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April 24, 2020

The Honorable Andrew M. Cuomo
Governor, New York State
Executive Chamber
State Capitol
Albany, NY 12224

Commissioner Sheila Poole
NYS Office of Children & Family Services
Capital View Office Park
52 Washington Street
Rensselaer, NY 12144

Dear Governor Cuomo and Commissioner Poole:

Thank you for the strong leadership you've shown in the face of this unprecedented pandemic. We appreciate the steps you have taken to address the myriad of challenges COVID-19 has presented to our state and our communities. As advocates and service providers working with families impacted by the child welfare system, we believe there is an urgent need now for additional, targeted investments and policy responses to promote child and family well-being.

This pandemic presents significant and unique challenges for the thousands of children and families involved in our state's child welfare system. Prior to the pandemic, families involved in the child welfare system struggled with stress, trauma, and lack of access to supportive services. Changes in service delivery brought by the pandemic response and lack of access to appropriate technology now often leave families with less support and more needs than they may have previously had. Meanwhile, the basic functions of the system continue to occur: older youth continue to age out of foster care, children come into care, families need supports to help prevent entry into foster care, and foster parents, direct care staff and kinship caregivers continue to care for children. But the entities serving families – schools, child welfare offices, and family courts – have, appropriately, adapted how they operate in response to the public health crisis. This is resulting in an increased reliance on technology, delays in some services, and ever-changing expectations for caregivers. Children and families involved in the child welfare system need increased services, better access to appropriate resources, and public policy that will help support them during this uncertain time. The child welfare impacts of this pandemic will be felt well after the crisis has abated.

We recognize the immense fiscal constraints under which the State is currently operating and appreciate the decisions that must be made. While we are working closely with our national partners to advocate for federal support for child welfare, it is also incumbent upon the State to take proactive steps to better support our children and families who are involved with the child welfare system.

In order to address these needs and ensure the safety and stability of our children and families, we respectfully request that you act on the following:

- ▶ **Enact a temporary moratorium on “aging out” of foster care:** Under “normal” circumstances, young people who “age out” of foster care without a family face instability with regard to housing, income, and employment. In the middle of a global health pandemic, when a safe and stable home and a family are key to both individual and public health, no young person should be pushed from their home or be forced to leave foster care without a family, simply because they turn 21. We urge you to act to temporarily place a moratorium on “aging out” that will last at least 180 days after “New York State on Pause” has ended, and to ensure the social service districts receive appropriate funding support.

- ▶ **Provide COVID-19 Emergency Response Pay for foster parents, frontline staff and reunified families:** Across New York State, foster parents are stepping up to care for children in new ways during this pandemic - providing academic support as schools remain closed, navigating ever-changing expectations and providing critical emotional support for our young people. Likewise, direct care staff at foster care agencies, preventive providers and counties are stepping up to ensure that children and families continue to receive services, including in new and innovative ways, and despite risk to their own health. Reunified biological families, bringing children home during this economically stressful time, are also assuming new responsibilities and new stress, and would benefit from the guarantee of supplemental financial assistance. During a time when all families are struggling to make ends meet, families involved in the child welfare system, in particular, need additional financial support to meet the family’s needs and help children remain safely at home.

We urge you to honor the dedication of our foster families, direct care staff, and reunified families by providing them with supplemental financial assistance that recognizes the essential nature of their roles, and the increased expense that this work has required.

- ▶ **Provide technology and support to ensure children and families remain connected:** As families shelter at home, technology plays an increasingly important role in their lives. Our children and families involved in the foster care system, as well as our non-foster kinship families, need access to technology tools (phones, laptops and tablets) and high-quality broadband internet to help children stay connected to their families, social workers, teachers, and essential health and mental health services. In addition to the physical tools, many of our families also need support navigating new technology. Furthermore, both families and providers could benefit from tips, support, and best practices as to how to use technology effectively to engage and support families in a meaningful way, particularly during remote visitation.

Many of the families involved in the child welfare system, which disproportionately serves Black families and families living in poverty, already feel the impact of the digital divide.

The increased importance of access to technology during the pandemic has put these children and families at an increased disadvantage.

We urge the State to make significant investments to ensure that our children and families are equitably connected to the tools and technology they need throughout the public health emergency.

- ▶ **Restore funding support for local kinship caregiver programs:** Kinship caregivers, like our foster parents, are stepping up to provide care for children in this moment of uncertainty, most of whom will do so without the accompanying financial support of foster care. These kinship caregivers, now more than ever, need supports and resources, including technology access, help with accessing local resources, and support in the home that is provided by kinship caregiver programs. Unfortunately, state funding for kinship caregiver programs was cut nearly in half in the Enacted Budget. We urge you to restore funding to those programs so that our kinship caregivers are not left to navigate this crisis alone.

- ▶ **Ensure young people with current and previous foster care experience can access the benefits to which they are entitled:** Young people in foster care need every resource available to them. Now, more than ever, the State must act in loco parentis for our young people in foster care, to ensure that they have access to the resources they need to remain safe, stable, and healthy during and after this public health crisis. We urge you to do the following:
 - Young people in foster care should be prioritized in all public systems, including for nutrition, housing, and employment supports.
 - Many youth sheltering in place with friends and relatives who are not in a formal placement are technically considered AWOL and so are unable to access their stipends and other benefits. We urge the State to issue guidance to all LSDs to grant waivers to programs to circumvent this issue and ensure that young people have access to the financial supports that are so necessary during the pandemic.
 - We request that direction be given to case workers serving eligible youth 18 and over to screen for and apply for both the federal stimulus benefit and unemployment, if applicable.

- ▶ **Address delays in permanency by making hearings essential business for Family Court:** Due to Family Court shutdowns and reduced staffing, we are already seeing delayed hearings, which may, ultimately delay family reunification and permanency, deny children and youth the opportunity to get their needs addressed (including sibling visits and services) and reduce critical support to children and their families. Stability, permanency, and connection to family are critical to child well-being and long-term outcomes. New York should prioritize permanency and develop innovative approaches to reunification and permanency hearings during this time, including using technology during the pandemic and until regular court operations can resume in order to ensure timely opportunities for children and families to be heard.

- ▶ **Ensuring kin and non-related foster families can be expeditiously approved as resource families:** Children entering foster care or in need of a new placement must be able to be connected with relatives or extended family members, or in a family-based placement, in a timely manner and these families should be approved as resource families without delay. Continued foster and kinship family recruitment, training and approval are also critical to

ensuring that children entering foster care can have the benefit of a stable, family-based foster system and avoid being placed in group care facilities. We urge the State to act to put into place the Kin First Firewall that was included in the State of the State proposals. Doing so will help to ensure that kin placement remain a priority for children coming into foster care across the state. We commend the State for the guidance already released to districts on training, and urge the continuation of clear guidance and support on virtual trainings and recruitment efforts. Furthermore, we urge the State to provide clear guidance to the districts on the timely approval of kin foster care placements.

- ▶ **Ensure all families can access necessary supports to maintain stability in the home:** All families, whether birth, kin, foster or adoptive, are under stress due to shelter in place orders and adjusting to the loss of natural supports through school, daycare, family, friends and other resources, as well as financial hardship. In order to promote stability, reduce stress, and avoid unnecessary removals of children from their homes, the State must ensure that families have access to primary prevention, targeted child welfare prevention, respite, child care and anti-poverty programs such as nutritional and housing supports. Emergency funding for such programs should be made available with as few restrictions as possible to meet these immediate needs.

The child welfare impacts of this pandemic will be long-lasting and will result in new and significant challenges for children and families. We must act now to bolster families with the tools and supports they need to help lessen the significant stress of this pandemic.

We are eager to work with you to ensure that all children and families who come into contact with our child welfare system are well-supported.

cc: Honorable Andrea Stewart-Cousins, Temporary President, NYS Senate
Honorable Carl Heastie, Speaker, NYS Assembly
Senator Velmanette Montgomery, Chair, Senate Committee on Children & Families
Senator Roxanne Persaud, Chair, Senate Committee on Social Services
Assemblymember Ellen Jaffee, Chair, Assembly Committee on Children & Families
Assemblymember Andrew Hevesi, Chair, Assembly Committee on Social Services
Elizabeth Garvey, Special Counsel and Senior Advisor to the Governor
Paul Francis, Deputy Secretary of Health & Human Services