

An Office of the Child Welfare Advocate Will Help New York Build a More Family-Centered, Equitable Child Welfare System

It is time for New York to establish an Office of the Child Welfare Advocate as one means of addressing the challenges present in the child welfare system. In doing so, New York would join the 36 other states with similar offices in offering an indispensable resource for all New York youth and families touched by the child welfare system.

The Office of the Child Welfare Advocate will be a publicly accountable office that can neutrally and impartially mediate conflict, provide information, and protect the interests and rights of youth, biological parents, foster parents, kin caregivers and relatives involved in the child welfare system.

The Office of Child Welfare Advocate (OCWA) will help families and youth resolve misunderstandings and problems quickly, before they escalate; connect to resources and supports before problems become crises; and act as a data repository to enable New York to identify trends across counties, recurring challenges, and opportunities to improve the child welfare system to better serve New York families.

The Office will improve oversight and the accountability and responsiveness of New York's child welfare system.

Chief among New York's child welfare challenges: youth of color, especially Black children, are [disproportionately](#) represented in New York's child welfare system because their families are disproportionately investigated by child protective services, removed from their families, and placed in foster care. Notably, New York has taken important steps in recent years to create a more racially just child welfare system, including adopting a policy [of blind removal and a kin-first firewall](#) in 2020. These are important reforms, but disparities persist.

Another challenge facing New York is a shortage of well-supported kin and foster caregivers, depriving New York's children of quality family-based care, and undermining well-being of children in the child welfare system. New York has long struggled to recruit and retain enough kin and foster caregivers to meet the needs of youth in its child welfare system. Additionally, some New York counties rely on kin to care for children who were removed from their parents' care—without providing them financial support.

Finally, New York currently, as it has for decades, placed a higher percentage of children in congregate care than the national average despite strong evidence that children removed from their family of origin experience the best outcomes in a well-supported [family-based](#) setting with kinship or foster caregivers. Nearly [1 in 5](#) children in New York's foster care system live in an institution. On any day, over 2,500 children are in congregate placements, which include group homes and shelters, instead of with a family. Not only can congregate care placements lead to poor outcomes for children, they are also more expensive than supporting caregivers and families. Further, New York's congregate placement rates also reflect and reinforce the racial disparities that permeate the child welfare system. Black children in New York represent [half](#) of all children living institutions and group homes state-wide despite only constituting [15%](#) of children in New York.

The OCWA will help address these issues by:

- Providing youth, biological families, kinship caregivers, and foster parents a trusted, independent resource for information, referrals and assistance in resolving conflicts related to child welfare. Having such a resource for families will enable families to stay together – with supports – be they biological, kin or foster families, and keep more New York children out of congregate care.

- Ensuring the Office is independent. The Director of the Office will be appointed by an Independent Review Board, which will:
 - » Include appointees by the judiciary, executive, Senate and Assembly, ensuring a mix of expertise and experience, including individuals formerly involved in the child welfare system, a current or former foster or adoptive parent, and a current or former kinship caregiver.
 - » Have the authority to hire/fire the Director and evaluate the effectiveness and performance of the Office.
 - » Meet quarterly to review reports and responses, and advise on matters concerning complaints and grievances, dispute resolution, and recommendations for changes to applicable law, regulation and policy concerning the child welfare system.
- Staffing the Office with professionals who possess comprehensive knowledge of the State's child welfare system and expertise in the fields of child welfare, foster care, and dispute resolution, and undergo annual anti-bias training.

The Office will track the issues raised across the state, identify trends, and make recommendations to the Legislature to resolve systemic issues in New York's child welfare system.

As a county-administered child welfare system, it is particularly challenging for New York to identify trends and systemic issues whether arising across the state, or in specific regions. The OCWA will help address this challenge by:

- Identifying and tracking recurring issues from across New York's 58 Local Social Services Districts, and affirmatively recommending policies, regulations, and legislation designed to promote and improve New York's child welfare system.
- Producing quarterly and annual reports to the Legislature and the public.

Background

Children experience better health, safety, and well-being outcomes when they are cared for by well-supported families. With the Fall 2021 full implementation of the first phase of the historic federal Family First Prevention Services Act, New York is poised to reform the child welfare system into one that improves family well-being and self-determination, increases non-coercive support, and strengthens community-based services that meet the needs of our diverse communities. However, ongoing issues must be resolved for New York to make transformative progress toward creating a child welfare system that truly centers and supports all families.

Now is the Time to Establish New York's Office of the Child Welfare Advocate

Even before COVID-19 hit New York in March 2020, youth, biological parents, and caregivers involved in New York's child welfare system needed a place to turn to that would mediate conflict, provide information, and help protect their interests and rights. The stress, isolation and economic fall-out of the pandemic have only increased the need for focused support. Family First – fully implemented by New York beginning in October 2021 - establishes new financial incentives to reduce the use of congregate settings, increase support for kin caregivers, and strengthen community-based preventive services.

An Office of the Child Welfare Advocate will help New York successfully implement Family First and seize this opportunity to build a child welfare system that prioritizes strengthening youth, families, and communities.

New York must pass A.6269-A, join the vast majority of states (36), and establish an Office of the Child Welfare Advocate.