



National Association of Public
Child Welfare Administrators

an affiliate of the American Public Human Services Association

How States are Implementing the Fostering Connections Act

Massachusetts's At-risk Children

On September 30, 2008, Massachusetts had 8,963 children in placement (foster care and congregate care). There were also 1,632 young adults (18 to 23 years old) in placement, receiving voluntary services.¹ The number of children in placement has significantly declined in the last 14 years, with a peak of 13,302 children in 1995.² This decrease is attributed to fewer children entering care, shorter lengths of stay and a streamlined process to adoption.³ The court system has reduced the number of delays to adoption to improve the timeliness of the process. In addition, the Department of Children and Families staff has collaborated with businesses to host adoption events. In 2008, 68 children over age 12, and 11 children over age 17 were adopted.⁴ In the first quarter of FY2009, a disproportionate number of black and Hispanic children were in placement.⁵

Massachusetts's Budget Landscape

Massachusetts has a \$3 billion deficit for FY2009 and projects a \$3-4 billion deficit for FY2010, with a state budget of \$28.2 billion.⁶ The state appropriated \$836 million for child welfare in FY2009, \$7 million less than the expected spending of \$843 million.⁷ The Department has experienced several cuts this year, for a revised estimated spending of \$816 million.⁸ In FY2010, the projected appropriation for child welfare is between \$785 and \$800 million.⁹ This represents a \$20 million decrease in FY2009 and \$25 to \$30 million decrease for FY2010.¹⁰ The Department added 65 new social workers in FY2009, but will have to eliminate between 100 and 150 positions in FY2010. Services have only been cut approximately two percent.¹¹

P.L. 110-351 State Options

Massachusetts has operated a state-funded guardianship assistance program for the last 15 years and intends to use the new federal option.¹² Massachusetts has a broad definition of kinship, with the guardianship program including kinship arrangements and foster parents. The state licenses all guardianship homes as foster parents, eligible for the full range of support services. Although Massachusetts does not have to change statute to implement the guardianship assistance program, it does require guidance about the federal definition of kinship. The state would have to determine which of its guardianship cases qualify for federal reimbursement. The state currently subsidizes more than 3,000 guardianships.¹³ Massachusetts estimates 35 percent of those guardianships would be eligible for federal funds.¹⁴ Massachusetts expects a positive fiscal impact from this option. If current and new cases are covered by the federal funds, then the program may significantly boost the state budget.

Massachusetts intends to implement the federal option to support eligible youth from 18 to 21.¹⁵ Children age out of foster care at the age of 18, but have the option to apply for voluntary services up to age 23. Approximately 70 percent of aged-out youth receive voluntary support services.¹⁶ The state primarily funds voluntary services including room, board and life skills, though some youth are eligible for federal funds to age 19. Youth participate in a foster care review from age 14 and meet every six months, actively participating in the creation of their plan. In order to receive these services, youth must agree to their education or employment plan and meet with a panel every six months. Massachusetts currently supports 1,800 older youth, with more than 700 youth in post secondary education.¹⁷ The state has a tuition and fee waiver program for all foster care youth entering state colleges and universities. If youth select a private school, then the department uses foster care grants to fund their tuition and fees.

Massachusetts plans to support youth who exit care to guardianship or adoption after age 16.¹⁸

Massachusetts Tribes

Federally recognized tribes in the state are the Wampanoag Tribe of Aquinnah located in Gayhead, Martha's Vineyard and the Mashpee Wampanoag Tribe, located in Mashpee, MA. The agency has an Intergovernmental Agreement with the

Wampanoag. Although it has consulted with the other tribe, infrastructure may pose a challenge to it creating a IV-E program.

P.L. 110-351 Mandatory Provisions

Massachusetts did not request an extension to implement any of the mandatory provisions of P.L. 110-351.¹⁹ In July 2008, Massachusetts passed comprehensive child welfare legislation, *Chapter 176 An Act Protecting Children in the Care of the Commonwealth*, which anticipated the federal legislation. The state law requires higher standards than many of the P.L. 110-351 provisions. Massachusetts has implemented all of the mandatory provision, but may require some language change to align with forthcoming federal program definitions. Therefore, Massachusetts does not anticipate a fiscal impact from the mandatory provisions of P.L. 110-351.

State law requires relative notification within the first 12 to 96 hours of placement by either a phone call or a letter, a shorter timeframe than the federal law. The state law encourages placement with relatives as the first option for out of home placement. The 2008 state law created a Grandparents Commission to study the unique needs of this type of relative placement, serving a broad grandparent population aged 32 to 82.

Massachusetts strives to place children in their own community at their home school.²⁰ If placement within the home school boundaries is not possible, the Department works to quickly enroll children in the new school. The Department works with the Department of Education educational liaisons to address issues of foster children outside of their home community school. When needed, the state uses McKinney-Vento Act funds to provide transportation for children to their home schools.

State law stipulates that every child have a medical exam, including Early and Periodic Screening, Diagnosis and Treatment (EPSDT) screening within 30 days of placement.²¹ Massachusetts provides a medical passport for each child in placement, which includes pertinent medical information and as much history as available. One challenge to the medical care of children in foster care is acquiring past medical history. Regional nurses and teaching hospitals work with social workers to ensure the health needs of children in foster care are met. In addition, administrative assistants at clinics and teaching hospitals work exclusively to track down foster children's medical history. For children aging-out of care, the Medicaid Assistance Program (MAP) helps extend Medicaid to age 21, without any reapplication. The Department is also working with MAP to develop a medical home for foster care children, which will be in operation in approximately one year. Finally, Massachusetts operates a Special Kids, Special Care Program that establishes medical foster homes for children with special needs. As part of this program, registered nurses visit these children to ensure support services are being provided.

According to policy and practice, sibling groups are placed together. It is especially critical to keep siblings together for the first placement, as it is harder to reunify them after separation. In instances where siblings are not placed together, the state law requires sibling visits.²² The Child and Family Services Review (CFSR) noted Massachusetts sibling placement policy and practice as a department strength.²³ Massachusetts also operates Camp to Belong, where separated siblings meet two weeks out of the summer for activities.

Massachusetts begins foster care review panels at the age of 14. These reviews require active participation of the youth in determining a plan for aging-out of foster care. The reviews occur every six months and encourage youth to also participate in court hearings related to their cases (currently at age 16 and in the process of moving to age 14). Massachusetts is piloting a checklist of services relating to aging-out. Over the last 15 years, the state has developed the Preparing Adolescents for Young Adulthood (PAYA), which teaches life skills and training to youth aging-out of foster care.²⁴ Although children age out of foster care at 18, youth age 18 to 23 can elect to receive voluntary services described in this document previously.

Family Connections Grants

Massachusetts plans to apply for the family finder and family navigator programs under the Family Connection Grant.²⁵ The state operates a small family finding program, with two individuals in each of the six regions devoted to the task. This grant will enable Massachusetts to expand its existing program. The Massachusetts Department of Children and the Family Courts will jointly apply for the navigator program, which the state does not currently operate. The Department and the Family Courts collaborated on a substance abuse training project grant last year. Massachusetts practices family group decision making.

Opportunities & Challenges

Massachusetts faces two challenges to implementing the Fostering Connections Act. The first challenge involves the ability to claim federal funds for current guardianships. The option would have a more positive fiscal impact if current cases from the enactment of the Fostering Connections Act were eligible for federal funds. Massachusetts also seeks guidance on the federal definition of kinship. The state is unclear as to which cases qualify under this definition and how it corresponds to the state's broad definition.

Secondly, Massachusetts cites reporting requirements as a potential challenge to implementation. Although Massachusetts satisfies all the Act's mandatory provisions, it does not have a reporting mechanism for each of the provisions. The state is transitioning its SACWIS system to a web based information management and reporting system. Once this process is complete in May 2011, the reporting requirements will be built into the new system. The first module will become operational in July 2009, with 4 to 5 percent of the change over made. The majority of the switch is scheduled for April 2010, with approximately 80 percent of the change over complete. The timing is subject to the financial climate and the Department's ability to identify state funds. The switch is estimated to cost \$20 to \$30 million.

Conclusion

Massachusetts has seen a decrease in its foster care caseload, due to fewer children entering the system, shorter lengths of stay and a streamlined adoption process. The state plans to implement the guardianship assistance program federal option, to supplement its existing program. It will also use federal funds for older youth, services the Department already provides. The supplement of federal funds to these state-funds will create a positive fiscal impact. Although the state has already implemented all the mandatory requirements, it may require an improved reporting mechanism to meet federal reporting standards.

¹ Massachusetts Department of Children and Families Quarterly Report, Fiscal Year 2009, 1st Quarter.

² Ibid.

³ Conference call with Angelo McClain. Massachusetts's Department of Children and Families, June 3, 2009.

⁴ Ibid.

⁵ Massachusetts Department of Children and Families Quarterly Report, Fiscal Year 2009, 1st Quarter.

⁶ Conference call with Angelo McClain. Massachusetts's Department of Children and Families, June 3, 2009.

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Ibid.

²² Ibid.

²³ Ibid.

²⁴ Ibid.

²⁵ Ibid.