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COFCCA

Leadership, voice and vision for child welfare in New York State

# Council of Family and Child Caring Agencies

## Testimony Presented by

## Kathleen Brady-Stepien, Associate Executive Director

## Before the

## Assembly Ways and Means and Senate Finance Committees

## Joint Legislative Hearing

## January 30, 2020

Good afternoon, my name is Kathleen Brady-Stepien and I am the Associate Executive Director of the Council of Family and Child Caring Agencies (COFCCA). Our member agencies include over 100 not-for-profit organizations providing foster care, adoption, family preservation, juvenile justice, and special education services in New York State. On behalf of our member agencies, their more than 55,000 employees all across New York State, and, mostly on behalf of the tens of thousands of children and families that our agencies serve, we thank Chairpersons Krueger and Weinstein for the opportunity to testify before you today.

Over the past several years, COFCCA and our member agencies have increased advocacy efforts to educate members of the Legislature regarding the challenges that the foster care system has faced--seven years of stagnant rates, unfunded mandates, implementing healthcare reform, implementing Raise the Age, the severe staff recruitment and retention challenges our providers face, and most importantly, the changing and complex needs of children and youth in foster care. Throughout all of these challenges and changes in our field, the Legislature has partnered with us to advocate and promote the safety, permanency, and well-being of children and youth in foster care and juvenile justice and we cannot thank you enough. I am here today to ask that you continue to provide that support.

**Supporting Children and Youth in New York State's Foster Care System**

We truly appreciate the Legislature's strong support for our foster care programs, demonstrated through your advocacy each year in asking the Division of the Budget to approve salary increases for foster care workers. The Legislature has assisted us greatly over the past several years in achieving regular increases to the foster care rates, giving our provider agencies the ability to provide raises for staff. We have begun to see our salaries rise slightly and our turnover figures fall slightly in our most recent COFCCA Child Welfare Workforce Compensation report. This report, completed in 2019, shows the following:

- **In 2019, our front line, child care workers earned an average statewide starting salary of $29,253—or approximately $14.06 per hour; our child care worker turnover was 41%.** These figures have improved slightly since our previous study in 2017; during that year, the average statewide starting salary for a child care worker was $25,668—approximately $12.34 per hour; our child care worker turnover in 2017 was 47%.

- **Our caseworkers, similarly, in 2019 earned an average annual starting salary statewide of $36,994 (with a BA degree); turnover in 2019 for our caseworkers was 38%.** The 2019 salary figure is increased from the 2017 figure of $34,753; the turnover was formerly at 41% in 2017.

These statewide averages, studied side by side, illustrate the importance of the Legislature's partnership with our foster care programs the past few years. While we are pleased to report that these numbers are moving slightly in a better direction for our starting salaries and our turnover, we continue to have an unacceptable high rate of turnover in our field. Our young people in foster care come to rely on and develop relationships with their child care workers and their caseworkers. High worker turnover negatively impacts children and youth in foster care, and it impacts our outcomes: studies in the field show that each time a worker leaves, it may add up to six additional months to a youth's time in foster care. Due to its impacts on increased length of stay, worker turnover is therefore expensive for the state and the counties. The loss of their worker, a positive adult in a young person's life, can be devastating for our youth.

The expenses for our foster care programs are paid through a rate, the Maximum State Aid Rate, or MSAR. The MSAR is an administrative rate that is set after the state budget passes; the rate is set via the state Office of Children and Family Services (OCFS) and the Division of the Budget (DOB). Since 2015, thanks to the support of the Legislature, this MSAR rate has achieved continual modest growth each year. Last year, with the support and advocacy of the

Legislature, we received 2% growth on the whole MSAR as well as a 3.25% increase in pay for direct care staff.

We hope you again will be a champion this year for the children and youth in foster care by supporting the workers they depend on for quality services. This year we are again advocating for an increase to the MSAR for the period of July 1, 2020 to June 30, 2021; in addition, we are advocating for parity in salary increases for our direct care staff and our clinical staff in line with any increases that are provided through the budget process for direct care staff. While we truly appreciate the past five years of growth, the rate increases we have received do not begin to address the very real difficulties our providers face in competing to hire staff who can provide quality care to children and youth with complex needs.

COFCCA supports the larger human services field's request for #3for5: a 3% increase in rates and contracts for human services providers over the next 5 years. This campaign is unprecedented in its scope, with the inclusion of every major statewide not for profit agency in the mental health, addiction disorder, developmental disabilities, foster care, and aging community.

Existing law provides for an annual increase for these not for profits. Unfortunately, for the last decade, the funding increases for these agencies has not been included in the New York State Budget. This has resulted in a loss of over $1 billion in promised financial support. The result is that facilities are deteriorating and agencies are unable to offer competitive living wages to attract and retain the skilled staff necessary to deliver quality care and support.

We urge the members of Senate Finance Committee and Assembly Ways and Means Committee to continue your leadership in the not for profit sector through your support of #3for5.

**While the foster care rate, the MSAR, is established post-budget, we hope you will use the budget process to highlight the need for investments into the foster care system and join our advocacy efforts for growth to the MSAR through the administrative rate setting process that occurs between OCFS and DOB, as well as salary increases for our direct care staff and clinical staff in line with any salary increases the state provides for other programs in the Budget process.**

**We support the human services statewide request for #3for5, a 3% increase provided to human services rates and contracts for the next 5 years, which would benefit not only our workforce but the larger human services workforce as well.**

## Implementing the Federal Family First Act in New York State

New York State's child welfare system will experience incredible change in the fall of 2021 as our state implements the federal Family First Act (FFA). The federal law implementation brings with it opportunities and challenges, and we are eager to partner with the state on preparing our system to continue to meet the needs of our children and families. We reviewed with interest the various executive budget components that have been included to outline the state's plans for transition, including transition funding and language that would establish an independent assessor review and a Family Court review on residential placements.

### Family First Act Transition Funding

We were very pleased to see the Family First Transition Act pass at the federal level this past year. We advocated strongly for passage of this Act, which includes $50 million in funding to help bridge the New York City Administration for Children's Services from its federal Title IV-E waiver (which expired this past fall) into Family First Act implementation next fall. Similarly, we were also very pleased to see the anticipated $25 million included for assisting NYS's transition to the new federal changes.

A small group of COFCCA's voluntary foster care agencies, comprised of downstate and upstate providers, have been meeting regularly over the past year to study alternative models to care for our youth who may currently be in residential care. The group seeks to examine evidence-based models of care that could provide an alternative to residential care for our youth with high acuity needs. We would propose that the state could use some part of the $25 million in federal Family First transition funds to pilot one or a few of these models in voluntary agencies around the state, so that the state could examine the viability and effectiveness of these models for our young people.

We appreciate the efforts that OCFS has made to date to assist residential providers in becoming Qualified Residential Treatment Programs (or QRTPs), including assistance provided through the administrative rate process last year to support accreditation of these agencies. To date, however, the state has not yet provided transition funding to voluntary agencies, although most (over 80%) of the children and youth in foster care are placed in the care of voluntary agencies. Last year, the final state budget included $3 million to be split amongst the counties for a Family First Act Transition fund; the Executive budget has again proposed $3 million for this purpose. We support the inclusion of these funds for the counties.

**We strongly support the $75 million included in the state budget for Family First Act transition funding, and request that some portion of the $25 million flexible state funding for**

**transition be provided to the voluntary foster care agencies, which have more than 80% of the children and youth in foster care placed in their care.**

**In addition, we support the Executive Budget's inclusion of $3 million in Family First Transition Act funds for local departments of social services (LDSS's).**

<u>Family First Act Implementation Language (Education, Labor, and Family Assistance Article VII Bill, Part M)</u>

As part of its preparation for the FFA, the Executive has included language in the Education, Labor, and Family Assistance, or ELFA, Article VII bill in Part M. This language would establish into state law some required provisions of the federal Act—the 30-day Independent Assessor requirement and the 60-day Family Court review requirement.

The ELFA Part M language also contains language that is not required by federal law. Specifically, on pages 197-198 of ELFA Part M in part 409-h, the language states that if the independent assessor does their assessment and deems that the child is not appropriate for a Qualified Residential Treatment Placement (QRTP), then the LDSS would be required to remove the child from the QRTP within 30 days and (if they are going to continue a placement) then place the child in another non-QRTP setting—choosing from a list of settings that OCFS is eventually going to place on its website, for children and youth deemed not appropriate for a QRTP.

We are in full support of all children and youth in foster care being placed in the least restrictive setting possible, and we understand that part of the Independent Assessor role as established by federal law is meant to achieve that very goal. The ELFA language, however, gives the independent assessor ultimate authority to determine what the child's placement setting should be. This is not required by federal law; indeed, there is no provision in the federal law that says you must remove the child within 30 days if the independent assessor does not find the child to need a QRTP. The FFA simply speaks to when federal funds will be available or will not be available. There is nothing in the federal law that would preclude our LDSS's from continuing a child's placement in a QRTP (even if the independent assessor does not think QRTP is correct placement) with state and local funds. However, if this ELFA language were to pass into law as written, the LDSS would lose the ability to over-ride the independent assessor's judgment to keep a child in a QRTP placement. This presents potential serious safety concerns for the child especially if the LDSS does not have or cannot find an alternate placement within the 30 days' window. And the LDSS Commissioner is ultimately responsible for the safety of the kids in their care—but via this language they are not being allowed to determine the placement setting that they feel is safest for the kids. As written, the language would also seem to override any decision made by a judge regarding placement. It would permit the independent assessor to deem a Juvenile Delinquent's placement in a QRTP "inappropriate" and the LDSS would then be mandated to find a foster home that would accept the youth. If no such homes are available, the LDSS is left without a placement option for the youth. It is important to understand that OCFS has not yet decided who the independent assessor will be or what the assessment tool will be—the federal law gives some latitude to states in making those decisions (as long as they are ultimately approved by the federal government). The ELFA language states that the details on independent assessor will be provided at some point uncertain in the future, via our state regulatory process. The ELFA language ultimately asks the Legislature to ratify the power of the independent assessor to determine a placement outcome for a child without yet knowing anything about who the independent assessor will be or how it will work.

**We urge the Legislature to reject language in the Education, Labor, and Family Assistance (ELFA) Bill, part M, which would require LDSS's to remove a youth from a QRTP within thirty days if an Independent Assessor (a role that is a new creation of the federal Family First Act) deems a child's placement in a QRTP not to be appropriate. Instead, we urge the Legislature to continue to ensure that the LDSS has the ability to place a youth in foster care in the placement that they deem safest for that individual youth.**

## Providing Career Pathways for the State's Child Welfare Workforce

One way in which the Legislature can support our child welfare workforce is by providing a career pathway to help us recruit and retain workers. New York State has invested $100,000 over each of the last three years in setting up two higher education programs for the state's child welfare workforce--the NYS Child Welfare Worker Incentive Scholarship and the NYS Child Welfare Worker Loan Forgiveness Incentive Program (to date, each program has received $150,000 in funding). We are very appreciative of the Executive Budget's proposed investment of $50,000 for each of these programs again this year.

We consistently hear from our child welfare workers that although they find the work very challenging, they enjoy what they do and want to continue to grow with our agencies. We also often hear that they begin to look for other jobs when they cannot afford to pay their student loan monthly repayment schedule (given the growing student debt crisis in our country, staff have student loan payments ranging from several hundred dollars per month to payments even in excess of $1000 per month). **In 2019, our programs experienced a 38% turnover in Caseworkers/Case Planners statewide.** The statewide average starting salaries for our Caseworkers/Case planners in 2019 were:

- Statewide average starting salary (BA): $36,994
- Statewide average starting salary (Master's degree): $41,425

Our staff report that it is very challenging for them to pay their loans back on these salaries, and therefore they are often forced to look for other work outside of our field.

Our child welfare staff tell us that in addition to salary increases, they need more support in achieving their higher education goals. Many staff in our programs desire to become supervisors or even aspire to be in a senior leadership position such as a program director or a CEO someday; however, they need advanced education degrees to pursue those positions. If our staff receive support in achieving their educational goals, we can begin to build a true career pathway for our state's child welfare professionals.

The Higher Education Services Corporation (HESC) launched the application and selection process for these awards in 2019; HESC made the first few awards for the programs at the end of 2019. The staff in our programs eagerly applied to both programs and we have heard from several staff disappointed that they did not get an award (due to lack of funding to make more awards).

We know that there is tremendous need for these programs around the state, and we believe that increased state investment into our child welfare workforce's higher education pursuits will greatly assist in our staff recruitment and retention efforts, and will also create the next generation of child welfare leaders in the field.

**We support the Executive Budget's inclusion of $50,000 each for the NYS Child Welfare Worker Incentive Scholarship and for the NYS Child Welfare Worker Loan Forgiveness Incentive Program.**

**We request an additional $1,900,000 investment to support higher education opportunities for our child welfare workforce in NYS; we would propose that $950,000 of that funding be available for tuition support, through the NYS Child Welfare Worker Incentive Scholarship, and the remaining $950,000 be available for loan forgiveness for our staff, through the NYS Child Welfare Worker Loan Forgiveness Incentive Program.**

**Committee on Special Education (CSE) Placements Cost Shift (ELFA Part N)**

The Education, Labor, and Family Assistance (ELFA) bill contains a section, part N, that proposes to shift responsibility for residential CSE placements to the placing school district for all districts outside of NYC, eliminating the state's responsibility for payment. Currently, the state (OCFS) has an 18.424% payment share, the LDSS has a 43.152% payment share, and the placing school district has a 38.424% payment share for these placements.

It is important to note that this same cost shift (from the state to the placing school district) was made in the final 2017-18 state budget, for NYC only. Therefore, the ELFA part N language seeks to make this a statewide cost shift. While we understand that the school district makes the decision on the placement in the best interest of the child, this has been a shared funding partnership for some time between the state, school district, and counties for our young people needing a special education placement.

**Improving Safety and Living Spaces for Youth in Foster Care**

As agencies experienced seven years without growth to the foster care rate, they had to make difficult decisions to plan and execute their budgets. As a result, our residential programs across the state have not been able to perform regular maintenance and instead have had to defer necessary projects. Many of the residential programs have roofs in need of repair, and several have aging boilers in need of replacement. When teenagers are living in a building, the inevitable wear and tear happens, and many of our facilities need to repair carpets or walls. Agencies additionally need funding to put cameras in their residential programs to aid in worker and child safety; the Justice Center recommends these cameras be put in residential facilities as an added safety measure. Many of our programs are seeking to convert existing double or triple rooms into single bedrooms for safety reasons. We have heard from staff in our programs that the conversion to single bedrooms truly helps reduce behavioral problems within a cottage. The residential cottages are the temporary homes for our children and youth in foster care, and we must make repairs and improvements to make them safe.

We appreciated the Legislature's support a few years ago of the Nonprofit Infrastructure Capital Investment Program; the program was funded for a total of $120 million. While some of our agencies were able to benefit from this funding, the RFP was open to the entire not-for-profit sector, and the amount of applicants for funding far exceeded the available state resources for the program. Despite an overwhelming need for more investment in nonprofits' infrastructure priorities, there is no additional funding included for the NICIP in this year's Executive Budget.

**We request $15 million in capital funding for deferred maintenance projects at residential foster care programs in this year's budget and $15 million in next year's state budget.**

**Other Initiatives COFCCA Supports**

**Educational Opportunities for Youth in Foster Care**

Over the past five years, New York State has committed resources to assist youth in foster care as they pursue higher education. It is estimated that the funding of the Foster Youth College Success Initiative (FYCSI) has supported approximately 1,500 young people in our state during their college journeys. These young people attend more than 100 NYS colleges and universities and they are achieving success through post-secondary education. Only 1 in 20 youth in foster care in NYS complete a college degree—but we are on our way to making real progress towards changing that statistic and making sure more of our kids complete college. The FYCSI program uniquely provides necessary social, academic, and financial supports to ensure that barriers to opportunity for the foster care population are mitigated. Our young people in foster care want to pursue post-secondary education to be able to succeed and to pursue their desired career paths; we need NYS to continue the great commitment it has begun to assist foster youth in achieving their goals.

**We support the Governor's inclusion of $6 million for the Foster Youth College Success Initiative, and support the Fostering Youth Success Alliance's request for an additional $1.5 million, for a total of $7.5 million.**

**Supporting Continued Implementation of Raise the Age**

**We support the proposed $250 million in the Executive Budget to continue implementing Raise the Age this year.**

Thirteen of our COFCCA agencies (upstate and on Long Island—outside of NYC) are currently approved residential providers for youth placed through Raise the Age. These agencies have engaged in a regular learning collaborative with OCFS throughout the past few years to work through programmatic questions and to learn from one another as they prepared for and then began accepting youth into their programs. We are proud of our providers' ability to co-create this new program model with the state, partnering to provide the best possible environment and supports for youth placed through Raise the Age.

We also note that the way that the Raise the Age funding was created, it essentially bars New York City – and only New York City – from accessing these funds. All children and youth in the state deserve the same commitment of funding. There is no program reason why New York City is excluded.

## Post-Adoption Services

New York State has increased its financial commitment to providing post-adoption services over the past few years; we are pleased to see a continuation of that increased commitment this year proposed in the Executive Budget. Post-adoption services provide adoptive families with support as they navigate challenges. Examples of these services include peer support groups for adoptive parents and children, respite services, and counseling. The services assist in preserving adoptions and in preventing re-entry into the foster care system.

**We support the Governor's recommendation of $10.6 million for post-adoption services that is included in the Executive Budget.**

## Safe Harbor: Services for Sexually Exploited Children and Youth

The Safe Harbor program, last year funded at $3 million thanks to the support of the Legislature, provides vital services to children and youth who are sexually exploited, and ensures that they are treated as child victims. Youth in foster care are at increased risk of becoming victims of sex trafficking.

**We urge the State to continue funding of direct services to victims of trafficking, including but not limited to street outreach, trauma-informed, holistic community based care and counseling, safe houses, and continued funding to counties performing important services for this population such as case management and coordination and health services and counseling.**

We welcome the opportunity to continue the conversation with you on these important issues and to be helpful to you; we are available for any assistance that you need.

**Summary of 2020-21 RECOMMENDATIONS:**

**The Council of Family and Child Caring Agencies supports:**

- 3for5: 3% increases in rates and contracts for human services providers in NYS for the next 5 years.

- Increased funding for foster care, as well as salary increases, through the Maximum State Aid Rates (MSARs) that are set post-budget between the Office of Child and Family Services (OCFS) and the Division of Budget (DOB).

- Rejecting language in ELFA Part M that would require an LDSS to remove a child from a QRTP placement within 30 days if the independent assessor (a new creation of the Federal Family First Act) deems the QRTP placement not necessary.

- The Executive Budget's proposal to fund the NYS Child Welfare Worker Incentive Scholarship and the NYS Child Welfare Worker Loan Forgiveness Incentive Program at $50,000 each; we request an additional $1.9 million in funds for the two programs.

- A $15 million investment in capital improvements on residential campuses for children and youth in foster care and an additional $15 million in next year's budget for the same.

- The Executive's proposal for a Family First Prevention Services Act Transition Fund.

- The inclusion of $75 million in federal Family First Act transition funding; we support the use of $50 million of these funds for the New York City expired Title IV-E waiver demonstration project, and $25 million of these funds for Family First Act transition in NYS. We request that some part of this $25 million be granted to the voluntary agencies in NYS, where more than 80% of the children and youth in foster care are placed.

- The Executive Budget's proposal for a commitment to funding post-adoption services at $10.6 million.

- The Executive Budget's inclusion of $250 million for costs associated with implementation of Raise the Age.

- The Executive Budget's $6 million in funding to assist youth in foster care in pursuing higher education (the Foster Youth College Success Initiative); in addition, we request an additional $1.5 million in funding for the program. This is a request put forth by the Fostering Youth Success Alliance, of which we are proud to be a steering member.

- The continuation and expansion of funding for services devoted to supporting sexually exploited children and youth (Safe Harbor).

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COFCCA Employees by REDC Region

| REDC Region | Number of Employees |
|---|---|
| NYC | 28,141 |
| Mid-Hudson | 7,085 |
| Long Island | 3,880 |
| Capital Region | 3,325 |
| Central NY | 2,926 |
| Western NY | 3,787 |
| Finger Lakes | 2,952 |
| Southern Tier | 2,278 |
| Mohawk Valley | 717 |
| North Country | 291 |
| Total | 55,382 |

Council of Family and Child Caring Agencies
254 West 31 Street, New York, NY 10001 212.929.2626 | 6 Executive Park Dr., Albany, NY 12203 518.453.1160 |
www.cofcca.org