

HOPE 585

POLICY AGENDA



OVERVIEW

HOPE585's vision is to see youth and their families moved from systemic trauma to a place of power and belonging. We strive to support policies that advance child welfare efforts upstream, preventing the traumatic and harmful disruptions that currently occur at the initial point of intervention. We recognize that sometimes it is necessary for a child to enter the custody of Child Protective Services. In such cases, our policy efforts focus on ensuring that youth are safe and protected within the system, and that the system provides high-quality services to safeguard and enhance their well-being.

We recognize the critical shortcomings in the current system, particularly how it fails to support youth aging out of foster care, leaving them with insufficient resources and guidance. Our mission is to narrow the front door through preventive measures and to bolster youth aging out of foster care with proactive interventions and policy initiatives.

Our policy agenda is informed by stark realities in New York State:

- 73% of abuse and maltreatment reports originate from mandated reporters, professionals legally obligated to report suspected abuse or neglect.
- 76.1% of reports to the State Central Register are unfounded.
- Only 33% of families receive Preventive Services before their child is removed from their home.
- Most children in New York's foster care system remain in care for over a year, with about one-third staying for more than three years.
- Youth exiting foster care face high rates of housing instability and often lack family support.

HOPE585 is dedicated to addressing these issues through targeted policy reforms that emphasize prevention and provide continuous support for youth aging out of foster care. By transforming the system, we aim to create a future where all youth and families can thrive in environments of safety, stability, and empowerment.

OVERALL POSITION

Our policy agenda focuses on three core objectives: moving child welfare efforts upstream to prevent traumatic family separations, ensure the safeguarding of wellbeing for children in CPS custody, and supporting youth aging out of foster care through proactive interventions and comprehensive resources.

Our commitment to these objectives is driven by the urgent need to address critical issues within the current system:

Prevention Focus: We advocate for policies that narrow the front door of child welfare interventions. With 73% of abuse and maltreatment reports coming from mandated reporters and 76.1% of these reports being unfounded, it is evident that many families are subjected to unnecessary trauma. Furthermore, only 33% of families receive Preventive Services before their child is removed from their home. By prioritizing preventive measures, we aim to keep families intact and address issues before they escalate to the point of removal.

Support for Youth Aging Out of Foster Care: Most children in New York's foster care system stay for more than a year, and about a third remain for over three years. Youth exiting foster care face significant challenges, including high rates of housing instability and a lack of family support. Our policies seek to provide these young adults with the resources and support they need to transition successfully to independent living.

ADVOCACY AREA #1:

ENSURING SUPPORT FOR YOUTH AGING OUT OF FOSTER CARE

Position:

HOPE585 is committed to advocating for the well-being and success of youth transitioning out of foster care. Aging out of foster care presents numerous challenges for youth. These individuals often face significant obstacles, including securing stable housing, continuing education, obtaining employment, and accessing healthcare. Without a support network, the risk of homelessness, unemployment, and other adverse outcomes increases. HOPE585 recognizes that these youth need continued access to the resources and support systems that can help them transition successfully to independent living.

Safe Landing Bill:

We are proud to add the Safe Landings Act to our policy agenda, a critical step in ensuring that young adults who have aged out of the foster care system are not left without support during one of the most vulnerable periods of their lives.

The proposed bill amends the Family Court Act and the Social Services Law to:

- Allow youth who have “aged out” of foster care upon turning 21 the right to go to Family Court to enforce valid orders made while they were still in care- such as orders used to make sure they have stable housing. Youth could bring such motions until age 22, or after upon a showing of good cause.
- Allow youth between the ages of 18 and 21 who have been discharged from foster care before turning 21 access to Family Court to enforce valid orders made while they were still in care.
- Create a mechanism to hold agencies accountable, thereby ensuring agencies do not simply fail to comply with court orders until after a youth is no longer in care.

HOPE585 urges policymakers to support the Safe Landings Act. This legislation is a vital step toward ensuring that youth aging out of foster care have the support and resources they need to transition successfully to independent living. By extending access to Family Court and holding agencies accountable, the Act addresses key gaps in the current system and promotes the stability and well-being of these vulnerable young adults.

HOPE585 is committed to working with legislators, agencies, and the community to advocate for the passage of the Safe Landings Act and to ensure that all youth aging out of foster care have a safe and supportive landing as they transition to adulthood.

Update June 2024: The bill was passed by both houses: the Senate unanimously, the Assembly by a large margin.

ADVOCACY AREA #2:

ADDRESSING OVER REPORTING OF NEGLECT

Position:

In the realm of child welfare, accurate and balanced reporting is crucial for safeguarding the well-being of children. However, the over-reporting of neglect presents a significant challenge, often leading to unnecessary interventions and diverting resources from cases of genuine need. To effectively address this issue, it is essential to implement a nuanced approach that combines rigorous training for professionals, improved reporting guidelines, and robust support systems for families.

First, comprehensive training for child welfare professionals should emphasize the distinction between neglect and other familial issues, fostering a more accurate assessment of reported cases. This training should also include strategies for differentiating between systemic issues and individual neglect, thereby reducing the incidence of over-reporting.

Second, revising and clarifying reporting guidelines can help ensure that reports are based on substantial evidence rather than assumptions or biases. By refining these guidelines, we can improve the accuracy of reports and focus efforts on cases where intervention is genuinely warranted.

Finally, supporting families through preventative services and resources can address underlying issues that contribute to neglect without necessitating over-reporting. By strengthening support systems, we can mitigate the risk of neglect while avoiding unnecessary removals and interventions.

Addressing the over-reporting of neglect requires a multifaceted approach that prioritizes accurate assessments, clear guidelines, and supportive interventions. Through these measures, we can enhance the effectiveness of child welfare systems and better protect the children and families we serve.

Therefore, HOPE585 supports amending the current New York State Mandated Reporting Laws.

New York State Mandated Reporting:

Each year, nationally there are approximately 4 million referrals of suspected child maltreatment, with around 2 million of those reports meeting the criteria for an investigation or alternative response. However, only about 600,000 of those reports are substantiated as cases of child maltreatment. Seventy-six percent of substantiated reports include allegations of neglect.

In 2023, Monroe County received 8,862 unique reports, leading to 7,229 investigations, with 21% of these being substantiated. Of the 446 children in foster care, 49% are Black.

Neglect is hard to define, investigate and address because it is often related to poverty, and while poverty is not the same as neglect, all states' definition of maltreatment include at least one factor related to income.

The current Mandated Reporter requirements state that "poverty or financial inability to provide for a child is not maltreatment," and encourage reporters to refer families to community-based resources instead of the Statewide Central Register of Child Abuse and Maltreatment (SCR) in such cases. However, the requirements also define maltreatment as "failing to provide sufficient food, clothing, shelter, education, or proper supervision, guardianship, or medical care." This contradictory definition needs to be amended for clarity and consistency.

HOPE585 proposes the following:

- Re-defining "neglect" in the current mandated reporting law and eliminating any language suggesting that poverty related challenges are reportable.
- Require Mandated Reporters to provide in-depth evidence of referrals to community based services to prevent unnecessary reports to the State Central Register.
- Prove deliberate withholding of basic needs...
- Amend statutory requirements for mandated reporters that...
- Mandate professionals to address issues of poverty

ADVOCACY AREA #3:

INVESTING IN COMMUNITY-BASED PROGRAMS AND SERVICES THAT CONTRIBUTE TO CHILD AND FAMILY WELL-BEING.

Position:

Keeping families together safely will require meaningful and bold federal investments in resources for families and community support and services, including tapping funding streams outside of child welfare.

HOPE585 Proposes:

- Leveraging Title IV-E funds to prevent family involvement in the child welfare system.
- Reallocate existing Child Abuse Prevention and Treatment Act (CAPTA) funding to direct family support and community-based services by reallocating funding from Title I (state grants) to Title II (Community-Based Child Abuse

ADVOCACY AREA #4:

ENSURE FAMILIES KNOW THEIR RIGHTS WHEN THEY FIRST COME INTO CONTACT WITH THE CHILD WELFARE SYSTEM.

Position:

Ensuring families are fully informed of their rights when they first come into contact with the child welfare system is essential for promoting justice, transparency, and trust. CPS Miranda Rights, which would function similarly to those used in criminal proceedings, are vital in safeguarding the legal and procedural rights of parents and guardians. These rights would include informing families of their right to legal counsel, the nature of the investigation, and the potential outcomes of the process. By clearly outlining these rights at the outset, families can better navigate the complexities of the child welfare system, make informed decisions, and engage more effectively with caseworkers and legal representatives. This transparency not only protects families from potential abuses of power but also encourages a more cooperative and respectful relationship between families and child welfare professionals.

Moreover, implementing CPS Miranda Rights can significantly improve the overall effectiveness of the child welfare system. When families are aware of their rights, they are more likely to trust the system and participate actively in their case plans, leading to more positive outcomes for children. Knowledge of rights can reduce misunderstandings and conflicts, allowing caseworkers to focus on providing support and resources rather than managing adversarial interactions. This approach aligns with the principles of fairness and due process, ensuring that the child welfare system operates with integrity and respect for the individuals it serves. Ultimately, CPS Miranda Rights are a crucial step toward creating a child welfare system that is just, transparent, and capable of truly serving the best interests of children and families.

CPS Family Miranda Rights: A1980 (Walker)/S901 (Brisport):

New York law clearly states that, except in a true emergency, CPS cannot enter a home and interview children without a court order or the parent's permission. However, caseworkers often fail to inform parents of these basic rights. Instead, they frequently tell parents that if they do not immediately comply with CPS demands, their children will be removed. This pressure and coercion predominantly affect people of color from low-income communities, who are often unaware of their legal rights and do not have the opportunity to consult an attorney.

These current practices have resulted in litigation, uncertainty, and unnecessary trauma due to invasive investigations. Parents frequently feel powerless, frustrated, and violated as CPS workers inspect every room, including cabinets, drawers, and refrigerators, often based on false or meritless reports, which can originate from anonymous complaints. To address this, the proposed legislation, known as the Family Miranda Rights Act, mandates that workers inform parents and caretakers of their rights at the beginning of an investigation. This legislation does not introduce new rights; it simply ensures that parents are made aware of the rights already guaranteed by New York State law and the Constitution. By requiring a plain-language "Parental Bill of Rights," the act aims to empower parents and reduce the trauma associated with CPS investigations.

HOPE585 proposes:

- Require CPS to provide a standard "Know Your Rights" form to every parent during their first point of contact.

ADVOCACY AREA #5:

REMOVING THE REQUIREMENT TO COLLECT CHILD SUPPORT FROM FAMILIES WITH CHILDREN IN FOSTER CARE, THEREBY CAUSING DELAYS IN REUNIFICATION.

Position:

Poverty is a well-documented risk factor for involvement with the child welfare system. Currently, a referral for child support collection can be initiated for a significant number of approved foster care maintenance applications. However, securing an assignment of child support rights is generally not cost-effective, as analyses indicate very low levels of collections. Further research suggests that collecting child support payments can significantly delay family reunification efforts. In response, the Children's Bureau recently released revised policy guidelines for Title IV-E agencies, allowing them to adopt a default position of not securing an assignment of child support rights.

This bill aims to end automatic child support referrals upon a child's entry into foster care. In some New York counties, around \$2.3 million is collected annually from "foster care child support" cases, while approximately \$6 million is spent on administrative costs. Additionally, this process often delays family reunification.

ADVOCACY AREA #6:

END THE USE OF HARMFUL AND UNNECESSARY INSTITUTIONS AND OTHER GROUP FACILITIES IN CHILD WELFARE SYSTEMS.

Position:

Every child deserves a nurturing and stable environment to grow and thrive. Loving homes, rather than institutions or group homes, provide the essential foundation for children's development and well-being.

The long-term outcomes for children raised in family environments are significantly better than those for children raised in institutions. Research shows that children in family settings are more likely to achieve higher education levels, gain stable employment, and develop healthy relationships in adulthood. Conversely, children from institutional backgrounds often face challenges such as mental health issues, lower educational attainment, and difficulties in forming lasting relationships.

Every child deserves the chance to grow up in a loving home, where they can receive the individualized care, emotional support, and social interactions necessary for their development. Institutions and group homes, despite their best efforts, cannot replicate the unique benefits of a family environment. By prioritizing placements in loving homes, we can ensure that all children have the opportunity to reach their full potential and lead fulfilling lives. Investing in family-based care is not just a moral imperative but also a practical strategy for building a healthier, more resilient society.

In support of Children's Rights recommendations to Congress, HOPE585 proposes:

- End unjust family separation and work to keep families together.
- Depopulate existing institutions and group facilities and end institutionalization.
- Leverage medicaid and other federal funding to build in-home and community supports and services for children and families.

ADVOCACY AREA #7:

CHILDREN WHOSE PARENTS LOSE CUSTODY DESERVE TO MAINTAIN BONDS WITH THEIR FAMILIES WHEN IT IS IN THE BEST INTEREST OF THE CHILD.

Position:

Separation from family causes profound and often lasting harm to children. Experts liken the emotional impact to mourning the loss of a loved one, leading to serious issues like anxiety, depression, and post-traumatic stress disorder.

For foster children, regular interactions with their parents offer essential sources of love, stability, and emotional healing. These visits assure children that they are cherished and provide a sense of continuity in their lives. Studies consistently reveal that foster children thrive when they can maintain these family connections. However, involuntary termination of parental rights, often after extended periods of visitation, can abruptly sever these bonds, depriving children of the ability to communicate with their parents.

In cases of adoption, failing to recognize a child's bond with their biological parents can complicate the transition. Children might feel abandoned or unloved by their biological parents, even though most parents continue to fight for their children. Denying children the opportunity to stay in touch with their parents also denies them the reassurance that they are loved. This can undermine their trust in the permanence of the love they receive in their adoptive families, as they have experienced the loss of their only known family.

For the well-being of foster children, it is essential to preserve family bonds whenever possible and in the child's best interest. Maintaining these connections provides security, supports emotional healing, and helps children develop a stronger foundation for their future relationships.

Therefore, HOPE585 supports the Preserving Family Bonds Act

Preserving Family Bonds Acts:

The Preserving Family Bonds Act gives children the opportunity to see their parents after the termination of parental rights when this is in the best interest of the child.

CONCLUSION:

As HOPE585 partners with New York State advocates to provide justice to families in New York, we call on policymakers, legislators, and the community to join us in transforming the system. By emphasizing prevention, enhancing the quality of care within the system, and supporting youth as they age out of foster care, we can create a future where all youth and families thrive in environments of safety, stability, and empowerment.

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