



National Association of Public
Child Welfare Administrators

an affiliate of the American Public Human Services Association

How States are Implementing the Fostering Connections Act

Washington's At-risk Children

In the state fiscal year (SFY) 2007, 202,774 clients received services from the Children's Administration.¹ In SFY 2007, approximately 6,415 of Washington's children were abused and/or neglected (down from 6,561 in SFY2006) and a total of 11,189 children and youth remained in out-of-home care at the end of the fiscal year (up from 10,544 in SFY2006). This number included 2,470 awaiting a permanent family through adoption. In this same time frame, approximately 6,797 children entered foster care and 6,026 exited care. Children left care for the following reasons: 3,374 for reunification, 1,172 were adopted, 316 for subsidized guardianship, and 475 aged out or left care for other reasons².

A 2008 disproportionality and disparity report found that Native American and Black children are over represented in the child welfare system compared with White children. The disproportionality exists statewide³ and is reflective of a national issue.

The number of children receiving protective services in Washington has been rising slowly. Between FFY2006 and 2007, entries into care slightly increased and the length of stay also increased.

Washington continues to emphasize support to secure children safely in their own homes. This includes intensive family preservation services (Homebuilders model), in-home services, flexible funding for concrete services, and implementation of evidence-based programs (Parent-Child Interaction Therapy, The Incredible Years, Functional Family Therapy, Promoting First Relationships, and Triple P).

Washington has an intensive family finding program that began in Pierce County with a contract funded by the mental health and child welfare programs. The contractor is Catholic Community Services. This program was developed as a crisis response for children whose placements were disrupting due to behavioral or emotional issues and alternatives to mental health hospitalization or therapeutic residential care placements were needed. Teams support the children in foster homes and relative homes as well as in their own homes. The state is expanding this program and it has been held out as a model nationwide.

Washington is also instituting a practice model, first developed in Kentucky, called Solution Based Casework. Coaches have been trained to provide classroom training and case consultation to staff throughout the state, focusing on engagement and child safety decisions.

Washington's Budget Landscape

Decreasing state tax revenue since December 2008, when Governor Chris Gregoire proposed the 2009-11 biennial budget, has led to the forecast of a \$9 billion budget gap in the next state biennium. When employment picks up, it is anticipated that Washington state revenues will continue to lag as it does not have an income tax.⁴ Annually, more than 2.1 million people—one-third of the state's residents—receive services from the Department of Social and Health Services.⁵ Budget decisions are currently being made in the Legislature and a budget is expected in late April.

P.L. 110-351 State Options

Washington has a permanency plan called "dependency guardianship," which is guardianship ordered through the dependency process. Children in dependency guardianship are subsidized through TANF funds for unlicensed caregivers and through state-only foster care funds for licensed caregivers. Thirty eight percent of out-of-home placements are kinship care—both relatives and non-relatives—primarily supported by TANF funds.⁶ Less than ten percent of relative

homes are licensed because relatives choose not to pursue licensing. Safety standards are met, but the homes are not licensed and potentially will not be eligible for the expanded IV-E funding. If Washington implements this option and relatives find the financial incentive sufficient to undergo a full home study and become licensed, it would become an administrative challenge to process all the homes. Approximately 20 licensed relatives assume guardianship of children per year. The state estimates approximately eight would be eligible for a IV-E relative guardianship subsidy.⁷

Washington is still analyzing whether it will be fiscally feasible to implement this federal option. Impacting Washington's decision is how the Administration for Children and Families (ACF) defines relative and how the requirement that the child be in a "licensed home" for six consecutive months to be Title IV-E eligible is clarified. A bill currently in the Legislature (E2SHB1961) will also impact the decision.

The major fiscal impact that **supports to eligible young adults aged 19, 20, or 21** could have is under review. No legislation would be required to implement this option, but again, it has to be financially feasible. Chafee funds are used for youth 15 and older to age 21. But to fully implement the supports of this option, foster care eligibility criteria for youth over 18, such as the provisions in Washington's 2006 bill 2SHB2002 Foster Care to 21, would have to be established. This legislation authorized a program that started in July 2006 that allowed up to 50 youth per year to remain in foster care until their 21st birthday while attending a post-high school academic or vocational program if they signed a voluntary agreement at age 18. Current enrollment in the program is frozen pending decisions by the Legislature concerning budget. If the state Foster Care to 21 eligibility standards could be applied along with federal match dollars this option might be implemented depending on the availability of funds.⁸ The preliminary report on the current program finds that of the 85 youth who enrolled in Foster Care to 21 prior to 2008, 25 (29 percent) were still enrolled, 6 (7 percent) had turned 21 or had completed their post secondary program, and 54 (64 percent) were no longer enrolled. Thirty-nine (46 percent) stayed in Foster Care to 21 for at least one year.⁹

Implementation of **the support eligible youth who exit care to guardianship or adoption after age 16** option will also depend on budget issues. The current guardianship supports stop at age 18 and adoption support stops at age 18 or completion of secondary education.¹⁰

Washington Tribes

There are 28 federally recognized tribes in Washington. Four of these (Lummi, Makah, Port Gamble S'Klallam and Quinault) receive IV-E funds through agreements with the state. Of the 9,733 children in care at the end of 2008, a disproportionate number, 1,583, have Native American ancestry. The state is aware that a number of tribes wrote notice of interest to operate their own IV-E program to the Children's Bureau. However, the requirements of a Statewide Automated Child Welfare Information System (SACWIS) are a formidable barrier for the tribes. To address this issue, the state hopes to make its SACWIS system accessible to the tribes at some point in the future. The new SACWIS was just launched in February and requires system improvements before this is feasible.

P.L. 110-351 Mandatory Provisions

Washington has not requested Health and Human Services (HHS) delay any of the mandatory provisions. The state is waiting for federal clarifications and implementation rules to be issued to ensure compliance in all areas. No regulations that would require state law changes are anticipated. Any necessary policy changes will be incorporated in the revised Title IV-E State Plan, anticipated to be submitted in the summer of 2009. The federal requirements are in line with the Braam v. DSHS law suit settlement under which Washington has been operating since November 2004.¹¹

Relative Notification of placement on both the mother's and father's side is required practice in Washington. At the initial shelter care hearing, the court generally requires the parents to provide the names of relatives if they have not already done so. Further efforts to identify relatives are made at Family Team Meetings. These efforts are recorded in SACWIS. In the future it is anticipated that SACWIS will launch or trigger the sending of notification to relatives. The state does not currently notify relatives who cannot offer placement or support to the child (i.e., those who are very ill, significantly disabled, in prison or with a disqualifying criminal history) and is concerned that this may be a requirement of diligent efforts. Expanding notification beyond those identified by the parents to all possible relatives could generate a large number of relatives for each child and become a great challenge.¹²

Education stability requirements are in alignment with the Braam law suit (<http://www.braampanel.org/>) and unless there is an unexpected component in the federal rules, Washington will be in compliance with the federal law.

Washington is in the process of developing agreements with school districts that have foster youth enrolled (there are 295 school districts in Washington) to ensure children can remain in their home school. In addition, Washington has developed agreements between the Children's Administration and the Office of Superintendent of Public Instruction for electronic data exchange to evaluate the progress of foster youth in public schools. The information is de-identified, so individual students' progress cannot be tracked in this way.¹³

Sibling Connections provisions are supported by state policy. When first placed, of children with siblings, 57.6 percent are placed with their complete sibling group and 79 percent live with at least one sibling. If not placed together, at least two contacts per month are expected unless these contacts are not in children's best interests. Washington is finalizing a survey to be conducted this spring of foster parents and relative caregivers to help determine if these visits are taking place and if they are not, the reason for the lack of contact. This information will also soon be available from SACWIS.

Health oversight and coordination plan is addressed through the state requirement that within thirty days of entering care every child in out-of-home placement must have a Child Health and Education Track (CHET) screen completed and documented. Follow-up of this screening requires services be provided to address identified areas of need. Nurses generate a health and education passport for children who reside in care longer than 90 days, with a focus on those who have intensive needs. These passports are provided to caregivers and to children exiting care. Also, Medicaid is continued up to age 21 for youth exiting care.

Transition planning for children aging out of foster care starts with youth at age 15 and includes a mandatory staffing 6 months before the child ages out, followed by monthly check-ins with the child to prepare the youth for emancipation. This process is required by the Braam lawsuit settlement, so there could be issues depending on how the final rule is written around the federal ninety-day provision.

Family Connections Grants

Decisions regarding applications for a Family Connection Grant will depend when the Administration for Children and Families posts program instructions and request for proposals. Currently, Washington has a kinship navigator program under their adult services department, though not all areas of the state have this service available.

Washington uses Family Group Decision Making on limited basis, but shifted its emphasis to Family Team Meetings with the support of Anne E. Casey in 2004. Currently Family Team Decision Making operates in all of its offices, but without capacity to serve all families at all major decision-making points in case planning. Expanding the capacity of this program would be preferred.

Opportunities & Challenges

The opportunities and challenges of this legislation are largely dependent on the Administration for Children and Families final rules and state budget conditions. For example, the eligibility requirements could determine if the state can implement the option to extend foster care to 21. Eligibility issues include whether the state must adopt all eligibility criteria indicated in the federal law or if it can impose limits for foster care payments based on specific activity (such as the youth being engaged in an educational program), whether the federal support will be limited to the population that is IV-E eligible and whether the state will be required to maintain "custody." As the number of older youth being placed in non relative kin homes is growing, the definition of relative may affect the financial ability of the state to implement some of the options.

Washington has requested further information concerning eligibility requirements for youth continuing foster care after 18, the definition of relative, whether kinship homes will be required to maintain licensure after the guardianship is established, whether relative homes that had non safety standards waived can be viewed as fully licensed for the placement of non-relative foster children, and clarification of diligent efforts to notify relatives.

Washington has benefited from the assistance of the Casey Family Programs in implementing Solution Based Casework, examining racial disproportionality, and many other areas of their practice. Washington would welcome additional technical assistance regarding the implementation of this legislation, particularly in regard to assisting the tribes meeting IV-E funding requirements.

Conclusion

Washington advocates for a comprehensive integrated approach to child welfare that would unify funding streams, eligibility requirements and monitoring. An expansion of the interpretation of caseworker visits with a child to include visits made by private contract agencies would be a workload benefit and enhance the state's ability to avoid penalties.

¹ Washington State Department of Social and Health Service, Research and Data Analysis Division. *Children's Administration Clients*. Number 11.136.010. Retrieved March 23, 2009 from <http://www.dshs.wa.gov/pdf/ms/rda/research/11/136.010.pdf>.

² Washington State Department of Social and Health Services Decision Support Unit provided March 27, 2009

³ Report on Racial Disproportionality in Washington's Child Welfare System-2nd Edition. 2008. Retrieved March 23 from <http://www.dshs.wa.gov/ca/pubs/disproportionReport.asp>.

⁴ Ibid.

⁵ Washington State Department of Social and Health Service, Research and Data Analysis Division. *DSHS Client Counts and Service Costs*. January 12, 2009. Retrieved March 23 from <http://clientdata.rad.dshs.wa.gov>

⁶ Conference call with Christine Robinson, Acting Director, Children's Administration, Washington Department of Social Services on March 20, 2009.

⁷ Conference call with Christine Robinson, Acting Director, Children's Administration, Washington Department of Social Services on March 20, 2009.

⁸ Conference call with Christine Robinson, Acting Director, Children's Administration, Washington Department of Social Services on March 20, 2009

⁹ *Foster Care to 21: Enrollment Trends After Two Year*. Washington State Institute for Public Policy. January 2009. retrieved March 23, 2009 from <http://www.wsipp.wa.gov/pub.asp?docid=08-12-3901>.

¹⁰ Ibid

¹¹ Ibid.

¹² Ibid.

¹³ Ibid

Release Date: May 18, 2009

A special thank you to Casey Family Program for their financial support and guidance during this project. For more information on the How States are Implementing the Fostering Connections documents, please contact Courteney Holden, Senior Legislative Associate, American Public Human Services Association (APHSA) at 202-682-0100 ex 249 or by email at Courteney.Holden@aphsa.org.