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Child Welfare

NEW YORK STATE

Unified Court System • Division of Court Operations
Office of Alternative Dispute Resolution and Court Improvement Programs

Court Improvement Project

Best Practices Bulletin

The Child Welfare Court Improvement Project (CIP) supports the Family Court's mandate to promote the safety, permanence and well being of children who are the subject of abuse, neglect, foster care, termination of parental rights and adoption proceedings.

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New Federal Law Promotes Permanency for Families

The Fostering Connections to Success and Increasing Adoptions Act (H.R. 6893) will provide mechanisms to facilitate safe and permanent homes for hundreds of thousands of children and youth in foster care. Key elements of the bill include:

- Enhanced provisions for relative guardianship and adoption;
- Improved education and health care;
- Extension of federal support for youth to age 21; and
- Federal protections and supports for American Indian Children.

The bill had bipartisan support and has been fully funded at the federal level. Because the bill was signed into law October 7th, after the start of the new federal fiscal year Oct. 1, many provisions will apply to payments made to states January 1, 2009, the start of the second fiscal quarter. Some sections also have delayed or phased-in effective dates (see below).

The full text of the bill is available at:

www.govtrack.us/congress/billtext.xpd?bill=h110-6893

The legislation's major provisions include:

Promoting Permanent Families for Children in Foster Care:

- **Support for Relatives.**

The Fostering Connections Act contains several elements to facilitate and expedite permanent placement with relatives. There are provisions to assist states with subsidized guardianship payments for relatives when children cannot be returned home or adopted. Increased opportunities for notice to relatives when children enter care will enhance the possibility of placements with families. The Act also seeks to reduce licensing barriers that are not related to safety, in order to allow more relatives to be eligible for federal support.

- **Support for Adoption.**

The Act increases incentives to states to find adoptive families for children in foster care, especially those with disabilities or other special needs and older youth. One key provision would increase opportunities for more children with special needs to

receive federally-supported adoption assistance without regard to the income of the birth families from whom they were originally removed (effective October 1, 2009 for children 16 and older; age of coverage reduced by two years each subsequent fiscal year). States also must inform all individuals considering adoption of their potential eligibility for the federal Adoption Tax Credit.

- **Support for Birth Families.**

The Act authorizes $15 million annually in new Family Connection Grants to facilitate family group decision-making meetings with special attention to children exposed to domestic violence; intensive family finding efforts; and residential family-based substance abuse treatment, all designed to help children stay safely with or return to family members. These grants

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also guarantee funds for Kinship Navigator programs to help connect children living with relatives, both in and out of foster care, to supports and assistance they need. The New York State Kinship Navigator Program, www.nysnavigator.org, is a program of Catholic Family Center's Aging & Adult Services located in Rochester.

■ **Support for Siblings.**
Unless deemed harmful, the Act requires states to make reasonable efforts to place siblings together or provide for frequent visitation or other ongoing interaction if siblings must be placed separately.

Improving Outcomes for Children and Youth in Foster Care:

■ **Support for Older Youth in Care (effective October 1, 2010).**
Federal IV-E funding would be available under the Act to extend foster care maintenance for youth who turn 18 in care without permanent families. At state option, these youth can remain in care to age 19, 20, or 21 in order to increase their opportunities for success as they transition to adulthood. The youth may be living in a foster family, group home or supervised independent living situation. At least 90 days prior to emancipation, child welfare agencies must work with youth to develop a personal transition plan that includes housing, health insurance, education, mentoring opportunities, continuing support services, and employment services and support.

■ **Educational Stability.**
The Act requires that states ensure that when children are placed in foster care, they remain in their same school where appropriate, or when a move is necessary, get help transferring records promptly to a new school. Funds are provided under the Act to assist with school-related transportation costs.

■ **Health Care Coordination.**
State child welfare agencies are required to develop a plan to better coordinate health care for every child in foster care. Elements of the plan include appropriate screenings and assessments; follow-up treatment; oversight of prescription medications; and mechanisms to ensure the sharing of critical information with appropriate providers.

Increasing Support for American Indian and Alaska Native Children
(effective October 1, 2009):

■ **Direct Access to Federal Support for Indian Tribes.**
Currently, Indian tribes are denied direct access to Title IV-E funds to administer their own foster care or adoption assistance programs. Those funds are only available through an approved agreement with a state government, which more than half of federally recognized tribes do not have. The Act provides for existing agreements to continue, but also creates the options for tribal direct access to administer IV-E funds. This will allow many American Indian and Alaska Native children first-time access to federal foster care and adoption assistance programs. Tribes also will be allowed to access a proportionate amount of Chafee Foster Care Independence Program funds.

■ **Technical Assistance and Implementation Services.**
Technical Assistance Grants in the amount of $300,000 will be available to tribes to develop federal foster care plans, including assistance with necessary data collection systems and cost allocations, and agency and tribal court procedures for case review.

Improving Competencies for Individuals Working with Children in the Child Welfare System:

■ **Available Federal Training Dollars.**
Title IV-E funding will be available at an increasing, phased-in rate to provide for workforce development for more of those caring for and working with children in the child welfare system, including relative guardians, staff of private child welfare agencies, court personnel, attorneys, guardian ad litems, and court appointed special advocates. ■

I think the new law has the potential to do great good, and its passage was by far the best news in a bleak month.
– Hon. Sara Schechter

Commentary

Law supports best practice in helping youth thrive after foster care

New York State has been a leader in permitting youth to remain in foster care until age 21. Research shows youth leaving foster care at age 18 are more likely to become homeless, unemployed or incarcerated

The Midwest Evaluation of Former Foster Youth (Midwest Study),[i] a longitudinal study conducted of foster youth and former foster youth, has found that youth who remain in foster care at least a year after reaching age 18 are more likely to still be continuing their education, receiving medical and mental health services, and living in stable housing.

Each year, 1500[ii] New York State youth are discharged from foster care to another planned permanent living arrangement. That number includes 18 to 21 year olds. With federal contribution to what had been solely a state cost, additional supportive housing options and programs targeted toward older youth in foster care should proliferate in New York, allowing us to provide the support and stability these youth need to become successful adults.

School mobility - changing schools for reasons other than promotion - is linked to repeating grades, dropping out of school, and a greater likelihood of not graduating. School mobility is also linked to lower scores on standardized tests. A single move between schools can have an immediate impact on achievement and it can takes months to recover and resume previous patterns of academic growth. Students with four or more moves can be approximately one full year of educational growth behind their stable peers.

With the new federal requirement to consider a child's educational stability upon placement into foster care, educational outcomes for foster children can improve dramatically.[iii] Having a clear funding stream for a portion of transportation costs should encourage local social services districts to take the steps necessary to allow a child to stay in his or her school of origin when it is in that child's best interests to do so.

— Kathleen DeCataldo, Executive Director, Permanent Judicial Commission on Justice for Children

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[i] M. Courtney and A. Dworsky. 2005. Midwest Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Age 19: Executive Summary. Chicago, Illinois. Chapin Hall Center for Children at the University of Chicago.

[ii] New York State Office of Children and Family Services. 2007(forthcoming). 2006 Monitoring and Analysis Profiles with Selected Trend Data: 2001-2006. Rensselaer, NY: author.

[iii] Wood, D., N. Halfon, D. Scarlata, P. Newacheck, and S. Nessim. 1993. "Impact of family relocation on children's growth, development, school function, and behavior." Journal of American Medical Association 270(11): 1134-1338. Rumberger, R.W., K. A. Larson, R. K. Ream and G.J. Polardy. 1999. The educational consequences of mobility for California students and schools (No.1, Vol. 1). Berkeley, CA: University of California. Rumberger, R. W. and K. A. Larson. 1998. "Student mobility and increased risk of high school dropout." American Journal of Education 10 (1): 1-35. Audette, R., R. Algozzine and M. Warden. 1993. "Mobility and student achievement." Psychological Reports 72(2): 701–702.; Benson, G. P., J. L. Haycraft, J. P. Steyaert and D. J. Weigel. 1979. "Mobility in sixth graders as related to achievement, adjustment, and socioeconomic status." Psychology in the Schools 16: 444–447.; Mao, M. X., M. D. Whitset and L. T. Mellor. 1997. Student mobility, academic performance, and school accountability (Report No. TM 026 966). Austin, TX: (ERIC Document Reproduction Service No. ED409380.) Kerbow, David. 1996. "Patterns of Urban Student Mobility and Local School Reform." Journal of Education for Students Placed At Risk 1(2):149-171.

"It is my experience that one of the significant ways of fostering success has been to assure that youngsters in foster care receive good educational evaluations early on and consistent educational support as they progress through school. I have been fortunate in having an OCA legal fellow assist me so we were able to highlight this issue in a number of cases which led to early stability for the child and ultimately a more successful adoption process."

– Hon. Monica Drinane