

The New York City A.S.F.A. Coalition
% 110 Lafayette Street, 8th Floor
New York, NY 10013
212-966-6420

May 30, 2017

MEMORANDUM IN SUPPORT
S04833/A07554

An act to amend the social services law, in relation to eligibility of children for subsidized kinship guardianship assistance to expedite permanency for foster children before the family court

The undersigned are members of the ASFA Coalition, a coalition of child welfare agency, parent, and child advocate groups, formed to monitor and improve implementation of Family Court and child welfare changes initiated as a result of New York State's Adoption and Safe Families Act (ASFA). The ASFA Coalition has been meeting regularly since 1999 to discuss issues of mutual concern regarding New York City's child welfare system.

THE ASFA COALITION SUPPORTS THE BILL
FOR THE FOLLOWING REASONS:

The Kinship Guardianship Assistance Program (KinGAP) provides an important path out of foster care for many children. It allows them to leave foster care to a permanent home with kin without having to terminate the parental rights of their biological parents. The proposed legislation makes two important modifications to the existing statute that would allow greater numbers of children to be discharged from foster care to permanent homes under this program.

This bill expands the definition of "kin" to include relatives of a child's half-siblings, as well as godparents and other adults with close ties to the child. Under current law, an individual must be related to the child by blood, marriage, or adoption in order to qualify as a KinGAP resource. This limited definition of "kin" precludes others who have long-term family-like relationships with the child from becoming KinGAP resources, although they may be treated as kin for purposes of expedited foster parent certification when a child enters foster care. This legislation would allow them to be treated as kin for purposes of both, placement in foster care, and discharge from foster care.

The second important change made by this legislation allows the KinGAP subsidy to be paid until the child turns 21, regardless of the child's age when the guardianship is granted.

Currently, the subsidy ends at age 18 for youth who are discharged prior to age 16, but continues to 21 for youth who are discharged after turning 16. This discrepancy creates a disincentive for relatives to file guardianship petitions to take children out of foster care before they turn 16. As a result, some children remain needlessly in foster care waiting for their 16th birthday.

For the above reasons, we urge you to pass this bill.

Signed:

Brooklyn Defender Services
The Bronx Defenders
Center For Family Representation
Children's Law Center
Citizen's Committee For Children of New York (CCC)
Court Appointed Special Advocates, New York City (CASA)
Lawyers For Children
Neighborhood Defender Service of Harlem