



# PERSPECTIVES ON FOSTERING CONNECTIONS:

A SERIES OF WHITE PAPERS ON THE FOSTERING CONNECTIONS TO SUCCESS  
AND INCREASING ADOPTIONS ACT OF 2008

SUMMARY BRIEF  
PREPARED BY THE FOSTERINGCONNECTIONS.ORG PROJECT  
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# PERSPECTIVES ON FOSTER CARE:

## A SERIES OF WHITE PAPERS ON THE FOSTERING CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT OF 2008

### Introduction

The FosteringConnections.org project was inspired by the sweeping reforms contained in the 2008 law, Fostering Connections to Success and Increasing Adoptions Act (the Act), the unity of diverse stakeholders in the field and the strong bipartisan leadership demonstrated by Congress. These factors created a palpable momentum around the reforms offered by the Fostering Connections Act, P.L. 110-351, and there was a clear opportunity to harness the expertise, leadership and energy in support of implementation efforts. The FosteringConnections.org project has developed this collection of issue papers to share key insights regarding implementation of the Act.

The FosteringConnections.org project launched in June 2009 as a collaborative effort of national and state-based organizations committed to timely and high quality implementation of the Fostering Connections to Success and Increasing Adoptions Act of 2008 (the Act). For nearly four years, the project's diverse partners have worked together to provide information and tools on all aspects of the Fostering Connections Act. The FosteringConnections.org project has been supported by private foundation grants and was designed from the beginning to be a time-limited initiative, concluding at the end of 2012. Together, these partners have steered the substantive work of the project and joined together to produce this issue paper.

The report includes individual sections that summarize achievements and challenges associated with each of the six issue areas of the Act:

- 1) Incentives and assistance for adoption;
- 2) Improved educational stability and opportunities;
- 3) Coordinated health services;
- 4) Support for kinship care and family connections;
- 5) Support for older youth; and
- 6) Direct access to federal resources for Indian Tribes.

Organizations involved in the development of this report include the project's "network leaders and managers" (listed on page 40).

### Accomplishments of FosteringConnections.org

Since it was created in 2009, the FosteringConnections.org project has brought together many of the leading organizations and issue experts that were involved in the legislative process leading up to passage of the Act. These collaborating partners (listed on page 42) understood the great potential the federal reforms had to significantly improve the lives of children and families. They also understood that the impact of these reforms would depend largely on how quickly and effectively the new law was implemented.

From 2009 through 2012, the project and its partners have supported state and tribal implementers with:

- **Nonpartisan data and resources on each section of the bill, including information tools and assistance for state and tribal policymakers and agency leaders.** The FosteringConnections.org website offers many outstanding resources, includes policy and budget analyses, notices and summaries regarding federal guidance, implementation toolkits, research briefs on special topics, and examples of best practices and legislative approaches.
- **Technical assistance.** FosteringConnections.org partners attracted thousands of interested stakeholders to its series of web-based training seminars. The partners also respond to individual questions from implementers through its “Info Line” and via technical assistance engagements.
- **Tracking of implementation activity.** Visitors to FosteringConnections.org can stay up-to-date on federal regulatory and state legislative activity and learn about best practices to implementation.
- **Opportunities to communicate with experts and peers.** FosteringConnections.org communicated with thousands of stakeholders through its subscriber mailing list and other online discussion forums.

The FosteringConnections.org project provided its supports and services to a diversity of audiences involved in implementation:

- State and county child welfare agencies,
- Tribal child welfare leaders,
- Education officials,
- Health professionals,
- State legislatures,
- Children’s advocates,
- Foundation officials,
- Legal and judicial personnel, and
- Federal partners.

Although it is time for the FosteringConnections.org project to shutter its doors, we know that efforts to improve the lives of children and families involved in the child welfare system through better policy and practice must continue. It is our hope that this final paper helps document some of the progress made over the past several years, as well as identify a few areas still needing attention in the future.

# ADOPTION AND THE FOSTERING CONNECTIONS ACT OF 2008

## Considerations

### Adoption and foster care

**More than 104,000 children in foster care were waiting for an adoptive family** at the end of federal fiscal year (FY) 2011.

As a result of the abuse, neglect, and trauma suffered in their lives, **children adopted from care have special needs their families must meet to help them thrive.** Adoptive families need support to meet these often-significant needs.

Fostering Connections took critical first steps to **ensure states have additional resources to support adoptive families** but more remains to be done.

**Federal guidance is needed to ensure that states are reinvesting funds** saved as a result of Fostering Connections into new child welfare services, including post-adoption support.

*By Mary Boo and Joe Kroll, North American Council on Adoptable Children*

### Overview

The Fostering Connections to Success and Increasing Adoptions Act (The Act) of 2008 included three adoption-specific provisions:

- De-linking eligibility for federal adoption assistance support from the child's birth family's eligibility for welfare services
- Improving and extending the adoption incentive program
- Requiring states to inform prospective adoptive parents about the adoption tax credit

The de-linking provision means thousands of children and youth became eligible for federal (Title IV-E) adoption support. As a result, some families have support they would not otherwise have had and, in most cases, states are beginning to have new federal funds that they are required to invest in child welfare services. How well states are tracking those funds or whether they are investing them in child welfare services, however, remains to be seen. Education and increased federal oversight would ensure that states are following the law and investing in needed services, including support to families who adopt children with special needs.

### Background on adoption of children and youth from foster care

More than 104,000 children in foster care were waiting for an adoptive family at the end of federal fiscal year (FY) 2011.<sup>1</sup> The average age of the waiting children was eight years old, and their average length of time in care was close to two years.<sup>2</sup> About 35 percent had been in care for three years or more.<sup>3</sup>

In FY 2011, only 50,516 foster children were adopted—less than half of the number waiting for adoption the year before (109,456).<sup>4</sup> In FY 2011, more than 26,000 youth aged out of foster care without a permanent family.<sup>5</sup>

Many foster children waiting for adoption—and children adopted from foster care—have special physical, mental health, and developmental

<sup>1</sup> U.S. Department of Health and Human Services. (2012). *AFCARS report: Preliminary FY 2011 estimates as of July 2012 (19)*. Washington, DC..

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

needs. Studies show that these children are at heightened risk of moderate to severe health problems, learning disabilities, developmental delays, physical impairments, and mental health difficulties.<sup>6</sup>

Before Fostering Connections, tens of thousands of children were not eligible for federal Title IV-E adoption assistance; in FY 2008 states reported that just over 20 percent of adopted children who received adoption assistance received no federal support.<sup>7</sup> States surveyed reported that 40 percent of foster children are ineligible for federal IV-E support because their birth parents' income was higher than the 1996 AFDC eligibility level.<sup>8</sup> When children are not eligible for federal adoption assistance support, some children receive no subsidies at all while others receive more limited support or face difficulties when moving to a new state, and states bear an unfair financial burden in supporting these children.

### Fostering Connections provisions on adoption

The Fostering Connections to Success and Increasing Adoptions Act of 2008 included two major adoption-specific provisions:

#### De-linking eligibility for federal adoption assistance support from a child's birth family's eligibility for welfare services

By 2018, regardless of their birth parents' income, all children with special needs adopted from foster care who meet other IV-E criteria will be eligible for Title IV-E adoption assistance, which could improve their prospects for being adopted and ensure they have better support. It also means that states, and sometimes local governments, don't bear the entire cost of supporting these children and their adoptive families.

The new eligibility is being phased in over time by the child's age at adoption (adding youth 16 and older in FY 2010, 14 and older in FY 2011, 12 and older in FY 2012, 10 and older in FY 2013, and so on until 2018 when children of all ages are eligible). In addition, as of FY 2010, all children who had been in care for at least 60 consecutive months became eligible for IV-E adoption assistance. Siblings of children qualified by age or time in care who will be placed with those siblings also become IV-E eligible.

The law requires that funds saved by states as a result of expanded IV-E eligibility must be invested in Title IV-B or IV-E child welfare services, which can include post-adoption services. This provision was designed to ensure that as federal support increases, state funds previously spent on state adoption assistance programs remain in the child welfare system

#### Improving and extending the adoption incentive program

The Fostering Connections Act also extended the adoption incentive program through FY 2013, reset the baseline to FY 2007 adoption numbers, and doubled incentives for older child and special needs adoptions. States that exceed 2007 baselines for all adoptions or older child adoptions will receive \$4,000 for each adoption over the baseline, plus \$8,000 for increased

*The [adoption assistance] enables us to continue mental health treatment, pay for trips to out-of-town doctors, get respite when we need it, and obtain specialized child care. The services are what keeps us together*  
—Adoptive mother

<sup>6</sup> Bramlett, M.D., Radel, L.F., & Blumberg, S.J. (2007). The health and well-being of adopted children. *Pediatrics*, 119, S54-S60.

<sup>7</sup> DeVooght, K., Fletcher, M., Vaughn, B., & Cooper, H. (2012). Federal, State, and Local Spending to Address Child Abuse and Neglect in SFYS 2008 and 2010.

<sup>8</sup> Ibid.

adoptions of children nine or older, and \$4,000 for added adoptions of younger children with special needs.

Under the law, states can also earn incentives for increasing their rate of adoption—the number of adoptions compared to the number of children in foster care at the end of the previous year. These incentives will be awarded only if funds are available and if a state exceeds its highest-ever adoption rate since 1998.

The incentive payments can be used for IV-B or IV-E child welfare services, including post-adoption services. The law gave states 24 months from award date—up from 12 months—to spend adoption incentive funds, enabling states to invest in longer-term efforts.

### Other provisions

Fostering Connections also requires states to inform prospective adoptive parents about the federal adoption tax credit, which provides a credit of from \$11,000 to \$13,000 (depending on the year) to families who adopt children with special needs from foster care. Before passage of the Act, research showed that the adoption tax credit benefited few families adopting from foster care, sometimes because they did not know about the benefit.

Two other provisions affect adoption practice and policy. One enables states to receive federal reimbursement if they extend adoption assistance benefits beyond age 18 for youth adopted at 16 or older. This provision removes a barrier to the adoption of older youth in foster care. Another provision requires states to make reasonable efforts to place siblings together in adoption, guardianship, and foster care unless it was not in the children's best interests.

*“Being adopted is  
having an  
abundant life, and  
more importantly  
knowing you  
are wanted.”  
—Youth adopted  
from foster care*

### Challenges and achievements in adoption

#### De-linking federal adoption assistance eligibility

De-linking federal adoption assistance eligibility from birth parents' income has already resulted in new funds coming to state coffers, and by 2018 states will have tens of millions of dollars in federal funds they didn't have before. The federal investment should grow exponentially over the next several years since more and more children will be newly IV-E eligible each year as the eligibility age drops, while the children newly added to the IV-E program from previous years will continue to receive adoption assistance until they reach 18 (or older if the state provides benefits beyond 18).

Unfortunately, the federal government has not required states to adequately track or report on how they are spending these new federal funds or provided guidance on how the savings should be calculated. Many states may need help identifying how many children are newly eligible due to the law, and how much money was saved as a result. Surveys of states in 2008 and 2010 found only 8 to 10 states could specifically track the percentage of children ineligible for Title IV-E solely because of their birth parents' income.<sup>9</sup> If states cannot track these figures, they are unable to determine how much new federal funding they must reinvest in child welfare services.

The guidance issued by the Department of Health and Human Services (HHS) after the Fostering Connections Act was passed simply required states to certify that they would spend

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<sup>9</sup> Ibid.

savings generated from implementing the new eligibility criteria. The guidance offered states flexibility in how they calculated savings and did not require any accounting be provided to HHS.<sup>10</sup>

Congress acted to reaffirm the intent of this provision of the Fostering Connections Act by including more information in the Child and Family Services Improvement and Innovation Act (Public Law 112-34), which passed in 2011. The 2011 law required states to document how funds saved as a result of the Fostering Connections de-link provision are spent on child welfare services, including post-adoption services. Subsequent guidance from HHS restated this requirement, but still only asked states to sign an assurance that they are following the law, rather than submit specific public information on how they are calculating or spending the savings.<sup>11</sup>

Since states are not required to calculate the savings resulting from the de-link provisions or account for how the money is spent, there is no way to determine if states are spending the saved funds on child welfare services as required.

### Adoption incentives

The changes in the adoption incentive program also resulted in significant funds coming to most states. In FY 2006, states earned a total of \$7.3 million in adoption incentive bonuses; in FY 2007, they earned just \$11 million. With the updated baseline amount and increased incentive payments, states' adoption incentive earnings jumped to \$35.3 million in FY 2008, \$43.9 million in FY 2009, \$40 million in FY 2010. In FY 2011, states received \$31.7 million, only 87 percent of what they earned due to appropriation shortfalls. In FY 2006, only 19 states received bonuses. In FY 2007, it was just 21. After Fostering Connections, all but six states and the District of Columbia have received a bonus in at least one year.<sup>12</sup>

Since adoption incentive funds must be spent on child welfare services, states have millions of dollars to spend on child welfare that they would not otherwise have had. Surveys of state adoption managers found that states were spending the funds in a variety of ways—including to supplement shortfalls in adoption assistance programs, for new programs to recruit adoptive families, to offset budget cuts in other child welfare programs, and to fund post-adoption services.

More changes are needed to maintain and build on these gains. The program is set to expire again after FY 2013 and as states' foster care populations decline, adoption numbers are likely to decline again. If states can't continue to exceed their FY 2007 baseline number of adoptions, they will soon receive no adoption incentives. In addition, at least some states are using the funds to make up for other child welfare budget cuts rather than enhancing services to children and families.

### Other provisions

After passage of the Fostering Connections Act, states definitely improved efforts to notify prospective adopters about the adoption tax credit. However, many families still don't know about the benefit or do not understand how it might benefit them. As of November 2012,

<sup>10</sup> U.S. Department of Health and Human Services. (2010). Guidance on Fostering Connections to Success and Increasing Adoptions Act of 2008. ACYF-CB-PI-10-11. Washington, DC.

<sup>11</sup> U.S. Department of Health and Human Services. (2011). Guidance on the Child and Family Services Improvement and Innovation Act (Public Law (112-34). ACYF-CB-PI-11-09. Washington, DC.

<sup>12</sup> U.S. Department of Health and Human Services. (2012). Adoption Incentives Earning History by State: FY 1998–FY 2011. Washington, DC.

Congress had not extended the adoption tax credit for 2013 and beyond, so there may soon be no benefit about which to notify prospective adopters. If Congress does not take action, the adoption credit will benefit only a very small number of families. Even if the credit is extended, if Congress does not make it refundable as it was in 2010 and 2011, fewer foster-adoptive families will benefit since families who adopt from foster care have lower incomes than other adoptive families.<sup>13</sup>

So far, 17 states and the District of Columbia plans approved by the Administration for Children and Families (ACF) to extended foster care beyond age 18; all also chose to extend adoption assistance benefits for youth adopted on or after their 16th birthday. Four additional states have submitted plans to ACF. Most of these states had already provided some support for adopted youth after age 18 (typically for youth with physical or mental disabilities), but have now extended support for youth adopted at an older age. Before Fostering Connections, however, Texas provided no adoption assistance after adopted youth turned 18. Beginning October 1, 2010, the state extended benefits for youth adopted between their 16th and 18th birthdays as long as the youth participate in qualified education or work programs or are incapable of being in such programs.

### **Policy considerations: what's next for adoption from foster care?**

The federal government has a tremendous opportunity—and responsibility—to help states further encourage and support the adoption of children and youth from foster care. To ensure the goals of the Fostering Connections to Success and Increasing Adoptions Act are met, it is essential that:

- The federal government asks states to report in their IV-B or IV-E plans how they are calculating funds gained from de-linking of adoption assistance, what each year's savings are, and how those funds are invested in efforts to improve outcomes for children and families, including post-adoption services.
- State and federal governments examine whether they are investing enough in post-adoption services to ensure that adoptive families raising children who have special needs have the services and supports to thrive and remain together.
- States take advantage of the opportunity to extend adoption assistance benefits to age 21, which should both encourage adoption of older youth and ensure that youth and their families have adequate support.

### **Conclusion**

The Fostering Connections Act's major adoption provisions were designed to encourage adoptions from foster care, increase or improve support to adoptive and other families, and ensure states had additional funding for child welfare services, including post-adoption support. Unfortunately, as states have faced significant budget troubles in recent years, it is not clear if they have invested sufficiently in necessary child welfare services and few have enhanced post-adoption services. The federal government should continue to encourage states to seek permanence for every child and youth in foster care, while also working to make sure families have the support they need.

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<sup>13</sup> Vandivere, S., Malm, K., & Radel, L. (2009). *Adoption USA: A Chartbook Based on the 2007 National Survey of Adoptive Parents*. Washington, D.C.: The U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation.

**About the authors**

The North American Council on Adoptable Children (NACAC) is a nonprofit organization whose mission is to promote and support permanent families for children and youth in the U.S. and Canada who have been in care—especially those in foster care and those with special needs. NACAC accomplishes this mission through four primary program areas—public policy education and advocacy, parent and youth leadership development and capacity building, adoption support, and education and information sharing with adoptive families and adoption and other child welfare professionals. Mary Boo is assistant director and Joe Kroll is executive director. Both are actively involved in adoption and other child welfare policy issues for NACAC.

# EDUCATION AND THE FOSTERING CONNECTIONS ACT

## Considerations Education and foster care

**Youth in foster care are among the most educationally at-risk** of all student populations.

The education provisions of the **Fostering Connections Act** were a **critical first step in addressing the education needs** of students in foster care.

States and tribes have made progress but **many face significant challenges around implementation of the education provisions** of the Act, and additional law and policy changes are needed.

**Federal policy can provide the path to achieving positive educational outcomes for students in foster care** through requirements designed to promote interagency collaboration and mutual responsibility for the education of students in foster care.

*By Kristin Kelly and Kathy McNaught, The Legal Center for Foster Care and Education and Madelyn Freundlich, Excal Consulting Partners*

### Overview

The Fostering Connections to Success and Increasing Adoptions Act (The Act) has brought much needed attention -- at the federal, state and local levels -- to the poor educational outcomes of children in care and the critical need for collaboration between child welfare and education agencies to improve these outcomes. Since its passage in 2008, states have had varying degrees of success implementing the education provisions of the Act. The education provisions were a critical first step, but additional enhancements through possible education and child welfare legislation, regulations, and policy, and successful implementation, are still needed to achieve better education outcomes for children in foster care.

### Background on education of children and youth in foster care

It is well documented that youth in foster care are among the most educationally at-risk of all student populations. They experience lower academic achievement, lower standardized test scores, higher rates of grade retention and higher dropout rates than their peers who are not in foster care.<sup>14</sup> Based on a review of studies conducted between 1995 and 2005, one report estimated that about half of youth in foster care complete high school by age 18 compared to 70% of youth in the general population.<sup>15</sup> Other studies show that 75% of children in foster care are performing below grade level, 35% are in special education and as few as 11% attend college.<sup>16</sup> Specific barriers facing youth in care include high rates of school mobility; delays in school enrollment; inappropriate school placements; lack of remedial support; failure to transfer full course credits; and difficulties accessing special education services.<sup>17</sup>

<sup>14</sup> National Working Group on Foster Care and Education (2011). *Education is the Lifeline for Youth in Foster Care*. Retrieved October 18, 2012 from [http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file\\_20120829\\_140902\\_sAMYaA\\_0.pdf](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_140902_sAMYaA_0.pdf)

<sup>15</sup> Wolanin, T. R. (2005). *Higher education opportunities for foster youth: A primer for policymakers*. Washington, DC: The Institute for Higher Education Policy.

<sup>16</sup> Burley, M. (2009). *Foster Care to College Partnership: Evaluation of education outcomes for foster youth*. Washington State Institute for Public Policy. Retrieved December 13, 2010 from <http://www.wsipp.wa.gov/rptfiles/09-12-3901.pdf>.

<sup>17</sup> National Working Group on Foster Care and Education (2011). *Education is the Lifeline for Youth in Foster Care*. Retrieved October 18, 2012 from [http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file\\_20120829\\_140902\\_sAMYaA\\_0.pdf](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_140902_sAMYaA_0.pdf)

### Fostering Connections provisions on education

Fostering Connections, in seeking to promote education stability for children in foster care, requires that child welfare agencies develop “a plan for ensuring the educational stability of the child while in foster care” as part of every child’s case plan. As part of this plan, the agency must include assurances that:

- Each living placement decision of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement; and
- The state child welfare agency has coordinated with appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of placement.

Additionally, the law requires that if remaining in the original school is not in the best interest of the child, the case plan must include assurances by the child welfare agency and the local educational agencies that:

- The child will be immediately and appropriately enrolled in a new school; and
- All of the educational records of the child will be provided to the new school.

*"Every time we change schools, it has an impact on us, both intellectually and socially. During my sophomore year of high school, I changed schools three times in one year. I was taking Algebra, and each school had a different textbook. By the third school change, I had definitely fallen behind."  
—Lisa Dickson, Foster Care Alumna*

Fostering Connections also supports the well-being of children in foster care by requiring states to provide assurances in their Title IV-E state plans that every school–age child in foster care and every school–age child receiving an adoption assistance or subsidized guardianship payment is a full-time elementary or secondary school student or has completed secondary school.

### Challenges and achievements in education

One of the greatest challenges faced by students in foster care is school mobility. School changes often occur when children are initially removed from their families and when they change foster care placements while in care. Often, when youth in foster care must move, they spend considerable time out of school as a result of the poor coordination or lack of communication between child welfare and school personnel and caretakers that prevents prompt school re-enrollment. In many cases, youth must repeat courses and even grades because their records and course credits are not transferred from prior schools. Changing schools – which is challenging for any student – can be emotionally overwhelming for students in foster care who also must deal with separation from their parents and siblings, neighborhoods, and everything familiar to them. The combination of challenges can cause students in foster care to fall behind their peers in school, lose hope, and ultimately drop out of school.

Youth in care are entitled to educational stability, and efforts must be made to keep them in their same school whenever possible. School may be the one place where the youth has had, and can continue to have, consistency and continuity. The first step towards achieving school success for children in foster care is maintaining school stability. The Act was a groundbreaking first step in supporting education stability for children in foster care.

The Act has spurred important changes across the country. Most states have incorporated the requirements into state laws or policy. Many have provided training to the courts, state and

*“Our young people [in foster care] do want to be successful and get their education, but without the proper support system they can't achieve that.”*  
—Sixto Cancel,  
Foster Care  
Alumnus

local education agencies, state and local child welfare agencies, and other relevant stakeholders. Some have created interagency workgroups at the state or local level to evaluate and enhance practice and policy around education stability and have developed interagency agreements or protocols. In November 2011, the U.S. Departments of Education and Health and Human Services sponsored the first-ever national convening of state teams composed of child welfare, education, and court leaders to develop plans around implementation of this important law. Despite the progress that has been made, many states and tribes face significant challenges around implementation and additional law and policy changes are needed.

### **Policy considerations: what's next for education and foster care?**

Despite the education provisions in the Act and significant efforts in the states, barriers remain to the full and effective implementation of the education provisions of the law and to ensuring that children in foster care have school stability and continuity. In order to achieve these goals, it is essential that:

- Legal obstacles to data collection and information sharing between child welfare and education agencies be removed.
- Education agencies be explicitly required to coordinate with child welfare agencies to ensure education stability and continuity for children in foster care.
- The current mandate to keep children in their current schools (unless not in their best interest) be enhanced through clarifying the obligation of child welfare and education agencies to work together to ensure cost-effective transportation of children in care to ensure school stability.
- Interagency collaborations be promoted with clear identification of respective responsibilities and designation of points of contact for all issues regarding foster care and education.
- Needed services and supports be provided to ensure children in foster care not only have school stability but achieve successful school, work and life outcomes.

### **Conclusion**

The Fostering Connections to Success and Increasing Adoptions Act brought attention to the critical need for educational stability for students in foster care and the importance of collaboration between child welfare and education agencies to improve educational outcomes for these students. The Act's education provisions provide the much needed first step which now must be enhanced through federal policy. Improved Federal policies may provide the path to achieving positive educational outcomes for students in foster care through requirements designed to promote interagency collaboration and mutual responsibility for the education of students in foster care.

### **About the authors**

In 2007, three nationally respected advocates for the educational rights of children in foster care - the American Bar Association Center on Children and the Law, the Education Law Center and the Juvenile Law Center - formed the Legal Center for Foster Care and Education. The Legal Center serves as a national technical assistance resource and information clearinghouse on legal and policy matters affecting the education of children in the foster care system. The

Legal Center provides national technical assistance and expertise at the federal, state, and local level and to a wide range of advocates and stakeholders and promotes promising practices and reforms.

Kristin Kelly is a leading staff attorney at the American Bar Association Center on Children and the Law. Ms. Kelly works in the areas of child welfare, implementation of federal legislation, and court improvement. She focuses her time on the education needs of children in care as well as improving outcomes for older youth in and transitioning out of care. She has authored a number of articles and publications, including *Hearing Your Voice: A Dependency Guide for Youth and Collaboration around Education and Child Welfare Transition Plans*. Ms. Kelly obtained her J.D. from Indiana University School of Law, and her B.A. from the University of Notre Dame. She is a member of the Illinois Bar.

Kathy McNaught is the Project Director for the Legal Center for Foster Care and Education at the American Bar Association's Center on Children and the Law. Ms. McNaught provides training and technical assistance around the country on a variety of legal child welfare issues, in particular issues related to the educational needs of children in foster care. She is the Project Director for the Legal Center for Foster Care and Education, a national technical assistance and training resource and clearinghouse on the educational needs of children in foster care. Ms. McNaught received her J.D. from The American University, Washington College of Law in 1994, and her B.A. from Franklin and Marshall College in 1991.

Madelyn Freundlich is a senior child welfare consultant who works with national, regional, and state child welfare organizations as they develop and implement practice, program, policy, and research initiatives. Ms. Freundlich is one of the country's most respected researchers, trainers and policy professionals in the field of child welfare. She has created numerous initiatives that have defined best practices and shaped many programs that benefit children and families, and has developed practice and policy efforts that have gained national recognition. Her extensive writing includes four volumes on adoption and ethics, and several best-practices guides. She has served as General Counsel and Director of Child Welfare Services for the Child Welfare League of America, as Executive Director of the Evan B. Donaldson Adoption Institute, and as Policy Director for Children's Rights Inc. Ms. Freundlich holds master's degrees in social work and public health and holds both JD and LL.M degrees.

# HEALTH AND THE FOSTERING CONNECTIONS ACT OF 2008

By The American Academy of Pediatrics

## Considerations Health and foster care

Children who are placed in foster care are at a **higher risk of having a medical, social, or behavioral disability** than children in the general population.

**Health needs for children in foster care are often unmet** due in part to insufficient information about children in foster care and a lack of care coordination.

**Fostering Connections requires states to submit plans for how to ensure access to health care services**, including mental health services and dental care, for all children in foster care.

To date, **states have received few resources on health coordination and oversight implementation.**

**Federal guidance could improve health outcomes; reduce the need for acute care; and lower overall costs.**

### Overview

Passage of the *Fostering Connections to Success and Increasing Adoptions Act* represents a landmark achievement in addressing the health care access needs of children within the foster care system. Since the legislation was signed into law, states have filed plans to improve their systems of care.

Furthermore, additional policies have been put into place to address the oversight of psychotropic medications and to address the health care needs of those aging out of foster care.

### Background on health needs of children and youth in foster care

Approximately 662,000 children spend some time in foster care each year.<sup>18</sup> Most enter care because they have experienced neglect or abuse by their parents. Other children enter foster care because of behavioral or mental health challenges beyond their caregivers' abilities to address.

Children and teens have often received only fragmentary and sporadic health care prior to entering foster care.<sup>19</sup> Typically they enter foster care with a high prevalence of undiagnosed or under-treated chronic medical problems, often due to being without necessary medications or equipment. Between 35% and 60% of children entering foster care have at least one chronic or acute physical health condition that needs treatment.<sup>20</sup> Fractures, infections, burns, bruises, and other acute illnesses are also prominent and often a result of abuse.<sup>21</sup>

Of the children and teens entering foster care:

- About 50% have chronic physical problems (e.g., asthma, anemia, visual loss, hearing loss, and neurological disorders);
- About 10% are medically fragile or complex; and
- Many have a history of prenatal (maternal) substance exposure and/or premature birth.<sup>22</sup>

Some physical health issues may worsen during times of distress for children. For example, children or teens with asthma may experience more

<sup>18</sup> Congressional Research Service Report, *Child Welfare: Health Care Needs of Children in Foster Care and Related Federal Issues*, February 27, 2012

<sup>19</sup> Healthy Foster Care America, [http://www2.aap.org/fostercare/physical\\_health.html](http://www2.aap.org/fostercare/physical_health.html)

<sup>20</sup> CRS Report, February 27, 2012

<sup>21</sup> Healthy Foster Care America, [http://www2.aap.org/fostercare/physical\\_health.html](http://www2.aap.org/fostercare/physical_health.html)

<sup>22</sup> Ibid.

frequent flare-ups during times of transition or when there is increased chaos and unpredictability.<sup>23</sup>

Despite the overwhelming evidence of need, studies consistently demonstrate that many health care needs for children in the foster care system go unmet. Stark evidence that children are not receiving timely services has come from a range of studies, from the 1995 General Accounting Office (GAO) report demonstrating that one third of children had health care needs that remained unaddressed while in out-of-home care, to the recent analysis of the National Survey of Child & Adolescent Well-Being documenting that only a quarter of the children with behavioral problems in out-of-home care received mental health services within a one-year follow-up period.<sup>24</sup>

Mental health service use by children in foster care is 8-11 times greater than that experienced by other low-income and generally high-risk children in the Medicaid program.<sup>25,26</sup> Children in foster care account for 25-41% of expenditures within the Medicaid program despite representing less than 3% of all enrollees.<sup>27,28</sup>

The answer to this apparent contradiction lies in recent data, which have shown that up to 90% of these costs may be accounted for by 10% of the children.<sup>29,30</sup> A small number of children are receiving intensive, expensive services because the system has neglected them until their needs became catastrophic. The services are being shifted to the back end of the system to children living in residential treatment, group homes, and psychiatric facilities. This is ultimately a failure to screen adequately and provide services to the overwhelming majority of children who would be excellent candidates for treatment and would likely respond to more modest levels of treatment if such services were provided at the earliest possible time.

A national survey of children adopted from foster care found that 54% had special health care needs and research on youth who aged out of foster care shows these young adults are more likely than their peers to report having a health condition that limits their daily activities and to participate in psychological and substance abuse counseling. Even after entering foster care, children and teens may not receive all necessary health care because of a variety of [barriers to good care](#).

### Fostering Connections provisions on health oversight and coordination

Section 205 of the law requires states to develop, in coordination and collaboration with the state Medicaid and child welfare agencies and in consultation with pediatricians, other experts

<sup>23</sup> Healthy Foster Care America, [http://www2.aap.org/fostercare/physical\\_health.html](http://www2.aap.org/fostercare/physical_health.html)

<sup>24</sup> Burns BJ, Phillips SD, Wagner RH, et al. Mental health need and access to mental health services by youths involved with child welfare: a national survey. *Journal of the American Academy of Child and Adolescent Psychiatry*. 2004;43(8):960-970.

<sup>25</sup> Harman JS, Childs GE, Kelleher KJ. Mental health care utilization and expenditures by children in foster care. [see comments.]. *Archives of Pediatrics & Adolescent Medicine*. 2000;154(11):1114-1117.

<sup>26</sup> Halfon N, Berkowitz G, Klee L. Mental health service utilization by children in foster care in California. *Pediatrics*. 1992;89(6 Pt 2):1238-1244.

<sup>27</sup> Ibid.

<sup>28</sup> Takayama JI, Bergman AB, Connell FA. Children in foster care in the state of Washington. Health care utilization and expenditures. *JAMA*. 1994;271(23):1850-1855.

<sup>29</sup> Ibid.

<sup>30</sup> Rubin DM, Alessandrini EA, Feudtner C, Mandell D, Localio AR, Hadley T. Placement stability and mental health costs for children in foster care. *Pediatrics*. 2004;113(5):1336-1341.

in health care, and experts in and recipients of child welfare services, a plan for the ongoing oversight and coordination of health care services for any child in a foster care placement.

The plan must ensure a coordinated strategy to identify and respond to the health care needs of children in foster care placements, including mental health and dental health needs, and must include an outline of:

- a schedule for initial and follow-up health screenings that meet reasonable standards of medical practice
- how health needs identified through screenings will be monitored and treated
- how medical information for children in care will be updated and appropriately shared, which may include the development and implementation of an electronic health record
- steps to ensure continuity of health care services, which may include the establishment of a medical home for every child in care
- the oversight of prescription medicines
- how the state actively consults with and involves physicians or other appropriate medical or nonmedical professionals in assessing the health and well-being of children in foster care and in determining appropriate medical treatment for the children
- steps to ensure that the components of any transition plan for children aging out of foster care includes information about the options for health insurance; information about a health care power of attorney, health care proxy, or other similar document recognized under state law; and provide the power for a child to execute such an agreement upon exiting care (per PL 111-148)
- steps to monitor and treat emotional trauma associated with a child's maltreatment and removal, in addition to other health needs identified through screenings (per PL 112-34)
- protocols for the appropriate use and monitoring of psychotropic medications (per PL 112-34).

### Challenges and achievements in health oversight and coordination

Federal guidance on the development of these plans, ACF-CB-PI-09-06, was distributed to states, territories, and insular areas on June 3, 2009. While federal law provides protections to address the health needs of children in foster care, significant challenges remain. For example, federal child welfare law requires cooperation between state child welfare and Medicaid agencies to ensure that the health needs of children in foster care are properly identified and treated; however, there has been little federal guidance on how cooperation should occur.

The AAP Division of State Government Affairs has been monitoring the submission of the state Health Oversight and Coordination Plans (HOCPs) required by the Fostering Connections Act since they were due on June 30, 2009, as well as state implementation efforts of the individual plan components. A report on state progress on Health Oversight and Coordination Plan development can be found in the AAP Division of State Government Affairs' State Strategy resource, *Fostering Connections to Success and Increasing Adoptions Act: State Implementation of the Health Oversight and Coordination Plan*.<sup>31</sup>

<sup>31</sup> American Academy of Pediatrics. Division of State Government Affairs. *State Strategy: Fostering Connections to Success and Increasing Adoptions Act: State Implementation of the Health Oversight and Coordination Plan*. 2012: 6-14.

States have reported incorporating the following standards (as required by the Fostering Connections Act) into their Health Oversight and Coordination Plans.

- Currently, **22 states** have reported comprehensive state plans that incorporate the **six major standards** for health oversight and coordination: (1) schedule for initiative screenings; (2) monitoring; (3) updating and sharing medical information; (4) establishing medical homes; (5) oversight of prescription medicines; and (6) state consultation with physicians and professionals in determining appropriate medical care.
- Policies for **initial and following up screenings** have been reported in **44 states**.
- **Policies for monitoring and treating health needs identified through screenings have been reported in 43 states.**
- **Thirty-nine states** reported policies in place for updating and sharing **medical records**.
- **Thirty-two states** reported policies designed to ensure continuity of care through the establishment of a **medical home for every child within foster care.**
- **Thirty-two states reported oversight of prescription medicine.**
- **Thirty-seven states** reported consulting with physicians and professionals in determining **appropriate medical treatment** for children in foster care.

An analysis of the plans and progress offers several observations and recommendations for future action.

### Observations

- A number of states have not fully addressed all of the Health Oversight and Coordination Plan components required by the Act. The two components most commonly absent from state plans are:
  - Steps to ensuring continuity of health services, which may include establishment of a medical home for every child in care; and
  - Oversight of prescription medicines
- In working on state implementation with AAP chapters and members, a disconnect has been observed between what states are reporting in their Health Oversight and Coordination Plans and the services actually being delivered to children in foster care.
- Currently there appears to be no method of accountability to ensure states that have not met all criteria required in their Health Oversight and Coordination Plans will do so.
- Will the Health Oversight and Coordination Plans be assessed together with regular reviews of state foster care programs or will they be evaluated independently?

### Conclusion

The Fostering Connections to Success and Increasing Adoptions Act brought attention to the critical need for oversight of the health care for youth in foster care and the importance of collaboration between health care professionals and child welfare to improve health outcomes for these youth. The Act's health provision provides the much needed first step which now must be enhanced through federal policy. Federal legislation can provide the path to achieving positive health outcomes for youth in foster care through requirements designed to ensure that the Health Oversight and Coordination Plans are being implemented and that the components of the health provision component of the law are being adequately and effectively addressed.

## Policy considerations: what's next for health oversight and coordination and foster care?

The AAP respectfully makes the following recommendations regarding What's Next for Health Oversight and Coordination for children in foster care.

### Recommendations

- A mechanism should be implemented to assess whether states have included all of the necessary components of the Health Oversight and Coordination Plan.
  - Such a mechanism would allow the Administration for Children & Families to adequately hold states accountable for omission of the required Health Oversight and Coordination Plan components.
- An evaluation process should be established that ensures plan components being reported are actually being delivered in respective states.
- The Health Oversight and Coordination Plan component that offers significant overall value to children in care is the “Steps to ensuring continuity of health services, which may include establishment of a medical home for every child in care” component. Establishment of a quality medical home for children in care can result in significant improvement in many of the other components of the Health Oversight and Coordination Plan. It should be determined whether states have reported, implemented, and are delivering this component as a key starting point in assessing overall state progress.
- Given the distinct roles played by the child welfare and Medicaid agencies, understanding precisely what cooperation means and how it should occur remains a question. Further guidance would benefit states as they work to fully implement the law's requirements.
- State Health Oversight and Coordination Plans can be used by both the appropriate federal agency and the states to track and improve health care for children in foster care, and to highlight particularly innovative plans.
- Incentives should be developed for states to examine ways to improve the collection, maintenance, and sharing of information. State health oversight and coordination plans are not intended to be static documents, but dynamic processes that help drive continuous quality improvement.
- States are also encouraged to consider using the planning process to help inform their Program Improvement Plans under Child and Family Service Reviews as well as other periodic efforts to improve child welfare and foster care systems.
- Because the health provision requires state consultation with pediatricians to plan for ongoing oversight and coordination of health care services for any child in a foster care placement, states are encouraged to consider creating the position of Medical Director within their child welfare departments/agencies to employ a pediatrician to assist with the development, oversight and coordination of health care services for children in foster care.

### Looking Ahead

There are other aspects of the health care system that need to be addressed as part of a comprehensive oversight system. These include the following:

- Standards of health care for children in foster care defined by the AAP and the American Academy of Child and Adolescent Psychiatry should be followed.
- Health financing would ideally pay for the service needs of the children--e.g. trauma-focused mental health care by a child mental health professional.
- Financing should be directed toward that which has evidence or is promising, and away from practices that have been shown not to have any benefit.
- There should be improved training for foster parents, case workers, and all professionals involved with children in foster care - particularly around the impact of trauma on emotional, behavioral and cognitive development and what works to help children.
- Efforts should be made and incentives offered to increase the size of the child mental health workforce (especially with an emphasis on trauma-informed care, and family therapy).
- Financing should include opportunities for children to participate in “normalizing activities” as this contributes to overall physical and mental health.
- Inter-disciplinary teams should be created at state and local levels so as to move policy into practice.

### **About The American Academy of Pediatrics**

American Academy of Pediatrics (AAP), a non-profit professional organization of 62,000 primary care pediatricians, pediatric medical sub-specialists, and pediatric surgical specialists dedicated to the health, safety, and well-being of infants, children, adolescents, and young adults.

The American Academy of Pediatrics has a deep and abiding interest in the health care provided to children at every stage of the child welfare system. The Academy has published a handbook on the care of children in foster care, *Fostering Health*, as well as numerous policy statements, clinical guidelines, and studies regarding child abuse, neglect, foster care, and family support. In addition, the Academy manages a website on health for children in foster care titled, *Healthy Foster Care America*.

In addition, in 2007 the Academy recognized the unique challenges faced by children in foster care by designating the special health care needs of children in foster care as one of its strategic priorities. One key outcome was the establishment of the Council on Foster Care, Adoption and Kinship Care (COFCAKC), that leads efforts of the Academy to improve the health of children in foster care.

# KINSHIP CARE AND THE FOSTERING CONNECTIONS ACT

## Considerations

### Kinship and foster care

Research consistently shows that **kinship care is good for children** in foster care.

Children in kinship care:

- Experience less trauma as a result of being separated from parents and placed with strangers;
- Are more likely to be placed together with their siblings;
- Experience fewer behavioral problems than children in traditional foster care;
- Are able to stay connected to their extended family networks and maintain cultural and familial ties; and
- Are less likely to be on psychotropic medication.

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### Relative placements are growing

The percentage of children in foster care living with relatives increased from 24 percent in 2008 to 27 percent in 2011, according to the Adoption and Foster Care Analysis and Reporting System (AFCARS).

*By MaryLee Allen and Jennifer Miller*

### Overview

When children cannot live with their own parents, relatives and others who have close connections to families often step in to assume caregiving responsibilities. Known as “kinship care”, public and private child welfare agencies have long recognized it as the preferred option for children who are removed from their parents for abuse or neglect. The Fostering Connections to Success and Increasing Adoptions Act (the Act) includes several provisions that increase the likelihood that relatives will be identified for children in foster care, affirm the flexibility states have to approve kin as foster parents, and help children find permanent homes through federally supported subsidized guardianship when they cannot return home or be adopted. The Act also reinforces the importance of placing siblings together whenever possible. This brief outlines the kinship-related provisions in The Act and summarizes implementation progress in the states.

Taken together, the kinship provisions in the Fostering Connections Act reinforce a strong federal preference for kinship care whenever possible and appropriate. The Act provides states with the resources and strategies needed to take kinship care to the next level and further promote family connections for all children involved in the child welfare system. While much work remains, many states are working diligently to make kinship care the rule and not the exception for children in foster care. The Act contains kinship provisions aimed at three primary outcomes:

1. Ensuring family connections for children at risk of entering or in foster care;
2. Encouraging support for kinship families to meet the needs of children; and
3. Promoting permanent homes with kin for children in kinship foster care.

The six kinship-related provisions in the Act and state progress in implementing these provisions are described below.

## Provision #1: Identification and notice requirement

### Overview

The identification and notice provisions in the Fostering Connections Act require agencies to make due diligence efforts to identify and notify all known adult relatives for children within 30 days of the children's removal from their parents. The legislation did not define due diligence but rather left it up to the states to determine what constitutes due diligence. The notice must include information about the right relatives have to be considered as a placement option, including the right to become a licensed foster parent, and any rights relatives give up by failing to respond to the notice. The legislation does not require written notice but subsequent guidance from the Department of Health and Human Services (HHS) strongly encourages states to provide written notice in the form of a letter. HHS guidance also encourages states to use the same definition of relative for the notice requirement as it uses for the Guardianship Assistance Program (GAP) for those states that opt into this program.

### Accomplishments

The identification and notice requirements help ensure that whenever possible, grandparents and other adult relatives are identified and informed that their relative children are in custody and have an opportunity to step forward to care for them. It helps prevent unfortunate situations in which relatives learn that children are in foster care only after they have already been in placement for long periods of time with no family connections.

According to an analysis on Grandfamilies.org, at least 14 states have enacted new notification laws or amended prior notification laws that reflect the language in the Act. Other states have included the notice requirement in their policy manuals. Several states have written notice letters that are routinely sent out as soon as a child comes into care and information about their families can be gathered. In jurisdictions that are using their notice requirement on a routine basis, they report that relatives are stepping forward sooner in the life of a child's case and that they have more options for placement of the child with a family member or someone familiar to them.

### On-going challenges

The identification and notice requirements have not yet reached their full potential. In many jurisdictions, practice challenges are impeding full implementation. Some caseworkers still report being uncomfortable sending out notice letters for fear they will compromise confidentiality of the parents. Many report that parents are resistant to identifying relatives. Additionally, many jurisdictions still lack the technology to search for relatives and even if they do have the technology, do not have sufficient staff to conduct and follow up on searches. Finally, some states do not provide written notice and in general, lack the documentation in the case record needed to demonstrate that due diligence has been made.

Additionally, several states have old statutes on the books that have not been amended to reflect the Fostering Connections Act identification and notice requirements. Some do not comply with the required timeframe for notifying relatives and others are missing the full set of requirements, such as the requirement to inform relatives of their right to be a foster parent.

## Provision #2: Federal and state parent locator service

### Overview

The Fostering Connections Act encourages child welfare agencies to access the federal and state parent locator service to locate absent parents and relatives. This provision expands the authority of the Office of Child Support Enforcement (OCSE) in HHS to share information with child welfare agencies that is necessary for states to meet federal Title IV-E and Title IV-B requirements. The federal and state parent locator services provide information needed to identify custodial or non-custodial parents of the children, to identify relatives of the children and their parents, and to collect child support on behalf of the child in care. Children's Bureau guidance released in August 2012 (ACYF-CB-IM-12-06) affirms the ability of child welfare agencies to access information about relatives, as well as absent parents, through the federal and state parent locator service to meet the identification and notice requirement. Child support agencies can share names, addresses, social security numbers, employer's names, employer's addresses and the federal employer identification number. Additional information can be shared for the parents of children in care.

The provision to access the federal and state parent locator service can help states identify absent parents and relatives for children in state custody. It expands the strategies states have available to them to identify maternal and paternal resources and to identify and provide notice to a larger pool of relatives as family connections for children in care.

### Accomplishments

For many years, child support enforcement agencies and child welfare agencies have lacked concrete guidance from the federal government about what information can and cannot be shared between the two agencies. The Fostering Connections Act promotes collaboration between the two entities and has prompted a much clearer set of guidelines about information sharing.

Some states have memoranda of understanding (MOU) between child support and child welfare agencies that encourages the use of the federal and state parent locator service by authorized child welfare users. The Information Memorandum from the Children's Bureau and OCSE provides more specificity about the types of information that can be released and the best method for getting this information from child support agencies. States now have an opportunity to revisit existing MOUs, develop new ones in states that still lack them, and promote the use of federal and state parent locator services more aggressively in efforts to identify and provide notice to relatives.

### On-going challenges

The biggest challenges to implementing the federal and state parent locator service provision are:

- Lack of awareness about how the federal and state parent locator service can be used to identify relatives for children in foster care; and
- Lack of a model for a MOU that takes into account the new federal guidelines.

### Provision #3: Waiver for non-safety licensing standards

#### Overview

The Fostering Connections Act affirms legislatively the flexibility that states already had in regulation to grant waivers for non-safety standards in order to license kinship families. This provision recognizes that some licensing standards for traditional (non-kin) resource parents are not appropriate for kin families, such as certain space requirements, some standards related to home environment, and income requirements. The provision gives states more confidence that they can be flexible in their approach to licensing relative foster homes without compromising safety of the child. Federal law is clear that states are to define the non-safety standards. While states have had this flexibility since the passage of the Adoption and Safe Families Act (ASFA), they have not always taken advantage of such flexibility in licensing kinship families.

#### Accomplishments

Some states have used this provision to actively promote the use of licensing waivers at the local level and to be more specific in their policies about what kinds of things can be waived. By giving greater specificity to the types of licensing waivers that can be approved, caseworkers and mid-level managers can grant exceptions with more confidence that they are not putting children at risk.

Additionally, the waiver authority has been helpful for those states that have opted into the Title IV-E Guardianship Assistance Program (GAP). Since all families being considered for Title IV-E GAP must be licensed, states can grant waivers for prospective kinship guardians that they would not be able to grant for non-kin. Waivers have been utilized to reduce the number of hours of training required, where appropriate, allow for training to take place in the home, allow children to share a bedroom where developmentally appropriate, overlook misdemeanor charges from many years ago, and disregard space requirements.

#### On-going challenges

Unfortunately, many states still have not taken advantage of the flexibility afforded by this provision. In some states, kin are held to the exact same standards as non-kin even when there are no safety concerns. As a result, children miss opportunities to be placed with kin who otherwise would be appropriate placement resources.

Too often, the lack of flexibility in the licensing process results in children being placed with kin in unlicensed homes. When children are in unlicensed foster homes, they are denied foster care subsidies intended to help meet their needs. In unlicensed kinship care, kin families have all of the responsibilities of a foster parent without adequate financial support. Unlicensed kin families who later want to adopt or become guardians also face challenges becoming eligible for adoption and guardianship subsidies. Many states that have opted into Title IV-E Kin-GAP have made increased efforts to help kin families become licensed in order to pave the way for guardianship if they cannot return home or be adopted, but more work needs to be done in this area, particularly in states that have not opted into Title IV-E GAP.

Finally, a review of licensing standards overall has found that many states have regulations that are outdated, overly bureaucratic, or in some cases, discriminatory against certain types of families. For more information about problems with state licensing standards in general and some ideas for reform, see

<http://www.grandfamilies.org/LinkClick.aspx?fileticket=RXez0GfebrQ%3d&tabid=41&mid=403>

## Provision #4: Title IV-E guardianship assistance program (GAP)

### Overview

The Fostering Connections Act promotes permanency for children living with kin by providing states with the option to use federal Title IV-E funding for kinship guardianship subsidies. Known as the Title IV-E Guardianship Assistance Program (GAP), this provision allows children who cannot return home or be adopted and have lived in a foster home with a licensed relative for at least six consecutive months to live permanently with that relative who obtains guardianship with a guardianship subsidy. It recognizes the important considerations for kinship families in deciding whether guardianship or adoption is in the child's best interests, and respects family and cultural preferences while still enabling children to leave foster care to a legally permanent home.

### Accomplishments

As of December 2012, 29 states, the District of Columbia and one Indian tribe have submitted plans and been approved for Title IV-E GAP. Two additional states have submitted a plan that is awaiting approval. HHS and the states have worked collaboratively to negotiate state plan amendments in a relatively quick timeframe, with most of the state plan amendments taking less than a year to finalize.

A recent report, *Making It Work: Using the Guardianship Assistance Program (GAP) to Close the Permanency Gap for Children in Foster Care*, released by a coalition of organizations, coordinated and written by the Children's Defense Fund and Child Trends, finds many positive features of Title IV-E GAP:

- Eight states that are implementing federal GAP did not have a state guardianship assistance program prior to implementation of the Fostering Connections Act. For these states, the Fostering Connections Act made all the difference in allowing them to promote GAP and improve the permanency continuum for children in their states;
- Twenty-one states and the District of Columbia use a broad definition of relative that includes fictive kin. These states are able to engage people who have familial-type relationships with the child, such as a close family friends, neighbors, or godparents, who are not related by blood, marriage or adoption;
- Twenty-six states and the District of Columbia cover children who are not eligible for federal GAP through state guardianship assistance programs;
- Several states report that GAP has been helpful in allowing them to place siblings together in guardianship homes;
- Many states are extending guardianship assistance to age 21 for youth who have disabilities that warrant continuation of assistance and/or are extending GAP to ages 19, 20 or 21 for youth who were age 16 or older when GAP became effective and are engaged in school, working and/or preparing for work.

To access the report and for much more detailed information about GAP implementation, see <http://www.childrensdefense.org/child-research-data-publications/data/making-it-work-using-the.pdf>

### On-going challenges

Most of the news about implementation of the Title IV-E GAP provision is positive. However, some implementation challenges remain.

- Nineteen states have yet to submit a state plan amendment for Title IV-E GAP. Some of these states do not have large numbers of children placed with kin in foster care, have yet to promote kinship care more broadly, and/or are concerned about increased costs if GAP is implemented.
- The requirement in Title IV-E GAP for kinship homes to be licensed is a barrier for both states that are implementing GAP and those that have yet to implement it. More work remains to develop model licensing standards for kinship homes that recognize the unique needs and circumstances of kinship families.
- Some states that have opted into Title IV-E GAP find that it takes a long time to enroll children into the program. Some states reported that it takes consistent and widespread education and training to familiarize agency staff and courts about the program and to understand when it is most appropriate as a permanency goal.
- The lack of federal support for successor guardians is a disincentive for states to establish the right to successor guardianship in their guardianship assistance programs. Successor guardians can help promote continuity for children who lose a guardian due to death or another reason, without needing to re-enter foster care.
- Many state administrators, kinship care advocates, and other stakeholders express concern that Title IV-E GAP only reaches children who have been in foster care. These stakeholders would like to see a GAP type program extended to kinship families *before* children are in care as a way to prevent out of home placement. Although some kinship families are eligible for TANF child-only grants if the children are not in care, these programs do not reach many of the eligible families and the level of assistance is quite low.

### Provision #5: Maintaining sibling connections

#### Overview

The Act requires states to make reasonable efforts to place siblings together in foster, guardianship or adoptive homes unless it is contrary to the welfare of one or more of the siblings to be in the same home. When siblings cannot be placed together, it requires states to allow for frequent contact between the siblings to maintain familial connections. The Act reinforces the importance of sibling connections by allowing siblings to be placed in the same federally-supported guardianship home without regard to Title IV-E status.

#### Accomplishments

Even before Fostering Connections was enacted, many states recognized the importance of helping siblings stay together in their foster, guardianship and adoptive placements. This recognition was due in large part to stories from alumni of foster care who were separated from their siblings and spoke about the trauma of losing those family connections. This provision has helped make sibling connections a higher priority in many states and coupled

with support for kinship care more generally, enhances the likelihood that siblings will be placed together.

Several states have enacted a Sibling Bill of Rights that emphasizes the importance of sibling connections. The New England Youth Coalition, for instance, developed such a bill of rights that has been signed by all six New England child welfare commissioners. Other states, such as California, have embedded these rights within a broader Foster Youth Bill of Rights. To address the shortage of foster homes that can care for large siblings groups, some jurisdictions specifically recruit foster families with this goal in mind.

### **On-going challenges**

The major challenges to implementation of the sibling provision are twofold:

- The lack of foster family homes or kinship homes with adequate space or capacity to take in large siblings groups; and
- The lack of data to track how well states are doing meeting this goal.

## **Provision #6: Authorizes competitive “Family Connections” grants to test innovative approaches to kinship care**

### **Overview**

The Act authorizes grants to states, Indian tribes, and nonprofit organizations to implement programs designed to help children who are in, or are at risk of entering, foster care to stay connected to family members. Specifically, the Act authorizes \$75 million over five years for the implementation of four specific program models: (1) kinship navigator programs, (2) intensive family finding, (3) family group decision-making, and (4) residential family treatment. Three percent of the funds authorized are set aside to conduct a rigorous evaluation of the programs funded.

In 2009, twenty-four grants of up to \$1 million per year were approved to support the initiation or expansion of programs in the four program models listed above. In 2011, seven grants of up to \$550,000 per year were awarded to test the effectiveness of family group decision making to help reduce the amount of time children and families are involved in the child welfare system. In 2012, twelve grants of up to \$500,000 were awarded to programs promoting TANF collaboration in kinship navigation and family finding through family group decision making. The findings from the evaluations of these demonstration project are to be used to inform future efforts to implement family connection programs in jurisdictions nationwide.

### **Policy considerations: what next for kinship care?**

The Fostering Connections Act was a landmark piece of legislation that began to make good on the promise and potential for connecting children to kin and helping them find permanent homes with relatives whenever possible and appropriate. As illustrated above, much positive progress has been forged as a result of the legislation. However, much work does remain. In the coming months and years, more attention should be paid to the following:

#### **Identification and Notice Requirements**

**Put more teeth into the Identification and Notice Requirements, including:**

- Align state statutes with the federal law in all states
- Require states to provide written notice rather than leaving it as a state option

- Require documentation of relatives identified in the case file from the moment a child comes to the attention of the child welfare system

#### **Federal and State Parent Locator Service**

##### **Promote more widespread use of FPLS**

- Develop a model MOU between a state public child welfare agency and child support enforcement agency
- Create an awareness and education campaign for how public child welfare and child support enforcement agencies can collaborate to locate absent parents **and relative resources**

#### **Licensing of Kinship Families**

##### **Promote more comprehensive licensing reform**

- Encourage states to review licensing standards for outdated and potentially discriminatory standards that preclude placement of children with kin
- Develop standards for licensing kinship families that promote safety, permanency and well-being for children
- Examine the impact on children and caregivers of keeping children in unlicensed care

#### **Title IV-E Guardianship Assistance Program**

- Promote the GAP option in the 19 states that have not yet submitted a state plan amendment
- Develop methods to track the programmatic and fiscal impact of GAP so the field can understand the long-term impact on children's safety, stability and well-being
- Explore ways to provide financial support to more kinship families, both those in the foster care system and those who are keeping children out of foster care

#### **Sibling Connections**

##### **Create more accountability and peer learning for states to keep siblings together**

- Require states to report their baseline and progress with keeping siblings together
- Create peer learning on how to recruit foster families for large siblings groups

#### **Family Connections Grants**

- Use the evaluation findings, the first of which will be released in December, to inform future program and policy development

### About the authors

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# OLDER YOUTH AND THE FOSTERING CONNECTIONS ACT

## Considerations

### Older youth and foster care

**Almost 28,000 youth “aged out” of foster care in 2010** and more than 200,000 “aged out” over the past ten years, leaving the child welfare system without a permanent family connection.

**Youth who “age out” of foster care are more likely to face poor outcomes than their peers.** They are more likely to be homeless, unemployed, and incarcerated compared to the general population.

**Remaining in foster care past age 18 has been shown to improve outcomes for youth.**

Adolescent brain science shows that significant brain growth occurs during adolescence and emerging adulthood and the brain can be successfully “rewired” during these years. Young people in foster care have the potential to succeed in life, work and relationships when given the right supports, opportunities and challenges.

Since the Fostering Connections Act passed, **15 states and D.C. have opted to extend foster care past age 18 with federal support**, however, much work remains to address the unique needs of teens in foster care and prevent foster youth from exiting at 18 without the skills and relationships they need to succeed.

*By Hope Cooper, True North Group, Elizabeth Jordan, Child Trends and Marci McCoy-Roth, True North Group*

## Overview

One of the great challenges of the child welfare system remains how to serve the unique needs of older youth in foster care. This includes supporting youth transitioning from foster care when they become ineligible for foster care services because of their age (typically around age 18). It also includes better preparing youth earlier in adolescence to ensure that they develop the skills and relationships they need by age 18 to ensure a successful transition to adulthood.

Studies show that when youth exit foster care at age 18, also known as “aging out”, they typically face a number of significant challenges that all young adults eventually face, from supporting themselves financially, to finding safe and stable housing, to acquiring health insurance, to pursuing work or higher education. Exacerbating these challenges, youth who “age out” of foster care typically face these challenges without the assistance, advice, and support of a permanent family. In addition, too often foster youth have not had the necessary supports and services prior to reaching age 18 to build a strong foundation for their transition to adulthood. For example, teens in foster care often live in group homes that restrict their access to healthy relationships and to the normative developmental opportunities provided by sports, part-time jobs, after-school programs and other similar activities.

Perhaps not surprisingly, youth who “age out” of foster care often have negative health, employment and education outcomes. They are less likely to be employed or to have health insurance (Roth, 2010). A national study found that only 54 percent of foster youth who had “aged out” of the system had graduated from high school two to four years after discharge (Courtney, 1998). Additional research has shown youth who “age out” are more likely to experience negative outcomes including poverty, homelessness, incarceration, and mental or physical illness; and to lack the life and educational skills necessary to live successful, independent lives” (Kushel, 2007). Although there has been a slight decrease in the numbers of youth who exited foster care by “aging out,” the proportion of children who age out is still rising: in 2001, 7.1 percent of foster care exits were due to “aging out,” in 2010 they were over 11 percent (Roth, et al., 2011).

The Fostering Connections to Success and Increasing Adoptions Act (The Act) made a number of changes to federal policy aimed at better supporting permanency outcomes for older youth as well as their overall health and

well-being. These changes encompass new supports and services to help youth navigate the difficult transition from foster care to independence, including the option for states to extend support for foster care to youth up to age 21 with matching federal resources and requiring youth complete a transition plan before “aging out” of foster care. This important legislation was inspired by the powerful advocacy of former foster youth who shared their first-hand knowledge of the difficulties and obstacles facing youth “aging out” of foster care. The personal stories of these young leaders were supported by major research studies documenting the wide array of negative outcomes experienced by former foster youth.

### **Fostering Connections provisions on extending foster care to older youth**

The Fostering Connections Act includes requirements and options for state child welfare agencies in serving older youth:

**Extension of federal assistance beyond age 18.** The Act provides a state option to continue Title IV-E reimbursable foster care, adoption, or guardianship assistance payments to youth up to age 21 in accordance with specific criteria enumerated within the Act. This allows state child welfare agencies to receive federal financial support while offering the financial supports and protections to older youth.

**Extension of services to older youth who achieve permanency.** The Act extends eligibility for Chafee Foster Care Independent Living Program services to children who are adopted or enter into a guardianship at age 16 or older. Eligibility for education and training vouchers is also extended to youth who enter into a guardianship at age 16 or older, matching previous eligibility guidelines for youth who were adopted at age 16.

**Transition plan requirement.** The Act requires that all youth, with the assistance of their caseworker, develop a personalized transition plan during the 90 days prior to “aging out” of foster care at age 18 (or up to 21 as the state may elect). The transition plan should be **youth-led** and personalized to the special needs of each individual young person. The plan must address housing, health insurance, education, local opportunities for mentors and continuing support services, and workforce supports and employment services.

**Additional benefits.** In addition to the sections specifically tailored towards older youth, older youth in foster care benefit from other sections of the Act including kinship guardianship, adoption, sibling placements, educational stability, notification of relatives, and expanded training requirements. (Geen, 2009)

### **Background on implementation of older youth provisions under the Fostering Connections Act**

Since 2009, at least seventeen states have enacted legislation aimed at implementing the older youth provisions. These include bills requiring the state agency to extend care beyond age 18 as well as bills codifying federal regulations, such as the transition planning requirements.

Thus far, fifteen states and the District of Columbia have received federal approval of Title IV-E state plan amendments extending fostering care beyond age eighteen. These include: Alabama, Arkansas, California, the District of Columbia, Illinois, Maine, Maryland, Michigan, Minnesota, Nebraska, New York, North Dakota, Oregon, Tennessee, Texas, and Washington. Four additional states have submitted plans which pending approval. A vast majority of the

plans extend care through age 21. Many of the state plans also embrace other optional provisions of the Act such as allowing options for supervised independent living arrangements; trial independence and re-entry; voluntary placement agreements, and providing direct foster care maintenance payments to young adults.

California's Assembly Bill (AB) 12 is an example of a state's comprehensive approach to enacting the older youth provisions of the Fostering Connections Act. AB 12 resulted from a collaborative effort to improve outcomes for thousands of youth in California's foster care systems. Legislators, agency officials, private foundations, service providers, youth leaders and many others worked together in developing the legislation and continue to collaborate on implementation efforts. Implementation of AB 12 is being supported by a robust information campaign, the After 18 campaign. It is an engaging and broad campaign designed to reach older youth in foster care. After 18 provides a series of videos, conversation guides, and social networking messages geared towards disseminating information about California's new services for older youth.

At this point, we do not know the full impact that the Fostering Connections Act has had on states' policies to extend independent living services, educational and training vouchers or youth-led transition planning. Based on available information, it appears that these requirements are being implemented in an uneven way across the country. Further research is needed to evaluate how the Fostering Connections Act has impacted the outcomes of youth "aging out" of foster care.

With regard to transition planning, a helpful resource for states was produced by the *National Child Welfare Resource Center for Youth Development (NRCYD)*, "Transition Planning with Adolescents: A Review of Principles and Practices Across Systems," available at <http://www.jimcaseyyouth.org/transition-planning-adolescents-review-principles-and-practices-across-systems>. This resource provides a rich overview of transition planning across various public service sectors and highlights promising practices of transition planning for older foster youth, including examples from Hawaii, Iowa, Oregon, Louisiana, Minnesota and New Mexico.

### **Policy considerations: what's next for older youth in foster care?**

The Fostering Connections Act set forth significant new policy and practice goals to assist foster youth during their time in foster care as well as their outcomes upon leaving foster care. The Federal legislation signaled to state child welfare agencies a priority around multiple areas of well-being among youth: education, health, permanent family relationships and transition to adulthood. The Fostering Connections Act has brought national attention to the important needs of older youth in foster care and has prompted thoughtful action among many state policy and programmatic leaders. However, more needs to be done. There are several big challenges that merit attention of federal policy makers:

**Extending care beyond 18.** Even with the federal funding option, less than half of all states have extended care beyond age 18.

- All states would benefit from more information about the importance of extending care. Research about the adolescent brain and positive youth development coupled with the fiscal impact of protecting this population from poor outcomes can help

states understand the various ways in which young people benefit from supports and services beyond age 18. Fiscal analysis can also highlight the important savings to states in designing age-appropriate services and supports to foster youth past age 18.

- The National Resource Center for Youth Development held a meeting in September 2012 for those state agencies that have received federal approval (or are awaiting approval) to extend foster care beyond age 18. Federal-state leadership efforts that facilitate the exchange of information and innovative ideas are valuable and should continue. States would especially benefit from learning how to better design extended care to meet the unique developmental needs of young adults, attract foster youth to the program, and facilitate enrollment in available services and supports. In addition, state child welfare agencies would benefit from opportunities to learn how to coordinate across public agencies including those that provide services to adults, such as housing and workforce development.
- Congress can also play a role by holding hearings to highlight state approaches or by urging the Administration for Children and Families to take additional leadership in supporting states.

**Permanency and well-being.** State child welfare agencies need specific guidance for engaging older youth and potential permanent caregivers so that older youth can achieve permanency other than “aging out”. The state option to extend care provided by the Fostering Connections Act gives agencies an additional three years to help youth create or develop a permanent family connection. The needs and concerns of caretakers of older youth and youth themselves are unique. Chronic illness, psychotropic use, high school dropout rates, and teen pregnancy are disproportionately high among the foster youth populations. There is much need for more professional training and resource development in this area. Permanency materials and conversation guides for prospective caregivers should be tailored to address the needs and concerns of this population. Evidence from studies such as the Wendy’s Wonderful Kids program evaluation shows that permanency through adoption is achievable for older youth with special needs. As referenced in the health and education sections of this paper, more work remains to be done to ensure that foster youth have the educational stability and access to health care services that are critical to their overall well-being.

**Oversight.** States that have extended care beyond age 18 are addressing oversight issues in different ways. Quality oversight for youth in extended care presents certain challenges and opportunities. Oversight of foster care beyond age 18 must recognize that these young people are legal adults. Oversight must ensure a proper balance in holding both the young person and the child welfare agency accountable for providing age-appropriate services and support. Congress can hold hearings, ask for briefings from ACF, and request government studies to better understand the way states are approaching oversight in extended care plans.

High-quality oversight will allow states to answer questions such as: What is the training of court professionals? What are policies and practices regarding the use of sanctions and expulsions from foster care? What type of case planning is being done for young adults? Are young adults supported in achieving their goals for permanency, education, health, work?

**Youth engagement.** The Fostering Connections Act was clear in its charge to state child welfare agencies to engage youth in a meaningful way in their transition planning. The

transition planning process as required by the Act provides youth with the opportunity to discuss essential components to healthy adulthood with their caseworkers and other trusted adults before leaving care. To ensure the intended goal and maximum benefit of the Act is being achieved, Congress could require a study, such as by the Government Accountability Office, to examine how states are implementing this provision and to assess what, if any, further federal action might be needed to achieve high-quality, youth-led transition planning. For example, is 90 days ample time for the transition planning? Is the young person prepared to be leading his or her transition planning? If not, what can be done to ensure the young person has the skills and tools to adequately lead this process? Are the appropriate professionals and trusted adults involved in the transition planning process?

### Conclusion

The Fostering Connections Act offers tremendous support for older youth as they transition from foster care to healthy, productive and independent adults. Through offering states the option of extending foster care, adoption, and guardianship assistance to age 21 and allowing transition services to youth, the Act makes strides to improve outcomes for this at-risk population. However, more states need to opt to extend assistance past age 18 to truly reap the benefits.

### About the authors

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## References

- Child Welfare Information Gateway. (2012). *Foster care statistics 2010*. Washington, DC: U.S. Department of Health and Human Services, Children's Bureau. Retrieved November 30, 2012 from <http://www.childwelfare.gov/pubs/factsheets/foster.pdf#Page=1&view=Fit>.
- Courtney, M.E., and Piliavin, I. (1998). Foster youths' transitions to adulthood: Outcomes 12 to 18 months after leaving out-of-home care. Madison: WI, School of Social Work, University of Wisconsin-Madison, 1998, cited in Pew Commission on Children in Foster Care. (2004). *Fostering the Future: Safety, Permanence, and Well-Being for Children in Foster Care*. <http://pewfostercare.org/>.
- Mark Courtney, Amy Dworsky, Gretchen Cusick, Judy Havlicek, Alfred Perez, Tom Keller, Midwest Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Age 21, Chapin Hall Research Center for Children, University of Chicago, (December 2007): 68-70. Retrieved December 3, 2012 from [http://www.jimcaseyouth.org/docs/ch\\_midwest\\_study121207.pdf](http://www.jimcaseyouth.org/docs/ch_midwest_study121207.pdf).
- Geen, Rob (2009). *The Fostering Connections to Success and Increasing Adoptions Act: Implementation Issues and a Look Ahead at Additional Child Welfare Reforms*. Child Trends. Retrieved November 30, 2012 from [http://www.fosteringconnections.org/tools/assets/files/CT\\_Whitepaper\\_Rob\\_Geen\\_09.pdf](http://www.fosteringconnections.org/tools/assets/files/CT_Whitepaper_Rob_Geen_09.pdf).
- Jim Casey Youth Opportunities Initiative. *Foster Care to 21: Doing it Right*. Retrieved November 30, 2012 from <http://www.jimcaseyouth.org/issue-brief%E2%80%9494foster-care-21-doing-it-right>.
- M.B. Kushel, I.H. Yen, L. Gee & M.E. Courtney, Homelessness and Health Care Access After Emancipation: Results from the Midwest Evaluation of Adult Functioning of Former Foster Youth. *Archives of Pediatric Medicine* 161 no. 10 (2007). Retrieved December 3, 2012 from <http://archpedi.amaassn.org/cgi/content/full/161/10/986>.
- McCoy-Roth, Marci, Kerry DeVooght, and Megan Fletcher (2011). *Fostering Connections Resource Center, Analysis No. 5: Number of Youth Aging out of Foster Care Drops below 28,000 in 2010*. Retrieved November 30, 2012 from <http://www.fosteringconnections.org/tools/assets/files/Older-Youth-brief-2011-Final.pdf>
- McCoy-Roth, Marci, Madelyn Freundlich, and Timothy Ross (2010). *Fostering Connections Resource Center, Analysis No. 1: Number of Youth Aging out of Foster Care Continues to Rise*. Retrieved November 30, 2012 from [http://www.fosteringconnections.org/tools/assets/files/Connections\\_Agingout.pdf](http://www.fosteringconnections.org/tools/assets/files/Connections_Agingout.pdf).
- National Foster Care Coalition (2009). *Fostering Connections to Success and Increasing Adoptions Act: Frequently Asked Questions on the Provisions Designed to Impact Youth and Young Adults*. Retrieved November 30, 2012 from <http://www2.grandfamilies.org/LinkClick.aspx?fileticket=rSywxmruRA0%3d&tabid=65&mid=402>

# TRIBAL IMPLEMENTATION AND THE FOSTERING CONNECTIONS ACT

## Considerations

### Tribes and foster care

At least one-third to 40 percent of all American Indian/Alaskan Native children in foster care are placed by tribal authorities.

**Almost every tribe in the United States operates some level of child welfare services.** Tribes across the United States are actively pursuing opportunities to expand services to their children and families. Resources are critical to their ability to ensure the safety, permanency and well-being of their children.

**Tribes are embracing the opportunities offered by the Fostering Connections Act of 2008** to exercise tribal sovereignty in the administration of Tribal IV-E tribal child welfare programs.

To realize the full potential of the Fostering Connections Act, **Tribes need to be recognized as experts on their own communities and be provided with quality consultation and technical assistance** that assists them in meeting Title-IV requirements in culturally responsive ways.

*By David Simmons and Madelyn Freundlich*

## Overview

Nationally, American Indian/Alaskan Native children are overrepresented in foster care at more than 1.6 times the expected level and are overrepresented among the children in foster care awaiting adoption at two to four times the expected level (Maple & Hay, 2004). In FY 2011, 8,020 American Indian/Alaskan Native children were placed in foster care by state agencies. It is estimated that each year, another one third to 40 percent of the number of children in state foster care are placed in foster care by tribal authorities (Earle, 2000). Historically, federal funding for child welfare services in tribal communities has been a patchwork of limited and discretionary funding streams, with tribal governments excluded from receipt of direct funding from the largest sources of federal child welfare funding, specifically Title IV-E. Although some tribes have been able to enter into agreements with states regarding their Title IV-E programs, there are currently only 88 tribal-state agreements that serve less than half of the 566 federally recognized tribes (Cross & Simmons, 2008).

## Fostering Connections provisions on tribes

For the first time, under the Fostering Connections Act (the Act), federally recognized Indian tribes, tribal organizations, and consortia of Indian tribes have been authorized to apply to the US Department of Health and Human Services to directly operate the Title IV-E Foster Care and Adoption Assistance Program. The Act also requires states to negotiate in good faith with any Indian tribe, tribal organization, or tribal consortium that wants to develop an agreement with respect to the Indian children who are eligible for the program and who are under the authority of the tribe, organization or consortium. In an agreement between a State and a Tribe, the Tribe has the responsibility to administer the Title IV-E program with eligible children within their service area according the legal requirements contained under federal law and approaches described within the state Title IV-E plan.

American Indian and Alaskan Native tribes have welcomed the Act as a long-awaited recognition of tribal sovereignty, matching the resources to those who are in the best position to effectively serve their communities, and affirmation of tribal rights and responsibility to care for their own children.

*"[As we welcome the opportunities provided by the Fostering Connections Act], we ... see tribes engaging more in broad child welfare reform within their own communities, really talking about where we are with the seventh generation and how we are addressing our tribal children's needs."  
—Jacqueline Johnson, Pata, Executive Director, National Association of American Indians*

### Background on tribal foster care under the Fostering Connections Act

Effective FY2008, the Fostering Connections Act appropriated \$3 million annually to provide information services to support tribal administration of the Title IV-E program, technical assistance for tribes to directly operate a Title IV-E program or seeking a cooperative agreement with the state relative to administering a Title IV-E program and development grants for tribes to assist with the costs of constructing a directly administered Title IV-E program. In the first two years after the Act was passed, approximately 75 tribes submitted letters of intent or notified the US Children’s Bureau of their interest in applying to directly administer the Title IV-E program. From 2009 through 2012, 17 tribes were awarded Title IV-E plan development grants.

### Challenges and achievements for the tribes

One tribe, the Port Gamble S’Klallam (Washington State), has an approved direct Title IV-E plan which it was able to accomplish without a plan development grant. Seven other tribes that have received plan development grants submitted their plans by September of 2012, and several others are poised to submit Title IV-E plans for federal approval within the next year. Tribes report that inter-tribal collaboration and consultation throughout the plan development process have been key supports. They report significant accomplishments in the form of increased knowledge, strategy, and technology (Marcynyszyn, Ayer & Pecora, 2012).

Nonetheless, the challenges have been significant:

- Direct administration of a Title IV-E program places substantial demands on tribes in areas in which capacity had not previously been built: cost allocation methodology, new legal requirements and data collections systems.
- Tribes frequently are under-resourced in staff and funding, and the requirements of the Title IV- E program place even greater demands on limited resources.
- There were delays in the provision of clear federal guidance on key issues – particularly the definition of *in kind match* – for purposes of developing Title IV-E fiscal impact estimates on tribal governments.
- Federal expertise in tribal child welfare has been limited, and tribes have reported concerns about lack of federal responsiveness to the unique issues (cultural and programmatic) that must be addressed in the provision of Title IV-E tribal child welfare services (Marcynyszyn, Ayer & Pecora, 2012).

### Policy considerations: what’s next for the tribes and foster care?

For the tribes to fully realize the potential of the Fostering Connections Act, tribes need:

- The increased presence of tribal leadership at national and regional planning and decision-making levels and full opportunities for tribal leaders to bring their increasingly strong and informed voices to the process.
- A review of the Fostering Connections Act in light of actual experience with the plan development grants and the Title IV-E approval process.

*It is not about how you integrate culture into services but how you integrate culture into the services.*

Deborah Pointe  
Native American  
Training Institute

- A more clearly defined planning process that is supported by consultants and technical assistance providers who have expertise in budgeting and matching funds, tribal code development, and tribal child welfare practice model development.
- A planning process that is truly collaborative and goal-oriented and is implemented through problem-solving meetings involving recipients of planning grants, technical assistance providers and federal staff.
- Consistent interpretation of federal law and guidance to provide tribes with the critical foundational information they need to develop approvable Title IV-E plans. This would include active and meaningful tribal involvement in the development of new policy and interpretation of existing policy.
- More detailed, culturally sensitive technical assistances that incorporates the unique understanding of individual tribal culture, programming and law.

### Conclusion

The Fostering Connections Act is landmark legislation for the tribes. It provides the legal environment for creating and sustaining collaboration among the tribes, the states and the federal government. Much has been learned through the plan development and Title IV-E plan approval processes on the part of all players – but especially on the part of the tribes who have exponentially increased their knowledge and capacity. The Fostering Connections provisions also affirm tribal sovereignty and recognize the tribes' authority and ability to care for their own children and strengthen tribal families and communities. As tribes continue their efforts to increase their capacity to serve their most vulnerable children and families there will be an ongoing need to clearly identify and address the challenges that lie ahead. The Fostering Connections Act can be a catalyst for many of the positive changes and aspirations that tribes have voiced in this pursuit.

### About the authors

Madelyn Freundlich is a senior child welfare consultant who works with national, regional, and state child welfare organizations as they develop and implement practice, program, policy, and research initiatives. Ms. Freundlich is one of the country's most respected researchers, trainers and policy professionals in the field of child welfare. She has created numerous initiatives that have defined best practices and shaped many programs that benefit children and families, and has developed practice and policy efforts that have gained national recognition. Her extensive writing includes four volumes on adoption and ethics, and several best-practices guides. She has served as General Counsel and Director of Child Welfare Services for the Child Welfare League of America, as Executive Director of the Evan B. Donaldson Adoption Institute, and as Policy Director for Children's Rights Inc. Ms. Freundlich holds master's degrees in social work and public health and holds both JD and LL.M degrees.

David Simmons is the Director of Governmental Affairs and Advocacy for the National Indian Child Welfare Association in Portland, Oregon. Mr. Simmons has 25 years of professional experience in child welfare services, with six years as a direct service provider and 19 years in program and policy development. His experience in these areas has primarily focused on Indian child welfare services and public policy affecting Indian children and families. He works extensively with tribal policymaking organizations, such as the National Congress of American Indians, and private, state, and federal child welfare agencies. Mr. Simmons appears regularly

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### References

Cross, T.L. & Simmons, D. (2008). *Child abuse and neglect and American Indians*. Available on-line at: [http://www.nicwa.org/research/02.Child\\_Abuse.pdf](http://www.nicwa.org/research/02.Child_Abuse.pdf)

Earle, K.A. (2000). *Child abuse and neglect: An examination of American Indian data*. Available on-line at: [http://www.nicwa.org/research/02.Child\\_Abuse.pdf](http://www.nicwa.org/research/02.Child_Abuse.pdf)

Maple, C. & Hay, T. (2004). *Analysis of the data from the first round of Child and Family Services Reviews regarding American Indian and Alaskan Native children in state care*. (Unpublished). Cited in: *Improving the Child Welfare System*, Hearing before the U.S. House of Representatives Subcommittee on Income Security and Family Support, February 27, 2008. Available on-line at: <http://www.gpo.gov/fdsys/pkg/CHRG-110hrg45993/html/CHRG-110hrg45993.htm>

Marcynyszyn, L., Ayer, H. & Pecora, P.J. (2012). *American Indian Title IV-E Application Planning Process: Tribal Progress, Challenges and Recommendations*. Available online from <http://www.casey.org/Resources/Publications/pdf/AmericanIndianTitleIVe.pdf>

## About FosteringConnections.org

The Fostering Connections.org project was established in 2009 to support implementation of the Fostering Connections to Success and Increasing Adoptions Act of 2008. FosteringConnections.org served as a gathering place of information, training and tools related to furthering the implementation of the Fostering Connections law. FosteringConnections.org was supported through the generous contributions of the Annie E Casey Foundation, Casey Family Programs, Dave Thomas Foundation on Adoption, Duke Endowment, Eckerd Family Foundation, Jim Casey Youth Opportunities Initiative, Sierra Health Foundation, Stuart Foundation and Walter S. Johnson Foundation. Child Trends had primary responsibility for managing the FosteringConnections.org project. The FosteringConnections.org project will draw to a close in December 2012.

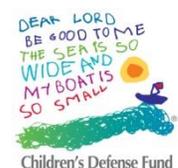
## Lead Network Partners

**Managing Partner of FosteringConnections.org.** Child Trends is a nonprofit, nonpartisan research center that studies children at all stages of development. Child Trends seeks to improve the lives of children and youth by



conducting high-quality research and sharing it with the people and institutions whose decisions and actions affect children, including policy makers, program providers, foundations, and the media. Founded in 1979, Child Trends helps keep the nation focused on children and their needs by identifying emerging issues; evaluating important programs and policies; and providing data-driven, evidence-based guidance on policy and practice. Child Trends developed the FosteringConnections.org Project, and continues to serve as the lead manager for the project.

**Kinship/Guardianship Network.** The Children's Defense Fund Leave No Child Behind® mission is to ensure every child a Healthy Start, a Head Start, a Fair Start, a Safe Start and a Moral Start in life and successful passage to adulthood with the help of caring families and communities. The Children's Defense Fund works with grandparents and other relative caregivers, young leaders, other advocates for children and families, the faith community, service providers and policymakers across the country to help accomplish its mission for all children in America. For more information on the Children's Defense Fund, please visit [www.childrensdefense.org](http://www.childrensdefense.org).



**Education.** The Legal Center for Foster Care and Education (Legal Center FCE) is a collaboration between Casey Family Programs and the ABA's Center on Children and the Law, in conjunction with



the Education Law Center-PA and the Juvenile Law Center. The Legal Center FCE serves as a national technical assistance resource and information clearinghouse on legal and policy matters affecting the education of children in the foster care system. The Legal Center FCE provides expertise to states and constituents, facilitates networking to

advance promising practices and reforms, and provides technical assistance and training to respond to the ever-growing demands for legal support and guidance. The Legal Center FCE focuses on supporting direct education advocacy efforts for children in foster care, as well as promoting federal, state and local laws and policies that address the education needs of this population. The Legal Center builds on the ever-increasing momentum behind meeting the education needs of children in foster care; an issue that can help establish safety, permanency and well being for children involved with the child welfare system. To learn more about the Legal Center FCE and see all of the materials and resources, please visit [www.abanet.org/child/education](http://www.abanet.org/child/education).

**Adoption Network.** Since its founding in 1974 by adoptive parents, the North American Council on Adoptable Children (NACAC) has been dedicated to the mission that every child deserves a permanent family. Through advocacy, education, support, and parent leadership capacity building, NACAC promotes and supports permanence for children and youth in foster care in the U.S. and Canada. For more information on the NACAC, please visit [www.NACAC.org](http://www.NACAC.org).



**Health Network.** The American Academy of Pediatrics is an organization of 60,000 pediatricians committed to the attainment of optimal physical, mental, and social health and well-being for all infants, children, adolescents, and young adults. For more information about the American Academy of Pediatrics, please visit [www.aap.org](http://www.aap.org).



**Older Youth Network.** Foster Club is the national network for young people in foster care. For the half million children living in the foster care system across the country, childhood has been interrupted by abuse, neglect or abandonment. FosterClub is their club - a place to turn to connect with supportive peers and adults, locate foster care information and resources, and gain inspiration from success stories. Our members are resilient young people determined to build a better future for themselves and for other kids coming up through the system behind them. For more information on the Foster Club, please visit [www.fosterclub.org](http://www.fosterclub.org).



**Tribal Network.** The National Indian Child Welfare Association (NICWA) is a private, non-profit organization dedicated to improving the lives of Indian children and their families. NICWA accomplishes this goal by offering training and technical assistance related to Indian child welfare services; making available information regarding the needs and problems of Indian children; helping to improve community-based services; and working to promote improved public policies for Indian children. For additional information about this report or other NICWA projects, please contact: [www.nicwa.org](http://www.nicwa.org)



## Collaborating Partners

### Alliance for Children and Families

The Alliance for Children and Families, a nonprofit association, was formed by the 1998 merger of Family Service America and the National Association of Homes and Services for Children. The Alliance represents over 370 nonprofit organizations across the nation that provide services and economic empowerment to children and families. Alliance agencies cover a wide spectrum of providers, including a diversity of faith-based organizations and nonsectarian agencies. Together, these organizations deliver more than \$2 billion annually in services to more than 8 million people in nearly 6,700 communities across the United States. More information about the Alliance is available at [www.alliance1.org](http://www.alliance1.org)



### American Academy of Pediatrics

The American Academy of Pediatrics is an organization of 60,000 pediatricians committed to the attainment of optimal physical, mental, and social health and well-being for all infants, children, adolescents, and young adults. For more information about the American Academy of Pediatrics, please visit [www.aap.org](http://www.aap.org).



### The American Bar Association's Center on Children and the Law

The American Bar Association's Center on Children and the Law, a program of the Young Lawyers Division, aims to improve children's lives through advances in law, justice, knowledge, practice and public policy. Our areas of expertise include child abuse and neglect, child welfare and protective services system enhancement, foster care, family preservation, termination of parental rights, parental substance abuse, adolescent health, and domestic violence. For more information on The American Bar Association's Center on Children and the Law please visit, [www.abanet.org/child](http://www.abanet.org/child).



### American Public Human Services Association

The American Public Human Services Association (APHSA) is a nonprofit, bipartisan organization of individuals and agencies concerned with human services. Its members include all state and territorial human services agencies, more than 150 local agencies, and several thousand individuals who work in or otherwise have an interest in human service programs. APHSA's mission is to develop, promote and implement public human service policies and practices that improve the health and well-being of families, children and adults. For more information on the American Public Human Services Association, please visit [www.aphsa.org](http://www.aphsa.org).



**The Black Administrators in Child Welfare**

The Black Administrators in Child Welfare is an advocacy, membership, research, training and technical assistance organization. Registered as a 501C3, BACW was founded in 1971 and incorporated in 1975 in New York to respond to the need for culturally appropriate services to the overrepresented African American children and families, and to provide a support network for individuals serving as executives managing child welfare and other human service agencies. Governed by a 24 member Board of Directors with its day-to-day operations managed by an Executive Director, BACW is the only child welfare organization that has been involved nationally in work that addresses child welfare policy, practice, and research on behalf of African American children specifically but all children in foster care. BACW is committed to strengthening and supporting programs designed to promote the healthy development of children, youth and families. We support communities that are serving all children with special attention given to those with a demonstrated interest in helping children of color. For more information about The Black Administrators in Child Welfare please visit [www.blackadministrators.org](http://www.blackadministrators.org).



**Center for Law and Social Policy**

CLASP develops and advocates for policies at the federal, state and local levels that improve the lives of low-income people. We focus on policies that strengthen families and create pathways to education and work. Through careful research and analysis and effective advocacy, we develop and promote new ideas, mobilize others, and directly assist governments and advocates to put in place successful strategies that deliver results that matter to people across America. For more information on CLASP, please visit [www.clasp.org](http://www.clasp.org).



**Child Welfare League of America**

CWLA is a powerful coalition of hundreds of private and public agencies serving vulnerable children and families since 1920. Our expertise, leadership and innovation on policies, programs, and practices help improve the lives of families and children in all 50 states. Our impact is felt worldwide. For more information on CWLA, please visit [www.cwla.org](http://www.cwla.org).



**Center for the Study of Social Policy**

The Center for the Study of Social Policy (CSSP) is a nonprofit, nonpartisan, policy, research and technical assistance organization headquartered in Washington, D.C. Our mission is to develop public policies and practices that strengthen families and communities to produce equal opportunities and a better future for all children and families. CSSP has 30 years of experience working with state, local and federal leaders to improve opportunities and outcomes for children and families. CSSP's policy initiatives are driven by data, research and extensive on-the-ground work with states, cities and neighborhoods. CSSP also manages PolicyforResults.org, a web-based resource designed to help policymakers make sound decisions that contribute to better outcomes for all children and families. For more information on CSSP, please visit [www.cssp.org](http://www.cssp.org).



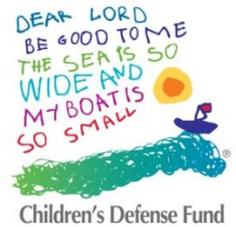
**ChildFocus**

ChildFocus is a national consulting firm specializing in policy advocacy, strategic planning, organizational development and government relations on a broad array of child and family policy issues. Launched in 2007 by Mary Bissell and Jennifer Miller, ChildFocus strives to forge connections with and between talented people, programs that are making a difference, and effective policies to support vulnerable children and their families. Their work is geared toward developing real world solutions to the complex issues that public agencies, non-profit organizations, foundations, and coalitions face as they seek to improve outcomes for vulnerable children and families. For more information on ChildFocus, please visit [www.childfocuspartners.com](http://www.childfocuspartners.com).



**Children's Defense Fund**

The Children's Defense Fund Leave No Child Behind® mission is to ensure every child a Healthy Start, a Head Start, a Fair Start, a Safe Start and a Moral Start in life and successful passage to adulthood with the help of caring families and communities. The Children's Defense Fund works with grandparents and other relative caregivers, young leaders, other advocates for children and families, the faith community, service providers and policymakers across the country to help accomplish its mission for all children in America. For more information on the Children's Defense Fund, please visit [www.childrensdefense.org](http://www.childrensdefense.org).



**Court Appointed Special Advocates**

Court Appointed Special Advocates (CASA) is a national movement of nearly 70,000 volunteers who are appointed by judges to advocate for abused and neglected children in the child welfare system. The trained community volunteer serves as an independent investigator and advocate for the child, so that every abused or neglected child can be safe, establish permanence and have the opportunity to thrive. In 2008, volunteers served 241,000 children through more than 1,000 CASA/GAL program offices throughout the country. For more information about CASA, please visit [www.casaforchildren.org](http://www.casaforchildren.org).



**First Focus**

First Focus is a bipartisan advocacy organization dedicated to making children and families a priority in federal policy and budget decisions. Children's health, education, family economics, child welfare, and child safety are the core issue areas around which First Focus is working to promote bipartisan policy solutions. We take a unique approach to advocacy, engaging both traditional and non-traditional partners in a broad range of efforts to increase federal investments in programs that address the needs of our nation's children. In all of our work, we connect with policymakers directly and seek to raise awareness regarding public policies that affect children and families. Our goal is to ensure that these programs have the resources necessary to help our children grow up in a healthy and nurturing environment. For more information on First Focus, please visit [www.firstfocus.net](http://www.firstfocus.net).



**Foster Care Alumni of America**

Foster Care Alumni of America is a national association of adults who spent time in the foster care system (alumni), along with allies who wish to see positive changes come to foster care. Our mission is to connect the alumni community, and to transform foster care policy and practice, ensuring opportunity for people in and from care.



Because of our personal and professional experiences, alumni are uniquely aware of the challenges faced by young people in and from foster care. We share the same parent: the government - and we want to ensure that the next generations of foster youth have the same opportunities and supports as other young people in America.

We believe that the expertise alumni have gained from living in foster care is a critical perspective that must be heard by decision-makers, child welfare professionals, and the public, as we collectively strengthen foster care policy and practice. Foster Care Alumni of America proudly brings the voices of thousands of alumni forward in support of the fullest implementation of Fostering Connections. For more information on about Foster Care Alumni of America, please visit [www.fostercarealumni.org](http://www.fostercarealumni.org).

**Foster Club**

Foster Club is the national network for young people in foster care. For the half million children living in the foster care system across the country, childhood has been interrupted by abuse, neglect or abandonment. FosterClub is their club — a place to turn to connect with supportive peers and adults, locate foster care information and resources, and gain inspiration from success stories. Our members are resilient young people determined to build a better future for themselves and for other kids coming up through the system behind them. For more information on the Foster Club, please visit [www.fosterclub.org](http://www.fosterclub.org).



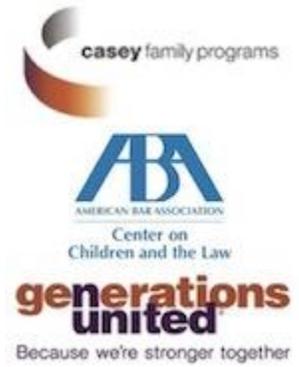
**Generations United**

Generations United (GU) is the national membership organization focused solely on improving the lives of children, youth, and older people through intergenerational strategies, programs, and public policies. GU represents more than 100 national, state, and local organizations and individuals representing more than 70 million Americans. Since 1986, GU has served as a resource for educating policymakers and the public about the economic, social, and personal imperatives of intergenerational cooperation. GU acts as a catalyst for stimulating collaboration between aging, children, and youth organizations providing a forum to explore areas of common ground while celebrating the richness of each generation. For more information on Generations United, please visit [www.gu.org](http://www.gu.org).



**The Grandfamilies State Law and Policy Resource Center**

The Grandfamilies State Law and Policy Resource Center, a collaboration with Casey Family Programs, the American Bar Association’s Center on Children and the Law and Generations United, serves as a national training and technical assistance resource created to educate individuals about state laws and legislation in support of grandfamilies and to assist interested state legislators, advocates, caregivers, attorneys, and other policymakers in exploring policy options to support relatives and the children in their care both within and outside the child welfare system. Additionally, the Resource Center staff provides technical assistance to states and national organizations to assist with implementation of the kinship provisions of the Fostering Connections to Success and Increasing Adoptions Act of 2008. For more information on The Grandfamilies State Law and Policy Resource Center, please visit [www.grandfamilies.org](http://www.grandfamilies.org).



**The John Burton Foundation**

The John Burton Foundation for Children Without Homes is non-profit organization based in San Francisco dedicated to improving the quality of life for California’s homeless children and developing policy solutions to improve the quality of the foster care system in California and nationally. For more information about the John Burton Foundation, please visit [www.johnburtonfoundation.org](http://www.johnburtonfoundation.org).



**Legal Center for Foster Care and Education**

The Legal Center for Foster Care and Education (Legal Center FCE) is a collaboration between Casey Family Programs and the ABA’s Center on Children and the Law, in conjunction with the Education Law Center-PA and the Juvenile Law Center. The Legal Center FCE serves as a national technical assistance resource and information clearinghouse on legal and policy matters affecting the education of children in the foster care system. The Legal Center FCE provides expertise to states and constituents, facilitates networking to advance promising practices and reforms, and provides technical assistance and training to respond to the ever-growing demands for legal support and guidance. The Legal Center FCE focuses on supporting direct education advocacy efforts for children in foster care, as well as promoting federal, state and local laws and policies that address the education needs of this population. The Legal Center builds on the ever-increasing momentum behind meeting the education needs of children in foster care; an issue that can help establish safety, permanency and well being for children involved with the child welfare system. To learn more about the Legal Center FCE and see all of the materials and resources, please visit [www.abanet.org/child/education](http://www.abanet.org/child/education).



**North American Council on Adoptable Children**

Since its founding in 1974 by adoptive parents, the North American Council on Adoptable Children (NACAC) has been dedicated to the mission that every child deserves a permanent family. Through advocacy, education, support, and parent leadership capacity building, NACAC promotes and supports permanence for children and youth in foster care in the U.S. and Canada. For more



information on the NACAC, please visit [www.NACAC.org](http://www.NACAC.org).

**National Academy for State Health Policy**



The National Academy for State Health Policy (NASHP) is an independent academy of state health policy makers working together to identify emerging issues, develop policy solutions, and improve state health policy and practice. As a non-profit, non-partisan organization dedicated to helping states achieve excellence in health policy and practice, NASHP provides a forum on critical health issues across branches and agencies of state government. For more information about NASHP, please visit [www.nashp.org](http://www.nashp.org).

**National Association of Public Child Welfare Administrators**



The National Association of Public Child Welfare Administrators (NAPCWA) is a national organization representing public child welfare agencies. Founded in 1983, it is an affiliate housed within the American Public Human Services Association. Members are primarily state and local chief executive officers who work in public child welfare agencies in all 50 states, the District of Columbia and Puerto Rico. NAPCWA is committed to supporting and enhancing the public child welfare system's ability to successfully implement effective programs, practices, and policies. For more information on the National Association of Public Child Welfare Administrators, please visit [www.napcwa.org](http://www.napcwa.org).

**The National Campaign to Prevent Teen and Unplanned Pregnancy: Initiative to Prevent Pregnancy Among Youth in Foster Care**



Since 2005, The National Campaign has worked to raise awareness of the high rates of pregnancy among youth in and aging out of foster care and the effect of early pregnancy on those in the child welfare system. We have done this through a variety of methods including research, tools for foster parents and youth, national conference calls, technical assistance, meetings at the state and national levels, briefings with policymakers, and through partnerships with national child welfare organizations. We are currently working with eight inter-agency state teams to help bridge the gap between teen pregnancy and child welfare, and working with national organizations to develop policy and program recommendations on this issue. More information about The National Campaign to Prevent Teen and Unplanned Pregnancy is available at [www.thenationalcampaign.org](http://www.thenationalcampaign.org).

**National Center for State Courts**



The National Center for State Courts (NCSC) is the organization courts turn to for authoritative knowledge and information, because its efforts are directed by collaborative work with the Conference of Chief Justices, the Conference of State Court Administrators, and other associations of judicial leaders. NCSC is an independent, nonprofit court improvement organization founded at the urging of Chief Justice of the U. S. Supreme Court Warren E. Burger. He envisioned NCSC as a clearinghouse for research information and comparative data to support improvement in judicial administration in state courts. All of NCSC's services - research, information services, education, consulting - are focused on helping courts plan, make decisions, and implement

improvements that save time and money, while ensuring judicial administration that supports fair and impartial decision making. For more information on the National Center for State Courts, please visit [www.ncsconline.org](http://www.ncsconline.org).

**National Conference of State Legislatures**

The National Conference of State Legislatures is a bipartisan organization that serves the legislators and staffs of the nation's 50 states, its commonwealths and territories. NCSL provides research, technical assistance and opportunities for policymakers to exchange ideas on the most pressing state issues. NCSL is an effective and respected advocate for the interests of state governments before Congress and federal agencies. NCSL is your organization. The leadership of NCSL is composed of legislators and staff from across the country. The NCSL Executive Committee provides overall direction on operations of the Conference. NCSL was founded:



- To improve the quality and effectiveness of state legislatures;
- To promote policy innovation and communication among state legislatures;
- To ensure state legislatures a strong, cohesive voice in the federal system.

For more information on the National Conference of State Legislatures, please visit [www.ncsl.org](http://www.ncsl.org).

**National Foster Care Coalition**

The National Foster Care Coalition (NFCC) is a broadly based national, nonpartisan partnership of organizations, foundations, associations and individuals dedicated to improving the lives of the more than half a million children currently in the foster care system and the millions more who have been, or will be, involved in the foster care system. The power of NFCC's constituency is unmatched. Its member organizations represent current and former foster youth, birth, foster and adoptive parents, and child welfare professionals at the local, state and federal levels. As a result, NFCC's ability to represent the individuals touched by foster care, working within the foster care system, and who care about children in foster care is unparalleled. Established in 1998, NFCC's mission is to build and sustain political and public will to improve the foster care system and the lives of the children and youth in its care. Unlike other child welfare organizations, NFCC focuses exclusively on foster care, and its engagement on other issues impacting children, youth and families is through the lens of this issue. For more information on the National Foster Care Coalition, please visit [www.nationalfostercare.org](http://www.nationalfostercare.org).



**National Governors Association Center for Best Practices**

Founded in 1908, the National Governors Association is the collective voice of the nation's governors and one of Washington, D.C.'s, most respected public policy organizations. Its members are the governors of the 50 states, three territories and two commonwealths. The National Governors Association Center for Best Practices is the nation's only dedicated consulting firm for governors and their key policy staff. The Center's mission is to develop and implement innovative solutions to public policy challenges. For more information on the NGA Center for



Best Practices, please visit [www.nga.org/center](http://www.nga.org/center).

**National Indian Child Welfare Association**

The National Indian Child Welfare Association (NICWA) is a private, non-profit organization dedicated to improving the lives of Indian children and their families. NICWA accomplishes this goal by offering training and technical assistance related to Indian child welfare services; making available information regarding the needs and problems of Indian children; helping to improve community-based services; and working to promote improved public policies for Indian children. For additional information about this report or other NICWA projects, please contact:

[www.nicwa.org](http://www.nicwa.org)



**Orphan Foundation of America**

Orphan Foundation of America (OFA) is dedicated to helping former foster youth find pathways to success through higher education. Since 1981, OFA has provided support, financial assistance and workforce development opportunities to youth involved with and aging out of the foster care system. OFA's programs include mentoring and coaching, internships, career readiness, and quarterly care packages for students. OFA has also launched Foster Care to Success, a national volunteer service movement designed to link business and community organizations with child welfare agencies. Through this initiative, OFA and its national partners will change the lives of foster youth by mobilizing communities and connecting caring volunteers with foster youth to provide personal, academic, and social enrichment. For more information about OFA and Foster Care to Success, please visit [www.orphan.org](http://www.orphan.org).



**PolicyLab**

The aim of PolicyLab at The Children's Hospital of Philadelphia is to achieve optimal child health and well-being by informing program and policy changes through interdisciplinary research. PolicyLab develops evidence-based solutions for the most challenging health-related issues affecting children. We partner with numerous stakeholders in traditional healthcare and other community locations to identify the programs, practices, and policies that support the best outcomes for children and their families. PolicyLab disseminates its findings beyond research and academic communities as part of its commitment to transform "evidence to action." For more information on PolicyLab, please visit [www.research.chop.edu/programs/policylab](http://www.research.chop.edu/programs/policylab).



**School of Social Work at the University of North Carolina at Chapel Hill**

The School of Social Work at the University of North Carolina at Chapel Hill was founded in 1920. Its mission is to expand knowledge regarding social problems and programs, to educate social workers for advanced practice and to provide leadership in the development of socially and economically just policies and programs that



strengthen individuals, families, groups, organizations and communities. The School's Jordan Institute for Families houses several research, training and technical assistance projects of the School of Social Work at the UNC at Chapel Hill. Addressing family issues across the lifespan, the Jordan Institute brings together experts-including families themselves-to develop and test policies and practices that strengthen families and engage communities. For more information on the School of Social Work at the UNC at Chapel Hill, please visit [ssw.unc.edu](http://ssw.unc.edu).

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**Voice for Adoption**

Voice for Adoption (VFA) develops and advocates for improved adoption policies. Recognized as a national leader in special needs adoption, VFA works closely with federal and state legislators, as well as other child welfare organizations, to make a difference in the lives of the 130,000 children in foster care who are waiting to be adopted and the families who adopt children from foster care. For more information on Voice for Adoption, please visit [www.voice-for-adoption.org](http://www.voice-for-adoption.org).



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**Voices for America's Children**

Voices for America's Children champions children's needs at every level of government. Over the past quarter-century, Voices' national advocacy network of 60 prominent state and local advocacy organizations across 45 states has been at the forefront of every child policy issue and debate. For more information about Voices for America's Children, please visit [www.voices.org](http://www.voices.org).



**Appendix A. State Implementation Progress (including Legislation, Title IV-E Plan changes and Family Connection Grants)**

State	ENACTED STATE LEGISLATION*	Title IVE PLAN AMMENDMENT FOR OLDER YOUTH	Title IVE PLAN AMMENDMENT
Alabama	X	X	X
Alaska	X		X
Arizona	X		
Arkansas	X	X	X
California	X	X	X
Colorado	X		X
Connecticut	X		X
Delaware	X		
District of Columbia	X	X	X
Florida			
Georgia	X		
Hawaii			X
Idaho			X
Illinois	X	X	X
Indiana	X	pending	pending
Iowa	X		
Kansas			
Kentucky			
Louisiana	X		X
Maine	X	X	X
Maryland		X	X
Massachusetts		pending	X
Michigan	X	X	X
Minnesota	X	X	
Mississippi			
Missouri	X		X
Montana			X
Nebraska	X	X	X
Nevada	X		
New Hampshire			
New Jersey	X		X
New Mexico	X		
New York	X	X	X
North Carolina			
North Dakota	X	X	
Ohio			
Oklahoma	X		X
Oregon	X	X	X
Pennsylvania	X	pending	X

Rhode Island	X			X
South Carolina	X			
South Dakota				X
Tennessee	X		X	X
Texas	X		X	X
Utah	X			
Virginia	X			<i>pending</i>
Vermont	X			X
Washington	X		X	X
West Virginia			<i>pending</i>	
Wisconsin	X			X
Wyoming	X			

\* Enacted legislation encompasses any state legislation on the Act, including adoption, education, health, kinship/guardianship, older youth, training, and tribal.

\*\* There are several different types of Family Connections Grants awarded to states. This list includes states who received any of the following: Child Welfare/TANF Collaboration in Kinship Navigation Programs, Comprehensive Resid

## Appendix B. Tribal Implementation Summary

### Update on Tribal Implementation

On April 1, 2012 Port Gamble S'Klallam Tribe became the first Native American community in the nation to operate its own Title IV-E foster care, kinship guardianship assistance, and adoption assistance program.

16 Tribes have received Tribal Development Federal Grants:

- In 2009: Tohono O'odham Nation, Sells, AZ; Confederated Salish & Kootenai Tribes, Pablo, MT; Keweenaw Bay Indian Community, Baraga, MI; Sac and Fox Nation, Stroud, OK; Washoe Tribe of Nevada and California, Gardnerville, NV; and Navajo Nation, Window Rock, AZ.
- In 2010: The Chickasaw Nation, Ada, OK; Yurok Tribe, Del Norte, CA; Shoshone-Bannock Tribes, Fort Hall, ID; and Lummi Nation, Bellingham, WA.
- In 2011: the South Puget Interagency Planning Agency, Shelton, WA.
- In 2012: Muckleshoot Indian Tribe, Auburn, WA; Winnebago Tribe of Nebraska, Winnebago, NE; Ute Indian Tribe, Fort Duchesne, UT; Chippewa Cree Tribe, Box Elder, MT; Smith River Rancheria, Smith River, CA

In addition in 2011, tribes have been awarded federal grants to support their work on other Fostering Connections requirements. The Siouxland Human Investment Partnership, Sioux City, IA was awarded a grant to develop education systems collaborations to increase educational stability for children and youth in foster care. The Ute Indian Tribe, Fort Duchesne, UT was awarded a Family Connections Grant to use Family Group Decision Making to build protective factors for children and families.