



National Association of Public
Child Welfare Administrators

an affiliate of the American Public Human Services Association

How States are Implementing the Fostering Connections Act

Tennessee's At-risk Children

Tennessee has seen a significant reduction in the amount of children in foster care. In January 2004, the state's foster care caseload was approximately 9,000 and most recently, out-of-home cases have declined to 7,100 as of January 2009¹. According to the Adoption and Foster Care Analysis and Reporting System (AFCARS), the state finalized more than 990 adoptions in 2006. That same year, there were approximately 1,786 children waiting to be adopted. There were 1,211 finalized adoptions for FFY 2007 and 1,021 in FFY 2008. For several years now, Tennessee had more children leave the system than enter state custody. In 2006, nearly 6,620 children and youth entered the foster care system and nearly 6,850 left care². In 2005, African American children made up nearly one-third of the total child welfare population and only 20 percent of children in the state's general population³.

Tennessee's Budget Landscape

The state has a \$1 billion revenue short fall. The American Recover and Reinvestment Act (ARRA) will provide some fiscal relief to Tennessee's budget deficit. There is a \$55 million reduction to child welfare programs, however the Governor's budget will restore \$39 million of it from ARRA funds. There is a statewide hiring freeze, but the Department has waivers to preserve jobs that provide direct services⁴. This is noteworthy because Tennessee has one of the best caseload ratios of any other state; on average the ratio is one worker to thirteen foster children. The state is interested in continuing this successful effort which is supported by the Governor and the state legislature⁵.

P.L. 110-351 State Options

The state has a strong commitment to keep children with relatives. In 2005, the state earmarked \$1.25 million to fund its Relative Caregiver Program⁶. Currently, Tennessee submitted a state plan amendment to the Administration for Children and Families (ACF) on March 31, 2009 to start operating the new Guardianship Assistance Program (GAP) option under the Fostering Connections Act. Presently, the state operates a IV-E waiver for relative and non-relative guardians for children in foster care, which began in December, 2007 and was the last state to receive such a waiver. The demonstration started in a few jurisdictions and then expanded statewide. The state's definition of a relative is very broad and can encompass non-relatives that have strong relationships with the children, such as football coaches, godparents, and family friends. Once a placement has been finalized, the Tennessee Department of Children's Services conducts yearly reviews to ensure the child continues to reside in the home and the guardian continues to financially support the child⁷. Currently, participating caregivers receive up to \$1,000 for non-recurring costs, such as legal fees⁸. Caregivers receive a monthly guardianship subsidy equal to the state's base monthly foster care subsidy. Also, it is noteworthy to point out that kinship foster parents may be approved with waived non-safety exemptions⁹. This is important since the Fostering Connections Act allows for waived exemptions on a case-by-case basis within the new GAP option.

The state is very excited about the new option and plans to support all children and youth placed with relatives living in guardianship arrangements, whether or not they meet Title IV-E eligibility requirements. Of particular interest to the state is eliminating the control group under the waiver and supporting these relatives across the board¹⁰.

Tennessee is still considering how it can implement the option to support youth up to 19, 20 or 21, especially during this economically challenging period. The Department is working on a proposal to implement this option in conjunction with state legislators and key stakeholders on what is financially feasible. Through technical assistance provided by the Jim Casey Youth Opportunities Initiative, the Finance Project completed a review of policy guidelines currently in place. The review findings showed that current policy and practice support the overarching themes of Fostering Connections. Tennessee supports youth up to the age of 18 unless they are in school full time; children who have special needs qualify for support up to the age of 21. Voluntary Post Custody services are available to youth who complete high school and are expected to graduate before their 19th birthday, and to youth who are pursuing post secondary or approved job training programs. This is funded through John H. Chafee funds as well as Education and Training Vouchers. Additionally,

youth who exit care after their 15th birthday to subsidized guardianship or adoption, or who exit to any form of permanence after their 16th birthday; retain eligibility for the Education and Training Voucher funds.

Federally Recognized Tribes

The state has no federally recognized tribes.

P.L. 110-351 Mandatory Provisions

The state has modified its policy language to mirror the mandatory provisions. The state did not ask ACF for a delay in implementing them. Tennessee is unaware of any fiscal impact regarding these provisions.

Relative Notification: Tennessee's policy now requires identification and notification of all adult relatives within 30 days of the child's removal and will offer these relatives the option to become a placement resource for the child. The Department is in the process of implementing this new policy.

DCS has modified the TFACTS System to incorporate the Fostering Connections Act diligent search requirements. The system will allow the user to record and track Case Recordings and dates including initial contacts, collateral contacts, attempted contacts, time of contact, and associated response time frames. The system will also provide a means for the user to document the results of the diligent search.

Educational Stability: The Department is currently assessing whether or not this provision in the Federal Law will require a policy change.

Currently, DCS has fifteen regional education specialists who work closely with school systems to ensure that each child remains in his/her current school if possible. These specialists advocate for education stability at Child and Family Team meetings in addition to providing training to family service workers on this need.

If remaining in the same school is not in the child's best interest, the child will be immediately enrolled in a new school. Family Service Workers provide, by policy, the Education Passport to the new school. The Education Passport provides the school with student information and school records from the previous school.

Health Oversight and Coordination Plan: The Department currently tracks health services, including mental health and dental, for all children and youth in state custody. A medical summary of both the primary health issues and services can be printed from the child welfare tracking system.

While the Department does not track health services for post-custody youth, information is provided to youth upon their exit regarding the need for preventative health care and insurance. A booklet published by the Department of Health aimed at teen/youth health issue is also provided. Youth are educated on how to extend their TennCare coverage until their eligibility can be re-determined. Youth can also be referred to Cover Tennessee, a program for uninsured persons. Youth who remain eligible for TennCare (Medicaid) remain in the same managed care company for a minimum of 6 months after exiting care so that they have access to the same provider network.¹¹

Sibling Connections: As a result of the Brian A. lawsuit and settlement agreement, Tennessee has made considerable progress in placing siblings together when ever possible¹². The Department instituted a Placement Exception Review (PER) process that requires leadership to approve decisions anytime the Child and Family Team recommends that a sibling be referred to a different placement than another sibling.

Transition Plan for Youth Aging Out: Tennessee policy requires that all youth in care participate in the development of an Interdependent Living plan, developed in conjunction with the Permanency Plan. These plans are developed in the context of the youth's Child and Family Team and are based upon the Ansell Casey Life Skills Assessment required to be completed by all youth age 14 and up and are updated semi-annually. Additionally, the youth's team must reconvene six months prior to a youth leaving care to develop a transitional plan addressing the youth's needs and preparedness for living interdependently and to inform youth of their eligibility of available post-custody options. These plans are required by state law, developed in conjunction with the Court Improvement Plan workgroup, to be presented to the Court within three months of the youth's exit from care.

Family Connections Grants

The state is looking at two grant areas, the Kinship Navigator program and the Comprehensive Family-based substance abuse treatment. Currently, Tennessee has a Relative Caregiver Program that provides services and referrals for relative

caregivers funded solely through state funds at \$2.5 million annually. The Department of Children's Services (DCS) Relative Caregiver Program (RCP) is a public/private collaboration designed to support children who are not able to be raised by their parents, and are being cared for by grandparents, aunts, uncles and other extended family members. DCS contracts with community-based agencies to provide services in all 95 counties. Since the inception of this program we have served 9,300 caregivers and 14,423 children. Since 2006, 449 children have reunified with their biological parents. Unfortunately, this program is slated for budget cuts in the upcoming fiscal year and Tennessee is hoping to apply for the Family Connections Grant to ensure the program's continuation¹³.

Tennessee has a comprehensive substance abuse treatment facility known as Renewal House. Located in the metropolitan area of Nashville, this unique program allows mothers and their children to live together while intensive service and case management is provided. Since its inception in 1996, Renewal House served 500 women and children and 92 percent of these mothers maintained or gained physical or legal custody of their children. Additionally, this program has saved \$2.5 million by keeping children with their mothers and out of Tennessee's foster care system. The cost to serve one family through this program is \$38,000 a year¹⁴. It is very likely that the state will partner with Renewal House in applying for a Family Connections Grant once they are available.

Child and Family Team process is similar to the Family Group Decision Making model and engages extended families in developing and planning a child's case plan. The Department has a well designed Child and Family Team model, a high-quality training curriculum to support the model and a core group of Child and Family Team Meeting facilitators who have special skills to facilitate Child and Family Team meetings. A high-quality process would include the following: 1) engagement of children and their families, 2) the formation of strong child and family teams that include not only professionals, but relatives and others who are part of the family's informal network, 3) available and accurate information regarding the strengths and needs of the child and family, 4) development of a plan together, 5) implementation of that plan, 6) the ability and willingness to adjust the plan based on changes that may occur, and 7) utilization of this team and team meeting process for problem solving and decision making throughout the life of a case.

Opportunities & Challenges

The state is awaiting for additional guidance around several provisions. Additionally, the adoption provisions that eliminated the eligibility determinations is a positive step, however there are challenges to the graduation of the delink over ten years. Also, the old AFDC determination still exists for foster care and now is part of the GAP program. Finally, Tennessee would like to see more funds dedicated to preserving families and helping them after the case is closed.

Conclusion

There are several reasons for Tennessee's significant reduction in foster care caseload, including the use of performance-based contracting and the dramatic reduction of the use of congregate care settings.

Tennessee has an innovative program that at the Commissioner level, sets up case reviews for those foster children who have been in care the longest.

The state has developed a comprehensive, flexible funding system with its service providers. When caseloads reduce Tennessee leaves the state dollars for them to reinvest in prevention and post-permanency services.

Another strategy that has helped Tennessee reduce foster care caseloads is the use of data through Chapin Hall. The state monitors regions every six months.

¹ Conversation with Elizabeth Black, Executive Director, Office of Child Permanency, and Doug Swisher, Associate Budget Director on April 9, 2009.

² Children's Bureau. Adoption and Foster Care Reporting System (AFCARS). Adoptions of Children with Public Child Welfare Agency Involvement By State FY 1995-FY 2006. Revised March 2008.

³ Chapin Hall, Center for Children at the University of Chicago. Entry and Exit Disparities in the Tennessee Foster Care System. December 2006.

⁴ Conversation with Elizabeth Black, Executive Director, Office of Child Permanency, and Doug Swisher, Associate Budget Director on April 9, 2009.

⁵ Ibid.

⁶ Kids Are Waiting: Fix Foster Care Now Campaign. Overview of Child Welfare Services in Tennessee State. September 2007.

⁷ James Bell Associates. Profiles of the Child Welfare Demonstration Projects. May 2007.

⁸ Ibid.

⁹ Child Trends. State Kinship Care Policies for Children that Come to the Attention of Child Welfare Agencies. Finding from the 2007 Casey Kinship Foster Care Policy Survey. December 2008.

¹⁰ Conversation with Elizabeth Black, Executive Director, Office of Child Permanency, and Doug Swisher, Associate Budget Director on April 9, 2009.

¹¹ National Association of Public Child Welfare Administrators (NAPCWA). Youth Aging Out Workgroup 2006 Survey.

¹² Vanderbilt University. Technical Assistance Committee (TAC) Report. September 12, 2007.

¹³ Conversation with Elizabeth Black, Executive Director, Office of Child Permanency, and Doug Swisher, Associate Budget Director on April 9, 2009.

¹⁴ Renewal House website. April 10, 2009.

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