



ISSUE BRIEF

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Child Welfare

All children are entitled to safe and loving homes in which to thrive. In the event that a child's parent or caregiver is abusive or neglectful towards a child or at risk for being abusive or neglectful, it is the appropriate role of government, in partnership with the community, to intervene and protect the child. In some cases, this means providing the parent or caregiver with adequate resources to be able to care for the child effectively and to prevent instances of abuse and neglect. In other cases, protecting the child may mean removing the child from the parent's home. In such a case, the first option should be to place the child with a relative caregiver and to help resource the caregiver, as necessary. If a relative caregiver is not available then another appropriate placement should be sought as quickly as possible. A permanent placement, whether through reunification with the parent, adoption or legal guardianship, should be achieved.

The responsibility for the protection of children's welfare is the shared responsibility of the federal government, state government, faith and community-based organizations, communities, and families. Children in out-of-home placements should be afforded the same access to health care, education and recreational activities as other children.

Background

According to the American Academy of Pediatrics, more than 2.5 million cases of child abuse and neglect are reported each year. The most recent data from the U.S. Department of Health and Human Services indicates there are more than 513,000 children in foster care, and 25 percent of these children have been in foster care for three years or longer. Of the children in foster care, nearly 129,000 are eligible and waiting for adoption. In 2006, over 51,000 children in the foster care system were adopted. Children in kinship care account for one third of children in the foster care system.

Since the early part of the 1900's, Congress has taken a role in improving the child welfare system by creating programs that prevent child abuse and protect children. The largest federal child welfare programs are Title IV-B and Title IV-E of the Social Security Act. The intent of Title IV-B is to provide supportive services that will prevent out-of-home placements. Title IV-E is a federal entitlement program that matches state funding dollar for dollar for the costs of maintaining certain children in foster care and associated administrative, child placement and training costs.

Title IV-B: Promoting Safe and Stable Families

One of the most well known programs in Title IV-B is the Promoting Safe and Stable Families Act (PSSF). PSSF is a capped entitlement program that primarily funds family preservation services and community-based family support services in order to prevent unnecessary separation of children from families, improves the quality of care and services for children and families, and ensures permanency through reunification, adoption

or other permanent relationships. This program has a mandatory funding level of \$305 million with another \$200 million in authorized funds which Congress must approve. Since its inception, PSSF has never received the full \$200 million in authorized funds; the current proposal in the President's FY09 budget is for a funding level of \$63 million, the same amount the program received in 2008.

Title IV –E: Foster Care and Adoption

In order for a state to qualify for federal reimbursement for Title IV-E funds, a child must have been removed from his or her family and would have been eligible for the Aid to Families with Dependent Children (AFDC) program under pre-1996 income requirements. Children who are eligible for Title IV-E are also eligible for the Medicaid program. The state may also receive federal reimbursement if the child is placed in a state licensed group home or institution. Title IV-E also includes the Adoption Assistance Program. The Adoption Assistance program funds: 1) assistance payments for qualified children who are adopted; 2) administrative payments for expenses associated with placing children in adoption; and 3) training of professional staff and parents involved in adoptions. Finally, Title IV-E also includes the Foster Care Independence Program. This program is designed to assist children who are about to turn 18 years of age and leave the foster care system. This includes extending Medicaid coverage to children through the age of 21.

The Invest in KIDS Act (H.R. 5466) introduced on February 14, 2008, by Representative Jim McDermott (D-WA) is a comprehensive child welfare bill which would improve the child welfare system. H.R. 5466 includes many other separate bills that have been previously introduced, including the Kinship Caregiver Support Act and Place to Call Home Act. Child welfare advocates are hopeful that even if the Invest in KIDS Act is not able to move through Congress this year, it will help to spur action on the other related pieces of legislation.

De-linking from AFDC guidelines

The experience of LSA's member organizations and the experiences of the families that they serve indicate that reforms are needed in federal child welfare policy. Using the AFDC guidelines to determine the eligibility of children for the Title IV-E federal foster care program is no longer relevant or useful. AFDC guidelines should be de-linked from the eligibility for Title IV-E foster care services.

Related legislation and sponsors:

- Invest in KIDS Act, H.R. 5466 (McDermott, D-WA)
- Partnership for Children and Families Act, H.R. 4207 (Berkley, D-NV)
- Place to Call Home Act, H.R. 3409 (Hinojosa, D-TX)
- Adoption Equality Act, S. 1482 (Rockefeller, D-WV) and H.R. 4091 (Cooper, D-TN)
- Tribal Foster Care and Adoption Access Act, S. 1956 (Baucus, D-MT) and H.R. 4688 (Pomeroy, D-ND)

Kinship Caregivers

Research shows that children in the child welfare system who are placed with relative caregivers experience the same or more positive outcomes and have fewer placements than children who are placed with non-relative caregivers. Yet, while grandparents and other relative caregivers are willing to care for these children, many need financial assistance in order to do so. Federal subsidized guardianship payments should be available to relative caregivers.

Related legislation and sponsors:

- Invest in KIDS Act, H.R. 5466 (McDermott, D-WA)

- Kinship Caregiver Support Act, S. 661 (Clinton, D-NY/Snowe, R-ME) and H.R. 2188 (Davis, D-IL/Johnson, R-IL)
- Place to Call Home Act, H.R. 3409 (Hinojosa, D-TX)

Child Welfare Training

Many states have privatized their child welfare services, and many LSA members are delivering high quality services to children and families at an efficient cost to the state. Yet, private organizations do not have access to Title IV-E training dollars. Child welfare practice continues to change and the needs of children and families have become more complex over the last decade, primarily due to substance abuse. A highly trained workforce will result in more successful outcomes for children and their families. Title IV-E training resources should be made available to private agencies.

Related legislation and sponsors:

- Invest in KIDS Act, H.R. 5466 (McDermott, D-WA)
- Title IV-E Training, H.R. 2314 (Weller, R-IL)

Education Opportunities for Children in Foster Care

Children in out of home placements are impacted by other systems outside of the child welfare system. For example, children in out of home placements frequently experience disruption and instability in their education. Children in the foster care system should be afforded a guarantee of educational access and support services so that they do not fall farther behind in their education.

Related legislation and sponsors:

- Invest in KIDS Act, H.R. 5466 (McDermott, D-WA)
- School Choice for Foster Kids Act, H.R. 4311 (Bachmann, R-MN)

Resources:

Alliance for Children and Families, www.alliance1.org

American Academy of Pediatrics, www.aap.org

Child Welfare League of America, www.cwla.org

Generations United, www.gu.org

LAN: A Lutheran Adoption and Foster Care Alliance: www.lanadopt.org

U.S. Department of Health and Human Services, Administration for Children and Families: www.acf.hhs.gov