



National Association of Public  
Child Welfare Administrators

an affiliate of the American Public Human Services Association

## How States are Implementing the Fostering Connections Act

### Maine's At-risk Children

On September 30, 2006, Maine had 2,076 children in foster care.<sup>1</sup> During the 2006 calendar year, 737 children entered care and 967 exited the system. In 2006, approximately 330 children had their adoptions finalized.<sup>2</sup> Since 2004, the state experienced a decrease of 33 percent in their foster care caseloads due to kinship placements and intensive family finding efforts.<sup>3</sup> Maine feels strongly that placing children with relatives successfully moves them to permanency and reduces the number of kids in care.<sup>4</sup>

### Maine's Budget Landscape

Maine's projected budget gap for fiscal year 2009 is \$140.3 million.<sup>5</sup> Governor John Elias Baldacci's projected budget gap for fiscal year 2010 will be \$411.9 million.<sup>6</sup> As the budget gap continues to increase, the state also expects their revenue to drop by \$330 million in fiscal year 2010 and 2011.<sup>7</sup>

In spite of budget shortfalls, Maine was able to experience a \$1.8 million savings by breaking out services and safely minimizing therapeutic foster care and residential treatment costs. As Maine focuses on decreasing expenditures on private contracts, the state has saved an additional \$1 million by transferring new cases/intakes to state workers. Moreover, the number of children in residential treatment has also been reduced from a high of 21 percent to 11 percent of the total number of children in out-of-home care. As a result, the state was able to reinvest in wrap around and prevention services.<sup>8</sup>

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

The state plans to implement the new Guardianship Assistance Program (GAP) option.<sup>9</sup> Maine submitted a State Plan Amendment to the Administration of Children and Families (ACF) on January 20, 2009 and is awaiting approval. Although Maine has to make several policy changes through their administrative code, the state does not have to pass legislation to operate this program. Currently, Maine operates a state-funded guardianship assistance program and anticipates claiming Title IV-E reimbursement for all newly eligible cases, hopefully to October 8, 2008 depending on ACF's interpretation. Maine's child welfare administrators feel this will positively impact their fiscal budget.

In addition to this fiscal gain, Maine hopes to see greater reductions in their foster care caseloads as they currently work with relatives to divert children from entering into out-of-home placement.<sup>10</sup> Once removal is established, Maine's caseworkers are required to identify relatives as a primary resource for the child. For instance, caseworkers obtain information from relatives to identify which caretaker is suitable for the child. Children also play a vital role in this process as they are asked which caretaker would best serve their needs. Relative information such as names, phone numbers and addresses must be updated and entered into the Maine Automated Child Welfare Information System (MACWIS). Maine verifies these elements as key strategies to maintain enduring family bonds and place children in an environment that is familiar to them. In Maine, strong case management services begin with relatives as soon as a case is opened and this work continues throughout the life of the case. These services include therapy, daycare, kinship support group, training, and reimbursement for the cost of various items to meet the child's needs. Additionally, Maine's child protective services staff works with relatives to obtain guardianship once the placement is considered to be safe and stable. Essentially, the relative agrees to a safety plan with the child welfare agency and seeks guardianship through the state's probate court system.

Maine is currently weighing the option of extending federal support to youth past age 18 and up to 21.<sup>11</sup> The state asked clarity from ACF if youth past age 18 have to remain in state custody to be Title IV-E eligible. Maine's law will not allow this population to remain in the custody of the Office of Child and Family Services. Currently, Maine offers services to youth through a voluntary agreement (V-9). This agreement between the youth and the Department allows for services and supports including board and care to continue past the youth's 18<sup>th</sup> birthday and up to the age of 21. While waiting on ACF's clarification, Maine will continue to extend Medicaid, educational and vocational, and therapeutic

services to youth ages 19, 20 and 21. The state is continuing discussions on if it will extend the federal option to eligible youth who exit care to guardianship or adoption after age 16.

### **Maine's Tribes**

Although there are very few Native American children residing in the state's custody, Maine's Department of Health and Human Services currently works collaboratively with all four tribes, the Penobscot Nation, Passamaquoddy Tribe, which has two locations Pleasant Point and Indian Township, Aroostook Band of Micmac and the Houlton Band of Maliseet.<sup>12</sup> All four tribes also work collaboratively together with each other through the Wabanaki Coalition. Only two of the four Indian Tribes currently have a court system and therefore can bring children into tribal custody. At this time, the Penobscot Nation is exploring the feasibility of operating their own Title IV-E program. The only tribe that has expressed to Maine Child Welfare that they have an interest in moving forward in Title IV-E funding and has requested Title IV-E information from the Office of Child and Family Services is the Penobscot Nation. Maine Child Welfare will assist the tribes as requested and able as they move forward.

### **P.L. 110-351 Mandatory Provisions**

The state does not anticipate a delay in implementing the mandatory provisions as most requirements are already in place.<sup>13</sup> Although Maine administrators feel these mandates will have some fiscal impact, they are not certain to what extent. Minimally, making changes to MACWIS will be an added expenditure. Other fiscal implications may include case worker training costs and under funded mandates regarding transitioning youth.

Regarding these provisions under the new law, Maine's state policy seems to match the federal requirements.<sup>14</sup> For example, the relative notification provision of P.L. 110-351 requires states to use due diligence in identifying relatives and to notify them when a child is removed from the custody of a parent. Maine's policy requires workers to provide this same notification. However, the state is currently awaiting clarification from ACF on the definition of "relative" and "notification," specifically regarding the method of contact (i.e. letter or verbal) and degree of contact.

According to state statute and new federal requirements on educational stability, every child's plan must include documentation of their school placement.<sup>15</sup> Additionally, through inter-district agreements, children in out-of-home care are able to attend school in their original district. Although most provisions are already a state mandate, the new law requires foster children to attend school full time. Maine is awaiting clarification from ACF to verify what constitutes "full time." For example, Maine has some children in alternative programs that attend school at reduced hours, due to being determined necessary through their Individualized Education Plan (IEP) for behavioral issues. The Department is collaborating with local schools and the school district to successfully administer these provisions.

Maine's state policies also mirror the health oversight and coordination plan under P.L. 110-351.<sup>16</sup> For instance, the state requires that all children in foster care receive a health assessment within 72 hours of placement. Maine has just initiated a contract with Schaller and Anderson Medical Associates to ensure every foster child receives a primary care physician and that it is documented in the child's record. Every child in foster care also receives a medical passport that travels with them throughout their stay in care.

To maintain strong sibling connections, Maine child welfare practices require that siblings stay together throughout their foster care placement and that this be reflected in the child's documentation.<sup>17</sup> There are occasions when siblings cannot be placed together; however Maine law allows the Courts to order visitation provisions for siblings that are in the State's custody to ensure continued contact between the siblings. Maine also has various projects that are designed to keep siblings connected including a sibling camp called Camp to Belong, children's events, encouraging foster parents to provide flexible visitation and foster parent trainings that focus on maintaining healthy sibling connections.

Lastly, Maine requires all foster youth 16 and older to have a transition plan and case worker services in place.<sup>18</sup> The state has notified staff that these plans must be youth driven. As foster children transition, child welfare caseworkers must work with youth to design goals and objectives for the future. Moreover, these workers help youth become enrolled in post-secondary and vocational institutions after high school.

### **Family Connections Grants**

Although Maine provides several of these services under the new law, the state has not made a formal decision as to whether or not they will apply for a FCG.<sup>19</sup> One challenge for the state is not having the necessary resources in place to provide the 25 percent match, which will graduate to 50 percent in the second year. Regardless of fiscal restrictions, Maine has drafted a proposal for the navigator program. At this time, Maine uses Family Group Conferencing and Family

Team Decision-making, and utilizes these practices throughout every critical stage in the case. The state also has a family-based substance abuse treatment model, which is a formal and comprehensive program. Maine also provides wrap around services to youth with complex needs through various contracted agencies.

### **Opportunities and Challenges**

Maine faces two major challenges in implementing certain provisions of P.L. 110-351.<sup>20</sup> One challenge the state faces is updating their MACWIS to document the mandatory provisions, and doing so without additional funding. Secondly, the state cannot move forward implementing various optional and mandatory provisions until ACF responds with clarity or guidance. Without specific guidance, Maine will experience a delay in implementation.

### **Conclusion**

The state has seen a decrease in their foster care caseloads and this is mostly due to kinship placements.<sup>21</sup> Maine's frontline staff works with relatives and non-relatives in their current relative guardianship program. Maine public child welfare administrators feel these informal placements help reduce the number of children coming into formal care.<sup>22</sup> The state anticipates operating a federal GAP and may see a positive fiscal impact as a result.<sup>23</sup> Implementing this program is a building block for Maine as they may experience further reductions.

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<sup>1</sup> Maine Department of Health and Human Services.

<sup>2</sup> Maine Department of Health and Human Services.

<sup>3</sup> National Association of Public Child Welfare Administrators. Reduction Strategies and Cost Savings Survey. Fall 2008.

<sup>4</sup> National Association of Public Child Welfare Administrators. Reduction Strategies and Cost Savings Survey. Fall 2008.

<sup>5</sup> Maine Department of Health and Human Services.

<sup>6</sup> Maine Department of Health and Human Services.

<sup>7</sup> Maine Department of Health and Human Services.

<sup>8</sup> Maine Department of Health and Human Services.

<sup>9</sup> Conference call with Gina Googins. Maine's Department of Health and Human Services. February 24, 2009.

<sup>10</sup> Email from Gina Googins. Maine's Department of Health and Human Services. March 26, 2009.

<sup>11</sup> Conference call with Gina Googins. Maine's Department of Health and Human Services. February 24, 2009.

<sup>12</sup> Conference call with Gina Googins. Maine's Department of Health and Human Services. February 24, 2009.

<sup>13</sup> Conference call with Gina Googins. Maine's Department of Health and Human Services. February 24, 2009.

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<sup>15</sup> Conference call with Gina Googins. Maine's Department of Health and Human Services. February 24, 2009.

<sup>16</sup> Conference call with Gina Googins. Maine's Department of Health and Human Services. February 24, 2009.

<sup>17</sup> Conference call with Gina Googins. Maine's Department of Health and Human Services. February 24, 2009.

<sup>18</sup> Conference call with Gina Googins. Maine's Department of Health and Human Services. February 24, 2009.

<sup>19</sup> Conference call with Gina Googins. Maine's Department of Health and Human Services. February 24, 2009.

<sup>20</sup> Conference call with Gina Googins. Maine's Department of Health and Human Services. February 24, 2009.

<sup>21</sup> National Association of Public Child Welfare Administrators. Reduction Strategies and Cost Savings Survey. Fall 2008.

<sup>22</sup> Email from Gina Googins. Maine's Department of Health and Human Services. March 26, 2009.

<sup>23</sup> Conference call with Gina Googins. Maine's Department of Health and Human Services. February 24, 2009.

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