

State of New York  
Court of Appeals



In the Matter of the Application of

LAWYERS FOR CHILDREN, THE LEGAL AID SOCIETY, and  
LEGAL AID BUREAU OF BUFFALO,  
*Petitioners-Appellants,*

-against-

THE NEW YORK STATE OFFICE OF CHILDREN AND FAMILY  
SERVICES and SHEILA J. POOLE, in her capacity as the Commissioner  
of the New York State Office of Children and Family Services,  
*Respondents-Respondents.*

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**BRIEF OF SAFE FAMILIES FOR CHILDREN ALLIANCE  
AS AMICUS CURIAE IN SUPPORT OF RESPONDENTS-RESPONDENTS**

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Supreme Court, Rensselaer County, Index No. EF2022271346

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## DISCLOSURE STATEMENT

Pursuant to Sections 500.1(f) and 500.23(a)(1)(i) of the Rules of Practice of this Court, *Amicus Curiae* Safe Families for Children Alliance discloses the following:

1. *Amicus Curiae* Safe Families for Children Alliance is an Illinois not-for-profit corporation. It has no parent companies. It is an affiliate with Lydia Home Association, an Illinois not-for-profit corporation, and has the following subsidiaries:
  - a. Safe Families for Children Florida LLC
  - b. Safe Families New York Inc.
  - c. Safe Families of Oregon LLC
2. No party's counsel contributed content to the brief or participated in the preparation of the brief in any manner.
3. No party or party's counsel contributed money that was intended to fund preparation or submission of the brief.
4. No person or entity, other than the proposed amici or proposed amici's counsel, contributed money that was intended to fund preparation or submission of the brief.

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## STATEMENT OF INTEREST

Safe Families for Children Alliance (“Safe Families for Children” or “Safe Families”) submits this *amicus curiae* brief in support of Respondents The New York State Office of Children and Family Services (“OCFS”) and Sheila J. Poole and to advise the Court on novel issues of significant public importance in New York State related to the “Host Family Home Regulations,” 18 N.Y.C.R.R. §§ 444.1–444.18 (2026), promulgated by OCFS and being challenged in this case.

Safe Families is a nonprofit organization that builds relational and resource networks across the country to host vulnerable children and create family-like support to isolated families. The two-decade history of Safe Families is one of aspirational stories, at multiple levels of the human condition and in response to multiple challenges to those conditions. These stories illustrate the intentional development of community that parents in crisis need to help support their family, both the adults and children.

The Host Family Home Regulations at issue in this case permit community-developing programs like Safe Families to assist families and children. They allow Safe Families to address a critical hole in our nation’s social safety net: bringing forward a group of vetted people who are ready to not only care about children, but also care about what parents need. Safe Families has demonstrated consistently its capacity and commitment to build the kinds of relationships and connections with

parents that are not solely lodged in rules and regulations of formal government systems but are built on a network of trusted individuals these families can rely on for successfully navigating the challenges of life. Given its over twenty years of experience in 34 states operating programs similar to those that the Host Family Home Regulations would permit in New York, Safe Families is well positioned to submit an *amicus curiae* brief in this matter.

## **ARGUMENT**

### **1. The Host Family Home Regulations Provide Community for Those Without One**

Historically, most of society lived in close proximity to the advice and support of relatives and had other friends and neighbors they knew well enough to trust when a crisis or other challenge disrupted our life. Families could rely on this community to help the parents manage daily tasks and responsibilities while they worked on solutions. If a parent got sick or injured, had a baby, or lost a job, this community would show up to provide pre-cooked meals, babysit, offer transportation, and connect the parents with others in their network who could provide employment or other needed resources.

That proximity to familiar people and places has become seriously frayed. Many of today's families face life's challenges without a community of people who can help shoulder some of the burdens while they persevere through it. During a challenging time, it can be difficult for these families to find community to help

prepare meals, babysit, or provide guidance. They need support now and do not have the time to find people willing to help and to develop the level of trust needed to allow these people to truly support them.

Safe Families for Children seeks to intentionally fill this gap. It connects families who lack the support system that community provides with vetted individuals who are willing to step in and provide the help the family needs. Safe Families promotes such community by leveraging the values embedded in what many of us know as volunteerism—the long-standing practice of offering unpaid and informal proximity to people in need to people who are willing to see other’s problems as something they can help with. These volunteers act as the community and help families who would otherwise find themselves victimized by the inevitable crises that come with poverty, social isolation, and inequity.

The Host Family Home Regulations allow programs like Safe Families to assist New Yorkers who do not need government intervention; they need a neighbor, a friend, and a supporter; but they do not know where to find one. Safe Families sees and works with parents who find themselves facing a potential crisis situation where they understand the problem in front of them but find themselves short on solutions. These parents can envision what a path forward looks like; they are prepared to make choices; but they may need some help navigating that path. And, yes, they often desperately need help, just not the kind of formal interventions typically offered by

government systems. They need what most of us first look to in times of crisis—they need trusted people—people who are willing to live life alongside them and walk through challenging times together. The kinds of crises these families face are ones that most families see at one time or another. But the difference between successfully navigating the crisis or entering into a downward spiral is the ability to rely on a trusted community to help. These are issues that families cannot navigate alone, and when they try, they find the effort to be overbearing. One thing goes wrong which leads to another issue, which leads to another crisis. Without support in the beginning, these families find themselves needing more intensive support or interventions. By stepping in to provide a trusted community to support these families during the first challenges—before the downward spiral begins—families are more likely to achieve success and avoid further interventions. The Host Family Home Regulations allow for agencies like Safe Families to connect New York families in need with a community to support them just as Safe Families has done for thousands of families in other states.

For example, Marilyn began parenting her grandson after her daughter passed away during the COVID-19 pandemic. She and her husband did not have other family or a community to help them parent and care for their grandson. After connecting with Safe Families, she found a group of people who can help nurture

her grandson so that she does not have the burden of being everything that her grandson needs by herself.

Imelda was raising her two children on her own. She completed her GED and was left wondering what came next for her and her family. She reached out to Safe Families and was connected with Kimberly who came alongside her and provided encouragement, connected her with resources, and helped her navigate life decisions. For Imelda, Kimberly was more than just a resource, she became a true friend inviting Imelda and her kids for Thanksgiving dinner and incorporating Imelda into her own friend groups and community.

Michele is a single mom who had lived in various foster and group homes from the age of five until eighteen. Now, as an adult, she faced raising her two kids on her own with no family or other community and was struggling. She called numerous state agencies and other programs but could not find the support she needed. Safe Families was able to connect her with volunteers who showed up for them and made her feel loved and cared for. When Michele needed a short hospitalization, she had no safe place for her children. She requested that Safe Families volunteers host her children, but because appropriate regulations were not in place, the hosting was not possible. As a result, Michele's children were forced into voluntary foster care for several days, rather than being placed with the Safe Families community that Michele had grown to know and trust.

Jenna is a parent who desperately needed surgery, but she has a child with autism who she knows can be “hard to handle” and needs constant and consistent care. Her only close relative, Grandma, was not able to give him the care and oversight he needs. Jenna turned to Safe Families, cautiously at first, but through the process was able to find a host family who could step up and take care of her son while she heals. Afterward, the host family became respite caregivers for him and an extended family to Jenna.

Jasma is a mother who was living in a shelter while also dealing with anxiety and depression. She turned to Safe Families and found two host families who could share in caring for her children while she worked on a permanent plan that included finding a job that would support her family. Her host families coached her through obtaining her GED and provided additional support and care while she completed the required six-week training program for her new job.

Austin is a single dad who lived in a sober house that was not appropriate for his one-year-old son. He needed a host and support system. Austin was able to use Safe Families to find a host family with young kids to help Austin successfully complete his substance abuse program and save money from his job to get an apartment for his family.

Jocelyn is a single mom who was unhoused, jobless, and living in a car while her mom struggled to care for her two kids. Jocelyn needed a job; she needed

dependable transportation; and she needed housing so she and her kids could be together. She reached out to Safe Families and was partnered with a volunteer known as a “Resource Friend” who helped her and her mom care for the kids while Jocelyn secured employment, found reliable transportation, and searched for housing. Her Resource Friend connected her with housing resources, and other Safe Family volunteers provided financial help for the required deposit and first month’s rent. She now has a community to help host her kids if her mom cannot, enabling Jocelyn to consistently go to work and navigate her way out of the housing and transportation crises she is weathering.

These represent just a few of the over 83,000 community-building stories Safe Families has created over the past two decades in 34 states using programs similar to the ones that would be permitted in New York by the Host Family Home Regulations. These regulations provide a vetted and trustworthy path New York families can use to obtain support and build a community to face life’s challenges together.

## **2. The Host Family Home Regulations Align with Public Policy**

The community-building stories created through programs like Safe Families demonstrate positive implementation of modern public policy. Preventing unnecessary foster care placements is an enacted policy goal under both New York and federal law and aligns with fundamental rights of parents consistently upheld by

our highest courts. *See Troxel v. Granville*, 530 U.S. 57, 57 (2000); N.Y. Soc. Serv. Law §§ 398, 400; Family First Prevention Services Act, P.L. 115-123. Further, enabling religious organizations, such as Safe Families, to practice their love of God and love for neighbor by serving in this way has been the long-term policy in New York and around the country because the work of religious organizations are beneficial to society in a variety of ways. *See People ex rel. Watchtower Bible & Tract Soc’y. v. Haring*, 8 NY2d 350, 357.

#### **A. The Host Family Home Regulations Prevent Unnecessary Foster Care Placements**

The modern policy goal of preventing unnecessary foster placements has sought to provide further support for families to avoid unnecessary government involvement where possible. The Family First Prevention Services Act passed by the federal government has formally recognized that families like these need and deserve help navigating challenges before they spiral into situations where formal systems such as child welfare and the courts need to intervene and exercise legal authority over the family. This legislation made it possible for child welfare to work in tandem with communities in recognition that parents confronting a potential crisis should have access to support and help and that parent wellbeing is closely correlated with child wellbeing. The Act allowed community-based prevention programs to access Title IV-E grants which Safe Families and other similar organizations have been awarded. In funding these prevention programs, the federal government has

prioritized proven strategies implemented by Safe Families and other organizations—strategies permitted under the Host Family Home Regulations—to help adults and families navigate crises and thereby avoid further crises that could necessitate further government involvement such as through foster care.

For over a century, the United States Supreme Court has consistently upheld the “fundamental right of parents to make decisions concerning the care, custody, and control of their children.” *Troxel*, 530 U.S. at 66 . “So long as a parent adequately cares for his or her children (i.e., is fit), there will normally be no reason for the State to inject itself into the private realm of the family to further question the ability of that parent to make the best decisions concerning the rearing of that parent’s children.” *Id.* at 68-69.

The modern policy goal of preserving families and preventing kids from entering foster care absent actual and substantiated evidence of abuse or neglect promotes the fundamental rights of parental authority. And the Host Family Home Regulations do the same. Similar to the principles codified in the federal Family First legislation, the regulations allow programs to engage and deploy the kinds of community resources that have been proven to help families navigate crises and keep their children safe. Crisis—by itself—should not be a reason that society and the state step around parental rights and authority. Parents in crisis should be given the opportunity to seek resources such as agencies like Safe Families that connect them

with a vetted community that cares and can help without having to surrender legal custody of their children either through voluntary or involuntary foster care. The Host Family Home Regulations permit fit parents—defined as those not under an open abuse or maltreatment investigation—to seek these resources and overcome their crisis. 18 N.Y.C.R.R., *supra*, § 444.5(c) When parents choose programs like Safe Families, they are operating within their full legal rights as fit parents who can set the standards for what they want and need. They set the terms of the relationship, and they make the choice to use volunteers precisely because they want people who are there to support and not mandate what should happen.

The policy goal of prevention allows parents to seek support precisely because their pain points are not legal. Thus, they have the right as well as primary responsibility to determine and decide who to trust and have relationships with; what the parameters of those relationships and interactions should be; how they want to raise their children; and what kind of interventions might best address what is going on in their lives. If a parent is fit, does not have an ongoing investigation into abuse or maltreatment, and has no other reason to have to abdicate their parental rights, the due process and related procedures for voluntary and involuntary foster care are unnecessary. The parent has the ability and the constitutional right to make parental decisions for their child. But the current child welfare policies, procedures and protocols require parents to abdicate their parental rights, even if such abdication is

not necessary. The Host Family Home Regulations seek to fill this gap in support by permitting fit parents to connect with programs like Safe Families where they are consistently able to overcome their challenges while still overseeing the care of their children because their family is connected with a vetted, volunteer community.

**B. The Host Family Home Regulations Promote Religious Expression for the Betterment of Society**

Safe Families' community-development programs are deeply motivated by its religious faith. Its core values of radical hospitality, disruptive generosity, and intentional compassion are derived from the teachings of Scripture and serve as the model for loving God by loving our neighbor. Through this faith-based motivation for service, Safe Families often partners with local churches to provide tangible ways for people of faith to live out that faith through serving and loving those in need.

Religious organizations, such as Safe Families, that are serving their communities have long been recognized as vital to our society. Enabling such acts of faith has been “the policy of the law in this State from an early day . . . because the religious, moral, and intellectual culture afforded by [religious organizations] were deemed, as they are in fact, beneficial to the public, necessary to the advancement of civilization, and the promotion of the welfare of society.” *Watchtower Bible & Tract Soc’y*, 8 N.Y.2d at 357 . This policy is reflected in the various tax exemptions offered to religious organizations such as income tax exemption at both the federal and state level and property tax, unemployment tax,

and sales tax exemptions offered by states. Some states, including New York, have gone so far as to expressly permit tax exemption for religious organizations in their state constitutions. *See, e.g.*, N.Y. Const. art. XVI, § 1; Ill. Const. art. IX, § 6. *See also Matter of Brookdale Physicians' Dialysis Assoc., Inc. v. Dep't of Fin. of N.Y.*, 41 N.Y.3d 608, 611 (2024).

The Host Family Home Regulations further this policy by allowing agencies and volunteers who, guided by their religious faith, have a desire to love and serve their neighbor during times of need. The Regulations authorize agencies, including faith-based agencies like Safe Families, to follow set guidelines for recruiting, vetting, and connecting these volunteers with families in need. These guidelines such as background checks for volunteers and no open investigations for parents provide sufficient safeguards to protect all involved. Safe Families has proven over its two-decade history that churches and volunteers want to serve and are fully capable of filling the needs experienced by families in crisis. The Host Family Home Regulations permit them to do so for New Yorkers as well.

### **3. The Host Family Home Regulations Have Been Successfully Implemented in Other States**

Safe Families has run programs like the one permitted under the Host Family Home Regulations for over twenty years and currently operates these programs in 34 states. Over the past five years, a child's average length of stay with a Safe

Families host home has been 10 days, and over 99% of children returned home to their family.

Safe Families has studied the results of its programs through a Randomized Control Trial, conducted by Distinguished Professor Emeritus Dr. Mark F. Testa from the University of North Carolina at Chapel Hill and published in February 2021. This study found that 78% of at-risk families in Safe Families' program avoided entering the foster system compared to 47% of at-risk families who received other prevention services. Thus, gap-filling programs like Safe Families are effective in supporting families and safely preventing at-risk children from entering foster care.

Based on multiple levels of review, the federal government recognized Safe Families' effective prevention programs and placed Safe Families on the Title IV-E Prevention Services Clearinghouse making Safe Families eligible to receive Title IV-E funds and further support its community of volunteers as they help families in crisis prevent families from unnecessarily entering foster care. *See* U.S. Dept. of Health and Human Services, Title IV-E Prevention Services Clearinghouse, <https://preventionservices.acf.hhs.gov/>.

The Host Family Home Regulations would allow Safe Families and other agencies to create stories of hope and healing for New Yorkers. Stories like Marilyn who found a village to help nurture and train her grandson; Imelda who found a

friend in Kimberly to provide encouragement, direction, and an invitation to Thanksgiving dinner for her and her kids; Michele who after aging out of the foster system was connected with a community to support and love her and her children; Jenna who was able to have her surgery and heal; Jasma who obtained her GED and found a job after living in a shelter; Austin who completed his substance abuse program and found an apartment for himself and his son; Jocelyn who received resources and financial assistance to secure housing while she started a new job and searched for reliable transportation; and Patricia who kept her kids out of foster care while she worked, saved money, and found housing for her family. These parents were able to overcome their crisis with the help of a vetted community.

## CONCLUSION

Safe Families for Children urges this Court to uphold the prior decisions in this case and permit the Host Family Home Regulations to remain in effect giving New Yorkers additional, trusted resources to build community and navigate life's challenges together.

Dated: February 13, 2026

Respectfully Submitted,



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## **PRINTING SPECIFICATIONS STATEMENT**

Pursuant to 22 NYCRR § 1250.8(f) and (j), the foregoing brief was prepared on a computer. A proportionally spaced typeface was used, as follows:

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**Affirmation of Service by Overnight Carrier**

APL-2025-  
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In the Matter of the Application of LAWYERS FOR CHILDREN, THE LEGAL AID SOCIETY, and  
LEGAL AID BUREAU OF BUFFALO,

-against-

THE NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES and SHEILA J. POOLE, in her capacity as the  
Commissioner of the New York State Office of Children and Family Services,

I, JONATHAN DIDIA, affirm under the penalties of perjury that, I am over 18 years of age, and am not a  
party to the action.

On Friday, February 13, 2026 deponent served 2 copies of the within Amicus Brief upon

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by dispatching the paper to the person(s) by overnight delivery service at the address(es) designated by the  
person(s) for that purpose, pursuant to CPLR 2103(b)(6).

I affirm this 13th day of February, 2026, under the penalties of perjury under the laws of New York,  
which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may  
be filed in an action or proceeding in a court of law.



\_\_\_\_\_  
JONATHAN DIDIA

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