



Leadership, voice and vision for child welfare in New York State

MEMORANDUM IN SUPPORT

A.1279 LUNSFORD/S.4866 COONEY

AN ACT to amend the state finance law and the tax law, in relation to establishing the child victims act fund; and making an appropriation therefor

The Council of Family and Child Caring Agencies (COFCCA) strongly supports legislation to Create a Child Victims Act Settlement Fund as proposed in A.1279 (Lunsford)/S.4866 (Cooney) to assist with judgements or settlements issued against school districts and Voluntary Foster Care Agencies in cases where there is no insurance coverage, and where payment would negatively impact the existing population or services and the agency's mission.

The Child Victims Act (CVA) was created as a mechanism to give victims a voice and an avenue to seek justice. Unfortunately, many cases—especially those 30, 40, or 50 years old or older—do not have any identified insurance coverage for a victim to be able to access a judgment or settlement. Even where a policy has been identified, policy limits from decades-old policies may not be sufficient to fund 2023 settlements.

A 2019 report¹ issued by Baruch College makes clear that Child Welfare providers have no ability to fund large recoveries outside of such insurance coverage, which means bankruptcies may inevitably result from Child Victim's Act cases. It is inequitable for a victim's compensation to depend on luck- whether a decades-old insurance policy can be located- rather than the substance of their case.

A Child Victims Act Settlement Fund is an essential path to getting access to justice for victims who would otherwise be unable to realize financial awards due to lack of agency resources while also preserving providers' continued ability to meet the demands of New York's children and families in need.

COFCCA strongly supports A.1279 (Lunsford)/S.4866 (Cooney) and encourages the Legislature to pass this bill.

For more information please contact Michelle Newman, at mnewman@cofcca.org or (212) 929-2626.
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¹ https://m0p5b7.a2cdn1.secureserver.net/wp-content/uploads/2021/02/Baruch_COFCCA-Report-v.2-8-1-19-2.pdf