



NEW YORK STATE SENATOR

Tony Avella

Avella and Hevesi Bill Expanding Protections for New York's Foster Children Passes Legislature

TONY AVELLA August 22, 2017

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Queens, NY – As the New York State Legislature's 2017 Legislative Session came to an end in June, a piece of legislation (**S4833-A/A7554-A**) introduced by Senator Tony Avella (S.D. 11) and Assembly Member Andrew Hevesi (A.D. 28) to amend the Kinship Guardianship Assistance Program (KinGAP) to expand the definition of "relative guardian" to include additional adults with close relationships to the foster child unanimously passed both the Senate and Assembly.

This legislation was first introduced in the NYS Legislature in March and instantly received overwhelming support through memorandums of support from Lawyers for Children, Citizens Committee for Children, the New York City Bar, the New York State Bar Association, New York State Kinship Navigator, the Schuyler Center for Analysis and Advocacy, the New York City A.S.F.A. Coalition, and the Committee on Children and the Law.

This legislation makes two changes to fill significant gaps in the definition of individuals eligible to be appointed as kinship guardians of children in foster care. First, it would amend the definition of “prospective relative guardian” to include prospective guardians who are related to only one of a sibling group, thereby allowing sibling groups to continue to be placed together. Thus, the half-sibling of a child could be placed with that child's prospective kinship guardian even though the half-sibling is not related by blood, marriage or adoption to the prospective guardian. Further, it would add as prospective guardians those "with a positive relationship with the child, including, but not limited to, a step-parent, godparent, neighbor or family friend." Both of these changes are consistent with practices and definitions used for foster care, thus allowing continuity of care by authorizing a permanency option consistent with children's prior placements and, importantly, preventing the breakup of sibling groups.

Additionally, this legislation rectifies an anomaly in the current law that only allowed KinGAP assistance beyond the age of 18 if the Guardianship Assistance Agreement did not commence before the child's 16th birthday. This meant that a 14 or 15 year old (or younger), who may want to go to college or participate in a vocational program while living in the guardian's home, would be blocked from a permanency option that may be the best, and often the only, option available. Such children are faced with an untenable choice: to delay permanency until they reach the age of 16 (thus costing the State and county continued foster care assistance), to limit the assistance available only until they age out at 18, or to

sacrifice the kinship guardianship permanency option altogether.

KinGAP was designed for a foster child to achieve a permanent placement with a relative who had been the child's foster parent for at least six months. This program provides financial support and in most cases medical coverage for the child, beginning with the child's discharge from foster care to the guardian. The level of financial support is similar to the maintenance payments received while the child was in foster care. Experience with the program, especially in New York City where it is frequently utilized, has demonstrated its enormous value, not only for the children and families who are its beneficiaries, but also for the State in its constant quest to improve its record in achieving timely permanency for the children in its care. That need for improvement cannot be overstated.

"Getting these amendments passed were crucial to improving the future of foster children across the state. All children in this state, whether they are foster children or not, deserve to have every possible opportunity afforded to them. I thank Assembly Member Hevesi for pushing this legislation in the Assembly and his dedication to securing the future of the children and families of our state," **said Senator Avella.**

"A7554-A will enable many children to leave the foster care system, exponentially increasing their chances for success and self-sufficiency in the future. I commend my colleagues in the State legislature, particularly Senator Avella, who carried this bill through the Senate. Additionally, I would like to thank Stephanie Gendell, the Citizens' Committee for Children of New York, Schuyler Center for Advocacy and Analysis (SCAA), The Office of Court Administration (OCA), the Children's Aid Society, JCCA, Sheltering Arms, the Legal Aid Society, and Lawyers for Children for their incredible work and guidance while crafting this legislation. This is an important step towards assisting New York's youth in foster care and the dedicated relatives and guardians who care for these children," **said Assemblyman Hevesi.**

The Schuyler Center and Citizens' Committee for Children urge the Governor to support New York's children and families by signing this legislation into law.

"This bill is an important step toward ensuring more children are able to leave foster care for stable, permanent homes with people who care for them. We applaud Senator Avella and Assembly member Hevesi for their leadership on this issue and for being a voice for New York's children at the Capitol. We thank the Legislature for passing this legislation and urge the Governor to sign it into law," **said Kari Siddiqui, Senior Policy Analyst, Schuyler Center for Analysis and Advocacy.**

"This bill will make a tremendous difference in the lives of so many children and youth currently stuck in foster care who can now have permanent relationships with relatives and the people in their lives who are like relatives but not technically related by blood, adoption or marriage. CCC is so grateful to Assembly Member Hevesi and Senator Avella for taking the lead in the efforts to improve the outcomes of youth who would otherwise likely age out of foster care, and we look forward to the Governor signing this bill as soon as possible," **said Stephanie Gendell, Associate Executive Director for Policy and Advocacy, Citizens' Committee for Children.**

"At Prevent Child Abuse New York we work to strengthen families so that fewer children are mistreated and removed from their homes. However, we understand that some children will enter the foster care system. We are pleased that more of them will be able to stay with kin-- and for a longer period of time-- because of this legislation," **added Timothy Hathaway, Executive Director, Prevent Child Abuse New York.**

"The Council of Family and Child Caring Agencies strongly support this bill, which would make several important improvements to expand access to KinGAP--including ensuring that all youth will have access to the subsidy up until age 21. We applaud Chair Avella and Assemblyman Hevesi for their leadership in this bill which goes a long way towards

strengthening KinGAP's support for kinship foster parents, to expedite permanency efforts for New York's young people in foster care," **stated Jim Purcell, CEO, Council of Family and Child Caring Agencies.**

"The NYS Kinship Navigator fully supports the expansion of KinGAP that this legislation introduced by Senator Avella and Assemblymember Hevesi accomplishes. As the use of KinGAP continues to grow in counties throughout the state, we are encouraged to see New York State step up to meet challenges faced by kinship families in achieving permanency through programs like KinGAP. Thank you to Senator Avella, Assemblymember Hevesi, and all the co-sponsors of this bill for making kinship care a priority and helping children achieve permanency with family members," **said NYS Kinship Navigator Director, Gerard Wallace, Esq.**

"This legislation is essential to strengthen a proven program that provides an additional pathway for children out of foster care to a permanent home to live with members of their family," **said Lisa Freeman – Director of the Juvenile Rights Practice's Special Litigation and Law Reform Unit at The Legal Aid Society.** "The Legislature has done their part, now we need Governor Cuomo to do right and enact this measure into law immediately. The Legal Aid Society applauds Senator Tony Avella and Assembly Member Andrew Hevesi for sponsoring and advancing this important legislation."

Karen Freedman, the Executive Director of Lawyers For Children said this of the legislation, "Recognizing that children's notions of 'family' extend beyond the people they are related to by blood, marriage, and adoption, New York has long allowed adults who have close relationship with children to be certified as "kinship" foster parents when those children enter foster care. This legislation takes the important step of also allowing those adults to be treated as kin for purposes of discharging children from foster care to permanent homes with people they consider to be their family."

"Kinship placements allow foster youth to maintain strong and supportive connections to family and community. JCCA supports these bills that are such a critical piece of creating a stable and successful future for our children," **added Ronald E. Richter, Chief Executive Officer, Jewish Child Care Association.**

"Children do best in families. When children are removed from their parents; and when appropriate, kin must be the first option we consider. For too long we have ignored kinship families. Often, they are willing and simply need a little help to care for their own. This bill finally provides the incentives needed to do what is best for children," **said Jeremy Christopher Kohomban, Ph.D. President and Chief Executive Officer The Children's Village.**