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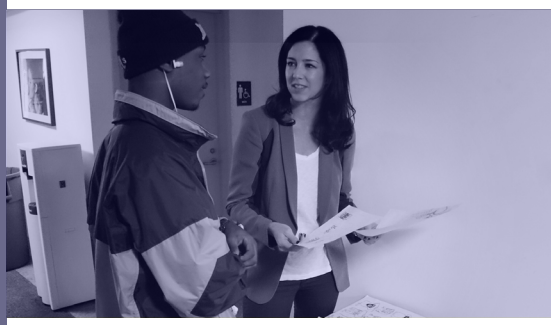

THE PUBLIC ADVOCATE
FOR THE CITY OF NEW YORK

Letitia James

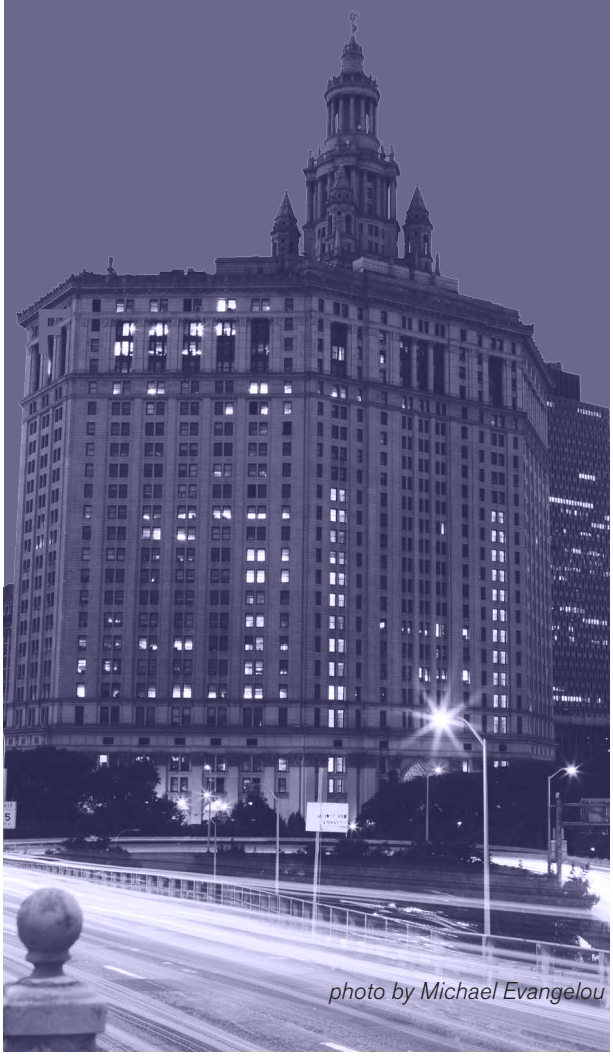

photo by Michael Evangelou

POLICY REPORT: FOSTER CARE PART I

IMPROVING THE OUTCOMES FOR YOUTH AGING OUT OF FOSTER CARE IN NEW YORK CITY

New York City Public Advocate
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SEPTEMBER 2014

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EXECUTIVE SUMMARY

The New York City Administration for Children's Services (ACS) is responsible for protecting and ensuring the safety and well-being of many children in our city, including the more than 11,500 children and youth in the New York City foster care system. Each year, nearly 1,000 young people age out of the foster care system. While 20 percent of these young adults are discharged into the care of an adult, the remaining 80 percent are on their own, and must handle significant real world challenges with virtually no safety net. Acquiring the most basic of needs such as housing, employment, healthcare and education is often a significant challenge. Not surprisingly, outcomes for these young adults are often not good. Between 18 to 26 percent of foster youth who age out of the system end up in homeless shelters and approximately 50 percent of foster youth fail to find employment after aging out of the system. Presently, there is little aftercare funding provided to Community Based Organizations that work with young adults that have aged out of foster care.

Government, service providers and policy makers are concerned that young adults no longer under the care of ACS who are faced with the daunting task of finding housing, employment and access to vital social services are also at risk of becoming homeless, incarcerated and/or unemployed at higher rates than their peers.

Presently, ACS lacks information and data regarding the tracking of youth after they age out of foster care. Additionally, ACS does not have adequate measures in place to determine which programs and providers benefit youth and those that have no net positive impact on the lives of youth aging out of the foster system. The policies and procedures of ACS need to be strengthened to ensure that youth are receiving the services they need before and after they leave the system to create a sustainable, healthy and independent lifestyle. In addition, these young adults need the assistance of many City agencies to stabilize other aspects of their lives. Therefore, Public Advocate Letitia James, who is charged with providing oversight of City agencies, making policy recommendations and writing legislation, has issued this policy report to address the shortcomings

INTRODUCTION

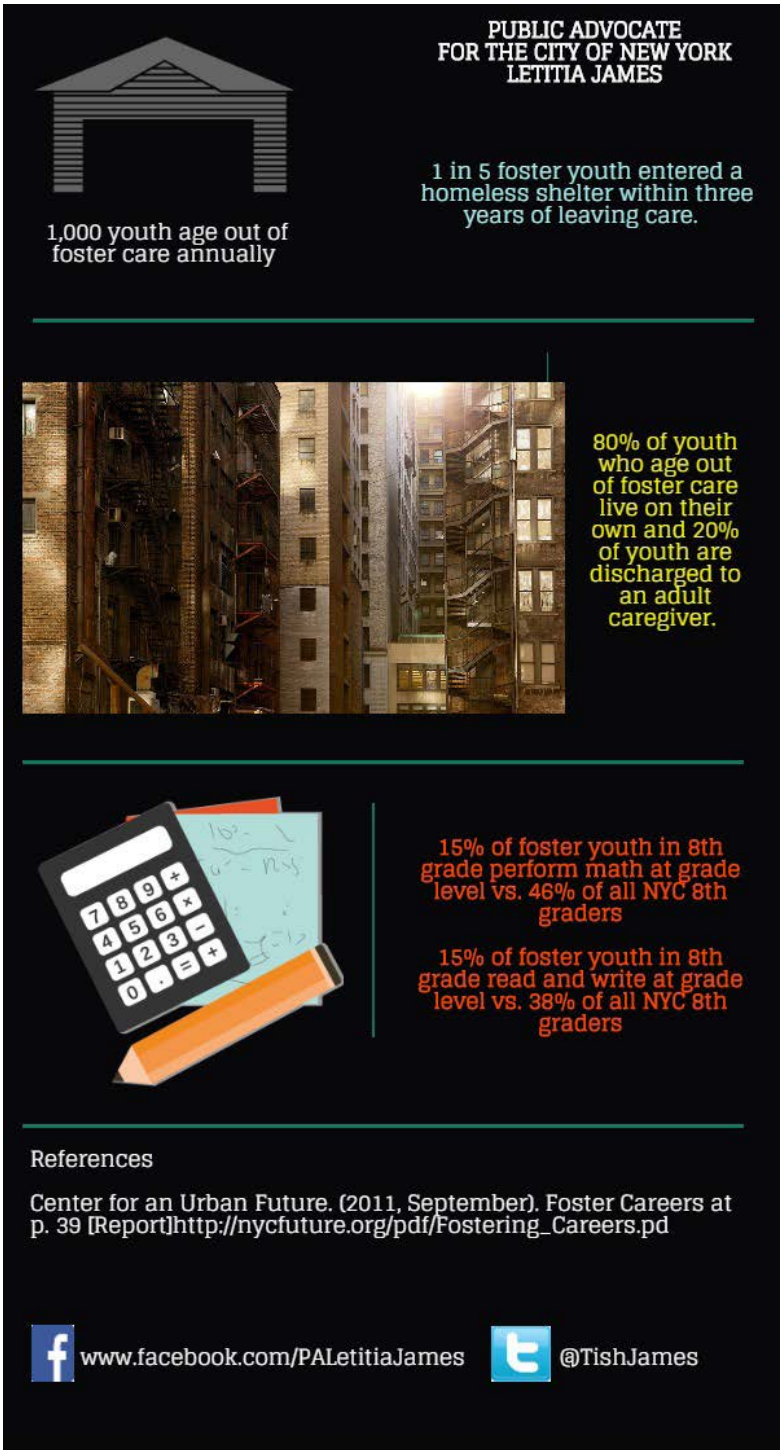
The mission of the New York City Administration for Children's Services (ACS) is to protect and promote "the safety and well-being of New York City's children, young people, families, and communities by providing excellent child welfare, juvenile justice, and early care and education services." Through the provision of these services, (ACS) acts as the primary care-giver for the roughly 11,500 children in foster care in New York City. [1] It appears that the mental and psychological health of these children are often the most difficult to address. According to the American Academy of Pediatrics, "mental and behavioral health is the largest unmet health need for children and teens in foster care." The unmet needs of those in the foster care system are especially visible when these young adults leave the foster care system without a permanent home. In 2011, half of all foster youth in New York City between the ages of 21to 24 are likely to be out of work, and one in five enter a homeless shelter within three years of leaving care. [2] Children can remain in the foster care system until they are 21 years old, at which time they age out of care and ACS no longer has a legal responsibility for the individual. In New York City, at the age of 18, young adults in the foster care system are permitted to opt out of the system or may consent to remain within the system for another three years. Each year, nearly 1,000 foster youth age out of the system in New York City. [3]

One program ACS has designed to assist young people in foster care transition into adulthood is called Preparing Youth for Adulthood (PYA), which plays an important part in the transition process. However, there is no metric system in place that can measure the outcomes associated with this program. A 2006 report on the ACS program shows that the agency invested $13.5 million in flexible Chafee Independent Living dollars, and reallocated an additional $5.5 million dollars in other funds to enhance this initiative . [4] The problem is this lack of accountability and transparency leaves policy makers and government with more questions than answers. Additionally, ACS provides no after care services for those young adults that have transitioned out of foster care. Without an aftercare network of social service providers and other city agencies in place, ACS cannot track or monitor the young adults they once cared for. Lastly, data-sharing among City agencies is lacking and needs to be improved so services for children who age out can be better coordinated.

1. New York City Administration for Children and Family Services. Become A Foster or Adoptive Parent. 2014. 5 September 2014
2. Center for an Urban Future. (2011, September). Fostering Careers at p. 39 [Report] http://nycfuture.org/pdf/Fostering_Careers.pdf
3. Center for an Urban Future. (2011, September). Fostering Careers at p. 39 [Report] http://nycfuture.org/pdf/Fostering_Careers.pdf
4. New York City Administration for Children and Family Services. (June 2006). Preparing Youth for Adulthood at p.1 [Report] http://www.nyc.gov/html/acs/downloads/pdf/youth_for_adulthood.pdf

INTRODUCTION (CONT'D)

The challenges concerning youth aging out of the foster care system are not unique to New York. But several governments and social services providers have successfully implemented programs aimed at helping youth aging out of foster care in various municipalities across the country. These programs are helping youth secure housing, employment, social services and access to higher education. It is time for New York City to study these programs to determine if they are worthy of replicating to help youth aging out of foster care in our city.



INFORMATION GAP

A. INCREASE REPORTING TO IMPROVE OUTCOMES

The first step needed to improve outcomes for youth aging out of foster care is to make more information available regarding the status of services that youth receive prior to leaving the system. For example, ACS does not know the high school graduation rate of youth in foster care.[5] This presents a problem for social service providers, government, and policy makers who are unable to accurately provide or fund services needed to support these young adults. The Center for an Urban Future notes that "policymakers need solid data on foster youth for at least three purposes: to establish policies and allocate funding based on evidence rather than anecdote; to test policies and programs for effectiveness and make them more effective; and to hold agencies accountable for managing the system." [6]

On June 16, 2014, the Federation of Protestant Welfare Agencies (FPWA) testified before the New York City Council's Committee on General Welfare on the lack of vital data concerning foster youth:

> Previously, the city said it would collect data to track foster youth outcomes after discharge. It is not clear, however, whether the city has set up a system to measure homeless shelter use by former foster youth or the status of its research. In addition, ACS officials acknowledge that they do not collect the most important information of all: data on foster care youth outcomes in adulthood. Additionally, there exists no data on other imperative outcomes, such as mental and physical health, income stability, employment status, educational attainment, and criminal involvement of these youth. 7

One vital component to ensuring the utility of this information is to enable agencies to share information concerning individuals in the foster care system. Under New York State law, information concerning youth within the foster care system may be shared among agencies in the so-called local social services district, which in the case of New York City includes only ACS, Human Resources Administration (HRA) and Department of Homeless Services (DHS). It is not certain that information concerning these young adults may be shared with or among agencies outside of the local social service network, although certain types of reporting could be possible.

5. Center for an Urban Future. (2014, June). Testimony: Aging out of Foster Care. Hilliard, Thomas. http://nycfuture.org/research/publications/testimony-aging-out-of-foster-care
6. Oversight on Aging out of Foster Care: Hearing before the Committee on General Welfare, New York City Council. (2014) (statement of Thomas Hilliard, Center for an Urban Future). http://nycfuture.org/research/publications/testimony-aging-out-of-foster-care
7. Oversight on Aging out of Foster Care: Hearing before the Committee on General Welfare, New York City Council. (2014) (statement of Jennifer Jones Austin, Federation of Protestant Welfare Agencies). http://www.fpwa.org/binary-data/FPWA_BINARY/file/000/000/753-1.pdf

INFORMATION GAP (CONT'D)

RECOMMENDATIONS:

- Passage of New York City Council Intro. No. 104 – This legislation would require ACS to issue annual reports on services provided to youth in the foster care system in preparation foraging out of the system. FPWA believes that a "major strength of Int. 104 is the collection of data both on the aging out population as well as under-18 cohorts of youth who have not yet aged out but may still be at risk for homelessness or being absent without leave (AWOL);" [8]
- Passage of New York City Council Intro. No. 187 – This bill would require ACS to report annually the high school graduation rates of youth in foster care;
- Passage of New York City Council Intro. No. 137 – This will require ACS to report on their success in obtaining government-issued personal identification for youth in foster care; and
- Earlier this year, Mayor de Blasio created the New York City Children's Cabinet, a multi-agency initiative to improve communication between City agencies regarding the welfare of children in the City. Children's Cabinet should aim to expand communication among agencies to ensure coordination of service, accountability and identify gaps in service in their perspective agencies.

B. LONG-TERM DATA

There is an extra degree of difficulty to obtaining information for youth that have already aged out of the foster care system. ACS only supervises youth until they are old enough to leave the system – between the ages of 18 and 21 depending on the individual – and have no authority once the individual has left the system. No other City agency is given the authority to oversee young adults that age out of the foster system. Because long-term observation is so vital to ensuring that these young adults achieve positive outcomes, an existing City agency should oversee the outcomes of these young adults. HRA appears to be a logical designee as a supervising agency because so many of the issues concerning these young adults relate to social services.

RECOMMENDATIONS:

- Designate a City agency to have oversight and enhance support for youth that have aged out of foster care;
- As part of such designation, ensure that, at a minimum, agencies included in the social services district share information relevant to assisting these individuals to obtain government and other related services; and

8. Oversight on Aging out of Foster Care: Hearing before the Committee on General Welfare, New York City Council. (2014) (statement of Jennifer Jones Austin, Federation of Protestant Welfare Agencies). http://www.fpwa.org/binary-data/FPWA_BINARY/file/000/000/753-1.pdf

INFORMATION GAP (CONT'D)

- Create an inter-agency task force with the power to address the inter-agency issues with youth aging out of foster care, a recommendation proposed by the Federation for Protestant Welfare Agencies. The goal is to improve coordination between ACS and other relevant city agencies to ensure better services for youth aging out of foster care. [9]

HOUSING

A. RENT SUBSIDY PROGRAM

A report prepared for the U.S. Department of Housing and Urban Development's Office of Policy Development & Research noted that studies from the last two decades have "consistently found a relatively high rate of homelessness among young people who aged out of foster care." [10] Similarly, a 2009 study by Fowler, Toro, and Miles of 265 young people who aged out of care in the metropolitan Detroit-area in 2002 and 2003 revealed that 20 percent had continuously unstable housing. [11] These estimates are likely to be underestimated because many such youth may find temporary housing but could become homeless again at any time. Several studies cited high rates of "couch surfing" or doubling up because these young people could not afford housing on their own. Temporary arrangements such as these are more likely to result in an individual returning to the street.

ACS provides a rent subsidy to support families attempting to reunify with children in foster care to prevent children from entering foster care in the first place. In addition, the subsidy may also be used by individuals over the age of 18 who are attempting to leave the foster care system and will be living alone. The ACS housing subsidy pays up to $300 per month towards rent for a period of up to three years or $10,800. The subsidy also has an allowance for two special one-time grants of $1,800 to be applied to rental arrears and broker's fees, a security deposit, moving expense or extermination. However, with the average cost of a studio in a non-doorman Manhattan building being $2,782, [12] it is nearly impossible for youth to be able to live on their own.

9. Federation of Protestant Welfare Agencies. (2014, January). Keeping Foster Youth off the Streets at p. 51 [Report] http://www.fpwa.org/binary-data/FPWA_BINARY/file/000/000/698-1.pdf
10. U.S. Department of Housing and Urban Development Office of Policy Development & Research / Mathematica Policy Research. (2012, April). Housing for Youth Aging Out Of Foster Care at p. 4 [Report] http://www.huduser.org/publications/pdf/housingfostercare_literaturereview_0412_v2.pdf
11. U.S. Department of Housing and Urban Development Office of Policy Development & Research / Mathematica Policy Research. (2012, April). Housing for Youth Aging Out Of Foster Care at p. 6 [Report] http://www.huduser.org/publications/pdf/housingfostercare_literaturereview_0412_v2.pdf
12. MNS Brands, Inc. (2014, July). Manhattan Rental Market Report. http://www.mns.com/manhattan_rental_market_report

HOUSING (CONT'D)

RECOMMENDATIONS:

The Office of Public Advocate supports recommendations made by the FPWA with respect to rent subsidies, including the following: [13]

- Reinstitute automatic discharge grants for up to $750 per youth, and eliminate the requirement for approval of reimbursement process of expenses;
- Increase the ACS housing subsidy to reflect current rental rates for low-income housing using City funds. The Public Advocate supports the passage of New York State Assembly bill 9806 sponsored by Assembly Member Camara, which would increase the current $300 subsidy should be increased to $600;
- Increase funding for the Runaway and Homeless Youth (RHY) services since they serve former youth in foster care up to 21 years old; and
- Increase the number of NY/NY III supportive housing units for all youth aging out of the foster care system and specifically for youth aging out of care that have children. [14]

B. NEW YORK CITY HOUSING AUTHORITY (NYCHA)

NYCHA can serve as an invaluable asset for youth aging out of the foster care system because NYCHA housing is affordable in a city where there is scarce affordable housing. To apply for public housing, a young person must be at least 18 years old. Under an agreement reached between ACS and NYCHA in 2001, youth aging out of the system who apply receive the N-0 priority, which is the highest priority. The problem is that there are 247,262 families on the waiting list for Conventional Public Housing as of March, 17, 2014 and a vacancy rate of 0.95 percent as of January 1, 2014. [15] The second problem is youth who are not employed or disabled must submit a presumptive budget letter from the HRA, which details the public assistance they will receive after aging out of care. HRA will not provide this letter until a young person is within 90 days of turning 21. These letters are not always issued on time, which makes obtaining an apartment through NYCHA even more challenging for these young adults. [16] These concerns were raised both by Legal Aid back in 2011 and again by the Federation of Protestant Welfare Agencies in January, 2014.

13. Federation of Protestant Welfare Agencies. (2014, January). Keeping Foster Youth Off The Streets [Report] http://www.fpwa.org/binary-data/FPWA_BINARY/file/000/000/698-1.pdf
14. Federation of Protestant Welfare Agencies. (2014, January). Keeping Foster Youth Off The Streets at p. 11 [Report] http://www.fpwa.org/binary-data/FPWA_BINARY/file/000/000/698-1.pdf
15. New York City Housing Authority. (2014). About NYCHA/Fact Sheet. http://www.nyc.gov/html/nycha/html/about/factsheet.shtml
16. Legal Aid Society (2011, 6 May). Barriers that Youth and Young Adults Face in Accessing Public Assistance at p. 3. [Testimony] http://www.legal-aid.org/media/150164/05.06.11_final_testimony.pdf

HOUSING (CONT'D)

RECOMMENDATIONS:

- NYCHA must designate apartments specifically for youth with children aging out of the foster care system; and
- Reduce requirements for receiving the presumptive budget letter that NYCHA requires youth aging out to get from HRA and allow youth to get this letter more than 90 days before they turn 21.

EDUCATION

A 2011 report from the Center for an Urban Future estimated that "across the five boroughs… no more than half of the young people who have recently left the foster care system have jobs at any given time. With nearly 1,000 foster youth aging out of the system every year, that means that close to 500 young people each year are failing to connect with the world of work." [19] This is a staggering figure. Youth need employment to gain an income to pay for housing and living expenses and to gain stability in their lives. Without employment, these youth are at a greater risk of becoming homeless. ACS estimated that one out of 10 foster youth in New York City who left foster care in the mid-2000s entered a homeless shelter within the year. That figure increased to one out of five within three years of leaving foster care. [20]

The Youth in Care Coalition estimates that just 18 to 24 percent of college-aged foster youth are enrolled in college in New York and that New Yorkers with a Bachelor's degree are half as likely to be unemployed, and earn more than twice as much as those with just a high school diploma. [21]

A successful program model is offered in Texas, where students in the foster care system after their 14th birthday qualify for a tuition and fee waiver at any public college or vocational school. "Tuition and fees are waived by presenting the appropriate forms to the financial aid office, so students are not forced to cobble together different forms of financial aid to meet tuition costs, and can use other forms of aid to pay for school related expenses." [22]

17. Federation of Protestant Welfare Agencies. (2014, January). Keeping Foster Youth Off The Streets at p. 11 [Report] http://www.fpwa.org/binary-data/FPWA_BINARY/file/000/000/698-1.pdf
18. Federation of Protestant Welfare Agencies. (2014, January). Keeping Foster Youth Off The Streets at p. 11 [Report] http://www.fpwa.org/binary-data/FPWA_BINARY/file/000/000/698-1.pdf
19. Center for an Urban Future. (2011, September). Fostering Careers at p. 3 [Report] http://nycfuture.org/pdf/Fostering_Careers.pd
20. Center for an Urban Future. (2011, September). Fostering Careers at p. 39 [Report] http://nycfuture.org/pdf/Fostering_Careers.pdf
21. Community Service Society of New York. (2014, May). Fostering Independence: The Need for a Statewide Foster Youth College Success Initiative at p. 2. [Report] http://www.childrensaidsociety.org/files/upload-docs/Fostering%20Independence%20Report%20Final.pdf
22. Community Service Society of New York. (2014, May). Fostering Independence: The Need for a Statewide Foster Youth College Success Initiative at p. 16. [Report] http://www.childrensaidsociety.org/files/upload-docs/Fostering%20Independence%20Report%20Final.pdf

EDUCATION (CONT'D)

RECOMMENDATION:

- Support the recommendation by the Youth in Care Coalition for the state to create a program where foster youth are eligible for a comprehensive financial aid package, including full funding to post-secondary institutions in New York including costs associated with any remedial courses. The program would have a simple, straightforward process for foster youth to learn about, apply for and receive the benefits. Full funding for higher education and vocational training programs is critical because while financial aid programs are available to access higher education, some of these options still involve loans that have to be repaid. And, these programs in most cases do not cover the entire expense of the program. Nationwide, twenty-one states ensure that foster youth will not have to pay tuition. [23]

23. Community Service Society of New York. (2014, May). Fostering Independence: The Need for a Statewide Foster Youth College Success Initiative at p. 16. [Report] http://www.childrensaidsociety.org/files/upload-docs/Fostering%20Independence%20Report%20Final.pdf

CONCLUSION

A childhood in the foster care system should not warrant an adult life of homelessness, dependence on welfare or prison; yet all too often, it does. There are laws and regulations on the city and state level that attempt to prepare young adults before they age out of the system, but there is no data assessing these programs and to identify current problem areas. The legislation before the City Council that helps to provide this type of data must be passed because it can enable ACS and the nonprofits who work with young adults aging out of foster care to tailor programing to meet their needs. In addition, the City should designate an agency to provide oversight and assistance to youth that have aged out of the foster care system. In order to slow the cycle of poverty of our young adults aging out of the foster care system, housing and education are critical. Housing is a problem for many New Yorkers, but youth aging out of the foster care system are especially vulnerable. Reforms must be made to expand options for housing, ease current regulations in applying for housing and designating units in NYCHA for children and young adults. Finally, higher education and/or vocational training are a key to success in gaining employment, which is why barriers to paying for these programs must be brought down entirely. Now is the time for New York City to improve the outcomes of young adults that age out of our foster care system. The recommendations outlined in this report can help the City to begin making those improvements.

ACKNOWLEDGEMENTS

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