



NEW YORK STATE LEGISLATURE
2010-2011 JOINT BUDGET HEARINGS

February 10, 2010 12:00 pm

Human Services

HEARING ROOM B

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**New York State
Office of Children & Family Services**

**Commissioner Gladys Carrión, Esq.
Testimony to the New York State Legislature's Joint Budget Committee
Wednesday, February 10, 2010**

Thank you Chairmen Kruger and Farrell and distinguished members of the Legislature for providing me with this opportunity today to speak with you about the Office of Children and Family Services' 2010-11 Executive Budget and its impact on the programs and services we provide. I would also like to use this opportunity to update you on significant upcoming challenges.

In the face of an \$8.2 billion budget deficit, and long term structural challenges, the 2010-11 Executive Budget contains some very difficult choices in each and every program area. Governor Paterson's leadership in addressing the State's financial problems head on and putting the State on the road to fiscal and economic recovery is consistent with the outstanding leadership he has demonstrated since he became Governor. The proposed Executive Budget recommends statutory mandate relief proposals for providers and local government, structural budget changes, and the maximization of federal funds. Despite the worst economic period since the Great Depression, the proposed budget provides needed support for core services.

The OCFS budget will: continue uncapped and uncut support for critical child welfare services and functions, provide funding to address serious problems, authorize an important new kinship/guardianship program, provide new mandate relief for our local partners and authorize utilization of technology to deliver benefits and services more efficiently. Finally, there are significant difficult decisions especially to those programs previously supported with Federal TANF funding.

As you are likely all aware I have been championing a juvenile justice reform agenda since my arrival at OCFS to transform our system from a correctional to a therapeutic model. The type of youth in our system with serious mental health and other treatment complexities has increased dramatically in the past few years and greatly challenges the existing facility treatment program. The Governor's Juvenile Justice Task Force chaired by President Jeremy Travis of John Jay College reviewed our residential and community based system and recommended a series of reforms be undertaken which are consistent with many of my professional judgments. In addition, after spending time visiting, reviewing records, interviewing staff and youth and monitoring four selected facilities, the United States Department of Justice issued a findings letter in August 2009 which mandates the State to reform and enhance services for youngsters in State operated residential facilities. The letter requires swift and urgent actions by the agency with regard to protection from harm, provision of mental health services, independent investigation, and safety issues.

Based on the recommendations of the Task Force as well as what we believe will be necessary to address issues related to the Department of Justice investigation, coupled with a profound recognition of a need to improve our care and treatment, the 2010-11 Executive Budget includes a critical investment

of an additional \$18.2 million in the system to include 169 new permanent positions for the juvenile justice division. This includes funds for 13 community re-entry positions. The agency is developing a multi year strategic plan to undertake significant improvement efforts by adding resources to phase in a new comprehensive strength-based, treatment model entitled the New York Model. The plan also boosts critical direct care staffing and provides for the retraining of existing staff and supports changes in the operation of our residential system. All of this is, of course, subject to DoJ approval.

We continue to experience a reduction in the number of youth placed in OCFS facilities by family court judges. This is due in large part to the successful efforts by local social services districts and juvenile probation departments, including NYC, Onondaga, Seneca and Westchester counties, in utilizing alternatives to residential care that divert youth to community-based programs and to Family Court judges relying less on placement in OCFS facilities.

In addition, the Executive Budget, consistent with the Juvenile Justice Task Force recommendations, continues the rightsizing of residential facilities to reduce unneeded bed capacity by eliminating 180 beds and 251 permanent positions. The reduction of Lansing Residential Center from 50 to 25 beds, the combination of the Annsville and Taberg residential facilities into one 25 bed program and the reduction of the Tryon Boys program will save more than \$14.6 million when fully annualized in 2011-12. As statutorily required, the staff at these three facilities will have one full year to be placed in other OCFS or other state facilities. OCFS will make every effort to place all impacted staff in alternative jobs and minimize the potential for layoffs. Even with the reduction of these beds the State youth residential program will be at approximately 75% of capacity and still retain the ability to expand if necessary. These rightsizing efforts will not impact program or community safety.

There are a number of extremely important and large resource commitments in the area of child welfare services. Child welfare services financing will continue to provide open-ended entitlement funding to support preventive and child protective services at the reimbursement rate of 63.7% state share projected to total \$701.9 million, an increase of \$77.2 million. This is a critical investment in making essential services provided by our local social service districts and private not for profit organizations, available.

The Foster Care Block Grant is recommended to remain at the \$436 million level and will continue to provide counties with a clear incentive for reducing the number of children in foster care while better meeting the needs of children in care. Under the Block Grant, as in the past, any savings realized may be reinvested the following year in locally designed child welfare and foster care prevention and aftercare services.

An important new initiative included in the Executive Budget is the inclusion of legislation for a new kinship guardianship assistance program. The funding for this program will be supported by the Foster Care Block Grant. Consistent with recently enacted Federal legislation, our proposal would provide a new permanency option for children who have been in foster care with a relative guardian. Elements of the plan include:

- Requirement that the child be in foster care at least six months with the prospective relative guardian;
- Determination by the local social services district that kinship guardianship is in the best interest of the child.
- Return home and adoption are not appropriate goals for the child;

- Child demonstrates a strong attachment to the prospective guardian and the guardian has a long term commitment to the child;
- Written agreements entered into with Local Social Services District; and
- New kinship guardianship assistance payments at the same level as adoption subsidy level

National research has demonstrated that the implementation of the new kinship guardianship program and permanency option can yield cost savings and promote long term family stability in contrast to out of home placement. In the design of this legislation, we have consulted with national experts. I look forward to having a more complete discussion of this important new option with you and your staffs during the upcoming Legislative review process.

A continuing challenge to all New Yorkers is the ability to adequately provide adoption services so that vulnerable children may be able to secure the permanency in families that they so richly deserve. To that end, Governor Paterson has recommended \$210.1 million for adoption subsidies, an increase of \$4.1 million to support the current growth of the adoption subsidy caseload.

The Executive Budget recommends \$72.49 million, an increase of more than \$41 million, to provide Medicaid services for the neediest children in foster care. The Bridges to Health Program (B2H) improves the foster care system's capacity to meet the children's mental health, developmental and medical needs in order to keep more children in family-based care rather than higher level institutional programs. For 2010-11, the program will continue expansion to its full operating level of 3,305 slots. The last year of the program's phase-in will allow OCFS, along with its partners the Health Care Integration Agencies and local social services districts, to expand the program to currently unserved regions of the State.

With your concurrence and ongoing support, we have made serious progress in reforming CONNECTIONS. As a former user, I know first-hand its impacts upon the front-line caseworker. I am pleased to report that the CONNECTIONS transformation effort has made major steps forward in the past year. We have utilized the previously enacted bond funding to purchase and begin replacement of aging hardware infrastructure. Our business and technical teams have implemented changes and continue to work on and devise important improvements to the existing CONNECTIONS software geared to enhance the caseworker experience. In addition, we are rapidly proceeding toward the next transformational component, a web-style system.

The Executive Budget provides an additional \$19 million in bond financed funds to continue the needed support of our activities related to the ongoing modernization of the system. CONNECTIONS is vital to delivering child welfare services to the children and families of our state. With these funds, we will build upon the transformation successes and will provide an application that is easier to navigate; will be more efficient to use; and will provide information exchange capability with external partners, such as the courts and medical providers. By promoting continued improvement in the efficiency of child welfare case management, local caseworker staff will have more time to spend with children and families in need of assistance.

Turning to child care, total funding to support child care subsidies and quality activities has been recommended at last year's level of \$901.2 million. State support reflects an increase of \$1.8 million to offset a similar decrease in federal support. Significantly, the Executive Budget "lines out" support for child cares TANF at last year's level rather than including funding in the Flexible Fund for Family Services.

Last year, New York State received an ARRA funding allocation which added more than \$48 million in quality activities and subsidies for each of two Federal fiscal years and permitted the State to stabilize funding to local Social Services Districts. We are currently working with the Governor's DC Office to support President Obama's recent call for another increase in Federal child care funds. The President proposed an additional \$1.6 billion in child care funds effective October 1, 2011.

As you may remember, there is an Executive Order authorizing union representation of home-based child care providers in New York State. After discussions with union representatives from the United Federation of Teachers (UFT) and the Civil Service Employees Association (CSEA) to implement the provisions in the Executive Order, we are pleased to announce that an agreement has been reached with each of these two unions. This budget includes specific appropriations to support these agreements. In addition, legislation is being recommended to authorize the unions representing home based child care providers to collect fair share payments from providers who choose not to join.

OCFS is continuing to develop QUALITYstarsNY, a comprehensive initiative to ensure that our young children – the 1.5 million New Yorkers under age six – have the opportunity for high quality early learning experiences. This progress was made thanks to the unprecedented collaboration with the diverse stakeholders in the system of early care and education. Child care providers, advocacy groups, child care resource and referral agencies, union representatives from CSEA and UFT, the NYS Education Department and the Council on Children and Families – all contributed to the creation of standards that define levels of quality for this new initiative. Pilot work is beginning to be implemented in this area.

In addition, OCFS has recently released a Request for Proposal which will start the process for the development of a statewide time and attendance tracking system. Funded utilizing ARRA support, the new system will provide greater effectiveness, consistency, fraud prevention and efficiency in overseeing child care service across the State. We anticipate having created the new system and expending the funds by the Federal deadline of September 30, 2011.

The Governor's Executive Budget also proposes a series of mandate relief and technology initiatives that were developed with the input of local social services districts and represent many initiatives to operate government more effectively and efficiently. Included in the Article VII proposals are:

- Permit county planning activities to be better synchronized and streamlined;
- Reform the current process of court ordered investigations that impacts how local social services are able to prioritize investigatory efforts;
- Authorizes the use of electronic benefits for adoption and foster care payments reducing monthly mailing out of checks; and
- Provides authorization for courts to allow electronic testimony of youth, witnesses and respondents in certain family court proceedings assuming family court agreement; thereby reducing travel time and costs.

In addition to these efforts, we will be exploring a series of regulatory changes including efforts to:

- Reduce duplicative day care regulations;
- Allow municipalities to reorganize youth bureaus where desirable;
- Ease caseworker contact requirements by allowing parent advocate contact to count toward regulatory contacts; and

- Permit districts to send back to the Statewide Central Register cases incorrectly assigned to them.

The Budget also contains extremely difficult choices regarding elimination of Federal TANF funding for various services and programs. While the affected programs are of value, the reductions are necessary due to the increased use of TANF funds to support the growth of the temporary assistance caseload. In addition, there were a series of other recommendations for elimination or reduction. These decisions were difficult, but necessary in order to preserve funding for our most central obligations. The 2010-11 Executive Budget also provides increases for detention, youth services, and targeted prevention programs.

OCFS continues to decrease its use of temporary staff. We are keenly aware of costs associated with temp staff. We utilize medical temp staff, including nurses and physician's assistants, when necessary to provide for the safety and physical well being of the youth we serve.

Let me focus on the rights and accomplishments of our young people. I would be remiss if I did not share with you today some of the successes that have been achieved by youth in our care and other system-wide changes that will impact the quality of life of New York's children and families.

The Office of the Ombudsman continues to dedicate its staff resources to better improve services to youth. Staff has been strategically deployed throughout the state in Rensselaer, New Windsor, New York City, Buffalo and Syracuse. This regional placement enables ombudsmen to gain familiarity with the residents in a specific facility, as well as the issues raised by the youth in residential care. OCFS has been proactive in its interaction with residents, making over 233 facility visits in 2009. The total number of new cases opened in 2009 was 5,675 as compared to 4,630 in 2008. The Office of the Ombudsman has also established an informational web page that provides quarterly statistics and contact information.

In recognition of the importance of continuing education and how it can assist youth in making a successful transition into adulthood and the workplace, OCFS has collaborated with various community colleges and post-secondary institutions to provide our youth opportunities to take college courses and earn credits toward a college degree. The college coursework is designed so that the offerings meet the requirements of State University of New York institutions, which require academically rigorous and comprehensive standards. In 2009 98 youth were enrolled in 6 different courses. Fifty-five % of the grades were A's and B's. Four young men have already earned 12 college credits. This initiative is predicated upon our strong belief that post-secondary education provides youth more opportunities to enter the workforce with marketable skills. We will continue to pursue educational improvements including working with the State Education Department to remove barriers to academic success. We appreciate your help and advocacy on these issues.

In addition, we made effective use of federal summer youth stimulus funds to create job training opportunities for our youth in residential and community based care during the past summer. We provided skills based jobs for over 400 OCFS youth and 556 foster care youth in the summer of 2009. This partnership with the State Department of Labor was a major breakthrough. These programs provided valuable job preparation and training skills for our future workforce.

Despite the difficult economic times, I want to update you on the status of several innovations we are undertaking in the agency to support improved local practice.

We have been working very closely with the Administration for Children's Services (ACS) on Improved Outcomes for Children (IOC) initiative for several years. IOC is an innovative approach to working with families utilizing the nationally recognized family team conference technique; thereby speeding decision-making and ensuring families are engaged and actively participating in their child's future. It has been clear to all involved that the practice changes that were being proposed have the potential to significantly improve families' lives if implemented well.

In 2007, legislation was enacted that put NYS on par with 30 other states in allowing for an alternative Child Protective Service response, called the Family Assessment Response Program, which utilizes a non investigatory decision-making and engagement approach to working with reported families. It is a promising technique for addressing certain alleged child protective reports in a more family-engaging and service oriented manner. Family Assessment Response focuses on assessing families' needs and providing supports and does not require a determination as in a traditional CPS investigation. New York State has joined over 30 states in implementing an alternative, non-investigatory response. Also known as dual track or differential response, the focus is on assessing families' needs and providing supports and does not require a determination as in a traditional child protective service investigation. Fourteen counties (Onondaga, Westchester, Tompkins, Orange, Chautauqua, Erie, Suffolk, Washington, Essex, St. Regis, Columbia, Chemung, Cattaraugus and Allegany) have begun working with families in this way. Five additional counties will begin training and implementation in 2010. While the initiative is still in the early phase of implementation, reports from the counties are very positive. Caseworkers indicate that families have been very receptive to the alternative approach and that they, as caseworkers, are experiencing a real sense of satisfaction in engaging families in this manner.

Also, OCFS is replicating an innovative human services casework model used in Massachusetts called the Teaming-Model, whereby case decisions are made through a group supervision process. The goal is to lessen caseworker isolation and burnout, enhance the quality of decision-making and increase responsiveness of services to families. To date, seventeen counties are receiving training in this model, with a plan to expand the training to additional counties. Despite the difficult economic times, we are still supporting innovation.

I am also pleased to report that the Commission for the Blind and Visually Handicapped (CBVH) staff and its community partners who provide vision rehabilitation services, supported over 330 state residents, who are legally blind, to find or maintain employment. Commission consumers have found meaningful employment opportunities as social workers, nurses, ministers, attorneys, customer service representatives and custodians. The continuing economic challenges we confront have not deterred the Commission from setting even higher goals for this year, including a thirteen percent increase in employment for those on the Commission's caseloads. The Commission received three American Recovery and Reinvestment Act (ARRA) grant awards totaling \$6.5M, which will help us meet that goal. We are confident that, with exciting new plans, including expansion of services into minority and underserved communities and federal stimulus funding projected to develop as many as 160 new employment opportunities over the next two years. The Commission and its consumers will continue to have even more opportunities for gainful employment and independence this year.

In closing, I appreciate the opportunity to speak with you today. The times are difficult. I welcome, however, the opportunity to work with you and your staff to discuss the specifics of the proposed budget and mandate relief actions. Working together, despite the tough fiscal times, we can make improvements on behalf of all children, families, and vulnerable adults. Thank you.



David A. Paterson
Governor

Testimony

of

**Elizabeth R. Berlin
Executive Deputy Commissioner
New York State Office of Temporary
and Disability Assistance**

before the

Legislative Fiscal Committees

Hearing on the SFY 2010-11 Executive Budget

February 10, 2010

Good afternoon Chairman Farrell, Chairman Kruger, members of the Joint Fiscal Committee and other members of the Legislature. Thank you for this opportunity to appear before you with my colleagues—Commissioner Carrión, Acting Commissioner Gardner and Director Burgess—to testify on the Office of Temporary and Disability Assistance (OTDA) Executive Budget for State Fiscal Year 2010-11. Today I plan to address the many ways in which OTDA has been able to respond to the challenges facing our State's most vulnerable residents over the past year. Then I will discuss the most significant elements of OTDA's Executive Budget proposal for SFY 2010-11 and conclude by detailing for you our federal advocacy efforts to obtain greater support for struggling New Yorkers during these difficult times and beyond.

Current Economic Realities and OTDA's SFY 2009-10 Budget

As we are all well aware, both our nation and New York State are facing an ongoing, devastating economic downturn that has left many families dealing with job losses or reductions in hours and wages. New York's unemployment rate stands at nine percent, the highest unemployment rate the State has seen in over 25 years. Mirroring national trends, the number of New Yorkers turning to assistance to meet the basic needs of their families has been gradually increasing. And, while we are hopeful that the economy will improve in the coming year, OTDA continues its vigilance to ensure that the State's safety net remains strong for our most vulnerable citizens. The current year's budget and the Executive Budget proposal for State Fiscal Year 2010-2011 reflect tough choices given the economic landscape, and Governor Paterson is rising to the challenge of balancing many priorities with severely limited financial resources. State agencies have stepped up by not only taking substantial mid-year reductions as part of the Deficit Reduction Plan, but also through funding reductions within many agency programs and initiatives as part of the Executive Budget for SFY 2010-11.

Despite the difficult fiscal climate, OTDA has had several successes over the past year, including achieving notable program benchmarks, collecting record amounts of child support, implementing a successful HEAP program, diligently overseeing a Food Stamp Program that has reached historic numbers of households, and expanding employment programs into new and innovative arenas.

Programmatic Priorities in the Current Year

Food Stamp Program Growth: The economic crisis has driven many New Yorkers to seek assistance in putting food on the table for their families. Indeed, New York's program has experienced unprecedented growth in demand with participation increasing from approximately 2.2 million individuals in December 2008 to approximately 2.7 million individuals in December 2009, a 23 percent increase in a single year. Fortunately, we were well positioned to meet this challenge thanks to a number of initiatives that were put in place prior to the recession, including an on-line screening tool, the use of telephone interviews at renewal, and targeted efforts towards working families. We know that New York's success in meeting these needs would not have been possible without the unwavering efforts of the local social services districts. Their commitment to make certain that vulnerable New Yorkers have access to and receive these essential benefits is borne out by the fact that New York was recognized by USDA as the top-ranking large state for processing timeliness, demonstrating enhanced program access and customer service. This ranking is a particularly impressive accomplishment during this surge in program participation. Also of importance, the growth of the food stamp program has injected significant federal funds into New York's economy with total benefits growing from

approximately \$280 million in December 2008 to over \$406 million in December 2009, an increase of almost \$127 million in a single year. Given that this money is spent quickly and locally, this influx of funds represents a sizable boost for family nutrition, public health, jobs and general economic stability.

Home Energy Assistance Program (HEAP): Over the past two years, many of New York's low-income families not only struggled with putting food on the table, but also with being able to afford to heat their homes during the winter months. This winter has been another difficult one as the number of HEAP benefits we've issued, approximately 1.2 million, is already a 10 percent increase over this time last year. We are pleased President Obama responded to Governor Paterson's call to release Low Income Home Energy Assistance Program (LIHEAP) contingency funds last month to help ensure New York has the necessary funds to keep the program operating through the cold weather months.

myBenefits: The *myBenefits* website is another initiative that is providing critical support to New York's struggling families during these difficult times. *myBenefits* provides a single Internet site for New York's families and community partners to connect with benefits, services and work supports. Currently, we screen for three nutrition programs, five health insurance programs, HEAP, Temporary Assistance and five tax credits. Fifteen upstate districts have implemented an on-line food stamp application and we anticipate it will be available in all districts, including New York City, by the end of the year. We plan to build upon the successes of this site and anticipate processing HEAP applications and recertifying for Food Stamps and Temporary Assistance in the future. *myBenefits* has proven to be a vital point of access to economic supports for struggling New York families during this downturn and we will build upon the successes of this site in the years to come.

Stimulus Funding Initiatives: Some of the accomplishments OTDA has seen over the past year are due in large part to the new TANF dollars, some of which were accessed through the American Recovery and Reinvestment Act (ARRA), the economic stimulus legislation enacted last year. If not for additional federal dollars, some existing programs and much-needed new initiatives would have either suffered reductions or not been funded at all.

In order to help states address the historic increase in food stamp caseloads, the federal government provided supplemental food stamp administration funds as part of ARRA and, more recently, as part of the Department of Defense (DOD) spending package. New York State received approximately \$24 million to assist with food stamp administration expenses from ARRA and we are scheduled to receive an additional \$31.6 million from the DOD appropriation. As with the initial allocation, OTDA plans to distribute all of this money to the local districts as soon as possible. Since food stamp caseloads have increased so substantially over the past year, these funds are critical to ensuring that local programs can keep up with increased demand.

This year, OTDA was also able to award more than \$26 million in ARRA Homelessness Prevention and Rapid Re-housing Program (HPRP) funding to a total of 28 agencies serving 34 counties throughout New York State. These HPRP funds provide much-needed services to New York families at risk of homelessness, while helping those already homeless to find stable housing. Services currently being provided with these funds include short- and medium-term rental assistance, legal services, case management, housing placement and financial counseling.

These funds are filling a real need during these difficult economic times and we estimate 11,000 New Yorkers will benefit from these vital programs.

Despite the grim job market, OTDA continues to find innovative ways to help people join the workforce. New federal TANF funds have been critical in supporting a variety of new subsidized jobs programs throughout the State. These programs help low-income adults earn a paycheck through employment opportunities that likely would not have been available due to the lack of jobs. The programs funded with this federal money include the wage subsidy program, the transitional jobs program, the green jobs and the health care jobs program. All of these programs provide employer wage subsidies as an incentive to hire individuals who are unable to secure a job through conventional means. Additionally, a number of these program models include the opportunity to improve job skills through participation in education and job skills training programs. Among these four programs, we expect over 6,000 public assistance recipients and other low-income individuals to obtain employment this year. I want to thank the members of the Legislature for your support of these programs in the current year's budget. Local districts and organizations have embraced the opportunity afforded by this funding to connect job seekers with work that would not have been possible otherwise.

Enhancing the Well-Being of New York's Children: New York's child support program served more than 1 million children and collected a record \$1.7 billion in 2009; marking the second consecutive year of record collections under Governor Paterson's leadership. These record collections, the vast majority of which are disbursed directly to custodial parents and children, provide vital income support for struggling families. Support collections can mean the difference between a parent seeking public assistance or maintaining economic independence. Today, 44 percent of New York's child support caseload involves former assistance families. This month, OTDA is implementing the second phase of the increased child support pass-through and disregard for public assistance families with two or more children. This increase will provide an additional \$7 million each year in monthly support payments to an estimated 6,500 public assistance recipients. In these difficult economic times, successful support collection efforts and providing more custodial parents with greater support payments is even more important.

OTDA's Participation in Haitian Relief Efforts: I would like to mention one more area in which OTDA has become particularly active in recent weeks. Our Bureau of Refugee and Immigrant Assistance (BRIA) has undertaken a variety of activities in the aftermath of the tragic earthquake in Haiti. Since the day after the earthquake, BRIA's Immigration Community Outreach unit has been working with the Haitian community to provide information, referrals, linkage to legal assistance, and translation services. Additionally, in conjunction with the New York State Emergency Management Office (SEMO) and other State and city agencies, we have opened a walk-in center in Brooklyn to provide support to persons who have family members in Haiti or are interested in applying for Temporary Protected Status. President Obama has signed into law the Emergency Aid to Survivors of the Haiti Earthquake Act that includes funding from the federal government to reimburse local and state governments for social services and overall assistance provided in relief. New York anticipates a portion of these funds to reimburse us for these efforts. BRIA has also provided support to SEMO in preparing for the possible repatriation and relocation of U.S citizens from Haiti and we are working with the State's Department of Health and local social services districts to arrange for medical care for seriously injured Haitian

children and adults who are being evacuated from Haiti. This tragedy is one that has affected us all and we are utilizing our agency's expertise in immigration and social service matters to be of assistance in every way possible.

OTDA SFY 2010-11 Executive Budget

When Governor Paterson released his Executive Budget for SFY 2010-11, he made clear that his budget is one of necessity, not of choice. As a result, the Executive Budget makes significant spending reductions in order to eliminate an \$8.2 billion deficit and institutes key reforms to put New York on the road to fiscal recovery. OTDA's budget has not been spared from these reductions and it reflects the dire economic situation facing our State right now. However, despite the tough choices, OTDA's budget proposal extends the Governor's unwavering commitment to the improved well-being of the low-income families of New York and is structured to support our core agency mission--to protect New York's most vulnerable citizens.

TANF Funding: The federal TANF block grant provides New York with \$2.4 billion dollars each year to help provide assistance to low income families throughout the State in the form of monthly benefits, emergency assistance, employment services and a range of other work supports. Over the past two years, OTDA has been successful in accessing additional TANF funds through a variety of federal funding streams. In fact, we are poised to draw down the maximum amount available to New York State through awards the federal government is making available during this economic crisis. These additional funds, received over a two-year period, represent 50 percent of our TANF block grant or \$1.2 billion. This funding is comprised of both TANF Contingency Funds and TANF Emergency Contingency Funds. TANF Contingency Funds have been made available to states that meet certain spending qualifications in addition to certain conditions that demonstrate statewide economic hardship. TANF Emergency Contingency Funds are provided, in simple terms, as a rebate for expenses incurred on the basis of a state's year-to-year increase in public assistance caseloads and increase in spending on one-time payments—two indicators that more families across the State are struggling. Funds were also earned due to New York's increased spending on subsidized jobs.

These new TANF funds allow us to support vital programs that would otherwise have been left unfunded. Additionally, a large portion of these funds have been directed to support the State's caseload increases we have seen over the past year, one of the very reasons we were able to access these funds in the first place. Unfortunately, a number of very difficult decisions had to be made surrounding programs that were TANF funded in the past and I assure you that these were not easy decisions for any of us. Recommendations for strategic investments were made in the context of many competing needs, as well as the limitations governing the available TANF funds. In making these decisions, our goals are to access the maximum federal funds available, to ensure we are able to spend the funds within the current federal deadline of September 30, 2010; and to address the needs of low-income families throughout the State. Therefore, our recommended TANF allocations represent investments in initiatives that allow us to meet these goals.

There are a number of critical TANF funded initiatives that we were able to preserve in the Executive Budget. The Flexible Fund for Family Services (FFFS) is fully funded at the current year's level of \$964.6 million and the TANF portion of child care is recommended as a separate appropriation from the FFFS and is funded at the current year's level of \$393 million. FFFS

funds are critical to ensure that social services districts are able to deliver benefits and services in a timely manner, provide employment services, screen for domestic violence and administer a range of other core services. Districts also have the authority to use the FFFS for eligible child welfare related services and it should be noted that a significant percentage of the FFFS funds have been programmed in the current year to meet those needs. Our goal in fully funding the FFFS is to provide local districts with the maximum resources available to meet their varied needs.

The Executive Budget includes a \$41.5 million Local Family Support Program funded with TANF Emergency Contingency Funds. Under this proposal, each social services district will be eligible to increase investments in subsidized employment or to provide new short-term non-recurrent benefits to TANF eligible households, further bolstering the safety net by helping low-income households make ends meet. No State dollars are utilized and districts may earn 80 percent federal funding on their 20 percent investment.

OTDA's SFY 2010-11 Executive Budget recommends a significant TANF investment, totaling \$18 million, in a variety of subsidized jobs programs that I mentioned earlier—transitional jobs, green jobs and the health care jobs programs. This continued spending on subsidized jobs makes New York eligible for a TANF Emergency Contingency Fund match and allows for a sensible investment in subsidized jobs programs in localities throughout the State. TANF eligible individuals often face considerable barriers to employment. A subsidized placement can provide a job and the ability to develop skills, opportunities that would not otherwise be available during this time of high unemployment. Additionally, the Executive Budget includes an investment of approximately \$11 million in the Intensive Case Services (ICS) Program, which provides outreach and assessment services to prevent or restore a reduction in cash assistance available to families. Since these services are considered short-term non-recurrent benefits we have been able to support the program with stimulus funds, thereby maintaining the current level of programming. ICS has been a particularly successful program as we have been able to re-engage an estimated 40 percent of those served in work preparation services, including health services when necessary.

Additionally, \$10 million in TANF funds are recommended for a family emergency food supplement to be provided through regional food banks across the State. The impact of the economic downturn on low-income households in New York has brought about an unprecedented demand for assistance from emergency food providers. The steady increase in clients helped by food pantries, soup kitchens, senior centers and other nutrition-related service venues across the State has stretched available resources to the limit and led to program changes such as smaller food packages, fewer available meals and restrictions on the number of visits. A one-time investment in funding for the regional food banks will expand the capacity of emergency food providers to meet the needs of low-income families. This support would qualify for federal stimulus funding and be provided on a one-time basis as an emergency food supplement to families whose income does not exceed 200 percent of poverty and are eligible for TANF services.

Public Assistance Grant: Last year, Governor Paterson included in his Executive Budget the first increase in the public assistance grant in nearly two decades, providing a 10 percent grant increase to aid struggling individuals and families during this unprecedented economic

downturn. The Governor continues his commitment to this initiative albeit at a slower pace. Rather than a 10 percent increase, a five percent increase is recommended to take effect in July, with subsequent five percent increases being implemented each of the next three years, resulting in a \$100 per month increase for a typical family of three when fully implemented. This extended implementation period, while a very painful choice for both the Governor and OTDA, is an unavoidable one. In addition, the Governor has recognized the burden on our local government partners and has maintained the State's commitment to pay for the local share of the public assistance grant increase through March 31, 2014. The Paterson administration remains committed to seeing that the State's most vulnerable residents are not left behind.

Align Reimbursement of Adult Shelters to Match the Family Shelter System: The SFY 2010-11 Executive Budget recommends reimbursing the costs of care for the adult shelter population based on the current public assistance eligibility rules used in the family shelter system. Beginning April 2010, this proposal would authorize reimbursement for adult shelter residents who have been determined eligible for public assistance, making the claiming for adult shelters in New York City consistent with the system that currently exists in family shelters and throughout the rest of the State.

SSI Administration Takeover: The Executive Budget for SFY 2010-11 includes a proposal that authorizes New York State to assume responsibility for administering our Supplemental Security Income (SSI) State Supplementation Program. The SSI program provides monthly cash benefits to people with limited income and resources who are elderly (65 or older), blind or disabled. In New York State most SSI recipients receive both a Federal benefit and an additional State supplement. When the SSI program began in 1974, New York contracted with the Social Security Administration (SSA) to administer the New York State SSI Supplementation Program. While this service was originally provided at no-cost, in 1993 SSA began charging states an administrative fee for each payment issued on behalf of the state. The amount of the administrative fee is increased annually by the Consumer Price Index. The current \$10.45 per benefit issued brings the administrative cost to New York to an estimated \$84 million next year.

Currently, 36 states administer either all or a portion of their SSI state supplement programs, and the high cost of Federal administration has left New York as one of only seven states that have federally administered SSI state supplement programs. While State administration of this program will certainly require additional up-front expenditures for implementation, eligibility determination, systems development, fair hearings and program integrity, it is estimated that after the State begins making payments on or before April 1, 2014, savings of over \$60 million annually will be achieved. This proposal represents a critical reform contained in Governor Paterson's Executive Budget that will both improve program integrity and result in long-term fiscal savings for the State.

Use of Temporary Staff and Consultants: I would just like to briefly address the issue of OTDA's reliance on temporary staff. OTDA has relatively modest use of temporary clerical and secretarial support staff totaling approximately 50, which we use to supplement our own State workforce, especially in our federally funded disability determinations program area. As we convert to paperless case processing, as directed by the Social Security Administration, we expect to be reducing our reliance on contract clerical staff. Staff we have hired from temporary service agencies generally address short term needs, and provide us efficiencies due to flexibility

in hours worked and lower salaries compared to permanent State workers. However, we will continue to assess our utilization of these contract staff. Additionally, the Executive Budget clearly reports utilization of consultants by each agency and OTDA is expecting to spend approximately \$38 million in SFY 2010-11 for short term and special skills that are not readily available in the State workforce. Recent reports on this issue have erroneously counted other contractual services for OTDA.

Central Office Operations: In the same manner that discretionary contractual programs and even the grant increase are impacted in the proposed budget, OTDA's central office operating budget is similarly affected. A mid-year savings target of \$5.4 million issued last fall was achieved and that annual goal recurs in SFY 2010-11. This reduction is especially difficult given the critical systems and operational support we provide to the districts, as well as many mandated or court-ordered functions we are required to provide. Our General Fund support for the central office is recommended at \$63 million for next year, which supports \$12.7 billion in annual spending and benefit delivery in the programs that OTDA oversees. This equates to one-half of one percent for administrative expenses. We are proud of our continued ability to oversee the delivery of such a significant program portfolio at a time of great need for the State's most vulnerable residents, and that we do so in such an efficient and accurate manner.

Federal Advocacy

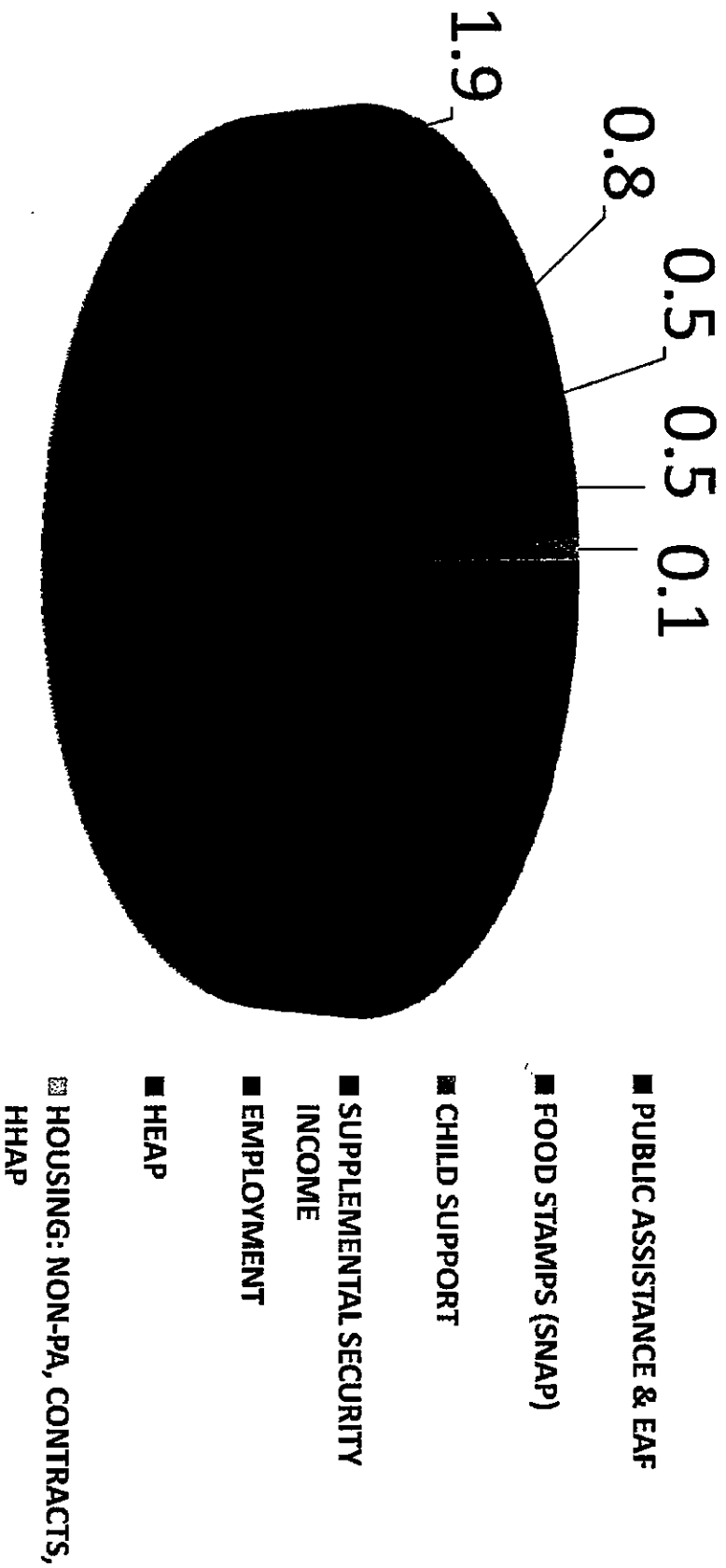
Although we are able to accomplish many things working together at the State level, as the economic stimulus funding demonstrates, the federal government is, and will remain critical to maintaining a strong safety net for New York's neediest families. As in past years, OTDA is working with its federal partners, as well as our Congressional delegation, to address the many funding and policy issues that impact our program operations. The President's budget for Federal Fiscal Year 2011, released on February 1, contains important proposals for some of OTDA's programs, including TANF. Most notably, President Obama proposes extending the TANF program by one year, thereby delaying a substantive reauthorization discussion that had originally been planned for this year. In addition, there is recommended funding for both the TANF Contingency Fund and a new TANF Emergency Fund, both of which OTDA will seek to access if they are eventually enacted and we are able to meet eligibility requirements. We expect Congress to take up a JOBS bill in the coming months, and are working to ensure that some of these TANF provisions will be folded into this legislation, in addition to other initiatives that will expand job opportunities for low-income New Yorkers.

On the negative side, the President proposed to reduce formula funding for the LIHEAP from \$4.5 billion to \$2.5 billion, setting aside \$2 billion for a trigger that would release more funds in cases of energy price spikes or increases to the number of households in poverty. New York strongly opposes this funding strategy as it would severely impact our ability to plan for cold weather months and to provide sufficient benefits to those in need. Over the next several months, we plan to work with Congress to make sure LIHEAP is adequately funded in the 2011 Federal Budget.

Conclusion

I want to assure you that OTDA remains committed to making sure that we do everything we can, given the limited resources available, to serve and protect New York's most vulnerable residents. I look forward to working with you over the next several months during the budget process and throughout the legislative session.

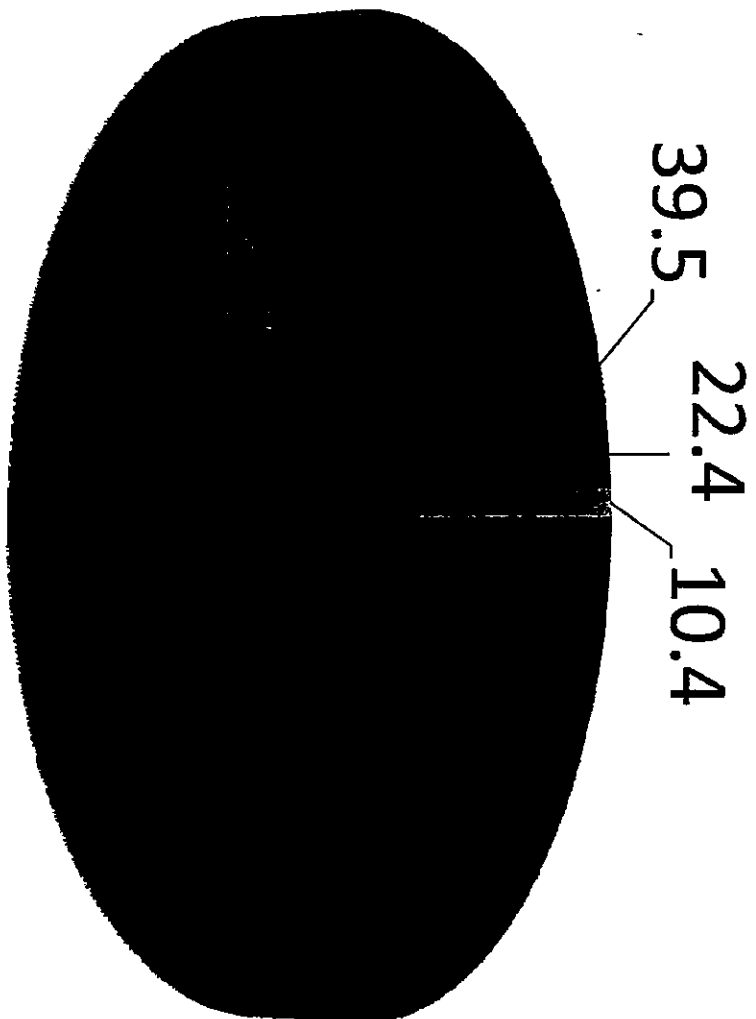
OTDA Gross Program Amounts, In Billions



Grand Total Annual OTDA Programs: \$12.5 Billion

Of this amount, \$5.2 billion is directly appropriated in the Executive Budget

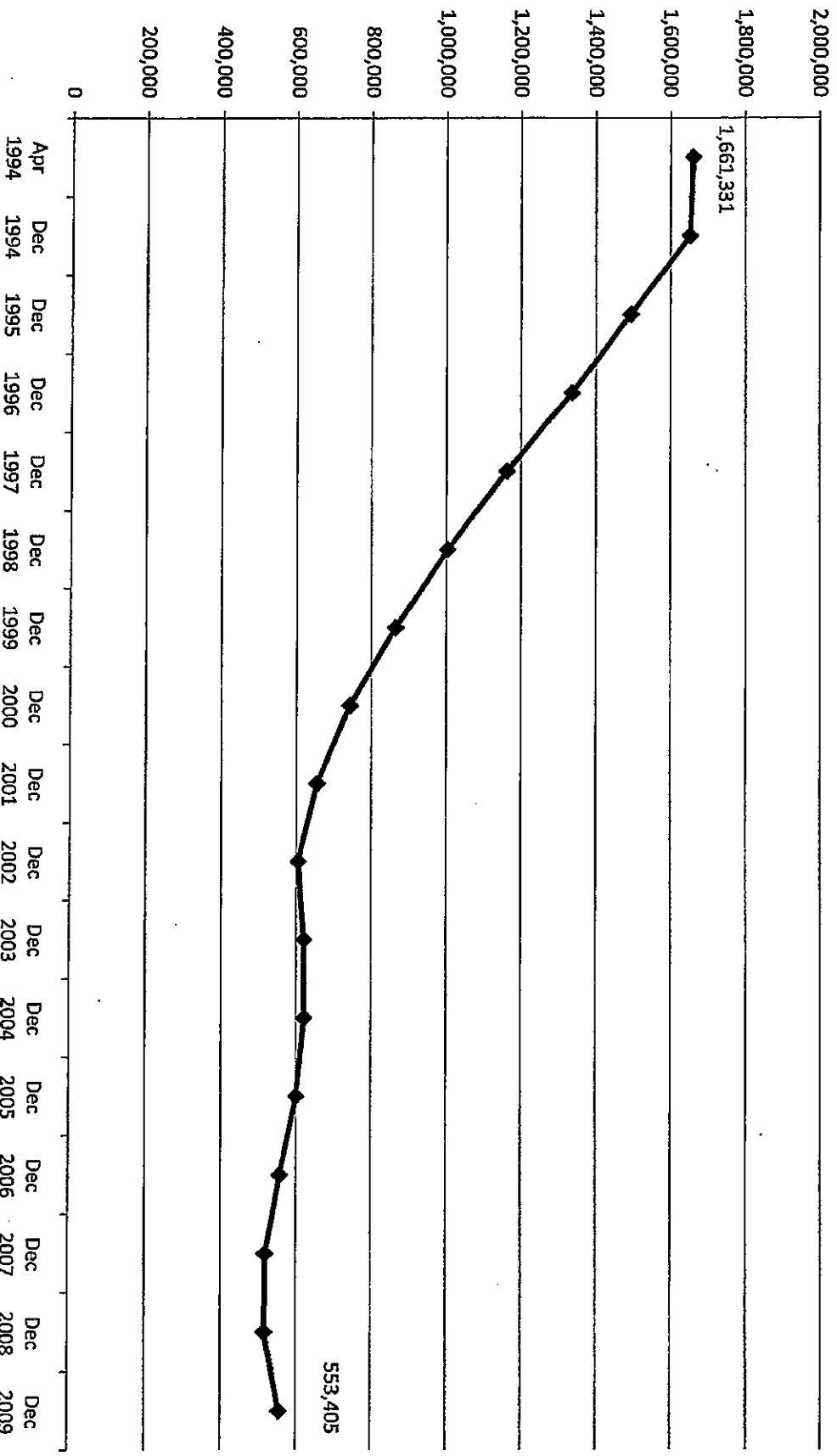
SFY 2009-2010 FFFS Plan Categories, Total = \$965 Million



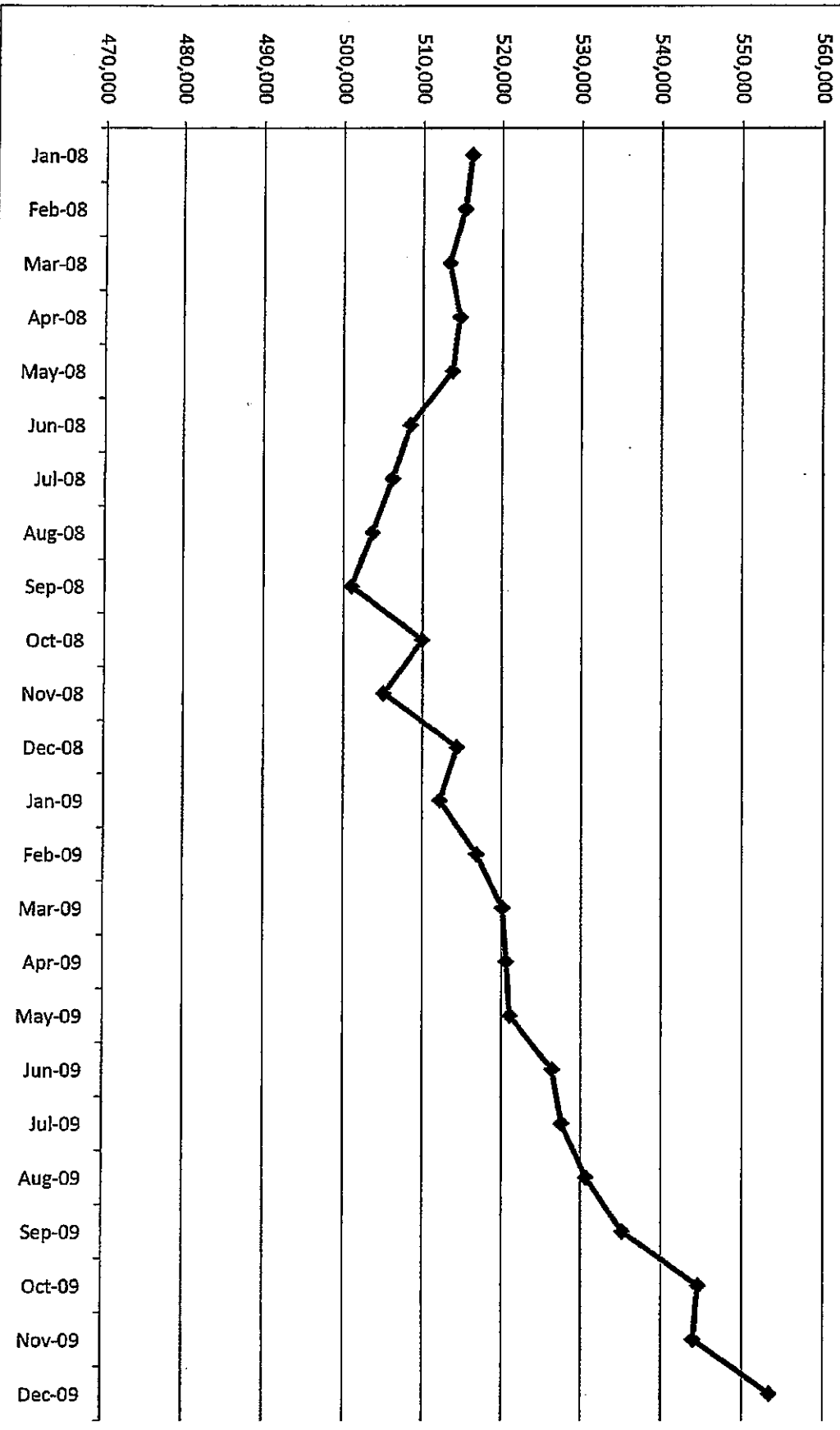
- CHILD WELFARE (NON-XX)
- ADMIN/ ELIGIBILITY*
- TITLE XX TRANSFER
- EMPLOYMENT*
- TANF SERVICES
- REFINANCE LOCAL SHARE OF ASSISTANCE
- CHILD CARE

***Administration and Employment amounts reflect increased reliance on TANF due to elimination of LAF reimbursement for Food Stamps**

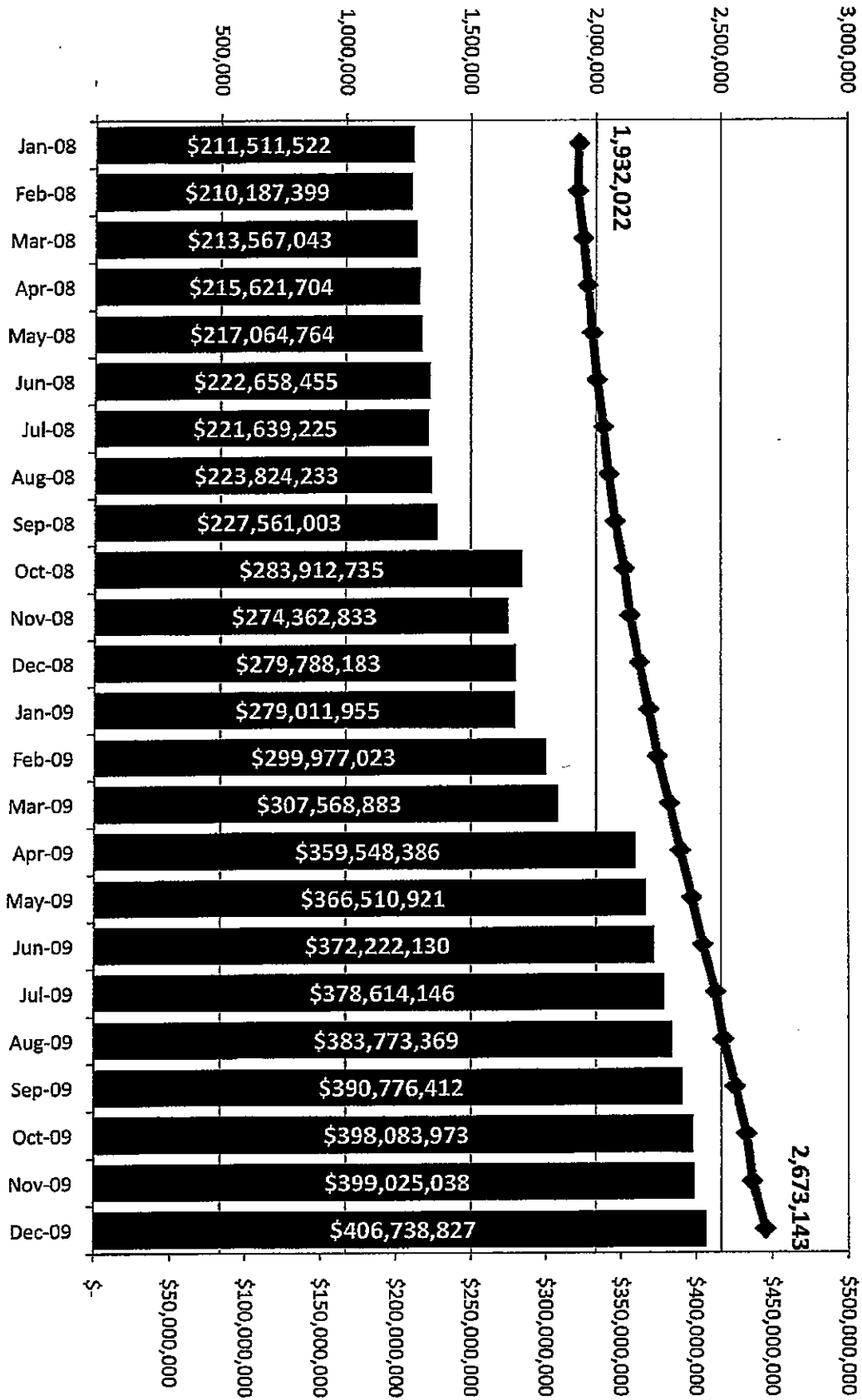
Temporary Assistance Recipients April 1994 to December 2009



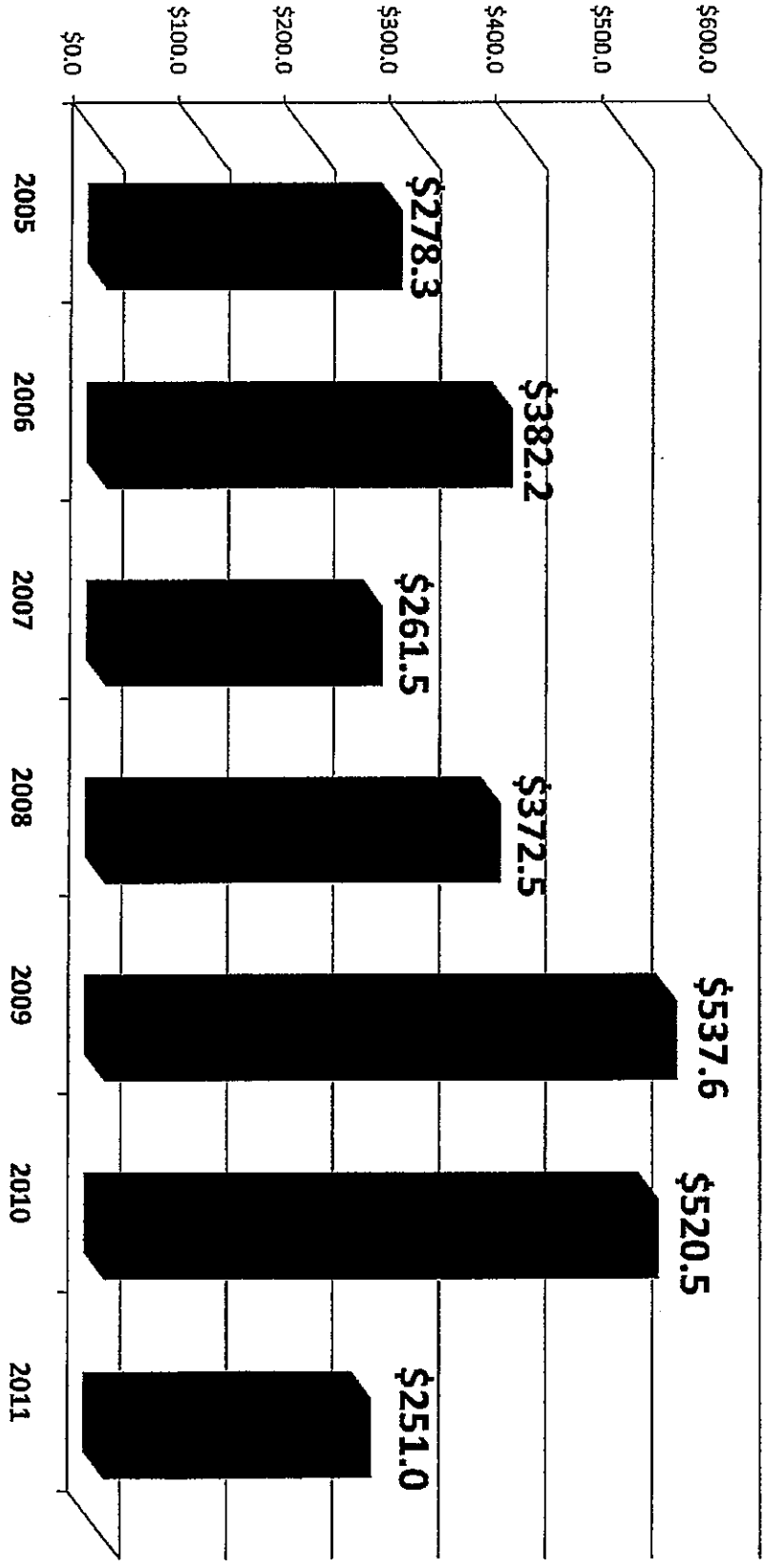
Two-Year Change in Temporary Assistance Recipients January 2008 to December 2009



Two-Year Trend in SNAP Recipients and Expenditures

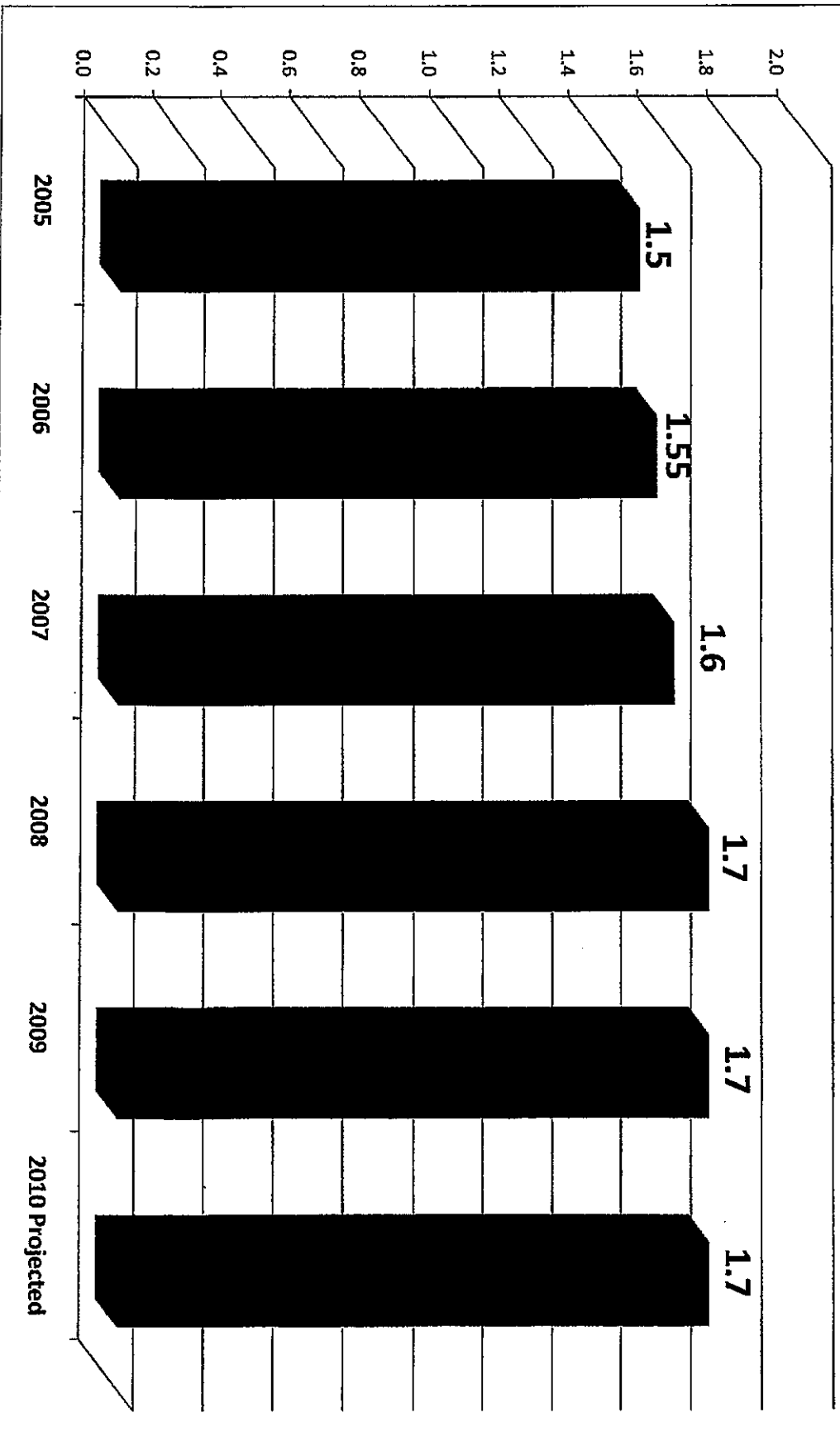


Recent Annual HEAP Funding by FFY and Potential FFY 2011 Reduction (In Millions)



FFY 2010 figure does not include additional contingency funding that may be released later this year.
 FFY 2011 figure assumes no contingency funding. The President's FFY 2011 budget includes \$790M in contingency funds and a \$2 billion set aside for adjustments to offset higher energy prices, but the NY share and whether funds will be approved or released are unknown.

Child Support Collections by Calendar Year (in Billions)



4



**New York State Association of
Area Agencies on Aging**

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**February 10, 2010
2010-11 Joint Budget Hearing
Senate Finance Committee and Assembly Ways & Means Committee
Human Services Sub-Committee**

Testimony of
**Laura A. Cameron, Executive Director
New York State Association of Area Agencies on Aging**

Good afternoon Senator Kruger, Assemblyman Farrell, and members of the Committee. My name is Laura Cameron and I am Executive Director of the New York State Association of Area Agencies on Aging. Our Association extends our appreciation to Senator Ruben Diaz, Chair of the Senate Aging Committee, Assemblyman Jeffrey Dinowitz, Chair of the Assembly Aging Committee, and NYSOFA Director Michael Burgess for their leadership and support of programs and services to assist older New Yorkers.

Our Association represents the 59 Area Agencies on Aging (AAAs), also known as Offices for the Aging, throughout New York State. Area Agencies on Aging design, fund, and coordinate programs that maintain seniors in their homes, postponing the need for more medically intensive and costly health care services. The local planning process ensures that limited government dollars are utilized effectively and efficiently to deliver the appropriate level of services to seniors. The safety net that

AAAs have been able to provide throughout the years is being challenged by the needs of a growing aging population that increasingly requires more intensive services.

While a great number of our older adults live independently, there are a growing number of older adults who have limitations, chronic illnesses and disabilities, particularly as life expectancies increase. Those age 85 and above, who are more likely to need Office for the Aging care and support services have already increased by 28% from 2000 to 2008; and are anticipated to grow by 41% by the year 2015 and 80% by 2030. Many require supportive services that help them remain safely at home which can avoid or delay more costly nursing home placement.

Governor Paterson's proposed budget recognizes the valuable role of non-medical community based senior services and caregiver supports play in the effort to rebalance and reshape New York's long-term care system. While the Executive Budget preserves funding for critical core programs, it does propose some reductions in funding for the three core programs coordinated by Area Agencies on Aging. In light of the fiscal climate, we are thankful that the reductions were kept to a minimum. However, the overall impact of cuts made over the last few years has resulted in reduced services for seniors and longer waiting lists at the local level.

Our Association believes the State Budget should focus resources on community-based critical care direct services to keep seniors at home and reduce Medicaid costs and nursing home placements. The core programs of EISEP, CSE, SNAP and caregiver support services keep seniors in the community, reduce Medicaid costs, and prevent nursing home placement. We ask the Legislature to reaffirm the value of support services provided through AAAs around the state, as follows:

Restore EISEP to \$48,035,000 (+\$2 million)

EISEP (Expanded In-Home Services for the Elderly Program) provides case management and home care services that enable the most vulnerable non-Medicaid seniors to remain safely at home.

Reductions in EISEP funding have resulted in waiting lists throughout the state. Without these cost-efficient services, many seniors will spend down to Medicaid, costing the state far more. By delaying institutional care and reducing Medicaid spending, EISEP saves taxpayers money and improves seniors' quality of life.

We extend our appreciation to the New York State Office for the Aging for working with our AAAs to provide increased flexibility in EISEP regulations to expend funds in a manner that acknowledges the varying needs of seniors in their community. The proposed revisions expands the definition of ancillary services and increases the maximum housing adjustment. NYSOFA is also working to draft regulations to allow consumer direction in the EISEP program.

Restore CSE to \$16,312,000 (+\$1 million)

The Community Services for the Elderly program (CSE) provides non-medical community-based services to frail, low-income seniors helping them to remain at home. Services include personal care, home delivered meals, congregate meals, and adult day services. The program offers flexible service options to meet the unique needs of senior citizens.

Restore SNAP to \$23,380,000 (+\$2 million)

The Supplemental Nutrition Assistance Program (SNAP) provides nutritious meals and related services to frail, homebound seniors at high nutritional risk, enabling them to remain in the community. Increasing SNAP will have an immediate positive impact on seniors. Economic conditions have caused an increased demand for meals resulting in waiting lists for home delivered meals for seniors.

Increase HIICAP to \$3 Million (+ \$2,079,000)

The Health Insurance Information, Counseling & Assistance Program (HIICAP) provides information to seniors on Medicare, Medicaid, managed care, EPIC, and other health insurance options and issues, and also assists Medicare beneficiaries to access needed health care and to apply for programs such as the Medicare Savings Programs.

Seniors using HIICAP are linked to the wide array of services provided by AAAs, potentially accessing additional services. Volunteers have historically been utilized as HIICAP counselors, but volunteers are resigning due to the time commitment and complexity of the health insurance programs. The Executive Budget includes a \$921,000 allocation for 59 Area Agencies on Aging, which isn't sufficient to maintain HIICAP statewide. We recommend that HIICAP be funded at \$3 million.

Restore CSI to \$806,000 (+\$806,000) (eliminated in Executive Budget)

The Congregate Services Initiative (CSI) provides services in congregate settings. Allowable CSI services are: information and referral, transportation, nutrition-related services, socialization/companionship, educational and cultural opportunities, counseling, support services for families/caregivers, volunteer opportunities, employment services information, and health promotion and disease prevention services.

Support Funding Levels in Executive Budget

COLA Funds for CSE, EISEP and SNAP (\$14,707,000 in Executive Budget)

The Association supports continuing and making permanent the Cost of Living Adjustment (COLA) for:

- Community Services for Elderly (CSE) program
- Expanded In-Home Services for the Elderly Program (EISEP)
- Supplemental Nutrition Assistance Program (SNAP)

The COLA has enabled Area Agencies on Aging to recruit and retain workers necessary to provide services to seniors. As energy and transportation costs increase, COLA funds help the AAAs maintain services.

NY Connects: Choices for Long Term Care Services

The Association supports the NY Connects Program led by the New York State Office for the Aging. Established in 2006 and operational in 54 counties, NY Connects provides comprehensive and easily accessible information and assistance for consumers of all ages seeking long term care services. NY Connects helps consumers remain in community-based settings and avoid over utilization of institutional care. The Executive Budget continues funding at the same level as SFY 2009-10.

Closing

In closing, investing state funds to maintain and expand AAA services is a cost-effective alternative to more medically intensive and costly health care services. A few dollars spent now can significantly delay, and in some cases prevent, admissions to nursing homes and subsequent Medicaid eligibility. Seniors and their families want to use their resources wisely and keep their loved ones at home for as long as possible. **These services are critical to older New Yorkers in order to remain safely and with dignity in their own homes.**

NYS Association of Area Agencies on Aging • www.nysaaaa.org

NYS Office for the Aging: State Fiscal Year 2010-11: Executive Budget vs. Previous Years - Updated 1-20-2010

NYSOFA Budget (within the Health & Mental Hygiene Budget Bill) Programs/Services/Grants (in order of funding in enacted Budget 2009-10)	2007-08 Enacted Budget	2008-09 Budget (3-31-2008)	2008-09 August 2008 Special Session	2008-09 Final Funds Available (incl. mid-year Adjustments)	2009-10 Executive Budget (12-16-08)	2009-10 Enacted Budget	2010-11 Executive Budget (1-19-10) vs. Enacted 2009-10
1- EISEP	\$49,972,000	\$48,973,000	\$46,486,742	\$46,486,742	\$46,035,000	\$48,035,000	\$46,035,000 (-\$2,000,000)
2- SNAP (Supplemental Nutrition Assist.Prog.)	\$19,209,000	\$22,745,000	\$21,592,210	\$21,592,210	\$21,380,000	\$23,380,000	\$21,380,000 (-\$2,000,000)
3- CSE (Community Svcs for the Elderly)	\$16,621,000	\$16,289,000	\$15,485,498	\$15,485,498	\$15,312,000	\$16,312,000	\$15,312,000 (-\$1,000,000)
4- COLA - EISEP, CSE & SNAP	\$10,782,000	\$15,288,000	\$14,370,720	\$14,370,720	\$13,207,000	\$14,707,000	\$14,707,000
5- NORCs	\$ 2,200,000	\$ 2,156,000	\$2,035,547	\$2,035,547	\$2,027,000	\$2,027,000	\$2,027,000
6- Neighborhood NORCs	\$ 2,200,000	\$ 2,156,000	\$2,026,640	\$2,026,640	\$2,027,000	\$2,027,000	\$2,027,000
7- Mgd Care Consumer Assistance Program (Community HIICAP)	\$ 2,000,000 (DOH Budget)	\$ 1,962,000	\$1,844,280	\$1,844,280	\$923,000	\$1,767,000	\$1,767,000
8- Respite	\$ 1,274,000	\$ 1,249,000	\$1,207,120	\$1,207,120	\$1,207,000	\$1,207,000	\$1,207,000
9a- Senior Transportation Oper. Exp.	\$ 1,000,000	\$ 980,000	\$924,031	\$924,031	\$921,000	\$921,000	\$921,000
9b- Senior Transportation Legis Add On	\$ 1,000,000	\$1,000,000	\$940,000	\$752,000			
10- HIICAP (Health Insurance Info. Counseling & Assistance Program)	\$ 1,000,000	\$ 980,000	\$921,200	\$921,200	\$921,000	\$921,000	\$921,000
11- Social Model Adult Day Services	\$ 1,447,000	\$ 1,188,000	\$1,116,720	\$1,067,840	\$872,000	\$872,000	\$872,000
12- CSI (Congregate Svcs. Initiative)	\$ 866,000	\$ 849,000	\$805,664	\$805,664	\$725,000	\$806,000	0 (-\$806,000)
13- LTC Ombudsman Program	\$ 746,000	\$ 731,000	\$689,767	\$689,767	\$621,000	\$690,000	\$690,000
14- Elder Abuse Educ & Outreach	\$ 500,000	\$ 490,000	\$490,000	\$490,000	\$490,000	\$490,000	\$490,000
15- RSVP (39 local programs)	\$ 442,000	\$ 433,000	\$433,000	\$433,000	\$433,000	\$433,000	\$433,000
16- Caregiver Resource Centers	\$ 360,000	\$ 353,000	\$353,000	\$353,000	\$353,000	\$353,000	\$353,000
17- Enriched Social Adult Day Services Demonstration		\$ 500,000 Delay to 1/1/09	\$245,000	\$245,000		\$245,000	\$245,000
18- Community Empowerment		\$ 492,000	\$245,000	\$245,000	\$245,000	\$245,000	\$245,000
19- State match for federal grants	\$ 241,000	\$ 236,000	\$236,000	\$236,000	\$236,000	\$236,000	\$236,000
20- Regn Caregiver Ctrs of Excellence 21 a --Direct Respite for caregivers		\$ 275,000 \$ 200,000	\$230,000	\$230,000	\$230,000	\$230,000	\$230,000
21- Foster Grandparents	\$ 200,000	\$ 196,000	\$196,000	\$196,000	\$196,000	\$196,000	\$196,000
22- Patients' Rights Hotline (Statewide Sr Action)	\$ 64,000	\$ 63,000	\$63,000	\$63,000	\$63,000	\$63,000	0 (\$63,000)
LTCIEOP (LTC Insur Educ & Outreach)	\$ 3,000,000	\$ 2,940,000	\$2,771,607	\$2,771,607			
Geriatric In-Home Medical Care pilot + Geriatric Social Workers - add'l \$600,000 + Stony Brook Evaluation - add'l \$150,000	\$ 1,000,000 \$ 600,000 \$ 150,000	\$ 750,000	\$705,000	\$564,000			
Senior Transportation(Econ Sustainable)	\$ 250,000	\$ 245,000	\$245,000	\$245,000			
End of Life Care Initiatives	\$ 200,000	\$ 200,000	\$188,000	\$150,000			
Affordable Housing Pilot	\$ 2,030,000						
Family Caregiver Council	\$ 200,000	\$ 125,000					
Model Zoning & Planning	\$ 100,000						
Mature Worker Task Force	\$ 100,000						
NORC Health Indicators	\$ 90,000						
Web-based reporting		\$ 50,000					
Alzheimer's Advisory Coord. Council	\$ 225,000	\$ 50,000					
Study of the Senior Benefits Program	\$ 25,000						
Caregiving in NY Study (United Hosp. Fund)	\$ 10,000						
TOTALS	\$120,104,000	\$124,144,000	\$116,846,746	\$116,430,866	\$108,424,000	\$116,163,000	\$110,294,000



AARP New York State Office

Testimony before the

New York State Legislature

Joint Hearing

Senate Finance and Assembly Ways and Means

Executive Budget Proposal

Human Services

February 10, 2010

Hearing Room B

Legislative Office Building

Albany, New York

Introduction

Good afternoon Senator Kruger, Assemblyman Farrell and members of the Committee. My name is Neal Lane. I am a member of AARP's New York Executive Council. With me today is Bill Ferris, our State Legislative Representative for New York. AARP is a membership organization with over 2.5 million members in New York State. I would like to thank you for allowing us to speak today about AARP's views on the human services portion of the Executive Budget.

I would like to focus our remarks today on two basic areas that are very important to our membership: home- and community-based care services and kin care programs.

Home and Community Based Services

Background

The New York State Office for the Aging (SOFA) reports that over 80% of all long-term care is provided by family members, friends and neighbors. According to a recent extensive report released by SOFA, there are over 2.2 million informal caregivers – that is friends, family, and neighbors – in New York State and at any point in the year, there are 3.1 million New Yorkers who provide direct care to people of all ages with disabilities. **It is also estimated that caregivers save the state Medicaid program over \$12 billion per year.**

A typical caregiver in New York's aging network services system is a 64-year-old female, who has either a high school or some college education, spends more than 20 hours a week providing care to her mother, and spends an average of 5.7 years providing care. The average age of the person receiving the care is 82.

As reported by SOFA, the care that caregivers provide ranges from providing 24-hour-a-day assistance or supervision and assisting in tasks such as personal care (49%), paying for services (44%), home repair (34%), housekeeping (28%), financial management (17%), arranging for care (20%), and transportation (11%). Caregivers participating in New York caregiver support programs tend to have a heavy care load: 36 percent reported that their care receivers cannot be left alone at home, and 42 percent reported that their care receivers can only be left alone for short periods of time or need to be checked on in-person several times a day.

In addition, SOFA reports found there may be some negative consequences to caregiving, including financial, emotional, and physical strain for caregivers.

Caregivers indicated that they feel the following burdens:

- Emotional strain (90 percent);
- Not having enough time for self (86 percent);
- Causing physical stress (77 percent);
- Conflicts with social life (74 percent);
- Affecting health (74 percent);
- Not having enough time for family (72 percent);
- Interference with work (59 percent); and
- Financial burden (53 percent).

The SOFA survey also asked respondents what additional or new kinds of services or help would be valuable to them. The top two areas indicated by caregivers are: tax credits or tax breaks (71 percent) and respite care (63 percent).

AARP Recommendation

AARP strongly believes that the proposed budget does not adequately provide enough services to the over 2.2 million caregivers who, through their services, save the State more than \$12 billion a year in Medicaid costs.

We believe that more resources should be allocated to New York's social adult day program and respite services that are administered by SOFA. This request is consistent to how caregivers responded when asked what services they needed in the SOFA survey report. The Executive Budget allocates only \$872,000 for social adult day and \$230,000 to regional caregiver centers of excellence for which only 20% can be spent on respite care.

We need to do more for these informal family caregivers. The less than \$1.3 million dollars on direct respite care services to these New York families from the state is simply not enough. AARP strongly recommends the Legislature make investments in these two programs. New York families who perform this work and save all New Yorkers billion of dollars in Medicaid payments deserve better.

In addition, we believe the Legislature should restore the \$5 million that was added to the budget last year to the EISEP and SNAP programs, which are crucial in keeping older persons living at home and in their communities.

Kincare

Background

In New York State, there are 297,239 children living in grandparent-headed households (6.3% of all the children in the state). There are another 111,806 children living in households headed by other relatives.

Children often come to live with relative caregivers due to unfortunate circumstances. Some were abused, neglected, or abandoned by their parents. Others may have parents who are alcohol and/or substance abusers, or who are deceased, mentally ill or unable or unwilling to parent. Many kinship children face special challenges including higher rates of developmental disabilities, emotional problems, physical and learning disabilities, bereavement issues, attachment disorders, and parental alienation.

Although the causes leading to kincare are similar to the causes that place children in foster care, most of the caregivers are not foster parents and, therefore, do not receive the services that a "formal" foster family would receive. This informal system complements the formal foster care system, yet receives a fraction of the resources afforded the public system.

These grandparents and other relative caregivers often lack information about their rights as caregivers and about obtaining a range of support services. Unlike parents, kinship caregivers face challenges enrolling children in school, getting medical care, accessing family rights, and obtaining necessary benefits. In response to their needs, New York appropriates nearly \$3 million for a statewide kinship navigator program and 21 regional programs.

These programs are not only effective, they save money for the state and its localities. **In New York, according to the Office of Children and Family Services (OCFS), the average cost of a child in non-specialized foster care is \$22,000 per year. The average cost of kinship programs is approximately \$500 per child. The total cost of all of the state's kinship programs is less than the cost for just 136 children in foster care.** These kinship families are not part of the "formal" foster care system. They are "informal" kinship care providers, and without their caregiving efforts, more children would be sent to the more expensive foster care system.

In addition to cost implications, there are numerous studies showing that children raised by family members live in safer and more stable homes than children in the care of non-relatives. A recent study, published in the June 2008, *Archives of Pediatric and Adolescent Medicine*, found that children living in kinship families have better outcomes than children in foster care.

AARP Recommendation

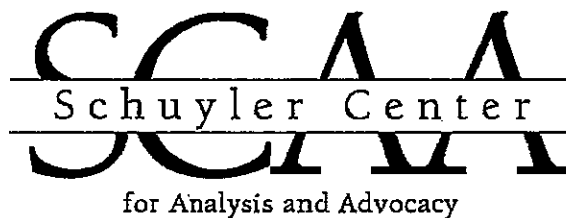
The Governor's budget has cut close to \$2 million dollars from the \$3 million dollars that was allocated last year to the 21 Kincare programs administered by the OCFS. AARP strongly recommends that the Legislature restore the \$2 million dollars and the 10% that was cut from the Navigator program. This money will go a long way to helping thousands of Kincare families. It will also save the State money, and, very importantly, it will produce better outcomes for children.

Thank you again for allowing AARP to testify today on these two important issues facing millions of New York families. We would be happy to answer any questions.

6

**Testimony before the Joint Fiscal Committees
on the SFY 2010-11 *Executive Budget*
Human Services Hearing
February 10, 2010**

**Presented by
Karen Schimke, President and CEO
Schuyler Center for Analysis and Advocacy**



*Shaping New York State public policy
for people in need since 1872*

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**Presented by
Karen Schimke, President and CEO
Schuyler Center for Analysis and Advocacy**

My name is Karen Schimke and I am President and CEO of the Schuyler Center for Analysis and Advocacy (SCAA). SCAA has provided a strong advocacy voice for our state's most vulnerable citizens for over 137 years, testifying yearly before this joint budget hearing speaking to children's and families' needs for shelter, food, safety, and child care.

While I do understand the state's fiscal problems and the reality that there simply is not enough money this year, I am here today to talk about the 2010-2011 *Executive Budget* as it relates to our state's most vulnerable children and families. There's a lot of talk about serving the people at our door—those currently in need of supports—instead of putting money into programs that will prevent people from being “at our door” in the future. This rationale is flawed for a number of reasons.

First, many families are having trouble *right now* providing the basic necessities—food, clothing, and shelter. They rely on these services for housing, for employment, for educational and work supports. In the short-term, they are the ones that will suffer from cuts to services and supports.

Second, cutting these services now only means that we'll pay doubly in the future. In the long-term, our entire state will suffer. Reducing services to the most vulnerable will not only mean more child abuse and worse educational outcomes, it will mean an increase in the need for services when the recession finally ends. By taking away the safety net, we are essentially allowing people to fall through the cracks. They will resurface in other systems—child welfare, juvenile justice and corrections. They will become homeless, drop out of school, and lose their jobs. This doesn't make sense for our state, and we cannot let it happen.

When the economy takes a downturn as it has over the past two years, it is the families served by the Office of Temporary and Disability Assistance and the Office of Children and Family Services who suffer most. The funding provided by these two state agencies for programs and services can be viewed as investments in the development of New York State's future workforce and economic vitality. We are concerned that, after several rounds of cuts to important programs and services over the past two years, we may be achieving cost savings today at a very high price in the state's future. Families served by these agencies will have a much harder time making it through this recession and we will all be worse off on the other side. In particular, when it comes to cuts to children's services, it is simply unconscionable that they become collateral damage during this fiscal crisis.

Before I talk about those cuts, I want to acknowledge several programs and services which SCAA supports in the *Executive Budget*.

Right-sizing of Juvenile Justice Facilities

SCAA supports the closing of 180 beds as outlined in the Governor's budget and the investment of \$18 million to improve staffing ratios and mental health services at the facilities investigated by the U.S. Department of Justice. These are essential reforms for a system under threat of takeover by the federal government.

Child Welfare and "65/35" Preventive funding

We appreciate the stability of funding for child welfare programs and services in the *Executive Budget*. SCAA supports the \$77 million increase to the "65/35" uncapped funding for child welfare services. The "65/35" preventive dollars are critical to keeping children at risk of foster care from placement. Unfortunately, the "65/35" state/local share remains at 63.7/36.3. We know this is not the year to return the state share to full value but we do not want to lose sight of the goal to fully fund the state/local partnership for these services at some point in the future.

Community Optional Preventive Services (COPS)

SCAA also supports the maintenance of funding for Community Optional Preventive Services (COPS), which can be used for services to children and families not known to the system, in school, mental health and other settings. The \$26 million in the *Executive Budget* will allow existing programs to continue operations.

Bridges to Health

SCAA supports the continued commitment to Bridges to Health and increased funding to provide 3,305 slots as planned with a \$41 million increase in funding. Bridges to Health is a Medicaid waiver program that provides comprehensive and intensive health and mental health services to children and families in foster care and institutional care settings. This expansion will allow the program to continue to enroll children and families. This program has already shown great promise for successfully transitioning children with extensive health and mental health needs back to their families and community.

Many programs and services received cuts which will have devastating consequences for the people who need them most. I want to bring several to your attention.

Restore funding for Healthy Families New York (HFNY) to \$25 million

The 2010 *Executive Budget* drastically reduces funding for home visiting—programs that have proven effective in decreasing child abuse and neglect and increasing school readiness. The proposed cuts amount to a 40% reduction in Healthy Families New York funding over three years. These cuts will ravage the home visiting system New York has built over 15 years and leave children more vulnerable to harm.

These budget cuts would also disqualify New York State from applying for \$100-\$150 million in federal aid for home visiting. We cannot put ourselves in the position of being ineligible for much-needed resources.

HFNY serves more than 5,000 families a year in some of New York's highest need communities, with a proven track record of better outcomes for children in high-risk families. In addition to reducing the incidence of child abuse and neglect:

- 50% of families receiving Temporary Assistance for Needy Families (TANF) benefits upon entering the program are no longer in need of that assistance
- 81% are enrolled in a job training or education program by the child's first birthday
- 57% of participants under age 21 have received a high school degree or GED by the child's first birthday

HFNY recoups its expenses in the first year. It currently employs nearly 500 people in 39 communities across the state. HFNY was funded at \$25 million just two years ago. The *Executive Budget* would cut funding to only \$15 million, effectively closing programs across the state. For every five children served by HFNY programs two years ago, only three children will be served in 2010-2011 budget year if these cuts go into effect.

Restore funding for Nurse-Family Partnership (NFP) to \$5 million

NFP programs are located in New York City and in Monroe and Onondaga Counties, serving an estimated 2,500 families. It also has a proven track record of better outcomes for children in high-risk families:

- 83% increase in labor force participation of mothers at child age four
- 56% reduction in emergency room visits for accidents and poisonings
- 46% increase in father's presence in the household
- 20% reduction in use of public assistance

Research shows that every dollar invested in NFP can yield more than \$5 in return. The *Executive Budget* eliminates \$5 million in funding for the program.

Increase Child Care Block Grant funding

Child care is a critical part of the daily lives of thousands of New Yorkers with young children. Parents rely on child care in order to go to work and, most importantly, to know that their children are well cared for and safe. For many families, especially low-income working families, the expense places high-quality care beyond their reach, leaving parents to make the difficult choice of giving up quality for affordability. This is particularly problematic because research shows that high-quality care is beneficial to young children, but poor quality care can be harmful. And the impact of quality early childhood experiences is pronounced for lower income children, who are more likely to be less school ready than higher income classmates.

Yet, child care funding in New York State has never kept up with need. There are 1.3 million young children in New York State, nearly half of whom—40%—live in low-income families. Last year, the state used both roll-over funding from 2008-09 and new ARRA funds to fill gaps in county subsidy programs. Still, in FY 2009-10, counties ran out of child care funding and hundreds of families lost child care subsidies, forcing them to pull their children out of child care programs and jeopardizing their own ability to work. We do New York State a disservice if we let children go without care and prevent parents from working. To maintain the same number of children in child care programs this year as last, the state needs to add \$40 to \$50 million to the Child Care Block Grant.

Restore Child Care Subsidies

As I noted earlier, child care is critical to the livelihood of many New York parents. Subsidies help student parents provide for their families while attending school. The *Executive Budget* this year eliminates child care subsidies for SUNY and CUNY student parents. Also eliminated is a Facilitated Enrollment Program that reaches out to low-income working families and helps them to obtain child care subsidy assistance. Both programs need to be restored.

Phase in the Public Assistance grant increase as scheduled

The 2009-10 *Executive Budget* provided an increase of 30% in the public assistance grant to be implemented over a three-year time period in 10% yearly increments through July 2011. The 2010-11 *Executive Budget* maintains the commitment to increase the grant by 30% but stretches the time period to July 2014 by offering 5% yearly growth instead of the planned 10%. The projected savings totals \$18 million. We appreciate the commitment made by the Governor to the state's most vulnerable population by maintaining the promise of a 30% increase. However, we are disappointed that the state's families who are most deeply affected by this recession will have to wait an extra three years. They have already waited 20 years. Every dollar of this money is spent in local communities, serving to stimulate the economy immediately.

Restore \$202 million in Temporary Assistance for Needy Families (TANF) for program services for vulnerable children and families

For a number of years, SCAA has raised concern about the increasing pressures on the surplus TANF funds and their use in New York State to pay for critical services. We recommended transferring the costs of these important programs to the general fund in order to free TANF dollars to support child care and welfare-to-work efforts.

Now the *Executive Budget* includes profound cuts to some programs while others were eliminated; nearly \$100 million was cut from children's services alone. Attached is a list of specific programs and services which we ask you to restore to previous funding levels. Having already mentioned the importance of home visiting programs and child care, I bring three others to your attention:

Advantage Afterschool

Afterschool programs keep kids safe, improve school achievement, prevent crime, and help parents go to work every day. They also employ thousands of people across New York State. Proposed cuts to afterschool programs will eliminate access to programs for more than 10,000 children and between 1,000 and 3,000 adults will lose their jobs in afterschool programs. A restoration to \$30.5 million would benefit children, families, and the workforce.

Alternatives to Detention and Residential Placement

SCAA supports measures which keep children and youth in their homes and communities whenever possible, preventing more costly placements in residential settings. Our concern rests with the lack of investment in community-based services to meet these youths' needs in their neighborhoods. The *Executive Budget* cuts over \$10 million in TANF funding for Alternatives to Detention and Alternatives to Residential Placement, the very programs designed to provide supports to youth in trouble and keep them out of costly residential facilities.

Housing Services and Assistance

Normally, SCAA does not comment on housing issues. However, we are most concerned about the \$12 million in TANF funding eliminated for housing services. The cuts affect supportive housing for families and those youth under age 25 who exit foster care or runaway, and homeless programs. And they impact the stability of families and their children who are on the verge of homelessness who require assistance to remain in their current residence. There were other housing cuts in the OTDA budget as well. The cost savings achieved through these program cuts are made at great expense to the families and individuals in New York State most in need during this recession.

Support Subsidized Guardianship

The Governor's *Executive Budget* proposes a new initiative, Subsidized Guardianship. Subsidized guardianship is offered in 37 states and the District of Columbia as a permanency option for children in foster care. The 2008 Fostering Connections to Success and Increasing Adoptions Act now allows states to use Title IV-E funding to support subsidized guardianships in cases where children have been in the care of a relative for six months and when returning home or adoption have been ruled out.

SCAA supports subsidized guardianship as a permanency option for New York State. There are many benefits for foster care children with this option. Kin placements are more stable, the children are less traumatized, and sibling relationships are more likely to be maintained. The option helps children who would otherwise age out of foster care find stability and freedom from the fear that they will be uprooted once again. Further, the option reduces the average length of stay in foster care significantly and does not affect reunification rates. We urge your support for this alternative path to permanency.

While we fully understand the state's fiscal reality, we believe these services deserve your attention and support. As you negotiate this budget and look at restoration of funds for a specific program or service, do not take funding away from programs benefitting children. Children need a solid foundation to become successful adults. They need a healthy start, effective education, and safe, thriving communities. We know that investments in services and supports for children, youth, and families save money, reduce crime, help working parents and create jobs. For the future of New York State, we need a budget that helps kids reach their potential.

I thank you for the opportunity to provide testimony and am available for your questions.

**2010-2011 TANF Funding Restoration Request
(Dollars in Thousands)**

PROGRAM	Executive Budget 21 Day Amendments Needed
ACCESS - Welfare-to-Careers	\$500
Advanced Technology Training and Information Networking (ATTAIN)	\$7,000
Advantage Schools	\$11,391
Alternatives to Detention / Alternatives to Residential Placement	\$10,752
Bridge	\$8,503
Career Pathways	\$10,000
Caretaker Relative	\$1,998
Centro of Oneida	\$125
Child Care CUNY	\$1,440
Child Care Demonstration Projects	\$10,900
Child Care Migrant Workers	\$1,754
Child Care SUNY	\$1,960
Community Reinvestment / Alternatives to Detention	\$5,000
Community Solutions to Transportation	\$2,200
Disability Advocacy Program (DAP)	\$1,000
Displaced Homemakers	\$5,600
Educational Resources	\$3,000
Emergency Homeless	\$2,000
Green Jobs Corps Program	\$5,000
Home Visiting	\$5,822
Local Interagency VESID Employment Services (LIVES)	\$1,500
Non-residential Domestic Violence	\$3,000
Nurse Family Partnership	\$5,000
Preventive Services	\$18,792
Refugee Resettlement	\$1,425
Rochester-Genesee Regional Transportation Authority	\$2,000
Settlement House	\$6,000
Strengthening Families through Stronger Fathers	\$2,764
Summer Youth Employment	\$35,000
Supplemental Homeless Intervention Program	\$5,000
Supportive Housing for Families	\$5,000
Wage Subsidy	\$14,000
Wheels for Work	\$7,000
Total	\$202,426

7

**TESTIMONY BEFORE THE
JOINT SENATE AND ASSEMBLY
BUDGET COMMITTEE**

Peter J. Walsh
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Members of the Joint Committee, I thank you for giving me the opportunity to speak and appear before you.

My name is Peter J. Walsh. I am a partner in the law firm of Walsh and Hacker at 18 Corporate Woods Blvd in Albany. Our firm is a defense firm, specializing in defending workers' compensation claims on behalf of self-insured employers, insurance carriers, third-party administrators and, in some cases, uninsured employers. I was admitted to the New York State Bar in 1991, as well as the Federal Bar for the Northern District of New York. I have spent my legal career at our law firm, representing our clients in workers' compensation claims.

Recently, it came to the attention of the New York State Bar Association that the Workers' Compensation Board, without solicitation from business, labor or the Bar, was intending to change, in a dramatic and definitive way, the adjudication process of the Board. The change that the Board was proposing was to severely restrict hearings before a Workers' Compensation Law Judge and propose that a majority of all cases be initially adjudicated by the Board without the parties and without the parties even given an opportunity to be heard before a Judge. When the Bar Association informally learned about this proposal, the New York State Bar Association's Tort Insurance and Compensation Law Section's Workers' Compensation Division reconvened a subcommittee of nine attorneys from across the state to study the proposed changes of

adjudication on the part of the Board and to interface with the Workers' Compensation Board Chair, Robert Beloten, and his staff.

The subcommittee was selected in a bipartisan manner and sought to examine the Board's proposals for adjudicating workers' compensation cases on a large scale, **without the benefit of a hearing or hearings**. I was one of the attorneys selected to serve for a two-year term on this subcommittee.

We soon learned from sources outside of the Chair and his staff that the Board, without solicitation or comment from the public, in fact had already begun, in a mechanical way, to prepare for the reshaping of the hearing process, which the Board designated as the "Business Process Improvement (BPI)." These changes included unifying the Board's computer system (CIS) across the state, as well as scheduling training dates for Board personnel. Later, we learned that the Board had selected a rollout date for the unified CIS as of February 26, 2010. Further, we learned that the BPI initiative was to be up and running in full by no later than March 2010.

It should be noted that the Board kept this process of transition secret from the public.

The subcommittee of the Workers' Compensation Division of the Bar interfaced with Chairman Beloten and his staff. These meetings were held in Albany and New York City, as well as a recent meeting of 1/29/10 involving **both** the subcommittee and the Workers' Compensation Division as a whole. This last meeting was held at the Hilton Hotel in New

York City with Chairman Beloten and his staff present, including Acting Deputy Director of Operations, Elizabeth Lott. Also attending this meeting, in part, was the President of the New York State Bar Association, Mr. Michael Getnick.

It should also be noted by the Committee that President Getnick of the Bar Association attended an earlier two-hour private meeting involving the WCL Division Subcommittee and Chairman Beloten, which took place on 1/14/10.

At the 1/14/10 meeting, also held in New York City, the primary focus of the meeting was the Board's proposed "Informal Resolution Initiative" as set forth in a letter of 1/5/10 from Chairman Beloten. At this meeting, Chairman Beloten assured the subcommittee and President Getnick that this initiative was "not a done deal" and that he "had not made a final decision" on the initiative.

Thereafter, at the meeting of 1/29/10 involving the subcommittee and the Workers' Compensation Division as a whole, Chairman Beloten assured members of the subcommittee and President Getnick of the Bar that the informal resolution process known as "BPI" was a "pilot program" limited to the Workers' Compensation Board District of Hauppauge in Suffolk County.

Additionally, the Chairman assured all members present at the meeting of 1/29/10 that he would be monitoring this "pilot program" and that he had made no decision regarding expanding this pilot program statewide.

On 2/3/10, within less than a week of that meeting, the Board transmitted to its employees via email a newsletter known as "Across the Board." This newsletter was quite illuminating, to say the least, as the newsletter itself clearly **contradicted the public statements of assurance** on the part of Chairman Beloten that the BPI proposal was a pilot program only.

In the newsletter, "Across the Board," Acting Deputy Director of Operations, Elizabeth Lott, put to rest any assurance that the "BPI" proposal was a pilot program. Not only did the newsletter clearly defy and contradict the public statements of Chairman Beloten, but the Board had gone one step further and renamed the proposal as "Managed Adjudication Path" without ever informing the Bar, labor or the business community.

It is shocking to the members of the subcommittee of the Workers' Compensation Division of the Bar Association that less than a week after being assured by Chairman Beloten that the Board was endeavoring to conduct a pilot program only in one of the Board's District Offices (Hauppauge), that the Board, **in fact**, was instituting a **full-fledged change in its operations and adjudication of workers' compensation claims STATEWIDE.**

It should be recorded that the newsletter "Across the Board" had been written, or was in the process of being written, at the time of our meeting with Chairman Beloten on

1/29/10, in which Chairman Beloten publicly assured all, including President Getnick of the Bar, that a localized pilot program alone was contemplated.

In noting the timing of the newsletter "Across the Board," it can be surmised or inferred that the Board has continued to operate in secret and, by design or otherwise, misled the subcommittee of the Workers' Compensation Division as to the extent of its proposals regarding future adjudication of workers' compensation claims.

Succinctly put, there was no reason why Chairman Beloten along with his staff, including Acting Deputy Director Lott, could not have been more forthright in announcing that, in fact, not only had the "BPI" undergone a name change, but further, was not a pilot program, but instead was an adjudication procedure to be in place statewide by March 2010.

It is troubling that the Board leadership continues to operate in this fashion. The continued public comments of the Chair are defied by the operations and mechanics of the Workers' Compensation Board, as well as the actions of his staff. It is apparent that the Board, without solicitation or comment from labor or business, has every intention of moving forward with this new adjudication process.

The Bar Association's subcommittee of the Workers' Compensation Division has reviewed this initiative now known as the "Managed Adjudication Path." After this review and evaluation, findings were transmitted to the Executive Committee of the New

York State Bar Association. Thereafter, the Executive Committee of the Bar formally objected to this "Managed Adjudication Path" or "Business Process Improvement." The reason is simple; due process rights of both injured workers and businesses will be violated en masse. There is no escaping this fact.

No longer will either injured workers or businesses be allowed to have their cases heard in front of a Judge before any initial substantive decisions are rendered. In fact, what the Board proposes doing is, without notice, rendering substantive decisions on a wide range of legal issues without a hearing, leaving it up to the parties to object within 30 days or be bound by these "Proposed Decisions" for life.

Further, the Board would involve non-legal personnel of the Workers' Compensation Board in the adjudication process, who, in turn, would decide matters of substance, including that of fact and law. Simultaneously, the Board is now moving to reclassify Board Conciliators as Workers' Compensation Law Judges. This reclassification, though, is not to provide more Judges to hear cases, but simply to provide more Judges to operate in the dark, generating Proposed Decisions without hearing proof or evidence.

The Board, if allowed to proceed, will have gone from an agency in which hearings are held before a Judge and proof is heard before a decision is made, to that of an agency deciding and adjudicating cases without proof, without hearing testimony, and without even entertaining the appearance of the aggrieved party or parties. In short, the Board is

putting the “cart before the horse” by rendering substantive decisions without hearing proof or evidence.

We would urge members of the Senate Labor Committee and Assembly Labor Committee, with all vigor, to oversee in this coming fiscal year the proposals and operations of the Workers’ Compensation Board as they affect the **due process rights** of both injured workers and employers.

Vigorous inquiry is needed and demanded at this point in time. It has become apparent that the Workers’ Compensation Board has initiated changes in the adjudication process which, in our opinion, have never been sanctioned by the New York State Legislature and violate both the literal meaning of the Workers’ Compensation Law and the spirit of the Workers’ Compensation Law itself. **Additionally, these initiatives are setting a precedent for poor public policy.**

We know of no charge or mandate from the New York State Legislature, directing the Board to restrict access on the part of aggrieved parties to the hearing process now provided for by the Workers’ Compensation Law. We know of no demand for such initiative on the part of the labor community or business community.

The Bar subcommittee has studied this Board initiative closely and can conclude, without equivocation, that the “Managed Adjudication Path” would violate the due process rights

of both injured workers and businesses. It can also be concluded that this initiative would have a disproportionate and disparate impact upon unrepresented injured workers.

The subcommittee of the New York State Bar Association's Workers' Compensation Division has examined the Board proposals and initiatives in a **bipartisan manner**. The subcommittee has concluded that these proposals on the part of the Board not only violate the due process rights of all parties, but further, the proposals may and do, at times, violate Section 20 of the Workers' Compensation Law, which allows for an open hearing process. Secondly, we have concluded that the Board's initiative arbitrarily disregards the conciliation process and procedures regarding informal resolution by failing to hold meetings as required by statute.

There is also a genuine concern that non-legal personnel of the Board will inevitably be contributing to the adjudication process and legal decision making, which, by statute, is reserved for a Workers' Compensation Law Judge or Board Commissioner.

The Board has failed to articulate why it is now abdicating its role as the arbiter of workers' compensation claims in an open and meaningful way. The Board has failed to articulate and justify its refusal to allow the open hearing process to continue. The Board has received no such directive or mandate from the State Legislature which would revamp the current open hearing process.

Accordingly, we have no alternative but to request and urge the State Senate and State Assembly to step in and begin overseeing more closely and in a more discerning manner the operations of the Workers' Compensation Board as it affects the due process rights of both injured workers and employers.

We urge both the Senate Labor Committee and Assembly Labor Committee to investigate the Board's actions through formal Committee hearings.

In addition, because of the serious concern on our part of potential violations of the due process rights of all parties, and all the ramifications associated therein, we would go so far as to urge the Legislature's Judiciary Committees to consider reviewing the Board's operations as it affects the due process rights of both the injured worker and employer.

In closing, we would ask the Senate and Assembly to inquire of the Board as to what purpose this initiative serves and for whom it benefits.

It should be asked of the Board as to what mandate they are operating under. It should be asked of the Board why, to date, they have failed to solicit comment from the labor community and the business community, or heed the concerns of the Bar Association.

The Board should be asked as to why, to date, it has failed to seek comment or opinion from the New York State Legislature and the relevant committees charged with overseeing the operations of the Workers' Compensation Board. Inquiry should be made

by the State Legislature of the Board as to why the Board is now beginning to put this initiative into statewide practice without disclosing the initiative to the public, including the New York State Senate and Assembly.

Undoubtedly, a vigorous inquiry is needed by the New York State Legislature so as to protect the due process rights of both the injured worker and employer, as at this time it can only be concluded that the Workers' Compensation Board is failing in this respect.

Thank you.

Respectfully submitted,

Peter J. Walsh
WALSH AND HACKER



BOYS & GIRLS CLUBS
NEW YORK ALLIANCE

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**NEW YORK STATE BUDGET HEARING – HUMAN SERVICES
TESTIMONY – NYS ALLIANCE OF BOYS & GIRLS CLUBS**

RESTORE CRITICAL FUNDING TO AFTERSCHOOL PROGRAMS
*Advantage After School, Extended Day and Summer Youth Employment critical
funding streams for Boys & Girls Clubs*

The NYS Alliance of Boys and Girls Clubs, representing 51 organizations and 181 clubhouses across New York and serving over 250,000 of New York's most at risk children every year, urges for the restoration of critical afterschool funding in the 2010-2011 budget. Proposed cuts to Advantage After School, Extended Day School Violence Prevention Program and the Summer Youth Employment Program would mean the immediate closure of Boys & Girls Clubs across the state, and the elimination of staff and essential programming.

If enacted, these cuts would represent the smallest state investment in afterschool funding in 10 years, and would jeopardize a field that employs 50,000 New Yorkers in after school programs, 25,000 of which are in New York City. The cuts to Advantage after school alone would mean the potential elimination of up to 3,000 jobs.

With rising high school drop-out rates and increasing incidences of gang violence and delinquency in our neighborhoods, **now is not the time to reduce our investment in afterschool programming.** Working families across New York depend on the programs that Boys & Girls Clubs across the state provide to ensure the safety of their children and to promote the healthy academic and social development of our youth.



It is critical that the following afterschool funding streams are restored in the 2010/2011 budget:

▶ **Restoration of \$30.5 million to the Advantage After School Program through the Office of Children and Family Services (OCFS).** The Governor's Proposal reduces Advantage by nearly \$11 million. If enacted, nearly 9,000 kids will not have access to Advantage programs in the coming school year. Boys & Girls Clubs would be forced to immediately close clubhouses in Buffalo, Rochester, Rensselaer, Utica and Long Island.

▶ **Restoration of \$27.8 million for the Extended Day/ School Violence Prevention Program through the State Department of Education (SED).** Without restoration of this funding, sites will be eliminated across the state and hundreds of youth will be affected.

▶ **Support the Executive Budget recommendation to fund The Youth Development and Delinquency Prevention Program (YDDP) and Special Delinquency Prevention Program (SDPP) at \$28,243,400 an increase of \$784,567 from SFY 2009-10 and the Runaway Homeless and Youth Program at \$4,711,600, an increase of \$130,933 from SFY 2009-10.**

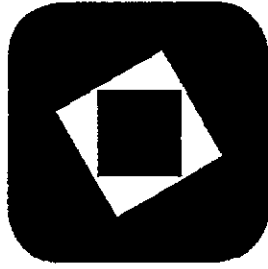
▶ **Restoration of funding to the Summer Youth Employment Program (SYEP) to \$35 million** so that 25,000 young people statewide can continue to work and provide essential services in the communities where they live.

Consider the impacts of SYEP at Boys & Girls Clubs across the state:



- Boys & Girls Club of Kips Bay Club, Bronx, New York – 1000 kids are serviced through summer youth employment program
- Boys & Girls Club of Glen Cove, Long Island – 32 youth serviced through summer youth employment program
- The Educational Alliance, New York, New York – 25 Youth in Summer Youth Employment program
- Children’s Aid Society of New York – 700 youth to be impacted to cuts to the Summer Youth Employment Program.
- Variety Boys & Girls Club in Queens – approximately 75 youth impacted by cuts

We urge the legislature to restore funding to these critical after school programs and support the working families in New York State.



8

early care &
Learning COUNCIL

New York's child care resource network

**Testimony Before the Joint Fiscal Committees
On the SFY 2010-2011 Executive Budget
Human Services Hearing
February 10, 2010**

My name is Susan Antos and I am the Public Policy Chair on the Board of Directors of the Early Care & Learning Council (formerly the New York State Child care Coordinating Council). I am providing testimony on behalf of Carol Saginaw, the Executive Director of the Council, who was unable to be here today. The Early Care & Learning Council is a statewide, not-for-profit organization, whose mission is to promote excellence in early care and education with equal access for all families. We do this primarily through the support of, and in partnership with, a strong network of community-based organizations that provide Child Care Resource and Referral (CCR&R) services. We work in collaboration with other early care and education professionals and organizations towards the establishment of a comprehensive system that responds to the needs of all families regardless of income, cultural background or family composition; adequately prepares and compensates the early childhood workforce; and involves all segments of the state and local community in the planning process. The Council provides training, technical assistance, data collection, information and public education services to organizations, state and local government, businesses and concerned individuals across the state.

The Council is also a co-convener of Winning Beginning NY and I am also testifying today on its behalf. Winning Beginning NY is a statewide coalition of more than 60 organizations and individuals committed to quality early learning opportunities for all children.

beginning at birth. *Winning Beginning NY* works to inform policymakers and the public about the many benefits of early learning to children, families and society and to build broad-based support for making investment in quality early care and education a top priority in New York State.

The Council and *Winning Beginning NY* fully understand the dire fiscal situation we face in New York State. But maintaining current funding levels and investing money in programs that work—programs that will positively impact New York’s State’s families in the short-term, during this crisis, while setting them up to succeed in the long-term, when the crisis has passed is the smart thing to do.

As such, we urge the Legislature to:

- Prevent the loss of child care subsidy funding for low-income families across the state.
 - Add \$40-\$50 million to the state child care block grant.
 - Restore Temporary Assistance for Needy Families (TANF) funding for SUNY/CUNY child care, migrant child care, and child care demonstration programs.
- Restore funding for afterschool programs to FY09-10 levels. This includes a restoration of Advantage Afterschool funding to \$30.5 million and extended day programs to \$27.8 million.
- Restore funding for home visiting programs.
 - Restore funding for the Healthy Families New York (HFNY) program for a total of \$25 million.
 - Restore \$5 million in funding for the Nurse-Family Partnership (NFP) program.

CHILD CARE SUBSIDIES

Child care is a critical part of the daily lives of thousands of New Yorkers with young children. Parents rely on child care in order to go to work and, most importantly, to know that their children are well cared for and safe. For many families, especially low-income working families, cost places high quality care beyond their reach, leaving parents to make the difficult choice of giving up quality for affordability. This is particularly problematic because there is a persuasive body of research that has found that high-quality care is beneficial to young children, but poor quality care can be harmful. And the impact of quality early childhood experiences is pronounced for lower income children, who are more likely to start school behind higher income classmates.

Yet, child care funding in New York State has never kept up with need. According to the National Center on Children in Poverty at Columbia University, there are 1.3 million young children in New York State; 40% of them live in low-income families. Many of those families need child care subsidy assistance to place their children in regulated child care settings but only a portion will receive that assistance. Last year, we told you that the unduplicated count of children receiving subsidies in NYS fell from 259,386 in FFY 2003-2004¹ to 213,171 2007, a drop of 46,000 children. The NYS Child Care and Development Plan submitted to the federal government this past year indicates a further decrease of nearly 1100 additional children.

During FY 2009-10, the State used both roll-over funding from 2008-09 and new ARRA funds to fill gaps in county subsidy programs. Yet, we know that counties have been running out of child care funding and hundreds of families saw their child care subsidies eliminated, forcing them to pull their children out of child care programs and placing their own ability to work in

¹ NYS Child Care and Development State Plan April 2005

jeopardy. While we greatly appreciate the Governor lining out child care funding in TANF in his Executive Budget, there remains an overall decrease in child care dollars.

New York State must invest in child care to keep low income wage earners employed. Without a commitment to provide child care to all eligible working families, the subsidized jobs programs funded with ARRA money will fail while low income parents who already have jobs find that their ability to keep them is in jeopardy. We urge the legislature to ensure that child care subsidies are protected from further decline and to allocate \$50 million in additional funding for child care slots in this year's budget.

Child care subsidies help student parents who are seeking an education to better provide for their families and who may need child care subsidy assistance to be able to go to school while parenting a young child. The Executive Budget this year eliminates child care subsidies for SUNY and CUNY student parents. Also eliminated is a Facilitated Enrollment program that reaches out to low-income working families and helps them to obtain much needed child care subsidy assistance. Both programs need to be restored.

I usually talk to you about the importance of high quality child care and its impact on a child's ability to succeed in school and life. But I want to also want you to know that investment in child care should be part of any economic development strategy. In 2004, the Early Care & Learning Council published a joint report with the Cornell University Department of City and Regional Planning titled *Investing in New York: An Economic Analysis of the Early Care and Education Sector*. We found that the early care and education sector included more than 22,000 small businesses that employed 119,000 workers; it served more than 750,000 working parents and generated \$4.7 billion in gross receipts.

Our study also found that early care and education is an important economic sector because of its direct contribution to the New York economy and through linkages to other industries as part of the regional economy. The sector employs workers and generates revenues. Child care businesses and their employees also spend money in New York State to purchase goods and services, stimulating economic activity in other industries. Our regional economic analysis showed that each additional dollar spent in the early care and education sector generated a total of \$1.50-\$2.00 in the broader NYS economy. We are in the process of updating our report, but it is clear that early care and education has a positive economic impact, even in the short term and investing in this sector makes good economic sense.

However, the primary impact of the early care and education sector is its investment in our collective future – preparing children for school and building the foundation for our future workforce, as well as enabling parents to work. At an event earlier this month hosted by Senator Montgomery, Assemblyman William Scarborough, the Committee on Economic Development and Winning Beginning NY, Lieutenant General Robert J. Winglass, of the US Marine Corps (Ret.) & Executive Advisory Council Member of Mission: Readiness - Military Leaders for Kids, stated that 75% of those applying to the military are rejected for the following reasons: the lack of a high school diploma, the presence of a criminal record or because of a physical disability. For thirty-three percent of those with a physical disability, the disability is obesity. High quality early childhood programs can make a difference and prevent many of these problems from surfacing later in life. He is concerned about the future of the military and the future of our country. It is for these reasons that Lt. General Winglass has become a staunch early care and learning advocate.

We urge you to be as well and to add \$40 million to the state child care block grant to allow the same number of children to access child care subsidies as last year and to

restore critical subsidy funding to the Temporary Assistance for Needy Families (TANF) funding for SUNY/CUNY child care and child care demonstration programs.

MENDING THE PATCHWORK: STATEWIDE STANDARDS FOR THE ADMINISTRATION OF CHILD CARE FUNDING WOULD CREATE A FAIR AND EQUITABLE USE OF FEDERAL AND STATE FUNDS

Against the backdrop of limited funding is New York's archaic system of allowing eligibility rules and parent fees to be determined on a local basis. Although more than 81% of child care funding is federally and state driven, with less than 10% of the cost paid with local funding, the cost of a child care subsidy and many eligibility rules are determined at a local level. These locally driven policies are listed by each social services district in a plan that is filed biennially with the Office of Children and Family Services. These rules mean that the child care subsidy program is administered differently all over the state.

For example, the cost of child care for similarly situated families varies dramatically depending upon the county where they live. Recipients of child care subsidies with incomes over the poverty level pay a percentage of their income over the poverty level as a parental co-payment. But that co-payment percentage is chosen by the county. In Schenectady County a family of three at 200% of poverty pays 35% of its income over the poverty level or \$6408 per year (\$123 per week) for a child care slot; in Albany County the same family would pay 15% of its income over the poverty level - \$2746 per year or \$52 per week.

Providers get paid for absences in some counties but not others (53 counties pay for absences; 4 do not); parents with young children who work nights can get a subsidy to pay for child care while they sleep during the day in 47 districts (but not all pay for eight hours of sleep); the income of 18 and 19 year olds is counted towards eligibility for a subsidy in some

counties when determining household eligibility and not in others (23 social services districts count teen income only if it benefits the family; others don't count it or count regardless of its effect on eligibility).²

To make matters more confusing, counties can change their rules by simply amending their plans. This means that parents are not able to budget and plan properly. From year to year, their co-payments and their very eligibility may change at any time. It would increase the economic stability of low income working families and provide a safe nurturing foundation for the next generation if New York State established statewide standards for the rules of its child care subsidy programs. Sufficient money should be set aside in this year's budget to assure a smooth transition to a fair and equitable subsidy system proposed. The Early Care and Learning Council and Winning Beginning endorse the three year plan set forth at the conclusion of the Mending the Patchwork Report.

AFTERSCHOOL FUNDING

Afterschool programs keep children safe, improve school achievement, prevent crime and help parents go to work every day. They also employ thousands of people across New York State. Proposed cuts to afterschool programs will eliminate access to programs for more than 10,000 children and between 1,000 and 3,000 adults will lose their jobs in afterschool programs.

Research on after-school programs has shown:

- **After-school programs reduce the high school dropout rate.** Kids who attend high quality elementary and middle school after-school programs are less likely to drop out of high school than non-participants. An analysis of ninth grade students

S. Akhtar and S. Antos. *Mending the Patchwork: A Report Examining county by county inequities in Child Care Administration in New York State*. January, 2010. Available on line at:
<http://www.empirejustice.org/assets/pdf/publications/reports/mending-the-patchwork-1.pdf>

who, in middle school, formerly participated in afterschool programs showed that participants had higher daily attendance in high school and credit accumulation than matched nonparticipants.

- **After-school programs help prevent crime, drug use, and teen pregnancy.** Violent juvenile crime triples during the hours from 3:00 to 8:00 PM, and it is during these same hours that children face the most serious danger of becoming victims of crime. Law enforcement organizations endorse high-quality afterschool programs because they help reduce violence, theft, vandalism, gang activity, and other adolescent crimes.

Consistent participation in quality after-school programs helps reduce youth experimentation with alcohol and other dangerous drugs, and reduces the risk of teen pregnancy. A survey of New York teenagers conducted by Fight Crime: Invest in Kids found that teens unsupervised after-school were four times as likely to have smoked cigarettes, three times as likely to have had sex, and four times as likely to have used drugs than teens who were supervised.

- **After-school programs are cost-effective:** Every dollar invested in high-quality afterschool programs saves taxpayers roughly \$3, according to a study by the Rose Institute at Claremont McKenna College. Factoring in benefits from crime reduction raises that savings to \$8-\$12 for every dollar invested in an at-risk child.

We urge the State to restore funding for afterschool programs, including \$30.5 million for Advantage Afterschool Program through OCFS and \$27.8 million for SED's Extended Day/ School Violence Prevention Program.

HOME VISITING FUNDING

Home visiting is a model that dates back to Victorian England and was endorsed by Florence Nightingale in the 19th century. It relies on home visitors—either nurses or other trained personnel—to provide regular home visits to educate expectant and new parents about prenatal care, infant care, child development and parenting skills.

Research shows that home visiting decreases infant mortality rates, helps prevent child abuse, and increases school readiness. Home visiting programs work to promote the development of family self-sufficiency by enhancing financial management skills and building knowledge of employment, and quality early care and education options. These are critical points to ensure a family's participation in overall community economic development. Home visitors work with parents to ensure their continued family success throughout life, and have been proven to not only promote child well-being and development, but to lift families out of financial instability.

Healthy Families New York (HFNY) serves more than 5,000 families a year in some of New York's highest need communities, with a proven track record of better outcomes for children in high-risk families. The state's stringent randomized trial evaluation of HFNY demonstrated improved health and development, and decreased abuse and neglect. The program employs nearly 500 people in 39 communities across the state.

HFNY was funded at \$25 million just two years ago. The 2010 Executive Budget would cut funding to only \$15 million, effectively closing programs across the state. **We urge the state to restore funding to HFNY—to \$25 million.**

The Nurse-Family Partnership (NFP) program is active in New York City and in Monroe and Onondaga counties, serving an estimated 2,500 families. **We urge the state to restore funding for NFP—\$5 million.**

I appreciate the opportunity to come before you today to talk about the importance of continuing your investment in a comprehensive high quality early care and learning system, I look forward to continuing to work with you to ensure that all of New York's children truly have a Winning Beginning.

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**JOINT LEGISLATIVE HEARING ON HUMAN SERVICES
2010 BUDGET – February 10, 2010**

KINSHIP CARE: A Natural Resource

Presented by Gerard Wallace, Esq.

In New York State, more than 300,000 children live in private kinship families. Less than 26,000 children are in state foster care. The added cost of forty-five children leaving kinship care and entering the formal system will equal the OCFS Kinship Program's proposed 2.1 million dollar budget reduction.

Major Recommendations:

- Sustain funding for the Office of Children and Family Services Kinship Program – approximately \$2,998,000.
- Enact Relative Guardianship for children in kinship foster care and include provisions ensuring kin access to foster care and to guardianships with more permanency.
- Enact laws that address specific private kinship issues.

Introduction

I am the Director of the Kinship Navigator, a program operated by Catholic Family Center in Rochester, New York and administered by the Office of Children and Family Services (OCFS). The Navigator provides information, referrals, and assistance to kinship caregivers across New York State via a toll-free phone line and a website. We refer kinship caregivers to twenty-one OCFS funded regional kinship programs as well as to other kinship services. Our work helps support the needs of kinship families in every county. I am also the co-chair of the NYS Kinship Coalition, whose members represent over sixty service providers interested in kinship issues.

The purpose of this testimony is to identify “informal” (private) kinship care as an important policy issue, to note its benefits for children at risk, to briefly review New York’s current response, and to make recommendations for the 2010 Legislative Session.

For the past fifteen years, my work has focused on improving the circumstances of kinship families, especially regarding their access to services and their legal rights. Beginning at Albany Law School in 1996, and then continuing through five years as the director of the Grandparent Caregiver Law Center at Hunter College, and then in my current role, I’ve traveled across New York, from Plattsburgh to Stony Brook, from Buffalo to Albany, Binghamton, Brooklyn, and just about everywhere in between. I’ve interviewed over five thousand caregivers. Over that period, beginning with the Personal Responsibility and Work Opportunity Act, then the Adoption and

Safe Families Act, and the recent Fostering Connections Act, child welfare policies have increasingly recognized that kin are the one large scale resource for children at risk.

However, like other states, New York's policies in support of kinship families are still developing, and there are many unanswered questions about the role of kinship care in child welfare. Given the conclusive evidence that kinship care is both good social policy and good fiscal policy – because it keeps children with their families, gets better outcomes, and costs less than foster care – New York should sustain its current support for kinship families and begin to address the larger question: How does kinship care fit into the State's child welfare policies?

For starters, here are some key kinship facts:

- There are two systems of kinship care – public (formal/foster) care and private (informal) care.
- The number of children in private kinship care is at least ten times larger than those in foster care (combined kinship and non-relative foster care).
- Child welfare policies are shifting towards higher utilization of kin.
- National studies show better outcomes for children in kinship families than in non-relative foster families.
- Relative guardianship, also called kinship guardianship, is very similar to an adoption subsidy. It refers to kinship foster parents who receive a subsidy after leaving foster care.
- Enactment of a relative guardianship program will place more children in the informal system.
- All kinship families face special challenges and need specialized services.
- Upstate, almost all kinship families are private. Unlike New York City, kin have very limited access to foster care.
- The Office of Children and Families provides services for the private, informal system via 21 regional kinship programs covering 30 counties and one statewide Kinship Navigator – the current cost is \$2,998,000.
- The Governor's proposed budget cuts funding to \$898,000.

Definition and Scope of Kinship Care

Kinship care refers to non-parental care of children. It is the full time care of children by grandparents, relatives, and sometimes family friends, without the assistance of parents. While the phrase kinship care is occasionally used as shorthand for kinship foster care, it applies both to formal and informal care. In an attempt to identify the distinction, the 2000 report to Congress

on kinship care used the term "public kinship care" to refer to kinship foster (formal) care and "private kinship care" to refer to non-foster (informal) care. For this discussion, I'll use these terms. And reference to "kinship" - without a qualifier - will refer to public and private kinship care.

In New York State, according to the last Census, close to 400,000 children live with grandparents (6.3% of all the children in the State). There are another 111,806 children living in households headed by other relatives.

The last Census also tracked grandparents who were responsible for children, showing that there were 143,014 grandparent caregivers solely responsible for children in their homes (83,946 in New York City). While there is no conclusive statistics for the growth of kinship care, the Federal Interagency Forum on Child and Family Statistics estimates that grandparents make up 61%, other relatives 29%, and non-relatives (fictive kin) 10% of kinship caregivers. The total number of kinship caregivers is very likely to exceed 200,000 - providing care for between 300,000 to 400,000 children. Roughly 58% of kinship families are in the metropolitan area, with the other 42% living Upstate. See attached data from 2000 Census.

Statistical Comparison between Public and Private

According to the Council on Children and Families' Kids Well-Being Indicators Clearinghouse, in 2008, 25,925 children were in foster care, with 6,192 placed in public kinship foster care (5,565 in NYC; 627 in the rest of the state).

In 2008, fewer than 6,200 children were in public kinship care. More than 300,000 were living with kin in private kinship care.

Children Benefit - Better Outcome

Child welfare experts understand that kinship care is the only large scale, effective resource for children whose parents cannot or will not parent. Yet, until recently, most of the attention focused on public kinship care. However, keeping children in private kinship care is an increasingly integral part of child welfare policies.

The reasons are evident. Private kinship care is the natural ally of foster care. Both are family focused and both are dedicated to the well-being of children. And most importantly, children do better with kin and private kinship care is less expensive than foster care.

There are numerous studies showing children raised by family members live in safer and more stable homes than children in the care of non-relatives. An article in *Families in Society: the Journal of Contemporary Social Services*, "Matched Comparison of Children in Kinship Care and Foster Care on Child Welfare Outcomes," by Winokur, Crawford, Longobardi, and Valentine, emphasizes this fact:

"The documented growth of kinship care has boldly thrust this topic into the forefront of child welfare practice. This study compares the permanency, safety, and stability outcomes for a matched group of children placed in kinship care and foster care. After

controlling for demographic and placement characteristics, children in kinship care had significantly fewer placements than did children in foster care, and they were less likely to still be in care, have a new allegation of institutional abuse or neglect, be involved with the juvenile justice system, and achieve reunification. These findings call for a greater commitment by child welfare professionals, policy makers, and researchers to make kinship care a viable out-of-home placement option for children and families."

A June 2008 study, published in the "Archives of Pediatric and Adolescence Medicine," conclusively shows that children have better outcomes with relatives than in stranger foster homes (*see attached abstract*). This study has bolstered policy arguments supportive of private and public kinship care and contributed significantly to the passage of the federal "Fostering Connections Act." (*See attached abstract of Journal article*).

Causes of Kinship Care

Children come to live in private kinship care, with grandparents and other relative caregivers, for many of the same reasons that children enter foster care, because their parents abused, neglected or abandoned them, or their parents are alcohol and/or substance abusers, are deceased, deployed, mentally ill or unable or unwilling to parent.¹ These circumstances cause many kinship children to face special challenges, including higher rates of developmental disabilities,² emotional problems,³ physical and learning disabilities,⁴ bereavement issues, attachment disorders and parental alienation.⁵

Special Challenges

Kinship caregivers confront special challenges. Kinship caregivers average 56 years of age, with a significant number in their sixties or older. They are disproportionately poor, with 20% at or near the poverty level. Many caregivers are on fixed retirement incomes. Caregivers experience enormous stresses, related to caring for the very young or for teenagers, their relations with parents, custodial issues, and problems accessing services.

They may be suddenly confronted with the need to leave the workforce in order to care for children. The children's parents frequently remain involved either directly or peripherally with

¹ Smithgall, C., Mason, S., Michaels, S., LiCalsi, C., & Goerge, R. (2006). *Caring for their children's children: Assessing the mental health needs and service experiences of grandparent caregiver families*. Chapin Hall, University of Chicago.

² Kinney, J., McGrew, K., Nelson, I. (2003). *Grandparent Caregivers to Children with Developmental Disabilities: Added Challenges*. New York: Springer Publishing Company.

³ Smithgall, C., Mason, S., Michels, S., LiCalsi, C., & Goerge, R. (2006). *Caring for their Children's Children: Assessing the Mental Health Needs and Service Experiences of Grandparent Caregiver Families* Chapin Hall Center for Children: Summary Sheet 103.

⁴ A study conducted in 1994 found that 70 percent of grandparents reported caring for a child with one or more medical, psychological or behavioral problems. Lai, D. & Yuan, S. (1994). *Grandparenting in Cuyahoga County: A report of survey findings*. Cleveland, OH: Cuyahoga County Community Office of Aging.

⁵ "Over a quarter of the caregivers (27.5%) indicated that the child had a disability." Gleeson et al. (2008). *Individual and social protective factors for children in informal kinship care*. Jane Addams College of Social Work, University of Illinois at Chicago.

the children, although not in a parental role. Elderly caregivers may be dealing with their own health issues.

Grandparents and other relative caregivers also face barriers related to benefits, services, and custodial rights. Private kinship caregivers face challenges enrolling children in school, getting medical care, standing in custodial procedures, access to legal services, and obtaining benefits. Kinship families have very few specialized services, and can face barriers when seeking general services that are readily available to parental families.

Federal and State Laws Place More Children in Private Kinship Care

Despite the relatively modest funding for private kinship care services, state and federal laws place increasing reliance upon private kinship placements. Recent federal legislation, signed into law by President Bush on October 8th, 2008, emphasizes the importance of such placements. The "Fostering Connections to Success and Improving Adoptions Act" is the most far-reaching child welfare act since the 1997 Adoption and Safe Families Act, and its key provision focuses on getting children out of foster care and into informal private kinship care. If New York enacts relative guardianship, more children will enter public kinship care and more will subsequently exit to private kinship care.

Additionally, recent changes to the Family Court Act facilitate kin becoming custodians of children who are subject to Article Ten neglect/abuse proceedings, and will result in more children entering the private kinship system (Family Court Act 1055-b, 1089-a). And in Upstate New York, the predominant placement option is "direct" custody ("1017" placements or "N docket"); where children are placed in custody of kin, who are not foster parents, pursuant to Article Ten proceedings. As mentioned, fewer than 620 children are in kinship foster care. More than 1,500 live with kin pursuant to "direct" custody.

Funding for the OCFS Kinship Program

New York has a state-sponsored network of services for private kinship families, via discretionary "Caregivers Support Act" funding, administered by the Office of Aging, which funds area offices on aging programs in about twenty counties. A much larger program is administered by the Office of Children and Family Services (OCFS), which funds the Kinship Navigator and 21 direct service programs in thirty counties (the Navigator website has a county listing of kinship services).

In 2005, New York appropriated \$1.4 million dollars for nine regional kinship programs. Later it added another \$750,000 for four more regional programs and the statewide Kinship Navigator. Last year, another nine programs were funded, bringing the total funding to just under three million dollars. But in the Governor's proposed budget, the entire \$1,998,000 of TANF funding is cut. Also, general funds are cut by 10% to \$677,500 for the twenty-one programs and to \$220,500 for the statewide Navigator (*see attached summary of cuts*).

Kinship Care Saves Dollars

These cuts will cost the state more money than they save by keeping children in private kinship care and out of foster care. According to OCFS, the average cost of a child in non-specialized

foster care is \$22,000 per year and according to Erie county social services department, the indirect costs to the county and state total another \$24,000 per year. One child in state care costs at least \$46,000. And for children with special or exceptional needs the cost is tens of thousands more.

The cost of just forty-five children leaving private kinship care and entering foster care will equal the proposed two million cut to the Kinship Program.

OCFS Regional Programs and Navigator

The OCFS Kinship Program is a valuable support for the private kinship community. There are many stories of kinship families who've improved stability and well-being because of program interventions. Other OCFS programs are submitting testimony describing instances where their programs kept children from entering foster care. Letters and postcards from kinship caregivers to their legislators also underscore the value of these programs.

Services include case management, advocacy, legal assistance, information and educational workshops, caregiver peer mentoring and support, children's programs, leadership development, emergency funds, advocacy, and referrals.

Many of the OCFS Kinship Programs are national models. For instance, Presbyterian Senior Services in the Bronx operates a grandparent apartment building that is a nationally known model for such projects; Cornell Cooperative Extension publishes the award winning series, "Parenting a Second Time Around;" and Catholic Family Center's Kinship Care Resource Network (KCRN) won the 2008 Catholic Charities USA national Family Strengthening award.

Even more importantly, the OCFS Kinship Program operates a state-wide evidenced-based database. The OCFS Kinship Program is the first kinship program in the country to institute such a data collection system. Utilizing close to \$80,000 from non-state sources, Catholic Family Center has implemented specialized Efforts to Outcome (ETO) software that tracks outcomes and will provide the first in-depth statewide profile of kinship families for all twenty-two programs. This program is administered by the NYS Navigator, where aggregate data is collected and made available to OCFS.

In its third year of operation, the NYS Kinship Navigator provided information, referrals, and assistance to over 3,000 caregivers and information via its web site to over 69,000 unduplicated web site visitors. See attached Navigator statistics and www.nysnavigator.org. And this spring, the Navigator will be a featured resource in notification forms published by OCFS for kin who are considering their options and a featured resource in a new notification form distributed by the criminal justice system to parents who are arrested or incarcerated. The program expects call volume, which is now at almost 400 callers per month, to exceed 500 by mid-2010.

OTDA "Child-Only" Grants

Informal kinship families are eligible for special public assistance grants, commonly called "child-only" non-parent grants that provide monthly stipends for care. As a general rule, relative

caregivers receive public assistance for the children in their care via "non-parent" grants, which are calculated without any reference to the income of the adult relative caregiver.

According to the Office of Temporary and Family Assistance, fewer than 35,000 children are receiving these grants. Despite an informational letter, issued by Commissioner Doar and re-issued by Commissioner Hansell, there are still widespread problems with access to these grants. Barriers are described in three NYS KinCare Coalition reports and the NYC KinCare Coalition's June 2009 survey. Additionally, there is a need for more outreach to make private caregivers aware of the grant.

Kinship Care and Child Welfare Policy

Both public and private kinship care are important elements of child welfare policy. Yet, many issues remain unaddressed. For public kinship care, examples are: access to foster care, the use of "direct" custody in neglect proceedings, protections for guardians from repeated petitions challenging their custody, how to certify kin as foster parents, and using family finding. For private kinship care, they include: access to non-parent grants, becoming a foster parent, more specialized services (incarcerated parents, children's trauma, control of teenagers, mental health needs), school enrollment residential determinations, legal assistance, and caregiver custodial rights. In sum, more attention is needed to kinship care in order to develop policies and laws that comprehensively address the use of kin as a resource for children.

Budget Recommendations

- **Sustain OCFS Kinship Funding at Original Levels**

With the financial recession hitting hardest at families who are at or near poverty and the prospect of increased incidences of child abuse and neglect, this is not the time to end assistance to the only large scale child welfare resource. In fact, the Kinship Navigator and the original 13 programs are already at capacity. Given the shift in child welfare towards support for kinship families, it would be better to add rather than subtract funding.

- **Enact Relative Guardianship Subsidy**

The Governor proposed relative guardianship program (Article VII, Education, Labor and Family Assistance bill (pages 127-38)), which alongside S.3867 (we also support S.3867's education stability provisions and note that similar issues are faced by private kinship families) and other legislative bills, show the State's strong interest in enacting subsidized guardianship. We support enactment of a relative (kinship) subsidy, but we emphasize that more needs to be done to provide kin with access to foster care and to create real permanency for these guardians. Note that in Upstate only 627 children were in public kinship care in 2008. We believe that kin need an **expedited certification process**, rather than the current prolonged waits for MAPP training.

We recommend use of the "Caring for Our Own" program, published by the Center for Development of Human Services at Buffalo State College and already used by some local social services. Children should be placed with kin before they complete this certification training. And the training should be offered frequently and at convenient locations. See the recent Monroe County Family Court decision, *Matter of Jermaine*, November 29, 2009.

We also believe that permanency for children exiting foster care with relative guardianship agreements would be improved by including “permanent guardianship” as an option in relative guardianship agreements. Currently, neither the Office of Court Administration nor the Governor’s bill provide this option.

Recommendations Addressing Private Kinship Care Issues

Other issues that merit attention include:

- **Extending Domestic Relations Law Section 72’s two-year residency period** that qualifies as an “extraordinary circumstance” to *all* kin;
- **Eliminating the lack of uniformity in school enrollment standards** (school districts are using payment of support by parents or lack of custody or guardianship orders as justifications for rejecting enrollment applications, and;
- **Simplification of the public assistance application** for non-parent grants so that both applicants and social services staff understand who may apply for these grants.

For a more complete list of recommendations, see the two Kinship Summit reports at <http://www.nysnavigator.org/sf/documents/2008reportwithchanges.pdf>; <http://www.nysnavigator.org/sf/documents/2005report.pdf> (A third Kinship Summit is scheduled for June 23rd, 2010 at the Crowne Plaza and will publish a report on special kinship issues: incarcerated parents, mental health, education, legal assistance, and access to social services).

Summary

The job of providing a bundle of rights, authority, and assistance to kinship families has come a long way in the past ten years, but there is more to do. More support for these families can provide better outcomes for more children, save state and local dollars, and reduce the strain on OCFS’s child welfare system. New York should continue to increase its investment in kinship families.

Attached Documents

2000 Census Grandparent Caregivers by County
Archives of Pediatric and Adolescent Medicine June 2008 article on impact of kinship care
Governor’s proposed budget cuts
Navigator statistics - Year Three

Contact

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2000 Census Grandparent Caregivers by County And OCFS Regions

Buffalo Regional Office Region I	# of grandparents responsible for their grandchildren
Allegheny	266
Cattaraugus	576
Chautauqua	840
Erie	5,049
Genesee	360
Niagara	1,216
Orleans	260
Wyoming	212
Region I Total	9,261

Rochester Regional Office Region II	# of grandparents responsible for their grandchildren
Chemung	712
Livingston	245
Monroe	4,963
Ontario	376
Schuyler	211
Seneca	128
Steuben	563
Wayne	539
Yates	153
Region II Total	7,890

Syracuse Regional Office Region III	# of grandparents responsible for their grandchildren
Broome	1,221
Cayuga	359
Chenango	314
Cortland	229
Herkimer	381
Jefferson	623
Lewis	126

2000 Census Grandparent Caregivers by County And OCFS Regions

Madison	340
Oneida	1,251
Onondaga	2,829
Oswego	736
St. Lawrence	720
Tioga	394
Tompkins	276
Total Region III	9,799

Albany Regional Office Region IV	# of grandparents responsible for their grandchildren
Albany	1,292
Clinton	452
Columbia	313
Delaware	207
Essex	201
Franklin	206
Fulton	308
Greene	235
Hamilton	28
Montgomery	265
Otsego	257
Rensselaer	768
Saint Regis Mohawk Indian Reservation	
Saratoga	716
Schenectady	726
Schoharie	195
Warren	209
Washington	414
Region IV Total	6,792

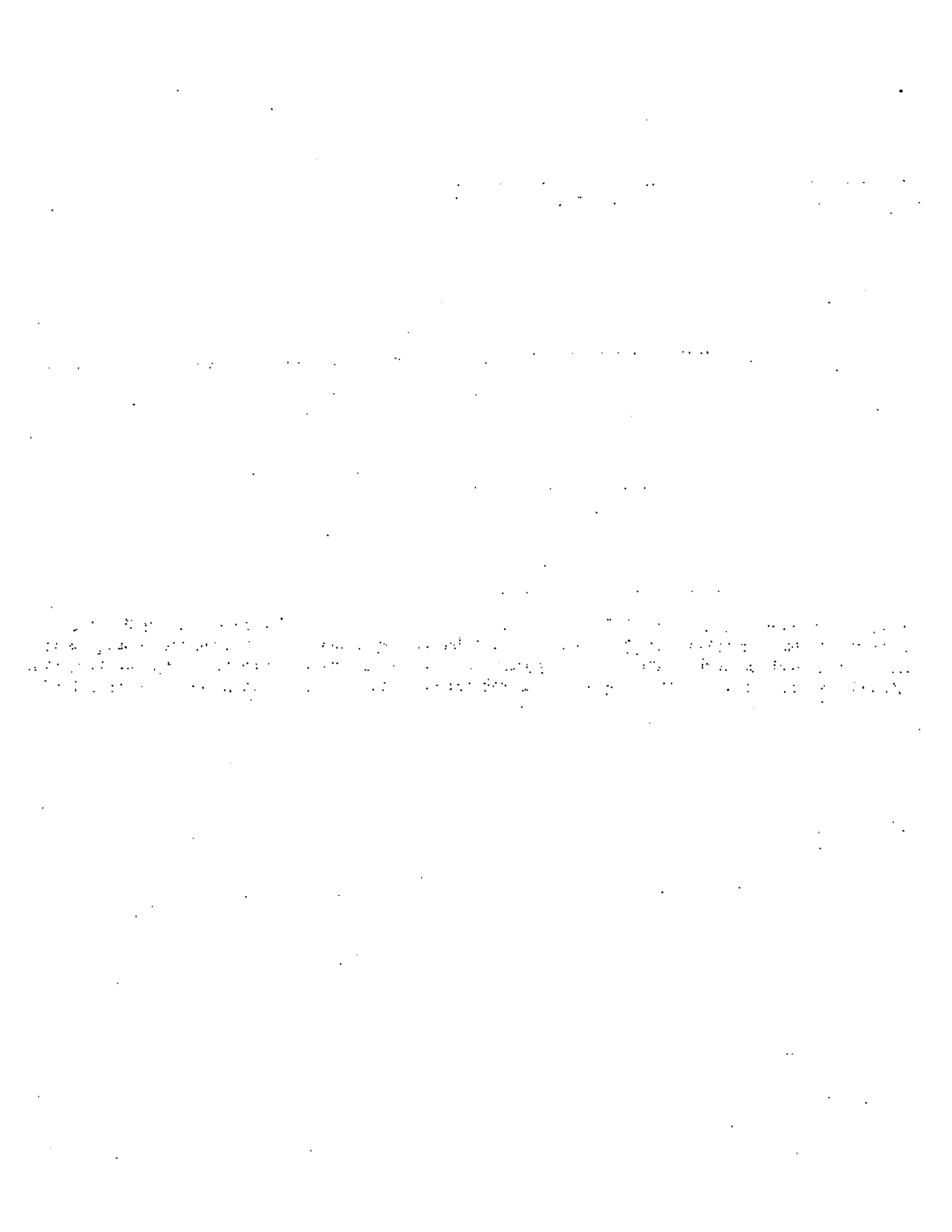
Spring Valley Regional Office Region V	# of grandparents responsible for their grandchildren

2000 Census Grandparent Caregivers by County And OCFS Regions

Dutchess	1,505
Nassau	6,776
Orange	1,904
Putnam	334
Rockland	1,174
Suffolk	7,777
Sullivan	482
Ulster	1,147
Westchester	4,709
Region V Total	25,808

New York City Regional Office Region VI	# of grandparents responsible for their grandchildren
Bronx	18,970
Kings	29,285
New York	12,451
Queens	20,986
Richmond	2,254
New York City Region VI Total	83,946

Source: http://www.censusscope.org/us/s36/chart_aged_grandparents.html



Impact of Kinship Care on Behavioral Well-being for Children in Out-of-Home Care

David M. Rubin, MD, MSCE; Kevin J. Downes, MD; Amanda L. R. O'Reilly, MPH; Robin Mekonnen, MSW; Xianqun Luan, MS; Russell Localio, PhD

Arch Pediatr Adolesc Med. 2008;162(6):550-556. Published online June 2, 2008 (doi:10.1001/archpedi.162.6.550).

Objective To examine the influence of kinship care on behavioral problems after 18 and 36 months in out-of-home care. Growth in placement of children with kin has occurred despite conflicting evidence regarding its benefits compared with foster care.

Design Prospective cohort study.

Setting National Survey of Child and Adolescent Well-Being, October 1999 to March 2004.

Participants One thousand three hundred nine children entering out-of-home care following a maltreatment report.

Main Exposure Kinship vs general foster care.

Main Outcome Measures Predicted probabilities of behavioral problems derived from Child Behavior Checklist scores.

Results Fifty percent of children started in kinship care and 17% of children who started in foster care later moved to kinship care. Children in kinship care were at lower risk at baseline and less likely to have unstable placements than children in foster care. Controlling for a child's baseline risk, placement stability, and attempted reunification to birth family, the estimate of behavioral problems at 36 months was 32% (95% confidence interval, 25%-38%) if children in the cohort were assigned to early kinship care and 46% (95% confidence interval, 41%-52%) if children were assigned to foster care only ($P = .003$). Children who moved to kinship care after a significant time in foster care were more likely to have behavioral problems than children in kinship care from the outset.

Conclusions Children placed into kinship care had fewer behavioral problems 3 years after placement than children who were placed into foster care. This finding supports efforts to maximize placement of children with willing and available kin when they enter out-of-home care.

Author Affiliations: Pediatric Generalist Research Group (Drs Rubin and Downes, and Mss O'Reilly and Mekonnen), Safe Place: The Center for Child Protection and Health (Dr Rubin and Mss O'Reilly and Mekonnen), and Divisions of General Pediatrics (Dr Rubin and Mss O'Reilly and Mekonnen) and Biostatistics (Mr Luan), Children's Hospital of Philadelphia and Departments of Pediatrics (Dr Rubin) and Biostatistics and Epidemiology (Dr Localio), University of Pennsylvania School of Medicine, Philadelphia.



**KINSHIP SERVICES – OFFICE OF CHILDREN AND FAMILY SERVICES
GOVERNOR’S PROPOSED BUDGET 2010**

BUDGET LANGUAGE – THIS YEAR

Implement the Kinship Guardianship Assistance Program: This new program will enhance permanency for children in foster care while generating a cost avoidance for districts. This program will flow through the Foster Care Block Grant and will provide assistance on behalf of eligible foster children who are discharged from foster care to their relatives that had been caring for them while in foster care. While assistance payments will continue to be made to relative guardians, children will no longer be under the supervision of the district, which will reduce administrative oversight and costs.

OCFS Page 176

For services and expenses of the Catholic Family Center in Rochester to establish and operate a statewide kinship information and referral network 220,500

OCFS Page 175-6

For services and expenses of kinship care programs. Such funds are available pursuant to a plan prepared by the office of children and family services and approved by the director of the budget to continue or expand existing programs with existing contractors that are satisfactorily performing as determined by the office of children and family services, to award new contracts to continue programs where the existing contractors are not satisfactorily performing as determined by the office of children and family services and/or award new contracts through a competitive contracts to continue programs where the existing contractors are not satisfactorily performing as determined by the office of children and family services and/or award new contracts through a competitive process \$677,500.....

OTDA: THE OTDA FUNDING OF \$1,998,000 TANF DOLLARS WAS NOT REFUNDED.

BUDGET LANGUAGE – LAST YEAR-2009

FROM OTDA 2009-2010 (below is the lost appropriation)

Reappropriation:

Page 345

34 For services and expenses of not-for-profit and voluntary agencies 35 providing support services to the caretaker relative of a minor³⁶ child when such services are provided to eligible individuals and 37 families under the state plan for the federal temporary assistance 38 for needy families block grant whose incomes do not exceed 200 39 percent of the federal poverty level. Such funds are available 40 pursuant to a plan prepared by the office of children and family 41 services and approved by the director of the budget to continue or 42 expand existing programs with existing contractors that are 43 satisfactorily performing as determined by the office of children⁴⁴ and family services, to award new contracts to continue programs 45 where the existing contractors are not satisfactorily performing as⁴⁶ determined by the office of children and family services and/or to 47 award new contracts through a competitive process\$1,998,000



NYS Kinship Navigator

UNDUPLICATED CALLER AND WEB DATA Fiscal Year Three: 12/1/2008-11/30/2009

Cumulative Caller and Web Contact Data

Year Three Statistics (November 30, 2008-November 30, 2009)

Total Callers:	3097
Caregivers:	2939
Professionals:	146
Web Site Visits:	69,668

Cumulative Caller Demographic Data

Counties with Most Callers:

Erie:	224 callers
Suffolk:	210 callers
Kings:	130 callers
Westchester:	124 callers
Total # of Counties with One Caller or More:	62 counties

Age of Caregivers:

Average age:	56.92 years
55 and over:	309
Under 55:	209

(Based on a sample of 518 caregivers)

Average Number of Children in Caregivers' Homes:

One Child:	655
Two Children:	141
Three or More Children:	67

(Based on a sample of 863 caregivers)

Total Number of Children served: 1187

Age of Children

Under 2:	63
2 to 5:	229
6 to 10:	238
Over 10:	307
Age not specified:	350

Legal Status

No Designation	561
Legal Guardianship	75
Legal Custody	456
Joint Custody	37
Foster Parent	20
Adopted	12

Requested Fact Sheets

Public Assistance	1361
Guide for Public Assistance	1275
Parental Designation Forms	9
Grandparent Visitation/Custody	22
Legal Custody and Guardianship	24
Visitation	6
Foster Care Information	14
Other	39

(Other includes: Tax Credits, Visitation, Adoption, Education)

Referrals Made to OCFS Programs

Catholic Charities of Buffalo	54
Catholic Charities of Albany	49
KCRN (Monroe County)	23
Child Care Coordinating Council of Clinton County	3
Cornell Cooperative Extension (Orange County)	25
Family Enrichment Network of Broome County	9
Liberty Resources of Oswego County	7
Mid-Erie Counseling and Treatment Services	44
National Committee of Grandparent's for Children's Rights	102
NY Council on Adoptable Children	76
Presbyterian Senior Services of NYC	75
The Family Center of NYC	44
Volunteer Counseling Services of Rockland	2
Total number of OCFS referrals:	513

Other Referrals Made 282

Performance Targets

Performance Target 1: Navigator Satisfaction

Through the use of a brief satisfaction survey at the conclusion of the initial call, 75% of all caregivers who complete the survey will indicate that they found the information given by the Kinship Specialist to be helpful.

Year 3: 955/1089 are "very satisfied" = 88%

Performance Target 2: Legal Permanency

Through a random follow-up phone call survey, 50% of surveyed callers/caregivers who sought a higher level of legal permanency for the children in their care, will indicate that they have achieved a higher level or are currently engaged in pursuing a higher level of permanency.

Year 2: 64/78 are either seeking a higher level or achieved a higher level = 82%

8A

Testimony of
Michael J. Burgess, Director
New York State Office for the Aging



Conducted By
Senate Finance Committee
Assembly Ways & Means Committee
Joint Legislative Public Hearings On
2010-2011 Executive Budget Proposal
Human Services

Wednesday, February 10, 2010
Hearing Room C
Legislative Office Building
Empire State Plaza
Albany, New York



Good Afternoon Senator Kruger, Senator Krueger, Assemblyman Farrell, the esteemed Chairs of the Legislative Aging Committees, Reverend Diaz and Mr. Dinowitz, distinguished members of the Senate and Assembly. My name is Michael Burgess and I am honored to serve Governor Paterson and the people of New York State as Director of the State Office for the Aging.

I am pleased to join my colleagues from sister agencies with which we work closely on joint initiatives such as the Low Income Home Energy Assistance Program (LIHEAP), NY Connects, grandparent programs, adult protective services, and workforce issues as we serve older persons and their families.

These are difficult economic times across the country and here in New York State. Older New Yorkers, their families and their caregivers are feeling the impact of the economic downturn, as it affects their income (since this year there is no federal cost-of-living adjustment for Social Security recipients), their investments, and their standard of living. The impact on standard of living is particularly problematic for those who are already living close to poverty levels; many older New Yorkers rely on the services funded through the state, federal and local budgets for assistance with food, shelter, and tasks of daily living.

Counties continue to report escalating costs and diminishing revenue while needs are growing, in part due to the State's changing demographics. From 2000 to 2015, all but four counties in New York will experience increases in the proportion of their residents who are over age sixty-five. Governor Paterson's budget ensures that the New York State Office for the Aging (NYSOFA) will be able to preserve the local infrastructure of the service network for older adults and the home and

community-based services they and their families need to support independent living. This is a network that has been very successful in leveraging local dollars, including significant contributions from the program participants themselves. The network of Area Agencies on Aging (AAAs) and community-based service providers is the first line of support when an older adult needs assistance following an illness or hospitalization. The network has proven to support, in a very cost-effective way, older adults living independently in their community of choice, while at the same time supporting non-paid, informal caregivers.

For more than forty years, NYSOFA has administered community service initiatives funded through the federal Older Americans Act. For over twenty years, NYSOFA has administered state-funded programs such as the Expanded In-home Services for the Elderly Program (EISEP) and the Supplemental Nutrition Assistance Program (SNAP). These general service programs are coordinated through fifty-nine local area agencies on aging and are the cornerstone of NYSOFA's mission as a State Unit on Aging: creating cost-effective, comprehensive, person-centered services and essential supports for older New Yorkers.

New York is facing difficult economic times, which bring new challenges for maintaining services in all state agencies and opportunities for innovation. Our network has seized on the opportunities to be creative. Here are two examples that relate to the provision of meals and transportation:

- After several weather related disasters in the past year, AAAs have been creative in addressing concerns regarding the lack of volunteer drivers on days when travel warnings are issued. In order to compensate for these driver shortages, the Franklin County AAA used American Recovery and

Reinvestment Act (ARRA) funds to produce Emergency Preparedness boxes. Each box contains 14 prepared, shelf safe meals that will ensure home-delivered meal clients, seniors at Congregate Meal sites, and any senior in need will have enough food during an emergency.

- After identifying the connection between a lack of suitable transportation and older adults' inability to obtain fresh foods at market, New York City's Department for the Aging (DFTA) launched *MarketRide*. In its first operation, roughly two dozen seniors from Raices Times Plaza Senior Center climbed aboard Bus 2261, which normally ferries students across Park Slope. The bus headed to Fairway on Atlantic Avenue in Red Hook, where the seniors purchased everything from apples to Caribbean cooking spices.

There are certainly difficult decisions that must be made by state policymakers when facing a deficit of more than \$8 billion for state fiscal year 2010-11. This is a budget of necessity, not of choice. Governor Paterson's strong support for older New Yorkers and their families is reflected in the proposed budget; despite the projected deficit, community-based support services funded through NYSOFA have remained strong.

This budget proposal reflects Governor Paterson's commitment to preserving core services and maintaining supportive services such as NORCs, caregiver supports and adult social day services. This budget proposal preserves the network of providers that serve older New Yorkers. It also enables NYSOFA's continuing work to prevent and postpone institutionalization for long term care needs, and to enhance the quality of life for older community residents.

The Governor's budget will allow the agency to continue to support the independence of older New Yorkers. It is important for all those involved with the aging network in our state to continue to work collaboratively with local agencies and the nonprofit sector in our common effort to improve the quality of life for older adults. The service providers that work with the offices for the aging are doing this every day. At the state level, it is NYSOFA's role to support local partners and strengthen them as much as possible, while providing technical assistance and identifying grants and other alternative funding sources for new initiatives.

Across the state, many programs are available that maintain older adults' independence and improve their quality of life. These include meals programs; the Expanded In-home Services for the Elderly Program; caregiver, respite and adult day services; transportation services; and economic security programs such as the Elderly Pharmaceutical Insurance Coverage (EPIC) program and the Low Income Home Energy Assistance Program.

Access to objective information through resources such as the Health Insurance Information Counseling and Assistance Program (HIICAP) and the state-wide Senior Citizens Help Line has helped hundreds of thousands of people. The NY Connects program is also helping older adults, people of all ages with disabilities and their families obtain and use information about long term care options and services.

The State Office for the Aging's work to enhance the quality of life for older community residents is a combined responsibility of state, federal and local funding sources, as well as the many supportive philanthropies, agencies and

individuals that contribute to supplement local services. For many years, federal funding for our agency's core services was relatively flat, but with the investment of ARRA funds in meals (totaling \$6,191,164) and in the Senior Community Service Employment Program (SCSEP) (totaling \$7,698,772), NYSOFA has been able to weather the recent economic storm. I am pleased to note that President Obama has included an increase in his proposed budget for senior meals programs and other services such as transportation and adult day care, and the President has a new initiative to support family caregivers. New York State would expect to receive an additional \$6-7 million as a result of these federal budget proposals, if enacted.

SFY10-11 Executive Budget – NYSOFA Services

Specifically:

1. Funding requested in the 2010-11 Executive Budget for the Supplemental Nutrition Assistance Program (SNAP), Community Services for the Elderly (CSE) and Expanded In-home Services for the Elderly Program (EISEP) remains at \$82.7 million.
2. The cost-of-living (COLA) appropriation for SNAP, CSE and EISEP remains at the same amount as for FY09-10, continuing to be funded at \$14.7 million.
3. The Congregate Services Initiative (CSI) is proposed to be eliminated, as was the Hospital Patient Rights Hotline and Advocacy Project. The State Office for the Aging recognizes the importance of congregate services as part of the Aging Services Network. Funding will continue to go to these settings through their meal programs, CSE and other initiatives.
4. The remainder of NYSOFA's Local Assistance budget remains intact, with no reductions for the following programs:

- Naturally Occurring Retirement Communities (NORCs) and Neighborhood NORCs
- Caregiver Resource Centers (CRCs)
- Long Term Care Ombudsman Program (LTCOP)
- Health Insurance Information and Counseling Assistance Program (HIICAP)
- Foster Grandparents Program (FGP)
- Retired and Senior Volunteer Program (RSVP)
- Social Adult Day Services (SADS)
- Elder Abuse Prevention
- Transportation
- Managed Care Consumer Assistance Program (MCCAP)
- Community Empowerment Initiative
- Caregiver Centers for Excellence
- Respite
- Enriched Social Adult Day Services

5. In addition, funding for NY Connects (included in the Department of Health's budget) is continued at the same level as appropriated in FY09-10.

Recognizing the Contributions of Volunteers

One of the reasons for the success of the AAAs and aging services provider network is the corps of highly valued yet often under-recognized volunteers. The Long Term Care Ombudsman Program volunteers work to protect the safety and the rights of older residents who receive care in residential health care facilities. I want to particularly applaud the efforts of LTCOP in the past year as it has been aggressive in assisting the bankruptcy courts to ensure that nursing home

insolvency does not compromise the quality of care provided in financially troubled homes. We must not compromise on the importance of providing quality care in a dignified manner, regardless of circumstances.

It is important to also acknowledge the great work of all of the staff and volunteers across the state that provide services or assist in the day-to-day operation of programs. The Office for the Aging can plan and design programs, but without the dedication of caring staff and volunteers many people would not have the ease of access to those services.

Volunteer opportunities through RSVP and the Foster Grandparents Program provide meaningful and healthy activities for older persons to continue to help their families, neighborhoods and communities. Given the increasing numbers of baby boomers entering their retirement years, it is important that stimulating and meaningful opportunities to be civically engaged are available to older adults.

NYSOFA Mission

The mission of the New York State Office for the Aging is to help older New Yorkers to live independently for as long as possible through advocacy, development and delivery of person-centered, consumer-oriented, and cost-effective policies, programs, and services which support and empower the elderly and their families. This is done in partnership with the network of public and private organizations which serve them. This mission is implemented through an initiative called New York @ Home. It is a strategy which combines efforts to promote economic security, provide home and community-based care, support caregivers, enhance healthy aging and empower communities. Together, these initiatives will help create a more livable New York for older persons.

Priorities

With this new budget, the agency will continue to implement the New York@Home strategy and pursue its priorities to:

- I. **ALLOW OLDER PERSONS TO HAVE GREATER OPTIONS FOR NON-MEDICAL CARE AT HOME** by changing EISEP regulations, expanding person-centered services through federal grants; and continuing to educate, train and support caregivers so that they can maintain independent living for friends and family members.

EISEP

In 2009, NYSOFA began amending EISEP regulations to give AAAs increased flexibility in administering EISEP so they can more effectively spend program funding in a manner that better addresses the needs of clients. The proposed revisions expand the definition of ancillary services and increase their potential use, as well as increase the maximum housing adjustment to a level that takes into account current housing costs for purposes of calculating client cost share. Additionally, NYSOFA is working with a large cadre of stakeholders to draft regulations to allow consumer direction in the EISEP program, giving older persons more options for how to access services, which are especially needed in rural areas where direct service workers are in short supply.

NY Connects

- Established in 2006 and now operates in 54 counties (*Non-participants include Seneca, Oswego, and Madison counties and the City of New York*).
- Since July 2007, there have been over 300,000 contacts made to the NY Connects program. The majority of these contacts were from individuals needing home and community-based services.
- Received over ninety percent customer satisfaction rating of local NY Connects staff and overall benefit of program to the community.
- Through local Long Term Care Councils, counties are engaged in a multitude of various reform activities such as:
 - designing strategies to offer low-cost transportation and affordable and accessible housing;
 - streamlining access to public programs;
 - working with hospital discharge staff to improve safe transitions to the community;
 - streamlining service delivery via co-location of cross agency staff;
 - sharing electronic data among providers/programs; and
 - finding solutions to address workforce shortages.

Federal Funding: NY Connects has enabled successful receipt of federal grant awards. The Nursing Home Diversion Modernization and Community Living Program grants are designed to promote the enhancement of home and community-based services so that unnecessary and costly nursing home placements can be avoided by utilizing state and federal dollars more flexibly. Through these grants, NYSOFA is evaluating how to implement

consumer direction and give participants the training and tools to successfully direct their own care. The Aging and Disability Resource grant is also designed to enhance NY Connects functions and develop person-centered discharge planning, a community supports navigator program to prevent expensive re-hospitalizations, and options counseling.

Caregiving:

Caregivers are spouses, family, friends and neighbors who provide care and support to a loved one. Caregivers are critical in helping persons of all ages with disabilities and/or chronic illnesses remain independent. Some caregivers live with the person needing care, but many do not. Some are providing care to grandchildren or other young relatives.

- A recent study of New York's aging services network caregiver support programs found that individuals receiving care from caregivers are more likely to be female (64 percent) and a majority (85 percent) of them are age 75 or older. Many of the individuals receiving care or support from a caregiver has significant health needs, with the most prevalent health condition being Alzheimer's disease or other dementia. A majority (85 percent) have one or more impairments.
- Caregivers provide eighty percent of all long-term care in New York State. The care and assistance these caregivers provide includes assisting in specific tasks, such as: transportation, financial management, arranging for care or services, housekeeping, home repairs, and assistance with activities of daily living. Absent their commitment to provide this care, New York taxpayers would be

contributing millions more in funding to support frail individuals in settings such as nursing homes. Caregiver support programs such as respite, individual counseling, support groups, information and assistance in accessing services, and supplemental services like personal emergency response systems (PERS) have shown to be the difference between someone remaining in their homes or going to a nursing home due to caregiver stress and burnout. In fact, 52 percent of caregivers surveyed responded that they could not continue caregiving without such support. Supporting caregivers will continue to be very important as the population ages.

- For more information on caregiving go to the NYSOFA website - <http://www.aging.ny.gov/Caregiving/Reports/index.cfm> where you will find three reports related to caregiving that were released in November 2009.

II. PROMOTE THE ECONOMIC SECURITY OF OLDER ADULTS IN THIS TIME OF ECONOMIC DIFFICULTY by assisting individuals with direct benefits and providing information and assistance to help older persons access available benefits. The State Office for the Aging's priority is to reach those in need; it will continue to enhance outreach efforts regarding benefits and services available through Older Americans Act programs as well as other economic security programs available to the general public. Many older persons are working longer or are looking for work for additional income. The State Office for the Aging will continue to support efforts to promote the value of employment of older persons and emphasize their economic value and contribution to the State of New York as workers and volunteers.

Benefits Assistance

- Health Insurance Counseling - NYSOFA's Health Insurance Information Counseling and Assistance Program (HIICAP), has almost 500 volunteers who help Medicare beneficiaries with their health insurance plans, Medicare Part D drug insurance, Medigap policies, Medicare Advantage plans and EPIC benefits. In 2009, nearly 116,000 beneficiaries were counseled through State and local HIICAP programs. In addition to this, the HIICAP counseling network assisted many of the State's 17,500 beneficiaries who were terminated by their private Medicare health plan. The Centers for Medicare and Medicaid Services (CMS) gave New York State the second highest performance award in the U.S. In 2009, 32,000 calls were placed to the HIICAP hotline. This represents approximately 4,000 more calls than in 2008.
- Last year's energy crisis disproportionately affected people on fixed incomes. NYSOFA conducted several activities to help these individuals and families better meet their energy obligations including mailing relevant program applications early to older adult households, creating and distributing publications such as the "Save and Heat Checklist" (a comprehensive list of energy resources available for older adults) and "Saving Energy at Home: 101 Tips" (consisting of energy saving tips for the home). In addition to this, NYSOFA worked with the Office of Temporary and Disability Assistance (OTDA) and the Division of Housing and Community Renewal (DHCR) to develop criteria for weatherization referrals in order to identify people on Weatherization Referral and Packaging Program waiting lists who are most in need of help.

- The NYSOFA state-wide helpline fielded over 17,000 calls for assistance. Many calls fell within the areas of HIICAP/health insurance related, economic security (general concerns), ombudsman program or other nursing home/adult home issues, HEAP/WRAP, Area Agencies on Aging/NY Connects, and EISEP.

Workforce and Volunteer Recruitment

- New York State's Senior Community Service Employment Program helps older unemployed adults receive training for new work opportunities and be placed in subsidized employment for time-limited periods. In 2009, New York placed 1,068 older adults in subsidized paid employment. Additional funding received through ARRA in 2009 has enabled another 190 low income adults to participate in the program.
- NYSOFA exceeded United States Department of Labor (USDOL) performance measures for the past two years, which resulted in USDOL awarding NYSOFA funding to serve an additional 200 people in 2010.
- Through the National Governors Association Center for Best Practices Policy Academy on Civic Engagement: Engaging Seniors in Volunteering and Employment, NYSOFA has worked to stimulate discussions and actions to improve the number of volunteers in New York and address mature worker issues. This work includes:
- A partnership with the NYS Department of Labor (DOL) to enhance the interactions between the agencies to further workforce opportunities for older New Yorkers by:

- Creating linkages between agency web sites to provide information and assistance to older workers seeking employment and guidance and enhancing access to the SCSEP.
- Presenting to the DOL regional office directors the National Governors Association Civic Engagement Agenda and older worker efforts.
- Organizing an educational older worker webinar with the one-stop centers and the Workforce Investment Boards (WIBs).
- Facilitating an introduction via DOL to the associations of employment training providers.
- Collaborating on input for USDOL on the reauthorization of the Workforce Investment Act related to older workers.
- Engaging with the NYS Association of Community College Presidents to create a taskforce on older adult students to discuss strategies for advancing lifelong learning.
- Arranging for RSVP volunteers to attend pre-retirement planning sessions organized by the Governor's Office of Employee Relations to speak with state employees who are eligible to retire about the benefits of remaining civically engaged during their retirement years.
- Supporting the work of the NYS Office on National and Community Services (ONCS) by assisting its efforts to host the Corporation on National and Community Service's annual conference that will be in New York City this summer, assisting in developing a volunteer marketing recruitment campaign, and working to promote access to

the ONCS website (www.NewYorkersvolunteer.org) by senior volunteers seeking to locate a service opportunity in their community.

- Conducting a statewide survey of organizations that use volunteers regarding their recruitment, retention, and management practices to create policy recommendations that encourage the development of service opportunities and use of good practices.

III. IMPROVE THE HEALTH STATUS AND INCREASE THE LIFESPAN OF OLDER PERSONS BY PROMOTING HEALTH AND WELLNESS through evidence-based health promotion, disease prevention programs, and outreach to increase the utilization of Medicare covered screenings.

- NYSOFA has continued to be a national leader in helping older New Yorkers increase their use of Medicare preventive benefits and tests through the Senior Health Check Up initiative.
- With support from an Administration on Aging grant, NYSOFA has invested in evidence-based interventions, particularly the Chronic Disease Self-Management Program (CDSMP). This program is a two hour per week, six week training for older adults with one or more chronic diseases. It coaches them to eat more nutritiously, be physically active, interact more fully with their health care providers and manage their chronic diseases. The program is effective in reducing hospital and medication use, and improving quality of life. In the past two years more than 1,600 people have participated in the CDSMP.
- Efforts to reduce smoking, obesity and heart disease and increase early cancer screenings have led to increased longevity, regardless of the age of intervention. Since these initiatives benefit New Yorkers

across the lifespan, including older generations, NYSOFA will work with the Department of Health and community partners on prevention and wellness activities. Additionally, we will work with the Department of Health and its Healthy Communities initiative to identify and promote better management of diseases and other programs.

IV. REDUCE HOSPITAL RE-ADMISSION RATES by developing a volunteer program with local providers to improve care transitions.

- NYSOFA has spearheaded a collaboration with stakeholders including the Senior Corps, other volunteer programs, hospitals, and area agencies on aging to develop and implement a community support navigator program using trained volunteers who support older adults at risk for re-admission to hospitals throughout the state.
- This effort is supported by a national Aging and Disability Resource Center grant that NYSOFA received in 2009 and will be implemented in Tompkins and Albany counties.

V. ENCOURAGE EVERY COUNTY AND COMMUNITY TO DEVELOP A LIVABLE COMMUNITY PLAN that incorporates the needs of an aging population by collaborating with local and state partners to provide technical assistance to community organizations seeking to assess the infrastructure of their communities in housing, transportation, and service delivery; and developing new coalitions and services to provide a greater quality of life by enhancing independent living. A key to this work is involving older volunteers, respecting their rights to self-determination, and encouraging their participation in prioritizing local needs and initiatives to address them.

NYSOFA's work will complement President Obama's creation of a new Office of Livable Communities that will coordinate federal interagency efforts.

Since the November 2008 Community Empowerment Conference NYSOFA has:

- Awarded fifteen Community Empowerment grants for planning and implementation efforts. In addition to receiving technical assistance provided for being grantee recipients, grantees are also included in larger regional community empowerment conference calls and communications. Governor Paterson has proposed continued funding for this initiative in FY10-11.
- Advanced the Livable New York initiative which has brought together state agencies, private entities, consumers, advocacy organizations, planners, local zoners, county and local officials and builders to develop a comprehensive technical resource manual that will be made available to all communities to help them in their local planning efforts. The manual will include housing, zoning, planning/land use, green building, energy and universal design.
- Worked with the Governor's Smart Growth Cabinet to better integrate smart growth and livable community principles and partnerships.
- Created a database of more than 300 community empowerment leaders and liaisons statewide who are interested in ongoing communication, sharing resources and technical assistance on community empowerment and livable community issues, and launched a listserv for ongoing exchanges of information and ideas.

- Held regional informational and technical assistance conference calls in February 2009 and September 2009.
- Created Community Empowerment pages on the NYSOFA website (<http://www.aging.ny.gov/EmpoweringCommunities/index.cfm>) where best practices, regional happenings, and tools for advancing community empowerment efforts in communities across New York State can be found.

In Closing

New Yorkers have shown their strength in these difficult times and have come together to help solve their own problems and work toward utilizing their resources more effectively. These opportunities have generated many successes.

Despite the poor economic conditions, there is a strong desire for government and non-government agencies and individuals to work more closely together to support aging in the community, the development of livable communities where people of all ages and abilities can thrive, and making New York State a retirement destination.

Thank you - and at this time I will be glad to address any questions the committees may wish to pose.

8B



Council of Family and Child-Caring Agencies

Council of Family & Child Caring Agencies

**Testimony Presented by
James F. Purcell, CEO**

**Before the
Assembly Ways and Means and Senate Finance Committees
Joint Legislative Hearing**

February 10, 2010

Good afternoon, my name is Jim Purcell and I am the CEO of the Council of Family and Child Caring Agencies (COFCCA), which is the primary statewide representative for nearly all the not-for-profit agencies providing services to New York's abused, neglected, and troubled children and their families. COFCCA's member agencies provide foster care and adoption, preventive and family preservation services, and special education services through contracts with local social services districts as well as for many of the juvenile delinquents in the custody of OCFS. These agencies keep families together, reunite families broken apart because of substance abuse, domestic violence, or mental health problems, and find new permanent families for children whose parents can't or won't care for them. Our member agencies provide all of the foster care in New York City and care for more than 50% of the children in foster care Upstate. We also provide the vast majority of all preventive services.

On behalf of our 110 member agencies, and the thousands of children and families they help, we thank Chairmen Farrell and Krueger for the invitation to appear today, and note our appreciation for the leadership on child welfare and juvenile justice issues provided by Senator Montgomery and Assemblyman Scarborough and their committees.

2010 is clearly the worst budget year any of us can recall and we realize that Governor Paterson and the Legislature will have to make extremely painful choices about our priorities as a State. With this in mind, we applaud the budget proposals set forth by the Governor related to the core mission funding streams for child welfare. The Executive Budget retains the open-ended commitment from the state to the counties for child protective and preventive services at 63.7%. This commitment speaks volumes about the value that we as a State place on both protecting the health and safety of our vulnerable children, but also to our commitment to support families in raising their own children safely whenever we can do so.

Maintaining current funding levels for foster care for those children who must be removed from their families for safety reasons is the right thing to do. The OCFS budget also continues the commitment to expand the Bridges to Health (B2H) waiver program which is helping to reduce reliance on residential programs for mentally ill, developmentally disabled, and severely sick children. We are also pleased to see a four-year extension for the exemption from the social work licensure requirements in the budget, requirements that would put a tremendous burden on not-for-profit as well as public providers who employ social workers.

There are two very important new items in the budget that we call to your attention and ask you to support. In 2008, the federal government provided funding support for the first time for children to be discharged from foster care into a subsidized kinship guardian's home. The Governor's budget calls for the creation of this option in New York. This is long overdue. There are about 6,000 children in foster care placed with a relative, usually a grandmother or an aunt. Some of these children will one day be discharged to their birth parent(s) when the parents have sufficiently addressed the conditions which caused the foster care placement. Others of these children will be adopted by a relative. But there are some children in foster care and living with relatives where the grandmother, aunt or other relative does not want to participate in the legal actions necessary to permanently terminate the birth parent's parental rights - e.g. the parental rights of her daughter or sister.

No one is saying that all children in a foster care placement with a relative should be discharged to them in a guardianship capacity. But for children who cannot safely return to the birth parent(s) and for whom adoption by the relative is not an option, subsidized kinship guardianship can be the appropriate discharge goal. These children can continue to be raised by their relative but be discharged from foster care with subsidy payments that allow the relative to provide care for the child. When the local social services agencies and the Family Court agree that the best interests of the child would be met by being in the permanent guardianship of a relative AND where there is no longer a need for active, ongoing foster care services to that family, then we ought to be able to provide that child and that family with a safe, predictable future outside of the foster care system. Subsidized kinship guardianship provides exactly that option.

As usual, the difficult question is how to pay for this change that we can all agree is good for some children and families. The Governor proposes to have the counties and NYC pay these costs from the foster care block grant. This is logical in the short term because counties will save money in the year after a child is discharged because while they will make roughly the same payment to the relative, they will no longer be paying one of our agencies for the services previously provided or for county staff to work with the child or family.

Some are arguing that this imposes new costs on the counties in the block grant. We agree that in the longer term, these costs cannot and should not be included in the foster care block grant, which is needed for children in foster care. However, for at least

the first couple years of the initiative, the discharges will result in lower foster care costs. The entire issue of the future of foster care funding and the block grant is up for reconsideration 18 months after this guardianship provision is set to be effective and changes in the formulas can and should be made at that time.

I also call your attention to, and ask for your support of one of the workload/mandate relief proposals in the budget that relates to allowing telephone or video testimony in Family Court. We agree fully that this is not an option that should be used in every case or for every possible participant. But we see enormous benefits from the approval and implementation of this idea.

First, let's talk about the children. While most of the approximately 25,000 children in foster care in NYS are placed in or close to their home county where their court cases will be heard, that is not uniformly true. Some youth are placed at a distance from their homes, sometimes because they are placed with relatives who do not live in the same city as the child's family, sometimes because the child needs a specialized treatment setting, and sometimes because the child is in a pre-adoptive home in another part of the State. In any of these circumstances, the ability for the child to appear in court by video or telephone would reduce the time he or she misses school, which children in foster care cannot afford to miss. In addition, it is an unfortunate fact that, notwithstanding considerable efforts to improve the physical surroundings in the court buildings, spending most of a day in the waiting rooms of the court houses is sometimes an unsettling experience for our children. While there are certainly some hearings at which the child needs to be present in the courtroom, there are other hearings at which the physical presence of the child is not necessary to the work of the court.

The second consideration relates to the ability for our caseworkers to participate in some court hearings via video or telephone. A study COFCCA did in NYC in 2004 showed that, on average, each court appearance meant a caseworker spending three hours in the courthouse, with only 32 minutes in an actual hearing. In about 13% of cases, workers were in the courthouse for six hours or longer, most of which was spent waiting to be called. ~~Worse, in 28% of cases, the hearing was adjourned or rescheduled (after the worker arrived and waited at court).~~

The ability for caseworkers to testify in court by telephone or video would free up valuable time that the worker could spend with families. As I have testified before you in prior years, the OCFS time study on the use of caseworker time a couple of years ago found that each worker has an average of one hour per month to spend with each child and/or their family while in foster care. If we cannot fund lower, more reasonable caseload sizes, and we know that again this year you cannot, then we must find reasonable ways to reduce the wasted time commitments imposed on the front line caseworkers.

We also see a benefit from this proposal for some birth parents and foster parents who would not have to miss as much time from work to travel to and appear in court. It

would mean less time away from home for foster parents who have other children to care for, and might make them able to testify from a distance when they are not able to do so now. There may well be some circumstances that should be addressed in this process, but we ought to work together to come to a reasonable set of decisions.

I also ask for your support for the Governor's proposal to continue to improve and modernize the CONNECTIONS child welfare computer system. Our agency caseworkers and front-line supervisors are beginning to see the results of OCFS' recent efforts to make the process of documentation easier. In particular, continued efforts are needed to reduce duplicate data entry by the caseworker, again, freeing up the caseworker to spend more time face-to-face with families. For example, we look forward to improvements in integrating the permanency hearing report with the Family Assessment and Service Plan (FASP), as well as better integration between the multiple data systems used by our staff.

I want to talk briefly about juvenile justice reform in NYS. First, we support efforts to reduce the number of beds in OCFS-operated facilities and to strengthen staffing to better serve youth who are placed in OCFS facilities. You may not be aware that about half of the youth placed in OCFS' legal custody as "juvenile delinquents" (JDs) are actually being cared for in private agencies. These agencies often get lumped into the same discussion as OCFS-facilities, such as in the recently released *Report of Governor David Paterson's Task Force on Transforming Juvenile Justice*. Such reports and discussions talk about locked facilities surrounded by razor wire, lacking in mental health services and without accredited schools, where the cost for each youth placed is upwards of \$200,000 per year.

Let me assure you that none of this describes the private agencies caring for JDs in OCFS' custody. These agencies are unlocked, without razor wire, and have mental health staff, including psychiatrists and psychologists (either on staff or as consultants). These agencies have accredited schools and issue high school diplomas, including Regents diplomas. These agencies also make every effort to maximize the engagement of parents and families including extensive efforts to transport the youth home for visits and to support parents visiting the program. And the cost of placement is much, much less than placement in an OCFS facility. I also want to make sure that you are aware that our agencies do not focus solely, or even primarily, on placement, but rather provide a continuum of services to youth involved with the juvenile justice system, and those at risk of involvement, and their families. To prevent out-of-home placement for youth who are arrested, our agencies provide intensive, evidence-based family treatment in the family's home and evidence-based foster home placement with one youth at a time in specially trained foster homes to prevent institutional-level placement for youth who cannot live with their parent(s). Agencies also provide services to youth being discharged from juvenile justice placements to support their successful return to the community and prevent recidivism.

In the recent discussions about juvenile justice reform, there has been talk about the need to re-create the Missouri model for juvenile justice services here in NYS. I must tell you, that discussion frustrates me, because as we sit here today, the not-for-profit agencies have an existing continuum of services to care for youth in the juvenile justice system, and to provide supports to their families, right here in our State. For other than those youth who we can probably agree need a secure program to protect themselves and the community from further harm, our agencies can and do serve juvenile justice youth and their families safely and effectively, and are eager to continue the partnership with GCFS to provide these services.

Even in this most difficult budget year, there are a few problems in the Governor's budget that I urge you to address. These involve the wholesale elimination of TANF funding for preventive services rather than a more strategic approach to cuts that may be needed in light of projected increases in the TANF caseload. I believe that restored funding for a few programs in particular is merited because they both prevent poor outcomes for families and save money in the longer term. These programs include post-adoption services, alternatives to detention, home visiting and summer youth employment.

Post-adoption services provide much needed support for families adopting children from foster care by addressing issues in the family before they become crises, and help prevent the possible return of the child to foster care. Without these services, families otherwise committed to a child are often hesitant to adopt for fear that they will lose the services they rely on to care for the child.

Similarly, the proposed significant cuts to alternatives to detention are not consistent with good public policy. In the juvenile justice Task Force report, and other discussions about juvenile justice reform, the emphasis is on keeping youth with their families and in their communities whenever possible. Programs funded with alternatives to detention money are some of the key strategies that turn this policy statement into reality, and are largely responsible for the significant reductions in the use of detention in recent years.

The home visiting program serves families, in their homes, who are at high risk for child abuse or neglect, until their child is in school. Through rigorous evaluation, home visiting has proven effective in reducing child abuse and neglect and improving the health and development of children. These improved outcomes in a child's early years mean not only a better quality of life for some of our State's neediest families, but also reduced costs to government for health care, foster care and other services. Again, I ask for your support in restoring cuts to this important program.

Lastly, I urge you to restore TANF funding for Summer Youth Employment in the OTDA budget. This program provides youth from low-income families what we want for all of our children: an opportunity to learn employment skills, gain work experience, and stay busy in a productive way during the summer months. Especially in this economy, your

restoration of this funding will mean the difference between employment opportunities and too many empty hours for these youth in the coming months.

I thank you for your attention. We look forward to working with you and your staffs in the coming weeks. I am of course happy to answer any questions you may have.



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NEW YORK STATE
JOINT SENATE FINANCE/ ASSEMBLY WAYS AND MEANS COMMITTEES
HUMAN SERVICES HEARING
FEBRUARY 10, 2010

SUPPORT PROGRAMS THAT BREAK THE CYCLE OF VIOLENCE

SUBMITTED BY
FIGHT CRIME: INVEST IN KIDS NEW YORK MEMBERS

Chief Dominic Giudice, Monroe Police Department &
Past President, NY State Association of Chiefs of Police
Sheriff Nathan York, Warren County

INTRODUCTION

Members of the Senate Finance and Assembly Ways and Means Committees, thank you for the opportunity to be here today.

We represent FIGHT CRIME: INVEST IN KIDS NEW YORK, an organization of over 300 law enforcement leaders – chiefs of police, sheriffs and district attorneys, as well as crime survivors. We are part of a national organization with over 5000 members fighting to increase investments in programs for children. Our members believe that strict law enforcement combined with proven prevention will make our communities safer. We know the most effective way to get kids on the right track in life is to invest in programs that are proven to reduce crime so we can break the cycle of violence and crime for future generations. Research as well as our first-hand experiences tells us that investments in home visiting programs, high quality early education and care, after school programs, and alternatives-to-detention for juveniles offer solutions.



REDUCE CRIME BY PREVENTING EARLY CHILD ABUSE AND NEGLECT

The place to begin breaking the cycle is preventing child abuse and neglect. Even though the majority of children who are abused or neglected are able to overcome their maltreatment and become productive adults, many victims of abuse and neglect cannot. Not only are they more likely to abuse or neglect their own children, victims of abuse are also more likely to become violent criminals. Research shows that, based on the nearly 71,000 confirmed cases of abuse and neglect in just one year, an additional 2,800 violent criminals in New York will emerge as adults who would never have become violent criminals if not for the abuse or neglect they endured as kids.

In recent years New York has built a small foothold in making a difference for families at high-risk of child abuse with two home visiting programs that provide voluntary parent coaching beginning during pregnancy: **Healthy Families New York (HFNY)** and **Nurse-Family Partnership (NFP)**. These programs currently serve less than 10 percent of the children that need them even though rigorous research shows that early home visitation services can cut child abuse and neglect nearly in half.

The Nurse Family Partnership (NFP) began serving families in New York in 2003 serving 100 families in Jamaica East Queens and has since expanded to serve families residing in all five boroughs and Monroe and Onondaga Counties. Beginning in Elmira, New York in 1976, over 30 years of rigorous research by NFP demonstrates that for every 100,000 children, 14,000 fewer will be hospitalized for injuries in their first two years of life; 300 fewer children will die in their first two years of life; 11,000 fewer children will develop language delays by age two; 23,000 fewer children will suffer child abuse and neglect in their first 15 years of life; and that through age 15, 22,000 fewer children will be arrested and enter the criminal justice system. Applying these figures to the 3,422 families served in New York to date, nearly 800 children have been spared from child abuse and neglect and nearly 800 have also been spared



from future crime. In addition to the reduction of child abuse and neglect; the NFP research shows a remarkable array of desirable outcomes: a reduction in low birth weight babies, a reduction in infant mortality, fewer subsequent pregnancies and longer intervals between subsequent births, a significant reduction in child abuse and neglect and significantly less time on welfare for the mother. There are financial benefits as well - for every \$1 invested in Nurse-Family Partnership, it returns \$5.70 in savings.

Another home visiting program, Healthy Families New York, has 40 sites across the state. Research findings at the end of a two-year evaluation comparing mothers in the program to mothers not in the program showed promising results in the prevention of child abuse and neglect including mothers reporting fewer incidents of psychological, abuse, physical punishment and neglect of their babies.

Child abuse is a scourge. Every community in the state has at least one horror story they remember. When the grisly headlines splash across the morning paper and evening news, we wring our hands, do yet another investigation into the child welfare system and call for change, but then we close the public purse and turn our backs on these kids when it is time to fund prevention—just like we are doing again this year.

The Governor's proposed cuts total over 40% of funding for home visiting in New York State. Two years ago Healthy Families NY was funded at \$25 million. In the 2010 Executive Budget Healthy Families is funded at only \$15 million. It is the same story for NFP. Last year NFP received a \$5 million line item in the budget. The 2010 Executive Budget eliminates this funding for NFP.

We urge legislators to restore funding to Healthy Families New York to \$25 million and restore funding for Nurse-Family Partnership to \$5 million.



CUT CRIME BY INVESTING IN CHILD CARE SUBSIDIES

Approximately 60 percent of mothers with children under six and 75 percent of mothers with children ages 6-17 are in the workforce. Adequate care for two children in a child care center can cost over \$12,000 a year—more than the annual salary of a full-time minimum wage worker.

Funding for Childcare Subsidies cuts crime and increases a child's chance of success at school. For example, a study of Chicago's government-funded Child-Parent Centers showed that comparable children left out of this early care and education program were 70 percent more likely to be arrested for a violent crime by age 18. The Child-Parent Center program cut crime and other costs so much that it saved the public \$7 for every \$1 invested.

In New York State Child Care funding has not kept up with need. There are 1.3 million young children in New York State, 40% of whom live in low-income families. In 2009-10 counties ran out of childcare subsidy funding. Despite this harsh reality, the Executive Budget decreased funding for the Child Care Block Grant.

In order to provide child care subsidies for the same number of children in 2010 as in 2009, we urge the legislature to add \$40 to \$50 million to the child care block grant. Child care funding has been steadily losing ground and needs to be restored so that poor working families have access to a safe and enriching environment for their children while they are at work access to affordable high quality care.



REDUCE CRIME BY SUPPORTING AFTER SCHOOL PROGRAMS

FIGHT CRIME: INVEST IN KIDS members know that in the hour after the school bell rings, violent juvenile crime soars and the prime time for juvenile crime begins. On a regular basis, more than 800,000 New York children and teens are left unsupervised by adults. Studies show that after school is the peak time for teens to commit crime, be a victim of crime, be in or cause a car crash and smoke, drink or use drugs. After-school programs that connect children to caring adults and provide constructive activities during these critical hours are among our most powerful tools for preventing crime.

One high-quality program found that boys left out of the program averaged six times more crimes than teens in the program. A study of Boys & Girls clubs showed that housing projects without the clubs had 50 percent more vandalism and 37 percent worse drug activity.

Let's use this knowledge and save afterschool programs from being randomly slashed.

In the 2009-10 budget Afterschool was funded at \$28,166,937. . The 2010 Executive Budget provides only \$17,255,300. (I moved this sentence up because it makes a more logical progression in thought) This represents a loss of services for 10,000 children and the loss of approximately 2000 jobs We urge Legislators to restore \$11 million in cuts to Afterschool funding so that 2009-10 funding levels are maintained.

REDUCE CRIME BY GETTING TROUBLED KIDS BACK ON TRACK

Too many New York juveniles are becoming chronic, violent criminals. Fortunately, most youth arrested do not come back to court again. The reality is that we couldn't design a less-effective or more expensive system if we sat-down and tried. The latest data shows that the average cost to incarcerate a juvenile in New York State is over

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\$150,000 a year and up over \$200,000 for New York City. And we are getting very little in terms of desirable outcomes for these kids. A study released by OCFS last spring showed that 89 percent of the boys and 81% of the girls who had been in OCFS facilities had been rearrested by age 28, and 42 percent were arrested for a violent felony. We know that what we are doing now isn't working to get these troubled kids back on track.

What we do know is that the most effective prevention and intervention programs utilize research-based approaches addressing the many factors relating to delinquent behavior and aim to change dangerous or delinquent behavior permanently. The most successful programs include Functional Family Therapy (FFT), Multisystemic Therapy (MT) and Multi-dimensional Treatment Foster Care (MTFC). We aren't talking about being soft on these kids. These programs are tough and demanding for children. They don't just get to hang out and goof off while waiting until they are released. These programs confront them with their behaviors and hold them accountable for doing the tough work involved in learning to manage their behavior and engage in positive activities. They also work with the parents to help them build the skills they need to better control their child. These programs often include mental health services and after-care services for the youths.

Unfortunately, there is only a handful of MST, FFT or MTFC programs across the state, not nearly enough to meet the demand. As is true with home visitation services, these services are available to only a fraction of the children and families who need them. And the funding that has been in place to support these programs is nearly eliminated in the proposed executive budget which cuts alternatives to detention programs by 88% at the same time it calls for additional juvenile justice facilities to close. Speaking on behalf of all of our members, we would like to express our serious concerns about closing facilities without having adequate funding in place to provide

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programs proven to help kids get back on track and stay out of trouble. If we are going to keep kids in the communities rather than locking them up, we need to make sure the programs are in place that will give kids and their families the tools they need to turn their lives around and keep our communities safe. We can't just dump troubled kids on the street and hope for the best. To slash funding by 88 percent for these proven programs at the same time we are closing facilities is a sure recipe for increased crime and decreased community safety.

In November 2007 *FIGHT CRIME: INVEST IN KIDS NEW YORK* issued a report on the need for reform of juvenile justice system, *Getting Juvenile Justice Right: Proven Interventions Will Cut Crime And Save Money*. We identified our long-term juvenile justice system reform objectives as being to ensure community safety, hold youth accountable for their actions, and enable kids to become capable, productive citizens. This will require shifting from the current containment paradigm that relies primarily on incarceration to a system that seeks to rehabilitate and get kids back on track. Effective systems provide proven, cost-effective programs and services as alternatives to incarceration that keep youth in their homes and communities and support them in becoming more competent and successful citizens.

New York City and several other counties around the state have made real progress in this direction in the past few years in keeping kids out of placement and reducing the recidivism rate. Their success has been rooted in community-based programs that we must continue to fund, especially as we close detention facilities. We need to maintain and build on these initial successes by providing communities the resources they need to work effectively with their troubled kids and help them get back on track.

The 2010 Executive Budget allocates a mere \$2.215 million for Alternatives to Detention. Last year Alternatives were funded at \$18.2 million. We urge Legislators to restore \$16 million in funding to Alternatives to Detention.



CONCLUSION

There is no way to avoid the truth about investments in kids, whether from a fiscal or human perspective. As researcher Mark Cohen found, the average value of preventing a baby from growing up to become a youth who drops out of school, uses drugs and goes on to become a career criminal is at least 2.5 million per individual. But New York State law enforcement leaders and crime survivors will all tell you, once a crime has been committed, neither police nor prisons can undo the agony of a crime victim and repair the damage that has already been done to the community. To help "break the cycle of violence and crime for future generations" and keep our neighborhoods safe we need to invest in prevention and intervention strategies that have been proven effective.

We look forward to partnering with you to help keep New York safe. Thank you.

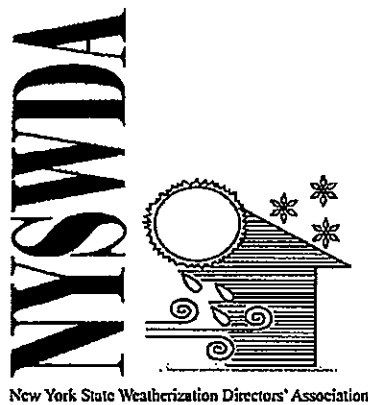
10

**Human Services Budget Hearing
Regarding the 2010-2011 NYS Budget
February 10, 2010**

**Presented by Denise L. Harlow, Chief Executive Officer
New York State Community Action Association, Inc.**



Presented in Partnership with our Colleagues at the NYS Weatherization Directors Association



New York State Weatherization Directors' Association

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**Human Services Budget Hearing
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February 10, 2010**

**Presented by Denise L. Harlow, Chief Executive Officer
New York State Community Action Association, Inc.**

Good afternoon. My name is Denise Harlow and I am the CEO of the New York State Community Action Association (NYSCAA). Thank you for this opportunity to address you and share our comments regarding budgetary issues impacting the most vulnerable of our citizens. NYSCAA is the state association representing the 52 Community Action Agencies serving all 62 counties in New York State. Our members include Mohawk Valley Community Action Agency serving Utica and Rome, CEO for the Capital Region in Troy, and EOC of Suffolk County to name just a few. For more than 45 years, New York's Community Action Agencies have been the proven local, grassroots, federally-designated network of anti-poverty agencies in New York State. We empower struggling families and individuals and encourage them along the path to self-sufficiency. With a network that can reach every New Yorker, Community Action Agencies form a statewide service delivery system that connects individuals and families to the services they need to achieve economic security. 40 of our CAAs operate Weatherization Assistance Programs and I offer my remarks in partnership with the NYS Weatherization Directors Association. I will be addressing issues related to low-income New Yorkers and will be covering only a portion of my testimony verbally given the time limit. Please see my written remarks for additional information.

Our recommendations will fall into these two areas:

- **Protect and Support the Basic Needs of Vulnerable New Yorkers**
- **Protect and Support the Needs of Struggling Working New Yorkers**

New York State is certainly facing hard times with an estimated budget deficit of \$8.2 billion. **However, poor and low-income children families are facing even harder times.** They are struggling to meet their children's basic needs. NYSCAA's members provide a wide variety of programs that reflect the needs of individual communities across the state and we are seeing more families every day that are struggling to maintain stability while working hard to improve their lives and circumstances. Our agencies report that emergency requests are increasing dramatically and that the demographics of those requesting assistance is changing. Our agencies are seeing more two-earner families, college educated adults, and homeowners. They are seeing laid-off workers, couples stressed about losing their homes, and families in desperate need for food and energy assistance.

As economists tell us, now is not the time to be taking resources *away from* low-income households. Decreasing benefits, reducing access to child care designed to support work efforts, cutting afterschool programming and home visiting programs – all of these measures add stressors to already overstressed families. Many of the proposed cuts may look like they help the State's bottom line, but in reality will actually cost the State significantly more in both the short and long term. These cuts leave federal dollars on the table by shifting care away from community and preventative-based programs into expensive residential care and emergency intervention services such as foster care. Even in difficult times, the State must maintain investments that promote citizen health and long-term cost savings.

New York's poverty rate makes it essential that New Yorkers have access to the services and programs provided by Community Action Agencies, particularly in this period of economic slowdown. New York's poverty rate of 13.8% exceeds the national poverty rate of 13.2%. Nearly 2.6 million New Yorkers, including 852,000 children, live in households with incomes below the federal poverty line – just \$18,310 for a family of three. The poverty rate soars even higher in the cities of upstate New York with more than 35% of the children living in Albany, and 40%+ in Syracuse, Rochester, Utica, and Buffalo struggling in households with incomes below the federal poverty line. Recently released mid-size community poverty statistics show poverty rates in the city of Watertown to be 23.4%, Rome 15.7%, and Utica 28.6%. New York can and should do more to support these families.

Protect and Support the Basic Needs of Vulnerable New Yorkers. New Yorkers living the furthest from the lower rungs of the middle class need strong, basic supports that will sustain them while they work to build skills and assets that will move them forward. Asking families to survive on a level of income that itself spawns crisis does not provide the stability necessary to help families break the cycle of poverty. In addition, for many, work is not an option. Disability and age can dramatically impact the ability to maintain employment.

To help the most vulnerable New Yorkers, we urge you to:

- **First of all, pass a budget on time.** Given state accounting when the American Recovery and Reinvestment Act (ARRA) was passed and integrated in the NYS budget last year, the release of the second half of the ***Community Services Block Grant (CSBG) funding coming to New York to the CAA network is dependent upon state budget passage.*** CSBG funds are resources dedicated by the federal government to alleviate the conditions of poverty in our community. We know that CSBG is not the only federal funding tied in the State

budget, nor the only ARRA funding tied to it. However, the Community Action network has until only September 30, 2010 to spend the remainder of these funds. Close to \$87 million in CSBG came into New York under ARRA and CAAs only received their initial portion in October of 2009. We are putting these funds to work across this state to help low-income families during this recession as efficiently and timely as possible. Summer Youth Employment, job training, subsidized employment, emergency services, mobile units, child care, health care are just a few of the purposes to which this money has been allocated. We don't have much time left to spend the second half and CAAs cannot float this money for long given the crush put on them by increasing case loads and other delayed contracts.

- **Restore the public assistance grant increase to the promised 10%.** The proposed delay in the welfare grant increase will give the state an estimated savings of \$18 million, a very small total in light of a state budget exceeding \$130 billion. This small savings is not enough to justify the postponement of these much-needed resources for public assistance participants, not to mention the economic stimulus that more cash assistance provides to local economies in our recession. The grant increase was promised in previous difficult financial years and should not be slowed by current circumstances. The amount saved does nothing for the State's fiscal crisis yet puts the poorest New Yorkers even further behind the curve in making ends meet in today's climate. Certainly retaining the proposed 5% increases in SFY 12-13 & 13-14 budgets would be a laudable step, and would continue to help close the "inflation gap" which reduced the real value of the basic grant by more than 50% over two decades of neglect. But that extension cannot come at the expense of this year's promised increase.
- **Restore funding for home visiting programs to help give children the best possible start.** Restore funding to the Healthy Families New York (HFNY) program for a total of \$25 million and \$5 million in funding for the Nurse-Family Partnership (NFP) program. Healthy Families New York is one of New York's evidence-based home visiting programs that prevents child abuse and reduces costs for foster care and other child welfare services. Research tells us these programs work in decreasing child abuse and maltreatment. What could be a more important investment in our future? Several Community Action Agencies provide Healthy Families services and, with so few resources available to families in rural communities, this cut is a dramatic shift during a time of increasing stress for families.
- **Maintain Weatherization Assistance Programs Across the State.** Reject the appropriation language that would authorize a temporary waiver of the requirement to set-aside 15% of all federal HEAP funds for the Weatherization Assistance Program along with a waiver of the requirement that no less than 10 percent of all federal HEAP funds be sub-allocated to the Division of Housing and Community Renewal. In the State's WAP Plan, the upcoming WAP

Program year was to be funded with \$18.1 million in Department of Energy funds and \$47.6 million of HEAP funds. By eliminating the HEAP portion of the funding, the WAP program would see a 77% drop in funding and the program would be devastated going forward. As a result of this, we estimate

- o DHCR would be forced to reduce the contract Cost Per Unit Average from \$6,500 to \$4,000. Since weatherization is a one-time service, customers served in this fiscal cycle would not be able reap the benefits of the recently increased CPU.
- o The minimum funded agencies would receive a total allocation of \$85,000 down from \$350,000. At \$85,000, some programs may well close their doors. Minimally funded agencies tend to be located in upstate counties including Washington County, Schoharie, Otsego, Madison, Lewis, Essex, just to name a few—all very cold, and all with old housing stock in great need of weatherization.

The Governor justifies this move given the significant level of American Recovery and Reinvestment Act (ARRA) Weatherization Assistant Program (WAP) resources coming into the state over the next 18 months. These ARRA resources, however, are short term and have accompanying prevailing wage rules and regulations that have already delayed implementation and caused some programs to outsource this work to contractors, rather than training and hiring additional WAP staff. ARRA was intended to expand WAP services and increase the number of weatherized homes in New York State. While being promoted as part of the new greening of our economy, WAP is a 34-year old program focused on helping low-income families conserve energy, decrease heating bills, and promote long-term cost savings to families with high energy burdens. This program goes directly to helping low income families and removing the HEAP investment will decimate a long-term successful program.

- **Restore \$202 million in Temporary Assistance to Needy Families (TANF) Programs.** By eliminating funding for a range of TANF programs that help New York's poorest residents, or in some cases replacing TANF funds with Emergency Contingency Funds (ECF) for these programs, the proposed budget jeopardizes Community Action's ability to help families maintain and achieve self sufficiency. Without these critical supportive services we can expect to see an increase in the public assistance rolls. Restoration of these services is not only in the best interest of New York's most vulnerable families but is also the right approach for the long term financial interests of the State. We urge you to support these programs through the restoration of \$202 million in TANF funding. While we appreciate the need to maximize the draw down of federal dollars and support efforts to obtain as many Emergency Contingency Funds for New York as possible, we disagree with the removal of over \$200 million in TANF funds from critical community based programs to close the current budget gap. In the scope of

the entire State budget \$202 million is not profoundly significant and we urge you to find that savings elsewhere. This is not the time to divest funds intended to assist our growing poor population. Here are examples of proposed cuts that will impact customers of Community Action Agencies statewide:

- **Career Pathways** is a somewhat new program that we have found to have a significant impact on the lives of struggling families looking to learn new skills and obtain employment. Attached to this testimony are two success stories from the Albany Community Action Partnership's Career Pathways program. This program is in its early stages but I think you can see from Jemik and Kathryn's stories, this program is having its intended return on investment and then some.
 - **Summer Youth Employment** gives tens of thousands of young people every summer and their families a real financial boost. This program brings real income into the homes of low-income families and these youths are not earning money to go to the movies; they are bringing home an income that goes to rent, food, energy bills, and transportation while providing soft skills training that will pay off dividends in future employment. NYC had 52,000+ slots last year with various funding streams supporting their efforts, including several ARRA-related funding streams. TANF is a vital part of this program.
 - **Advantage Schools** provides afterschool programming for youth, again providing safe and appropriate after school settings for children while their parents work.
 - **SUNY/CUNY child care, migrant child care, and child care demonstration programs** allows parents to attend class, children of migrant workers to be cared for safe
 - **Displaced Homemakers** is a 30-year old, highly successful, comprehensive program that assists New Yorkers moving into the workforce. We know that poverty among women is higher than their male counterparts and with stimulus package jobs focused on infrastructure and construction, we need to maintain a program focused on ensuring displaced homemakers are prepared to enter the workforce and assisted in that effort.
- **Establish a Legislative Commission on Poverty and Establish a Target to Cut Poverty in Half by 2020.** While we support and appreciate the work of the Governor's Economic Security Cabinet, the efforts of the Cabinet are focused primarily on maintaining working families in the middle class with supports and investments that decrease the likelihood that they will fall into poverty. We ask that a Commission be established to assess poverty in New York, to document how the face of poverty is changing, and to develop an action plan to assist families to move out of poverty and into economic self-sufficiency.

- **Establish a Target for New York State to Cut Poverty in Half by 2020.** Many national organizations including the Community Action Partnership, the Center for Law and Social Policy, the Center for American Progress, Catholic Charities USA, and others have called on the nation to cut poverty in Half in Ten Years. We believe New York should join states such as Connecticut, Minnesota, Illinois, and Ohio that have set state-level poverty targets and set a goal for cutting poverty in the State by half by 2020.

Protect and Support the Needs of Struggling Working New Yorkers

Families that work should be able to maintain and support themselves. During these economic times, New York State should make investments that support Working New Yorkers.

Prevent the loss of child care subsidy funding for low-income families across the state.

- **Add \$40-\$50 million to the state child care block grant.** This will allow much needed subsidies to continue at their current level and not fall further behind. Subsidies are essential to our economy, allowing parents to work while preparing our future workforce and allowing children to thrive. Also, many low-income working parents find the increasing co-pays that accompany any increase in wages to be unmanageable. Often, this leads parents to decrease their work hours (and correspondingly, household income) to maintain their daycare slots. We urge you to mandate all counties to charge no co-pays for families with incomes less than the federal poverty level.
- **Raise the minimum wage to \$9.46 by January 2013 and index it to inflation thereafter.** In 1970, the minimum wage was at a level that allowed a family of three to live at the federal poverty level. Today, it is enough to live at about 76% of the Federal Poverty Level. We believe that **work should pay**, and that while the State should be moving towards a living wage, an increase in the minimum wage is a necessity now.

Finally, the proposed elimination of advisory boards via an Article VII bill in order to reduce costs seems shortsighted. Given today's communication technology, the costs to manage these advisory boards would seem to be dropping through efficiencies. To eliminate the TANF Block Grant Advisory Council, the HEAP Block Grant Advisory Council and DAP (Disability Advocate Program) Committee among others would eliminate a statutory role for input into the decision making process. While the state agencies may expect to maintain their levels of communication and access with advocates and other interested parties, as well as federally mandated public hearings and notices, administrations change over time getting them back into statute after elimination would be even more difficult.

On behalf of New York's Community Action Agencies and the 650,000 families we work with each year, I thank you for the opportunity to testify before you today and invite you to turn to us as a statewide resource for reaching and supporting those looking to break the cycle of poverty.

Thank you.

Denise Harlow, CEO

NYS Community Action Association

Andy Stone, CEO

NYS Weatherization Directors Association

Career Pathways Success Stories
Albany Community Action Partnership

Jemik (Weatherization)

Jemik began working with us shortly after being released from prison on 2 felony drug possession convictions in the state of Virginia. Jemik faced many challenges: he had no real work history outside of his experience in prison, didn't have a high school diploma or GED, and had a strong substance abuse history, and had no legal identification to even begin searching for employment. When he came to us, he was frustrated at not being able to obtain legal identification since each employer requested it upon interviewing. Our first step was to help him obtain enough points for NYS non-driver's ID. This process took 4 months of applying for various services including Medicaid, a birth certificate, and a bank account. While this documentation process was underway, we worked with Jemik on understanding his financial situation thru our collaboration with SEFCU; developing life and employment ready skills in our workshops; learning a trade that he found interesting, offer him an opportunity for career growth, and would not be negatively impacted by his criminal history. He completed our Building Trades & Weatherization 90-hour training program, and as the training was nearing an end, he finally was able to obtain his NYS identification. Jemik began an internship as a maintenance helper at the Albany Clarion Hotel at the advice of our staff (to develop a work history and possibly open doors to employment) and was hired shortly thereafter. He has maintained that employment in the evenings, and is attending GED classes during the day. Recently Jemik's training instructor stated, "Jemik has shown the willingness to learn, with the ability to pick up what was demonstrated in class. He has a

great attitude, taking pride in his work and shows a defined effort to work as a team. Jemik has perfect attendance and is never late. He has shown me a work ethic that will make an outstanding employee." Jemik reports feeling more confident, is putting his "old life" behind him, and looks forward to a bright future in the building trades field.

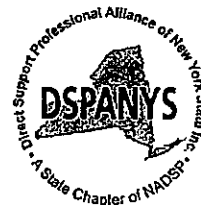
Kathryn (Health Care)

When Kathryn came to our doors she was a depressed single mom (1 yr. old son) without any sort of support system, attempting to receive TANF services and child support, in addition to seeking any type of employment. At only 23 yrs. old, she thought she was a bad mom due to her living conditions- she had been sleeping on a relative's living room floor with her son in her arms each night, since she hadn't been able to afford a place of her own. With our assistance and advocating, she was able to open a public assistance case and finally obtain a small apartment. She clearly was ambitious and beginning to feel more confident. She expressed an interest in becoming a nurse someday, so we helped her enter an upcoming training for P.C.A., H.H.A, and C.N.A. certification. She obtained all 3 credentials in late August, and with our assistance began an internship with a local healthcare facility to boost her experience and to develop networking connections in the healthcare field. Although it took some time, and she at times would feel frustrated with her employment search, Kathryn stuck to her goal plan, and finally interviewed with Teresian House. She was hired as a C.N.A. shortly after, and was so excited to earn her first paycheck. Now, more than a month on the job she has begun earning enough money to close her public assistance case. She has worked with our program to develop a family budget plan and has been linked with services in the community to help her maintain her independence from government services, including recently reaching a child support and visitation arrangement with her son's father. Kathryn is now so confident and is doing great at work. In fact, she is preparing to continue her education while working by taking LPN courses part time and looks forward to growing a career in the health care industry.

10

DIRECT SUPPORT PROFESSIONAL ALLIANCE OF NEW YORK STATE

Promoting valued lives for the people we serve by advancing the profession of direct support.



**Testimony of Joseph M. Macbeth
Assistant Executive Director,
New York State Association of Community and Residential Agencies
And
Founder,
Direct Support Professional Alliance of New York State
Before The New York State Senate Finance and Assembly Ways and Means Committees
and Senate and Assembly Labor Committees
February 10, 2010**

Chairmen Kruger and Farrell, and members of the Senate Finance and Assembly Ways and Means Committees, and Chairman Onorato, Chairwoman John, and members of the Senate and Assembly Labor Committees, thank you for this opportunity to provide testimony on the proposed Executive Budget for New York State as it relates to workforce issues.

My name is Joseph Macbeth. I am the Assistant Executive Director of the New York State Association of Community and Residential Agencies (NYSACRA). NYSACRA is a membership organization consisting of approximately 200 nonprofit agencies that support individuals with developmental disabilities and employ 70,000 men and women, most of whom provide hands-on direct support of the individuals served. The mission of NYSACRA and its member agencies is to promote the full participation of persons with developmental disabilities in the communities of New York State.

I am also one of the co-founders of the Direct Support Professional Alliance of New York State, or DSPANYS as we call it. DSPANYS' mission is to promote valued lives for individuals with developmental and other disabilities by advancing the profession of direct support. It is on DSPANYS' behalf and its nearly 1,000 members that I am testifying.

Direct support professionals are known by many names: therapy aides, group home counselors, house parents, life skill instructors, habilitation counselors, job coaches, etc. They work in a variety of residential and day programs certified and/or funded by a number of State agencies: the Office of Mental Retardation and Developmental Disabilities, the Office of Mental Health, the Office of Alcoholism and Substance Abuse Services, and the Office of Children and Family Services, to name but a few. Regardless of their titles and

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funding sources, direct support professionals have one unifying mission: to protect, nurture, and support some of New York's most vulnerable citizens.

Direct support professionals have the primary responsibility for, and are the frontline of assuring, the health, welfare and safety of people with disabilities. Among other health related duties, they monitor or assist in the administration of medications, and serve as individuals' medical advocates. They assist the individuals they support in learning life skills so they can be all they can be, as good neighbors and contributing members of society; and also help individuals successfully navigate their communities and social services systems. They are relied upon by families as the staff who know their loved ones the best and who can support them in everyday ways the family can't. And for some individuals, they are the closest thing to a family the individual has. Direct support professionals play a critical and complex role in today's community-based human service system.

Direct support is a noble profession, but it is also personally challenging. Given their salaries and benefits, many direct support professionals have to work two jobs to make ends meet, or leave a job they love in exchange for financial security. This has an immediate impact on the people they support – who suffer as a result of staff turnover and high vacancy rates. It also foreshadows a larger looming crisis in human services: the inability to recruit and retain a quality and professional direct support workforce.

- In its January 2010 report on workforce issues¹, the National Council on Disability indicates that the current disability services infrastructure is already strained and will become even more so as baby boomers, who constitute a large part of the workforce, age and themselves require services. In the future, given lower birthrates, the burdens on the health care and social support systems will grow, while resources and labor supplies will be stretched ever more thinly.
- In the arena of developmental disability services, where a number of factors have converged to increase demand for services (e.g., medical advances leading to longevity, higher incidence rate of autism, etc.), the U.S. Department of Health and Human Services projects that between 2003 and 2020 the need for direct support

¹ Workforce Infrastructure in Support of People with Disabilities: Matching Human Resources to Service Needs. National Council on Disability. January 20, 2010.

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professionals will grow by 37%, but the supply of workers who have traditionally filled this role will increase by only 7.2%.²

- Yet even today, we have difficulty recruiting and retaining a direct support workforce. According to the National Direct Service Workforce Resource Center, nursing facilities experience a 71% turnover rate in direct support workers, home health care agencies experience a 40%-60% turnover rate, mental health and developmental disability residential programs have a 50% turnover rate, and the turnover rate for programs serving individuals with substance abuse disorders exceeds 50%.³

It is against that backdrop that DSPANYS urges your support of the proposed budget's provisions for a retroactive and prospective Medicaid trend factor, and an additional phase of OMRDD's Health Care Initiative. Such provisions will assist in recruiting and retaining direct support professionals, particularly if they are used, as Commissioner Ritter of the OMRDD urges, to enhance salaries and benefits of staff in nonprofit agencies.

Unfortunately, DSPANYS' colleagues working in non-Medicaid funded programs and in programs not under the umbrella of OMRDD's Health Care Initiative will not see the fruit of these proposals.

If we are to avert a crisis in the delivery of human services, there needs to be a comprehensive plan to address the direct support workforce needs across New York's human service agencies. Admittedly, this cannot be developed in the current budget cycle. However, DSPANYS urges you to look beyond the current proposed budget, to think outside the boxes and silos of individual agency proposals, and to set in motion a longer-term process which forthrightly plans for and addresses New York's direct support workforce needs. It should endeavor to answer the question: How do we grow a much needed, quality, professional workforce to address the direct support needs of New Yorkers next year, and the next year, and the years that follow?

Salary and benefit issues would be an important element of that plan. One cannot expect people to be drawn to a career of providing direct support services if doing so requires them to work two jobs to survive economically. But salary and benefit issues should not be the only element.

² The Supply of Direct Support Professionals Serving Individuals with Intellectual Disabilities and Other Developmental Disabilities: Report to Congress. U.S. Department of Health and Human Services. January 2006.

³ A synthesis of direct support workforce demographics and challenges across intellectual/developmental disabilities, aging, physical disabilities, and behavioral health. National Direct Service Workforce Resource Center. November, 2008.

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To grow and nurture a quality, professional direct support workforce, there should be competency-based training and credentialing to which salaries and career ladders can be tied. Career ladders are important. Individuals doing great work should not have to leave the field of direct support in order to advance themselves. Credentialing would also ensure the portability of core skills as workforce members transition from one human service agency to another as changing service demands may necessitate in the future.

As with most professions, there should also be a Code of Ethics to guide the direct support workforce. Its members are often called upon to exercise independent judgment as they often work in a variety of settings without direct supervision. And there should also be mechanisms in place for the appropriate remediation of alleged misconduct or deviations from expected standards of care. Individuals requiring direct support should be assured that the individuals assisting them are competent and of sound character.

Finally, as pointed out by the National Council on Disabilities, not all occupations specific to disability services are tracked by the Bureau of Labor Statistics. This makes it difficult to plan for issues of supply and demand on a national level. The Council recommends more definitive coverage of these occupations in the BLS system. To aid in planning purposes, New York should ensure that the system it uses for classifying occupations truly captures the essence of direct support work and accurately counts members of that workforce.

In closing, I leave you with a point made by Dr. Frank Bowe, who was disabled, an advocate, and the founding director of the American Coalition of Citizens with Disabilities. And that point is: *Disability is our common destiny, if we live long enough. Usually, hearing begins to go first, then vision, and then mobility.*

By planning for a quality, professional direct support workforce of tomorrow, we are planning for a workforce on which we all may come to rely. DSPANYS is willing to help in this planning endeavor in whatever way we can. So please, don't hesitate to contact us. Information about DSPANYS, including our contact information, is appended to my written testimony, copies of which I've submitted.

Again, on behalf of DSAPNYS, I thank you for this opportunity for input.

10A

New York Public Welfare Association

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Sheila Harrigan, Executive Director

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Testimony on the SFY 2010-11 Executive Budget for Human Services Joint Fiscal Committees of the New York State Legislature

Sheila Harrigan, Executive Director
February 10, 2010

The New York Public Welfare Association is dedicated to improving social welfare policy so that it is accountable to taxpayers and protective of vulnerable people. Local departments of social services come face to face with poverty and large masses of people seeking their help every day. Counties and the State of New York share the same economic conditions that are forcing us all to cut back. In spite of the growing demand for assistance, the State has been withdrawing support. The last State budget eliminated all State funding for the administration of Food Stamps and Safety Net Assistance. The executive budget proposes eliminating all state funding for domestic violence services through changes under Title XX.

Due to the harsh fiscal reality that we share with the State, we have three recommendations that are extremely important to social services, which do not require additional resources:

Oppose the Kinship Guardianship Assistance Program Due to Lack of State Funding

Under no circumstance should kinship guardianship assistance be placed under the Foster Care Block Grant as proposed. Kinship guardianship is not a type of foster care. It is a permanency alternative to adoption. It should be funded using the same federal, state and local share formulas that support adoption subsidies.

The NYPWA issued recommendations for implementing kinship guardianship assistance on April 9, 2009, drawing on the experience of local districts and other experts, including local social services commissioners who previously administered these programs in other States. While we would like to see this permanency option for families in the future, it must coincide with the State's ability to step up to the plate with its share of the funding and with a solid policy framework.

Other States fund kinship guardianship directly, without placing the burden on counties. It is irresponsible to say it is cost neutral when 100% of the fiscal liability would fall on local governments and none of it on the State. New York cannot predict the cost or size of this program by comparisons with other states that have a different level of utilization of relatives as caregivers within the foster care system. However, if the State is convinced that it is cost neutral, then the State should certainly be willing to bear its fair share of the financial risk.

There are two other critical components of the proposal which add to the cost of the program and which are contrary to the best interests of the child and are therefore totally unacceptable.

10B

Denise Bonitto
Albany Testimony on Transitional Jobs

Hello my name is Denise Bonitto; I am a leader in the Yonkers chapter of Community Voices Heard and a DSS recipient. I am here to speak about the need for funding for Transitional Jobs. For the past two years I have been working for the Office of the Aging as a staff manager. I work five days a week, but only get paid for two. I only receive \$49 a week for the two days that I work and \$126 from the Department of Social Services for three people, myself, my daughter and one year old granddaughter. I work hard everyday, but making that amount is downgrading. If there was full funding for a Transitional Jobs Program, then I could get paid for all five days and receive training in the area of work I like. A program like this would benefit me and others to get off of welfare and become independent. We will continue fighting for justice for all welfare recipients.

1) A - 2

I was born to an alcoholic, mentally-ill father and a mentally ill, sexually abused mother. Neither of my parents had family in the county I was born in. Statistically, both of them were at a high risk to become abusive parents, but they weren't offered preventative services. I started kindergarten at age four, barely able to speak and having had very little contact with children my own age. When my sister was born, things got a little harder, and where I had communication problems, my sister showed signs of mental illness at a very young age. My father was abusive to my mother, and needed absolute control of my sister and I. When I was seven years old, my father brought me into his bedroom, loaded a gun in front of me, put it to my head and pulled the trigger, as punishment for some mistake I have long since forgot. From that day forward, I lived with the knowledge that the people in this world who were supposed to love me were completely willing and able to kill me at a moment's notice. It was the complete antithesis of the love and nurturance parents are supposed to provide their children. I was in second grade when that happened, and I spent most of my time in school that year scratching at my skin and staring straight ahead of me.

As I got older, my mother became more and more mentally compromised, and my sister and I had to nurture and protect her. Since we were less of a threat to her survival and well-being than my father was, we were the constant victims of her overwhelming anger and cruelty, and there was absolutely no limit to the intensity or quantity of psychological abuse she could dole out. As I got older, I was subjected to years of sexual abuse by first my father and later his cousin. My mother eventually found out about it and did nothing.

I struggled through elementary school, mostly because I couldn't speak well. As I got to junior high, school had become my refuge. Since school work was one thing I could do well, so I threw myself at it. I didn't have any friends until I was in junior high, and I didn't get to sleep over at a friend's house until I was in high school. Relationships with boys my own age were a real mess- I was afraid of males, and I had no concept of sexual boundaries, but I was attracted to them at the same time. The idea of asking a boy to use a condom was beyond my grasp- nothing in my experience had ever led me to believe that males would listen to a request like that. I thought getting pregnant would be a way out for me- a way out of my home, and a way out of the meaningless, agonizing adulthood my parents had convinced me was my birth right.

When I was 16 or 17, my father talked with me about his plan to kill my mother. It seemed plausible to me, and he had all the necessary equipment lying around. I didn't tell my mother about it. Partially, I was afraid of what would happen to me if my father found out I couldn't keep his confidence, and also partially because I thought my lot in life might marginally improve without her. So before I was old enough to vote, I was poised to become both a accomplice to murder and a mother.

Thankfully, through no wisdom of my own, I became neither. I made it to college, and had four years to grow, heal, and brace myself for adulthood. While I was away from my family and surrounded by peers who had healthier starts in life, I learned that so much of what happened to me as a child was neither normal nor my fault. As I learned about child abuse academically, I also learned that it didn't need to happen. I learned that programs that could have changed my life profoundly existed when I was born, but politicians simply chose not to fund or mandate them. That knowledge was painful for me, but the part that is even more painful is that today, in the county I grew up in, there still is no comprehensive child abuse prevention program.

Never, at any point in my life, have I wondered how my parents could do the things to me that they did. When I was a child they said they did whatever they did because I deserved it, because I was bad, and like all children I believed what my parents told me. As I grew older and learned about the causes of child abuse, I came to believe they did what they did because of their own mental illnesses and scars. It is not hard for me to understand how the most broken among us can break the most fragile. But what I cannot wrap my mind around is how the most powerful among us, the people who are sitting in this room right now, can know this fact, tolerate and condone it. Choosing to cut services that are known, indisputably, to prevent child abuse is doing exactly that. There is no way to euphemize this fact. Children cannot chose to take part in a shared sacrifice, they can only be sacrificed. A child who has lost part of their innocence, part of their soul, part of their goodness is not comforted by talk of a budget shortfall. They may be comforted by learning that the most powerful people in our society are willing to do everything at their disposal to keep others from being hurt. Child abusers don't often have a chance to sit and ponder whether or not they are going to abuse a child at any particular moment. But you, the lawmakers of New York, the greatest state in the nation, have that chance right now. I ask you only to use your conscience and chose not to make decisions that will hurt children. Thank you.

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Good afternoon, my name is Bonnie Fustanio. I am here today to express my concern and fear over Governor Paterson's budget cuts to Healthy Families NY, which is New York States flagship child abuse prevention program.

I will attempt to briefly tell you some of the horrors of child abuse as well as some of the long-term effects. This information is not coming from any research I have done, but rather from the nightmare that my siblings and I lived through.

I am the eldest of 10 children and being so have always felt a strong responsibility to protect them from the physical, verbal and sexual abuses that were inflicted on us day after day and year after year.

Even the verbal abuse was violent and branded into the souls of us young children.

I remember being young pre-school age and my mother telling us that she was going to run away and leave us with our father. Or, she would say that she was going to blow out the pilot lights on the gas stove and turn the gas on while we slept. I also remember asking her what that meant and what it would do. Other times she threatened to burn the house down while we were all asleep.

For many years I would wake at night to check the stove.

My brother who is a year younger than me was 6 or 7 and came home from little league with a black eye and a fat lip. He had missed a ball and embarrassed our father so he was beaten. A week or so later we went to visit our maternal grandparents.

Grandpa asked my brother how he got the shiner, so my brother told him, we were taught not to lie. Apparently, Grandpa yelled at our father, and there was another beating for my little brother. We were told, "We were not to air our dirty laundry!" I had no clue what that meant, though I thought it had something to do with clothes on the clothesline.

It took me a few years to figure out what that meant

From that point, things got much worse and much more frequent. We were beaten with things like belts, rubber hoses, or switches that we had to go out and cut from a tree ourselves. If we came back with a wimpy switch then "they would go out and chose one for us."

There was also lots of punching, slapping, kicking and hair pulling. I still remember the sick feeling I would get when my mother would grab me by my long hair and whip me around and I could feel my scalp pull away from my skull.

My poor brother always seemed to get the worst of it. About the time I was 13, I went to the school counselor and told him I was afraid that my father was going to kill my brother.

The counselor and teachers all knew from the bruises, black eyes and broken noses that my brother came to school with. The counselor questioned my brother and he denied the abuse. My parents were contacted and of course, they both also denied it.

They seemed to leave me alone a little more after that, but not my brother. It just got worse! I remember laying awake at night and praying that my father would kill my brother so that he would not suffer anymore or that my father would die.

Until 1966 we had lived in Franklin and Clinton counties, mostly on dirt roads and about a mile from the closest neighbors. We saw very little of our Grandparents or other relatives. My mother was a stay at home mom and my father became a correction officer at Dannemora Prison.

In 1966 we moved to Oakfield, NY in Genesee County. My father had transferred to Attica Prison and our mother became a prison guard at Albion Correctional Facility.

Now we lived in a small village, I was 16 and every time I saw my father beat my brother I would call the Sheriff's Dept. They would respond but didn't seem to care much, even though there were dozens of calls. Who wants to protect dirty white trash?

That was exactly how I felt.

During the summer of '66, I came home one afternoon and saw my brother sitting at the kitchen table with his head in his hands, he slowly turned and looked at me through one eye, the other was swollen shut, his nose broken, yet again and his face looked like raw Hamburg. I could not speak; I thought I was going to faint and then ran to the bathroom and heaved and heaved. My brother begged me not to call the police.

A short time later, while all the children were in school and I was home caring for my 2 year old sister. My drunken father grabbed me, he started hugging and kissing me and say things that no father should ever say to any child. I managed to break free grab my little sister and hide in the back yard till I was sure the drunk had passed out.

At that time I had 5 younger sisters (a 6th sister born a couple years later). I was only 17 but concerned for my sisters so I called Family Services. A man came to our house asked me many questions. Then he confronted my father with the story right in front of me. Of course, my father denied it. So nothing was ever done, not by Family Services or by my mother, who just ignored the whole thing. She never even talked to me about it.

I decided I needed to gently question my 12 yr old sister. She indicated that our father had not bothered her in any strange way. Little did I know that at this time my father was sexually abusing my 5-year-old sister on a regular basis.

I left home a couple of months prior to my 18th birthday and was not allowed to visit my siblings for a very long time. I missed and worried about them.

When I was 19, I married and shortly after my husband became a police officer in LeRoy, which is also in Genesee County. He soon made friends with other officers in the county and told me that he was hearing stories that my father was a known child molester and that he preferred little boys. Apparently, he had molested more than one child and was never brought to court. I wept for my little brothers and for the other young boys.

A few years later Family Services was again called by another sister, this would have been in '76. My father had grabbed my 17-year-old sister and pulled her into his bedroom, she managed to get away. Again, nothing was done by Family Services or by my mother. At this time there were still 3 younger sisters at home. This same sister soon after had to have surgery to repair a broken ear drum caused by beatings about the head. She is 50 years old today and is still hard of hearing.

I would like to say that all of my siblings grew up to be healthy and productive citizens and that the cycle of abuse ended but I cannot.

I am fortunate enough to say that I did not repeat the cycle of abuse and that I am allowed to and frequently asked to babysit my precious Grandchildren.

I have been diagnosed with chronic and severe Post Traumatic Stress Disorder. Even with the medications that I take I still wake up screaming from nightmares.

None of these things should have happened to me or any of my siblings, nor any other child for that matter.

How many more helpless children must languish through equally cruel and sickening situations and their story is never told, their abusers never punished and their broken little lives never healed?

Is there to be no end to the violence, neglect and abuse against our greatest and most precious resource?

Every child deserves a chance. An infant or toddler cannot tell you that they are being abused or that they are in need of help. By the time they have reached school they may not be able to express the terrible sights they have seen, the pain and suffering they have felt during their short lives. And, they have probably been taught that this is a family secret.

I hope and pray today that I have been a voice for some of these children and that you will say ENOUGH!!! Not on my watch, not when I have the power to make a difference in the lives of these precious children.

Parents and caregivers MUST be educated. Every child abuser knows that they cannot assault another adult, but a child is often looked at as a possession rather than a living

breathing human being.

Thank you for the privilege of speaking before you today. Please say NO to budget cuts to Healthy Families NY.



Prevent Child Abuse
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**Testimony Before the
Joint Legislative Conference Committee on Human Services
Wednesday, February 10, 2010
Hearing Room B**

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I hold myself personally responsible for every child that is abused, neglected, or dies in New York State.

I must be a better lobbyist. A better advocate. I must work harder, longer, and with more determination.

I hold my organization responsible for every child that is abused, neglected, or dies in New York State.

We must speak louder. We must shout. We must do whatever it takes to protect our State's children.

I hold Governor Paterson responsible for his decision to reduce funding for child abuse prevention by 40%. I hold our Governor responsible for making the safety and well-being of our children a non-priority.

Today, I ask that you take responsibility for your role in protecting New York's children, and in protecting our State's fiscal future.

The short and long-term health effects of child maltreatment plague our population and our economy.

Children who have experienced four adverse childhood experiences are 260% more likely to suffer from chronic obstructive pulmonary disease.

They have a 240% increase in the likelihood of contracting hepatitis.

A 250% increase in the likelihood of contracting a sexually transmitted disease.

A 460% increase in the likelihood of clinical depression.

A 1,220% increase in attempted suicide. With additional adverse childhood experiences, that number increases 30 to 51-fold.

In fact, 80% of all suicides can be attributed to adverse childhood experiences.

A child who has suffered six adverse childhood experiences has a 4,600% increase in the likelihood of later becoming an intravenous drug user.¹

Exponential increases in the likelihood of alcoholism and alcohol abuse, fetal death, ischemic heart disease, liver disease, domestic violence, smoking, and unintended pregnancies are also linked to the number of adverse childhood experiences.

The costs and consequences of child abuse and neglect have plagued our State for years and greatly contributed to the economic crisis that we now face.

Former Business Week economist and current Editor-in-Chief of Visible Economy Michael Mandel recently reminded advocates that, "The economic downfall mistake was that we were far too focused on the present and not on the future."

This is exactly how we treat child abuse and neglect. Rather than a vaccination, the State prefers to treat the flu.

New York State spends \$23 million each year on treatment for injuries related to child abuse and neglect.

\$135 million each year on treatment for chronic health problems related to child abuse and neglect.

\$40 million each year on mental health services for children who have been abused or neglected.

\$174 million each year on child protection services for children who have been abused or neglected.

\$687 million each year on foster care services for children who have been removed from their home due to being abused or neglected.

\$15 million each year on court services for children who have been abused or neglected.

\$110 million each year on special education services for children who have been abused or neglected.

\$84 million each year for juveniles who have been abused or neglected and, as a result, entered the juvenile justice system.

\$312 million each year for criminal justice services, as 10% of all adult criminal behavior can be linked to child abuse or neglect.

\$329 million each year on substance abuse services for adults whose addiction can be linked to their childhood abuse or neglect.

\$16 million each year on domestic violence services to treat the outcomes of abusive partners whose violence can be linked to his or her childhood abuse or neglect.

\$498 million each year on public assistance services related to child abuse or neglect.

That's about \$2.5 billion each year that New York State spends on the costs and consequences of child abuse and neglect. And that's a very, very conservative estimate.ⁱⁱ

New York State spends less than \$30 million on child abuse prevention services.

There are three funding streams for child abuse prevention services:

- ▶ **Community Optional Prevention Services, which have been sustained in the Governor's budget proposal;**
- ▶ **The New York State William B. Hoyt Memorial Child and Family Trust Fund, which sustained a 25% cut in last year's budget, and a proposed 10% cut in this year's proposal; and**
- ▶ **Healthy Families New York home visiting, which is proposed to see a 35% reduction in the Governor's budget (Healthy Families New York cut is 25% or \$5,822,050 in TANF funding and 10% or \$1,746,552 in State General Funds).**

These cuts potentially disqualify New York State for \$100 to \$150 million over five years in Federal aid for child abuse prevention through home visiting programs.

Healthy Families New York recoups its expenses, plus savings, in the first year. Thus, a cut to home visiting will mean a real and immediate increase in Medicaid spending.

Healthy Families not only cuts child abuse in half, but it brings families out of economic crisis.

81% of families are enrolled in an education program, job training, or job placement program, or have employment by the child's first birthday.

50% of families receiving TANF benefits upon entering the program are no longer in need of those services at the completion of the program.

57% of participants under the age of 21 at intake without a high school degree or GED are enrolled in a degree-bearing program or have received a high school degree or GED by the child's first birthday.ⁱⁱⁱ

Healthy Families New York employs nearly 500 people in 39 communities across the State.

And, not to mention, Healthy Families New York cuts low-birthweight in half – a savings that, if implemented statewide, would realize an immediate \$250 million in Medicaid savings statewide – and that’s after subtracting the cost of the program expenses.^{iv}

In addition, both the 10% cut to the New York State William B. Hoyt Memorial Children and Family Trust Fund and the Governor’s proposal to abolish their Advisory Board jeopardize Federal and foundation dollars for child abuse prevention.

Simply stated, the New York State Legislature must do all that it can to protect children, and restore these devastating cuts that put children’s safety and lives at risk, and jeopardize our State’s fiscal health.

As Charles Kolb of the Committee for Economic Development has said, “There is no greater investment that we can make as a nation than in our children.”

We cannot lose this opportunity to gain \$100 to \$150 million in Federal dollars, and we cannot allow another 80,000 New York State children to be abused and neglected.

You must be courageous leaders, and stand up for children. For, as Marian Wright Edelman of the Children’s Defense Fund once said, “If you don’t stand for children, then you don’t stand for much.”

Thank you for your time, your courage, and, I leave you with hope for millions of children and families across New York State – and a message from advocates: This deplorable demolition and gutting of child abuse prevention services cannot, and will not be tolerated. We’re counting on you to be the courageous and responsible leaders you’ve been in the past – and to restore funding for Healthy Families New York home visiting to \$25 million, and funding for the New York State William B. Hoyt Memorial Children and Family Trust Fund to \$1.5 million.

Respectfully Submitted,

Michelle Gross, Public Policy Manager
Prevent Child Abuse New York

Attachments:

- ▶ The Relationship of Adverse Childhood Experiences to Adult Health: Turning Gold Into Lead
- ▶ Costs and Consequences of Child Abuse

ⁱ See attached document, “The Relationship of Adverse Childhood Experiences to Adult Health: Turning Gold Into Lead.”

ⁱⁱ See attached document, “Costs and Consequences of Child Abuse.”

ⁱⁱⁱ Figures available in quarterly reports from Healthy Families New York, <http://www.healthyfamiliesnewyork.org>

^{iv} Figure based on 20,556 low birth-weight births in calendar year 2007 in New York State. With each low-birthweight costing approximately \$40,000 in first-year medical expenses, and Medicaid reimbursing approximately 40% of those costs, and subtracting \$3,500 per year for each family the figure amounts to \$256,950,000. $(20,556 * 40,000) * (.4) - (20,556 * 3,500)$.

**The Relationship of Adverse Childhood Experiences to Adult Health:
*Turning gold into lead****

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*English translation of:

Felitti VJ. Belastungen in der Kindheit und Gesundheit im Erwachsenenalter: die Verwandlung von Gold in Blei. *Z psychosom Med Psychother* 2002; 48(4): 359-369.

The Relationship of Adverse Childhood Experiences to Adult Health: *Turning gold into lead*

The question of what determines adult health and well-being is important to all countries. The Adverse Childhood Experiences (ACE) Study¹ is a major American research project that poses the question of whether, and how, childhood experiences affect adult health decades later. This question is being answered with the ongoing collaboration of Robert Anda, MD at the Centers for Disease Control (CDC) and the cooperation of 17,421 adults at Kaiser Permanente's Department of Preventive Medicine in San Diego, California. Kaiser Permanente is a multispecialty, prepaid, private health insurance system or Health Maintenance Organization [HMO]. The findings from the ACE Study provide a remarkable insight into how we become what we are as individuals and as a nation. They are important medically, socially, and economically². Indeed, they have given us reason to reconsider the very structure of primary care medical practice in America.

The ACE Study reveals a powerful relationship between our emotional experiences as children and our physical and mental health as adults, as well as the major causes of adult mortality in the United States. It documents the conversion of traumatic emotional experiences in childhood into organic disease later in life. How does this happen, this reverse alchemy, turning the gold of a newborn infant into the lead of a depressed, diseased adult? The Study makes it clear that time does *not* heal some of the adverse experiences we found so common in the childhoods of a large population of middle-aged, middle class Americans. One does not 'just get over' some things, not even fifty years later³.

The Adverse Childhood Experiences Study is an outgrowth of observations we made in the mid 1980s in an obesity program that had a high dropout rate. The first of many unexpected discoveries was that the majority of the dropouts actually were successfully losing weight. Accidentally and to our surprise, we learned from detailed life interviews of 286 such individuals that childhood sexual abuse was remarkably common and, if present, always antedated the onset of their obesity. No one previously had sought this kind of medical information from them but many patients spoke of their conscious awareness of an association between abuse and obesity. Some told of instances where they had brought up their history of abuse only to have the information rejected by a physician as being in the distant past and hence of no relevance to current problems.

The counterintuitive aspect was that, for many people, obesity was not their problem; it was their protective *solution* to problems that previously had never been acknowledged to anyone. An early insight was the remark of a woman who was raped at age twenty-three and gained 105 pounds in the year subsequent: "Overweight is overlooked and that's the way I need to be." The contrast was striking between this statement and her desire to lose weight. Similarly, two men who were guards at the State Penitentiary became anxious after each losing over one hundred pounds. They said that they felt much safer going to work looking larger than life rather than normal size. In general, we found the simultaneous presence of strong opposing forces to be common in our obese patients. Many were driving with one foot on the brakes and one on the gas, wanting to lose weight but fearful of the change in social and sexual expectations that would be brought about by major weight loss.

Researchers at the Centers for Disease Control (CDC) recognized the importance of these clinical observations and helped design a large, epidemiologically sound study that would provide definitive proof of our findings and of their significance. The Adverse Childhood Experiences Study was carried out in Kaiser Permanente's Department of Preventive Medicine in San Diego. This was an ideal setting because for many years we had carried out detailed biomedical, psychological, and social (biopsychosocial) evaluations of over 58,000 adult Kaiser Health Plan members a year. Moreover, the patients were from a typical middle class American population. We asked 26,000 consecutive adults coming through the Department if they would be interested in helping us understand how childhood events might affect adult health status. Seventy-one percent agreed.

We asked these volunteers to help us study eight categories of childhood abuse and household dysfunction. The abuse categories were: recurrent physical abuse, recurrent severe emotional abuse, and contact sexual abuse. The five categories of household dysfunction were: growing up in a household where someone was in prison; where the mother was treated violently; with an alcoholic or a drug user; where someone was chronically depressed, mentally ill, or suicidal; and where at least one biological parent was lost to the patient during childhood – regardless of cause. An individual exposed to none of the categories had an ACE Score of 0; an individual exposed to any four had an ACE Score of 4, etc. In addition, a prospective arm of the Study is following the cohort for at least 5 years to compare distant childhood experiences against current Emergency Department use, doctor office visits, medication costs, hospitalization, and death.

Dr. Anda, my co-principal investigator at CDC, designed with great skill the massive data management and retrospective and prospective components of the Study. Because the average participant was 57 years old, we actually were measuring the effect of childhood experiences on adult health status a half-century later. The full text of our initial report is at http://www.meddevel.com/site.mash?left=/library.exe&m1=4&m2=1&right=/library.exe&action=search_form&search.mode=simple&site=AJPM&jcode=AMEPRE

Our two most important findings are that these adverse childhood experiences:

- are vastly more common than recognized or acknowledged and
- have a powerful relation to adult health a half-century later.

This combination makes them important to the nation's health and to medical practice. Slightly more than half of our middle-class population of Kaiser members experienced one or more of the categories of adverse childhood experience that we studied. One in four were exposed to two categories of adverse experience; one in 16 were exposed to four categories. Given an exposure to one category, there is 80% likelihood of exposure to another category. Of course, all this is well shielded by social taboos against seeking or obtaining this kind of information. Furthermore, one may miss the forest for the trees if one studies the categories individually. They do not occur in isolation; for instance, a child does not grow up with an alcoholic parent or with domestic violence in an otherwise supportive and well-functioning household. The question to ask is: How will these childhood experiences play out decades later in a doctor's office? To study that, we will categorize outcomes into organic disease and emotional disorder.