

COUNCIL ON CHILDREN

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By Facsimile and Regular Mail

March 17, 2011

The Honorable Andrew M. Cuomo New York State Governor

State Capitol

Executive Chamber Albany, NY 12224

Dear Governor Cuomo:

We write on behalf of the New York City Bar Association Council on Children to express our concerns about the State Budget provisions related to the Kinship Guardianship Assistance Program, which will be effective April 1, 2011. The Council on Children is comprised of representatives of the City Bar committees that focus on issues related to children, education, family, family court, juvenile justice, and the needs of lesbian, gay, bisexual and transgender youth. Also sitting on the Council are representatives of the child welfare and foster care communities, and attorneys representing parents and children.

As part of the State's Fiscal Year 2010-2011 Adopted Budget, important new Article VII legislation was passed enacting Subsidized Kinship Guardianship in New York, effective April 1, 2011. Although this legislation made New York State eligible to receive significant federal funding to implement subsidized guardianship, there was no agreement on how to fund the State's share. The New York City Bar Association has long supported the addition of this permanency option, which will offer children in kinship foster care - and their relatives - an important new permanency option when the children cannot be reunified with their parents and their relative foster parents do not want to adopt and/or the child does not want to be adopted. Subsidized kinship guardianship will enable these children to grow up in permanent, stable homes and obviate the need for continued court and state social service oversight of these families.

The Council on Children is concerned that the Executive Budget and the Assembly One-House Budget bill continue to fail to address the local/state share for the non-federal portion of the kinship guardianship subsidy, which means that the localities would need to pay the full non-federal share, amounting to an unfunded mandate. The Council is also concerned about the Senate's One-House Budget Bill proposal, which addresses the failure to provide a state share by attempting to make subsidized kinship guardianship optional by changing the word "shall" to

"may" in the statute. In both circumstances, the state is failing to maintain its commitment to children achieving permanency with their relatives.

The children who leave foster care to subsidized kinship guardianship should be supported in the same way that the State supports children who leave foster care through subsidized adoptions. Such adoption funding has always remained outside of the Foster Care Block Grant and we urge you to resolve funding for kinship guardianship in the same way. This funding scheme would avoid diverting the limited resources intended to benefit foster children in state and local custody to those children outside of the foster care system. Therefore, it is critical that this issue be resolved in the Adopted Budget through a mechanism that clearly provides for the state share of funding for kinship guardianship.

Thank you for your consideration.

Sincerely,

Karen Freedman

Chair, Council on Children

Stephanie Gendell

Stephanie Gendell

Vice-Chair, Council on Children

Cc: Hon. Sheldon Silver

New York State Assembly Speaker

Hon. Dean Skelos

New York State Senate Majority Leader

Hon. Amy Paulin

Chair, New York State Assembly Children & Families Committee

Hon. Diane Savino

Chair, New York State Senate Children & Families Committee