



**L E G A L**

**S E R V I C E S**

**I N C O R P O R A T E D**

Testimony by

**MFY LEGAL SERVICES, INC.  
KINSHIP CAREGIVER LAW PROJECT**

to the

**New York State  
Joint Legislative Session  
on the Human Services Budget**

By

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In New York State, kinship care is the state's primary child welfare system. Twelve times as many children are in the care of grandparents and other relatives than are in the formal foster care system. Tens of thousands of grandparents and others have stepped in to care for their related children when the children's biological parents were unable or unwilling to do so, providing a lifeline for 400,000 young New Yorkers.

Children in kinship care face the same challenges as children in formal foster care. Most of the kinship caregiving families in New York City are low income. Most receive no financial support at all for the children in their care. Only one in 12 children in the state eligible for TANF Child-Only support receives it, and the kinship families that have managed to get this subsidy for their children are the lucky few who have somehow managed to navigate an often unresponsive welfare system.

Kinship caregiving families deserve strong support from the state for taking on responsibility for raising children despite the economic hardship and emotional and physical strain involved.

Countless studies have shown that children in kinship care have significantly better outcomes than children in foster care in unrelated families. Kinship caregiving families save the state hundreds of millions of dollars in foster care expenditures. In fact, if even a tiny percentage of children in kinship care were to move into the foster care system, the system would be quickly overwhelmed. Currently, New York States spends a very modest \$2.9 million to support a statewide kinship navigator system and 20 regional programs. This assistance reaches only a small fraction of families that need help. The current budget envisions severe cuts in the budget for the Office of Children & Family Services (OCFS) and eliminates close to \$2 million in TANF funding for kinship care services. At a time when kinship caregiving families are struggling to make ends meet in a depressed economy, they need more help, not less.

One area in which kinship caregiving families need more help is in navigating the legal system in order to get legal custody, guardianship or to adopt the children in their care and in order to receive benefits to which they are entitled. Unlike natural parents and foster care parents, they have no right to free counsel. MFY Legal Services' Kinship Caregiver Law Project provides much needed direct legal assistance that helps stabilize the kinship caregiving relationship and brings permanency and security to children. Forty percent of our cases involve caregivers who are seeking to adopt the children in their care. In 2009, the Kinship Caregiver Law Project helped 500 families, with assistance from pro bono volunteers from 30 private law firms in New York City. Eight months ago, when support from the Office of Court Administration ended, we were forced to lay off one of two staff attorneys. We now have no state support, but are receiving more calls for help than ever before. With 400,000 children in kinship care and their numbers growing, funding for kinship caregiving families needs to be increased, not cut.

The State's fiscal challenges this year are undoubtedly enormous. Yet even in this time of budgetary crisis, adherence to fundamental values of decency and fairness require policymakers to do their utmost to protect the most vulnerable members of society and those who are already caring heavy burdens with little help from government. Kinship caregivers and the children in their care receive so little support from government already. It would be unconscionable to enact the cuts the Governor has proposed.

Thank you for the opportunity to submit this testimony.