



American Public Human Services Association



National Association of Public
Child Welfare Administrators

an affiliate of the American Public Human Services Association

May 15, 2009

The Honorable Blanche Lincoln
United States Senate
Washington, DC 20510

Dear Senators Lincoln:

On behalf of the American Public Human Services Association (APHSAs) and its affiliate the National Association of Public Child Welfare Administrators (NAPCOWAs), we are reaching out to you regarding the recently introduced Resource Family Recruitment and Retention Act of 2009 (S. 410). The overall intent of the legislation is positive, however we have a few concerns we wish to share.

APHSAs is a nonprofit, bipartisan organization representing state and local human service professionals for over 76 years. NAPCOWAs, 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 solely to representing administrators of state and local public child welfare agencies, NAPCOWAs brings an informed view of the problems facing families today to the forefront of child welfare policy.

First, NAPCOWAs is concerned about the lack of "best interests of the child" language in the provision that requires states to notify foster parents about all scheduled meetings. We strongly believe that it is not appropriate for foster parents to be included in all meetings regarding the child. Meetings between the child and birth family, social worker and supervisor, public and private agencies as well as family team decision-making and family group conferencing meetings do not require the foster parents' presence. Moreover, including the foster parents in meetings should be made on a case-by-case basis if it is in the best-interests of the child. NAPCOWAs also believes this provision is unnecessary, because state courts are already required to ensure that resource families, including foster parents, pre-adoptive parents and relative caregivers, are notified of certain court proceedings held for the child under the Safe and Timely Interstate Placement of Foster Children Act of 2006 (P.L. 109-239).

Foster parents can provide useful information and insight to help the children in their care and there are states that work closely with foster parents that can serve as good practice models. Utilizing foster parents as professional partners and providing mentors to resource families has shown promise. However, we are concerned about the requirement to have input in the case-planning and decision-making process regarding the child. Many individuals and couples become foster parents in order to adopt a child. Tension becomes an issue when the case plan for the child is reunification and the foster parents decide early on that they are interested in adopting the child. Specifically, there are issues including foster parents in family team decision making, where the program model allows the birth parent determine who participates. Social workers are trained to recognize the opportunities and challenges when it comes to involving foster parents in these processes and should have the decision-making authority of when and where to include the foster parents. We suggest that foster parents may provide letters regarding the child that will be included in the case file. These letters will be made available to workers and their supervisors as well as judges and other legal professionals.

Secondly, NAPCOWAs believes that communication between social workers and resource families is critical to the well-being of foster children. S. 410 requires child welfare agencies to provide open, complete and timely responses when contacted by the foster parents. Public child welfare administrators request clarification on what is considered "open, complete and timely" and who has the final decision-making authority around this provision. Certainly,

social workers should make every effort to return phone calls from foster parents when requests such as travel require approval. However, it is important to recognize the workload issue around this requirement. If a worker has more than twenty cases it may be difficult for them to return a call within 24 hours. We support the provision providing foster parents with timely and complete information about all permanency options available. However, we ask that you include language that expresses once the child is free for adoption. Currently, the language is skewed toward terminating parental rights before the birth parent has had an opportunity to have the child returned.

Additionally, NAPCWA supports the provisions that provide support services and appropriate training for resource families in order to best meet the child's needs. States are interested in helping resource families deal with loss and separation, but many lack the funding to provide this service. Funding under the new grant program may help alleviate this issue.

NAPCWA is also interested in clarification around confidentiality regarding allegations of abuse involving a member of the foster parent's family. Under the Child Abuse Treatment and Prevention Act (CAPTA) states are required to report substantiated child abuse and neglect cases and many have databases where these individuals are registered. Additionally, states have various disclosure laws and CAPTA allows certain persons or entities such as law enforcement to have access to these databases. We urge you to make sure these requirements do not contradict each other and that best interests of the child are always paramount. Public child welfare administrators support the provision that requires consultation when releasing the foster parents' address to the birth parents, but the agencies should have the final say and birth parents also need to be consulted as well.

NAPCWA also requests clarification regarding the opportunity to be heard regarding agency decisions or practices and an assurance that the agency shall not discharge, threaten, or otherwise discriminate against a foster parent for questioning the decisions or practices of the agency. Currently, many states have an ombudsman program and foster care advisory boards where these issues are addressed and resolved. We encourage you to reframe this language, as it is significantly negative toward the public child welfare agencies that work hard on behalf of children.

NAPCWA also believes that there are many different practices among states when it comes to placing children with families. Some states have placement departments in the larger child welfare organization and others contract out the service. If the duty of placing the child is in the overall child welfare organization, it is difficult for them to license themselves. Also, some of the private organizations are licensed, while others are not. We encourage you to take this into consideration when reworking this legislation.

Finally, NAPCWA appreciates the new grants established in S. 410 that support improving and increasing resource family recruitment and retention efforts. As you know, many states face challenges meeting the needs of foster children due to the ever decrease of available resource families. Public child welfare administrators recognize that these families play an essential role in the well-being of at-risk children and youth.

We look forward to working with you as you rework this legislation. If you have any questions, please do not hesitate to contact Courteney Holden at (202) 682-0100 ex. 249 or by email at courteney.holden@aphsa.org or Rashida Brown at (202) 682-0100 ex 225 or by email at rashida.brown@aphsa.org.

Sincerely,



Jerry Friedman, Executive Director
American Public Human Services Association



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