



National Association of Public
Child Welfare Administrators

an affiliate of the American Public Human Services Association

How States are implementing the Fostering Connections Act

Alabama's At-risk Children

Alabama Department of Human Resources (DHR) Family Services Division (FSD) is the agency responsible for child welfare services statewide and oversees the 67 county departments. According to data available in January 2009, in SFY 2008 Alabama DHR-FSD investigated 18,150 reports of child maltreatment; of these 9,290 were substantiated.¹ As of January 2010, there were approximately 6400 children in foster care or custody of the DHR. Of these children, approximately 100 live in approved related foster homes and 500 live with relatives with the Department holding custody. There are approximately 600 children in care that are legally available for adoption. Approximately 350 of the 600 available for adoption children have an identified goal of adoption by the current foster parent and 250 are in need of an identified adoptive resource.

Working with its federal partners, in January 2009 DHR set up a comprehensive automated case management system that provides a unified automated tool to support most, if not all, family, child and adult services. This Family, Adult, and Child Tracking System (FACTS) is Alabama's Statewide Automated Child Welfare Information System (SACWIS). The FACTS system is currently operational statewide. As expected in newly developed complex systems, which incorporates massive data from multiple stand-alone systems, the reliability of the data is compromised; however, the data reports are becoming increasingly more reliable. It is anticipated that within the next 6 months the reliability issues will be resolved.

Any discussion of Alabama's at-risk children must recognize Alabama's extraordinary history as a pioneer of child welfare reform that was propelled by a long standing consent decree, *R.C. vs. Walley*. Alabama DHR operated under this consent decree from December, 1991 until it was dissolved on January 16, 2007 by U.S. District Judge Ira Dement with the accolade that "Alabama's child welfare system not only met the high expectation of the court, but also demonstrated an unsurpassed ability to provide for the safety and well-being of children and families in distress."² DHR-FSD sets the vision for establishing the infrastructure to support service delivery and sustain the systemic capacity for service delivery and improvements across all county departments. A range of administrative supports are provided to the county departments in areas of policy development, program training, foster and adoptive home recruitment and approval, consultation and technical assistance, budgeting, data analysis, quality assurance, and also some direct client services to children and families.³

Though the impetus for the reform was a lawsuit, the reform was not adversarial. Alabama DHR worked collaboratively with national experts and the plaintiffs to rebuild its system at the point where it matters – the point of interaction between the system and the families it was established to serve.⁴ The Alabama child welfare system now reflects the apex of a child and family strength based model. Services are designed specific to each child and family and not simply for compliance with existing standards. Even though fewer than half the counties had started the reform, from 1991 to 1995, when the number of children in foster care nationally rose by 12 percent, Alabama's foster care census fell by 22 percent and children's length of stay in care dropped from an average of 438 days to less than 100.⁵ In January 2008 the National Coalition for Child Protection Reform reported that an independent monitor appointed by the court found that the rate at which children are taken from their homes was among the lowest in the country and repeat maltreatment of children left in their own homes was cut sharply.⁶

Alabama's Budget Landscape

Like most other states, Alabama is struggling with the economy. Alabama operates on an annual budget. Its fiscal year aligns with the federal fiscal year beginning October 1 and ending September 30 the following year. Alabama faced a \$1.1 billion budget deficit for fiscal year 2009 and faces a \$1.2 billion budget gap for fiscal year 2010. On August 21, 2009, Governor Bob Riley announced the need for a mid-year budget adjustment due to declining state revenue. Many of the

agencies funded by General Fund were ordered to modify their standard allocations of 25 percent each quarter to 22 percent for the first to third quarters and 34 percent for the fourth quarter. ⁷

A freeze has been imposed on state government hiring. To date, however, child welfare staffing has not been substantially impacted by the freeze.⁸ Child welfare caseload standards and additional staff requirements are identified in the Alabama Administrative Code Chapter 660-5-53. Based on a preceding 12 month average these standards require 1 worker for every 8 to 12 protective service investigations. This range takes into account the different amounts of time and skill needed for more complex cases such as court placements (limited to 10 cases) and sexual abuse (limited to 8 cases). Other 12 month average caseload limitations are: 18 families for ongoing protective services, 18 children for foster care services, 22 children for adoption placement, and 40 resource cases.⁹ These standards give administrators a solid foundation to ask to hire workers in order to maintain the caseload standards. DHR has a staffing allocation committee. When caseloads rise above the caseload standards the county department requests permission from the state committee and the DHR commissioner to hire staff. Due to the hiring freeze, the commissioner must confirm approval with the Governor's Office.¹⁰

P.L. 110-351 State Options

Guardianship Assistance Program (GAP) implementation requires legislation. DHR program and legal staff in collaboration with the courts and Casey Family Programs have prepared legislation entitled, "Alabama Kinship Guardianship Subsidy Act" for the 2010 legislative session. Currently Alabama has a Kinship foster care program. Relatives can be approved as foster care providers. The draft legislation that aligns with the federal program would allow for children currently placed in related foster homes to be discharged from the foster care system to the permanent care of a guardian. There are approximately 100 children in the state's custody in approved related foster care homes and approximately 500 in the state's custody in relatives homes not approved as foster care homes.

Support to eligible young adults aged 19, 20, or 21. Since 1989, Alabama has allowed foster care maintenance payments and adoption subsidy up to the age of 21 for children under certain circumstances. Both foster care maintenance and adoption assistance payments may be made through state funds when ineligible for federal funding and the child is eligible to remain in care beyond the age of 18. Children age 14 and older are eligible to receive Independent Living Service (ILS) to assist in the development of skills that support their transition to adulthood. Alabama may provide Medicaid for foster care youth to age 21 provided they meet the points of eligibility. Currently, Medicaid is matched by state child welfare funds. The change in legislation, which provides for federal funding to pay for what has been previously paid through State dollars, results in the Medicaid agency now providing the required match funds. This will allow state child welfare funds to be available to create and provide more innovative services to this group.

Aftercare financial assistance and support services continue to be available to youth that leave the system prior to their 21st birthday. For youth that are in care on their 18th birthday, policy allows for the youth to re-enter foster care if the need arises. Whether the youth needs to re-enter foster care or remains in their own home, financial, housing, counseling, employment, education and other appropriate support and services are provided as needed until their 21st birthday. During SFY 2005, two thousand five hundred and forty one youth ages 14 and older were in foster care and received independent living services.¹¹

Chafee funding is used for education training vouchers (ETVs) and other services to provide support and funds to youth currently in foster care and youth formerly in foster care who have not attained age twenty three to attend accredited colleges, universities, vocational and/or technical training institutions. Youth may receive up to \$5,000 per year for four years as they pursue higher education.

Support to eligible youth who exit care to guardianship or adoption after age 16 is under review. Currently, these youth are provided educational training vouchers and other services through Chafee funds as described above.

Alabama Indian Tribes

The Poarch Band of Creek Indians is the only federally recognized Indian Tribe in Alabama. It operates as a sovereign nation with its own system of government and bylaws.¹² The Tribe is in the process of evaluating whether to apply directly to the Secretary for IV-E funding and/or Chafee funding. The Tribe and DHR have never had a formal agreement for the Tribe to access federal funding but the state has open communication with the Tribe. When Tribal children come to the attention of the Department, DHR policies require that child welfare staff provide services to these children in compliance with the Indian Child Welfare Act (ICWA). When an Indian child is removed from his/her home, whenever possible the child is placed with extended family members, other tribal members, or another Indian family. When this is

not possible, the Indian child's tribe must approve the placement. Tribal Courts have exclusive jurisdiction over child custody proceedings and it is the state courts' responsibility to transfer jurisdiction to tribal courts unless there is good cause to the contrary as defined by ICWA.

P.L. 110-351 Mandatory Provision

No statutory changes were required to implement the mandatory provisions. Minimal changes were needed to Alabama's policies and practices to be in compliance with these provisions and no fiscal impact is anticipated.

Relative Notification must occur within the thirty days as stipulated by the federal statute. The 30 day requirement is not needed in state law but has been incorporated into policy. There are concerns in the manner that relatives are to be notified and the expectations that relatives are to be given when fully implementing the federal requirements. Permanency and concurrent planning practice requires the case worker to obtain detailed information and complete forms that identify relative resources upon bringing a child into care. This information is provided to the court at the adjudicatory hearing that occurs 72 hours following the child's entry into care. If relatives are located who are willing to provide care, they are to be given preference when the home evaluation shows the relative can provide safe and appropriate care.¹³

Education stability policy requires that children in out of home care be placed in close proximity to their own home and maintained in their same school whenever possible. DHR has worked with the State Department of Education to develop policy and the State Department of Education has sent out a letter to the local superintendents suggesting protocols. However, local school districts are autonomous and establish their own protocols. Each county DHR department has worked with the local education agency and established protocols to expedite enrollment and transfer of records to avoid any delay in a child's entry into school. When a change in school is necessary, it is the caseworker's responsibility to transfer or provide the foster parents the information needed to enroll the child in school and ensure that school records are transferred.

Sibling Connections have high priority when making placements. Policies that align with the federal requirements have been in place since 1994. DHR conducts exhaustive searches to identify a placement option that can accommodate siblings being placed together. Whenever siblings are separated, the effort to maintain connections and/or reunify them continues throughout the life of the case. Systemically, DHR has targeted recruitment efforts to find foster families capable of caring for large sibling groups. There are additional supports including special, higher board rates for foster parents who take sibling groups of four or more.

Transition plan for children aging out of foster care

Effective July 1, 2002, the *Smooth Transition into Adulthood* policy was implemented.¹⁴ DHR developed requirements for transitional and independent living programs to provide consistency in the development and delivery of transitional and independent living services throughout the state.¹⁵ DHR provides training and technical support for the county departments' foster parents and social workers in transitional planning and independent living services for teens. DHR allows each county to provide their own Independent Living Program (ILP) so that the program can be individualized to the needs of the youth in the county. Each county department is expected to include 4 components for all youth in their program. These are: 1) Promoting a sense of control over their future, 2) Promoting a sense of competency, 3) Promoting a sense of permanency, and 4) Promoting a sense of usefulness. Foster care youth are to be included in the planning process on an individual level and on a group level. Youth participate in developing their goals through the individual service plan (ISP) and youth advisory councils.¹⁶

The individualized service plan (ISP) serves as the youth's transitional plan and identifies the specific steps and services designed to facilitate transition into adulthood. All of the youth's current level of functioning, as it relates to life skills development, must be assessed as soon as the need is indicated, but no later than the fourteenth (14th) birthday and must be reviewed every six months thereafter. The assessment may be formal or informal but shall determine current level of functioning; how that current level of functioning can be improved; what the associated needs are; and the skills that may be developed or enhanced to facilitate maximum functioning as an adult.¹⁷

Alabama youth advisory council program, Dedicated, Responsible, Empowered, and Motivated (D.R.E.A.M.), is composed of youth from local advisory groups and adult facilitators. D.R.E.A.M. provides education and employment assistance, opportunities for social interaction, and personal and emotional supports.

In 2006, DHR began efforts to target foster parents and mentors for teens. County departments are encouraged to develop partnerships with community based organizations and local businesses that can provide assistance and opportunities (job

shadowing, internships, career development, full or part time employment) to youth transitioning out of care. Ninety days after discharge, social workers are asked to provide information about the level of youth's achievement¹⁸ and assess the need for after care services to sustain self sufficiency.

Health oversight and coordination planning includes the importance of a regular physician (preferably the child's established physician), initial examination upon placement and ESPDT screening. Health needs are incorporated into the child and family service plan. DHR works with and utilizes the services of the Alabama Department of Public Health, Alabama Medicaid Agency, hospitals, clinics and private physicians to provide for children's and families' health care needs. DHR plans to strengthen the statewide functioning of the health care committee. FACTS maintains health information for each child to ensure the availability of health information and enable the coordination of ongoing physical, mental and dental health needs including inoculations and oversight of medications, particularly psychotropic drugs. Policy regulates the administering of all medications, including over the counter ones. These health care issues are incorporated into quality assurance reviews. There are behavior analysts on staff to review the treatment of children in care who have identified behavior issues.

Family Connections Grants: Alabama did not apply for any of these grants. Family Group Conferencing, also known as Individualized Service Plan (ISP), is used throughout the county departments. Although Alabama does not have a formal Kinship Navigator program, state does utilize the federal parent locator in conducting diligent searches. Exploration of other avenues to locate families is being considered.

There are substance abuse treatment programs across the state, though timely access is sometimes limited. In addition, 14 counties have newly established court drug dependency programs for children, youth and families involved with the juvenile court system.

Opportunities & Challenges

Alabama works to turn challenges into opportunity. Current issues of priority focus are:

- Moving legislation through the 2010 state legislative session to enable implementation of the kinship guardianship program.
- Implementation of the National Youth in Transition Data (NYTD) and youth status upon exiting care.
- Finding and training a diverse pool of foster and adoptive resources to meet the needs of children entering care or already in care. Alabama is planning an extensive foster/adoptive resource media campaign in early 2010 for this purpose.
- Planning more specifically for children with the permanency goal of Another Permanent Planned Living Arrangement (APPLA). Generally, these are children who have been in care for long periods of time, are older youth and/or have some difficulty of care needs. Casey Family Programs has provided support and technical assistance for staffing these cases individually at permanency round tables where innovative and creative planning to improve permanency for these children is explored.
- Looking at workforce issues to maintain experienced, skilled, staff, with a focus on supervisors.

Conclusion

As discussed in the beginning of this document, Alabama has worked progressively for the last 18 years through political changes and with advocates to build a model child welfare system. Alabama remains resolute to sustain its gains in child welfare and continue to move forward to provide safe and permanent homes for children who cannot safely return to their own home.¹⁹ To this end, flexibility in federal financing that would enable services to be provided to children in their own homes at the same level as can be provided in out of home care would be beneficial. Such flexible funding could be used to strengthen families and prevent removal and expedite reunification in situations where removal was necessary for child safety. In addition, de-linking the IV-E eligibility from 1996 AFDC eligibility standards could make more children eligible for federal foster care funding and free state funds to be used for front end preventative services.

Resources

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² *Alabama's comprehensive child welfare system reform*. Retrieved November 18, 2009 from <http://www.encyclopedia.com/doc/1G1-163470878.html>.

³ State of Alabama Department of Human Resources Annual Progress and Services Report 2006 page 5) retrieved November 28 from http://www.dhr.alabama.gov/large_docs/apsr%202006%20final%20_3_.pdf

⁴ *Alabama's comprehensive child welfare system reform*. Retrieved November 18, 2009 from <http://www.encyclopedia.com/doc/1G1-163470878.html>.

⁵ *Making Child Welfare Work(Excerpt): Forging New Partnerships to Protect Children and Sustain Families*. The Bazelon Center for Mental Health Law. <http://www.bazelon.org/issues/children/publications/rc/index.htm>

⁶ *Twelve Ways to do Child Welfare Right: Successful Alternatives to Taking children from their Parents*. National Coalition for Child Protection Reform. http://www.nccpr.org/index_files/page0005.html.

⁷ *Alabama state budget*. Sunshine Review last modified December 6, 2009. Retrieved December 9, 2009 from http://sunshinereview.org/index.php/Alabama_state_budget

⁸ Interview with Alabama Department of Human Resources staff: Shirley Scanlan, [Deputy Director]; Marie Youngpeter, [Program Manager]; and Margaret Livingston, [Program Manager] November 18, 2009

⁹ Alabama Department of Human resources Social Services Division Administration Code. *Chapter 660-5-53:Child Welfare caseload standards and additional staff requirements*. Retrieved November 18, 2009 from

<http://www.alabamaadministrativecode.state.al.us/docs/hres/>

¹⁰ Interview with Alabama Department of Human Resources staff: Shirley Scanlan, [Deputy Director]; Marie Youngpeter, [Program Manager]; and Margaret Livingston, [Program Manager] November 18, 2009

¹¹ State of Alabama Department of Human Resources Annual Progress and Services Report 2006 p. 252 retrieved November 28 from http://www.dhr.alabama.gov/large_docs/apsr%202006%20final%20_3_.pdf.

¹² The official web site of the Poarch Band of Creek Indians. Retrieved December 9, 2009 from <http://www.poarchcreekindians-nsn.gov/xhtml/index.htm>).

¹³ Interview with Alabama Department of Human Resources staff: Shirley Scanlan, [Deputy Director]; Marie Youngpeter, [Program Manager]; and Margaret Livingston, [Program Manager] November 18, 2009

¹⁴ State of Alabama Department of Human Resources Annual Progress and Services Report 2006 page 255). Retrieved November 28 from http://www.dhr.alabama.gov/large_docs/apsr%202006%20final%20_3_.pdf

¹⁵ Alabama Department of Human resources Social Services Division Administration Code. *Chapter 660-5-51: Transitional and Independent Living Program and Placement Requirements*. Retrieved November 18, 2009 from

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¹⁶ State of Alabama Department of Human Resources Annual Progress and Services Report 2006, pp. 245-254. Retrieved November 28, 2009 from http://www.dhr.alabama.gov/large_docs/apsr%202006%20final%20_3_.pdf.

¹⁷ Alabama Department of Human resources Social Services Division Administration Code. 660-5-48 *Smooth Transitions into Adulthood*. Retrieved November 18, 2009 from <http://www.alabamaadministrativecode.state.al.us/docs/hres/>.

¹⁸ State of Alabama Department of Human Resources Annual Progress and Services Report 2006 pages 250-252) retrieved November 28, 2009 from http://www.dhr.alabama.gov/large_docs/apsr%202006%20final%20_3_.pdf

¹⁹ *Accomplishments of the Alabama System of Care Resulting from the RC Consent Decree*.

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