



National Association of Public
Child Welfare Administrators

an affiliate of the American Public Human Services Association

June 5, 2009

The Honorable Edward Kennedy
Chair, HELP Committee
U.S. Senate
317 Russell Building
Washington, DC 20510

The Honorable Michael Enzi
Ranking Member, HELP Committee
U.S. Senate
379-A Russell Building
Washington, DC 20510

The Honorable Christopher Dodd
Subcommittee Chair, Children & Families
U.S. Senate
448 Russell Building
Washington, DC 20510

The Honorable Lamar Alexander
Subcommittee Ranking Member, Children & Families
U.S. Senate
455 Dirksen Building
Washington, DC 20510

Dear Senators Kennedy, Dodd, Enzi and Alexander:

On behalf of the American Public Human Services Association (APHSA) and its affiliate the National Association of Public Child Welfare Administrators (NAPCWA), we thank the Health, Education, Labor, and Pensions (HELP) Committee for the opportunity to comment on the draft Child Abuse Prevention and Treatment Act (CAPTA) reauthorization bill language.

APHSA is a nonprofit, bipartisan organization representing state and local human service professionals for over 76 years. NAPCWA, created as an affiliate in 1983, works to enhance and improve public policy and administration of services for children, youth, and families. As the only organization solely devoted to representing administrators of state and local public child welfare agencies, NAPCWA brings an informed view of the problems today's families are facing to the forefront of child welfare policy. Public child welfare directors strongly encourage child abuse prevention and treatment as the primary goal to safely reduce the number of children entering into the child welfare system.

The legislation has many positive initiatives focusing on prevention and reduction of child abuse and neglect. However, there are some provisions in the draft language that pose concerns for states. The bill's findings show that states are making progress in reducing the number of child abuse and neglect cases. As a result, many family units are becoming stronger so children can safely remain in their own homes. Even with these successes, the recession may play a large role in reversing these positive outcomes.

We particularly support the findings language that focuses on cultural, ethnic, and religious differences among families who hold diverse traditions and beliefs on parenting. States across the

nation have immigrant populations, from war-torn and poverty stricken countries, that have cultural values and beliefs that must be recognized and approached with sensitivity to successfully provide services to these populations. We also strongly support the promoting family group decision making models within CAPTA. This is a practice that many states utilize the use of these models, which helps build strong family bonds. This provision builds on the new Family Connections Grants, which provides resources for family group decision making component of the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351).

Differential response is an effective evidence-based approach to reduce and prevent placement into the foster care system. The proposed language in section 106 recognizes that States need a continuum of responses to keep children safe and assist their families based on individual circumstances. This enabling language will support states' effort to continue to work to implement best practice intervention strategies when responding to reports of child abuse or neglect.

However, the use of the term "differential response" is not appropriate in section 132 of the bill pertaining to Community Based Grants. The term "differential response" applies to how child protection agencies respond to families. NAPCWA recommends the Committee amend Section 132 of Title II "Community-Based Grants for the Prevention of Child Abuse or Neglect" by striking "the use of differential response" in line 14 and inserting "the use of family engagement strategies and provision of services." States have learned that the intervention strategies used by child protection agencies for family engagement and delivery of services which are proven to be effective, are also effective in community prevention.

For example, Minnesota's Parent Support Program is a pilot project which engages families and provides services for parents needing support and education to prevent child abuse and neglect, and these activities take place prior to a report or investigation. Often times, these services are directed towards helping families meet their basic needs by getting access to health care services. According to the Institute of Applied Research, Minnesota's Parent Support Program evaluation shows that family intervention/engagement practices are proven to be effective during the prevention or early intervention stage. Consequently, many states are using similar models to promote effective prevention strategies in their child welfare programs. Expanding the language to include other preventive models will support congressional intent for states to "develop, operate, expand, enhance and coordinate initiatives, programs, and activities to prevent abuse and neglect and support coordination of resources and activities to better strengthen and support families," hence reducing the likelihood of child abuse and neglect.

The additional assurances added to Title I State Grants presents concerns to states. Current law requires states to certify several assurances in order to receive grant funding. These standards include referring services to drug affected infants, developing citizen review and fatality review panels, and including confidentially protocols in state statute. Public child welfare administrators believe there are more assurances and not enough resources for states to have these in policy and practice.

According to the draft bill language, there is a requirement for child welfare agencies to collaborate with community-based organizations, such as child care, early childhood education, care, and intervention as well as domestic violence facilities and provide support to parents with disabilities and families affected by child abuse and neglect. Child welfare directors believe these collaborative efforts can only be achieved with increased funding in CAPTA.

The draft also requires states to assure that unaccompanied homeless youths' needs are met and supported with resources as a part of the community-based prevention-focused programs and in accordance with the

McKinney Vento Act. Public child welfare administrators request additional clarity regarding these standards as the Chafee Act requires states to provide similar resources for homeless youth. If the Committee moves forward with this provision as written, NAPCWA encourages Congress to be mindful about including duplicative language that might conflict with existing laws.

States must also certify that they possess information systems to track reports of child abuse and neglect from intake through final disposition. This provision poses issues for states not operating an information system and those experiencing challenges with their existing systems. The draft language also amends statutory language to include additional reporting requirements and data elements involving new workload and caseload information on child protection workers and supervisors, as well as tracking outcomes for new populations. States must also provide information on education, training, and demographic information conducted by personnel. NAPCWA supports legislative language encouraging state accountability in child protection programs. These latter mandates would be administratively burdensome for county-administered states and other states not operating an information system that collects this information.

NAPCWA is also aware that advocates have proposed an amendment to CAPTA language mandating states to appoint an attorney and a guardian ad litem to represent the child in court during times of removal. States are already required to make the best interests of the child paramount through the Adoptions and Safe Families Act (ASFA), and represent these interests in court proceedings. Therefore, child welfare directors believe that including an additional requirement for states to retain a second attorney for the child is duplicative language and would exacerbate their fiscal issues during challenging economic times. We encourage the Committee to not move forward with this provision.

The new legislation mandates states to amend their procedural standards for reporting child abuse and neglect cases involving substance exposed newborns by including children diagnosed with fetal alcohol spectrum disorders (FASD). Studies show that symptoms of FASD generally occur several years after a child's birth. Therefore, public child welfare administrators conclude that amending Part C of CAPTA to report cases of FASD at birth is unrealistic and request additional clarity regarding this provision.

Additional assurances also require states to provide services for disabled infants with life threatening conditions, children exposed to domestic violence and their non-abusing parents, and include adult former victims by child abuse to participate in Citizens Review Panels. While these assurances strengthen public child welfare programs, states are concerned there are limited funds to successfully execute these strategies. Therefore, we ask the Committee to reduce the number of assurances or offer additional funding to support these requirements. Additionally, we request that the Congressional Research Services (CRS) or the Government Accountability Office (GAO) conduct a study on the costs to states for each assurance. We also request that anytime an assurance is added to the state grants, this study must be completed prior to adding to the list of assurances.

Lastly, public child welfare administrators are extremely concerned with congressional language modifying the state grants formula. Currently, states receive money based on the number of children in their state under the age of 18. The draft bill would create an across the board amount for each state and the remainder would be distributed based on child population. According to the legislation, each state would receive at least \$50,000 to operate its programs. Consequently, if the appropriated amount for states decreases, the across the board amount would also decline. If the Committee moves forward with this language, states would receive limited fiscal relief to operate child abuse and neglect activities. Also, there is no hold harmless language for states that will lose CAPTA funds with the modification in the formula.

NAPCWA cannot support the draft legislation as it is currently written and strongly urges HELP Committee members to include child welfare administrators' recommendations for the bill's mark-up as they are the one's on the ground implementing the CAPTA programs. If not, there will be the unintended consequence of states not applying for CAPTA grants. NAPCWA strongly believes that all children should have the opportunity to flourish in a safe, stable and nurturing environment. Public child welfare administrators feel these experiences should begin at home. Therefore, we look forward to working with you on these amendments.

Sincerely,

Jerry Friedman, Executive Director
APHSA

A handwritten signature in cursive script that reads "Jerry Friedman". The signature is written in black ink and is positioned below the typed name and title.

Erin Sullivan Sutton, J.D., President
National Association of Public Child Welfare Administrators

A handwritten signature in cursive script that reads "Erin Sullivan Sutton". The signature is written in black ink and is positioned below the typed name and title.