



Kinship Care - Legislative Priorities 2020

Budget and Policy Considerations

(Developed by NYS Kinship Navigator and NYS KinCare Coalition)

Budget Priorities

1. **Restore funding for OCFS administered kinship support services:** restore last year's \$2,559,250 in this year's budget, and consider an increase to a total of \$5,000,000 (\$4 million to local supports, \$1 million to statewide supports) to provide comprehensive coverage for kin.

New Policy Priorities

2. **Protect Kinship Caregivers from Harmful Child Support Actions:** Prohibit child support collection enforcement when good cause exemptions are claimed and proven by kinship caregivers who are seeking TANF Non-Parent child only grants. **S7546/A9840**
3. **Permit KinGAP Subsidy to Continue Post-Adoption:** Codify ruling that KinGAP can convert to private adoption without losing the support subsidy in order to ensure permanency for children.
4. **Define the Term "Kinship Care":** Kinship Care is the common term for grandparents, relatives, and family friends caring for children. The term should be defined in statute to ensure uniformity of usage.
5. **Define Alternative Living Arrangements, Require Data Collection, and Enact a Pathway into Foster Care for Safety Plan Kinship Families:** Alternative living arrangements (aka "safety plans") place children with kin via informal arrangements suggested by Child Protective Services in order to avoid formal removal proceedings. The practice is common, but not adequately monitored and in many instances, kin who assume care, may need an opportunity to petition to become foster parents.

New Policy Considerations

6. **Investigate and Regulate the Use of "Hidden Foster Care":** The legislature should engage with the Office of Children and Family Services to strengthen data collection on the use of "alternative living arrangements" (aka: "safety plans") as a placement mechanism used by local social services districts; to evaluate the use of these placements, including their length of time, permanency outcomes, and services offered; to assist in updating data collection to accurately collect all incidents of Non-LDSS Custody-Relative/Resource Placements, to require county follow up and review of all such placements, and to establish a clear definition of the practice.
7. **Collect Court and Child Welfare Data on Kinship Families:** Collect data outcomes for non-foster kinship families in family court orders of custody and guardianship, as well as for conversions initiated by social services districts Article Ten proceedings.



8. **Implementation of the Family First Prevention Services Act and the Family First Transition and Support Act:** Both acts implement and provide funding for programs related to kinship care. Issues of particular importance to the kinship community are: the definition of “imminent risk standard” and what kinship children are eligible for services, which kinship families will receive preventive services, and support for new kinship navigator services.

Renewed Policy Priorities

9. **Assign Legal Counsel for Indigent Caregivers:** Amend FCA 262 to provide counsel to indigent caregivers who petition for custody or guardianship (S5434/A7586). Develop cost analysis. HEVESI/SALAZAR
10. **Permit Financial Supports for Families in Need:** Amend SSL 131-c to include eligibility for certain children who currently cannot receive child-only grants (S7260/A9064, passed 2019, vetoed by Governor). Develop cost analysis. HEVESI/PERSAUD
11. **Expand a Kinship Family’s Right to Petition:** Amend DRL 72(2) to empower all kinship caregivers, not just grandparents, to have legal standing in court when caring for children for an extended period of time (S5648/A8316). WRIGHT/MONTGOMERY
12. **Strengthen Legal Custody Powers for Caregivers:** Amend EdL 3212 and PHL 2164, to authorize caregivers with an order of custody to make certain education and health decisions for children (S4475/A1121). Jaffee/Montgomery. JAFFEE/MONTGOMERY