



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

**Council of Family and Child Caring Agencies**

**Testimony Presented by**

**James F. Purcell, CEO**

**Before the**

**Assembly Ways and Means and Senate Finance Committees**

**Joint Legislative Hearing**

**February 9, 2016**

Good afternoon, my name is Jim Purcell and I am the CEO of the Council of Family and Child Caring Agencies (COFCCA). We represent 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, the over 51,000 employees that they employ all across New York State, and the tens of thousands of children and families that our agencies serve, we thank Chairpersons Young and Farrell for the opportunity to testify before you today.

In the fall of 2015, COFCCA held eleven regional advocacy roundtables around the state, which many of your colleagues in the Assembly and in the Senate attended, focused on children in foster care. Our goal was then and continues to be raising awareness about the children in our foster care system and the voluntary not-for-profit agencies that care for them. This year, direct care staff and youth in care joined the roundtable discussions and added their very valuable perspectives to the conversation. Loud and clear, we heard from youth in care that their direct care workers are critical to their success when it comes to learning life skills, to trusting adults who care for them, improving their academic outcomes, and feeling a sense of connection and belonging. We heard, too, a desire from many of the direct care workers present in our conversations to keep working in the field that they love, despite the historically low pay our field has been able to offer.

## **COFCCACares4Kids**

Our advocacy agenda for 2016-17, COFCCA Cares 4 Kids, is a result of those regional roundtables we held during the fall, and includes a set of recommendations for improving and strengthening safety, permanency, and well-being outcomes for the children our agencies serve and their families.

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We thank the Legislature for your support last year in funding the Human Services Cost of Living Adjustment, or COLA, for direct care workers. We are also very thankful for the Legislature's support in achieving a 2% increase to the 2015-16 Maximum State Aid Rates, or MSARs, which are the rates set by OCFS that fund foster care in New York State. We welcome the COLA as a recognition of our staff members' need to earn wages that keep pace with rising costs, and the MSAR increase as a great initial step towards recognizing the continually rising costs our agencies face, such as utility, insurance, and food costs. This year, we seek continued support in assuring our workers and agencies that they will continue to see annual increases which will allow them to plan their budgets and to move towards stabilization after several years without annual increases.

We support and welcome the Governor's commitment to raising the age of criminal responsibility in our state to 18 with a multi-year phase in process, which we hope will allow for a smooth transition. This will be a very complicated and nuanced process which, as the Final Report of the Governor's Commission on Youth, Public Safety, and Justice outlines, will require significant changes in the courts, in the delivery of community services, and changes for those youth who will require some sort of residential placement. It is too early for us to assess the impacts on the nonprofit agencies, but we look forward to working with our state agency partners and with the legislature in this effort. Please think of us as a resource as you examine the Executive budget proposal.

## **Current Child Welfare Concerns**

### **Supporting Children in the Foster Care System**

New York State and its counties rely upon nonprofit foster care agencies to provide foster care for about 85% of the state's children in care. While agencies welcomed last year's increase in MSARs, they rely upon continued annual rate increases in order to continue to stabilize their finances after seven years without annual increases. The foster care agencies need predictability in funding to be able to give their workers small but meaningful salary increases, to be able to keep pace with the rising costs of health insurance, utilities and food, and to be able to manage and to plan their budgets.

This year, there is a 0.2% Cost of Living Adjustment proposed in the Executive Budget. That is .002. A worker who now makes \$35,000 a year will see an annual raise of \$70. That is \$2.67 a pay period—amounting to perhaps one small cup of coffee every two weeks. This year, we request that the Legislature continue to support us in advocating for the principles outlined in the 2015-16 MSAR package to provide for an increase in the administrative rate process for the 2016-17 MSARs. We remain committed to working with our state partners to develop a long

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term solution for these rates, which would include an index to the rate in order to allow for automatic annualized growth.

### Minimum Wage

Those of us who work with the families in the child welfare system see very clearly every day the impact of severe poverty on the capacity of families to provide adequate care and support for their families. The vast majority of reports to the State Central Register are not about abuse, but are about neglect. Imagine being a parent and having so little money – even if you work a full time job – that every day you have to decide if you pay the rent, or groceries, or a shirt for your son to wear to school. Maybe you can do without the medicine the doctor prescribed for you or for your daughter. The stresses these constant decisions force on families have a cumulative and pernicious impact.

When you work with these families to improve their parenting capacity, what do you say when they can't pay the utility bill or get that prescription filled? For all those very personal reasons and because in this society, we really can do better, we support the Governor's call for a real increase in the minimum wage. If you work full time, you should be able to provide at least a minimal level of adequate care for your family.

As you work with the Governor to resolve this issue, we trust that you will do the right thing and find a way to meet those needs in the overall context of the budget and the economy. When you do, I must remind you that many of those concerns outlined above also impact our employees. Starting salaries for our front line child care workers last year averaged \$24,709, and the average salary was only \$27,957. They work 8 hours a day with some of the most challenging youth, and then still have to find a way to support and nurture their own families.

We were pleased in those roundtable discussions I mentioned that even those legislators who expressed concern or opposition to increasing the minimum wage voiced their support for the need to fund those increases for nonprofit agencies if they are approved. Our Baruch report, a study of our agencies' fiscal conditions over seven years, shows that most of our agencies are indeed operating at deficits, and that only five percent have endowments that could be termed "significant" (over \$5 million), while 32% do not have any endowment. Because our child welfare agencies have no other meaningful source of income if rates and funding in contracts are not funded, almost all of our programs will simply be forced to close unless the state increases our rates and contracts to pay for any mandated wage increases.



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## **Strengthening our Child Welfare Workforce**

In the foster care field, effective interventions in the life of a child depend greatly on one single factor – the ability of the child or adolescent, who has faced multiple traumas and multiple adult rejections in their young lives – to find an adult, or several, who they can come to trust as interested and supportive of them. These adults, the staff in our COFCCA agencies, can convince the child or adolescent that they have the opportunity for a future of safety, hope, and success. That critical capacity for the system is undercut when our turnover rate for our frontline staff – child care workers and case workers – is too high. In 2013, the turnover rate was 33%, which is far too high.

One very special young man who spoke to members of the Legislature as well as to the Division of Budget and Governor’s Office this year grew up in residential care at the Children’s Home of Poughkeepsie. He spoke of how he remembered the Children’s Home staff taking him on camping trips and showing him patience and continuity even as he admitted to misbehaving and testing the boundaries with staff members. He “graduated” from the Children’s Home and is now married with children and working a full time job, supporting his family. He attributes his success to the skills he learned and the caring adults he found at the Children’s Home. He also shared with us that he named his son Julius after the direct care worker at the Children’s Home, a very touching tribute to the supportive adult who was like a parent to him as he grew up on the campus. He said quite simply that Julius taught me to be a man, to control myself, and to make a difference for others. We heard many testimonials from youth in care across the state this year in our regional roundtable discussions that spoke to the power of the child welfare workforce to change children’s lives. (Please see “Appendix 2” of this testimony to review quotes from youth in care, front line workers, and agency executives from the regional roundtables.)

Our child welfare workers are struggling to be able to afford the rising costs of higher education while working in a field that pays on average just \$11.33/hour statewide for front line workers. Many front-line staff have a high school diploma, while many of our case workers have already taken out thousands of dollars in student loans to try to put themselves through undergraduate and graduate school. They are working in a field that increasingly requires evidence-based treatment to provide proven interventions for the rising acuity levels of children in care. We propose that the state invest in our child welfare workforce’s desire to access higher education opportunities through providing funds for their tuition and for loan forgiveness. Our workers often stay with us for a year or two, gain some job experience, and have just developed those trusting relationships with the youth they work with, when they tell us they need to find a better paying job to meet their student loan obligations. We recommend that each worker who accesses funding would (as a condition of receiving funds) continue to work in the child welfare field for five years. This investment would reduce turnover figures, therefore

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improving the stability of our workforce which has such a dramatic impact on therapeutic outcomes for the children in care. **We recommend an investment of \$1 million to create a NYS Child Welfare Worker Incentive Scholarship Program and a NYS Child Welfare Worker Loan Forgiveness Incentive Program.**

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

In the 2015-16 enacted state budget, a \$50 million investment was included to provide capital investment into the nonprofit sector (the Nonprofit Infrastructure Capital Investment Program). We are thankful for the state's recognition of the need for capital investment in the sector, yet this is simply not sufficient funding to cover the real need of nonprofits. Our COFCCA agencies that provide residential care for children and youth have pressing needs for capital investment; there are approximately 60 residential foster care programs across the state in need of such investment. The foster care agencies navigated through seven years of frozen rates by delaying maintenance needs, and now we must invest in ensuring that the residential facilities are made safer through making necessary repairs such as roof replacement, new carpets, and replacing furniture and windows.

The effect of deferring maintenance over the past several years has been that in residential programs, carpets are too often threadbare, furniture gets beaten up, walls are often dented, and they are in need of repainting. In addition, roofs, boilers, and HVAC systems are aging and inefficient and require repairs or replacement. There is also a need in some agencies to make changes to accommodate current program needs, such as converting existing double and triple bedrooms to single rooms given client profiles. Lastly, there is a need in some agencies to install cameras to improve safety and to comply with Justice Center oversight expectations. One agency that has children in care on its campus from fifty-two counties throughout the state has the need to repair and to replace its agency vehicles. The agency uses vehicles for its workers to transport children for home visits and court visits. The agency needs approximately \$66,000 to update its fleet in order to continue the work of connecting children to their families, a very important part of the effort to achieve permanency. **We recommend an investment of \$15 million in this year's budget and another \$15 Million next year specifically for the capital needs for foster care agencies.**

### **Children in Foster Care should have the same opportunities as their peers in Growing Up**

Children and youth in foster care are not always afforded access to activities that many of us would consider "normal" parts of childhood, such as sleeping over at a friend's house or playing on a sports team, due to the inherent risk of these activities. While sleepovers and participation in sports teams are decisions that biological parents make for children every day, foster parents and residential caregivers have an extra layer of concern as children and youth in



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foster care are in the care and custody of the state, and caregivers could be held liable for any negative consequences (i.e. injury to the child) that should occur as a result of a child engaging in activities.

The “reasonable and prudent parent standard” mandates that caregivers, including foster parents and designated employees of child care facilities, make decisions for children and youth in their care to participate in activities as appropriate to their age and development; the standard was passed into federal law as part of the Preventing Sex Trafficking and Strengthening Families Act of 2014. Per the legislation, all states are required to implement the standard and to address liability concerns to comply with the Act. The standard is meant to empower caregivers to increase access to normative experiences for children and youth in care, to expose them to a more “normal” childhood. We are very concerned, however, that if liability concerns are not addressed, that caregivers will not meaningfully apply the standard for fear that they will be held liable for anything that should go wrong.

**In the Executive Budget, the Governor has recommended language that provides liability protections to caregivers (in Part M of the Education, Labor, and Family Assistance Article VII Bill). We support this language and believe that the liability protections will support caregivers in making decisions to increase access to normative experience for children and youth in foster care.** We have heard from colleagues in another state that after a foster parent was sued by a birth parent because her high school daughter was injured playing on the school soccer team, the application of these national standards evaporated as foster parents went back to the simpler answer, “no you can’t.” We do not want that to be New York’s experience.

## **Other Initiatives COFCCA Supports**

### **Improving Outcomes for Youth in Foster Care**

Youth in foster care historically have very low enrollment and even lower completion rates in college. Last year you added \$1.5 million in funding to begin to turn those poor enrollment and completion rates around for youth in foster care in our state. We are very pleased that the Governor continued those funds in his recommended budget this year.

352 students from the foster care system are currently benefitting from that investment in their postsecondary success on college campuses across the state. The program model allows for youth to participate in a summer transitional program for their transition into college, to engage in ongoing academic assistance and tutoring, and strong advisement programs-- interventions and supports that have been shown to assist foster youth in staying on track



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academically as they go through college. **We support the Fostering Youth Success Alliance, of which we are a proud Steering Committee member, in their request to the state to expand the Fostering Youth Success College Initiative with \$4.5 million in state funding—which would continue the initial cohort, as well as support an additional 375 more students in foster care towards realizing their dreams of getting a college education.**

### **Post-Adoption Services**

New York State has not consistently provided statewide post-adoption services for families who have navigated the adoption process. Approximately two-thirds of adoptions come from the foster care system. We know that many families may adopt children at a young age and struggle with their adopted children's transition through adolescence, when many issues resulting from trauma manifest including behavioral difficulties. The state can provide post-adoption services—including but not limited to support groups, respite, and counseling for adoptive families—as a relatively low cost way to preserve adoptions and to prevent return of adoptive children back into the foster care system. **We support the Governor's recommendation of \$5 million in post-adoption services that is included in the Executive Budget.**

### **Social Work Licensing Exemption Extension**

**We support the recommendation of the Executive Budget which extends the licensing exemption for individuals working in certain programs and services that are regulated, operated, funded or approved by OMH, OPWDD, OASAS, DOH, NYSOFA, OCFS, DOCCS, OTDA, and/or local government units or social services districts another five years to prepare the workforce and explore all of the complex issues inherent in requiring licensure in greater detail.**

We know that this has been a difficult issue for the Legislature. But the concerns we have expressed in the past on the licensure requirements have not yet been addressed. We have three concerns. First, our rates and contracts do not include sufficient funds to attract a sufficient number of credentialed social workers. We estimate that we would need to increase salaries for licensed social workers approximately twenty percent given the increased demand for their work under a licensing requirement. Until issues of funding are addressed, we cannot comply. Second, the beginning of health homes for children scheduled to begin later this year will create a demand for a significant number of these credentialed individuals. There is an inadequate supply of credentialed social workers to meet the increasing demand. Third, in conjunction with our colleagues on the Latino Social Worker Consortium, we remain very deeply concerned about the lack of sufficient progress to have a diverse workforce of

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credentialed workers. The Consortium has been unsuccessful in gaining access to the data which should reflect the pass/fail rate for Spanish-speaking MSW's on the exam.

### **Safe Harbor: Services for Sexually Exploited Children and Youths**

The Safe Harbor program, last year funded at \$3 million thanks to the support of the Legislature, provides vital services to children and youths who are sexually exploited, and ensures that they are treated as child victims. New federal legislation passed in September 2014, "The Preventing Sex Trafficking and Strengthening Families Act," makes an explicit recognition that 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 issues and of course to be helpful to you; we are available for any assistance that you need.





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## **2016-17 RECOMMENDATIONS:**

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

- Increasing funding for foster care through the Maximum State Aid Rates (MSARs). If New York State makes a commitment to raise the minimum wage, nonprofit contracts and rates such as those for foster care agencies must be raised accordingly to pay for such an increase.
- 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.
- A \$1 million investment in creating higher education opportunities for the child welfare workforce.
- The recommendation in the Executive Budget (Part M of the Education, Labor, and Family Assistance Article VII Bill) creating liability protections for caregivers when they apply the "reasonable and prudent parent standard" to provide increased access to normative experiences for children and youth in foster care.
- The recommendation in the Executive Budget for a commitment to funding post-adoption services at \$5 million.
- The recommendation in the Executive Budget to extend until 2021 the licensure exemption for individuals working in certain programs and services that are regulated, operated, funded or approved by OMH, OPWDD, OASAS, DOH, NYSOFA, OCFS, DOCCS, OTDA, and/or local government units or social services districts.
- Raising the age of criminal responsibility: we seek to be part of the effort to implement this change in the best interest of the youth, their families, and their communities.
- \$4.5 million in funding to assist youth in foster care in pursuing higher education. 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) and the continuation of the Community Reinvestment in Juvenile Justice Services.

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### Appendix 1: COFCCA Agencies' Employees by REDC Region

<b>REDC Region</b>	<b>Number of Employees</b>
NYC	24,976
Mid-Hudson	8,610
Long Island	3,943
Capital Region	3,399
Central NY	3,070
Western NY	2,826
Finger Lakes	2,465
Southern Tier	1,372
Mohawk Valley	542
North Country	268
<b>Total</b>	<b>51,471</b>

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Appendix 2: Voices from the Regional Roundtables (eleven regional discussions around NYS held in the fall of 2015 with COFCCA agency leaders, front line workers, youth in care, and members of the Legislature)

## Voices from the Regional Roundtables

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### *From the Youth in Care:*

“The best part [about the agency] is that the staff listens to me and cares about me.”

“I am here because I was not going to school and had some legal trouble. I realize that my behavior was not good and I look forward to going home. I have skills to deal with my anger and frustration.”

“I feel safe [at the agency].”

“I learned that if I respect others, others will respect me.”

“Before I came [to the agency] I was really behind on my credits in school. Now I have earned all my credits and looking forward to going back to school.”

“I want to go to college and be an architect.”

“I have been here for two years and do not want to go home.”

“Mr. [direct care worker] was the best. My entire cottage was upset when he was moved to another location. We know those kids need him and he did a great job making sure the other staff care for us. We like it when he comes back to visit.”

“I used to have a bunch of trust issues. I was anti-social. But here I have built relationships with staff and other residents.”

“I came here because of neglect issues. I could not live at home.”

“The staff gives us a reason to work towards the life we want.”

“The staff goes through the ups and downs with me. They try to keep me balanced.”

“Here I have learned that sometimes there are good and bad consequences to what you do.”

### *From the Front Line Workers:*

“This job is a calling. I love what I do.”

“I’m a lifer.”



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“This job can be really, really difficult. But you put on a good face because it’s your job and the youth need you.”

“A friend of mine has been accused of doing something inappropriate by a youth. We all know nothing happened but it is really stressful. It makes me think it could happen to me.”

“Understanding the trauma the youth have experienced helps me support them more.”

“Increased funding allowed my agency to ask me what I needed to improve my program. I am grateful for that because we have gone without improvements for a few years.”

“The ability to have our girls in single bedrooms has reduced fighting in the cottage and improved my job. Teenage girls need their space.”

“I received a raise for the first time in five years. This is going to help my family.”

“The best part about this job is being effective. And being relevant in a resident’s life.”

“Some of the boys and young men here reject women. I try to reach out to them and break down those barriers so that they can have relationships again.”

“[Resident’s name] is doing really well here. We have to go for a lot of walks so that he can have time and space when he needs it.”

“When I see the great progress that a particular youth has made it makes me want to stay here.”

“I know we [the staff] have a direct impact on someone’s life. Sometimes you don’t see it right away but eventually it becomes very clear.”

“It has become more and more difficult to raise my own family on my salary but I keep working here because I love what I do.”

### **From the Agency Executives:**

“Our staff is the single most important part of our agency.”

“Years of stagnant rates meant serious decisions about the viability of our agencies- which often came down to the inability to provide raises to our staff.”

With the upturn in the economy, it has becoming increasingly more difficult to be a competitive employer.”

“In this work, relationships are everything.”

“We have had to maintain the last few years. With the recent increase to the MSAR, we are finally able to build.”

“We had a hiring freeze the last couple of years. When someone left, we had to spread their duties to others who were still with the agency.”



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“We are a feeder for the public school district or any other entity that wants to hire an experienced teacher, social worker or clinician.”

“The youth we are serving today are very different than the youth we had ten years ago. I have reduced beds for juvenile delinquents by 3/4ths and replaced them with specialized services.”

“Every day we have staff and youth being transported all over the state. We serve over 52 counties. Our vans are old and have too many miles. We have not been able to purchase new vehicles.”

“Recently we had two admissions that were heartbreaking. One involved two youth who found an empty apartment when they came home from school one day. Their mom and dad moved everything out and did not say good bye. Another involved siblings who were in the house when their father killed their mother. One of the siblings actually witnessed the event.”

“We are treating more and more girls who have been sex trafficked. We have had to improve security. Their pimps try to connect and often send cars to pick them up. These girls have trauma and are often addicted to alcohol or drugs.”

“We recently had to add mid- level staff in order to provide a service. Staff saw this as the first time in a long time to have a career track in our agency.”

“We need more vocational opportunities for our youth. Learning to cook or do laundry provides therapy but also skills needed when they leave us.”

“We provide therapy not only to the youth in our care but to their families. The goal is reunification and to do that we need to help the family stabilize.”

“We need to be able to provide raises to our staff so that we can say, “thank you, what you do matters.”

“Counties are experiencing the same fiscal stress that we are. It is becoming more difficult to make sure the proper supports are in place when youth leave our care.”

“We need to find a way to provide aftercare. The state looks at chunks of time and not a whole life.”

“Housing is a major issue in our area. Lack of quality housing impacts the number of youth coming to foster care. Families need a safe place to live. We also need quality, affordable housing for youth who age out of our system.”

“We are working closely with our community to combat poverty. The families we provide services to are the same families we are trying to get out of poverty. The issues are linked and we know that placing a youth back into their community without supports will result in the youth coming back into care.”

“Being able to tell our donors that we have support from government is really important.”

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“It’s been difficult because I have gone into a deficit but I still need to make sure the kids are safe. There is a delicate balance and it is really tough to decide where to cut.”

“It’s important to give opportunities to elevate our workforce because in a lot of ways they are role models to the youth in our agencies. If they advance and get a higher college degree, it shows the youth they can too.”

“If we could provide more professional development to our staff, it will make the environment at our agency richer.”

“The need for a higher skilled worker to support the youth in our agency has increased.”

“I know the world is moving to Health Information Technology. We are not there yet. We don’t have the resources. So it makes it very difficult to manage cases.”

“It takes a special person and personality to endure what our staff endures on a day to day basis.”

“The foster care system has become a catch-all. The youth who are rejected from other systems because they don’t meet certain criteria end up in foster care. Youth who are dually-diagnosed end up in foster care.”