

NEW YORK STATE CITIZENS' COALITION FOR CHILDREN

Submission to
NYS Human Services
Budget Hearing

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Thank you for this opportunity to address the Human Services Budget Committee. My name is Marie Dolfi and I am a volunteer for New York State Citizens' Coalition for Children. New York State Citizens' Coalition for Children is a very small not-for-profit that provides support, information and advocacy for foster and adoptive families in New York State.

It is New York State Citizens' Coalition for Children hope that New York State will fund state wide post adoption services for adoptive families and permanency services for kinship/guardianship families in next year's budget. While most of the children who join their family by adoption do not need specialized intensive post adoption services; those children that had **severe life experiences prior to joining their adoptive and kinship family** often have significant mental health conditions that require specialized services. The permanency and commitment of a family is not enough to take away the emotional scars of trauma, abuse and neglect resulting in families desperately needing specialized services.

New York State is breaking its commitment to youth in foster care with a permanency goal of adoption that it will do everything to find them a caring and permanent family. What the Office of Children & Family Services and the local social service departments do not want to talk about is their refusal to provide statewide post adoption/permanency services has resulted in: children remaining in foster care because they will lose services if they are adopted; foster youth "aging out" of foster care without a permanent family, and children

entering foster care *after adoption* because their families cannot safely maintain their children in their homes.

The research¹ on the need for post adoption services is substantial:

- Children are staying in foster care because they will lose services should they be adopted – not because of a lack of families.² In the report, *New York State's Longest Waiting Children*, caseworkers identified the following barriers to finding homes for children: a lack of training for prospective adoptive parents and loss of services upon adoption, especially respite.
- Children are entering foster care **after being adopted** due to families not being able to safely maintain their children in the home. The Administration for Children Services (ACS) reported 5-6% of children returned to foster care in New York City after adoption³. This number does not include children who were originally adopted from NYC but returned to foster care outside of NYC, nor does it include the number of children who entered foster care after being adopted internationally or adopted through domestic private adoption.

¹ Keeping the Promise: The Critical Need for Post-Adoption Services to Enable Children & Families to Succeed, Evan B. Donaldson Adoption Institute, November 2010

² New York State's Longest Waiting Children, Rosemary Avery, September 1999

³ COFCCA White Paper on Post Adoption Services, November 2013

- Young adults are leaving foster care without families. In 2011 alone, 1,442 former NYS foster care young adults left foster care without the permanency of a family.⁴
- Adoptive families are four to seven times more likely to seek residential treatment for their children than non-adoptive families⁵. OCFS recently reported that of the 2,058 children who were in their residential treatment centers for a six month period ending on September 30, 2013, 587 of the children (28.5%)⁶ were previously adopted. Data collected from NYS TANF funded post adoption programs showed that of the families that were at risk of having a child being placed in residential placement at the start of the program, 73% of those families were able to maintain their child in the family home due to services provided by the post adoption programs.⁷

The post adoption services that are most requested by families include:

1. Parent support groups: Raising children with severe mental health issues is different than raising a child without mental health issues.
2. Respite: Parents and siblings sometimes need a break from the child with severe mental health issues. These children's behavioral and mental health issues are so significant that they cannot be left with the average baby sitter or relative. A trained care child worker is needed to watch their

⁴ 2011 AFCARS

⁵ Keeping the Promise: The Critical Need for Post-Adoption Services to Enable Children & Families to Succeed, Evan B. Donaldson Adoption Institute, November 2010

⁶ Email from Laura Velez, OCFS to Marie Dolfi, NYSCCC

⁷ Strengthening & Preserving Adoptive Families: A Study of TANF-Funded Post Adoption Services in NYS, R. Avery, April 2004

child while parents go on an appointment or other place that they cannot take their child. Most afterschool programs and camps will not accept these children.

3. Information & Referral: Parents need support and information on the emotional and behavioral issues they are dealing with and assistance with locating resources in their community.
4. Counseling: Done by professionals that are trained in reactive attachment disorder, post-traumatic stress disorder, fetal alcohol spectrum disorder, loss of birth families, and other adoption and foster care issues.
5. Training for parents: Parents need education on mental health conditions so they can become competent resilient parents. Traditional parenting methods are not enough to successfully raise these children.
6. Case Management & Advocacy: Families need help with managing the services and the systems that the children need.
7. Training for Professionals: There are not enough counselors that are trained on the unique mental health issues of this population. Effective adoption counseling services have a different framework than traditional mental health counseling.

New York State Department of Social Services Regulations Standards of practice for adoption services 421.8⁸ states –In the case of a child who is already

⁸ Complete regulations in addendum

placed in an adoptive home, post adoption services shall be provided including counseling, training parents on how to care for children with special needs, providing clinical and consultative services and coordinating access to community supportive services for the purpose of ensuring permanence of the placement up to three years after adoption. New York State Citizens' Coalition for Children's conversations with parents and a statewide survey indicate these services are rarely being directly provided by the counties, nor are the counties contracting with a third party to provide these services. Additionally, research⁹ has shown that services are most requested by adoptive parents seven years after placement which is the teenage years thus the current DSS regulations are too limiting.

In 2012, Junius Scott, the then Regional Director for the US Department of Health and Human Services, asked the Office of Children and Family Services to provide details of post adoption services in NYS.¹⁰ Some of the unfortunate comments in the OCFS letter are:

- Page 1: For the budget years cited in the letter New York State received a Title IV-B allocation of \$18,856,291. Of that allocation, New York State spent only \$214,944 Title IV-B, Subpart 2 funds on post adoption services.

⁹ Keeping the Promise: The Critical Need for Post-Adoption Services to Enable Children & Families to Succeed, Evan B. Donaldson Adoption Institute, November 2010

¹⁰ The complete letter is in the addendum of this testimony.

The \$214,944 spent represents **only 1.13%** of the total Title IV –B dollars spent by New York State.

- Page 2:
 - While New York State used \$4.96 million TANF dollars for 15 post adoption programs in 2012, the majority of these programs have closed due to a lack of funding. Currently there are only 3 TANF funded post adoption programs. While NYS has used TANF funding on and off since 2000 for post adoption services, there has never been more than 27 counties receiving services. Additionally many families cannot access services because they are not TANF eligible.
 - The OCFS letter mentions that “preventive funding is available to adoptive families.” Enrolling in preventive services does not mean a family will be able to access necessary services i.e. parent support groups or training in their community. What prevention does do is it formalizes the parents saying to their child that the child is at risk of entering foster care which is the last thing an adoptive parent wants to say to their child that they adopted from foster care.
 - The letter refers to adoption subsidies and Medicaid as a resource if adoptive families want services. The problem with this logic is that subsidies and Medicaid are not a magic wand to create nonexistent services in the community. A provider is needed to offer

the parent support groups, case management, specialized counseling, respite and other needed services in the community.

- o The letter cites Bridges to Health as a resource but Bridges to Health is only available to a very limited number of children. The program is also not available to children who have already been adopted.

In 2014 the federal government responded to the need for post adoption/kinship services with the Preventing Sex Trafficking and Strengthening Families Act which requires the states to establish post adoption/permanency services. Further, the Administration for Children and Families issued a memorandum¹¹ in May of 2014 encouraging the states to develop and promote post adoption services as a means to prevent the "rehoming" of children which is a desperate measure by adoptive parents to find new homes for their children with severe problems by placing postings on the Internet and having strangers with no background checks taking their children in.

In October 2014, New York State Citizens' Coalition for Children sent a letter of support for post adoption to Governor Cuomo. The response letter¹² from Louisa Chafee, Deputy Secretary for Human Services disregards the facts on the need for post adoption services and services available. The letter states OCFS supports post adoption services for 3 years after adoption. Yet New York State Citizens' Coalition for Children has told Ms. Chafee and OCFS repeatedly that

¹¹ ACF memorandum is in the addendum of this testimony

¹² Louis Chafee's letter is in the addendum

the local districts are not providing services to the majority of families as well as that services are needed post three years after adoption. The letter also mentions the OCFS's website's list of post adoption programs. What is unfortunate is that most of the programs listed on the website closed when their TANF funding ran out. When I called the phone number in the letter 1-800-345-KIDS the person that answered the phone did not even know what post adoption services were.

New York State Citizens' Coalition for Children estimates that statewide post adoption/permanency services could be provided for \$10 million annually. \$10 million is a low estimate based upon the 2012 TANF Post Adoption Services grant was \$4,961,024 and covered 27 counties. A statewide post adoption program would need to cover 35 additional counties, non-TANF families, a central helpline for support and referrals, and training for professionals. Thus a starting point would be to double the 2012 TANF grant.

New York State Citizens' Coalition for Children believes that the money spent on post adoption/permanency services would be offset by hundreds of millions of dollars in savings to New York State and the counties. We believe the savings would be in:

- Decrease in the number of children in foster care –The counties pay for foster care by using a combination of their own funds and Title IV-E block grants.

The counties are responsible for 100% of the cost for non-IV-E foster care

children. A decrease in the number of non-Title IV-E foster children in foster care means the fewer funds the counties will need to spend on foster care.

- Less young adults leaving foster care without a permanent family -According to various studies¹³ across the country of individuals who aged out of foster care without a permanent family:
 - 12-30 percent struggled with homelessness
 - 40-63 percent did not complete high school
 - 25-55 percent were unemployed; those employed had average earnings below the poverty level
 - 32-40 percent were forced to rely on some form of public assistance
 - 31-42 percent had been arrested
 - 18-26 percent were incarcerated
 - 40-60 percent of the young women were pregnant within 12-18 months of leaving foster care

A closer look at New York State and local counties' budgets would determine the cost for the services that were used by the former foster youth that aged out without a family.

- Decrease in use of residential treatment programs - The cost of residential treatment programs averages \$100,000 to \$140,000 annually per child. For an Office of Mental Health residential treatment facility the federal government

¹³ <http://www.childrensrights.org/issues-resources/foster-care/facts-about-aging-out/>

pays approximately 50% of the non-educational costs, with New York State and local governments sharing the remaining non-educational costs.

Post adoption/permanency services are needed because love does not fix trauma, nor does commitment remove the emotional scars of abuse and neglect. It is our hope that New York State would not need its tragedies to be headlines before it establishes statewide post adoption/permanency programs. New York State Citizens' Coalition for Children is asking the legislators to take a compassionate lead and fund statewide post adoption programs.

Thank you for your time and consideration.

DRAFT

ADDENDUM

1. 2011 AFCARS New York State
2. Department of Social Services, Family & Children Services, Standards of Practice 42, Standard of Practice for Adoption Services
3. OCFS 9/18/12 letter to Junius Scott Children's Bureau on NYS's response to post adoption services
4. Administration for Children & Families Memorandum on post adoption services and the crisis of rehoming
5. New York State Citizens' Coalition for Children's letter of support for post adoption services to Governor Cuomo
6. Louisa Chafee, Deputy Secretary for Human Services, December 23, 2014 letter in response to the need for post adoption services
7. New York State Citizens' Coalition for Children's handout Post Adoption/Permanency Services saves handout