

Memorandum in Support

COMMITTEE ON CHILDREN AND THE LAW

Children #6

May 30, 2017

S. 4833
A. 7554

By: Senator Avella
By: M. of A. Hevesi
Senate Committee: Social Services
Assembly Committee: Children and Families
Effective Date: Immediately

AN ACT to amend the social services law, in relation to eligibility of children for subsidized kinship guardianship assistance to expedite permanency for foster children before the family court.

LAW AND SECTIONS REFERRED TO: Sections 458-a and 458-b of the social services law.

THE COMMITTEE ON CHILDREN AND THE LAW SUPPORTS THIS BILL

This Bill would expand the definition of “prospective relative guardian” for purposes of the subsidized kinship guardianship assistance program established in Social Services Law in 2010. As currently defined, the opportunity to qualify as a relative guardian, one must be related to the child through blood, marriage, or adoption. The Bill would expand the definition to include a person who is related to a half-sibling of the child through blood, marriage or adoption and where such person or persons is or are also the prospective or appointed relative guardian or guardians of such half-sibling; and an adult with a positive relationship with the child, including, but not limited to, a step-parent, godparent, neighbor or family friend. Currently, subsidy payments expire when the child is 18, or at age 21 if the child was 16 years or older when discharged from foster care to the relative guardian so long as the child remains in school, employed for at least 80 hours a month, or is incapable of doing either due to a medical condition. The Bill would rectify this limitation and permit payment of the subsidy until the child reaches the age of 21, regardless of when the guardianship was established, so long as the child consents to the continuation of guardianship upon reaching the age of 18.

Kinship guardianship assistance payments provide the same assistance payment level as is provided for adoption subsidies. The purpose is to provide a path to permanency for children in foster care with a prospective guardian for at least six months, without termination of parental rights, which is a distressing step for many older youth with a relationship with their birth parents as well as potential guardians who may have a

relationship with the birth parents as well. Expanding the pool of adults potentially eligible to become a kinship guardian would make this option available in more cases, hopefully decreasing the number of young people who age out of foster care each year.

Based on the foregoing, the Committee on Children and the Law **SUPPORTS** this legislation.