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# Improving Child Welfare: State Legislative Experience and CFR Key Findings July 24, 2012 Madison, Wisconsin





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# Presentation Overview

- Introduction
- NCSL Children and Families Program Introduction
- Goals of Presentation
- Child and Family Services Reviews
  - Overview
  - Key Findings from Round 2
- State Legislative Policy Approaches to Achieving Permanency
- Jury Trials in Termination of Parental Rights Cases



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# **NCSL Children and Families Program**

- Child Welfare
  - NCSL “Technical Assistance to State Legislators on the CFSRs” Initiative
- Welfare and Poverty
- Early Childhood Care and Education
- Child Support
- Youth



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# Goals of Presentation



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# Goals

- Educate Committee members on the CF SR and Program Improvement Plan processes through an analysis of key findings from Round 2.
- Provide information on State legislative policy approaches to achieving permanency.
- Educate Committee members on State and national kinship care initiatives.
- Impart general information on jury trials in termination of parental rights cases.



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# **Child and Family Services Reviews: Key Findings from Round 2**



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## The Child and Family Services Reviews (CFSRs)

- Congressionally authorized
- First round conducted 2000 – 2004
- Second round conducted 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 Systemic Factors
- Program Improvement Plans
  - Required if State not in conformity; potential penalties
- CFSR Round 3



## Safety and Permanency Outcomes

- Safety Outcome 1: Children are, first and foremost, protected from abuse and neglect
- Safety Outcome 2: Children are safely maintained in their homes whenever possible and appropriate
- Permanency Outcome 1: Children have permanency and stability in their living situations
- Permanency Outcome 2: The continuity of family relationships and connections is preserved for children



# Well-Being Outcomes

- Well-Being Outcome 1: Families have enhanced capacity to provide for their children's needs
- Well-Being Outcome 2: Children receive appropriate services to meet their educational needs
- Well-Being Outcome 3: Children receive adequate services to meet their physical and mental health needs



## **CFSRs: Key Findings from Round 2**

### **52 CSRs FYs 2007 - 2010**

- 50** States, DC and Puerto Rico
- 3,363** Cases Reviewed
- 2,079** Foster Care Cases
- 1,284** In-Home Services Cases



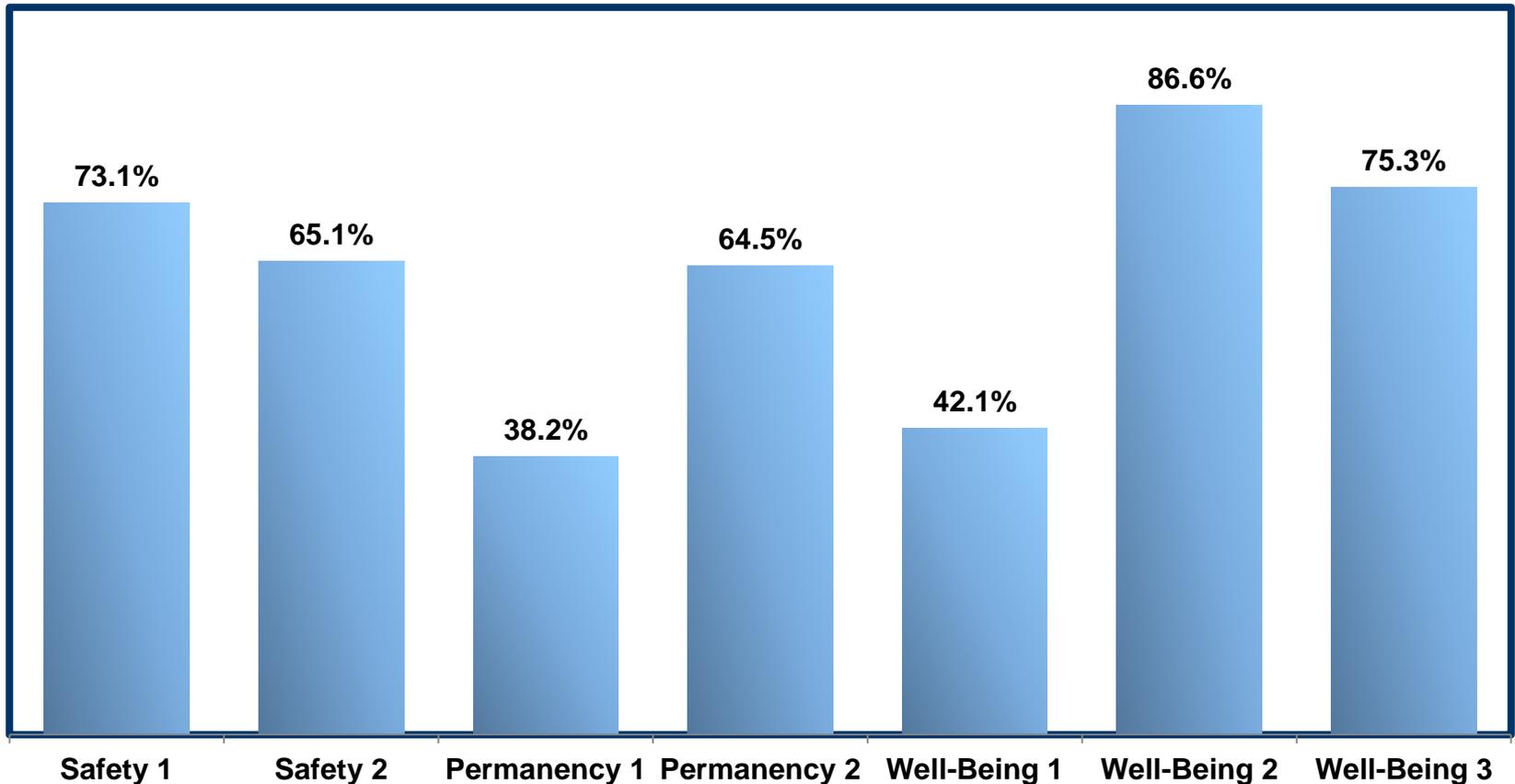
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## CFSRs: Key Findings from Round 2

### Outcomes: Percentage of Cases Substantially Achieved Mean State Performance





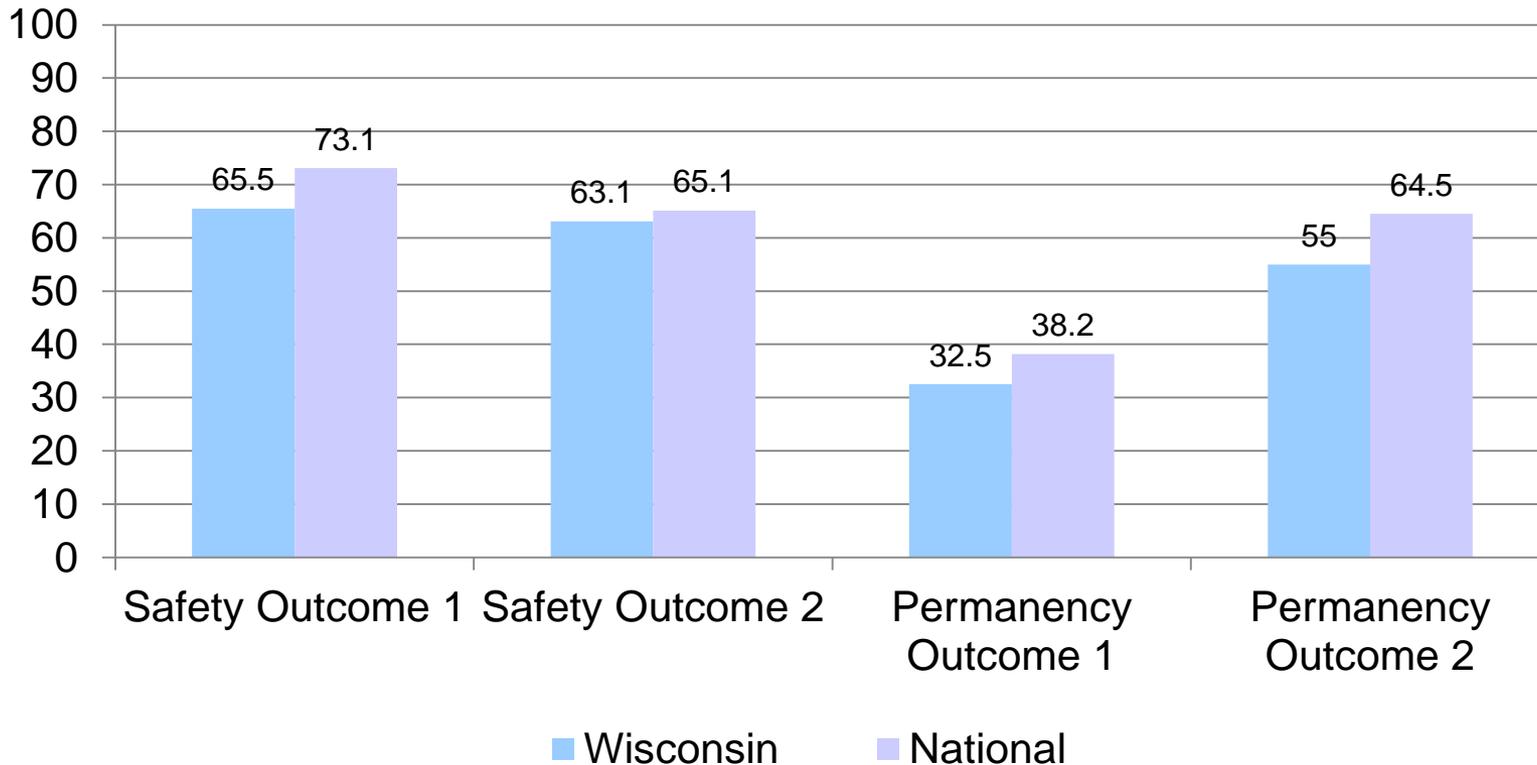
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# Wisconsin

## Safety and Permanency Outcomes



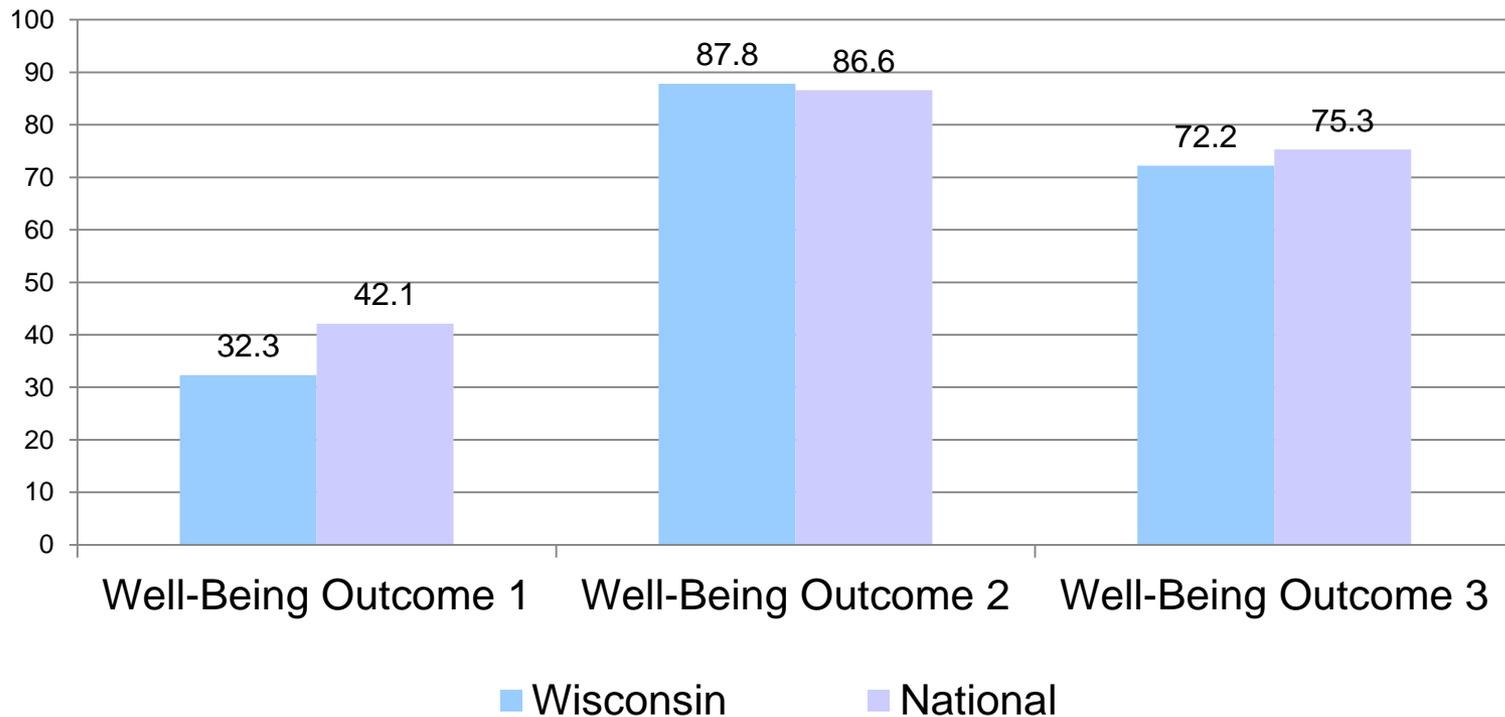


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# Wisconsin Child Well-Being Outcomes



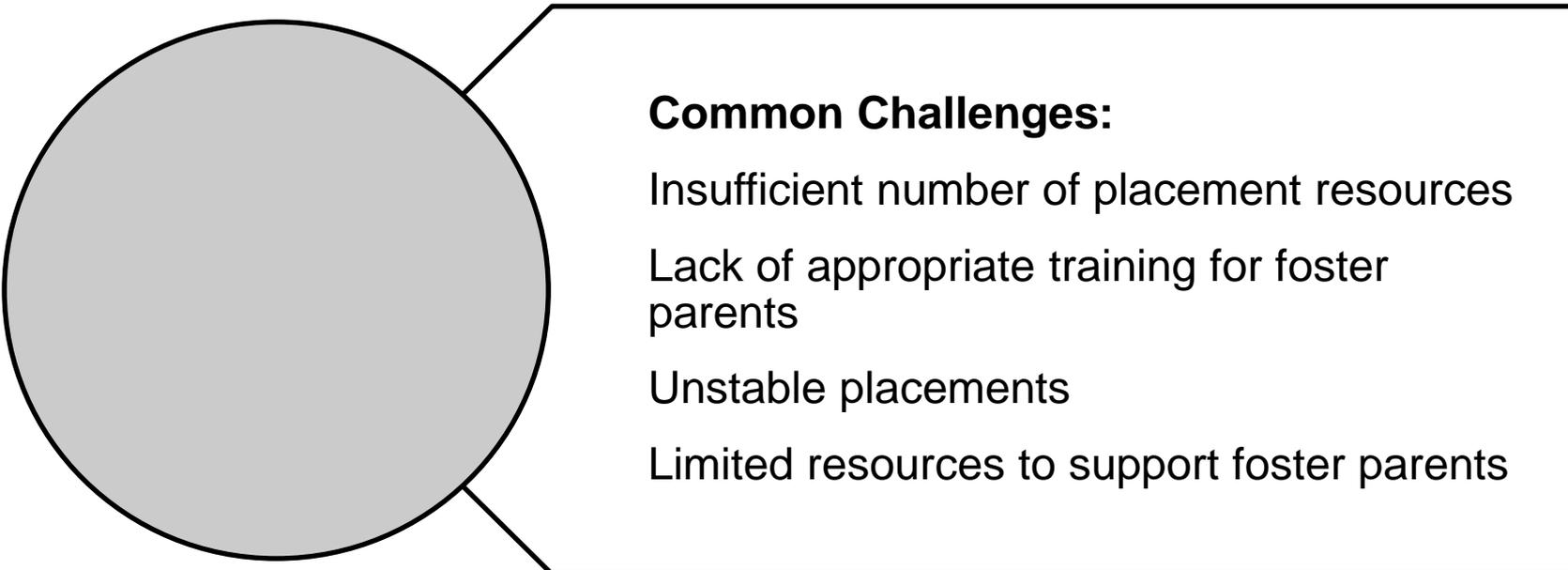


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## Item 6: Stability of Foster Care Placement National Outcomes



### **Common Challenges:**

Insufficient number of placement resources

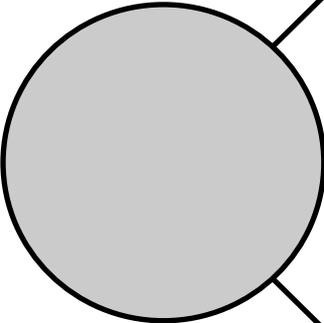
Lack of appropriate training for foster parents

Unstable placements

Limited resources to support foster parents



## Item 6: Stability of Foster Care Placement Wisconsin Outcomes



### **Strengths:**

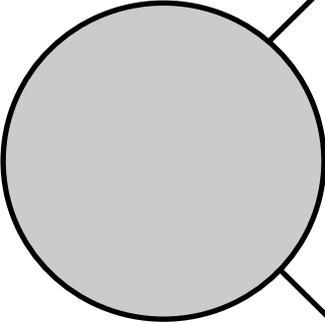
Children experienced placement stability

Children 0-4: highest placement stability

Children in a relative foster home or pre-adoptive home:  
highest placement stability for all lengths of stay

Levels of Care Initiative and relative notification

Mobile Urgent Treatment Units



### **Challenges:**

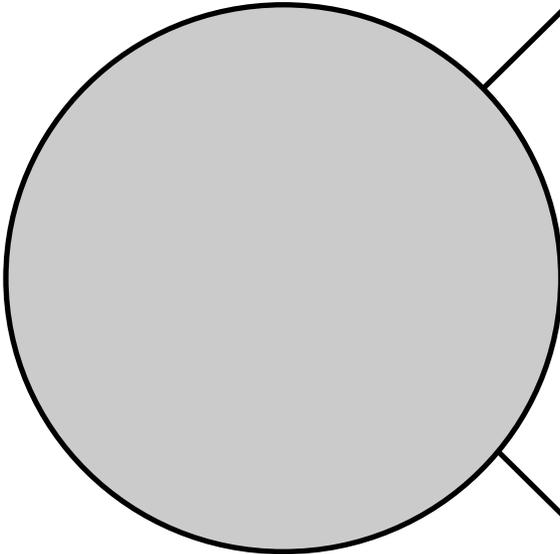
State did not use a standardized assessment tool

Children with mental health needs - lowest placement  
stability

Children in juvenile justice cases - multiple placements



## Item 7: Permanency Goal for the Child National Outcomes



### **Common Challenges:**

Inconsistent or ineffective concurrent planning

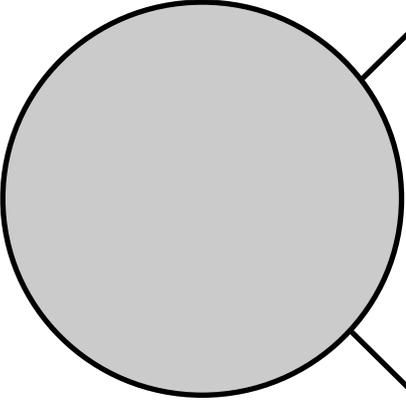
Inappropriate permanency goals set

Goals – setting not timely

TPR not filed in accordance with ASFA

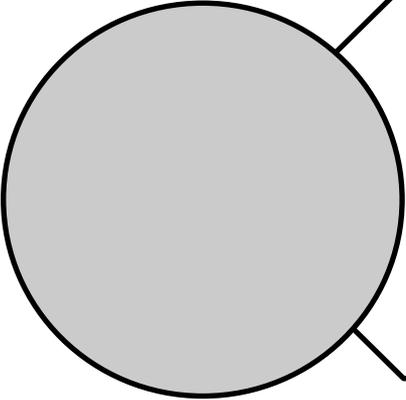


## Item 7: Permanency Goal for the Child Wisconsin Outcomes



### **Strengths:**

Permanency consultants used to explore and develop a permanent plan if reunification is unlikely



### **Challenges:**

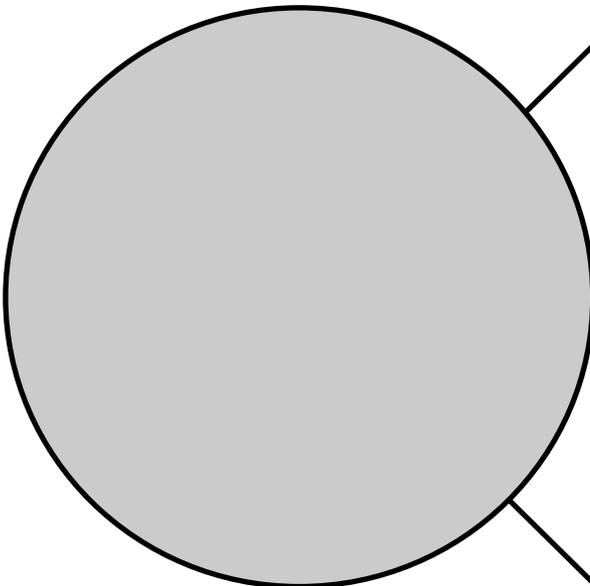
Child's placement goal not appropriate or not established in a timely manner

TPR not sought in accordance with ASFA

Permanency plans pursued sequentially rather than concurrently



## Item 8: Reunification, Guardianship, Permanent Placement With Relatives National Outcomes



**Strengths:**

Identifying and engaging family

Individualizing case plans

Designing and adjusting visitation plans

Communicating with families, providers and courts

Concurrent planning

Family team meetings

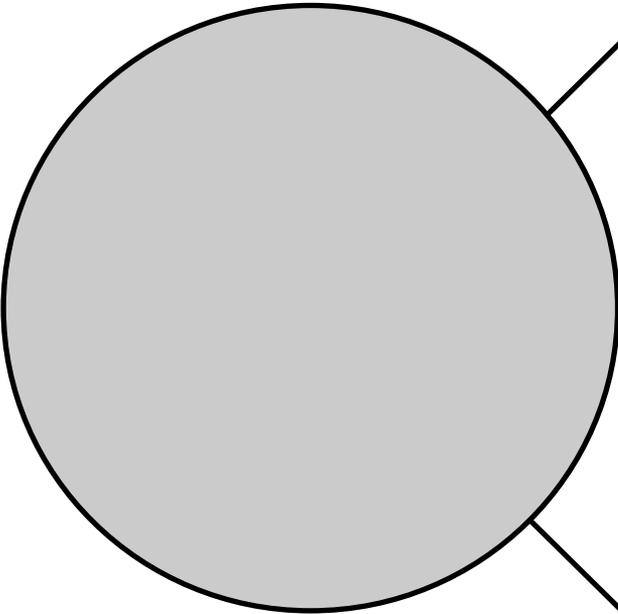
Placing children in close proximity to their families

Supporting foster caregivers as mentors with parents

Providing services



## Item 8: Reunification, Guardianship, Permanent Placement With Relatives National Outcomes



### Challenges:

Insufficient initial family needs assessment

Insufficient case planning

Lack of engagement of parents and families

Lack of support for concurrent planning

Insufficient communication with courts and service providers

Delays in guardianship home studies and finalization

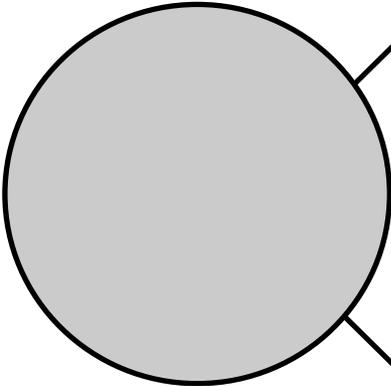
Delays in relative and noncustodial parent identification

Delays in court hearings

Services identified but not provided



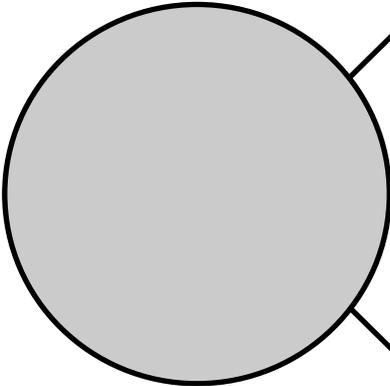
## Item 8: Reunification, Guardianship, Permanent Placement With Relatives Wisconsin Outcomes



### **Strengths:**

Subsidized guardianship statewide

Consider placement with a fit and willing relative first

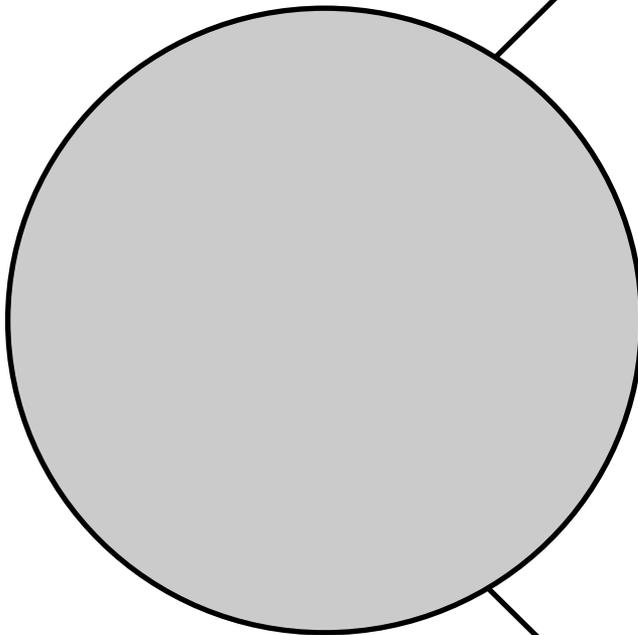


### **Challenges:**

Lack of concerted efforts to achieve reunification with parents or relatives in a timely manner



## Item 9: Adoption National Outcomes



### Strengths:

Completing legal processes quickly

Filing TPRs within ASFA timelines

Obtaining voluntary relinquishments

Conducting concurrent planning effectively

Processing cross-state placements under the Interstate Compact on the Placement of Children (ICPC) in a timely manner

Providing assistance and referrals to resource families

Completing forms, expediting licensing, finalizing adoptions

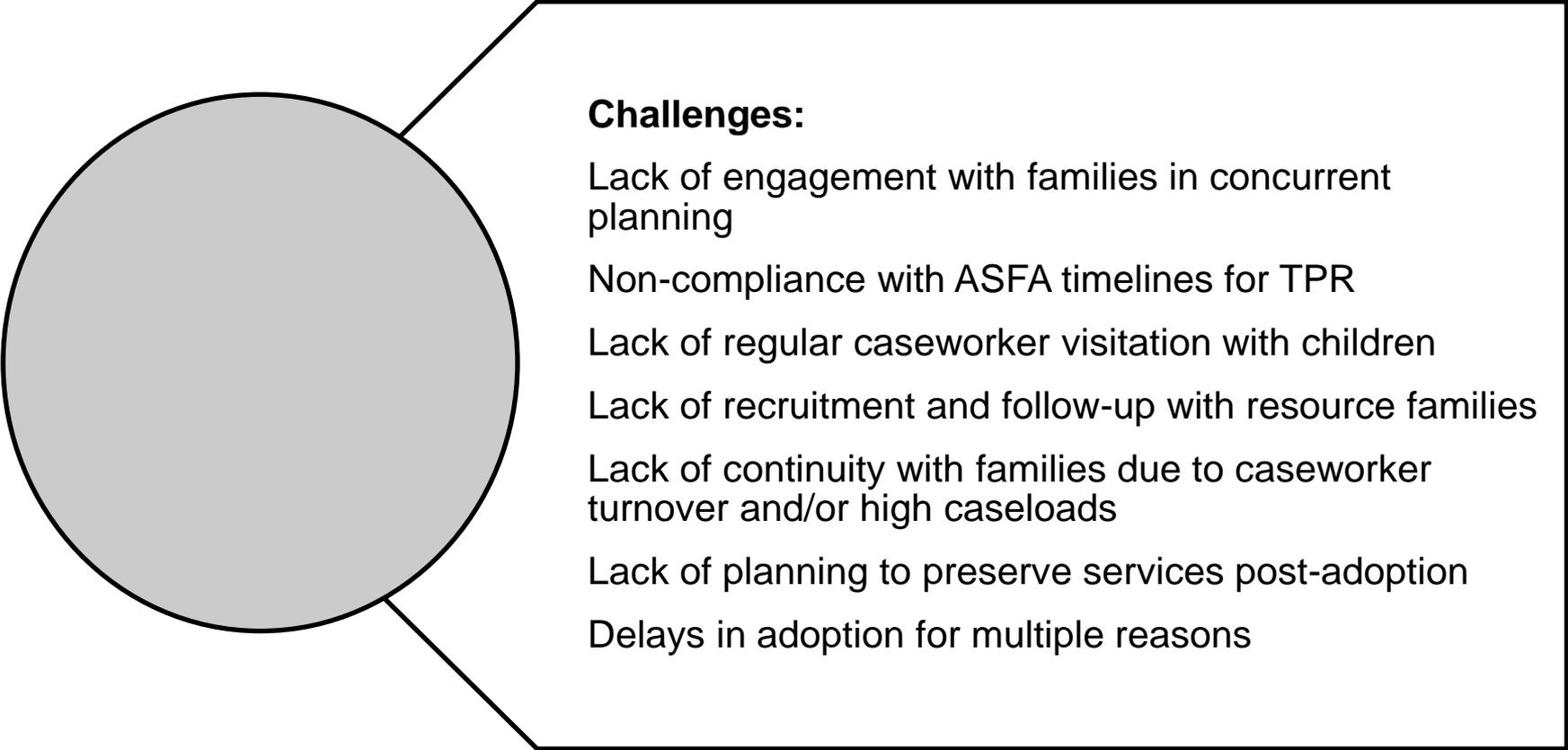
Preserving existing services for children post-adoption

Contacting relatives early

Recruiting resource families



## Item 9: Adoption National Outcomes



### **Challenges:**

Lack of engagement with families in concurrent planning

Non-compliance with ASFA timelines for TPR

Lack of regular caseworker visitation with children

Lack of recruitment and follow-up with resource families

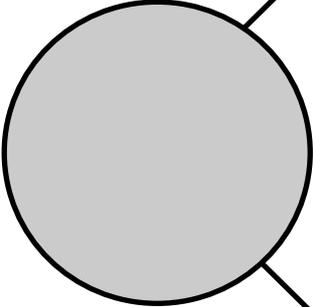
Lack of continuity with families due to caseworker turnover and/or high caseloads

Lack of planning to preserve services post-adoption

Delays in adoption for multiple reasons



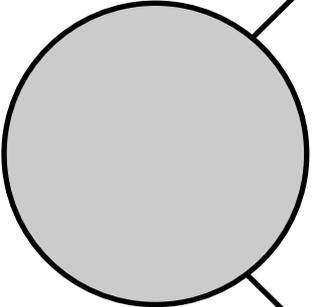
## Item 9: Adoption Wisconsin Outcomes



### **Strengths:**

State permanency consultants assist in developing a permanent plan and in preparing for TPR

SNAP program to match children with adoptive parents and provide adoption assistance payments to persons who adopt children with special needs



### **Challenges:**

Delays in achieving adoptions in a timely manner

Delays due to appeals of TPR decisions

Delays in holding TPR hearings and filing TPR petitions

Inconsistent permanency planning

Reluctance to pursue TPR

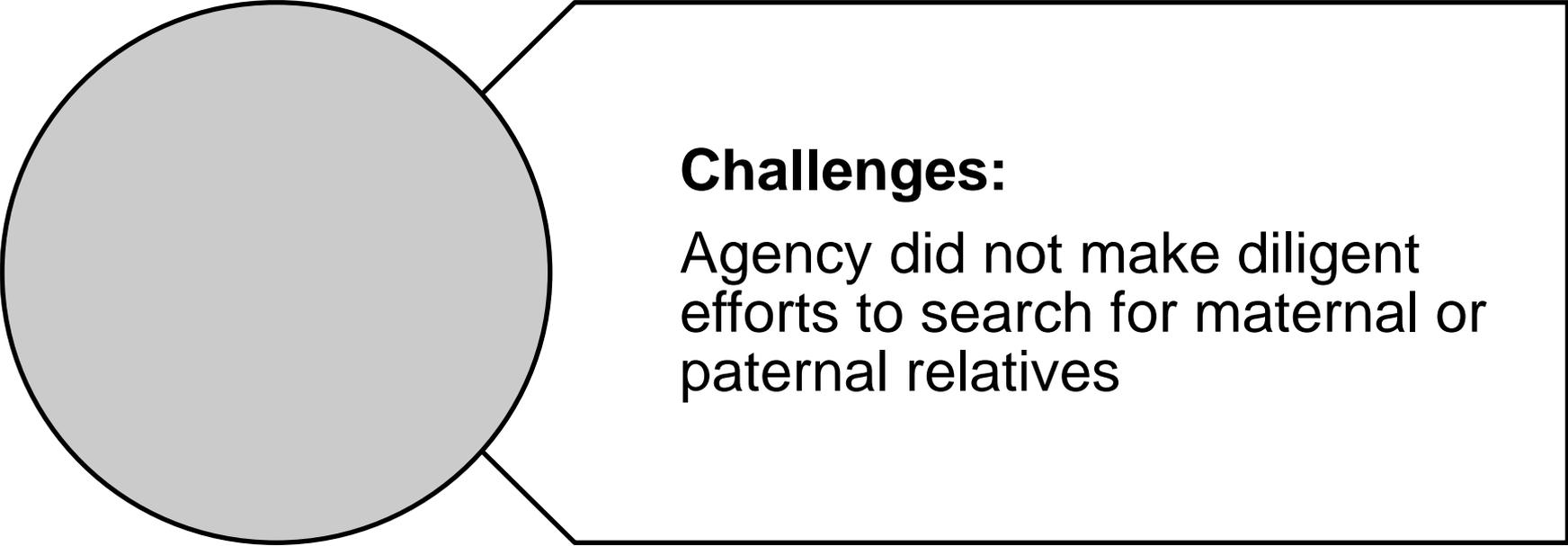


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## Item 15: Placement With Relatives National Outcomes

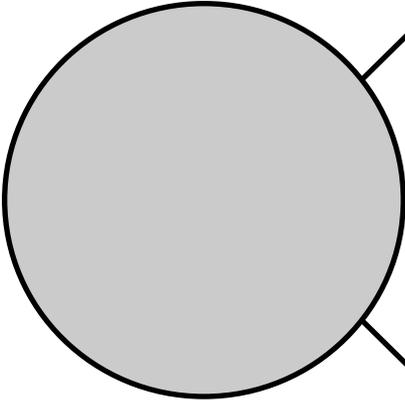


### **Challenges:**

Agency did not make diligent efforts to search for maternal or paternal relatives

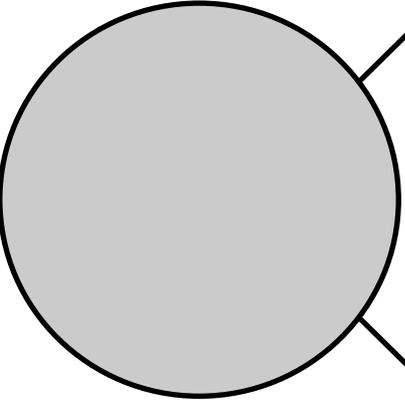


## Item 15: Placement With Relatives Wisconsin Outcomes



**Strengths:**

TANF-funded Kinship Care Program  
Placement with a relative considered first  
Notice to all adult relatives within 30 days  
Diligent search requirements



**Challenges:**

Relatives not explored or identified early in the case



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# Legislative Approaches to Achieving Permanency



## Legislative Approaches to Achieving Permanency

- Reducing court delays
  - Delaware, Tennessee: Eliminate delays in TPR proceedings and appeals.
  - Washington: Review hearing within 30 days from the date of removal to determine whether the permanency plan should be changed, a TPR petition should be filed, or other action is warranted.
  - California: In 2006, California enacted the Child Welfare Leadership and Performance Accountability Act, which requires courts to develop and track their performance on key child welfare measures.



## Legislative Approaches to Achieving Permanency

- Implementing new court models
  - Family drug treatment courts to enable families to complete more substance abuse treatment sessions, achieve permanency more quickly and increase the likelihood of reunification: Illinois, Michigan, New York, North Carolina, Texas, Virginia
  - Integrated family court: Arizona
  - One family, one judge: New York



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## Legislative Approaches to Achieving Permanency

- Improving legal representation for children and families
  - Providing training and support for legal advocates
  - California, Louisiana, New Hampshire, Ohio, Oklahoma



## Legislative Approaches to Achieving Permanency

- Youth participation in court hearings
  - California: Youth age 10+ required to be notified of hearings
  - New York: Family court judges required to consult with children at all permanency hearings
  - Oregon: Youth age 12+ must receive notice of hearings
  - Hawaii: Youth age 14+ appear at court hearings



## Legislative Approaches to Achieving Permanency

- Concurrent Planning
  - More than one permanency plan is to be pursued simultaneously, in cases that involve removal of a child from parents' custody
  - Florida, Idaho, Montana
- Family group conferencing
  - Parents and extended family, agency representatives and community members are to be included in making decisions about children's safety and permanence
  - Legislation in 12 states



## Overview of Legislative Kinship Care Initiatives

- Strengthening family search
  - Alaska, Connecticut, Florida, Illinois, Virginia: require efforts to identify and locate relatives
  - Fostering Connections to Success and Increasing Adoptions Act of 2008 requires relative notification and outreach and provides Family Connections Grants
- Expanding definition of kinship care
  - Washington: expanded relative definition to include second cousins and half-siblings
  - Wisconsin: expanded relative definition to include stepbrother; stepsister; half-brother; half-sister; brother-in-law; sister-in-law; second cousin; step-uncle; step-aunt; any person of preceding generation denoted by prefix grand, great, or great-great; and spouse of any relative



## Overview of Legislative Kinship Care Initiatives

- Subsidized Guardianship (Fostering Connections to Success and Increasing Adoptions Act of 2008)
  - Alabama, Arkansas, Colorado, Michigan, New York, Texas, Vermont, Washington, Wisconsin
  - 38 states had subsidized guardianship prior to Fostering Connections Act
- Services and supports for relatives
  - California's Kin-GAP program, Kansas' Grandparents-as-Caregivers: provide financial assistance
  - Connecticut and Kentucky: provide relative caregivers with information and referrals to services
  - Maine: Permanency Guardianship and Permanency Guardianship Subsidy provides monthly financial support to relative guardians



## Overview of Legislative Kinship Care Initiatives

- School enrollment and medical consent laws
  - Medical consent laws that allow relatives and other kinship caregivers to make health decisions on behalf of children in their care, with parental consent and without legal custody: 26 states (WI) and DC
  - Relative and other kinship caregivers allowed to enroll children in their care in school, with parental consent and without legal custody: 38 states



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## Overview of Legislative Kinship Care Initiatives

- Removing barriers to licensing/increase percentage of licensed relative caregivers
  - Fostering Connections to Success and Increasing Adoptions Act of 2008: Clarifies that states may waive non-safety licensing standards on a case-by-case basis



## Overview of Legislative Kinship Care Initiatives

- Removing barriers (continued)
- Policy and administrative strategies
  - Designated staff person or license review panel to address internal questions regarding waiving licensing standards
  - Update regulations
  - Provide technical assistance to local departments in defining situations for which waivers might be acceptable
  - Develop focus groups to work on streamlining the process (examples)
    - West Virginia Licensing Standards Commission to study ways to simplify the process
    - Minnesota Child Welfare Data Dashboard includes performance data on the rate of relative care
    - New Hampshire designated relative care specialist
    - Rhode Island Regional Permanency Support Teams
    - Tennessee recommended a standardized kin approval waiver process



## Overview of Legislative Kinship Care Initiatives

- Removing barriers (continued)
- Recruitment strategies
  - Identify and license relatives earlier in the process
  - Strengthen family finding and engagement activities
  - Require private agency contractors to seek out and encourage relative caregivers to become licensed
    - Examples: Hawaii Keiki Placement Project focuses on all young children in placement, ages 0 – 3, to identify and recruit relatives



## Overview of Legislative Kinship Care Initiatives

- Removing barriers (continued)
- Training strategies
  - Modified one-day training
  - Training sessions held in community locations such as schools and libraries
  - Video-conference training
  - Rotate training sessions across counties and districts
  - Partner with local universities or community groups to provide training



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## Overview of Legislative Kinship Care Initiatives

- Kinship navigator programs
  - Assist grandparent and relative caregivers to navigate the various systems and services available in the state to address their needs as kinship care providers
  - Connecticut, Illinois, Indiana, Kentucky, New Jersey, and Ohio legislation



## Jury Trials in TPR Cases

- States permitting/requiring jury trials (as of 2010 session):
  - Oklahoma, Texas, Virginia, Wisconsin, Wyoming
- 47 states prohibit jury trials
- Arizona experience
  - Affects court resources and case flow management
  - Additional cost
  - Significant additional burden on CPS, Attorney General's Office and attorneys representing children and parents
  - Majority of cases went to appeal during which time children cannot be adopted



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## Resources

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

**NCSL Webinar on Key Findings of CFSR Round 2:**

<http://www.ncsl.org/issues-research/human-services/webinar-training-and-technical-assistance.aspx>

**CFSR Aggregate Report Key Findings:**

[http://www.acf.hhs.gov/programs/cb/cwmonitoring/results/fcfsr\\_report.pdf](http://www.acf.hhs.gov/programs/cb/cwmonitoring/results/fcfsr_report.pdf)

**Leadership and Child Welfare: The Role of State Legislators:**

[http://www.ncsl.org/documents/cyf/Leadership\\_and\\_Child\\_Welfare.pdf](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](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](http://www.ncsl.org/documents/cyf/strategies_reducing_the_number_of_children_in_foster_care.pdf)

**NCJJ Snapshot March 2011: Jury Trials in Parental Rights Cases:**

[http://www.ncjj.org/pdf/Snapshots/2011/vol16\\_no3\\_Jury%20Trial%20In%20Termination%20of%20Parental%20Rights%20Case.pdf](http://www.ncjj.org/pdf/Snapshots/2011/vol16_no3_Jury%20Trial%20In%20Termination%20of%20Parental%20Rights%20Case.pdf)

**Arizona Juvenile Courts: Terminating Parental Rights by Jury Trial in Arizona: A First Year Look, May 2005:**

[http://www.azchildren.org/MyFiles/PDF/TPR\\_Jury\\_Trial.pdf](http://www.azchildren.org/MyFiles/PDF/TPR_Jury_Trial.pdf)



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