

Child Welfare Legislative Policy Overview
June 23, 2011, Lincoln, Nebraska

Presentation Overview

- NCSL Children and Families Program Introduction
- Child Welfare Overview
 - The Child and Family Services Reviews (CFSRs)
 - Foster Care in the U.S.
 - Foster Care in Nebraska
- State Experience with Privatization and Performance-Based Contracting in Child Welfare
 - Privatization
 - Performance-Based Contracting
- Foster Care Legislative Policy Trends
 - Reducing Entries into Care
 - Reducing Length of Stay, Permanency Focus

NCSL Children and Families Program

- Child Welfare
 - NCSL “T/TA to State Legislators on the CFSRs” Initiative
- Welfare and Poverty
- Early Childhood Care and Education
- Youth

Child Welfare Overview

The Child and Family Services Reviews (CFSRs)

- Congressionally authorized
- First round conducted 2000 – 2004
- Second round conducted from 2007 – 2010
- Review of State performance in three domains of child welfare:
 - Safety (two outcomes)
 - Permanency (two outcomes)
 - Child and Family Well-Being (three outcomes)
- Review of seven State systemic factors
- Program Improvement Plans
 - Required if State not in conformity; potential penalties

CFSR
Safety: What Is Measured?

1. Children are, first and foremost, protected from abuse and neglect
2. Children are safely maintained in their homes whenever possible and appropriate

CFSR
Permanency: What Is Measured?

3. Children have permanency and stability in their living situations
4. The continuity of family relationships and connections is preserved for children

CFSR
Child and Family Well-Being: What Is Measured?

5. Families have enhanced capacity to provide for their children's needs
6. Children receive appropriate services to meet their educational needs
7. Children receive adequate services to meet their physical and mental health needs

CFSR: Systemic Factors

1. Statewide information system
2. Case review system
3. Quality assurance system
4. Staff and provider training
5. Service array and resource development
6. Agency responsiveness to the community
7. Foster and adoptive parent licensing, recruitment, and retention

CFSR Round 3

- Plans for CFSR round 3 are not yet finalized
- The process may be similar to, or very different from, round 2
- Today's presentation is focused on round 2 CFSR process

Nebraska CFSR

- Nebraska CFSR Information:
 - Statewide Assessments, Final Report, Program Improvement Plan, Key Findings Report
- http://library.childwelfare.gov/cwig/ws/cwmd/docs/cb_web/SearchForm

National Data Overview

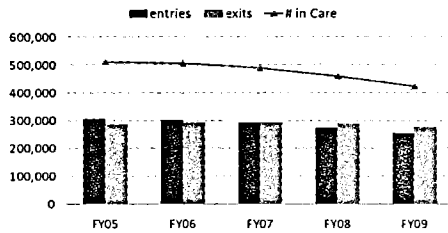
Children in Care in U.S.

- Approximately 408,452 children in foster care
 - 56% of children in care 12 months or more
 - 34% of children in care 24 months or more
 - Average length of stay for children in foster care in 2009:
 - 25.3 months
- (Source: AFCARS: Preliminary FY 2010 Estimates as of June 2011)

National Foster Care Data Trends

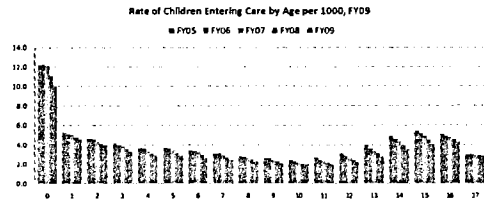
- Between 2005 and 2009, there has been a 15% decrease in the number of children in foster care.
- Entries and exits have both declined, and for the first time, we see exits outpace entries starting in 2008.
- The rate that children are entering foster care has declined for all ages.
- Children under the age of 1 continue to have the highest rate of entry into foster care.

Children in Foster Care in U.S.

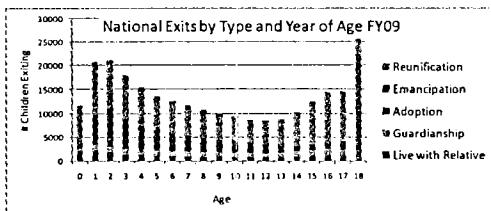


Source: Adoption and Foster Care Analysis and Reporting System (AFCARS)

Entries into Foster Care by Age



Where Do Children Go When They Exit Foster Care?



Foster Care in Nebraska

Youth in State Custody

- In Home: 1,396 (13.5%)
- Out of Home: 8,974 (86.5%)
- Total: 10,370 (100.0%)

(Source: CY2010 Nebraska Division of Children and Family Services)

Nebraska

Youth in State Custody by Age

- 0 to 5 Years: 2,748 (26.5%)
- 6 to 10 Years: 1,740 (16.8%)
- 11 to 15 Years: 2,243 (21.6%)
- 16 to 19 Years: 3,639 (35.1%)
- Total: 10,370 (100.0%)

Nebraska: Discharges

- Reunification 2,643
- Adoption 398
- Guardianship 263
- Independent Living 368
- Other 172

Nebraska: Adoption

- Free for Adoption 348
- Placed in Adoptive Home 58
- Finalized Adoption 398

Child Welfare Privatization and Performance-Based Contracts

Three points

- Privatization of child welfare holds promise for accomplishing significant change/improvement
- Designing and implementing privatization involves substantial challenges
- Successful implementation of privatization requires collaboration from a variety of stakeholders over a long period of monitoring and adaption

Significant promise

- Rationale
 - Flexibility and innovation
 - Reliance on community-based organizations
 - mission and responsiveness
 - Changing program culture
 - Capacity
- Competition
- Cost

Promise

- Clear goals and objectives
- Improved outcomes in Florida & Kansas
 - Children in care
 - Residential placements
 - Adoptions
 - Length of stay
 - Reunification
 - Re-entry
- Advocacy
- Stronger accountability
 - Clear & measurable outcome goals

Substantial Challenges

- Capacity of private agencies
 - Administrative capacity to manage contracts, monitor service delivery and outcomes
 - Managing financial risk
 - Recruiting and training qualified staff
 - cost
 - Evidence-based practice
 - Child welfare laws and policies
 - Building and supporting capacity

Challenges

- Capacity of public agency to contract and monitor private system
- Estimating costs-rates
- Sharing financial risk
- Roles and responsibilities of private and public agencies
 - Case management
 - Representation and accountability in the courts
- Transition -- mistrust
- Access to and compatibility of data systems

Challenges

- Financial incentives -- capacity
 - Linking incentives to goals
 - Maintaining capacity

Moving toward success

- Setting goals and measures
- Collaboration among stakeholders
- Monitoring and improvement
- Long-term view

Broad Inclusion of Stakeholders

- Community service providers
- Public agency (caseworkers, supervisors, managers, top administration)
- Juvenile and family court judges
- Foster and adoptive parents
- Legislators and key policymakers
- Continuing engagement with stakeholder community

Experiences of Florida and Kansas

- Development of strong public-private partnership
 - Time-trust
- Engagement of key stakeholders
- Sufficient staffing and fiscal resources
- Lasting commitment to change from leadership

Discussion

Legislative Oversight Strategies

- Legislative goals
- Policy development with a focus on CFSR and other outcomes
 - Framework for reform
- Oversight
- Leadership in coordination and collaboration with the child welfare agency

Legislative Policy to Reduce Children's Entry into Foster Care

- Differential response
 - 14+ States
- Relative placement; subsidized guardianship through the Fostering Connections Act
 - Subsidized guardianship in 38 States before FCA
 - Subsidized guardianship programs enacted since passage of FCA: AL, AR, CA, CO, MI, NV, NY, TX, VT

Legislative Policy to Reduce Children's Length of Stay in Care

- Focus on permanency (through reunification, relative placement, adoption, guardianship)
 - Family group decision-making
 - 12 States with legislation
 - Concurrent planning
 - FL, ID, MT legislation
 - Improve legal representation for children and families
 - CA, LA, NH, OH, OK legislation

Legislative Oversight

- California
 - Child Welfare System Improvement and Accountability Act (2001 AB 636)
- Maryland
 - Child Welfare Accountability Act of 2006

Questions for Lawmaker Consideration

- What are the trends in our State data for the foster care population? What are the drivers of caseload trends, entries and exits?
- What are our State goals for children in foster care?
- After reviewing our most recent performance on the national standards, what are specific areas on which we could focus? What do the data reveal about the potential performance outcomes for which providers should be held accountable?

Key Questions

- What are the goals for reform of child welfare/ privatization?
 - Reducing out-of-home care
 - Reducing time to permanency
 - Adoptions
 - Reunification
 - Recurrence of maltreatment for children in care

CFSR Outcomes-Measures

1. Children are, first and foremost, protected from abuse and neglect
2. Children are safely maintained in their homes whenever possible and appropriate
3. Children have permanency and stability in their living situations
4. The continuity of family relationships and connections is preserved for children
5. Families have enhanced capacity to provide for their children's needs
6. Children receive appropriate services to meet their educational needs
7. Children receive adequate services to meet their physical and mental health needs

Key questions

- What needs to change in order to improve achievement of these outcomes?
 - Current situation
 - Engagement of stakeholders
- What is the capacity for change/improvement in the existing system?
 - Regional
 - Mix of lead agencies and HHS responsibility

Key questions

- How can Nebraska structure its current child welfare system improve performance?
 - Parallel tracks?
 - Capacity
 - Case management
 - Services
 - Continued engagement, monitoring and improvement

Resources

NCSL Web Site <http://www.ncsl.org/Default.aspx?tabid=123>

Leadership and Child Welfare. The Role of State Legislators
http://www.ncsl.org/documents/cyf/leadership_and_Child_Welfare.pdf

State Progress Toward Child Welfare Improvement. Findings from Fiscal Years 2007 and 2008 of the Child and Family Services Reviews
http://www.ncsl.org/documents/cyf/progress_cw_improvement.pdf

Legislative Strategies to Safely Reduce the Number of Children in Foster Care
http://www.ncsl.org/documents/cyf/strategies_reducing_the_number_of_children_in_foster_care.pdf

Contact Us:

- Children and Families Program
 - Jack Tweedie at (303) 856-1546 or jack.tweedie@ncsl.org
 - Nina Williams-Mbengue at (303) 856-1559 or nina.mbengue@ncsl.org