

**NEW YORK STATE CITIZENS' COALITION FOR CHILDREN**

**Submission to**  
**NYS Human Services**  
**Budget Hearing**

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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 NYS will fund state wide post adoption services for adoptive families and permanency services for kinship/guardianship families in next year's budget. While most of the children who join their family by adoption do not need specialized intensive post adoption services; those children that have attachment problems, post-traumatic stress disorder, fetal alcohol spectrum disorder, and other serious mental health issues because of their life experiences **prior** to being adopted or in kinship care have unique mental health needs that are not being served by the community. The permanency and commitment of a family is not enough to take away the emotional scars of trauma, abuse and neglect leaving families in desperate need of services. Now that the New York State TANF funded post adoption programs have closed due to a lack of funding the need for services is now greater than ever.

The stories we are hearing are beyond tragic. They are stories of adopted children having long placements in residential treatment because of a lack of services in their community. Married adoptive parents living separately – one parent with the violent child and the other parent living with the other children

due to being told if all the children live together in the same home a neglect petition would be taken out resulting in the non-violent children being removed from the family due to it being unsafe home.

The research<sup>1</sup> 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.<sup>2</sup>
- Children are entering foster care **after being adopted** due to families not being able to safely maintain their children. OCFS shared for the period ending September 2012, data was available for 59% of the records (17,548 records) when foster care intake workers asked “Was the child previously adopted?”<sup>3</sup> A review of those records showed that 3.5% -609 children – were previously adopted. Separately, we have learned there are 2050 New York City foster care children who returned to foster care *after* adoption.
- Young adults are leaving foster care without families. In 2011 alone, 1,442 former NYS foster care young adults left foster care without the permanency of a family.<sup>4</sup> Post adoption services would have increased the number of these children being adopted.

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<sup>1</sup> Keeping the Promise: The Critical Need for Post-Adoption Services to Enable Children & Families to Succeed, Evan B. Donaldson Adoption Institute

<sup>2</sup> New York State's Longest Waiting Children, Rosemary Avery

<sup>3</sup> AFCAR question

<sup>4</sup> 2011 AFCARS

- Adoptive families are four to seven times more likely to seek residential treatment for their children than non-adoptive families<sup>5</sup>. OCFS recently reported that of the 2,058 children who were in residential treatment centers on September 30, 2013, 587 of the children were previously adopted during the previous 6 month period. 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 TANF post adoption programs.<sup>6</sup>

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

1. Parent support groups: Raising children with severe mental health issues is different than raising a child without mental health issues. Support groups lead by mental health professionals trained on adoption/foster care issues can be highly effective.
2. Respite: Parents and siblings sometimes need a break from the child with severe mental health issues. These children's issues are so significant that they cannot be left with the average baby sitter or relative. A trained care child worker is needed to watch their child while parents go on an

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<sup>5</sup> "Keeping the Promise", Evan B. Donaldson Adoption Institute

<sup>6</sup> Strengthening & Preserving Adoptive Families: A Study of TANF-Funded Post Adoption Services in NYS, R. Avery, April 2004

appointment or other place that they cannot take their child. Most afterschool programs and camps will not accept these children.

3. Information & Referral: Parents need support and information on the issues they are dealing and assistance with locating resources in their community.
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. Information on how to advocate for their child in the school and community is also needed by parents.
6. Case Management & Advocacy: Families need help with managing the services and the systems that many of these 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 services.

New York State Department of Social Services Regulations Standards of practice for adoption services 421.8<sup>7</sup> states –In the case of a child who is already

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<sup>7</sup> Complete regulations in addendum

placed in an adoptive home, post adoption services shall be provided including 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. 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 provide these services.

A common response by OCFS officials is that adoption subsidies and Medicaid are a resource for services, but subsidies and Medicaid cannot be used for services when services do not exist in the community. It is New York State Citizens' Coalition for Children's understanding that finding a therapist in New York City that takes Medicaid is virtually impossible. Families are also being told to access services through prevention. The premises of prevention is that a child's problems are due to the family's dysfunction which is incongruent with adoption practice which believes the need for services is most often needed because of the child's history prior to joining their family. NYS does not require families with children with developmental disabilities to access services through prevention; adoptive families would like to be treated with the same respect as families with children with developmental disabilities.

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 was \$4,961,024 and covered 27 counties. A statewide Post Adoption Program would need to cover 35 additional counties, non-TANF families, and a central hotline for support and referrals. Thus a starting point would be to double the last TANF grant. Ideally, a permanent line item with OCFS administering 5 year grants would provide time to develop and evaluate the program's effectiveness. Should the legislature decide to include a provision for OCFS to have a program evaluation as part of the RFP, additional funding would be needed.

New York State Citizens' Coalition for Children believes that the money spent on post adoption/permanency services would be offset by savings in the hundreds of millions of dollars 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 review of NYC's budget by Citizens' Committee for Children found that New York City has budgeted \$154 million on foster care in FY 2014.
- Less young adults leaving foster care without a permanent family -According

to various studies<sup>8</sup> 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; those employed had average earnings below the poverty level
- 32-40 percent were forced to rely on some form of public assistance
- 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.

The federal government has responded to the need for post adoption services by providing funding through the Fostering Connections to Success and

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<sup>8</sup> <http://www.childrensrights.org/issues-resources/foster-care/facts-about-aging-out/>



Increasing Adoptions Act of 2008. This act de-linked a child's eligibility for federal title IV-E adoption assistance to the AFDC program. The de-link is phased in over a 10 year period and as of 2013 the states are no longer paying for subsidies for children 8 years and older, and those children who had been in care for at least 60 consecutive months are eligible. Now that the federal government is picking up the subsidy, the states should be using the funds they were spending on subsidies on child welfare programs such as post adoption programs according to the Fostering Connections to Success Act. New York State Citizens' Coalition for Children has asked OCFS repeatedly over the years for the amount of dollars the state is saving by not spending funds on subsidy but has not received an answer. New York State Citizens' Coalition for Children estimates the amount to be in the millions of dollars.

With a goal of having post adoption/permanency services available to all families in need of services, Congress is currently working on HR.3205 & S.1511 Promoting Adoption and Legal Guardianship for Children in Foster Care Act of 2013 legislation that mandates that the states use 20 percent of their de-linked subsidy savings for post-adoption and post permanency services.

Additional federal funding streams for child welfare services that may be used for post adoption services<sup>9</sup>:

- Promoting Safe & Stable Families Program Title IV-B, part 2

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<sup>9</sup> Strengthening Families Connections: Creative Strategies for Financing Post Adoption Services, Casey Family Services, 2003

- Child Welfare Services Title IV-B, part 1
- Adoption Assistance, Administration, and Training Title IV-E
- Medicaid Title XIX
- Adoption Incentive Programs
- Social Services Block Grant Title XX
- Temporary Assistance to Needy Families/Emergency Assistance TANF/EA

In conclusion I would like to say adoptive families are committed to their children. Post adoption/permanency services are needed because love does not fix trauma, nor does commitment remove the emotional scars of abuse and neglect. It took the state of Tennessee to be internationally shamed by a mother returning her adopted son to Russia on a plane before the state established a post adoption program. It is our hope that New York State would not need its tragedies to be headlines before it establishes post adoption/permanency programs.

Thank you for your time and consideration.

## ADDENDUM

1. 2011 AFCARS New York State
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. Perspectives on Fostering Connections Summary Brief
5. Financing Adoption & Post Adoption Services, compiled by Casey Family Services and reported in "Keeping the Promise" Evan B. Donaldson adoption Institute