Setting the Stage:
A New Era for Child Welfare

NCSL Child Welfare Fellows | June 26, 2023

SETTING THE STAGE:
A NEW ERA FOR CHILD WELFARE

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Poll Everywhere

How to join

Web

1. Go to PollEv.com
2. Enter BETHJORDAN645

Join by Text

1. Text BETHJORDAN645 to 22333
2. Text in your message
When you think about child welfare and maltreatment prevention, what goals or hopes come to mind? Keep your answer to 1 or 2 words.
When you think about child welfare and maltreatment prevention, what challenges come to mind? Keep your answer to 1 or 2 words.
Policy Milestones: Establishing the current child welfare system

**Mother’s Pensions**
Provided aid via cash payments primarily for White widows with young children.

**Flemming Rule (FR)**
Implemented in response to states denying ADC benefits to families, mostly Black, because their homes were deemed “unsuitable.” It required states to either 1) provide supports to these families or 2) remove the children and place them in foster care.

**CAPTA**
First major federal legislation addressing child abuse and neglect. Required states to establish reporting and investigation procedures. Resulted in many unsubstantiated reports and an increase in children in foster care.

**Indian Child Welfare Act**
Enacted in response to Native children being removed from their homes at higher rates than non-Native children. Governs the removal and out-of-home placement of Native children and requires “active efforts” to prevent removal.

**Adoption Assistance and Child Welfare Act**
Landmark legislation establishing federal oversight responsibilities and required states to make reasonable efforts to keep families together and reunify timely if separation occurred.

**Family Preservation and Support Program**
Program established in response to concerns that insufficient efforts were being directed toward family preservation and reunification.

**Fostering Connections to Success and Increasing Adoptions Act**
Designed to promote permanency by establishing the option of subsidized guardianship for kin caregivers, provide option for states to extend foster care to age 21, increased supports for older youth, and allowed Tribal title IV-E programs.

**Policy Milestones: Establishing the current child welfare system**

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Early 1900s</td>
<td>Mother’s Pensions</td>
<td>Provided aid via cash payments primarily for White widows with young children.</td>
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<tr>
<td>1935</td>
<td>Social Security Act</td>
<td>Authorized the first federal grants for child welfare purposes.</td>
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<tr>
<td>1960</td>
<td>Social Security Act Amendments</td>
<td>Enabled states to receive federal matching funds for costs associated with foster care placements.</td>
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<tr>
<td>2018</td>
<td>Family First Prevention Services Act</td>
<td>Landmark legislation that made federal reimbursement possible for the cost of evidence-based prevention services for identified candidates and their families, implemented congregate care restrictions, and invested in kinship navigation services.</td>
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Title IV-E of the Social Security Act

Largest federal funding stream for child welfare activities

FY2023 total estimated expenditures are $12B across all service categories

- Foster care ~$6B
- Adoption and guardianship assistance $4,473M
- Prevention services $183M

(Congressional Research Services, 2023)
Family First

Transforming child welfare to achieve better outcomes for children and families
Leveraging Family First to Promote Child Welfare System Redesign

- Prevention
- Evidence-Based Programs
- Reducing Congregate Care
- Supporting Kin Caregivers
Federal Reimbursement for Evidence-Based Prevention Services

- In-home parent skill-building and development
- Substance abuse treatment & prevention
- Mental health treatment
**Family First: Tensions in Prevention**

<table>
<thead>
<tr>
<th>OPPORTUNITIES</th>
<th>CHALLENGES</th>
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</thead>
<tbody>
<tr>
<td>✓ Transform the child welfare focus from foster care to prevention, increased family stability, and well-being</td>
<td>• Imminent risk language can be prohibitive to upstream engagement of families</td>
</tr>
<tr>
<td>✓ Invest in evidence-based interventions</td>
<td>• Eligible prevention services focus solely on perceived family deficits and not necessarily the root causes of family stressors and risk of child welfare involvement (e.g., poverty); gaps in approved, culturally responsive programs</td>
</tr>
<tr>
<td>✓ Apply a trauma-responsive lens to the continuum of prevention services</td>
<td>• Defaults to the traditional child welfare paradigm (though there are opportunities to think beyond it!)</td>
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<tr>
<td>✓ Partner across systems to align prevention efforts</td>
<td>• Logistical challenges, including state agency data capacity and provider billing across funding sources</td>
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<tr>
<td>✓ Scale up prevention services and de-scale foster care</td>
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</tr>
<tr>
<td>✓ Build child welfare and community capacity to serve families</td>
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</tbody>
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State Activity
Title IV-E Five-Year Prevention Plans – Status update

46 states, the District of Columbia, Puerto Rico, and four tribes have submitted their plans.

38 states, DC, and the Cherokee Nation, Eastern Band of Cherokee Indians, and the Salt River Pima Maricopa Indian Community plans have been approved.

Advancing Prevention
Prevention

Primary

Secondary

Tertiary
Collaboration is essential

• Shared language and priorities
• Intentional, transparent communication
• Dedicated time and resources
• Data sharing infrastructure

**Nebraska**: LB 1173 (2022) requires collaboration across agencies and the three branches of government

**South Carolina**: Statute mandates agency leadership participation in Early Childhood Advisory Council and parent participation on local First Steps boards
Funding prevention

States are blending and braiding a wide variety of funding sources:
✓ Federal
✓ State
✓ Philanthropy

Availability and flexibility of funding sources

Colorado: Budget line item for family preservation serves as a key prevention funding source
Community Pathways to Prevention Services in the Context of Family First
Building Community Pathways

- **Flexibilities exist** around defining candidates for prevention services and the context in which they receive and are connected to evidence-based prevention services (EBPs)

- A growing number of states are **reconceptualizing** their prevention continuum, the role of community agencies, and the family service experience
A “community pathway” is any avenue that families can use to access title IV-E funded prevention services through Family First outside of the traditional child welfare service delivery & case management context.

Who provides service delivery & case management in a community pathway? Options include but are not limited to:

- Contracted community-based agencies (e.g. family resource centers)
- Specific evidence-based prevention service providers (e.g. home visitors)
- Non-child welfare public agency partners (e.g. Departments of homelessness, behavioral health, public assistance, etc.)
Benefits and Opportunities

- **Increased investment** in community capacity to engage and serve families, leveraging state and federal funds

- Prevention services provided to families through **trusted community entities**

- Family prevention service experience **outside** of the traditional child welfare paradigm

- **Flexibility** in how community pathways can be conceptualized and implemented toward a reduction in the CPS footprint in families’ lives

- **Stronger partnerships** between child welfare agencies, community entities, and providers of evidence-based services
Challenges and Tensions

- **Optimizing flexibility** within the Family First legislative framework

- Increasing access to prevention services *without increasing surveillance* or facilitating unnecessary child welfare system involvement

- **Balancing** data reporting requirements and family consent and privacy

- **Maximizing community agency** while maintaining required functions of the state title IV-E agency

- **Building community infrastructure and capacity** to perform required care, coordination and data functions
State-level data: Maltreatment

- Referrals
- Investigations
- Children who were maltreated (age, race/ethnicity, type)
- Service receipt

- Definitions of abuse/neglect
- Reporting policies
- Screening policies
- Investigations policies
- Child welfare responses
- Child welfare context


www.scanpoliciesdatabase.com
Economic & Concrete Supports

https://www.chapinhall.org/project/a-key-connection-economic-stability-and-family-well-being/
60%+ of substantiated CPS responses nationally involve neglect only

...and provision of economic & concrete supports is associated with decreased risk for both neglect and physical abuse

(Child Maltreatment, 2019)
nearly 85% of families investigated by child protective services earn below 200% of the federal poverty line

($43,920 for a family of 3 in 2021)

almost 70% of families with incomes below 200% of the federal poverty line report experiencing a material hardship in the past year (difficulty paying for housing, utilities, food or medical care)

Of these families: 61% experienced a financial shock in the past year

(Urban Institute, 2018)
Material Hardship Increases Risk for Child Welfare: Both Neglect & Abuse

If low-income families experience at least one material hardship

- ~3x higher likelihood of neglect investigation
- ~4x higher likelihood physical abuse investigation

If low-income families experience multiple types of material hardship (after experiencing no hardships)

- ~4x higher likelihood of CPS investigation
- ~7x higher likelihood physical abuse investigation

*Dimensions of material hardship in this study included: food, housing, utilities & medical hardship*
Decreased Access to Economic & Concrete Supports Is Associated with Increased Child Welfare Involvement

Reduced TANF benefits
Reduced income & negative earnings shocks
Lack of child care
Reduced employment
Lack of stable housing
Increased gas prices

Increased risk for child welfare involvement

Increased Access to These Economic & Concrete Supports Is Associated with Decreased Risk for Child Welfare Involvement

### Macroeconomic Supports
- Tax credits (EITC & CTC)
- Employment
  - Minimum wage
  - Paid family leave
  - Unemployment benefits

### Concrete Supports
- Healthcare (Medicaid)
- Child care
- Housing

### Child Welfare Interventions with Economic & Concrete Supports
- Differential response
- Family preservation

### Public Benefits
- Overall state spending on benefits
- TANF
- SNAP & WIC
Pair & Share
Family First -- Reducing Congregate Care
Ensure Appropriate Placements

• Family First restricts use of federal dollars for institutional placements

• Federal reimbursement primarily available for:
  o Children whose assessment indicates their clinical needs are best met in a residential treatment setting
  o Facilities that meet the **Qualified Residential Treatment Program (QRTP)** criteria
    ✓ Provider accreditation
    ✓ Assessments by Qualified Individuals
    ✓ Court reviews in 60 days
    ✓ Availability of licensed nurses/clinicians
    ✓ Family and youth engagement
    ✓ Trauma-informed treatment model
    ✓ Discharge and after care
Create Responsive Placement Arrays

✓ **Improve** quality of treatment settings to better address child needs

✓ **Build** an effective array of family-based placements (including kin), treatment foster care, and community supports to meet treatment needs and promote placement stability

✓ **Increase** access to evidence-based prevention services to address conditions in advance that may lead to congregate care placements

✓ **Prevent** inappropriate increases to the juvenile justice population and inappropriate clinical diagnoses

✓ **Provide** aftercare services to promote on-going stability and success

✓ **Expand** business models of placement providers beyond group care
Kinship Supports
Family First Elevates Kin Caregivers

- Identifies kin caregivers as eligible recipients of prevention services
- Allows federal reimbursement for evidence-based kinship navigator services
- Calls for increased foster care placements with families and reduced reliance on congregate care
For every 1 child being raised by kin in foster care, there are 18 children being raised by kin outside of foster care.

(Opinions United, 2022)
Well-Supported Kinship Caregivers…

• Promote maltreatment prevention and reduce entries into foster care
• Increase stability and well-being for children and youth when foster care is necessary
• Reduce the need for congregate care when responsive services and supports are available to kin caregivers and the children and youth in their care
• Provide permanency and family connections when reunification is not possible
Kinship Policy Survey: 2022

- Growth in policies to support kin since 2007
- Less formal child welfare involvement typically means less access to services and resources
- Kinship diversion policies and related resources vary widely
- States seek to advance equity through kinship care policies

**California:** SB 354 (2021) allows waiver for some previously “non-exemptible” convictions for relatives seeking licensure.
State-level data: Kinship Care

- Placement with relatives
- Guardianship
- Funding
- Adoption by relatives
- All available by age and race/ethnicity

TRANSITION-AGE YOUTH
Transition-Age Youth

- Education and career pathways
- Well-being
- Relationships

Youth Engagement
State-level data: Transition-Age Youth

- Foster care entries (reason, race/ethnicity)
- Youth in care (race/ethnicity, length of stay, placement setting and stability)
- Youth exiting care (race/ethnicity, outcomes, supports)

- Similar data on entries, youth in care, and youth exiting care
- Young people in extended foster care
- Transition services
- Outcomes (e.g., education, housing)


https://www.aecf.org/resources/fostering-youth-transitions-2023
Illinois
State Spotlight
Questions and discussion
Which topic would you like to discuss more during this session?

- Leveraging the Family First Act
- Developing community pathways
- Connecting families to economic supports
- Supporting kinship care
- Supporting transition-age youth
- Another area we haven't discussed yet
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