



National Association of Public
Child Welfare Administrators

an affiliate of the American Public Human Services Association

**Written Statement of the
National Association of Public Child Welfare Administrators**

**Hearing on the Fostering Connections and Increasing Adoptions Act of 2008
(P.L. 110-351)**

**Subcommittee on Income Security and Family Support
Ways and Means Committee
U.S. House of Representatives**

Chairman McDermott, Ranking Member Linder, and members of the Subcommittee on Income Security and Family Support of the House Ways and Means Committee, the National Association of Public Child Welfare Administrators, an affiliate of the American Public Human Services Association, respectfully submits this statement for consideration of the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351).

APHSA is a nonprofit, bipartisan organization representing state and local human service professionals for more than 79 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 devoted to representing administrators of state and local public child welfare agencies, NAPCWA brings an informed view of the problems facing families today to the forefront of child welfare policy.

Signed into law on Oct. 7, 2008, Fostering Connections aims to improve relative and sibling connections, children's health care needs, educational stability, and outcomes for older youth. It also allows tribes to have direct access to Title IV-E foster care and adoption assistance and reauthorizes the Adoption Incentives Program. Currently, states are aligning their policies and practices and, when necessary, passing legislation to implement the law's mandatory provisions. Several states also plan to implement the act's options. In collaboration with Casey Family Programs, NAPCWA is surveying 50 states and the District of Columbia on states' implantation of P.L. 110-351.

Support for Relatives and Guardianship Assistance Program

The new Guardianship Assistance Program allows states to claim Title IV-E dollars to support relatives caring for their kin. Currently, some states are using Title IV-E waivers, Title IV-E foster care maintenance payments when applicable, TANF child-only grants, and state funds to support youth in relative homes. Kinship care policies also vary from state to state and thus, P.L. 110-351's relative requirements are becoming a challenge for some agencies to implement the option. Although all states conduct safety assessments and criminal background checks on relative homes, not all guardians are licensed foster families when accepting permanent responsibility for the child. In some instances even when a child is in temporary foster care a relative may not want to undergo full licensure and instead opt to receive the child only TANF assistance.

Many states expressed concerns about the Title IV-E eligibility requirement for children to live in a licensed relative home for six consecutive months.¹ California is experiencing significant challenges with this issue and has indicated that some 18,000 children are ineligible for federal GAP funding due to the act's standards.²

Some states have a broader definition of relative, allowing blood and non-blood relatives; mentors, godparents and other persons strongly connected to the child to be eligible for subsidized guardianship payments.³ States need additional guidance from the Administration for Children and Families on their definition of "relative." Additional ACF guidance is also needed on the relative notification requirements on what constitutes "relative" and the method for notifying kin. Child welfare agencies use locator services to find relatives and non-relatives. These persons are mostly identified by the birth parent and child during the initial hearings or a Family Group Conference. Notification is often conducted through phone calls or written letters. ACF's GAP Program Instruction was released on Dec. 24, 2008, and NAPCWA, as well as several states, submitted a comments letter outlining these challenges. On Sept. 24, 2009, ACF responded and declined to the program instruction.

The economic downturn has played a critical role in states' ability to implement the option. Public child welfare directors are experiencing significant budget deficits and reductions in their programmatic spending. Thus, all states are conducting cost-benefit analyses to determine the number of eligible children to receive federal subsidized guardianship payments. Consequently, the District of Columbia, Maine, Maryland, Missouri, Oregon, Pennsylvania, Rhode Island and Tennessee have submitted their Title IV-E State Plans to ACF on the federal GAP option.⁴

Extended Support for Older Youth

States such as California, Illinois, Kansas, Maryland, Massachusetts, Ohio, South Carolina and Texas extend assistance to older youth and allow them to remain care if they need additional support.⁵ These states, along with others, plan to submit a Title IV-E State Plan regarding this option. Currently, some states extend support to older youth past age 18 using Chafee and state funds. Statutory language requires states to prepare youth at age 16 and older to develop a transition and permanency plan, and have a judge review it every six months. Some states work with youth as early as age 14 on these arrangements and their plans are often youth-led.

States strongly believe that they have a responsibility to prepare foster youth for adulthood when all other permanency options have been exhausted. In line with the new law, many states already require youth to be enrolled in school or employed in order to remain in care. Supporting older youth is not a new development for child welfare agencies. States provide life-skills training and mentoring programs as a foundation for older youth. In 2006, NAPCWA surveyed states and found all were using Chafee dollars to prepare youth. However, many states go beyond the Chafee requirements and provide tuition waivers for college education, and a majority of states provide optional Medicaid coverage to these young people past the age of 18.

Educational Stability

P.L. 110-351 requires that states enroll foster children in school. As a part of the Title IV-E State Plan, states must work collaboratively with their state or local educational authorities to implement these provisions. Child welfare agencies must also ensure that foster children remain in their school of origin at the time of placement, if it is in the best interest of the child. Fostering Connections allows states to claim their Title IV-E federal reimbursement rate for transportation costs if the child is not placed in proximity to their school of origin.

States have sought innovative ways to improve children's education. In 2004, Delaware passed legislation requiring local departments to collaborate with child welfare agencies on improving children's educational outcomes and pay for school transportation costs.⁶ As of January 2009, Illinois uses a geographic information system called School Minder, which helps identify available foster homes for children that are located near their current educational setting.⁷ This application assists the state in recruiting more foster families in saturated areas or communities that have exhausted these resources.

Health Care Oversight and Coordination

The Fostering Connections health care oversight and coordination provision requires states to develop a comprehensive strategy to improve the health outcomes of children in care. Many states passed legislation to share information with their health departments. Some child welfare agencies are updating their SACWIS applications so Medicaid providers can have direct access to foster children's health information. These changes will ensure that child welfare agencies can have better oversight for children's health care screenings and track their continuity of care.

Maryland, Texas and the District of Columbia already have dynamic and comprehensive plans in place. Maryland's Department of Human Resources has worked in conjunction with health care providers, local Medicaid offices, and the Department of Health and Mental Hygiene to improve the health outcomes of children in care.⁸ This collaboration will provide nurse case management services for every child in care to ensure that dental, medical and mental health appointments are met. The District of Columbia and Texas use a similar model, where a multi-disciplinary team of professionals, including pediatricians, registered nurses, behavioral health case managers and other staff assist children in care.⁹ The District, along with all other states, submitted their amended State Plan amendment to ACF on June 30, 2009.

Sibling Connections

All states attempt to place siblings together and the Child and Family Services Reviews monitor this practice. In 2007, Oregon passed legislation requiring that siblings be placed together as a first-placement option.¹⁰ If siblings are not placed together, caseworkers must provide documentation in the case record indicating the reasons why this placement did not occur. Consequently, the state reports that 80 percent of siblings remain in the same placement. Oregon policies and practices also require caseworkers to develop a solid visitation plan for siblings if they are not placed in the same home.

Washington reports similar findings as 57.6 percent of complete sibling groups are placed together in one home and 79 percent live with at least one sibling.¹¹ The child welfare agency requires caseworkers to facilitate at least two contacts per month and the children's best interest is highly considered prior to arranging these visits. Many states are tracking placement outcomes and sibling visits in their statewide automated information system.

Family Connections Grants

Many states did not apply for the grant due to the large match requirements. It is likely that more states will apply in the future when the economy improves.

Tribes

There are about 500 federally recognized tribes in the United States. States stand willing to assist tribes in their decision to operate an IV-E program by either a state agreement or through the ACF.

Several states are providing technical assistance as well as making their tracking systems available for tribal use.¹² Having to develop their own SACWIS system may be a challenge for some tribes.

Federal Policy Recommendations

NAPCWA believes that Fostering Connections is a milestone toward improving the lives of vulnerable children and families. However, our work is not done. More reform is needed, especially to improve and expand front-end services. Today, child welfare agencies are experiencing significant budget cuts and some states report an increase in child protection investigations. NAPCWA members believe that services must be designed to first and foremost safely keep children with their birth families. Therefore, it is critical for Congress and public child welfare administrators to work together in forming policy to safely reduce the number of children in care and create a better system to improve child and family outcomes.

Throughout the years, states have found the federal child welfare financing structure to be restrictive and a patchwork of fragmented funding streams. Each funding stream has a different set of regulations and eligibility requirements. Nonetheless, states have found it cumbersome to draw down federal dollars and access these funds to adequately serve at-risk children and families. De-linking the Aid to Families with Dependent Children income eligibility requirements for Title IV-E adoption assistance is a significant improvement toward reforming child welfare financing. However, states recommend that Congress craft legislation to create one fundamental and comprehensive funding stream to support child welfare programs. The program must allow states flexibility to offer an array of services to improve child and family outcomes and provide continuum of care.

The Children and Family Services Reviews—federal performance measures administered by the U.S. Department of Health and Human Services—pose major challenges for public child welfare agencies. The Adoption Assistance and Child Welfare Act of 1980 authorized the first mandate to establish federal child welfare compliance reviews. The current process has become skewed and does not accurately measure states' performance. NAPCWA supports state accountability, but believes the CFSR process needs to be restructured to ensure that Program Improvement Plans are actually targeted to the correct areas needing improvement.

We recommend the following:

- Support all children in care or at-risk of entering foster care, regardless of their birth parent's income;
- Create one federal funding stream for public child welfare programs;
- Allow states and localities to reinvest Title IV-B and IV-E dollars subject to penalties toward improving child and family outcomes;
- Restructure and reform the CFSRs to accurately reflect state performance and again allow states to reinvest penalties.

We look forward to working with Congress on these recommendations. Thank you for the opportunity to submit comments. If you have any questions, please contact Courteney Holden at courteney.holden@aphsa.org or Rashida Brown at rashida.brown@aphsa.org.

Sincerely,



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

¹ NAPCWA State Survey on Fostering Connections Implementation. National Association of Public Child Welfare Administrators. 2009

² Ibid

³ Ibid

⁴ Ibid

⁵ Ibid

⁶ Ibid

⁷ Ibid

⁸ Ibid

⁹ Ibid

¹⁰ Ibid

¹¹ Ibid

¹² Ibid