



National Association of Public
Child Welfare Administrators

an affiliate of the American Public Human Services Association

How States are Implementing the Fostering Connections Act

Delaware's At-risk Children

Delaware has three counties which consist of New Castle, Kent and Sussex. New Castle County has the largest population with the greatest number of vulnerable children and families. The most vulnerable populations are infants and toddlers unable to protect themselves and families without means to meet their own needs. Children and youth enter foster care when safety cannot be controlled.¹

In July 2007, there were 994 children in Delaware's custody, which included relative care and non-relative foster care placements. During the same time period, there were a total of 863 children solely receiving foster care services. In May 2009, the state has seen a slight decline in the number of youth coming into care, with 871 children in state custody and 769 youth in foster care placement. This decrease is attributed to the agency's efforts to collaborate with other youth serving divisions to prevent formal placement and work with the Family Court system to increase family involvement during criminal/juvenile court proceedings. Moreover, the state has experienced a rise in adoptive placements during FY 2001 through 2007. During this time period, 715 adoptions were finalized. Many of these placements involved older youth.²

Delaware's Budget Landscape

Entering Fiscal Year 2010, Delaware faced an \$800 million budget gap, which represented 20 percent of the state's total operating budget. In order to bridge the gap, revenue enhancements and budget reductions were implemented. The budget for Fiscal Year 2010 was passed on June 30, 2009. Included in the budget are strategies to reduce the size of state government through attrition and a 2.5 percent temporary cut to all state employees' salaries. To date no direct service staff positions within the Division of Family Services have been affected by attrition or complementary reduction measures.³

P.L. 110-351 State Options

Delaware is not able to implement a federal guardianship assistance program (GAP) at this time. Due to the current fiscal climate, the state is unable to afford the state match requirement involved with the federal GAP option. In previous years, Delaware operated a Title IV-E waiver that funded the state's guardianship assistance program. Twenty-five children were supported under this waiver and when the funding expired, Delaware used state funds to continue kinship care services.⁴

Delaware's relative care placement program began in February 2002 and these services are administered through Delaware's Department of Health and Social Services, which operates TANF, Child Support, Disability, Medicaid and other adult services. Delaware approves relatives as foster parents in order to receive foster care board payments. Approval requirements are the same as non-relative foster parents.⁵

Delaware provides support to older youth in foster care until age 19, if the extension would allow them to complete their high school education.⁶ Although Delaware does not extend foster care to youth past age 19, the state passed SB 235 in 2004 to utilize Chafee dollars to help operate their Independent Living program.⁷ Youth exiting foster care continue to receive independent living services until age 21.⁸ The state believes in providing youth with quality services to help support their needs as they age out.⁹ Because Delaware does not extend foster care to youth past age 19, the state is not considering extending guardianship and adoption assistance payments to this population at this time.¹⁰

Federally Recognized Tribes

Delaware does not have federally recognized tribes in the state. Delaware has established points of contact with the Nanticoke Tribe to coordinate foster care services when Indian children enter care.¹¹

P.L. 110-351 Mandatory Provisions

Currently, the majority of mandatory provisions in P.L. 110-351 are in Delaware's state statute. Consequently, the state did not ask the federal government for a delay on implementing these requirements. Delaware did not require any legislation to implement P.L. 110-351 requirements.¹²

Regarding relative notification, the state currently works with its court system and judges to order notification during the first hearing. These efforts build on existing practices to notify relatives at the time of removal. Although these policies and practices regarding relative notification are currently in place, the state needs federal guidance on what constitutes the due diligence and notification standards in P.L. 110-351.¹³

Delaware Department of Services for Children, Youth and Their Families (DSCYF) also collaborated with the Department of Education (DOE) to establish guidelines and amend current statute regarding the educational stability provisions of P.L. 110-351.¹⁴ Currently, both agencies work diligently to keep foster children in their school of origin when they come into care.¹⁵ In 2004, the state passed HB 279 requiring DSCYF and DOE to implement practices pertaining to the McKinney-Vento Homeless Educational Assistance Improvement Act to help improve youth's educational outcomes while in foster care.¹⁶ This legislation adds the term "awaiting foster care placement" to state statute permitting all children in care to remain in their school of origin, with transportation provided by the child's home school district.¹⁷ The state also has a collaborative in place with Milton Hershey School (MHS) for youth in foster care to have the opportunity to attend a prestigious boarding school.¹⁸ DSCYF and the school are continuing these efforts and five youth are currently enrolled in the program.¹⁹

Improving the health outcomes for youth in care is paramount in Delaware. The state is required to provide medical screenings for youth no later than two weeks after they enter into care. The state is waiting on additional guidance from the Administration for Children and Families (ACF) regarding the health oversight and coordination planning provisions of P.L. 110-351. The state is also reviewing their current State Automated Child Welfare Information System to make the necessary improvements to help track these outcomes.²⁰

Regarding the transitional plans for youth aging out, Delaware's older youth can develop a comprehensive Independent Living Strategic Plan designed to help improve their outcomes as they age out of foster care. This program is referred to as the Stairways to Encourage Personal Success (STEPS).²¹ Additionally, youth from the ages of 14 to 21 can gain access to the Independent Living Benchmark document, developed in 2006, to help guide this work.²² Youth with an Alternative Permanency Placement Living Arrangement (APPLA) are required to have their transition plan reviewed by the court every six months, rather than annually.²³ The state is also required to consider family connections throughout the life of the case and the appropriateness of youth having a plan of APPLA. Delaware also has a Youth Advisory Council (YAC) where youth are trained to enhance their leadership skills and interpersonal development.²⁴ In 2008, YAC applied for a grant from the State Farm Insurance Company to implement a financial literacy program.²⁵ These efforts will assist Delaware's foster youth to increase their knowledge about opening and managing a savings account, learning about loans and interest rates.²⁶ These youth can also receive matching funds as they open a savings account and regularly deposit funds.²⁷ Delaware also passed SB 262 giving caseworkers authority to sign documentation on youth's behalf so they can obtain a license from the Department of Motor Vehicles without the worker or DSCYF assuming liability.²⁸

Currently, the state has policies and practices already in place to assist with maintaining strong sibling connections. DSCYF requires caseworkers to place siblings together whenever possible. ACF has indicated that the state needs improvement in this area, according to the Child and Family Services Review (CFSR). By implementing the Fostering Connections provisions around sibling connections, Delaware plans to see better outcomes regarding these practices.²⁹

Family Connections Grants

Delaware considered applying for a Family Connections Grant (FCG) but determined that the state was not in a position to commit matching dollars or full-funding long term. The state does have "Special Investigators" assigned to the agency that hold police authority. Through that authority, they have the ability to access law enforcement search programs to assist staff in locating parents and other relatives. Delaware also has a contract with People Search to locate missing

parents and other relatives. Delaware adheres to core social work principles regarding its family engagement strategies and diligent search efforts for relatives throughout the life of a child's case. Delaware does not define these initiatives as intensive family finding according to the federal standards.³⁰

Opportunities & Challenges

The state is awaiting additional guidance around several provisions. Although the mandated provisions of P.L. 110-351 are mostly in place, Delaware's public child welfare administrators believe that implementing these requirements will help improve and strengthen their system. Due to the most recent economic downturn, the state would have challenges if they were to implement a federal GAP and will decline the option as a result of the state match requirement. Additionally, the state anticipates incurring costs as they make changes in their information technology system and move toward better aligning these federal mandatory policies with current state code. Regarding federal finance reform, the state anticipates Congress will fully eliminate the 1996 income eligibility requirements of the Aid to Families with Dependent Children Act in Title IV-E. Delaware's state administrators believe this requirement is a barrier to successfully reducing the number of children in foster care and improving the permanency outcomes for youth. If this requirement can be eliminated, Delaware can expand Title IV-E eligibility to these youth and maximize their resources so there can be a better focus on prevention strategies.³¹

Conclusion

Delaware's caseloads are steadily decreasing and this is due to an increase in adoptions. From 1996 to 2002, the state operated a guardianship program through a Title IV-E waiver. Although the state does not have a formal kinship care program, Delaware uses state funds to support children placed with relatives. Delaware also conducts rigorous due diligent searches and notification to relatives, however, the state does not operate an intensive family finding program as described in the Family Connections Request for Proposal (RFP). With the rise in adoption placement numbers and the state's willingness to improve their relative care program, Delaware anticipates seeing greater reductions in their foster care system in the future.

¹ Conference call with Keith Zirkel. Delaware Division of Services for Children, Youth and Their Families. May 20, 2009.

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

⁷ Delaware Division of Family Services 2001-2008 Accomplishments. Delaware Division of Services for Children, Youth and Their Families. 2008.

⁸ Conference call with Keith Zirkel. Delaware Division of Services for Children, Youth and Their Families. May 20, 2009.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Delaware Division of Family Services 2001-2008 Accomplishments. Delaware Division of Services for Children, Youth and Their Families. 2008.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Conference call with Keith Zirkel. Delaware Division of Services for Children, Youth and Their Families. May 20, 2009.

²¹ Ibid.

²² Delaware Division of Family Services 2001-2008 Accomplishments. Delaware Division of Services for Children, Youth and Their Families. 2008.

²³ Ibid.

²⁴ Ibid.

²⁵ Ibid.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid.

²⁹ Conference call with Keith Zirkel. Delaware Division of Services for Children, Youth and Their Families. May 20, 2009.

³⁰ Ibid.

³¹ Ibid.

Release Date: August 10, 2009

A special thank you to Casey Family Program for their financial support and guidance during this project. For more information on the How States are Implementing the Fostering Connections documents, please contact Courteney Holden, Senior Legislative Associate, American Public Human Services Association (APHSA) at 202-682-0100 ex 249 or by email at Courteney.Holden@aphsa.org.