

NEW YORK STATE CITIZENS' COALITION FOR CHILDREN



Submission to

NYS Human Services

Budget Hearing

February 4, 2015

Presented by:
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Thank you for this opportunity to address the Human Services Budget Committee. My name is Marie Dolfi and I am a volunteer for New York State Citizens' Coalition for Children. New York State Citizens' Coalition for Children is a very small not-for-profit that provides support, information and advocacy for foster and adoptive families in New York State.

It is New York State Citizens' Coalition for Children hope that New York State will fund statewide post adoption services for adoptive families and permanency services for kinship/guardianship families in next year's budget. While many children who join their family by adoption do not need specialized intensive post adoption services; those children that had severe life experiences *prior* to joining their adoptive and kinship family often have significant mental health conditions that require specialized services. The permanency and commitment of a family is not enough to take away the emotional scars of trauma, abuse and neglect resulting in families desperately needing specialized services.

New York State is breaking its commitment to youth in foster care with a permanency goal of adoption that it will do everything to find them a caring and permanent family. What the Department of Budget, Office of Children & Family Services and the local social service departments do not want to talk about is that an absence of a statewide post adoption/permanency programs has resulted in: children remaining in foster care because they will lose services if they are adopted; foster youth "aging out" of foster care without a permanent

family, and children are entering foster care *after adoption* because their families cannot safely maintain them in their homes.

The research¹ on the need for post adoption services is substantial:

- Children are staying in foster care because they will lose services should they be adopted – not because of a lack of families.² This fact was clearly documented in the report, *New York State's Longest Waiting Children*.
- Children are entering foster care **after being adopted** due to families not being able to safely maintain their children in the home. The Administration for Children Services (ACS) reported 5-6% of children returned to foster care in New York City after adoption³. This number does not include children who were originally adopted from NYC but returned to foster care outside of NYC, nor does it include the number of children who entered foster care after being adopted internationally or adopted through domestic private adoption.
- Young adults are leaving foster care without families. In 2012 alone, 1,283 former NYS foster care youth aged out of foster care without the permanency of a family.⁴
- Adoptive families are four to seven times more likely to seek residential treatment for their children than non-adoptive families⁵. OCFS recently

¹ Donaldson Adoption Institute, *Keeping The Promise: The Case For Adoption Support And Preservation* (2014), http://adoptioninstitute.org/pubs_cat/adoption-support-and-preservation-services/

² *New York State's Longest Waiting Children*, Rosemary Avery, September 1999

³ COFCCA White Paper on Post Adoption Services, November 2013

⁴ 2012 AFCARS

reported that of the 2,058 children who were in their residential treatment centers for a six month period ending on September 30, 2013, 587 of the children (28.5%)⁶ were previously adopted. Data collected from NYS TANF funded post adoption programs showed that of the families that were at risk of having a child being placed in residential placement at the start of the program, 73% of those families were able to maintain their child in the family home due to services provided by the post adoption programs.⁷

The post adoption services that are most requested by families include:

1. Parent support groups: Parents need peer support because raising children with significant mental health issues is different than raising a child without mental health issues.
2. Respite: These children's behavioral and mental health issues are so significant that they cannot be left with the average baby sitter or relative. When a parent cannot be with their child, a trained care child worker is needed to watch the child while parents go on an appointment or other place that they cannot take their child.
3. Information & Referral: Parents need information on the emotional and behavioral issues they are dealing with and assistance with locating resources in their community.

⁵ Donaldson Adoption Institute, *Keeping The Promise: The Case For Adoption Support And Preservation* (2014), http://adoptioninstitute.org/pubs_cat/adoption-support-and-preservation-services/

⁶ Email from Laura Velez, OCFS to Marie Dolfi, NYSCCC

⁷ *Strengthening & Preserving Adoptive Families: A Study of TANF-Funded Post Adoption Services in NYS*, R. Avery, April 2004

4. Counseling: Done by professionals that are trained in reactive attachment disorder, post-traumatic stress disorder, fetal alcohol spectrum disorder, loss of birth families, and other adoption and foster care issues.
5. Training for parents: Parents need education on mental health conditions so they can become competent resilient parents. Traditional parenting methods are not enough to successfully raise these children.
6. Case Management & Advocacy: Families need help with managing the services and the systems that the children need.
7. Training for Professionals: There are not enough counselors that are trained on the unique mental health issues of this population. Effective adoption counseling services have a different framework than traditional mental health counseling.

New York State Department of Social Services Regulations Standards of practice for adoption services 421.8⁸ states –In the case of a child who is already placed in an adoptive home, post adoption services shall be provided ... for the purpose of ensuring permanence of the placement up to three years after adoption. New York State Citizens' Coalition for Children's conversations with parents and a statewide survey indicate these services are rarely being directly provided by the counties, nor are the counties contracting with a third party to

⁸ Complete regulations in addendum

provide these services. Additionally, research⁹ has shown that services are most requested by adoptive parents seven years after placement which is the teenage years thus the current DSS regulations are too limiting.

In 2012, Junius Scott, the then Regional Director for the US Department of Health and Human Services, asked the Office of Children and Family Services to provide details of post adoption services in NYS.¹⁰ Some of the unfortunate comments in the OCFS letter are:

- Page 1: For the budget years cited in the letter, New York State received a Title IV-B allocation of \$18,856,291. Of that allocation, New York State spent only \$214,944 Title IV-B, Subpart 2 funds on post adoption services. The \$214,944 spent represents **only 1.13%** of the total Title IV –B dollars spent by New York State.
- Page 2:
 - Currently New York State funds only 3 TANF funded post adoption programs. While NYS has used TANF funding on and off since 2000 for post adoption services, there has never been more than 27 counties receiving services. Additionally, many families cannot access services because they are not TANF eligible.

⁹ Donaldson Adoption Institute, *Keeping The Promise: The Case For Adoption Support And Preservation* (2014), http://adoptioninstitute.org/pubs_cat/adoption-support-and-preservation-services/

¹⁰ The complete letter is in the addendum of this testimony.

- o The OCFS letter mentions that “preventive funding is available to adoptive families.” Enrolling in preventive services does not mean a family will be able to access necessary services i.e. parent support groups or training in their community. What prevention does do is it formalizes the parents saying to their child that the child is at risk of entering foster care which is the last thing an adoptive parent wants to say to their child that they adopted from foster care.
- o The letter refers to adoption subsidies and Medicaid as a resource if adoptive families want services. The problem with this logic is that subsidies and Medicaid are not a magic wand to create nonexistent services in the community. A provider is needed to offer the parent support groups, case management, specialized counseling, respite and other needed services in the community.
- o The letter cites Bridges to Health as a resource but Bridges to Health not available to children who have already been adopted.

In 2014 the federal government responded to the need for post adoption/kinship services with the enactment of the Preventing Sex Trafficking and Strengthening Families Act which requires the states to establish post adoption/permanency services. Further, the Administration for Children and Families issued a memorandum¹¹ in May of 2014 encouraging the states to develop and promote post adoption services as a means to prevent the

¹¹ ACF memorandum is in the addendum of this testimony

“rehoming” of children which is a desperate measure by adoptive parents to find new homes for their children with severe problems by placing postings on the Internet and having strangers with no background checks taking their children in.

In October 2014, New York State Citizens' Coalition for Children sent a letter of support for post adoption to Governor Cuomo. The response letter¹² from Louisa Chafee, Deputy Secretary for Human Services disregards the facts on the need for post adoption services and services available. The letter states OCFS supports post adoption services for 3 years after adoption. Yet New York State Citizens' Coalition for Children has told Ms. Chafee and OCFS repeatedly that the local districts are not providing services to the majority of families as well as that services are needed post three years after adoption. The letter also mentions the OCFS's website's list of post adoption programs. What is unfortunate is that most of the programs listed on the website closed when their TANF funding ended. When I called the phone number in the letter 1-800-345-KIDS the person that answered the phone did not even know what post adoption services were.

New York State Citizens' Coalition for Children estimates that statewide post adoption/permanency services could be provided for \$10 million annually. \$10 million is a low estimate based upon the 2012 TANF Post Adoption Services grant

¹² Louis Chafee's letter is in the addendum

was \$4,961,024 and covered 27 counties¹³. A statewide post adoption program would need to cover 35 additional counties, non-TANF families, a central helpline for support and referrals, and training for professionals. Thus a starting point would be to double the 2012 TANF grant.

New York State Citizens' Coalition for Children believes that the money spent on post adoption/permanency services would be offset by hundreds of millions of dollars in savings to New York State and the counties. We believe the savings would be in:

- Decrease in the number of children in foster care –The counties pay for foster care by using a combination of their own funds and Title IV-E block grants. The counties are responsible for 100% of the cost for non-IV-E foster care children. A decrease in the number of non-Title IV-E foster children in foster care means the fewer funds the counties will need to spend on foster care.
- Less young adults leaving foster care without a permanent family -According to various studies¹⁴ across the country of individuals who aged out of foster care without a permanent family:
 - 12-30 percent struggled with homelessness
 - 40-63 percent did not complete high school
 - 25-55 percent were unemployed
 - 32-40 percent were forced to rely on some form of public assistance

¹³ Map of counties receiving post adoption services in addendum

¹⁴ <http://www.childrensrights.org/issues-resources/foster-care/facts-about-aging-out/>

- 31-42 percent had been arrested
- 18-26 percent were incarcerated
- 40-60 percent of the young women were pregnant within 12-18 months of leaving foster care

A closer look at New York State and local counties' budgets would determine the cost for the services that were used by the former foster youth that aged out without a family.

- Decrease in use of residential treatment programs - The cost of residential treatment programs averages \$100,000 to \$140,000 annually per child. For an Office of Mental Health residential treatment facility the federal government pays approximately 50% of the non-educational costs, with New York State and local governments sharing the remaining non-educational costs.

Post adoption/permanency services are needed because love does not fix trauma, nor does commitment remove the emotional scars of abuse and neglect. It is our hope that New York State would not need its tragedies to be headlines before it establishes statewide post adoption/permanency programs. New York State Citizens' Coalition for Children is asking the legislators to take a compassionate lead and fund statewide post adoption programs.

Thank you for your time and consideration.

ADDENDUM

1. 2012 New York State Adoption & Foster Care Analysis & Reporting System (AFCARS)
2. Department of Social Services, Family & Children Services, Standards of Practice 42, Standard of Practice for Adoption Services
3. OCFS 9/18/12 letter to Junius Scott Children's Bureau on NYS's response to post adoption services
4. Administration for Children & Families Memorandum on post adoption services and the crisis of rehoming
5. New York State Citizens' Coalition for Children's letter of support for post adoption services to Governor Cuomo
6. Louisa Chafee, Deputy Secretary for Human Services, December 23, 2014 letter in response to the need for post adoption services
7. New York State map of OCFS TANF funded post adoption services 5/1/12-4/30/13
8. New York State Citizens' Coalition for Children's handout Post Adoption/Permanency Services saves handout

In 2012, 2,177 children were adopted from foster care in New York. Another 6,061 children in New York foster care were waiting to be adopted.

Adoption provides children with a lifetime of emotional and legal connections to a family. Recent years have brought new attention to children’s need for adoptive families, and the risks facing foster children who age out of care without a family. Despite considerable progress, more than 100,000 children across the country—especially older children and children of color—still wait for families. And many families who have adopted lack critical post-adoption support essential to their children’s stability and well-being.

Foster care was intended to be temporary, but many New York children remain in care for years.

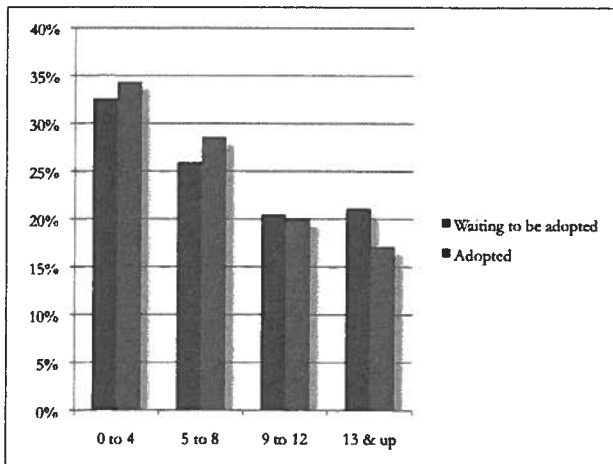
For children waiting to be adopted in New York in 2012, the average stay in care was 4.3 years (51.5 months). On average, children who were adopted in 2012 spent 4.7 years (56.0 months) in care before the adoption was finalized.

To shorten the time children spend in care, child welfare agencies must first work to ensure that any children who can return safely home, do so. For those children who cannot, agencies must employ the best recruitment tools available to find a permanent family as quickly as possible.

Older children in New York are not as likely to be adopted as younger children.

The average age of New York’s adopted children was about 7.9 years in 2012, while waiting children were, on average, roughly 8.3. For youth age 9 and older, the likelihood of being adopted drops significantly.

Age of New York Children Waiting to Be Adopted and Adopted, 2012



States must employ special strategies to ensure that older children are adopted, and that their newly formed families have support to meet the children’s needs.

African American children are significantly overrepresented in foster care in New York.

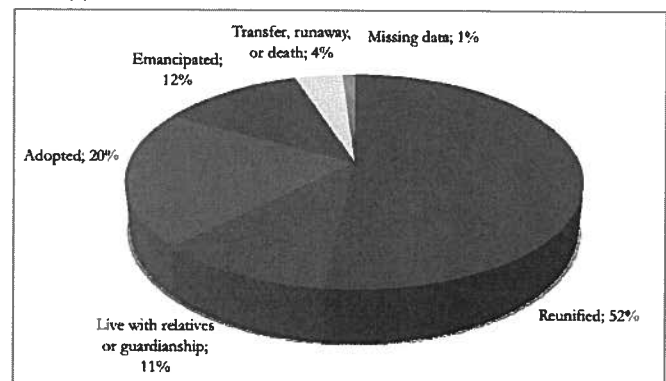
	Child Population	Foster Children	Children Waiting	Children Adopted
Caucasian	50.1%	18.8%	16.2%	23.8%
Afr. American	16%	37.0%	47.0%	46.3%
Multiple Races	3.1%	3.1%	3.2%	4.5%
Hispanic	23.3%	16.1%	20.5%	16.9%
American Indian	0.3%	0.3%	0.2%	0.1%
Asian/Pacific Islander	7.2%	0.5%	0.3%	0.4%

Agencies must address the unique racial and cultural needs of children of color in care, including seeking families who reflect the children’s race and ethnicity, as required by law.

In 2012, most New York children left foster care to return home (51.7%) or live with relatives or in guardianship (10.6%). 2,177 children (20.5% of all exits) were adopted.

Children who leave care for permanent families need support to help them address the trauma of abuse and neglect and the experience of being in care.

Exit Types for New York Foster Children, 2012



Post-permanency services should be available to families who adopt, accept guardianship, or reunify with their children. These services help children heal and make families as strong as possible.

In 2012, 1,283 youth in New York aged out of foster care without a permanent, legal family.

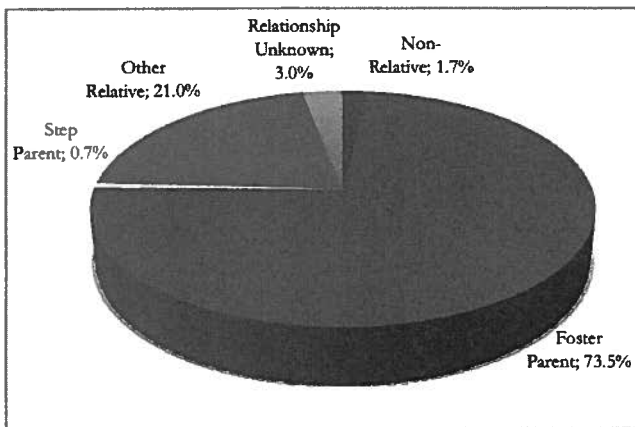
Research shows many of these youth will face obstacles such as homelessness, unemployment, early parenting, and substance abuse. 28.8% of the youth who aged out in 2012 entered care when they were younger than 13, which means the system had at least five years to help them achieve permanency. In 2012, 3,106 (23.2%) New York children in care age 9 and older had case goals of long-term foster care or emancipation. Since they have no permanency plan, these youth are at very high risk of aging out of care without a family.

The best way to support youth is to ensure they do not age out of care without a family. For those youth who do not find a family, however, states and counties must provide services that ensure a successful transition to independent living with the help and support of caring adults.

Most children adopted from foster care in New York are adopted by foster parents and relatives.

In New York, about 73.5% of children adopted from care in 2012 were adopted by their foster parents. Another 21.0% were adopted by relatives.

New York Adopting Parents' Relationship to Child Prior to Adoption, 2012



If foster parents and relative caregivers are provided with adequate support, they will be in a better position to provide children with permanency. By making adoption assistance rates equal to foster care rates, agencies can help ensure foster parents have an incentive to adopt and adoptive families have the support they need.

Some children in New York foster care are adopted transracially.

In 2012, 8.1% of the children adopted in New York were children of color adopted by white parents. About 1.4% of adoptions were white children adopted by parents of color,

and 9.5% were children of color adopted by parents of color who were a different race than the child.

Families who adopt transracially may need extra support and training to help them meet their children's cultural needs.

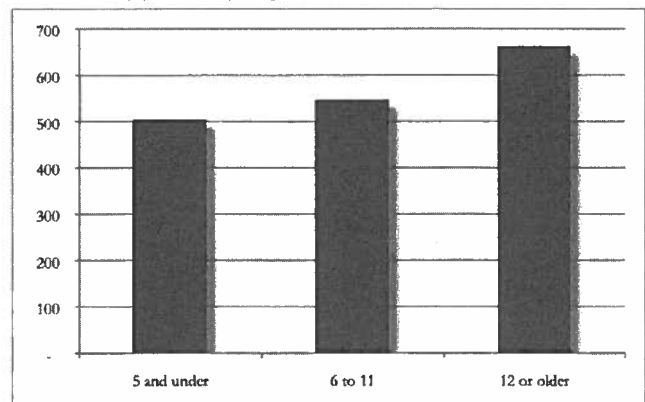
As a result of the Fostering Connections to Success and Increasing Adoptions Act of 2008, many more children will be eligible for federal adoption assistance.

About 84.8% of New York children adopted from foster care in 2012 were receiving Title IV-E federal adoption assistance. Many children who are not IV-E eligible did not qualify due to their birth parents' income.

As a result of Fostering Connections, many more children will receive federal assistance. When additional children are IV-E eligible, the state receives more federal funds to help children and families. As of October 1, 2014, children 6 and older and children who have been in care for five years or longer—and their siblings—will no longer be denied federal adoption assistance based on their birth parents' income. Each year, younger adopted children will be phased in until 2018 when federal support will be given to all adopted children who meet other eligibility criteria.

In 2012, 1,573 (26.0%) of New York's waiting children had been in care five years or more. Of those, 453 were not receiving IV-E payments. Also in 2012, about 1023 waiting children who were not receiving IV-E payments (16.9%) were 6 or older. If adopted, these children are much more likely to receive federal adoption assistance due to Fostering Connections.

New York Waiting Children Who Are Not Receiving Federal Support—by Age, 2012



We encourage New York to spend funds saved as a result of Fostering Connections' expanded IV-E eligibility on post-permanency support. The Preventing Sex Trafficking and Strengthening Families Act of 2014 requires states to invest at least 20% of these saved funds into post-adoption and post-guardianship services.

OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK
TITLE 18. DEPARTMENT OF SOCIAL SERVICES
CHAPTER II. REGULATIONS OF THE DEPARTMENT OF SOCIAL SERVICES
SUBCHAPTER C. SOCIAL SERVICES
ARTICLE 2. FAMILY AND CHILDREN'S SERVICES
PART 421. STANDARDS OF PRACTICE FOR ADOPTION SERVICES

Current through February 15, 2010.

* Section 421.1.* Definitions.

For the purpose of this Part, the following definitions shall apply:

- (a) Adoptive applicant means a married couple, an adult unmarried person, an adult married person living separate and apart from his or her spouse pursuant to a legally recognizable separation agreement or a decree of separation, or an adult married person living separate and a part from his or her spouse for a period of three years or more prior to the commencement of the adoption proceeding who has applied to adopt or who has received agency approval for the placement of a child in his or her home for the purpose of adoption.
- (b) Adoption services means assisting a child to secure an adoptive home through: counseling with biological parent or legal guardian concerning surrender of, or legal termination of parental rights with regard to a child; the evaluation of child's placement needs; preplacement planning; the recruitment, study and evaluation of interested prospective adoptive parents; counseling for families after placement; supervision of children in adoptive homes until legal adoption; and counseling of adoptive families after legal adoption.
- (c) Adoptive parent means a person with whom a child has been placed for adoption or who has adopted a child with agency approval.
- (d) Adoptive placement means the child has been placed into a home for the purposes of adoption and the agency and adoptive parent or the child's foster parent have signed an adoption agreement and the facts of such placement have been recorded in accordance with paragraph (e) of subdivision (5) of section 383-c or subdivision (5) of section 384 of the Social Services Law.
- (e) Authorized agency means an organization covered by section 371.10(a) and (b) of the Social Services Law.
- (f) Biological parent means a parent who has conceived or given birth to the child, or from whom the child was conceived, either in or out of wedlock.
- (g) Foster parent means any person certified or approved pursuant to section 375 of the Social Services Law, and Part 443 of this Title with whom a child, in the care, custody or guardianship of an authorized agency, is placed for temporary or long-term care.
- (h) Legal guardian means a person to whom or an agency to which the guardianship of a child has been committed by surrender in accordance with the terms of a surrender instrument or pursuant to a court order under section 383-c, 384 or 384-b of the Social Services Law. A legal guardian may also be a person appointed as a guardian of the person of a child pursuant to a duly executed will or deed as provided by section 81 of the Domestic Relations Law.
- (i) Legally free child means a person under the age of 18 years:
 - (1) whose custody and guardianship have been transferred to an authorized agency as a result of either a surrender instrument executed pursuant to section 383-c or 384 of the Social Services Law or an order of the Family Court or Surrogate's Court made pursuant to section 384-b of the Social Services Law; or
 - (2) whose care and custody have been transferred to an authorized agency pursuant to section 1055 of the Family Court Act or section 384-a of the Social Services Law and where such child's parents are both deceased, or where one parent is deceased and the other parent is not a person entitled to notice pursuant to sections 111 and 111-a of the Domestic Relations Law.

(j) Photo-listed means having placed a legally freed child's picture and description in New York State's Waiting Children books which are organized, prepared, and distributed to authorized agencies and to appropriate citizen groups by the department.

(k) Prospective adoptive parent means an individual who meets criteria as defined in section 421.16 of this Title, and who has indicated an interest in adopting a particular child, and for whom the authorized agency has begun the placement process in accordance with section 421.18 of this Title.

(l) Registered child means a child who has been included in the listing of legally freed children maintained by the Statewide Adoption Service (State Photo Listing Service) pursuant to the requirements of section 420.2 of this Title.

*** Section 421.8.* Services to children.**

Authorized agencies shall:

(a) recognize that any child who is legally free, is adoptable;

(b) register each legally freed child with the State Adoption Service, in accordance with Part 420 of this Chapter;

(c) consider each legally freed child's eligibility for adoption subsidy, in accordance with section 421.24 of this Part;

(d) keep the length of interim foster care placements of children free for adoption to a minimum, placing such children in adoptive homes as early as practicable;

(e) arrange a medical examination for each child for whom adoption is planned in order to determine the state of the child's health, significant factors that may interfere with normal development, and the implications of any medical problems. The medical report shall be filed with the child's record;

(f) provide casework services to each legally free child, obtain a current understanding of his or her needs and encourage his or her participation in planning, according to his or her age and capacity; and

(g) provide or arrange for all services necessary to ensure that siblings and/or half-siblings are placed together, unless contraindicated, in accordance with sections 421.2(e) and 421.18(d) of this Part; and

(h) provide each legally free child with adoption services, directly or through purchase of service. The following services are to be provided:

(1) In the case of a child who has not been placed in an adoptive home, evaluation of placement needs, preplacement planning and preparation with reports thereon at intervals as required by the department, and recruitment, adoption study, training and placement planning for prospective adoptive parents.

(i) Parent training is activity designed to increase parents' understanding of the dynamics of parent-child relationships, including providing such parents with the information, skills and attitudes needed to integrate an adopted child into the family by responding constructively to the patterns of behavior the child brings from previous homes and uses to test parent commitment, or to ward off closeness and emotional dependency.

(ii) These training activities may be carried out by the family's adoption worker, other agency personnel or through subcontract. This may be carried out in a group process involving and training other applicants or families with whom a child has been placed.

(2) In the case of a child who is already placed in an adoptive home, parent training, for the parents with whom the child has been placed, supervision and post-adoption services, with reports thereon as required by the department.

(i) Supervision is a process involving individual and group interviews to support the mutual adjustment of the child and family, to enable the agency to keep informed on the progress and well-being of the child in the adoptive home, and to help the family and child to obtain services that may be needed. Supervision begins on the date a child is placed in a home and concludes on the date of the adoption decree.

(ii) Post-adoption services means counseling, training parents on how to care for children with special needs, providing clinical and consultative services, and coordinating access to community supportive services for the purpose of ensuring permanence of the placement. Such services may be designed to treat problems which developed after the date of the adoption decree. Post-adoption services may extend for three years from the date of the adoption decree.

(3) In the case of a child who is not photo listed because the child is age 14 or older and refuses adoption, or the child is placed with a relative within the third degree of consanguinity of the parents of the child and does not have a goal of adoption, evaluation of placement needs, with reports thereon at intervals as required by the department.



September 18, 2012

New York State
Office of
Children &
Family
Services

Mr. Junius Scott
Regional Program Division
Children's Bureau/ACYF/ACF - Region II
U.S. Department of Health and Human Services
26 Federal Plaza - Room 4114
New York, New York 10278

www.ocfs.state.ny.us

Dear Junius:

Andrew M. Cuomo
Governor

Gladys Carrión, Esq.
Commissioner

This letter is a follow-up to our meeting regarding the use of federal funding to provide Post Adoption services and the availability of those services throughout New York State.

Capital View Office Park
52 Washington Street
Rensselaer, NY
12144-2834

The Office of Children and Family Services (OCFS) recognizes that post placement and pre-finalization adoption services are critical to maintaining the family relationships built through adoption and to deal effectively with problems and issues that develop after the adoption decree. We acknowledge that adoptive families may face unique issues and challenges that other families do not face due to the differences inherent in families created through adoption. OCFS is committed to providing post adoption services to strengthen and prevent the dissolution of adoptive placements and we encourage local districts to do the same.

Financial Support: As our budget and finance staff reported, through the use of Title IV-B, Subpart 2 funds, local social services districts and contract voluntary agencies provide post adoption services. In FFY 2009-10/SFY 2010-11, New York State received a Title IV-B Subpart 2 allocation of **\$18,856,291**. Of that amount, **\$3,771,257** was provided to local social services districts for adoption services, including post adoption services. Of the **\$6,417,301** in adoption services claims for that time period, **\$214,944** were identified as purchased post adoption services. However, should the district provide the services directly, our direct provision claiming system does not distinguish between adoption services and post adoption services. As a result, there are likely additional claims attributed to post adoption services that cannot be specifically identified. A review of County Plans 2012-2016 indicates that pre and post adoption services are detailed in the plans.



An Equal Opportunity Employer

Additionally, in 2012, OCFS made available **\$14.4 million** in Temporary Assistance to Needy Families (TANF) funding for post preventive and post adoption services. Of that amount, a total of **\$4.96 million** has been awarded to 15 providers across the state to provide post adoption services exclusively. The start date for contracts was May 1, 2012, with a cap of **\$400,000** funding for one year. It is 100% federal TANF funding with no local share requirement. The list of the 15 contracts and the services they provide can be found on the OCFS website. Although these post adoption contracts are limited to qualified families, it should be noted that since 2001, through such funding, comprehensive post adoption services "aimed at reducing the number of pre-adoption disruptions and post adoption dissolutions and re-entry into foster care have been provided to adoptive families. We would also add that prevention funding is also available to adoptive families, with a 62/38% state/local match.

Access to Information and Services: In March of this year, a letter was sent to all local social services commissioners to reiterate that the provision of post adoption services remains vital to many families who have adopted children. The letter stressed OCFS' continued commitment to identifying connections to services frequently sought by adoptive families. The OCFS website link to the list of post adoption programs and services was provided. Counties were encouraged to provide a similar listing of services in their communities on the county's website to make it easier for families to locate services within their locality. Counties were further encouraged to link their websites to OCFS' website to facilitate the ease of families locating services available across New York State.

Also listed on the OCFS website is the link to "A Parent for Every Child" project funded by OCFS through a grant from the Department of Health and Human Services. On that website there is a listing of statewide post adoption services as well as resource directories for "adoptive parents and permanency resources" with a listing of agencies and description of services for upstate counties. Funding has been provided through the federal grant for the NYS Citizens' Coalition for Children (NYSCCC) to provide similar resource guides for downstate counties. OCFS also provides a link to NYCCC where adoptive families can find information on post adoption and other available services.

We would be remiss if we did not mention the provision of Adoption Assistance/Subsidy as part of our post adoption services. As of June 2012, **40,279** children with special needs adopted from foster care are receiving adoption subsidy. Of that total, **29,258** are receiving Title IV-E Adoption Assistance and are categorically eligible to receive Medicaid. A total of **11,021** are receiving state only subsidy and most are eligible for either COBRA Medicaid or State Medical Subsidy. The majority of these children will receive Adoption Assistance/Subsidy and Medicaid or Medical Subsidy until the age of 21. Unlike other states, New York does not renegotiate or lower a child's subsidy rate after the Agreement is approved. Also provided are upgrades in subsidy payments when there is a change in the child's condition as well as a state funded post

adoption subsidy when there is medical proof of a pre-existing condition following adoption finalization. Through the Interstate Compact on Adoption and Medical Assistance, state staff assists adoptive parents that receive adoption subsidy payments, to continue to receive Medicaid or Medical Subsidy on behalf of their adopted child when they relocate to another state.

OCFS and local districts provide a number of other non-TANF funded services that are available to eligible families. They are not listed as post adoption services but may be available to an adoptee and his or her family. For example, the Parents & Families tab on the OCFS internet website lists a variety of services which are available and can be utilized by any family if the services meet their needs. Under that tab, parents can click on "Find Services in my County" and there is a map where they can click on their particular county and get a list of services. Under the same tab, parents can find the link to the very popular Bridges to Health Waiver Program (B2H) which supplements and helps to better integrate cross systems Medicaid services to maintain an adopted child with severe emotional, developmental and health disabilities in his or her home and community. These services are available to the adopted child before and after adoption finalization up to the age 21, if the child remains eligible. B2H services to adopted children have increased from 13 children receiving services in 2008 to close to 1,000 adopted children receiving services at present.

As discussed at the meeting, adoptive children and their families need help from many sources and parents must know how to locate and access services across systems of care. OCFS continues to explore with federal, state and local entities ways to increase services to better support adoptive families, including additional sources of funding. The recent document published by the OCFS Bureau of Program and Community Development, entitled "Post Adoption Services – Lessons Learned and Challenges Ahead", summarizes findings from the 2009-2010 final reports from 13 TANF Post Adoption Programs. It presents a summary of the findings, recommended practices, needs and challenges, training and recommendations for needed changes on the state level. This will be one of the major documents used to not only inform our post adoption discussions but to also implement needed changes.

I hope you find this information is helpful. Please feel free to contact me if you have any questions.

Sincerely,



Laura M Velez
Deputy Commissioner

<h1>ACF</h1> <p>Administration for Children and Families</p>	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration on Children, Youth and Families	
	1. Log No: ACYF-CB-IM-14-02	2. Issuance Date: 05-30-2014
	3. Originating Office: Children's Bureau	
	4. Key Words: Adoption, Post-Adoption Services, International Adoption	

INFORMATION MEMORANDUM

TO: State Agencies Administering or Supervising the Administration of Titles IV-B and IV-E of the Social Security Act

SUBJECT: Re-homing of adopted children: responsibilities for states and opportunities in the provision of post-adoption services.

PURPOSE: The purpose of this memorandum is to provide an overview of the practice of re-homing of adopted children, convey the concerns presented by this practice, and to encourage state title IV-B and title IV-E agencies to develop and promote the provision of post-adoption services and resources to adopted children and youth including those adopted internationally. Agencies are further encouraged to promote the availability of post-adoption services and resources through various means of outreach and information sharing to the adoption community.

LEGAL AND RELATED REFERENCES: Titles IV-B and IV-E of the Social Security Act (the Act) (42 U.S.C. 621, et. seq. and 670, et. seq.); Child Abuse Prevention and Treatment Act (CAPTA) (42 U.S.C. 5101, et. seq.)

Background on Re-homing of Adopted Children

In September 2013, the Reuters News Agency reported¹ on its investigation of an online Yahoo group bulletin board known as "Adopting-from-Disruption." Although the adoption site highlighted in the article has since been shut down, it and nine other bulletin boards served as a means for adoptive families to "advertise" and facilitate placements of their children with non-relative strangers. The term "re-homing," a term typically used by pet owners seeking new homes for their pets, became widely used to describe the behavior of these parents who sought to relinquish care of their adopted children outside the purview of the courts or public child welfare agencies.

¹ *Reuters Investigates: The Child Exchange, Inside America's Underground Market For Adopted Children:* <http://www.reuters.com/investigates/adoption/#article/part1>

According to the Reuters article, nearly 70% of the children advertised on the Yahoo bulletin board were born overseas and are presumed to be international adoptees. Many of the stories highlighted in the Reuters' investigative series described parents who were unable to meet the complex emotional and behavioral needs that emerged post-adoption. Some of the parents interviewed reported seeking without success assistance from public child welfare agencies. These parents turned to online forums to advertise and facilitate the placement of their children without the benefit of safety and criminal background checks or a home study to determine the appropriateness of the placement. Instead these parents delegated to strangers the authority to make education and health decisions on behalf of their child through power of attorney documents.

A power of attorney document typically delegates responsibility temporarily for decisions related to health and education, and though time limits vary by jurisdiction, a delegation through a power of attorney is not intended to substitute for long term parental care. In addition, this delegation of responsibility does not remove the legal responsibility parents have for assuring that the plan they have made for their child is a safe one.

Prevalence of Rehoming and Adoption Disruption/Dissolutions

The precise number of disrupted adoptions resulting in re-homing is not known. There are limited formal means by which dissolutions of domestic or international adoptions are reported. Title IV-B of the Act requires only that states provide in their title IV-B Child and Family Services Plan (CFSP) and their Annual Progress and Services Report (APSR) a description of the activities they have undertaken for children adopted from other countries, including the provision of adoption and post-adoption services (section 422(b)(11) of the Act). In addition, section 422(b)(12) of the Act requires that the state collect and report information on children who are adopted from other countries and who enter into state custody as a result of the disruption of a placement for adoption or the dissolution of an adoption, including the number of children, the agencies that handled the placement or adoption, the plans for the child, and the reasons for the disruption or dissolution. These requirements apply to those children/families that become involved with state child welfare agencies.

Implications Under Federal and State Child Protection Statutes

Parents have a legal responsibility to protect and care for their children. Delegating responsibility for a child to an unfit and unsafe individual through a power of attorney does not insulate parents from state laws regarding imminent risk of serious harm. The Reuter's articles suggest that children advertised on these message boards are often placed in unsafe environments and are highly vulnerable to exploitation. And, even if the parent has no reason to believe that the environment is unfit or unsafe, we believe it is fundamentally inappropriate for a parent to seek to shift his or her responsibility for an adopted child to another individual through a power of attorney process.

Many of the key legal requirements relating to child abuse and neglect, guardianship and power of attorney, and adoption are determined by states. Under CAPTA, each state must implement mandatory reporting laws that identify certain individuals who are required to report known or

suspected instances of child abuse or neglect and states must also have provisions and procedures to receive and respond to all reports of child abuse or neglect. CAPTA defines child abuse and neglect as, “at a minimum any recent act or failure to act on the part of a parent or caretaker, which results in the death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm.” State laws then determine what constitutes abuse, neglect, abandonment or exploitation of children. States also establish rules related to guardianship and power of attorney. In addition, states set the rules for domestic adoption and recognition of adoptions finalized in other countries, including criteria for the termination of parental rights and how advertising of an adoption may occur.

We encourage states to review their laws that govern these areas to ensure that the issues that arise through the practice of re-homing are adequately addressed. Some states are beginning to amend their statutes in response to re-homing. For example, Wisconsin recently enacted a law that expands their existing prohibition of advertising a child for adoption to include electronic media, requires that delegation of parental powers to a non-family member for more than a year be approved by a juvenile court, and prohibits the unauthorized interstate placement of children.

Benefits of Providing Post-Adoption Services to all Adopted Children/Youth

When cases of re-homing come to the attention of public child welfare agencies it is often due to a report of abuse or neglect of the child following the placement of the child in the home of strangers. If these cases come to the public agency attention prior to the child being “re-homed,” the agency should be knowledgeable of state laws and court procedures that apply in transfers of custody from one family to another so the agency can direct the family appropriately. It is optimal for child welfare agencies to be able to provide opportunities for intervention, engagement and support services in an effort to stabilize adoptions before disruption in order to mitigate resulting trauma, loss and separation.

We encourage states to develop and provide a continuum of post-adoption services for adoptive families, both domestic and international. Federal funding is available to all state title IV-B and IV-E agencies to support such services. State agencies may use Child Welfare Services dollars (title IV-B, subpart 1 of the Act) to provide services to keep children safe in their own homes, including pre-and post-adoption services. These services may be provided to any child or family the state title IV-B agency deems is in need of them and this may include families who have adopted internationally.

In addition, the Promoting Safe and Stable Families Program (PSSF) (title IV-B, subpart 2 of the Act) requires that state title IV-B agencies spend approximately 20 percent for each of the four service categories of PSSF: community-based family support; family preservation; time-limited family reunification; and adoption promotion and support services. In addition to specific adoption promotion and support services, families adopting domestically or internationally may qualify for other services funded under PSSF. For example, family preservation funds may be spent on services to ensure children can remain in their own homes, whether that is the home of the biological parents or adoptive parents.

Other federal programs that states may use to help fund post-adoption services include the Adoption Incentives program; the Adoption Opportunities program, which provides competitive discretionary grants for a range of activities, including post-adoption supports; and the savings generated through the gradual delinking of title IV-E Adoption Assistance from the income requirements of the Aid to Families with Dependent Children (AFDC) program. Based on a National Resource Center for Adoption phone survey conducted in November, 2013, 45% of the 45 states that participated in the survey reported that they allowed internationally adopted children to participate in their post-adoption programs. The majority of these programs provide services using a mix of state dollars and title IV-B, subpart 2 funding.

Conclusion

The Children's Bureau encourages states to review their laws and policies to ensure that the issues that arise through the practice of re-homing are adequately addressed and that supports are put in place to assist families, children and youth impacted by this practice. One key means of accomplishing this is by supporting child welfare agencies in developing post-adoption supports and services for all adopted children/youth and making all post-adoption families aware of the availability of such resources within each state. Engaging adoptive families by making them aware of the resources that are available to them is an important way to assure family stability and well-being for children and youth.

Resources

- National Resource Center for Adoption, The Roundtable, Volume 18, Issue 1, 2004
- National Resource Center for Adoption, The Roundtable, Volume 26, Issue 1, 2013
- Keeping The Promise: The Critical Need for Post-Adoption Services to Enable Children and Families to Succeed"; Policy and Practice Perspective, October 2010; Evan B. Donaldson Adoption Institute

Attachment: Children's Bureau Regional Program Managers

/s/

Mark Greenberg
Acting Commissioner, ACYF

/s/

JooYeun Chang
Associate Commissioner, CB

Regional Program Managers

Attachment A

I	<p>Region I - Boston Bob Cavanaugh bob.cavanaugh@acf.hhs.gov JFK Federal Building, Rm. 2000 Boston, MA 02203 (617) 565-1020 States: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont</p>	VI	<p>Region VI - Dallas Janis Brown janis.brown@acf.hhs.gov 1301 Young Street, Suite 945 Dallas, TX 75202-5433 (214) 767-8466 States: Arkansas, Louisiana, New Mexico, Oklahoma, Texas</p>
II	<p>Region II - New York City Alfonso Nicholas alfonso.nicholas@acf.hhs.gov 26 Federal Plaza, Rm. 4114 New York, NY 10278 (212) 264-2890, x 145 States and Territories: New Jersey, New York, Puerto Rico, Virgin Islands</p>	VII	<p>Region VII - Kansas City Kendall Darling, Acting kendall.darling@acf.hhs.gov Federal Office Building Room 276 601 E 12th Street Kansas City, MO 64106 (816) 426-2262 States: Iowa, Kansas, Missouri, Nebraska</p>
III	<p>Region III - Philadelphia Lisa Pearson lisa.pearson@acf.hhs.gov 150 S. Independence Mall West - Suite 864 Philadelphia, PA 19106-3499 (215) 861-4030 States: Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia</p>	VIII	<p>Region VIII - Denver Marilyn Kennerson marilyn.kennerson@acf.hhs.gov Federal Office Building 999 18th Street---South Terrace Suite 499 Denver, Colorado 80202 (303) 844-3100 States: Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming</p>
IV	<p>Region IV - Atlanta Paul Kirisitz, Acting paul.kirisitz@acf.hhs.gov Portals Building 8th Floor, Suite 8110 West 1250 Maryland Avenue Washington, DC 20224 (202) 205-6733 States: Alabama, Mississippi, Florida, North Carolina, Georgia, South Carolina, Kentucky, Tennessee</p>	IX	<p>Region IX - San Francisco Douglas Southard douglas.southard@acf.hhs.gov 90 7th Street - 9th Floor San Francisco, CA 94103 (415) 437-8425 States and Territories: Arizona, California, Hawaii, Nevada, Outer Pacific—American Samoa Commonwealth of the Northern Marianas, Federated States of Micronesia (Chuuk, Pohnpei, Yap) Guam, Marshall Islands, Palau</p>
V	<p>Region V - Chicago Angela Green angela.green@acf.hhs.gov 233 N. Michigan Avenue Suite 400 Chicago, IL 60601 (312) 353-9672 States: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin</p>	X	<p>Region X - Seattle Tina Minor tina.minor@acf.hhs.gov 2201 Sixth Avenue, Suite 300, MS-70 Seattle, WA 98121 (206) 615-3657 States: Alaska, Idaho, Oregon, Washington</p>

October 28, 2014

Honorable Andrew Cuomo
Governor of New York State
NYS Capitol
Albany, NY 12224

Dear Governor Cuomo,

As organizations committed to improving the lives of children in adoptive families and children in foster care waiting to be adopted, we are writing to urge your support to create a statewide post adoption (permanency) program for New York State adoptive and kinship families. While many children who joined their family by adoption do not need specialized post adoption services, those children who were abused, neglected, traumatized, or exposed to alcohol prenatally prior to their placement in foster care or adoption, have unique mental health needs which are not being served by programs in the community. A lack support, counseling, and training on mental health issues often leaves caring and commitment parents feeling overwhelmed and at a loss as to how to help their child. These lack of services and support sometimes results in prospective adoptive parents choosing to not go forward to adopt their foster child resulting in the child returning to the instability of foster care and in extreme situations a lack of services has resulted in adoptive parents placing their child in foster care due to not being able to safely maintain their child in their home. The permanency and commitment of a family is not enough to take away the emotional scars of trauma, abuse and neglect.

The research on the need for post adoption (permanency) services is substantial.

- Many families hesitate to adopt children in foster care due to a loss of services should the child be adopted. This results in many young adults leaving foster care *without* the benefits of a family to help them through life. In 2011 alone, 1,142 New York State young adults left foster care without a permanent legal family. These youths are at increased risk for homelessness, not graduating high school, unemployment, being on public assistance, being arrested and incarcerated.
- Children are entering foster care *after* being adopted due to their families not being able to safely maintain their children in their home. The Office of Administration for Children of NYC estimated between 5-6% of the children in their foster care system were previously adopted from foster care. This percentage would be higher if it included children who entered foster care that joined their family by international or private adoption.
- Children who joined their family by adoption are overrepresented in residential treatment programs. The Office of Children and Family Services reported in January 2014 that 28.5% of the children in their residential treatment centers (during a 6 month period in 2013) were adopted. This number does not include the number of adopted children in the Office of Mental Health's residential treatment facilities. A lack of respite services is often cited by parents as a reason for residential care. Providing respite as a post adoption service would be significantly more cost effective than residential treatment and less traumatic for a child and their family.

The most commonly requested post adoption (permanency) services are: respite, support groups for parents and children, counseling, case management, advocacy, training, and warm line for information and referrals to community services. These services are readily available to families when a child is in foster care but these services are abruptly discontinued once a family adopts. Families that need these services are thrown into crisis when they cannot find or afford these services in their communities. While adoption subsidies are helpful, they cannot help if a needed service—support groups or respite by trained professionals - is not available in the community. Unfortunately, many therapists (including some Medicaid providers) are rarely trained on attachment issues, loss of birth family, trauma caused by years of abuse and neglect, and prenatal alcohol and drug exposure. A statewide post adoption program that included training for professionals would increase the number of qualified service providers for families. Families who have adopted children with severe emotional and behavioral issues need more than the traditional services found in their communities.

A statewide post adoption (permanency) program would provide significant savings to the local districts, counties and New York State. The local districts/counties would spend less of their own funds on foster care for non-Title IVE children and decreased spending on residential treatment programs. Providing these vital services would also decrease the number of youths who age out of the foster care without a family resulting in less funds being spent on public assistance, incarceration, and other social services used by this population. Additionally, many of the needed post adoption services could be funded through federal programs administered at the state level. With President Obama signing H.R. 4980 in September 2014, the states now must use funds for post adoption (permanency) services. Many states have already established post adoption (permanency) services which could be looked at as models of best practices.

Families who have adopted are committed to their children. They need specialized services to meet the unique mental health needs of their child and to keep their family intact. The following organizations strongly urge you to take action to create a statewide post adoption (permanency) program.

Sincerely,

New York State Citizens' Coalition for Children
American Academy of Adoption Attorneys
New York Council on Adoptable Children
North Country Foster Adoptive Network
Adoptive Families with Children of African Heritage
Community Maternity Services
Adoption and Trauma Network
Adoption/Foster Care Therapist Network
Children Awaiting Parents, Inc.
Spence Chapin Services
Council of Family & Child Caring Agencies
Prevent Child Abuse New York
FPAC-Foster Parents Advisory Council
Adoptive Parents Committee

New Directions Youth and Family Services, Inc
Family Focus Adoption Services
Baker Victory Services
Hopscotch Adoptions, Inc
Catholic Guardian Services
Good Shepard Services
Leake & Watts
SCO Family of Services
Adoptive Families of the Capital Region
Bethany Christian Services of New York
Adoptive Families of Older Children, New York City
You've Got to Believe

Cc: Louisa Chafee



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

December 23, 2014

New York State Citizens' Coalition for Children
107 Prospect Park West, Suite 1R
Brooklyn, NY 11215

Dear New York State Citizens' Coalition for Children and supporting organizations:

Governor Cuomo asked me to respond to your letter dated October 28, 2014 regarding development of a statewide post adoption program. The New York State Office of Children and Family Services (OCFS) supports the needs of adoptive families in a number of ways, including provision of post adoption services for three years from the date of adoption, as well as supportive and rehabilitative preventive services for any family to avert placement of a child in foster care. It is important for families to be encouraged to reach out to their local department of social services for these supports when needed. A listing of post adoption services is available at http://www.ocfs.state.ny.us/adopt/post_adoption/ or by calling OCFS' Parent and Kin Connection Helpline at 1-800-345-KIDS (5437). Additionally, OCFS maintains a compendium of services by county at <http://www.ocfs.state.ny.us/services/>.

OCFS is also currently working on CONNECTIONS system enhancements to assist local departments of social services in recording information on services requested and provided to families after finalization of an adoption. This will include families who adopted a child through the foster care system, or through an international agency, or private adoption. As noted in your letter, the passage of H. R. 4980 presents States with opportunities to identify savings through delinking and reinvesting all or a portion of savings in services for families post adoption. The potential for adoption incentive funding is another possible avenue for additional supportive services to families.

OCFS appreciates the level of support for a statewide post adoption program demonstrated by the number of organizations and agencies that have cosigned your letter. We thank you for your ongoing support of adoptive families throughout New York and want you to know that a review of the delivery of post adoption services statewide is ongoing at OCFS.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Louisa Chafee'.

Louisa Chafee
Deputy Secretary for Human Services



*New York State Citizens' Coalition for Children
Support, Information, and Advocacy for Foster and Adoptive Families*

Post Adoption/Permanency Services Can Save Millions of Dollars By Reducing the Number of Children in Foster Care and Residential Treatment Programs

New York State Citizens' Coalition for Children believes post adoption/permanency services should be available to all NYS children and their families (foster care, domestic independent, domestic private agency, international, kinship, and guardianship). A quality statewide post adoption/permanency services would include: telephone helpline for support and referrals to community services, local support groups for parents and children of adoptive and kinship families, educational workshops for parents, respite care, counseling (individual, group and family), case management, advocacy, and training on adoption issues for clinicians, case managers, and other service providers.

We estimate statewide post adoption services could be provided for \$10 million annually. The \$10 million was determined by looking at the 2012 TANF Post Adoption Services grant which was \$4,961,024 and covered only 27 counties. A statewide post adoption/permanency program would need to cover 35 additional counties, non-TANF families, and a helpline for support and referrals. Thus a starting point would be to double the 2012 TANF grant. Ideally, a permanent line item in the NYS budget with OCFS administering 5 year grants would provide time to develop and evaluate the program's effectiveness.

The purpose of this paper is to provide data on the cost benefits of a statewide post adoption program; it is not a full discussion on the benefits of post adoption services. A more complete discussion on the benefits of post adoption services can be found at <http://nysccc.org/adoption/post-adoption-services/>.

Post Adoption/Permanency Services Saves New York State Money By:

- Decreasing the number of children in foster care. In 2012 there were 6,061 children in New York State foster care waiting to be adopted. The research paper *New York State's Longest Waiting Children* documented children are remaining in foster care due to a lack of post adoption services.¹ In this report, caseworkers identified the following barriers to finding homes for children: a lack of training of prospective parents and loss of services upon adoption, especially respite. A substantial number of children who were waiting the longest were living in group homes or residential treatment due to the children having significant mental health disabilities. Without specialized services existing for these children in the community the children were remaining in care. Another study reported 43% of foster parents cited a lack of post adoption services as a "major barrier" to adoption.² A review of NYC's budget by Citizens' Committee for Children found NYC will spend \$154 million on foster care in FY 2014. Thus a decrease in the number of children in foster care should decrease the funds the districts/counties spend on foster care.
- Decreasing the number of children entering foster care after adoption. The Administration for Children Services (ACS) of NYC, reported 5-6% of children returned to foster care in NYC after adoption³.

¹ New York State's Longest Waiting Children <http://nysccc.org/wp-content/uploads/2008/07/longestwaiting2.pdf>

² Evan B. Donaldson Adoption Institute, Keeping the Promise: The Critical Need for Post Adoption Service, pp. 25

³ This number does not include children who were originally adopted from NYC but returned to foster care outside of NYC.

Using 2012 numbers we can assume that 5% of the 2,177⁴ former foster children who were adopted, **108 children will return to foster care annually**. These numbers does not include the number of children who were adopted internationally or domestic private adoption entering foster care after adoption.

- Decreasing the number of youth who age out of foster care without a permanent family. The cost to NYS and local municipalities/districts does not end when a youth ages out of foster care. According to various studies⁵ across the country of youth who aged out of foster care without a permanent family: 12-30% struggled with homelessness; 40-63% did not complete high school; 25-55% were unemployed; those employed had average earnings below the poverty level; 32-40% were forced to rely on some form of public assistance; 31-42% had been arrested; 18-26% were incarcerated; 40-60% of the young women were pregnant within 12-18 months of leaving foster care. A closer look at NYS's budget would determine the cost for the services that were used by the 1,283 youth in New York who aged out of foster care without a permanent legal family in 2012⁶ and those that preceded them.
- Decreasing the number of children living in residential treatment programs. The OCFS recently reported that 28.5% of the 2,058 children who were in their residential treatment centers for a six month period ending September 30, 2013 were adopted. Post adoption programs have shown they can reduce admissions to residential treatment programs. A research study was done on the families that participated in the 2000 TANF grant for 10 post adoption programs⁷. The research report states that nearly 30% of the families in the program had a child at risk of out of home placement at the time they first called for post adoption services. Of these families, 73% indicated that the child was able to remain in the home as a result of the help and support they received from the post adoption programs. Other studies have reported a lack of respite services as a major contributor to out of home placement⁸. For an Office of Mental Health residential treatment facility the federal government pays approximately 50 percent of the non-educational costs, with New York State and local governments sharing the remaining non-educational costs. With residential treatment programs costing \$100,000 to \$140,000 decreasing the number of children in OCFS residential treatment centers and OMH residential treatment facilities should create substantial savings to New York State and the local districts.

Further, New York State is not in compliance with the provision of the Fostering Connections to Success & Increasing Adoptions Act of 2008 which *mandates* the states use the savings they incur as a result of the federal government paying a greater portion of adoption subsidies on post adoption/permanency programs. With the passage of H.R. 4980 The Preventing Sex Trafficking and Strengthening Families Act in September 2014, the law has been expanded to now require states to spend a minimum of 20% of their savings from the Fostering Connections to Success & Increasing Adoption Awareness Act on post adoption/guardianship services.

**For additional information contact Marie Dolfi, (518) 281-8884, mdolfi@nycap.rr.com
NYSCCC Advocacy Chairperson.**

⁴ NYS 2012 AFCAR statistics

⁵ <http://www.childrensrights.org/issues-resources/foster-care/facts-about-aging-out/>

⁶ NYS 2012 AFCAR statistics

⁷ Strengthening & Preserving Adoptive Families: A Study of TANF Funded Post Adoption Services in New York State, Rosemary Avery PhD, <http://nysccc.org/wp-content/uploads/tanfaverypasrpt.pdf>

⁸ Howard, Smith & Ryan, Respite Care Needs of Parents of Children with Severe Behavior Problems, 2003, Center for Adoption Studies

