

Federal Push Toward Permanency for All Youth

*Preventing Sex Trafficking &
Strengthening Families Act
Public Law 113-183*

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Discussion Overview

- Who is VFA & what do we do?
- Federal legislative strides to increase permanency
- Analysis of the child welfare provisions in P.L. 113-183 Preventing Sex Trafficking and Strengthening Families Act of 2014
- What opportunities does the passage of P.L. 113-183 offer at the state level?
- Connecticut kudos on recent reforms!

Voice for Adoption

- VFA develops and advocates for improved adoption policies to make a difference for the 102,000 children in public foster care and families who adopt from the public system. Recognized as a national leader in special needs adoption, VFA works closely with federal legislators and child welfare organizations to highlight policy barriers.
- VFA tracks and analysis federal child welfare/adoption policy and disseminates this information to our members and partners through policy calls, webinars and email updates.

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Preventing Sex Trafficking and Strengthening Families Act P.L. 113-183 (H.R. 4980)

- On September 29th 2014, President Obama signed the Preventing Sex Trafficking and Strengthening Families Act (H.R. 4980) into law. (Public Law 113-183)
- Three titles
 - Title I: Protecting Children and Youth at Risk of Sex Trafficking
 - Title II: Improving Adoption Incentives and Extending Family Connections Grants
 - Title III: Improving International Child Support Recovery

Federal Laws Governing Safety, Permanency, & Well-being

Time Line of Critical Child Welfare Laws & Significant Strides Focusing on Permanency & Connections to Kin/Family Members



2008 – Family Connections Act (FCA)

Significant Strides to Promoting Family Connections

- The Fostering Connections Act made improvements to a range of federal policies, including adoption, kinship care, Tribal foster care, health care, and education. The Act included a number of provisions aimed at addressing the special needs of older youth in foster care and those transitioning out of care.
- FCA established funding for “Family Connections Grants” focused on ensuring youth are connected to families (*funding of four key areas: kinship navigators, family finding, and family group decision making programs, family substance abuse treatment programs*)
- Expanded the federal title IV-E adoption assistance program (“de-linked” from AFDC), created the Guardianship Assistance Program (GA), and extended federal reimbursement for extension of foster care to age 21.

Preventing Sex Trafficking and Strengthening Families Act P.L. 113-183 (H.R. 4980)

- Preventing Sex Trafficking and Strengthening Families Act (Public Law 113-183) – builds on the 2008 Fostering Connections to Success and Increasing Adoptions Act (*PROMOTION OF PERMANENCY & FAMILY CONNECTIONS IMPORTANT*)

Three key bill provision-areas of focus for today's forum:

- 1. Protecting Youth** – What makes youth vulnerable? *Lack of permanency, “aging-out” w/o committed adults*
- 2. Youth Empowerment/Engagement** – Requirements for older youth involvement in case & permanency planning
- 3. Push for Permanency for All Youth** – Increasing opportunities for permanency (*APPLA restrictions, increased state bonuses for permanency outcomes*)

Protecting Children and Youth

What makes youth vulnerable?

Lack of permanency, “aging-out” w/o committed adults

- Reports suggest a majority of children involved in sex trafficking are either currently in foster care or have been involved with the child welfare system in the past.
- Of children reported missing to the National Center for Missing and Exploited Children who are also likely sex trafficking victims, 60 percent were in foster care or group homes when they ran away
- While foster care often protects children from further abuse and neglect, children who stay in foster care for extended periods – especially those who leave foster care at age 18 without being placed in a permanent home – have troubling outcomes

Youth Empowerment/Engagement

- Sec. 113 requires children 14 and older to be consulted in the development of their case plan and directs states to allow youth **to invite 2 other members identified by the youth** to be a part of their case planning team (*other than their foster parent or caseworker*)
- Also requires states to provide a written “List of Rights” document to youth 14 or older outlining their rights in care as they pertain to education, health care, visitations, **court hearings/participation**, and the right to stay safe

Youth Empowerment & List of Rights Notification Continued

- The state is also required to document a signed acknowledgement from the child/youth (age 14+) that they received their list of rights and that they have been “explained in an age-appropriate way”
- Two years after enactment HHS is required to report to Congress an analysis of how states are administering these requirements and share states best practices of these efforts
- Involving & empowering youth in their case planning can lead to better permanency outcomes and compliance with the case plan

Push for Permanency for ALL Youth

The new law P.L. 113-183:

- Restricts the use of APPLA as a permanency goal (*formerly titled and still sometimes used as Long-Term Foster Care*)
- Reauthorizes funding for the Adoption Incentives Program
- Creates new categories for state incentives/bonus to increase not only adoptions, but also guardianships
- Creates a new category for older youth (14+) permanency outcomes

Permanency Hearings

- At the annual permanency hearing, the judge must determine the permanency plan (or goal) for the child,
- including, as appropriate: returning home; referral for adoption and termination of parental rights (TPR), guardianship, or placement with a “fit and willing” relative.
- “Another planned permanent living arrangement” may be selected only if none of those goals is possible or appropriate. In selecting APPLA, states must document a “compelling reason” for determining that the other case permanency goals would not be in the child’s best interest.

Restrictions to: Another Planned Permanent Living Arrangement (APPLA)

- APPLA will no longer apply as a permanency goal for children under age 16, and further case planning and review requirements will go into effect for youth with an APPLA permanency goal (implementation is delayed three years for children in the foster care systems of Indian tribes).
- The state must show its intensive, ongoing and unsuccessful efforts to find permanent placements during permanency hearings, which should include attempts to find biological family members.
- The state agency must ask the child at each hearing about his or her preferred permanency goal and conduct a judicial determination showing why APPLA is still the best option.
- States have one year to implement (by September 29, 2015), and are allowed more time if legislation is needed.
- Three year delay for children in foster care under the responsibility of an Indian tribe, tribal organization or tribal consortium

Evidence Leading to APPLA Restrictions

- 2010 – Senate Caucus on Foster Youth was formed – Co-chaired by Senators Grassley (R-IA) & Landrieu (D-LA)
- Series of working groups with child welfare stakeholders and youth alumni lead to a “Call to Action” white paper – one issue discussed was the use of APPLA and how it contributes to long stays in foster care and/or “aging-out”
- Advocacy discussions with State child welfare agencies or state child welfare stakeholder groups on the draft changes to restrict APPLA before the law passed – found states citing that Courts & court officials were often a barrier in getting them to change APPLA designations

Evidence Leading to APPLA Restrictions

- 2012 – Congressional Research Service report on “APPLA as a Permanency Goal for Children in Foster Care”
- Limited reporting on “APPLA” designation – States still use two proxy goals in AFCARS reporting “Long-Term Foster Care” and “Emancipation”
- AFCARS: National figures, Case goals reported –
 - 5% population assigned “LTFC”
 - 5% population assigned “Emancipation”
- AFCARS: Exits, today – nationally, we have 10% of our youth emancipating w/o permanency = 23,000 / annually

Evidence Leading to APPLA Restrictions

Table 2. Selected Strengths and Weaknesses Identified by HHS for “Other Planned Permanent Living Arrangement” (OPPLA)

Permanency Outcome I: Children Have Permanency and Stability in Their Living Situations, Item I0: OPPLA

Strengths	Challenges
<p>Child welfare agencies provided support and services to youth by:</p> <ul style="list-style-type: none"> • Developing appropriate permanency goals; • Developing and supporting appropriate permanent placements, highlighting the strong relationship that developed between the child and foster parents; • Providing independent living assessments and services targeted to meet the child’s specific needs and challenges; • Engaging with siblings, parents, courts, tribal courts, and other service providers; and • Along with other stakeholders, addressing children exhibiting challenging behavior (e.g., running away, acting out) and children refusing services, especially independent living services. 	<p>Child welfare agencies had challenges in:</p> <ul style="list-style-type: none"> • Addressing a child’s behavioral needs in a particular placement; • Overusing temporary placements; • Inadequately providing independent living assessments and service; • Insufficiently engaging in case planning; • Lacking in the development of permanent placement options; • Lacking in follow-up in licensing and finalizing permanent placement options; and • Lacking in communication with foster and adoptive parents and service delivery partners.

Source: Table prepared by CRS based on U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children’s Bureau, *Federal Child and Family Services Reviews Aggregate Report, Round 2, Fiscal Years 2007-2010*, December 16, 2011.



Expanded Adoption Incentive Program to Increase Permanent Outcomes

- The Adoption Incentive Program is renamed the Adoption and Legal Guardianship Incentive Payments Program, and is reauthorized through fiscal year 2016.
- Incentive payments to states will now be based on **guardianships in addition to adoptions**.
- The incentive categories and payment amounts have also been changed to include:
 - \$5,000 for foster child adoption
 - \$7,500 for pre-adolescent child adoption and guardianship
 - \$10,000 **for older (ages 14+) child adoption and guardianship**
 - \$4,000 for foster child guardianship
- Improvements based on RATES rather than NUMBERS. States will now have 3 years to spend the incentive dollars received.

ACF Program Instructions Issued

- On November 21, 2014, the Administration for Children and Families released Program Instruction ACYF-CB-PI-14-06 that provides information and instructions for amending the relative identification and notification to include siblings and incorporating successor guardian.
- Information on effective dates and applying for a delayed effective date if state legislation is required (within 30 days of PI)
- Information on submitting agency plan amendments (within 60 days of PI)
- http://www.acf.hhs.gov/sites/default/files/cb/pi_14_06.pdf

Looking Ahead...

Congressional discussions on federal funding

- Interest to move toward decreasing federal dollars for long-term congregate and group care placements and increase family-based care and permanency
- Interest to fund prevention of foster care and post-permanency services

Connecticut – Has a head start, on a path to successful outcomes in area of permanency for all youth

CT report showing 51% increase in children living with kin and a 57% decrease in children/youth living in group placements

Questions?



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