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March 13, 2018

Honorable Andrew M. Cuomo
Governor of the State of New York
NYS State Capitol Building
Albany, NY 12224

VIA MAIL & E-MAIL

Dear Governor Cuomo:

We join a wide coalition of child welfare professionals in urging you to reconsider provisions of the proposed child welfare budget that will jeopardize the safety and well-being of New York's most vulnerable children and families, while rolling back over 20 years of progressive reform. As legal and social work advocates who represent children who are involved in the child welfare system, we are extremely concerned about the impact that the proposed restrictions on State funding for protective and preventive services, elimination of funding for Safe Harbor programs, and the failure to expand funding for youth in college will have on our clients and their families -- who are overwhelmingly Black and Latinx.

Since 1984, Lawyers For Children has provided legal and social work services to individual children in foster care while also compelling system-wide child welfare reform through class action litigation and collaborative work with City and State agencies. At a time when the number of children in foster care is rising nationally, we can all be proud of the tremendous decline in New York City's foster care system—from over 50,000 in the 1990's to less than 9,000 today. Today, more children are kept safely with their families with community-based preventive services like mental health treatment, homemaking and housing assistance. This has only been made possible because of the State's leadership in creating an open-ended funding stream that incentivizes localities to invest in prevention and protection on the front end. Preventive services are vital in breaking the generational cycle of child welfare involvement, as seen by our client, Zoe:

Zoe is a mother of three who was separated from her own family and placed in foster care as a teenager. Shortly after her first child was born, Zoe became overwhelmed taking care of her baby without any family support. When she

subsequently gave birth to twins, preventive services were put into place that allowed the children to stay at home with her. A homemaker was able to help her take care of her children, teach her practical life skills, and watch the children while she received services and went to work and therapy appointments. Now, Zoe is back on her feet and her children are thriving in her care.

We simply cannot return to a time when the only way to protect children was to remove them from their families.

We are also deeply concerned that the proposal to cap the previously open-ended funding stream will have a devastating impact on older youth in foster care who are transitioning to adulthood. These young people need significant support to be able to obtain and keep housing, join the workforce and get an education so they can live on their own. Limiting the funding available for independent living services does them a grave disservice.

In addition, we urge you to fully fund two key initiatives that have been funded in the past but are not mentioned in the proposed Executive budget: The Foster Youth College Initiative, which provides crucial support for youth in foster care who attend college, and Safe Harbor programs, which provide important protections and services for children who have been - or are at risk of becoming - trafficking victims.

In New York City, specialized services made possible through Safe Harbor funding has supported our clients like Justine:

Justine was in and out of multiple foster homes following repeated sexual abuse. Her foster care agency was unable to prevent her from running away from placement or from being lured into sex trafficking, until she received services through GEMS, a Safe Harbor-funded organization that provides trafficked girls with a range of services. GEMS engaged Justine in peer support groups, a safe-haven, even when her foster homes were unstable. GEMS has helped set Justine on the path away from trafficking and exploitation, toward safe, stable, transitional housing.

These proposed limitations on New York City's preventive and protective services come at a critical time following the State requirement that the City's Administration for Children's Services (ACS) appoint an external monitor to review and evaluate ACS's child protection and preventive services functions. After its review, the Monitor concluded that ACS needed to "improve the continuity and oversight of preventive services cases,"¹ and that ACS was hampered by the "critical resource

¹ See Kroll: The New York City Administration for Children's Services, Dec. 8, 2017 Report, available at: <https://ocfs.ny.gov/main/reports/2017-NYC-ACS-Report-Kroll.pdf> at p. 28

challenges” experienced by many of the preventive provider agencies.² The already-strained system has been further burdened by significant increases in reports of child abuse and neglect (a jump of ten percent from 2015 to 2017), and the number of abuse and neglect cases filed in family court³. The proposal to curtail the State’s contribution to New York City’s protective and preventive services on the heels of those findings is inexplicable in light of the State’s obligation to oversee New York City’s child welfare system and the legal challenges that have been presented based on the State’s failure to comply with that mandate.⁴

We urge you to not pass a budget on the backs of our most vulnerable children and families, and restore these child welfare cuts. As Nelson Mandela said, “there can be no keener revelation of a society than the way it treats our children.” If you or your staff have any questions or would like to learn more about how these services make a difference, we would be happy to share more.

Very truly yours,



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CC:

Paul Francis, Deputy Secretary for Health and Human Services
Kerri Neifeld, Assistant Secretary for Health and Human Services
Speaker Carl Heastie
Senator John Flanagan, Senate Majority Leader
Senator Jeff Klein, IDC Leader
Senator Andrea Stewart-Cousins, Senate Minority Leader

² *Id.*

³ See NYC Administration for Children’s Services Flash Monthly Indicator Report at p. 3, available at: <http://www1.nyc.gov/assets/acs/pdf/data-analysis/flashReports/2018/01.pdf>

⁴ See *Marisol v. Giuliani*, 929 F. Supp. 662 (S.D.N.Y. 2011); see also *Elisa W. v. City of New York* No. 15 CV 5273-LTS-HBP (S.D.N.Y. September 27, 2016); see <https://chronicleofsocialchange.org/child-welfare-2/29149/29149>