STEP UP



Strengthening Kinship Families: 2016 Policy Reforms

How to Join the Webinar

1. Click the link to join the webinar at the specified time and date:

https://attendee.gotowebinar.com/register/6852204111768081922

Note: This link should not be shared with others; it is unique to you.

2. Choose one of the following audio options:

TO USE YOUR COMPUTER'S AUDIO:
When the webinar begins, you will be connected to audio using your computer's microphone and speakers (VoIP). A headset is recommended.

--OR--

TO USE YOUR TELEPHONE:
If you prefer to use your phone, you must select "Use Telephone" after joining the webinar and call in using the numbers below.
United States: +1 (415) 655-0059

Access Code: 871-903-382
Audio PIN: Shown after joining the webinar

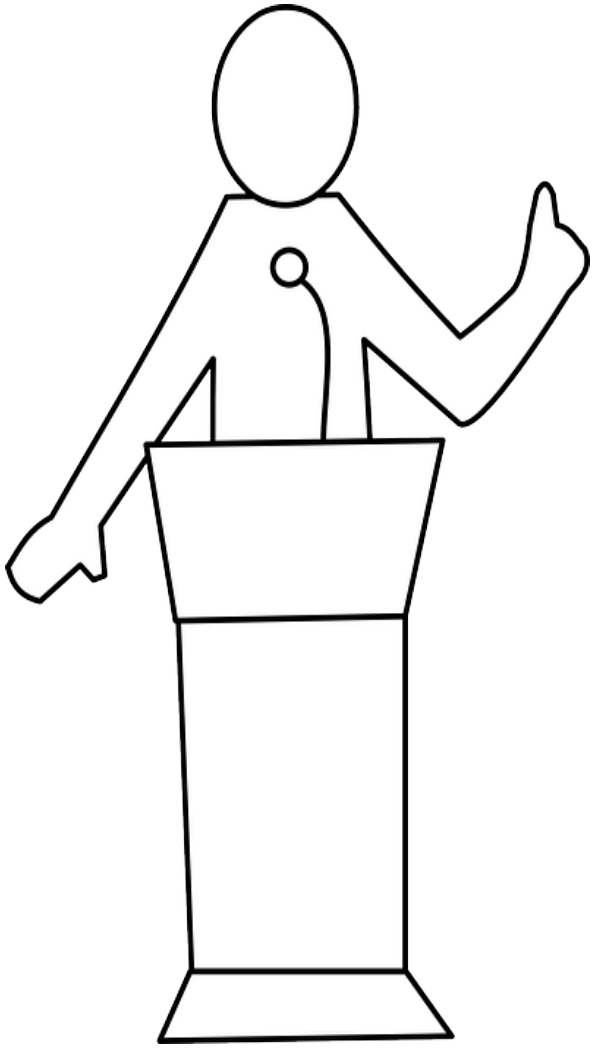
Webinar ID: 150-995-411

Logistics

- Webinar will be recorded and archived at www.stepupforkin.org/trainings
- All attendees will be on mute – type any questions you have into the chat box or if you experience technical difficulties email Will Smith at w.smith@kids-alliance.org
- A certificate of participation will be posted online after the webinar at www.stepupforkin.org/trainings
- We will be answering your questions – please submit questions using the “chat” function on your GotoWebinar dashboard

Today's Speakers

- Mary Bissell, Child Focus Partners
- Martha Matthews, Public Counsel
- Sue Abrams, Children's Law Center
- Angie Schwartz, Alliance for Children's Rights



WHY DO KINSHIP FOSTER FAMILIES MATTER?



Kinship families are the backbone of our child welfare system

- Hidden in plain sight - kinship families are the largest child welfare system in America
  - Extended family members and close family friends care for more than **2.7 million** children in this country
  - Over the past decade **the number of children in kinship care grew six times faster** than the number of children in the general population
  - **287,996** children in California live in homes with grandparent householders where grandparents are responsible for them - of these children, **80,248** have no parents present in the home.
  - **In California, 19,635** of our state's 63,000 foster children are in kinship placements

Relative Placement… It's the Law!



Federal law requires relatives to be given preference in the placement of foster children:

- States must "consider giving preference to an adult relative over a nonrelated caregiver when determining placement of a child, provided that the relative caregiver meets all of the relevant state child protections standards." 42 USC §671(a)(15)(A)
- States must "within 30 days after the removal of a child from the custody of the parent or parents of the child, the State shall exercise due diligence to identify and provide notice to all adult grandparents and other adult relatives of the child (including any other adult relatives suggested by the parents)…" 42 USC §671(a)(29)

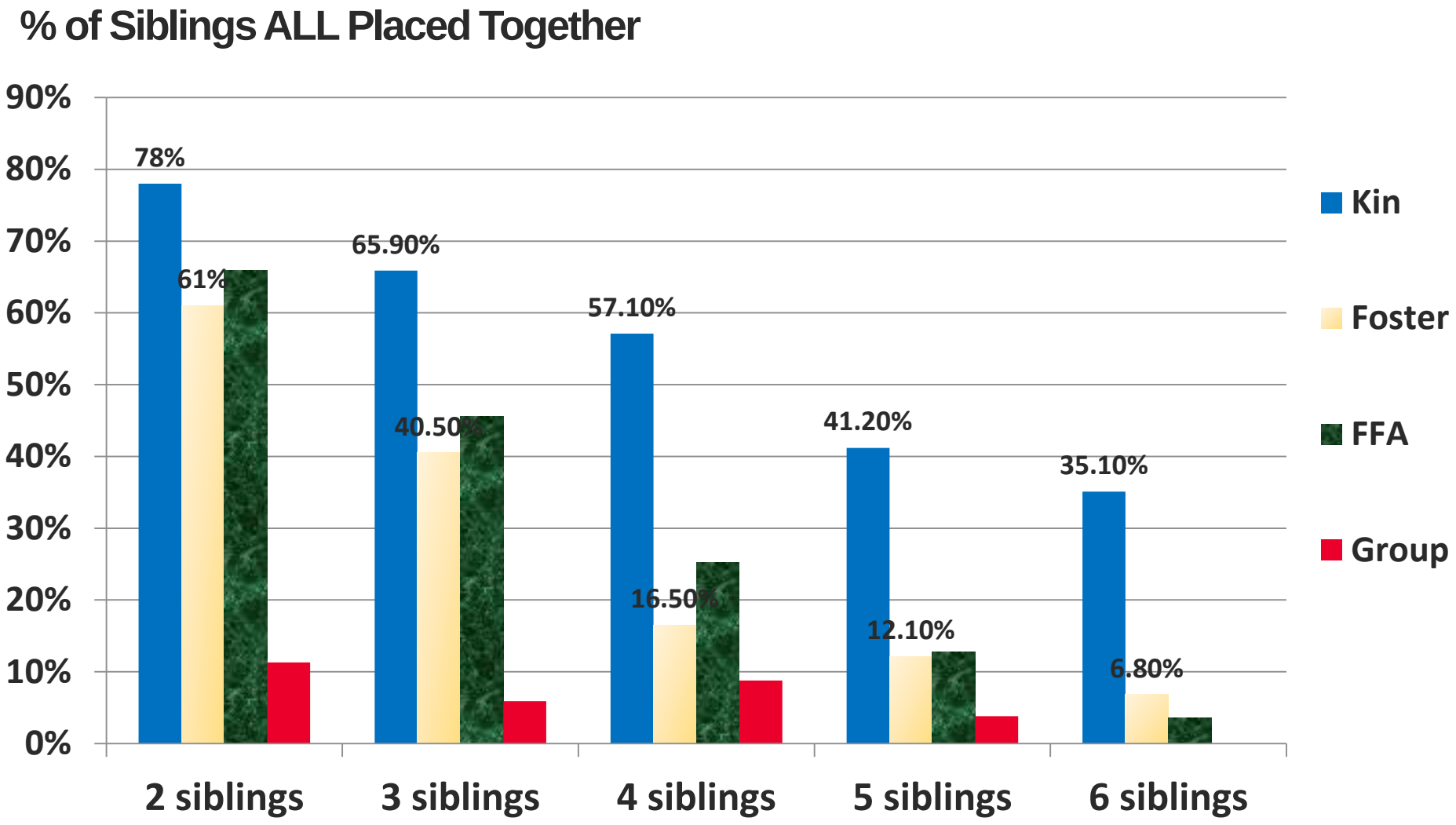
Relative Caregivers Support Child Well-Being

Research has shown that children in kinship care have:

- Fewer prior placements
- More frequent and consistent contact with birth parents and siblings,
- Felt fewer negative emotions about being placed in foster care than children placed with non-relatives
- More likely to graduate from high school
- Less likely to runaway

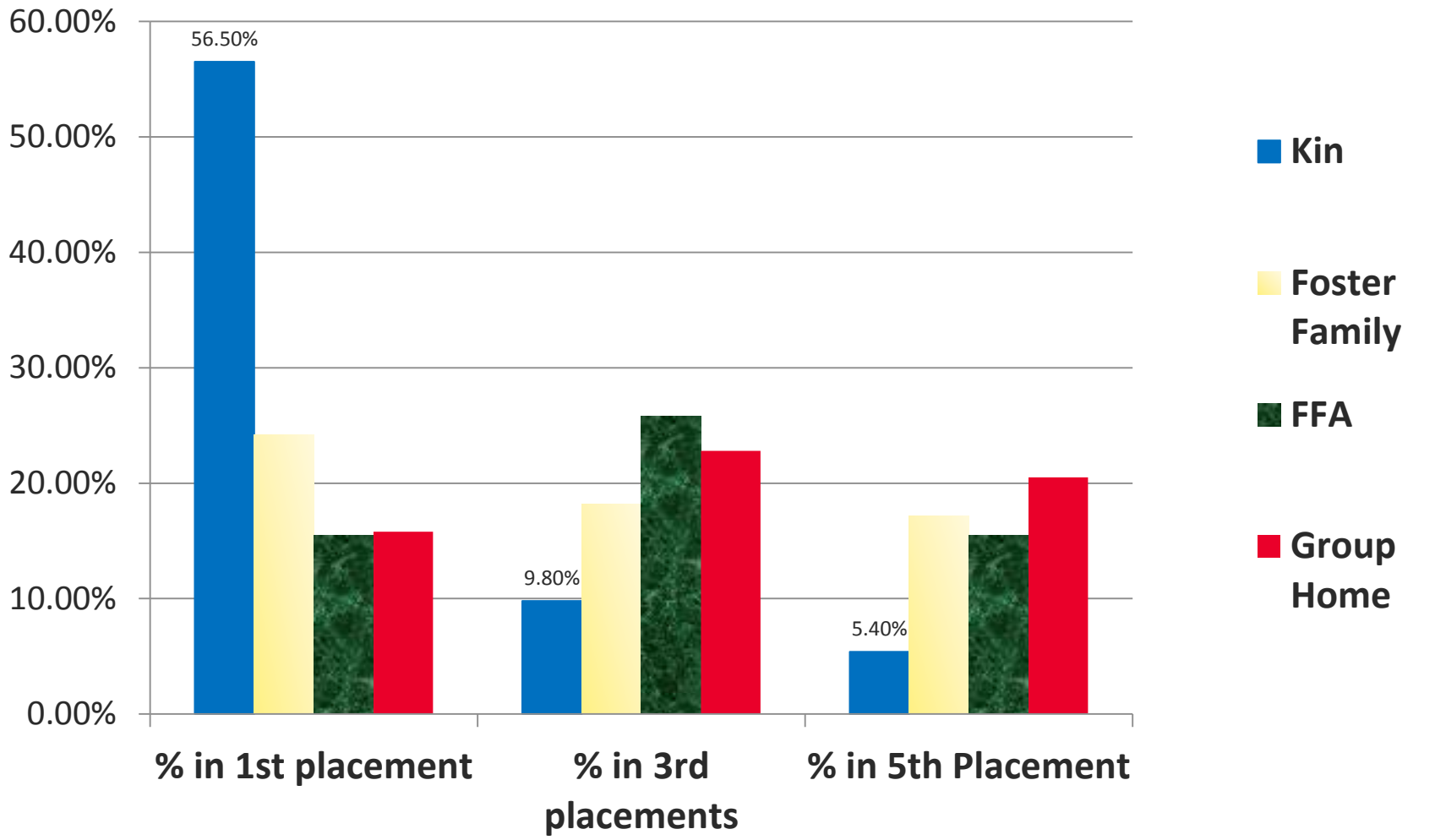


Kin Caregivers Keep Sibling Groups Together

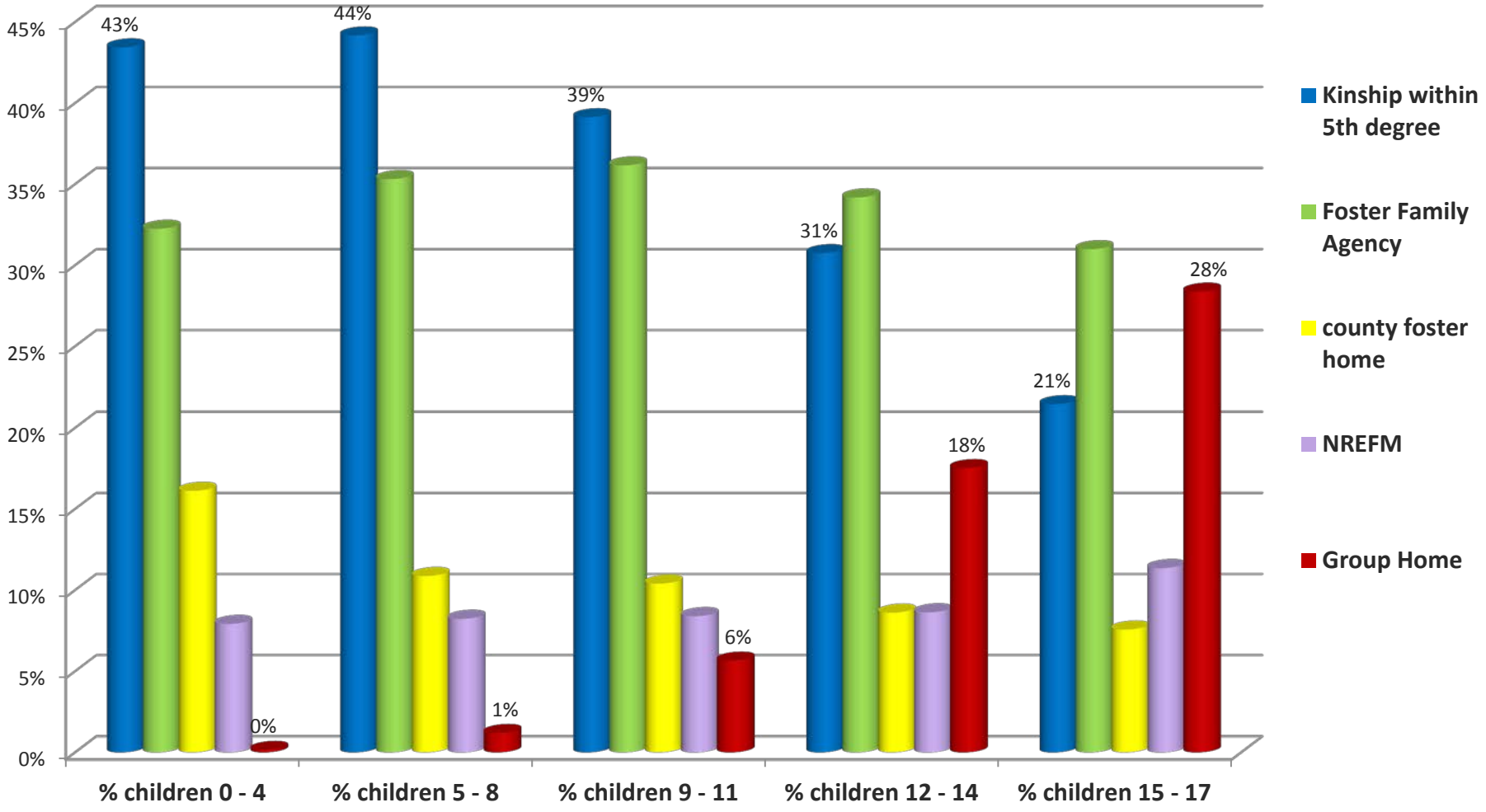


Kin Provide Greater Stability – Especially for Older Foster Youth

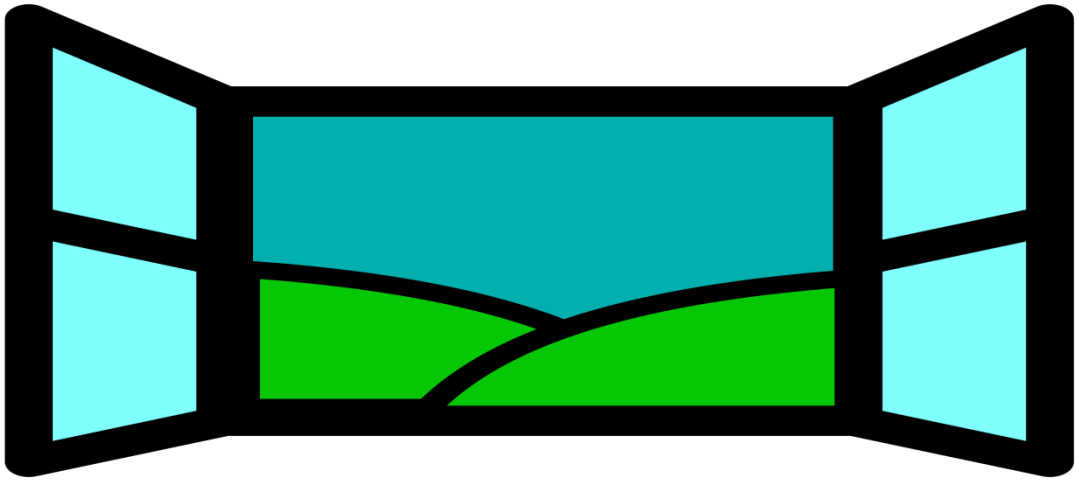
Youth Ages 14 - 17 Still in Care at 12 Months



Children More Likely to Be Placed in Group Home and Less Likely With Kin the Older They Get



OVERVIEW –THE CHANGING LANDSCAPE FOR KINSHIP FOSTER PARENTS



Current Reforms that Impact Kinship Caregivers

- Approved Relative Caregiver Funding Option Program
- Quality Parenting Initiative
- Kinship Support Service Programs
- Resource Family Approval



Approved Relative Caregiver Funding Option Program

- Allows non-federally eligible foster children placed with relatives to receive funding equal to the basic foster care rate – if placed through a county that has opted into ARC

1. Child must be placed through a **county that has opted into** ARC
2. Home must **meet approval standards** (NOTE: this is different from the resource family approval standards that are beginning to be implemented in different counties)
3. Child placed with approved relative **in California** (NOTE: ARC can be paid when youth placed out of county)
4. Child must have been removed from the home and under **CWS or Probation jurisdiction**. Includes:
   - Youth with suitable placement orders through probation
   - Non-minor dependents
   - Youth placed through a Voluntary Placement Agreement
   - Undocumented youth
5. Child is **not eligible for federal financial participation**.

Quality Parenting Initiative

- **The QPI presents a unique opportunity to strengthen efforts on a statewide basis in for the recruitment and retention of quality caregivers.**
  - A quality caregiver is a full partner in a team supporting the healthy development of and achieving permanency for children who cannot live with their parents.
  - The specific job of the caregiver is to provide high quality parenting by assuming many of the roles of the child's parents and provide for the child's needs while the child is in his or her home.
  - Provide the foster child: food, shelter, medical care, education, safety, support, encouragement, and reassurance. Encourage the child's development of self-esteem and self-worth.
  - Mentor the biological parents(s), if appropriate.
  - Maintain a lifelong commitment to the child, if appropriate.

Kinship Support Services Program

- Kinship Support Services Program (KSSP) provides support services to relative caregivers (both formal and informal). The goal of this program is to further strengthen a family's ability to maintain a supportive and stable environment for a child in their care.
    - Case Management
    - Health Management
    - Family and Youth Recreation Activities
    - Support Groups
    - Educational Seminars
    - Tutoring and Educational Advocacy
    - Counseling Services & Family Conferencing
    - Respite Care
    - Guardianship Clinics
    - Referrals and Advocacy



Resource Family Approval

- New system for approving ***all*** foster families that will be implemented statewide beginning January 1, 2017 (there are 12 early implementer counties that will start prior to January 1, 2017)
    - Eliminate duplication for caregivers
    - Align standards across foster care, adoption and guardianship and between relatives, non-relatives and FFA placements
    - Assess caregivers up-front for strengths and needs for support
    - Better prepare caregivers through training
    - Enhance child safety
    - Improve child matching to caregivers

IMPLEMENTATION OF RESOURCE FAMILY APPROVAL



Courtesy of California Youth Connection

Resource Family Approval (RFA) Legislative Intent*

Welfare and Institutions Code Section 16519.5:

"DSS, in consultation with county child welfare agencies, foster parent associations, and other interested community parties, shall implement a unified, family-friendly, child-centered resource family approval process to replace the existing multiple processes for licensing foster family homes, approving relatives and nonrelative extended family members as foster care providers, and approving adoptive families."

* Authorized under AB 340 (2007), reauthorized under SB 1013 (2013) and modified under AB 403 (2015)

Funding for Relatives While They Complete the Approval Process

- In order to receive AFDC-FC benefits or ARC benefits, a relative has to complete the relevant approval process
- The only funding available ***prior*** to the completion of the requisite approval process is CalWORKs for the children
- Children in foster care are eligible for CalWORKs based on the child's income/resources – the income/resources of the relatives are not relevant
- AB 403 allows counties to use an expedited application to get CalWORKs established at the moment of placement for children placed with relatives who are not yet approved
- BUT – current law only applies to non-needy relatives. Need to ensure that the expedited application can be used on behalf of children placed with ***needy*** relatives too!

Access to Reimbursement for Transportation to School of Origin for ARC Families

One of the **biggest barriers to academic success for foster children is frequent school changes**.

Foster youth have the right to remain in their "**school of origin**" when they change foster placements – but this right is only meaningful if transportation to the school of origin is available.



For many years, youth receiving AFDC-FC benefits were **eligible to receive up to $423 a month in additional foster care funding if they transport foster youth to their school of origin**. Relative foster parents, caring for non-federally eligible children, however, were not eligible for transportation funding ***until*** January 1, 2015 when the Approved Relative Caregiver (ARC) Funding Option Program went into effect.

Access to Reimbursement for Transportation to School of Origin for ARC Families



ARC requires participating counties to "pay an approved relative caregiver a per child per month rate in return for the care and supervision (*as defined in statute)* of a child that is placed with a relative caregiver that is equal to the basic rate paid to foster care providers…"

And, "care and supervision" is defined to include "food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to a child, reasonable travel to the child's home for visitation, and ***reasonable travel for the child to remain in the school in which he or she is enrolled at the time of placement***."

Step Up Concerns re: Impact of RFA on relative caregivers

- Denial of RFA based on factors unrelated to the relative's ability to provide safe and loving care for a related child or children;
- Fewer willing relative applicants based on onerous new approval requirements; and
- Delays in funding based on new approval requirements and extended timelines.



Courtesy of California Youth Connection

CDSS Written Directives on RFA

CDSS's Written Directives to counties on implementation of RFA do not adequately the needs of relative caregivers who must complete RFA while also caring for children placed with them on an emergency basis. For example, CDSS should revise its Directives to:

- Require counties to help relatives gather required documentation, such as criminal records checks, fire department clearances (for homes with more than 6 children, or a non-ambulatory child), etc.
- Require counties to make the training required for RFA accessible to relatives who are already caring for foster children (by providing child care and/or providing in-home training during social worker visits).

Resource Family Approval Statute: Need for Clean-Up

- RFA statute (WIC § 16519.5) initially passed in 2008 – but no counties chose to implement.
- In 2011, CDSS required implementation by 5 initial counties.
- AB 403 requires statewide implementation phased in during 2017-2019
- Need for clean up bill, in light of experiences in first 5 counties; challenges of scaling-up to full state implementation; concerns about impact of RFA of relative caregivers

RFA Clean-up bill would…

- Align the RFA statute (WIC 16519.5) with provisions prioritizing immediate placement of children with a relative or NREFM as soon as possible after the child is removed from the parents' home (WIC 309, 361.4).

- Clarify that under RFA, children can still be placed with a relative or NREFM pending home approval.

  - County agency should assist relatives who **already have children placed with them**, in completing the training, psycho-social assessment, home inspection, and other RFA requirements.

RFA Clean up bill, continued

Address the needs of kinship caregivers who may have limited income and resources, but can still provide **safe and loving** homes for children, by:

- Clarifying that relatives who need to rely on foster care benefits to meet needs of children still meet the financial stability requirement for RFA
- Ensuring that, when children are placed with relatives prior to home approval, funding starts within 90 days even if home approval is delayed due to factors outside the relative's control

RFA Clean-up Bill, continued

- Modify RFA process to allow for child-specific approval of relatives who are able to care for a specific child or children, but are not able or willing to be approved as a foster parent for any and all children, when such approval is in the children's best interests.

2016 CALIFORNIA LEGISLATION THAT WILL IMPACT KINSHIP FAMILIES

SB XXX: Expanding Foster Child Placements

Criminal History Rules Simplification Bill: Overview

This bill (authored by Sen. Mitchell) would reduce unnecessary barriers and delays **to safe and appropriate** placements of children with relatives and foster parents, by:

- Simplifying the list of crimes that preclude home approval, by aligning state law with federal law.
- Eliminating the complex “waiver” process, and folding consideration of less-serious crimes into the psycho-social assessment required for Resource Family Approval, and the WIC provisions on relative placement.

“Non-exemptible crimes”

Current law

- State-law list of ‘nonexemptible crimes’ was not repealed when federal rules were added in 2008 – now have 2 sets of overlapping rules.
- Very complex; cross-references two other long lists of crimes; allows exemptions for some ‘non-exemptible’ crimes.

Proposed simplification

- Home cannot be approved if caregiver or household member has conviction for a crime that precludes home approval under federal law.

Exemptions for less-serious crimes?

Current law

- All crimes – no matter how minor or how long ago – require “waiver” (exemption) to be granted by child welfare agency.

New Law

- Criminal history considered as part of RFA process.
- For relatives/NREFMs, criminal history considered by agency and court prior to placement (WIC § 309, 361.4)

SB 942: Timely Placement of Dependent Children with Relatives

Expedient Relative Placement Bill: Background

- Current law indicates that if a child must be removed from the physical custody of a parent, the child should be placed with a **responsible relative** or **non-relative extended family member** (NREFM) as quickly as possible. ***WIC 309; WIC 361.3***
- Despite current law, too many of California's foster children are lingering in shelters or foster homes awaiting placement with a relative or NREFM.
- Some common reasons why:
  - Relatives not known or identified
  - Delays in assessments
  - Space waivers/criminal history waivers needed

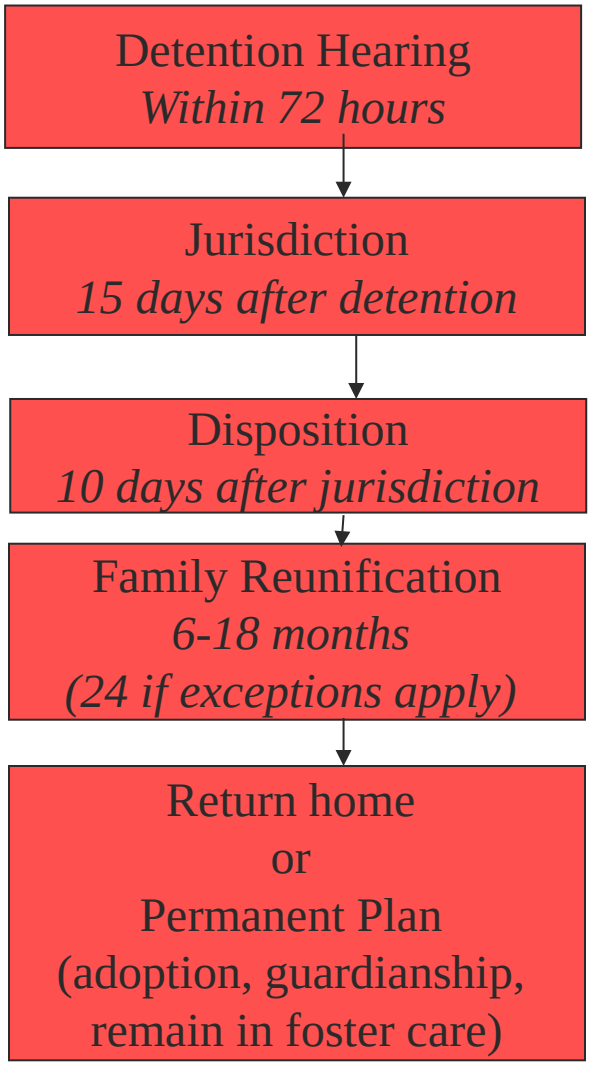
Expedient Relative Placement Bill: Overview

Expedient Relative Placement Bill (Senator Liu) addresses harmful delays in placement with relatives. **Two main components**:

1) Ensures prompt assessment, and

2) Allows for judicial review of placement decisions, including waiver decisions.

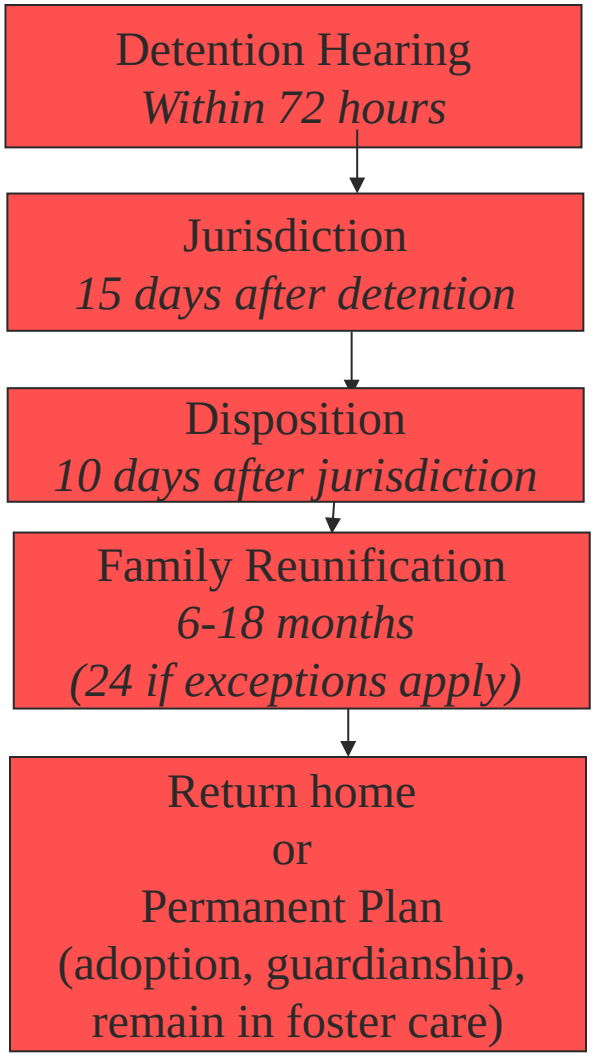
Expedient Relative Placement Bill: The Specifics



- If a child is not placed with a relative at the **detention hearing** and a relative is available and requesting placement, social worker must do assessment within **7 calendar days**.
- Results of the assessment must be provided to all parties.
- Any party can request a hearing depending on results of assessment, and the court shall hold a hearing to review the placement decision within **10 court days**.

Amends WIC 309

Expedient Relative Placement Bill: The Specifics (con't)



- If the court orders the social worker to assess a relative at or after the **disposition hearing**, the assessment (including exemptions or waivers) must be done within **30 calendar days**.
- The county must actively assist the relative in getting any documents necessary for a waiver/exemption.
- **60 calendar days** after the court order to assess, the court may review the placement decision, including the decision to deny a waiver/exemption.

Amends WIC 361.4

AB 1838: Expanding Infant Supplement to Support Parenting Youth

Infant Supplement Bill: Some Statistics

- Females in foster care are **2.5x** more likely to be pregnant by age 19 compared to females not in foster care (Courtney, et.al., 2005)
- Parenting females in foster care under age 18 had a **39%** chance of repeat pregnancy before the age of 20 (Putnam-Hornstein, et.al., 2013)
- Youth experiencing four or more placements had the highest rate of pregnancy and **(46%)** (Putnam-Hornstein, et.al., 2013)
- The children of parenting youth in foster care were three times more likely to spend time in foster care than children in the general populations (Putnam-Hornstein, et.al., 2013)

Infant Supplement Bill: General Overview

- Infant Supplement Bill (Asm. Ting & Asm. Bonta) provides additional support for parenting dependents & non-minor dependents and their caregivers by:

1. Increasing the infant supplement rate to the basic rate for all relative caregivers, NREFM caregivers, foster parents and non-minor dependents in SILPs (**in 2015, would increase from $411 to $688**), and

2. Starting payments 6 months before the expected birth of the child to help the expectant dependent or non-minor dependent prepare.

Amends WIC 11465

Budget Request:
Bridging the Child Care Gap for California's Foster Children

The Need for Child Care for Foster Children



Recruiting & Retaining Foster Parents

- In an October 2015 survey of FFAs, 100% reported that concerns about child care affect recruitment and the willingness of foster parents to accept young children into their care.
- In 2015, 2,094 children ages 0 to 5 spent at least one day at LA's DCFS Children's Welcome Center (CWC), the vast majority, 1,774 (85%) were age 3 or under. A recent survey of CWC staff, charged with searching for homes for children awaiting placement, showed an **estimated 25% of the denials for placement were due to the lack of child care**.



Stabilizing Children in Family Placements

- Research shows that the initial stage of placement is when children are at greatest risk for experiencing placement instability, especially in the first six to seven months.
- Evidence also suggests that **infants experience the most placement moves during the first month of their placement** as compared to older children.



Addressing Trauma

- Experiencing trauma as a child can lead to developmental delay, poor academic success, deficits in social-emotional functioning and wellbeing, and negative life outcomes, including delinquency/criminal behavior, teen pregnancy, substance abuse and homelessness.
- The effects of toxic stress are even greater for **children known to child welfare who are 5 times more likely to have developmental delays**, with 40% of foster children showing signs of developmental delay prior to age 4.

Difficulty Accessing Child Care
for foster children

Children receiving “child protective services” are not only categorically eligible for subsidized child care, their enrollment is prioritized.

Yet, foster children rarely receive the early intervention services they need and are less likely to access a Head Start preschool program even then their at-risk and low-income peers.

As of 2011, just 12.8% of LA DCFS children under 5 were receiving early education services.

In an October 2015 survey of FFAs, 2/3^{rds} reported that their foster children had been denied eligibility for subsidized child care.



The Timing Gap

a barrier to accessing child care



Immediately following a child's removal, foster families struggle to access child care because state child care programs often operate at full capacity. Most of these programs can only sign up children during short enrollment windows that rarely line-up with the moment of a child's placement into foster care.

This problem is especially acute for relative caregivers who answer the call to take in a child, or more frequently, sibling groups, at a moment's notice without any opportunity to plan ahead financially, set aside vacation time from work, or arrange for child care.

Additionally, the subsidized child care system is complex and difficult to navigate.

Bridging the Timing Gap
a budget proposal



Emergency Child Care Voucher

- Provided immediately upon placement
- For up to 6 months
- For children 0 through 3



Child Care Navigator

- Facilitate use of the emergency voucher
- Work with the family to transition or stabilize the child in a long-term, high quality, licensed child development setting



Training in Trauma-Informed Care

- Support and training in the area of trauma-informed care for child care providers

2016 FEDERAL LEGISLATION THAT WILL IMPACT KINSHIP FAMILIES

Overview of Family First Act

- Bipartisan legislation proposed by Senate Finance Committee Chair Orrin Hatch (R-UT) and Ranking Member Ron Wyden (D-OR)



- Summary available; legislative language not public yet
- Proposed bill circulating among Finance Committee Members
- Senate Finance Committee leadership currently reaching out to relevant House leaders and committee staff to begin discussions about a bicameral package
- That process might take several months, but if agreement can be reached would expedite passage

Keeping Children Safe and Supported at Home

- Beginning October 1, 2017, states and tribes will have the *option* to use Title IV-E funds for time-limited (12 months) prevention services for eligible children, parents and kinship caregivers



Who is eligible for these prevention services?

- "Candidates" for foster care (child identified by the state agency in a prevention plan to be at "imminent risk" of entering or re-entering foster care and who it determines can remain safely at home or in a kin placement (outside of foster care) as long as Title IV-E services or assistance are provided
- Pregnant and parenting youth in foster care
- Parents or kin caregivers of children at risk of entering foster care

Use of Prevention Funds

- **Duration of services**: maximum of 12 months; but there is no lifetime limit; children and families can receive these services more than once
- **Services are de-linked** : Qualified children, parents, kin caregivers are eligible for these services whether or not they meet AFDC income requirements required for other IV-E services
- **Phased-in Reimbursement of Federal funds**:
  - 2017: FFP=40%
  - 2020: FFP=50%
  - 2023: FFP=FMAP



Funded Services Must be Evidence-Based

- Time-limited services must be "trauma-informed" and follow criteria used by California Evidence-Based Clearinghouse for Child Welfare, including programs that are:
  - Promising research evidence
  - Supported by research evidence
  - Well-supported by research evidence
- Last two categories do not have to follow randomized control trial requirements, but are instead required just to use a control group
- HHS will release specific guidance on evidence-based programs
- Ten-year phase in for evidence-based requirements

© 2015 www.grandfamilies.org

Supports for Kinship Placements

- The bill allows states to draw down federal reimbursement for short-term financial support and kinship navigator services for kin caregivers who assume responsibility for related children who cannot be cared for by their birth parents

- The kinship placement policy has a dual purpose:
  - To provide temporary assistance to kin when relative care is the permanency option for the “candidate” child; and
  - To provide support for a temporary placement with kin when reunification is the permanency option for the child

Types of Services Covered under IV-E Option

Children Who Remain in Care of Parents or Kin	Children removed from home + placed w/ kin (permanency goal: reunification)	Children removed from home + placed w/ kin (permanency goal: long-term relative care)
Mental health; substance abuse prevention and treatment; in-home programs skill-based services (i.e., parent training or counseling)	Mental health; substance abuse prevention and treatment; in-home skill-based programs and short-term financial assistance	Mental health; substance abuse prevention and treatment; in-home skill-based programs and short-term financial assistance and access to kinship navigator programs
Federal Financial Participation (FFP) – share of federal reimbursement --is phased-in over time	FFP for short-term assistance is at state's FMAP rate; access to kin supports are phased-in over time based on a child's age	FFP for short-term assistance is at the states FMAP rate; access to kin supports are phased-in over time based on the child's age

© 2015 www.grandfamilies.org

Additional State Requirements for Federal Funds

- Prevention Plan Requirement: state is required to maintain a prevention plan for the "candidate" child that:
  - Lists the trauma-informed services or assistance being provided in advance of their provision;
  - Identifies the permanency goal for the child; and
  - details how services are tied to permanency goals
- Performance Measures and Data Collection: State is required to collect and report data to HHS on the services and assistance provided with IV-E funds, including:
  - Number of children served;
  - Costs of services; and
  - Whether or not child stayed out of foster care during 12 month period
- Maintenance of Effort: States must continue to spend the same amount of state and local dollars on foster care services as they did in FY 2014.

© 2015 www.grandfamilies.org

What else do you need to know ?

- Reimbursement for a Child in Residential Treatment with Parent: states may draw down IV-E foster care maintenance payments for children who are placed in licensed residential family-based treatment facility with a parent who is receiving treatment
- Crisis Intervention Assistance under Title IV-B: a new capped program will provide short-term financial assistance for up to three months to prevent foster care
- Elimination of Time-limit on Family Reunification Services: The current time-limit on the use of Title IV-B funds for family reunification services will be eliminated
- National Model Licensing Standards for Relative Foster Homes: HHS will release regulations on national model licensing for relative foster homes

Residential Placement Provisions

- After states have been able to draw down prevention funds for two years, states will be required to take steps to safely reduce the inappropriate use of congregate care



Restrictions on Placements for Non-Foster Family Homes

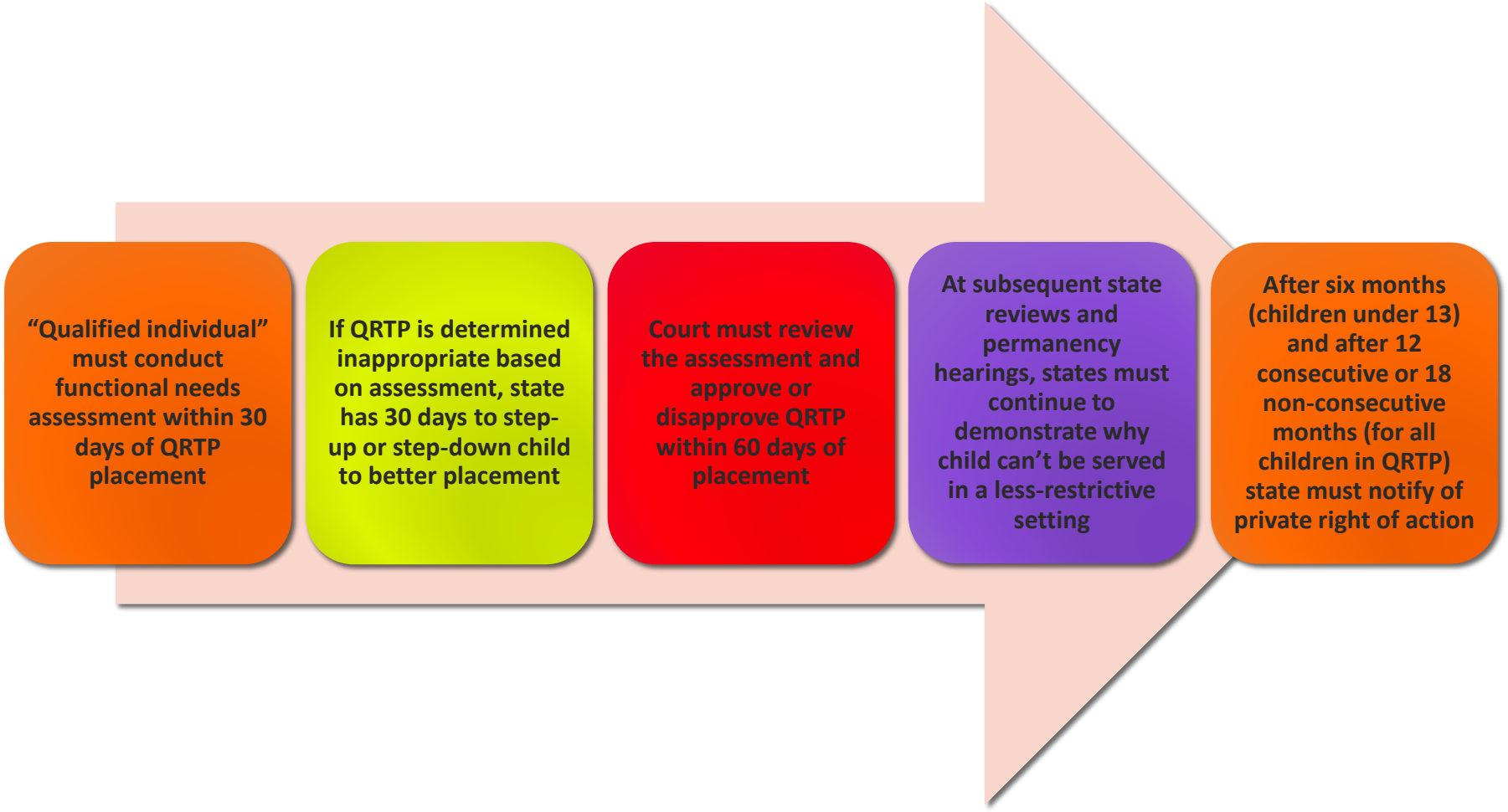
Two weeks after a child enters foster care, states will only be eligible for federal reimbursement for the following settings:

- Family foster home (licensed and approved by state with six or fewer foster children w/ limited exceptions)
- Facilities for pregnant and parenting teens
- Independent living facilities for youth ages 18 and older
- Quality Residential Treatment Programs (QRTPs)

What qualified as a Quality Residential Treatment Program (QRTP)?

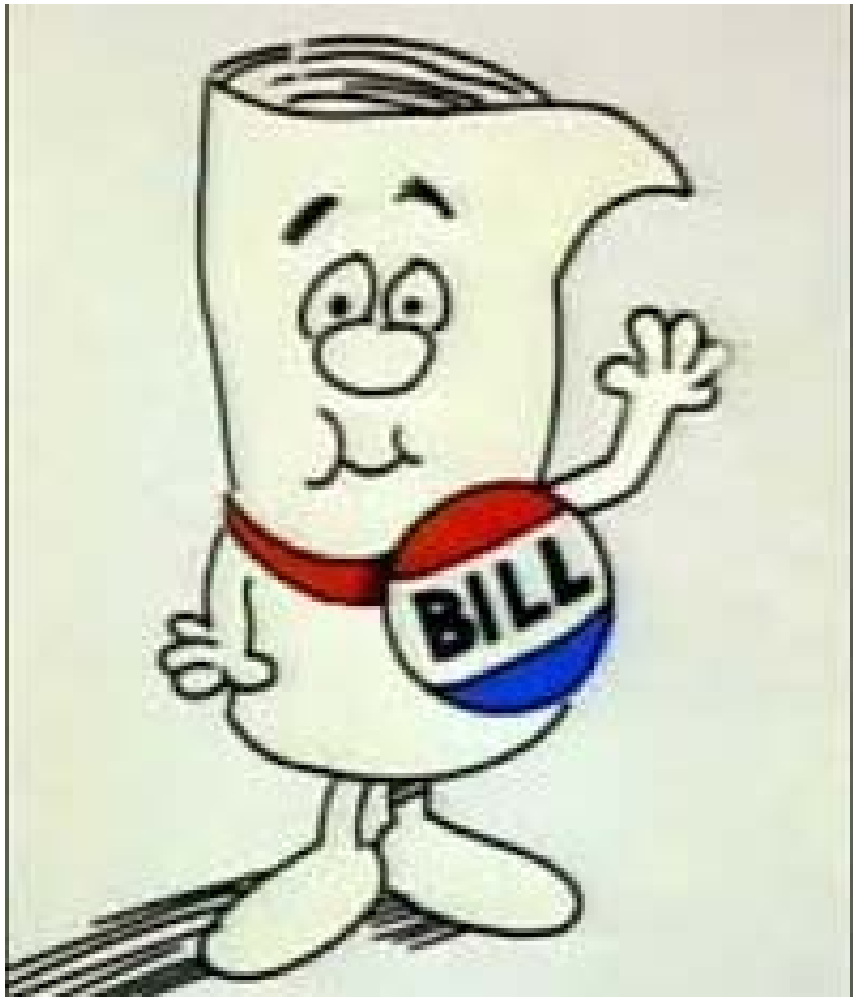
- Clinically-recognized treatment model able to implement the treatment determined clinically/medically necessary for child based on assessment of a “qualified trained professional” or “licensed clinician”
- Has registered nursing and licensed clinical staff;
- Licensed and accredited by nationally-recognized accrediting body;
- Facilitates family participation throughout treatment (documents how family is integrated);
- Provides post-discharge services and supports for at least 6 months

Other Protections for Youth in QRTPs



Other Relevant Residential Care Provisions

- State plan requirement to prevent inappropriate mental health diagnoses
- Additional data requirements
- GAO report on impact of reduced residential placements on juvenile justice system
- CIP Training requirements for judges on new federal residential policies
- Tribal access to IV-E funds for prevention services



How Could Family First Act Support CA?

- Option for state to draw down time-limited IV-E funds to meet kin needs (in-home services, navigator, short-term financial assistance)
- Opportunity to build stronger evidence base for kinship family interventions
- Increased kin access to a new capped program under IV-B to provide short-term financial assistance for up to three months to prevent foster care
- New QRTP requirements for integrating family participation has potential to ease challenges in step-down from residential care to kin placements



Questions?