



National Association of Public  
Child Welfare Administrators

an affiliate of the American Public Human Services Association

## How States are Implementing the Fostering Connections Act

### California's At-risk Children

In 2008, approximately 97,507<sup>1</sup> children aged 0-17 years of age had substantiated allegations of abuse and/or neglected by those responsible for their care. On July 1, 2009, there were almost 68,000 children and youth receiving out-of-home services; about 31 percent were placed with relatives. Of the children that exited foster care between July 1, 2008 and June 30, 2009, 57 percent reunified, 18 percent were adopted, 7 percent left under guardianship, and 18 percent were emancipated or had other exit types. Over the last decade, California's foster care population has declined nearly 40 percent.

Since July 1, 2007, California experienced a 10 percent decrease in its out-of-home caseload.<sup>2</sup> This decrease is due to reduced entries into care and shorter lengths of stay in custody. These changes are attributed to a cluster of new strategies, policy innovations and program expansions. These include the implementation of differential response, use of standardized safety and risk assessments, and the coordination of prevention services toward a targeted at-risk pool. In addition, there has been expanded use of participatory case planning programs, multi-systemic and functional-family therapies and focused family finding and engagement.

As of July 2009, the most recent date for which state data is available, the out-of-home population was 25 percent White, 26 percent Black, 46 percent Hispanic, 1 percent American Indian/Alaska native, and 3 percent Asian/Pacific Islander. The general prevalence of the population per 1,000 children of the state from which these children were placed, was 5 percent White, 27 percent Black, 6 percent Hispanic, 16 percent American Indian/Alaska Native, and 2 percent Asian/Pacific Islander.

### California's Budget Landscape

The 2009/2010 State budget cut child welfare funding from the prior year by about 10 percent. That reduction is expected to continue in the next fiscal year. The funds from the American Recovery and Reinvestment Act mitigated further cuts. During the current fiscal year, California's budget situation has continued to worsen with a projected current year deficit of almost \$7 billion and projected further deficits in the next fiscal year.

In 2008, California issued lay-off notices to 5,000 state workers and, starting in 2009, other state workers were furloughed three days a month with a commensurate 14 percent pay reduction. Since California is a state supervised and county administered system, all child welfare services are delivered at the local level. As well, county budgets are stressed and many of counties have laid off child welfare workers. California builds a budget with funding allocations per county based on caseload and other demographic variables. The counties also match a percentage of the state allocation and in many cases have contributed additional county funds. Many counties that committed funds beyond that required to draw down the state and federal allotment in the past, have pulled back the excess funds (known as the overmatch) and have laid-off workers.

### P.L. 110-351 State Options<sup>3</sup>

California is interested in exercising the option to implement the new **Guardianship Assistance Program (GAP)** of the Fostering Connections to Success and Increasing Adoptions Act (*Act*). The current state guardianship program is closely aligned with the federal statutory requirements, except for the Kinship Agreement. The language in the current California agreement does not include a negotiated rate and this will be changed to meet the federal guidelines. The major question is whether existing guardianship cases are included for prospective benefits. If cases currently receiving fiscal support are eligible for federal support this would have a positive fiscal impact and provide the necessary funding for other provisions of the *Act*.

California would like to **support eligible youth to age 19, 20, or 21**, but it must be fiscally feasible, therefore, implementation of this option may depend on the extent to which existing state subsidized guardianship cases can access federal funds and savings in that area can be redirected to support this population. Legislation is currently proposed to implement the federal kinship guardianship subsidy program and to extend foster care to age 21 and extend **support to eligible youth who exit care to guardianship or adoption after age 16**. California is interested in opting into the federal GAP for current cases as well as prospective cases. To this end, California's Secretary of Health and Human Services, Kimberly Belché wrote to Secretary Sebelius requesting the Program Instruction, issued on December 24, 2008, be withdrawn because the Program Instruction went beyond the federal law and severely impeded California's ability to implement the new federal GAP. On February 18, 2010, a new Program Instruction was issued allowing states to convert existing guardianship cases provided they meet all the eligibility requirements. California is appreciative of this policy change and welcomes the opportunity to convert existing eligible cases to the federal program.

In addition to the fiscal challenges of extending foster care benefits beyond age 18, routinely serving legal adults in foster care will require a programmatic shift that acknowledges the rights and responsibilities of this legal status. California would like to see the federal regulations for the "supervised independent living setting" to recognize this adult status with respect to any supervision requirements and continuing federal linkage if youth leave and then return to care.

#### **California Tribes<sup>4</sup>**

There are 109 federally recognized tribes in California. California has a signed Tribal Agreement with the Karuk tribe and it is anticipated that the Yurok will be signing an agreement with the State. A few tribes have sent letters to the Federal Regional Office IX in San Francisco inquiring about a IV-E program under P.L. 110-351.

#### **P.L. 110-351 Mandatory Provisions<sup>5</sup>**

In California, implementation of all but one of the mandatory provisions was delayed so that the necessary legislation could be enacted to ensure that the state is in full compliance with all elements of the federal mandate. As of January 2010, California has enacted legislation and budgeted funds to implement mandatory provisions of the *Act*. As a state supervised, county administered system, virtually everything has to be in state statute before program instructions and regulations are issued to the counties. Funding for mandated activities is tied to the state legislative or budget process. If the state mandates a service or activity, the state must pay for the cost of implementation. If the Federal government mandates the requirement, then the counties must pay matching funds. Counties often provide additional funds to support their programs. This structure impacts the implementation of all provisions of the *Act*. Implementing any optional program that is not cost neutral or does not potentially have a cost saving feature could be problematic, given California's fiscal difficulties.<sup>6</sup> This will affect whether the state can implement the optional provisions of the *Act*.

California law previously required identifying and searching for relatives and subsequently amplified its statutes and issued instructions to include a formal **notification of relatives** when a child is removed.

**Education stability and sibling connections** have been supported by California laws that are consistent with the federal requirements. The California law AB 490 has been lauded by educators and private foundations as a model for education stability law. The link to the bill is:

[http://www.leginfo.ca.gov/pub/03-04/bill/asm/ab\\_0451-0500/ab\\_490\\_bill\\_20031012\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/03-04/bill/asm/ab_0451-0500/ab_490_bill_20031012_chaptered.pdf).

Additional changes to California statute were enacted to better align with the requirements of the *Act*.

The **health oversight and coordination plan** is largely being implemented through a public health nurse program (Health Care Program for Children in Foster Care) that co-locates county health department nurses in county child welfare agencies. This program has now been mandated and expanded to provide medical case management to all children in foster care. Though this program is implemented through an interagency agreement with the state's Medicaid agency and draws Title XIX funds, it also carries significant costs to the state government.

California state law has required **transition plans for children aging out of foster care**. State law has been amended to align with federal requirements. Before a child can exit the California foster care system, there is a dependency hearing and the youth must be provided not only with appropriate transition services but with all life documents such as a birth certificate and including family photos. If the judge presiding over the dependency hearing does not find the plan adequate, the jurisdiction can be continued for the county to provide more services. Currently, cases that are continued are not eligible for IV-E funds and the counties are totally responsible for any costs. California is working to make this a more

youth driven process. To this end, the department facilitates a Child Welfare Council that is co chaired by the Secretary of Health and Human Services and one of the justices of the Supreme Court. This council builds momentum to get things done across systems.

### **Family Connections Grants**<sup>7</sup>

Four California organizations received Family Connections Grants to develop programs in targeted areas of need. These programs will bolster current efforts. Across California, counties use various family finding strategies and participatory case planning programs. Additionally, many counties have Kinship Support Services Programs which function similar to the Navigator programs that can be funded by the Family Connection Grants. As part of the state's Program Improvement Plan, many of these efforts are being expanded. Programs that fall under this include the Family-to-Family Initiative, Family Group Conferencing, Family Unity and Family Team Meetings. In addition, there is extensive training in techniques like motivational interviewing. Many of these programs require intensive support services as it has been found that programs like Family Group Conferencing and Family Team Meetings are more successful when facilitated by workers dedicated to these functions. Many counties also use dedicated support staff for intensive family finding and home finding for older youth. However, due to budget problems, counties are laying off non-caseload carrying social workers, which eliminates these support positions and will impact these initiatives.

### **Opportunities & Challenges**<sup>8</sup>

One of the greatest challenges in implementing the provisions of this *Act* is the way things are phased in. This creates administrative tracking difficulties when doing interagency agreements and contracts. The biggest issue, however, is the fiscal environment. Currently, federal funding streams are complex and are not flexible enough to support the type of services currently needed. Enhanced funding or more flexible use of current funding is needed for prevention and early intervention services. A reinvestment program for penalties would provide opportunity to target funds to areas where they are most needed. Eliminating the IV-E look-back to 1996 eligibility would enable the vast majority of children found in need to receive federal support services, eliminate the need for dual, complex tracking systems, and allow eligibility workers to be redeployed to do other critical work.

### **Conclusion**<sup>9</sup>

California continues to be challenged with out-of-home placement re-entries, but this is not universal across the state. In a state like California with a large geographic area and diverse demographics, statewide data is insufficient to analyze the problems. There has to be a drill down assessment of what is different in the areas that are struggling and resources targeted accordingly.

California is committed to maximizing federal resources as it can and will welcome any technical assistance available. California has used National Resource Centers but found the application process to be cumbersome and notes that some of the consultants provided to assist California do not understand the complexities of the state supervised, county administered system. In addition to assistance regarding implementation of the *Act*, assistance to further safely reduce the number of children in foster care would be welcome.

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<sup>1</sup> Needell, B., Webster, D., Armijo, M., Lee, S., Dawson, W., Magruder, J., Exel, M., Glasser, T., Williams, D., Zimmerman, K., Simon, V., Putnam-Hornstein, E., Frerer, K., Cuccaro-Alamin, S., Lou, C., Peng, C., Holmes, A. & Moore, M. (2010). *Child Welfare Services Reports for California*. Retrieved 1/6/2010, from University of California at Berkeley Center for Social Services Research website. URL: <[http://cssr.berkeley.edu/ucb\\_childwelfare](http://cssr.berkeley.edu/ucb_childwelfare)> Data Source: CWS/CMS 2009 Quarter 2 Extract.

<sup>2</sup> Conference call with Greg Rose, Deputy Director, Children & Family Services Division, California Department of Social Services on March 5, 2009.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.