submission of information regarding  
30 outcome based measures that demonstrate  
31 quality of services provided and program  
32 effectiveness to the office in a form and  
33 manner and at such times as required by  
34 the office ..... 338,750

Page 225 of aid to localities bill:

12 For services and expenses of the Catholic  
13 Family Center in Rochester to establish  
14 and operate a statewide kinship informa  
15 tion and referral network ..... 220,500

### **Kinship Care Saves Dollars**

The elimination of the local kinship programs will cost the state more money that it saves, because more children will enter foster care.

According to OCFS, the average cost of a child in non-specialized foster care is approximately \$22,000 per year. Children with special or exceptional needs the cost is tens of thousands more. Below is a summary of a cost benefit analysis attached to this discussion.

#### **Average Cost of (Formal) Kinship Foster Care**

- Average cost of *all* foster care placements (institutional, special and exception needs foster parents, etc, plus administrative costs); = **\$56,060** per year
- Average cost of one child placed in *regular* foster care (basic foster parent payment plus administrative cost) = **\$21,535 per year (OCFS estimate)**.

#### **Average Cost of Informal Kinship Care**

- Annual cost of one child in a OCFS kinship program = **\$466**.
- Annual average cost of public assistance per child (OTDA payment plus administrative costs) = **\$6,024**
- Total cost per child of informal kinship care = **\$6,490**.<sup>8</sup>

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<sup>8</sup> Not all informal kinship families receive these grants. However, for simplicity the calculation assumes that they do. And if the Governor's proposed elimination of TANF state and local share is enacted, then there is no cost to the state or locality for kinship care. The entire cost is \$466. Per child.

### **Average Difference in Cost**

- Difference between average cost of children in all formal foster care placements (\$54,060) and the cost for children in informal kinship care (\$6,490 - including a public assistance grant) = **\$49,570**.
- Difference for a child placed in regular foster care with a foster parent = **\$15,045**.

### **OCFS Regional Programs and Navigator**

The OCFS Kinship Program is an invaluable support for the private kinship community. There are many stories of kinship families who've improved stability and well-being because of program interventions. Services include case management, advocacy, legal assistance, information and educational workshops, caregiver peer mentoring and support, children's programs, leadership development, emergency funds, and referrals.

According to aggregate data, in FY 2012-13:

#### **New York State Kinship Navigator – Serves Entire State**

- Provides information, referral, and assistance for the entire state, web site and toll free phone line.
- Served 2,398 kinship caregivers
- Served 194 professional
- Had 55,613 visitors to its web site.

According to aggregate data for calendar year 2011, the last year of continued funding for the local programs:

#### **New York State 21 Regional Kinship Programs – Serve 32 Counties**

- Provide direct services, including a variety of programs - support groups, case management, counseling, respite, summer camp, after-school, youth, parenting education, advocacy, home visits, legal information, legal consultations, nutrition education, and mentoring.
- Served 3,745 kinship caregivers and 4,827 kinship children.

### **OTDA “Child-Only” Grants**

Informal kinship families are eligible for special public assistance grants, commonly called a “child-only” grants that provide monthly stipends for care. As a general rule, relative caregivers receive public assistance for the children in their care via a particular subset of child-only grants referred to as “non-parent” grants, which are calculated without any reference to the income of the adult relative caregiver.

According to the Office of Temporary and Family Assistance, fewer than 25,000 families are receiving these grants. According to the "Stepping Up for Kids", nationally only 12% of eligible kinship families receive this grant. It is very common for kinship service provider to come in contact with kinship families who have care for children for multiple years, but did not know about this grant.

### **Summary**

Support for these families provides better outcomes for more children, saves state and local dollars, and reduces the strain on OCFS's child welfare system. Given the shift in child welfare

towards greater reliance on kinship families, sustaining the Kinship Navigator, as the Governor has proposed, and restoring funding to the regional kinship programs will immediately provide a cost saving to the State, while insuring that in the long term, there are better outcomes for children at risk of entering foster care.

**Attached Documents**

Prior Funding for Kinship Services  
Summary of Cost Benefit  
Kinship Care in New York: An Overview  
2010 American Community Survey

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## **SUMMARY OF NEW YORK KINSHIP PROGRAM BUDGETS (FY 2009-10 THRU 2013-14)**

### **FY 2009-10**

#### 21 Regional Kinship Programs

- NYS Enacted General Funds \$752,700
- NYS Enacted OTDA Caretaker Relative Program TANF \$1,998,000

#### Statewide Kinship Navigator

- NYS Enacted General Funds \$245,000

### **FY 2010-11**

#### 21 Regional Kinship Programs

- Enacted General Funds \$677,500
- NYS Enacted OTDA Caretaker Relative Program TANF \$250,000

#### Statewide Kinship Navigator

- NYS Enacted General Funds \$220,500

### **FY2011-12 (Enacted June 2011)**

#### 8 Regional Kinship Programs (Budget Year Dec. 2011-Nov. 2012)

- NYS Enacted General Funds \$338,750
- NYS Enacted OTDA Caretaker Relative Program TANF \$51,000
- OCFS CBCAP (Child Abuse Prevention Program) \$400,000

#### 9 Defunded and later Refunded Kinship Programs (Restarted)

- OCFS TANF \$2,000,000 (Contract Year May 2012- May 2013) (OCFS received \$610,000 in the FY 11/12 budget and rolled over unspent prior year TANF funds)  
*(Did not include Presbyterian Senior Services Grandparent Apartments)*

#### Statewide Kinship Navigator

- NYS Enacted General Funds \$220,500

### **FY 2012-13 (Enacted April 2012)**

#### 8 Regional Kinship Programs (Budget Year Dec. 2012-Nov.2013)

- NYS Enacted General Funds \$338,750
- NYS Enacted OTDA Caretaker Relative Program TANF \$51,000
- OCFS NCCAN (National Child Abuse and Neglect) \$400,000

#### 9 Defunded and Refunded Kinship Programs (Extended)

- OCFS TANF Funds (OCFS received \$610,000 in TANF funds and used it to extend the 9 kinship related programs plus 48 other TANF grants up to Oct. 2013)

#### Statewide Kinship Navigator (Budget Year Dec. 2012-Nov.2013)

- NYS Enacted General Funds \$220,500

## SUMMARY OF COST BENEFIT

### Fiscal Year 2013-14 Savings

If the OCFS Kinship Programs are not funded:

- If 60 children enter all foster placements, the cost will equal the entire \$3 million for full funding of the OCFS Kinship Program.
- If less than 200 children entering regular foster care, the cost will equal the entire \$3 million for full funding of the OCFS Kinship Program;
- Without these programs, an estimated 475 children will leave informal kinship care and enter foster care during FY2011-12. At an increased cost between \$23,545,750 (foster care placements minus informal cost) or \$7,146,375 (regular foster parent care minus informal cost).

### Average Cost of (Formal) Kinship Foster Care

Annual overall costs of foster care = \$1,376,000,000 (OCFS foster care budget).

Number of children in all foster care placements = 24,541).

- Average cost of *all* foster care placements (institutional, special and exception needs foster parents, etc, plus administrative costs); = \$56,060 per year
- Average cost of one child placed in *regular* foster care (basic foster parent payment plus administrative cost) = \$21,535 per year.

### Average Cost of Informal Kinship Care

Annual cost of one child in a OCFS kinship program (\$140,000 per program, over 300 children served per year per program) = \$466. .

Annual average cost of public assistance per child (OTDA payment plus administrative costs) = \$6,024.

- Total cost per child of informal kinship care = \$6,490.<sup>9</sup>

### Average Difference in Cost

- Difference between average cost of children in all formal foster care placements (\$54,060) and the cost for children in informal kinship care (\$6,490 - including a public assistance grant) = \$49,570.
- Difference for a child placed in regular foster care with a foster parent = \$15,045.

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<sup>9</sup> Not all informal kinship families receive these grants. However, for simplicity the calculation assumes that they do.

## KINSHIP CARE IN NEW YORK: OVERVIEW

- An estimated 150,000 to 200,000 children live with grandparents or other relative caregivers in New York State. This system of care is termed “informal” or “private” kinship care.
- Less than 6,000 children are placed in kinship foster care.
- New York spends more than one billion dollars on foster care. The FY2013-14 budget spends less than \$700,000 on kinship services.
- Without these programs, conservative estimates are that at least 475 children will leave private care and enter foster care during FY2011-12. To place these children in foster care, it will cost the State between *\$7,146,375 (for children entering regular foster parent care) to \$23,545,750 (for all foster care placements)*.
- If only 60 children enter all foster placements, the cost equals the funding of \$3 million for the OCFS Kinship Program.
- A representative sample of private kinship families shows that 60% of the children in private kinship families served by the programs had contact with Child Protective Services, either informally or pursuant to Article Ten neglect proceedings (690/1152). These contacts led to placements in private kinship families who were supported by the OCFS Kinship Program.
- Children live with grandparents and other relatives for the same reasons that children enter foster care – parental abuse, neglect, mental illness, abandonment, and for other reasons such as military deployment, illness, and temporary relocations.
- Kinship programming provides case management, respite, benefit and legal information, advocacy, and other supports, that enable children to stay out of foster care.
- Kinship programming facilitates enrollment of kinship families in public assistance programs. Saving local districts resources and keeping children out of foster care.
- According to 2009 American Community Survey, 139,000 grandparents are responsible for grandchildren in their care - 58% are in the metropolitan area, with the other 42% living upstate (ACS shows 7% growth in last three years). Grandparents make up 61% of non-parent caregivers, other relatives make up 29%, and non-relatives or fictive kin, which includes foster parents, are 10% of non-parent caregivers.
- National studies prove conclusively that children who live with grandparents and other relatives achieve more permanency, better well-being, and better outcomes than children in foster care.
- National studies also show that children who live with grandparents and other relatives have significant special health needs, including psychological and emotional, similar to children in foster care.

## 2010 AMERICAN COMMUNITY SURVEY – NEW YORK STATE

### **Grandparents Responsible For Their Grandchildren**

- 141,157 (+/-6,545).

### **Grandparents Responsible Over 60 Years Old**

- 54,305 (+/-4,359) (38.5% +/-3.1%).

### **Grandparents Responsible Below Poverty Line**

- 21.7% (+/-2.1%) (30,631 +/-2,964) grandparents responsible for their grandchildren had income below the poverty line in the past 12 months.

### **Grandparents Responsible Below Poverty Line And Over 60 Years Old**

- 10,155 (+/-1,683).

### **White Grandparents Responsible For Grandchildren**

- 46% (+/-2.4%) (64,932 +/-3388).

### **Black Grandparents Responsible For Grandchildren**

- 29.4% (+/-2.3%) (41,500 +/- 3246).

### **Latino Grandparents Responsible For Grandchildren**

- 27.7% (+/-2.4%) (39,100 +/-3388).