



National Association of Public  
Child Welfare Administrators

an affiliate of the American Public Human Services Association

## **How States are Implementing the Fostering Connections Act**

### **Kentucky's At-risk Children**

In SFY 2006, approximately 16,787 of 77,035 reports of maltreatment of children in Kentucky were substantiated.<sup>1</sup> A total of 7,606 children and youth remained in out-of-home care at the end of that fiscal year. During the same time period approximately 6,315 children entered foster care and 5,690 exited care.<sup>2</sup> There were 759 state adoptions<sup>3</sup> and at the end of FY 2006, 2,083 were awaiting a permanent family through adoption<sup>4</sup>

The number of children receiving protective services in 2008 was 74,732 which is an increase of over 1200 children from the previous year. The number of children in foster care has decreased slightly. There are about 159 less children in care in 2009 than at the same time in 2008. There are approximately 7,200 children in care on any given day. Though all the data has not yet been analyzed, the reduction is attributed to the initiative to ensure improved planning for exit at entry, as the first four months is most critical to timely, safe reunification.<sup>5</sup>

Reflecting the national profile, African-American children are over-represented in the Kentucky child protective services system from referral to placement. African-American children are 9 percent of the state's total population and 20 percent of the foster care population.<sup>6</sup> Kentucky is addressing this issue by targeting 11 counties where the number of African-American children in foster care is more than 1.5 times the census rate.<sup>7</sup>

### **Kentucky's Budget Landscape**

Kentucky's budget gap for FY 2009 is \$456.1 million or 5 percent of the general fund.<sup>8</sup> There is no projection for SFY 2010, but agencies have been asked to reduce general revenue expenditures. For child welfare this has been 8 percent of the general fund budget. This does not impact child welfare staffing directly as the legislature must approve any layoffs. But supportive contracted services—such as supervised transportation for visits, psychological care for parents and caregivers of non custodial children, and in-home programs—that were 100 percent supported by general funds have been terminated. Day care providers' per diem for foster children was cut in July and December 2008. Fortunately, these private providers have continued services to the children already in day care.<sup>9</sup>

### **P.L. 110-351 State Options**

**Guardianship Assistance Program (GAP)** will not be implemented in Kentucky. It is not fiscally feasible in the current economic environment. The current Kinship program is operated with TANF funds and will be maintained. This program provides \$350 startup funds then reimburses caregivers \$300 per child each month. Caregivers are screened and approved through a home evaluation, child abuse and neglect check and both in-state criminal records check and national crime information database check.<sup>10</sup>

**Supports to eligible young adults aged 19, 20, or 21** will enable Kentucky to claim federal reimbursement for a program that is already in place. Youth can voluntarily extend their commitment to 21 as long they are in high school or a post high school educational program. The definition of educational program has broad parameters. Extended commitments must have judicial sign-off on a "contract" stating the youth is remaining in care. When a child exits care, the court must be notified. Youth who choose to exit care at 18, can return to care within six months. Many youth remain in their foster homes, but have the option of asking for room and board with state funded local private child care agencies.<sup>11</sup> During 2008, 1005 children had extended their commitment in Kentucky.

**The support eligible youth who exit care to guardianship or adoption after age 16** option implementation will also depend on budget issues. Special needs children are already supported to age 21 but it is doubtful that Kentucky will find it fiscally feasible to expand support to the entire population. At this point the budget looks bleaker for 2010 than 2009.<sup>12</sup>

## **Tribes**

There are no federally recognized tribes in Kentucky. There are only four tribal children in care at this time. Inquiry is always made prior to placement of the child and documented in the family assessment as to whether or not there is any Native American heritage. If there is any connection indicated, effort is made to authenticate.<sup>13</sup>

## **P.L. 110-351 Mandatory Provisions<sup>14</sup>**

Kentucky has not requested Health and Human Services (HHS) delay any of the mandatory provisions. The state is moving forward with many of the provisions while waiting for federal implementation rules.

**Relative Notification** is not done in writing, but total effort is made to locate relatives and use family support systems. Whether more will be required will depend on the federal implementation rules and clarification of what “all” means and the definition of relative.

**Education stability** requirements are in alignment with the federal provision. The state requires an evaluation within 30 days of foster care placement.

**Sibling Connections** provisions are supported by state policy and practice. If siblings are not placed together, the reason must be clearly documented. The only acceptable reason is that it is not in the child’s best interest. The state has made a lot of gains in this area and was commended for their record in the June 2008 Child and Family Services Review exit conference.

**Health oversight and coordination plan** is updated every six months. A complete physical is required within 14 days of placement and yearly thereafter. A medical passport tracking system is used to support oversight and coordination of a child’s health care. Most medically fragile children have a nurse to review their care. The child health system is connected to Medicaid for medically fragile children.

**Transition planning for children aging out of foster care** is comprehensive. There is a mentoring program for children age 15 or older. There are life skills classes on money management, education, employment and other relevant issues for youth at age 16. In addition, at age 16 every child has an independent living coordinator as well as a caseworker. The case plan closest to the child’s 17<sup>th</sup> birthday requires transitional planning to make sure everything is in place by the time the youth becomes 18. Planning is youth driven. Any child over age 12 must actively participate in his or her case plan..

## **Family Connections Grants<sup>15</sup>**

Decision regarding applying for a Family Connection Grant will depend on the options when the Administration for Children and Families posts program instructions and request for proposals (RFP).

Kentucky does not have a kinship navigator program and would have to evaluate the matching funds costs when the RFP is issued to make a final decision.

Family Team Meetings are used extensively in the Kentucky case practice model. They are required at critical decision points such as initial investigation disposition, placement, and any time a child is moved within the placement system, prior to reunification, whenever there is a new allegation of maltreatment, and case closing. Assuming that the intent of the law is ensure family engagement and not fidelity to the Family Group Conferencing model, Kentucky would be interested in applying for support and expansion of its current program.

Kentucky has an intensive family finding program pilot project in one region that is capped with a limited number of requests. The results of this program are positive. There is great interest in pursuing expansion of this program. Whether this can be done will depend on the funding for matching dollar costs and whether the proposal aligns with their program that they know is successful.

Kentucky is also looking to expand its family-based substance abuse treatment program that is working well in two counties. The goal of this program is to prevent placement without compromising safety. Both child(ren) and parent(s) are incorporated into the treatment program. The family is carried by a caseworker with restricted caseload of 14 for on-going services and connected to a parent mentor in recovery.

## Opportunities & Challenges<sup>16</sup>

The opportunities and challenges of this legislation are largely dependent on budget conditions. For example, if Kentucky can claim federal reimbursement for state dollars that it is already spending on youth to age 21 this will be a welcome opportunity.

For other options the feasibility of matching the federal funds is the major challenge. Kentucky legislation is supportive of children and transitioning youth. It has long allowed children to go to state college or technical schools free of charge. But extending Medicaid to age 21 has been too costly and providing additional funds presents a great challenge in the current economic environment.

## Conclusion<sup>17</sup>

Kentucky advocates for a comprehensive integrated approach to child welfare that would unify funding streams, eligibility requirements and monitoring. Policy change around IV-E and IV-B funding that would allow more flexibility would be a tremendous boost to best practice. For example, there is support for children while they are in educational programs, but no flexibility for provide housing for these youth on semester breaks or if it is a free school placement and they do not have a placement to return to.

Kentucky would welcome any additional technical assistance available regarding the implementation of this legislation, particularly in work around permanency issues for children in care for more than 18 months. The concepts of the act are aligned with what Kentucky considers best practice but Kentucky is hampered by the economic environment and would appreciate any assistance that would enable full implementation of the optional provisions.

---

<sup>1</sup> U.S. Department of Health and Human Services. *Child Maltreatment 2006*. Dispositions of Children Who Were Subjects of a CPS Investigation, 2006, Retrieved March 23, 2009 from [http://www.acf.hhs.gov/programs/cb/pubs/cm06/table3\\_1.htm](http://www.acf.hhs.gov/programs/cb/pubs/cm06/table3_1.htm).

<sup>2</sup> U.S. Department of Health and Human Services. Foster Care FY 2002-FY 2006 Entries, Exits, and Numbers of children in Care on the Last Day of Each Federal Fiscal Year. Retrieved March 23, 2009 from [http://www.acf.hhs.gov/programs/cb/stats\\_research/afcars/statistics/entryexit2006.htm](http://www.acf.hhs.gov/programs/cb/stats_research/afcars/statistics/entryexit2006.htm).

<sup>3</sup> U.S. Department of Health and Human Services. Adoptions of Children with Public Child Welfare Agency Involvement by State FY 1995-FY2006. Retrieved March 23, 2009 from [http://www.acf.hhs.gov/programs/cb/stats\\_research/afcars/adoptchild06.htm](http://www.acf.hhs.gov/programs/cb/stats_research/afcars/adoptchild06.htm).

<sup>4</sup> U.S. Department of Health and Human Services. Children in Public Foster Care Waiting to be Adopted: FY 199 thru FY2006. Retrieved March 23, 2009 from

[http://www.acf.hhs.gov/programs/cb/stats\\_research/afcars/adoptchild06.htm](http://www.acf.hhs.gov/programs/cb/stats_research/afcars/adoptchild06.htm)[http://www.acf.hhs.gov/programs/cb/stats\\_research/afcars/waiting2006.htm](http://www.acf.hhs.gov/programs/cb/stats_research/afcars/waiting2006.htm).

<sup>5</sup> Interview with Department for Community Based Services Commissioner Patricia R. Wilson and Division of Protection and Permanency Director Mike Cheek and Assistant Director Tina Webb on April 29, 2009.

<sup>6</sup> Public Programs for Children. Retrieved May 4, 2009 from <http://www.childwelfare.com/kentucky.htm>.

<sup>7</sup> Race, Community and Child Welfare. Retrieved April 29, 2009 from <http://chfs.ky.gov/dcbs/raceandcommunity.htm>.

<sup>8</sup> NCSL State Budget Update. Projected budget gap for FY 2009. Retrieved May 4, 2009 from

<http://www.ncsl.org/summit/budgetmap.htm>

<sup>9</sup> Interview with Department for Community Based Services Commissioner Patricia R. Wilson and Division of Protection and Permanency Director Mike Cheek and Assistant Director Tina Webb on April 29, 2009.

<sup>10</sup> Ibid.

<sup>11</sup> Child Welfare League of America. *State Foster Youth 18-22 Policies*. Retrieved May 4, 2009 from <http://www.cwla.org/advocacy/adoptionhr6893fostercarechart.pdf>.

<sup>12</sup> Interview with Department for Community Based Services Commissioner Patricia R. Wilson and Division of Protection and Permanency Director Mike Cheek and Assistant Director Tina Webb on April 29, 2009.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.