



National Association of Public
Child Welfare Administrators

an affiliate of the American Public Human Services Association

How States are Implementing the Fostering Connections Act

Vermont's At-risk Children

On September 30, 2009, Vermont had 1,113 children in foster care.¹ In the 12-month Period ending 03/31/2009, there were 630 children entering care and 692 children exiting care.² The number of children in foster care has significantly declined in the last seven years. This decrease is attributed to fewer children entering care, shorter lengths of stay and an emphasis on front end services.³ In the 12-month period ending 03/31/2009, 176 children were adopted out of foster care.⁴ Twenty-three percent of these children were aged 11 to 18 years old.⁵

In the past few years, Vermont has focused on improving front end services to prevent children from entering the system. On July 1, 2009, Vermont implemented the use of differential response. Risk level is now used to determine which cases will receive ongoing child protective services, rather than substantiation. The state has redesigned its approach to child and parent interaction, including more education and support services through a coaching model. These changes have led to a decrease in the number of children entering the foster care system and more families receiving these front end services.

Vermont's Budget Landscape

In FY 2009, Vermont had a budget deficit of \$63 million, representing 5.3 percent of the state general fund.⁶ The projected budget gap for FY2010 is substantially higher at \$238 million or 21.5 percent of the state general fund.⁷ The state legislature funded the Department of Children and Families' (DCF) FY2010 budget at a higher level than FY2009 to account for increasing adoption subsidies and other costs. However, the Department has experienced a loss of positions due to state hiring policy for vacant positions. For the last two years, the state has required justification to fill each position once it is vacant. During the spring legislative session, legislators passed an early retirement state employee incentive program, projecting 300 individuals will take the option. The state then intends to cut a third of those positions. DCF has lost 16 positions in the Central Office, which has increased the work load for the remaining employees. No direct service provider positions have been cut at this time.⁸

P.L. 110-351 State Options

Vermont intends to implement the new federal option of a guardianship assistance program during the upcoming legislative session.⁹ Vermont does not currently operate a state-funded guardianship assistance program. Vermont does not differentiate between IV-E eligible and non IV-E eligible children when choices are made about service delivery, and therefore, would not implement a program which clearly distinguishes between the children.

Vermont has supported older youth since the enactment of a state law requiring continued DCF support three years ago.¹⁰ Vermont plans to take advantage of the federal option to support eligible youth from 18 to 21. Youth are considered legal adults at age 18, but can request DCF services up to age 22. In order to qualify for the program, youth must be in care on their 18th birthday or have spent at least five years in care from ages 12 to 18. The program is called extended care, where older youth can remain in foster care or transition to independent living and still receive services. DCF supports the living situation for the youth including incidental expenses such as computers for education. The state also extends Medicaid up to age 21 for foster youth. One component of the program is that if on their 18th birthday youth opt not to extend services, they can come back into the system at any time between ages 18 to 22.¹¹

The state already extends adoption assistance to older youth past the age of 18.

P.L. 110-351 Mandatory Provisions

Vermont requested an extension for the health oversight and coordination mandatory provision of P.L. 110-351. The state did not request any other extensions and has state laws and policies that fulfill the other mandatory provisions. Vermont does not anticipate a fiscal impact from the mandatory provisions of P.L. 110-351.

Vermont has strong policies and practice for the notification of relatives, with stricter requirements than P.L. 110-351. Since January 1, 2009, DCF must notify relatives within 72 hours of a child's first hearing. The state utilizes a variety of methods including mailed letters, phone calls and emails to notify relatives. The Act's language requiring "all relative" notification may pose challenges to the state. It may be difficult to locate all relatives that do not live in within the child's geographic radius, as required by the state law.¹²

DCF has collaborated with the State Department of Education to implement the educational provisions of P.L. 110-351. Under state law, the Education Commissioner designates a child's school of origin for funding purposes. The state legislature passed the Safe Placed Students Act, which provides transportation funding so children can attend their school of origin. These funds are located in a central pool of money, which reduces jurisdictional issues to pay for transportation.¹³

Vermont requested an extension for the health oversight and coordination plan in order to collaborate with the state Medicaid agency. Traditionally, DCF collaborated with the Department of Health to meet the needs of children in foster care. Medicaid operates as a separate agency from the Department of Health and therefore, new procedures and connections must be developed. If a child is expected to be in custody for more than 30 days, a Department of Health nurse completes an assessment.¹⁴

Vermont's policy and practice places sibling groups together whenever possible and if it is in the best interest of the child. Vermont's last two Child and Family Services Reviews (CFSRs) found the state in substantial compliance for keeping sibling groups together. The state legislature passed the Juvenile Judicial Proceedings Act that focuses on keeping sibling connections. Vermont has strong statutes and success at maintaining sibling connections.¹⁵

Vermont begins foster care transition plans at age 16 and follows the Chafee guidelines regarding these policies. The state contracts with private agencies to work with youth to form transition plans. The agencies link youth to independent living coordinators, which offer transition services. Youth actively participate in the transition planning and play a vital role in determining their future. Although children age out of foster care at 18, youth age 18 to 22 can elect to receive voluntary services described in this document previously.¹⁶

Vermont's Tribes

Vermont does not have any federally recognized tribes. Currently, there are tribal children in the foster care system. For these children, the state abides by the Indian Child Welfare Act to provide adequate support for these children.

Family Connections Grants

Vermont will not apply for the Family Connections Grants due to the current fiscal climate of the state. The nonfederal match requirement is cost prohibitive, especially in the third year. Due to the budget gaps and projections, Vermont cannot commit to a 50 percent match in three years. Vermont does not operate a kinship navigator program, though families can receive these services through a small local nonprofit. DCF has an intensive family finding program; however, similar to the kinship navigator, the program is not robust. Vermont practices family group decision making.¹⁷

The Lund Family Center runs a comprehensive substance abuse treatment facility for Vermont families. The private nonprofit operates programs and services under a Substance Abuse and Mental Health Services Administration (SAMHSA) grant. The newly renovated facility is equipped to treat mothers and their children, with its primary focus on young mothers. The Center has co-located five substance abuse professionals in the Burlington DCF office. These substance abuse professionals attend meetings and home visits with social workers to offer their services. They also assist parents with their parenting skills and promote positive parent-child relationships through interactive play labs.¹⁸

Opportunities & Challenges

The Fostering Connections Act gives Vermont the opportunity to supplement state funds that support older youth. Since state law requires services be available to older youth, the new option will help support the program with federal dollars. Although Vermont predicts little fiscal impact from implementing the Act, the mandatory provisions pose some challenges. Congress did not provide additional funds to implement these new mandates and given the financial situation, this burdens the state. Another challenge to implementing this act is the unclear language regarding relative notification. It

may be problematic to notify all relatives and not practical depending on the definition of relative. The policy should be child-centric and in the best interest of the child, which may not require all relative notification.

Conclusion

Vermont has seen a decrease in its foster care caseload, due to fewer children entering the system, shorter lengths of stay and the increase of front end services to keep families intact. The state intends to use the federal option to supplement the state-funded program to assist older youth ages 18 to 22. Vermont uses family group decision making and has recently implemented differential response. The state does not plan to apply for Family Connections Grants, given the current financial climate. State statute and DCF policy comply with most of the federal mandatory provisions and DCF is working to improve the health oversight and coordination component.

¹ AFCARS 2006

² Ibid.

³ Conference call with Cindy Walcott. Vermont Department of Children and Families, July 13, 2009.

⁴ ACFARS 2006

⁵ Ibid.

⁶ National Conference of State Legislatures. Retrieved July 15, 2009 from <http://www.ncsl.org/>.

⁷ Ibid.

⁸ Conference call with Cindy Walcott. Vermont Department of Children and Families, July 13, 2009.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.