



National Association of Public
Child Welfare Administrators

an affiliate of the American Public Human Services Association

How States are implementing the Fostering Connections Act

Indiana's At-risk Children

In SFY 2008, Indiana Department of Child Services (DCS) took 109,499 reports that alleged abuse and neglect. These reports resulted in 2,245 substantiations for physical abuse, 3,347 substantiations for sexual abuse, and 13,680 substantiations for neglect.¹ In addition, during SFY 2009, 24,854 families received assessment and referral services through the Indiana Healthy Families program.²

In 2005, DCS was elevated to its own cabinet-level position. Since then, intake protocols have been standardized; the criteria for receiving services are consistent throughout its 92 counties. Between July 1, 2005 and June 30, 2007 Indiana doubled its direct child welfare service staff adding 800 additional front line direct service family case managers (FCM) and 125 supervisors. In addition, Indiana legislated a caseload standard. FCMs may not carry more than an average of 17 children for ongoing services or conduct more than 12 new investigations at any one time. Though these standards do not account for the different amounts of time and skill more complex cases take, they do enable supervisors to manage workload and give administrators a solid foundation to ask the legislature for funding to hire workers, when needed to maintain the service levels. To enhance workforce skills, DCS has partnered with the Indiana University School of Social Work for general workforce training as well as BSW/MSW degree path programs.

This strengthening of the workforce in ability and numbers on the front line paralleled an increase in the number of cases and court filings to place children in-out-of home care. Outcome indicators correlate these increases with service improvement. When the out-of-home placement filings increased, cases were reviewed and dispositional judges surveyed. The overwhelming consensus was that the cases needed to be filed to secure child safety. It is significant that in spite of increased new placements, the number of children in out-of-home placements remained constant; exit rates equaled or exceeded entry rates. This is attributable to Indiana's success in decreasing the length of time in which its wards are in out-of-home placement from a median length per child of 442.5 days in March 2007 to 383.4 days in September 2009.³ In addition, Indiana has been successful in placing children in less restrictive settings, decreasing its percentage of placements in residential care from 12.58% of total placements in March 2007 to 9% in September 2009, while increasing the percentage of in-home or relative placements from 38.15% of total placements in March 2007 to 52.3% of total placements in September 2009.⁴

Indiana is also increasing rates of sibling placement, keeping siblings together in 70.65% of cases, up from 62.52% in April 2007.⁵

Not only is it in the best interest of children to place them in less restrictive settings, it reduces the overall cost of out-of-home placements. Indiana has been able to start investing these placement cost savings into intensive preventative services that equip parents and other family caretakers to keep children safely in their own homes or allow children already in out-of-home care to return expeditiously. Simply put, workers with lower caseloads have the capacity to assess case needs more proficiently and deliver services more effectively.⁶

Indiana's Budget Landscape

Unlike most other states, Indiana entered the 2010 state fiscal year (SFY), with a \$1.3 billion surplus. However, this does not mean that Indiana is not affected by the ups and downs of the current economic climate. Even before the new fiscal year started on July 1, new shortfall had opened up.⁷ According to the State Budget Committee report to the Center on Budget and Policy Priorities, Indiana projects a \$1.1 billion or 7.5 percent budget gap for 2010 and \$317 million or 2.2 percent gap for 2011. As a result there has been a tightening of expenditures. The state does not expect to see an increase in revenue any time soon. Even if the economic outlook improves, people have changed spending habits, which impacts sales and corporate tax revenues. That latest report indicates that income tax is up slightly but sales tax is down 3 percent

and corporation tax is down 7 percent.⁸ Departments have been asked to hold between 5 and 15 percent of their budgets in reserve. Child welfare has been elevated to the same importance of public safety and education, and is in the five percent category.⁹

Indiana is building a child welfare system based on proven core standards that are not subject to political differences or difficult economic times. Understanding that people need to know what the public child welfare system does, Indiana's system is transparent. Media that take responsibility for obtaining relevant, appropriate releases are invited to make field visits with case managers.¹⁰ As a result, DCS expects that the quality of its existing services and high-level outcomes will remain at current levels. To date Indiana has not had to institute a furlough program.¹¹

P.L. 110-351 State Options

Guardianship Assistance Program (GAP) will not be implemented at this time. The statutory authority is in place but the influx of federal funds would not offset the need for additional state expenditures to provide assisted guardianship equitably to *all* children. Indiana will reconsider GAP when the economic climate shifts to make it a responsible, cost-effective state expenditure.

DCS has been participating in a Waiver Demonstration project since 2005. This project terminates on July 30, 2010. Children may continue to be added to the project only until December 31, 2009. In 2010 the state will continue to pay for the approximately 300 to 400 subsidized guardianship contracts that are already in place under the waivers and the TANF subsidized guardianship program for relatives will continue.¹²

Support to eligible young adults aged 19, 20, or 21 will not be implemented at this time. Indiana has a state funded program that offers support through the age of 21 to youth who choose to stay in the system. Time and funds have been invested in reaching out to youth, yet few youth have chosen to remain in the system. Thus, making the changes necessary to align with the federal program would not be a cost effective way to extend benefits to youth. Youth who choose to continue in care remain under the jurisdiction of the court, must continue in an educational or vocational program and/or have special needs. Youth who leave the system may return based on a voluntary agreement. Typically, education is the reason for staying in care. DCS works closely with other agencies to transition youth with special needs or developmental delays so that they have in place continued services for as long as necessary by the time they reach 18.

Support to eligible youth who exit care to guardianship or adoption after age 16 will not be implemented at this time.

Indiana Tribes

There are no federally recognized Indian tribes based in Indiana today. However, the Pokagon Band of Potawatomi Indians, a federally recognized tribe based in Michigan, also has tribal areas in Indiana where some its members live. There are also unrecognized bands and tribal communities that are descendants of Native Americans who remained in Indiana after tribal removal or migration in the 1800s. These are composed of the Illini Indians, Miami Nation of Indiana that includes the Wea Indian Tribe and the Upper Kispoko Band of the Shawnee Nation.¹³ Tribal representatives participate in state partnership meetings but the Tribes do not provide child welfare services. Tribal children are served by Indiana DCS in compliance with ICWA and state law.¹⁴ DCS makes diligent efforts that begin at intake and continue throughout the life of the case to determine if a child is of American Indian heritage. Whenever such determination is made, the family case manager works to engage the tribe or family to which the child belongs, notifies the tribe or nation by registered mail, notifies the Federal Bureau of Indian Affairs, and the U.S. Secretary of Interior if a parent cannot be located.¹⁵

P.L. 110-351 Mandatory Provision

Indiana requested a stay on relative notification and the education stability provisions until the State enacted enabling legislation. The law has passed and all the necessary authorizations are now in place.

Relative Notification must occur in compliance with federal and state law within thirty days. IC 31-34-3-4.5, effective July 1, 2009, requires that all of the following individuals be notified: maternal and paternal grandparents; adult aunts and uncles; any other adult relatives suggested by either parent or the child; and the child's siblings who are at least 18 years of age. Written notices must include notice that the child has been removed from his or her parent, guardian, or custodian by DCS; options that relatives may have to become a placement for the child; the requirements for the relative to become a licensed resource parent and additional services available to the child while in foster care. The case manager is expected to complete a diligent search for each of these individuals if their whereabouts are unknown.¹⁶

Efforts are made to notify the required relatives as soon as possible and place the children with them, if possible, at the time of removal to reduce potential placement moves for the child. Case practice is to notify and include relatives in the first Child and Family Team Meeting, which takes place within 48 hours of placement and/or at the initial court hearing. IC 31-34-6-2 requires the court to consider placing a child with an appropriate family member before considering any other placement options. In addition, DCS makes diligent efforts to locate and consider a non-custodial parent's ability and willingness to care for the child before considering out-of-home placements and is expected to present its findings with respect to absent parents at the time of the initial hearing.¹⁷

The diligent efforts initiated in the assessment phase to locate and engage when appropriate absent parents and key family members in children continue throughout the life of the case.¹⁸ If an appropriate relative caregiver is identified and it is in the best interest of the child, DCS will recommend to the court a change of placement.

Education stability compliance is managed and monitored by an education advocate in each of the state's 18 regions. IC 31-34-15-4 passed in the 2009 Indiana legislative session aligns the state regulations with the federal mandates. School disruptions are minimized by the following steps: placing a child with resource family in the same school district whenever possible; assisting the resource family living in a different district with arranging transportation for a child, so he or she can continue to attend the same school; delaying a change in placement until the end of a school semester or year, so long as the waiting does not endanger the child's safety and/or wellbeing; and scheduling medical and court appointments during non-school hours, whenever possible.¹⁹ If the child in out-of-home care has been placed with a resource family in the same school district but outside the attendance area for the school where the child was previously attending, then the school in the new area must provide transportation to and from the child's previous school and place where the child is currently placed.²⁰

Indiana policy further requires DCS to assure that all children in out-of-home care are referred for an initial educational evaluation to determine if an Individualized Education Plan (IEP) is needed to meet the child's educational needs. The case plan conference is utilized to review and discuss the educational needs of each child, to develop a plan to assist in the referral process and to ensure that the child's educational needs are met. Case plans must include a plan for educational stability that documents efforts to allow the child to remain at the school that he or she attended at the time of removal. It must also be documented in the case plan if it is in the child's best interest to transfer schools and the distance of the school the child will be attending from the child's current placement. If the child must transfer schools, immediate enrollment must be completed including arranging transfer of school records and assurance that the child has been placed in a resource home or facility within close distance to his or her current school.²¹ DCS personnel will assure that every school aged child placed in out-of-home care is enrolled in school, unless one of the following circumstance exits: the youth is eligible and in pursuit of a GED; an alternative education plan has been recommend by the child's home school and approved by the court; or the youth as graduated from high school or obtained a GED certificate.

Sibling Connections have high priority when making placements. No statutory changes were required to implement this provision. There are 92 counties in Indiana, some with relatively small communities and some with relatively few foster homes and a limited number that will take larger sibling groups. Nonetheless Indiana does well in this area. Eighty three percent of Indiana siblings are placed together. Indiana has designed data information systems to track sibling placements. Whenever siblings are separated the effort to reunify them continues throughout the life of the case. DCS continually conducts exhaustive searches to identify a placement option that can accommodate siblings being placed together.²² DCS has the authority to amend the licensing number limitation to keep sibling groups together. The case manager engages the Child and Family Team (CFT) and assesses all available alternatives. DCS will recommend to the court a change in placement, if the child can be placed with his or her siblings, unless there is a compelling reason that it would not be in the best interest of one or more of the children.²³

Transition plan for children aging out of foster care are developed for all youth in out-of-home placement beginning at age 16. All children in out-of-home placement 16-21 complete the Ansell-Casey Life Skills Assessment (ACLSA) within 30 days of referral and every six months thereafter as long as they remain in out-of-home placement. A copy of each ACLSA is placed in the youth's case file and used to develop an Independent Living plan. Mentors are located and screened for all youth ages 16-21.²⁴ The CFT considers transitional needs whenever the Permanency Plan is discussed or changed. In addition, DCS convenes a CFT Meeting or conducts a Case Plan Conference prior to a child's transition from out-of-home care to ensure the plan in place will sustain the youth and maximize his or her potential for successful transition into adult hood. Specific transitional services are offered to each child who leaves out-of-home care, regardless

of the child's permanency plan (e.g. reunification, adoption, guardianship, etc.). The type, intensity, and duration of transition services offered will depend upon the child's needs and the permanency plan.²⁵

These service plans are youth driven. Youth Service Bureaus are funded with state funds with the primary statutory purpose of providing information and referral to youth and their families, delinquency prevention, community education, and advocacy for youth. There is at least one YSB in every region of the state.²⁶

Effective July 1, 2009, IC 21-12-6-14 requires that each child in the care and custody of DCS be provided information about the following programs: Pell grants, Chafee grants, federal supplemental grants, free application for federal student aid (FAFSA) and the state's student assistance commission. Youth and their caregivers should be provided this information beginning at age 17. Youth who enter the foster care system after age 17 should be given the information as soon as possible. Youth and their caregivers must sign a written acknowledgement of receipt of this information which is placed in the child's care file.²⁷

Health oversight and coordination planning is underway. A Chief Financial Officer (CFO) has been hired to work with Medicaid and ensure all funds available are tapped for all needs of children. The CFO has access to Medicaid data base and works through the Medicaid data base to obtain applications and ensure eligibility for children in out-of-home placement. Each child in care has a HMO select provider who is a medical professional responsible for ensuring that the child's medical needs are met. Indiana is in the process of rebuilding its SACWIS system. When this is done there should be electronic transfer of information from the Medicaid to child welfare database as needed, ensuring "real time" medical information is available for medical consultation and meeting children's medical needs.²⁸ Indiana requires children placed in out of home care to be given a general health exam (covering physical, dental, visual, auditory, and developmental health) within 10 business days of placement. Follow up exams are to be scheduled in accordance with the guidelines set forth by the American Academy of Pediatrics.²⁹

Family Connections Grants. Indiana will not be applying for these grants. The additional funds required for the match in the current economy is one reason. Indiana already has all of these programs in operation anyway except for the family substance abuse programs. Kinship Navigator limited to grandparents was started three years ago and efforts to engage them is required by statute. Family Team Meetings are core to Indiana case practice. They are conducted throughout the life of the case with the first one required within 48 hours of placement. Intensive family finding is also in place and includes looking for absentee parents and effectively utilizes other state systems such as family support, the legal system and court records.

Opportunities & Challenges

All the components of the Act are good ideas, but those who are fiscally prudent in these economic times must be convinced that these options will be a cost effective means to do more than what is now being done to effectively improve outcomes for children, youth and families. Indiana is working to maintain current service levels. One of the major issues that will impact the decision-making is how kin is defined. Currently Indiana uses the third degree of contiguity relative as kin and is limiting new guardianships to those eligible for TANF.

Conclusion

The first round of Child and Family Services Reviews showed that the frequency and quality of case manager visit makes a difference for children. It was these findings that convinced the Indiana legislature to set a caseload standard, which set a foundation for the improvements for Indiana's children at risk discussed at the beginning of this document. As a result of this action, Indiana FCMs increased the number of total monthly visits with families by 56% from 7,078 in April 2007 to 11,031 in August of 2009.³⁰ Indiana urges that a *federal* caseload standard be set to ensure that agencies have the strength in numbers to not only meet federal reporting standards such as face-to-face visits with children in out-of home care every calendar month, but to ensure that these are visits of quality. Given an appropriate caseload standard, field supervisors can use it to manage workload by ensuring that the complexity of cases are taken into consideration when making new case assignments and by using tracking system to ensure that cases are moved expeditiously to permanency and out of the system when ready. Such standards enable agencies to provide support to the field that is necessary to retain staff, build a pool of experienced supervisors, and identify and build core services.

Indiana is doing good work and is always interested in learning from other states about how best to deliver services, manage budgets and take advantage of opportunities for technical assistance.

¹ Indiana SACWIS report dated October 27, 2009.

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- ² *Safety*. Indiana Data Book Safety. Retrieved September 18, 2009 from <http://www.iyi.org/resources/pdf/DataBook-ChildSafetyWb.pdf>.
- ³ Indiana SACWIS report dated October 27, 2009. This coincides with a decrease in the average length per child from 655 days in March 2007 to 604 in September 2009.
- ⁴ Indiana SACWIS report dated October 27, 2009.
- ⁵ Indiana SACWIS report dated October 27, 2009.
- ⁶ Interview with Judge James W. Payne, Director Indiana Department of Child Services on September 16, 2009.
- ⁷ Interview with Judge James w. Payne, Director Indiana Department of Child Services on September 16, 2009.
- ⁸ McNichol, Elizabeth and Law, Iris J. Center on Budget and Policy Priorities. Retrieved September 18, 20 from <http://www.cbpp.org/cms/>.
- ⁹ Interview with Judge James W. Payne, Director Indiana Department of Child Services on September 16, 2009.
- ¹⁰ Interview with Judge James W. Payne, Director Indiana Department of Child Services on September 16, 2009.
- ¹¹ Interview with Judge James W. jPayne, Director Indiana Department of Child Services on September 16, 2009.
- ¹² *Waiver Demonstration Project, DCS-09-17*. Administrative Letter James W. Payne, Director Department of Child Services to Regional Managers. September 8, 2009. Retrieved September 18, 2009 from http://in.gov/dcs/files/Admin_Letter_Waiver_Demonstration_Project.pdf.
- ¹³ Native American Tribes of Indiana Retrieved September 18, 2009 from (<http://www.nataive-languages.org/indiana.htm>).
- ¹⁴ Interview with Judge James Payne, Director Indiana Department of Child Services on September 16, 2009.
- ¹⁵ Indiana Department of Child Services Child Welfare Manual, Chapter 2 Section 12: Indian Child Welfare Act
- ¹⁶ *Legislative Change-Providing Notice to Relatives, DCS-09-09*. Administrative Letter James W. Payne, Director Department of Child Services to Regional Managers. June 24, 2009. Retrieved September 18, 2009 from http://in.gov/dcs/files/Notifying_Relatives_Admin_Letter.pdf.
- ¹⁷ Administrative Letter (DCS-08-11). August 26 2008 James Payne, Director to Regional Managers. Retrieved September 18, 2009.
- ¹⁸ *Legislative Change-Providing Notice to Relatives, DCS-09-09*. Administrative Letter James W. Payne, Director Department of Child Services to Regional Managers. June 24, 2009. Retrieved September 18, 2009 from http://in.gov/dcs/files/Notifying_Relatives_Admin_Letter.pdf.
- ¹⁹ Indiana Department Child Services Policy Manual/Chapter 8 Section 20: *Educational Services*. September 18, 2009 from <http://in.gov/dcs/2354htm>.
- ²⁰ Indiana Department Child Services Policy Manual, Chapter 8 Section 22: *School Transfers and Legal Settlement*. Retrieved September 18, 2009 from <http://in.gov/dcs/2354htm>.
- ²¹ Interview with Judge James Payne, Director Indiana Department of Child Services on September 16, 2009.
- ²² DCS CW manual/Chapter8 Section 1: *Selecting a Placement Option*. Retrieved September 18, 2009 from <http://in.gov/dcs/2354htm>.
- ²³ Interview with Judge James Payne, Director Indiana Department of Child Services on September 16, 2009.
- ²⁴ Indiana Department of Child Services Child Welfare Manual, Chapter 11 Section 1: *Independent Living Services*. Retrieved September 18, 2009 from <http://in.gov/dcs/2354htm>.
- ²⁵ Indiana Department of Child Services Child Welfare Manual, Chapter 8 Section 41: *Transitioning from Out-of-Home Care*. Retrieved September 18, 2009 from <http://in.gov/dcs/2354htm>.
- ²⁶ Interview with Judge James Payne, Director Indiana Department of Child Services on September 16, 2009.
- ²⁷ *2009 Legislative Changes, DCS-09-11*. Administrative Letter from James W Page, Director of Department of Child Services to Regional Managers June 29, 2009. Retrieved September 18, 2009 from http://in.gov/dcs/files/2009_Legislative.pdf.
- ²⁸ Interview with Judge James Payne, Director Indiana Department of Child Services on September 16, 2009.
- ²⁹ Indiana Department of Child Services Child Welfare Manual, Chapter 8 Section 29 from http://www.in.gov/dcs/files/8.29_Routine_Health_Care.pdf.
- ³⁰ Indiana SACWIS report dated October 27, 2009.