



NEW YORK STATE SENATOR

Tony Avella

## Avella and Hevesi Bill Expanding Protections for New York's Foster Children Receives Governor's Signature

TONY AVELLA October 25, 2017

**Queens, NY** – Yesterday, Governor Cuomo signed into law 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.

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. As the 2017 Legislative Session came to an end in June, the bill passed both the Senate and Assembly unanimously.

“As Chair of the Senate’s Children and Families Committee, I believe that getting this legislation signed into law was 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.**

“I am proud to announce that the Governor has signed my legislation, A.7554-A, an act to amend the Kinship Guardianship Assistance Program (KinGAP), into law. Hundreds of children will now leave the foster care system and live in permanent homes, exponentially increasing their chances for success and self-sufficiency. New York States Social Services law now has an expanded definition of ‘prospective relative guardian,’ including adults with close relationships to the child, who are not related by blood, marriage, or adoption. This expanded list of individuals, if deemed appropriate by a judge, will be eligible to become kinship guardians. I want to 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 from the Citizens’ Committee for Children of New York (CCC), The 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, Council of Family and Child Care Agencies (COFCCA) and Lawyers for Children for their incredible work and guidance while crafting this legislation,” **said Assemblyman Hevesi**

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 16<sup>th</sup> 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.

"Thanks to the leadership of Senator Avella and Assembly member Hevesi, and the tenacity and compassion of child welfare advocates and providers, Governor Cuomo signed the KinGAP enhancement bill (S4833-A/A7544-A) into law. We are so excited and grateful to the Governor and the Legislature because when this law becomes effective more children and

youth in foster care will be able to get out of the foster care system more expeditiously and live permanently with their relatives and close family friends, with the ongoing support they often need,"added

**Stephanie Gendell, Associate Executive Director for Policy and Advocacy, Citizens' Committee for Children**

"This bill is an important step toward ensuring more children are able to leave foster care for stable, permanent homes with relatives and close family friends. It will also help more siblings stay together in foster care and beyond. We thank the Governor for signing this bill into law and Senator Avella and Assemblymember Hevesi for their tireless leadership on behalf of New York's children," said **Kari Siddiqui, Senior Policy Analyst, Schuyler Center for Analysis and Advocacy.**

"PCANY's focus is on prevention and on strengthening families so that children do not end up in the foster care system. That said, we understand that too many children do enter the system and that many never leave. We must provide assistance so that more children can go home to relatives. This bill ensures that those who are able to permanently live with close family (or those that are like close family but not related by blood, marriage or adoption) can do so," said **Timothy Hathaway, ED, Prevent Child Abuse New York.**

"Children do best and in families. In those traumatic instances when children must be removed from their parents, it is incumbent that we do everything we can to keep them connected to family. When available and willing, kin are the best alternative for children. We are grateful for passage of the KinGAP and sibling contact bills- they are game changers for New York's children," **Jeremy Kohomban, President and CEO, The Children's Village.**

"We at Graham Windham applaud the passing of the KinGap bill. Our kin caregivers who step up for their niece, grandson, sibling or for a former student make great personal

sacrifices to do right by their family. In doing right by kin caregivers, New York State is creating a safer, more stable and more prosperous place for children," **Jess Dannhauser, President & CEO, Graham Windham.**

"This legislation will bolster a tested initiative that affords children more ways to exit foster care to permanent homes with members of their families" **said Tamara Steckler, Attorney-In-Charge of the Juvenile Rights Practice at The Legal Aid Society.** "We're grateful that Governor Cuomo enacted this important bill and applaud sponsors Senator Tony Avella and Assembly Member Andrew Hevesi for their championing this important legislation which is critical for our clients and their families."

"The Children's Agenda applauds Senator Tony Avella, Assembly Member Andrew Hevesi, and Governor Cuomo for their support of KinGAP legislation that expands opportunities for foster children to be placed in stable, permanent homes. This is an important step forward that advances the well-being and success of New York's foster children," **Larry Marx, CEO, the Children's Agenda.**

"This legislation will go a long way toward facilitating permanency for youth in care, and formally recognizes the critical importance of family for the long-term well-being of children," **Bill Baccaglini, President and CEO, The New York Foundling.**

"Kinship families play an absolutely vital role in our child welfare system, preserving familial bonds and providing stability at a crucial stage in a young person's development- at a time when young people are often traumatized and confused by what's happening to them and their family. With the enhancements made to the KinGAP program, our elected leaders not only recognize the importance of this role, but invest in it. On behalf of families and young people across the state, we are deeply grateful for this much needed change," **Paige Pierce, CEO, Families Together in New York State.**

"The Kinship Guardianship Assistance Program (KinGAP) is critical to speeding up permanency for children in foster care by finding homes with close family as well as distant relatives", said **Georgia Boothe, Vice President of Child Welfare and Family Services at Children's Aid**. "It is in these settings that young people are most likely to thrive and develop. This legislation will create equity by removing existing age limits on the KinGAP resources that could interrupt long lasting placements for children and youth. We thank the Governor and legislators for working to enhance permanent family solutions for youth in care in New York".

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#### RELATED LEGISLATION

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### 2017-S4833A

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- Introduced
  
- - In Committee Assembly
  - In Committee Senate
  
- - On Floor Calendar Assembly
  - On Floor Calendar Senate
  
- - Passed Assembly
  - Passed Senate
  
- Delivered to Governor

- Signed By Governor

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Clarifies the definition of "prospective relative guardian" for purposes of subsidized kinship guardianship assistance

March 02, 2017

Signed by Governor

Sponsored by **Tony Avella**

Do you support this bill?