

The State of Child Welfare

Georgia CASA Annual Conference

August 3, 2019

Atlanta, Georgia

Ethics and Engaged Professionalism

ABA Model Rules

“[A] lawyer, as a member of the legal profession, is a representative of clients, an officer of the legal system, and a public citizen having special responsibility for the quality of justice.”
PREAMBLE.

To the public and our systems of justice, I offer service. I will strive to improve the law and our legal system, to make the law and our legal system available to all, and to seek the common good through the representation of my clients. **LAWYERS CREED AND ASPIRATIONAL STATEMENT ON PROFESSIONALISM.**

NASW Code of Ethics

Value: *Social Justice*

Ethical Principle: *Social workers challenge social injustice.*

Social workers pursue social change, particularly with and on behalf of vulnerable and oppressed individuals and groups of people. Social workers' social change efforts are focused primarily on issues of poverty, unemployment, discrimination, and other forms of social injustice. These activities seek to promote sensitivity to and knowledge about oppression and cultural and ethnic diversity. Social workers strive to ensure access to needed information, services, and resources; equality of opportunity; and meaningful participation in decision making for all people.

What Is Policy?

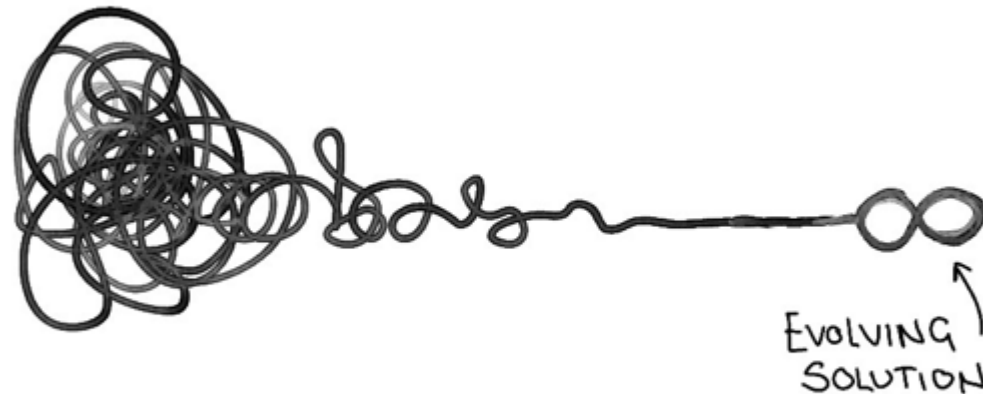
- “A law, regulation, procedure, administrative action, incentive or other voluntary practice of governments or other institutions”
- *Principled* guide to action on issues taken by government in a manner that is consistent with law and institutional customs
- *System* of laws, regulations, courses of action, and *funding priorities* concerning a given issue promulgated by a government entity
- Deliberate system of principles to guide decisions and achieve rational outcomes
- The application of evidence, reason, and a values framework to address (complex) problems and craft concrete solutions



Child Welfare is a “Wicked Problem”

Increasingly complex (social) policy problem that is difficult to solve because ...

- It is not well defined.
- Solutions cannot usually be proven to be correct before application.
- No problem solution is ever guaranteed to achieve the intended result.
- Problem solutions are seldom both best and cheapest.
- The adequacy of the solution is often difficult to measure against notions of the public good.
- The fairness of solutions is impossible to measure objectively.



The Policy Process



Domains

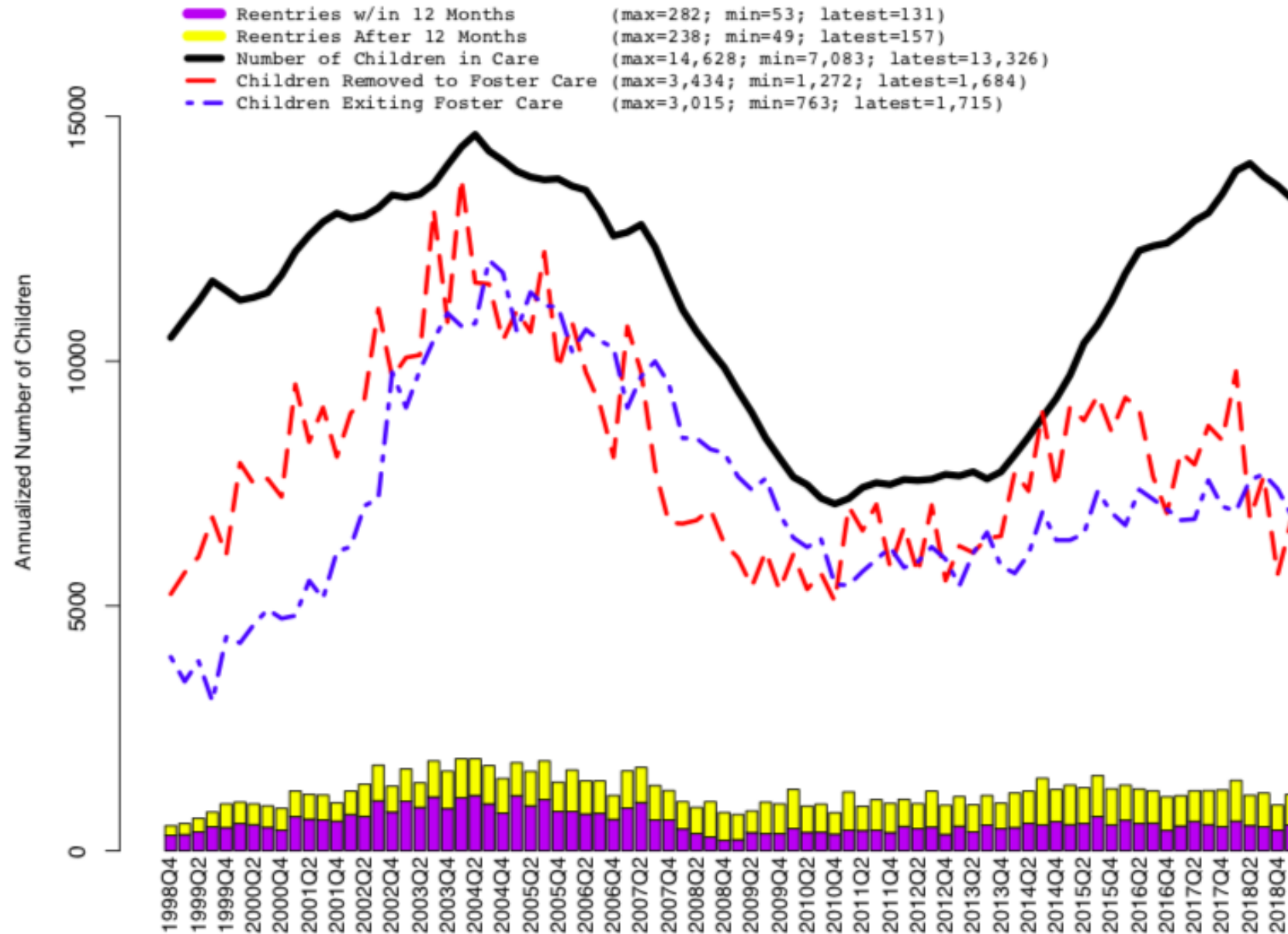
- Problem Identification
 - Policy Analysis
 - Strategy and Policy Development
 - Policy Enactment
 - Policy Implementation
-
- Stakeholder Engagement and Education
 - Evaluation

By the Numbers:
investigation and
removal, foster care,
and exit trends



Data used in this presentation are made available through an agreement between Fostering Court Improvement at the University of North Carolina, Chapel Hill and Georgia DFCS. Data are generated from the federal Adoption and Foster Care Analysis and Reporting System (AFCARS) and National Child Abuse and Neglect Data System (NCANDS) datasets.

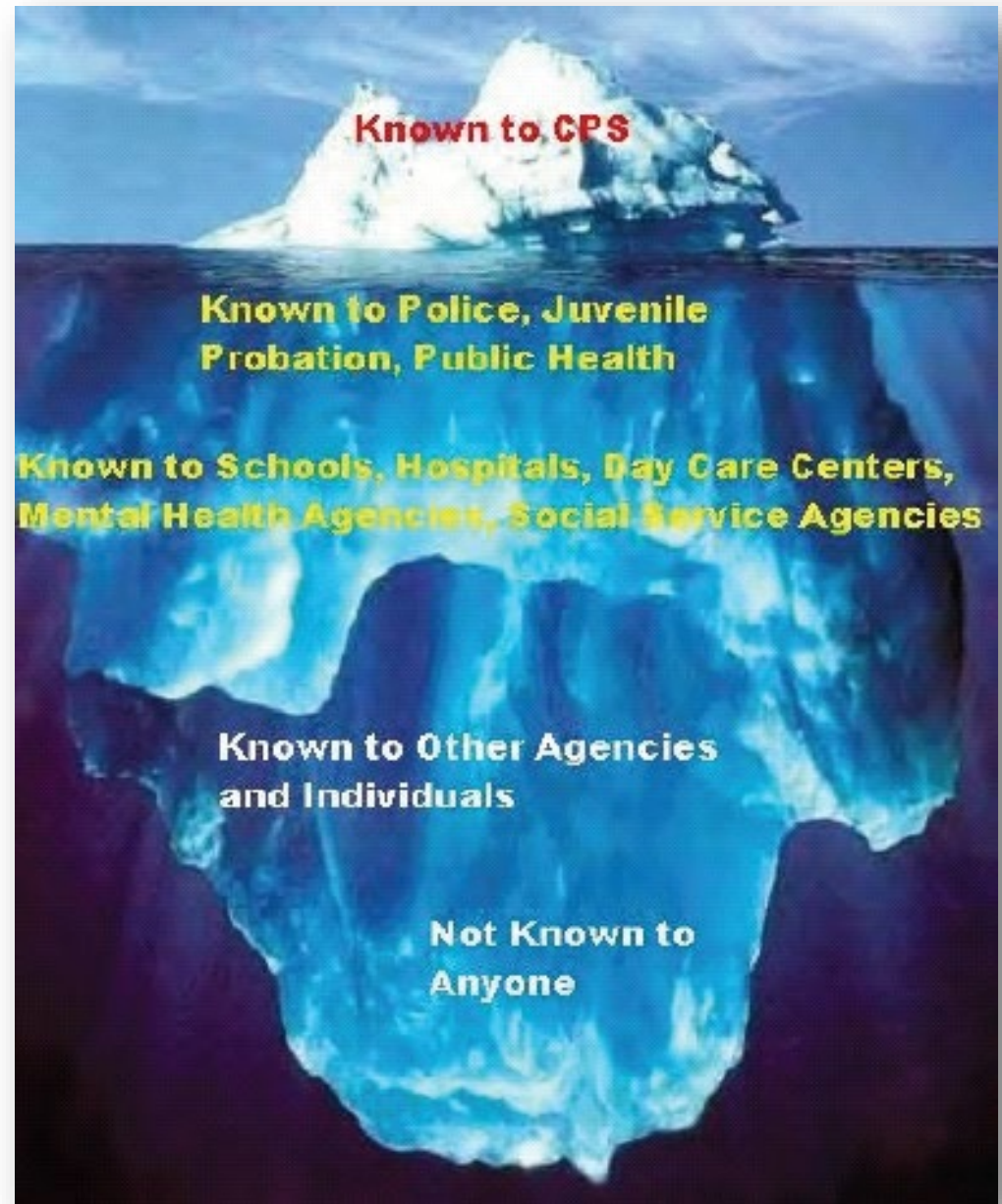
Statewide: Foster Care Dynamics October 1998 through March 2019 by Quarter





“Although CPS investigates a substantial number of maltreated children in the nation, these children represent only the ‘tip of the iceberg.’”

4th National Incidence Study on Child Abuse & Neglect



How the System Reacts: Case Flows



Removals: ~7k, 2-8 year swings

Investigations: ~47k/year, some sudden changes

- 13% substantiated
- 87% unsubstantiated

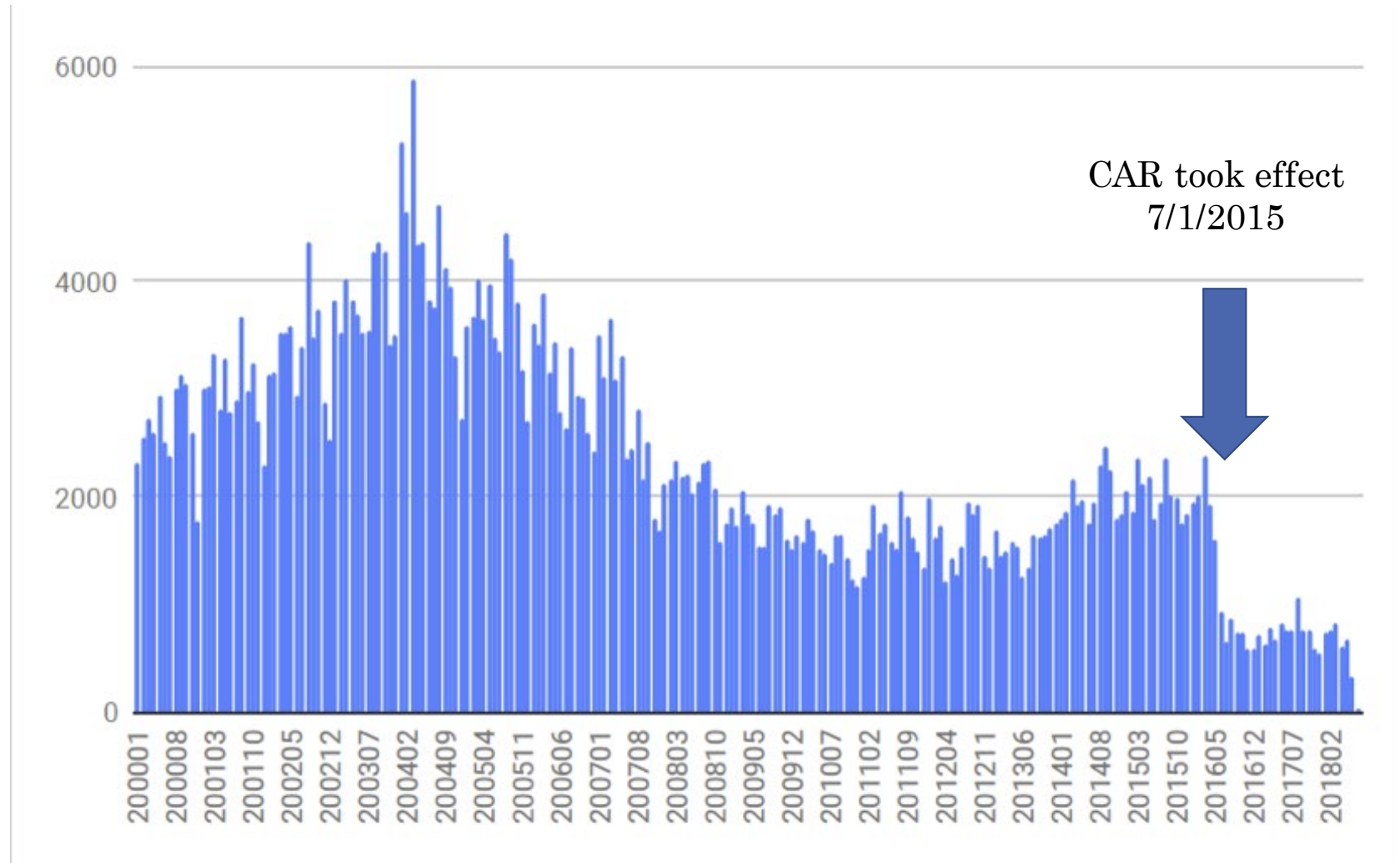
Accepted Maltreatment Reports: ~113k/year, relatively steady

- NIS4 Iceberg, 30% known
- 42% Investigated
- 58% Family Support

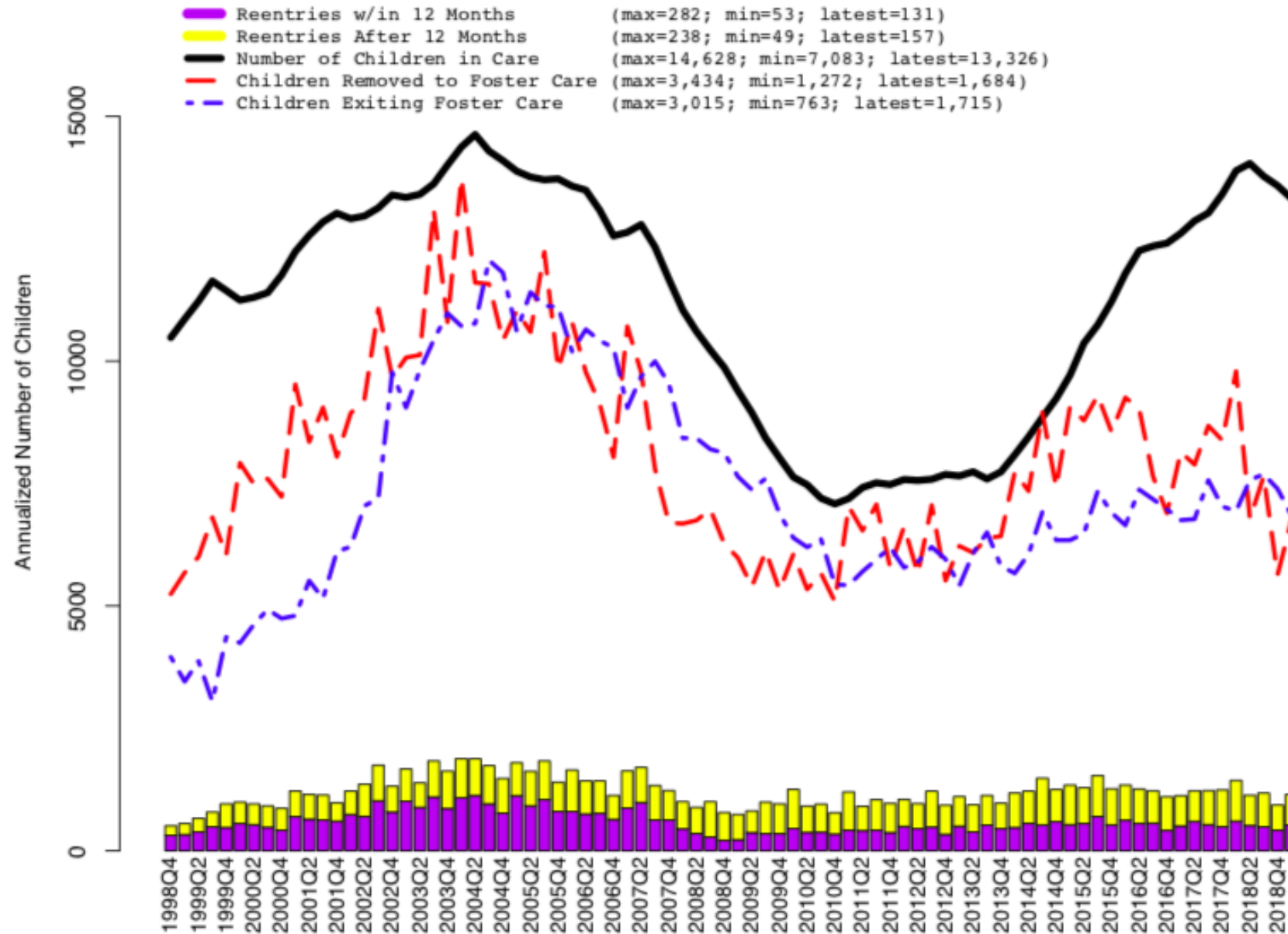
How the System Reacts: Case Flows

Substantiated
Victims: ~6k/year,
huge drop with
Abuse Registry
(CAR):

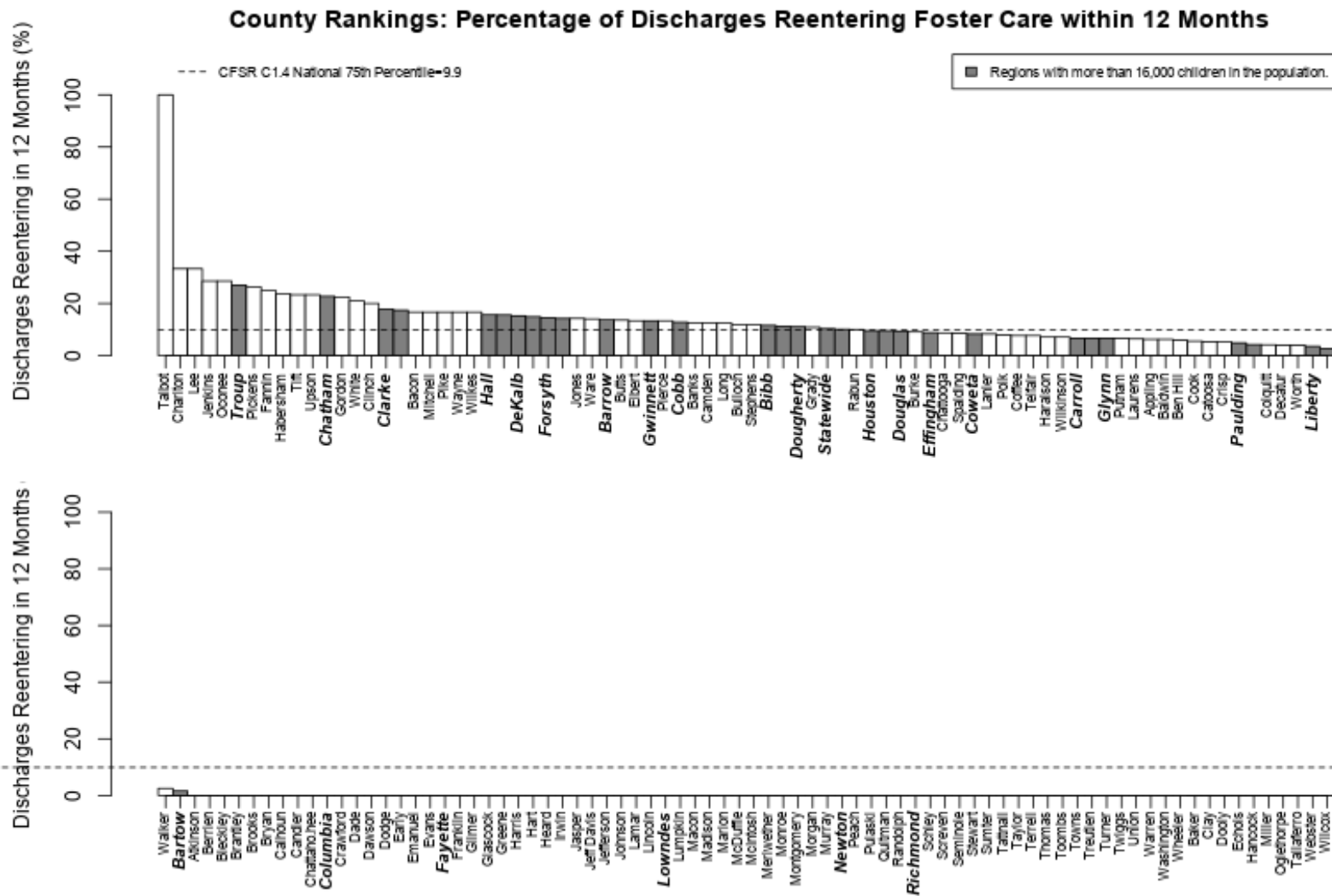
- 26.4% (1,582)
Removed to
Foster Care
- 73.6% Family
Preservation



Statewide: Foster Care Dynamics October 1998 through March 2019 by Quarter

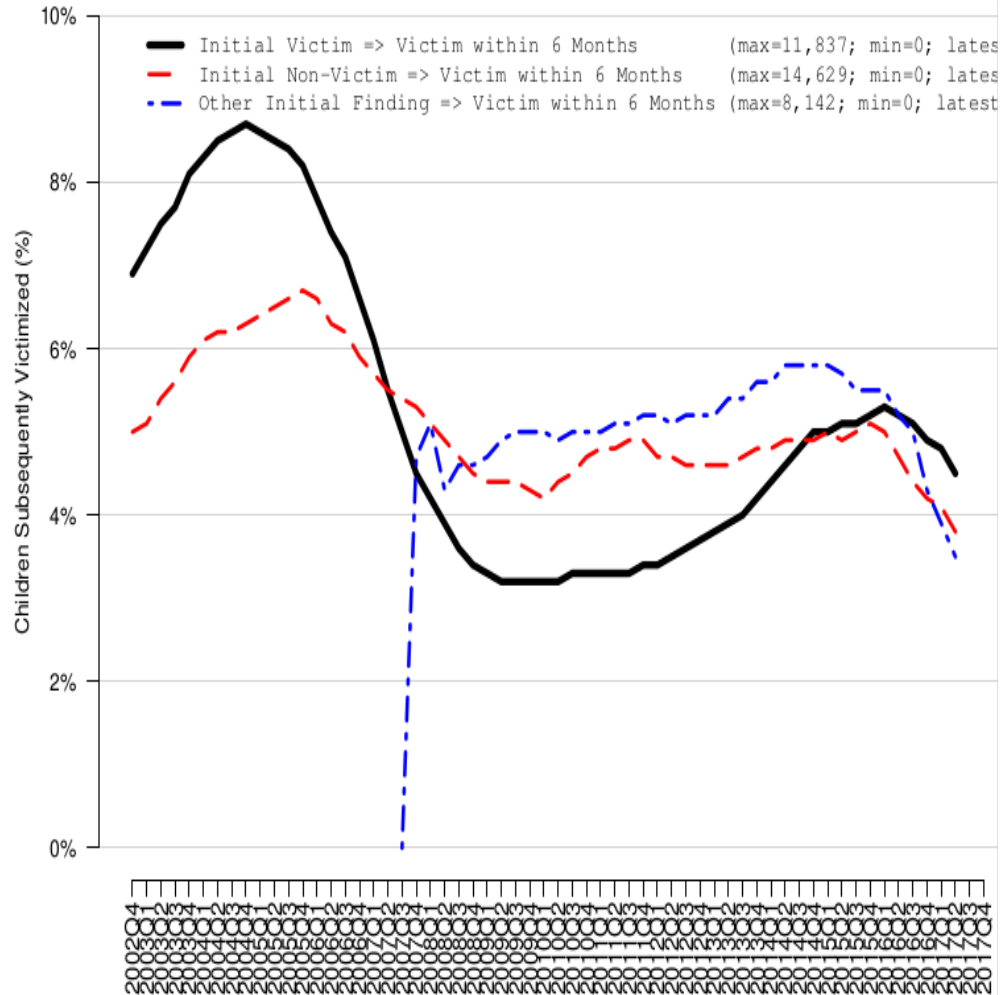


Reentry

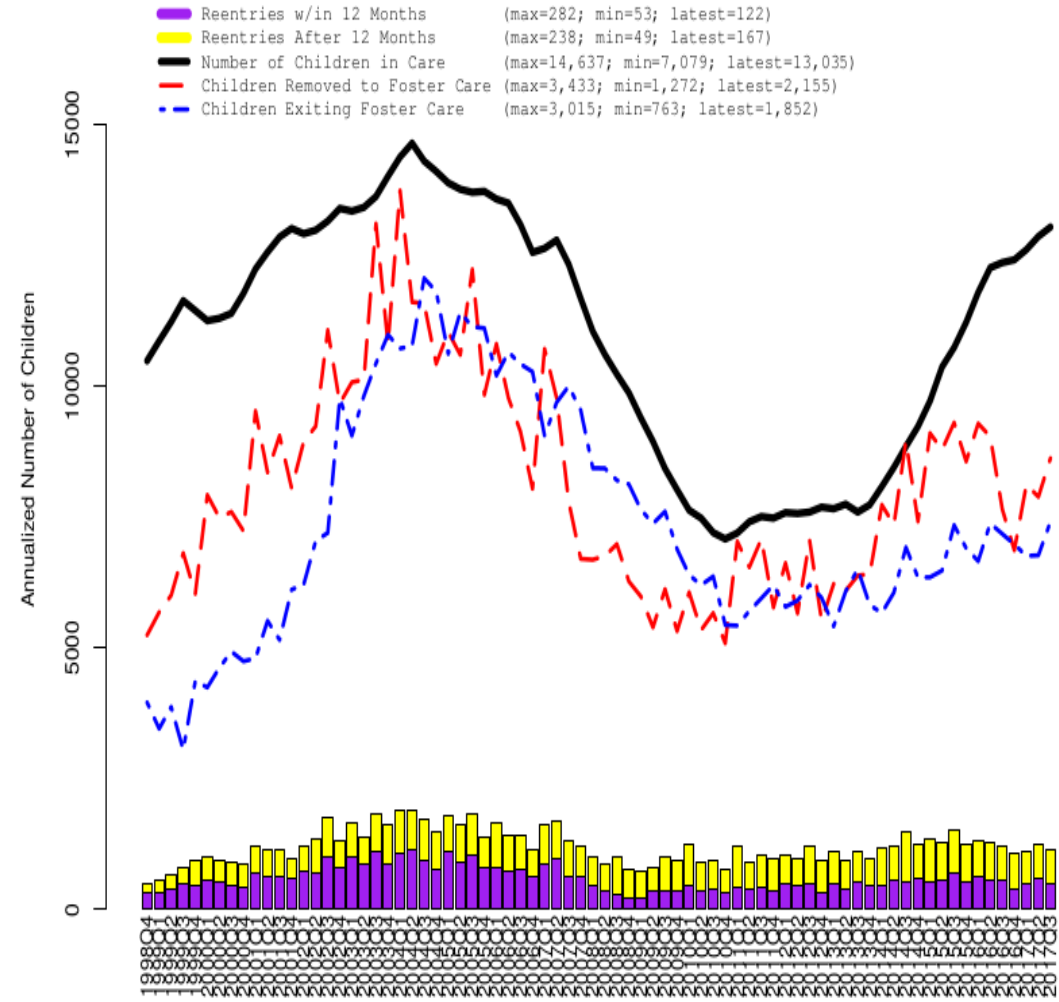


Recurrence of Maltreatment

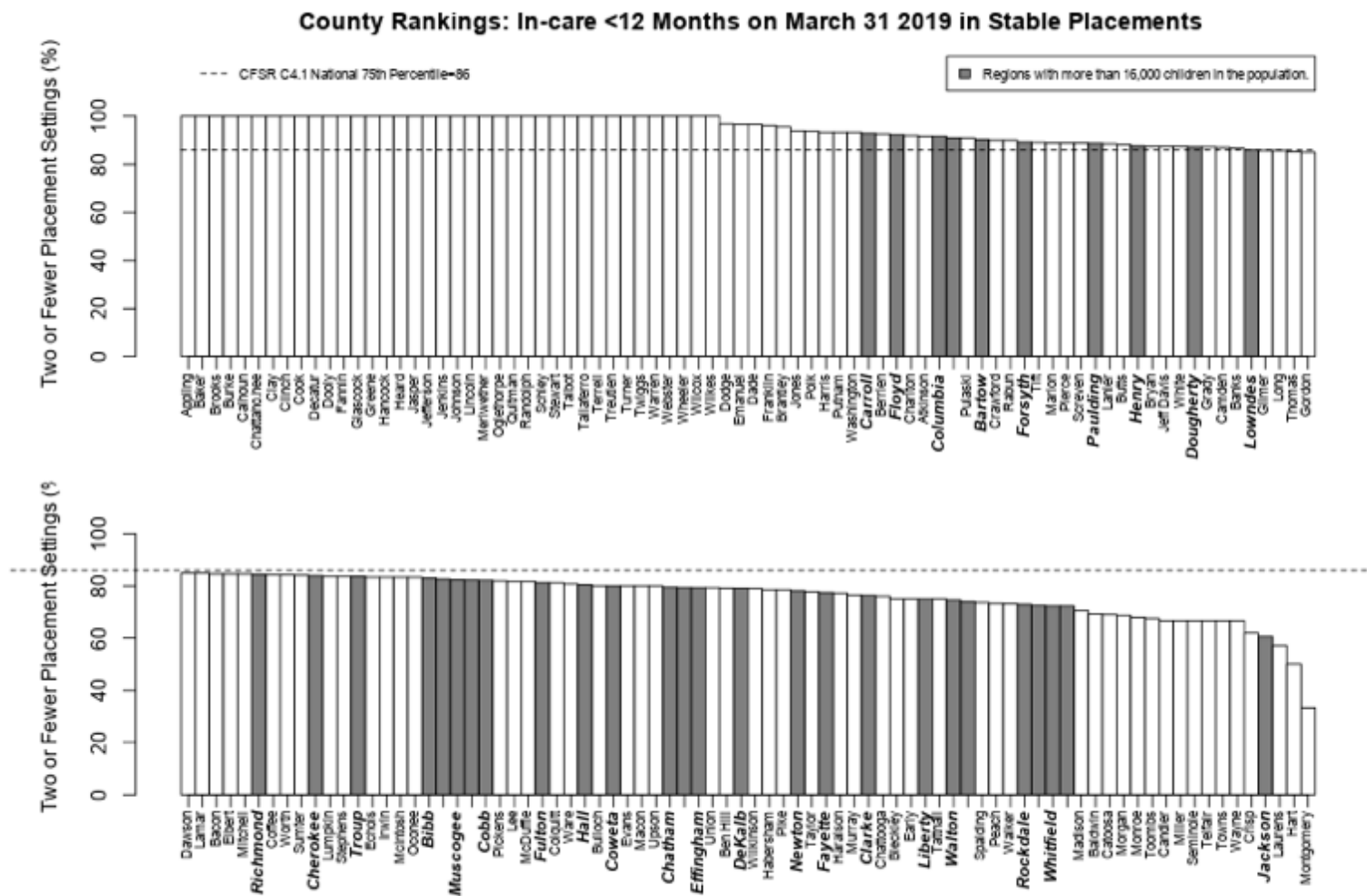
Statewide: Victimized within 6 Months by Type of Initial Finding
January 2000 through November 2017 by Quarter



Statewide: Foster Care Dynamics
October 1998 through September 2017 by Quarter



A vertical traffic light with three circular lights. The top light is red, the middle light is yellow, and the bottom light is green. The lights are housed in a black vertical casing with a silver-colored top and bottom. The background is white.



Policy Reforms



“What if we don’t change at all ...
and something magical just happens?”

Family First Prevention Services Act (FFPSA)

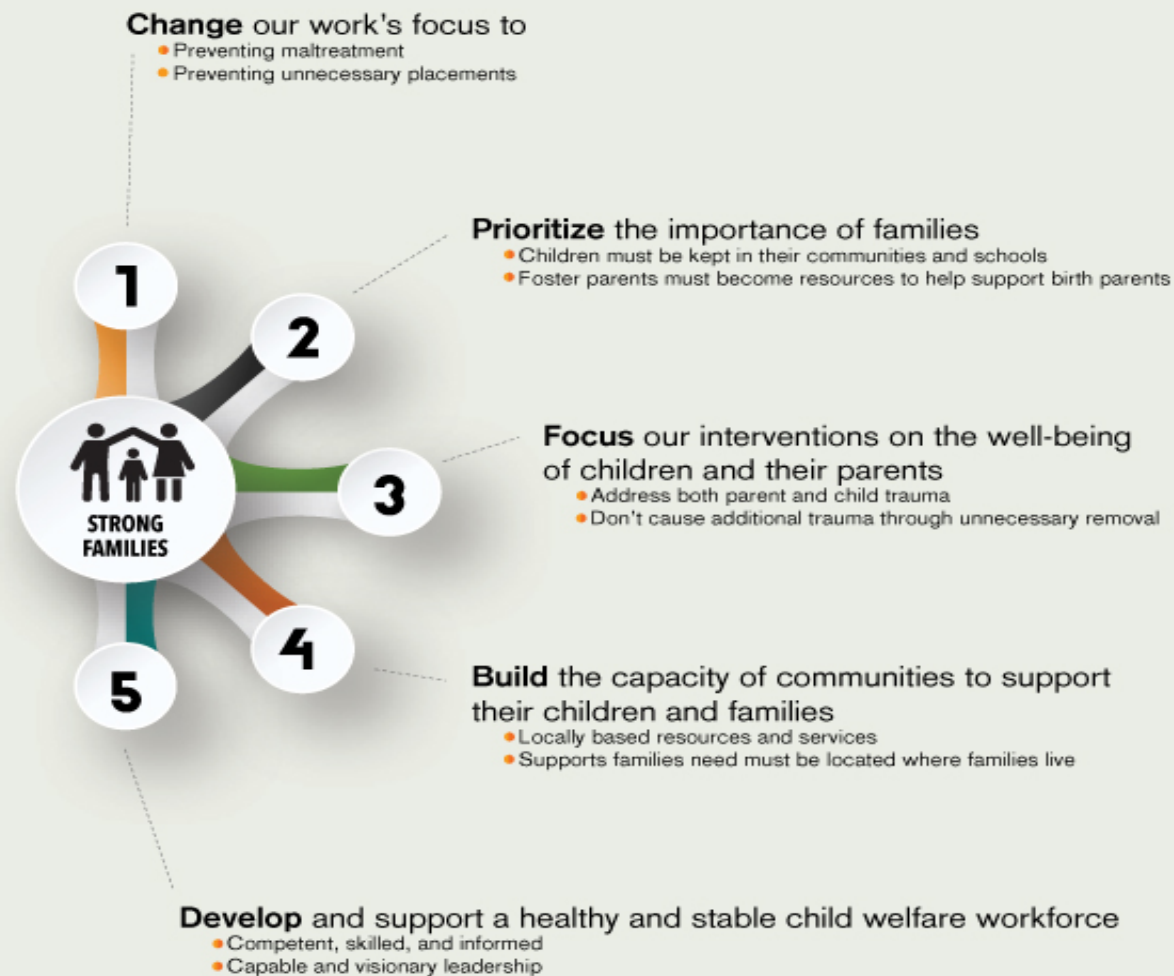


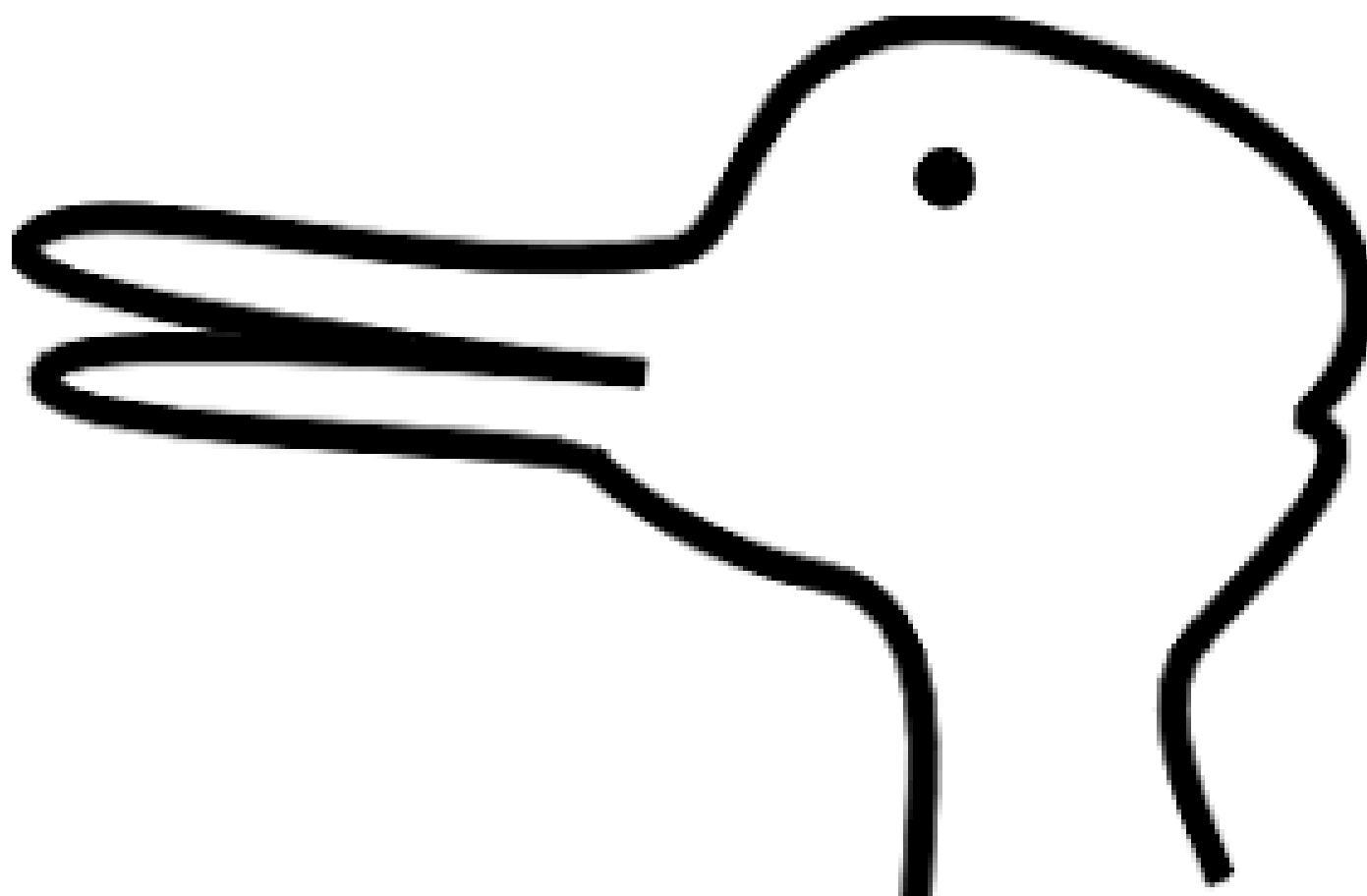
"This is part of a larger effort to do something bigger."



STRATEGIES TO STRENGTHEN FAMILIES:

THE CHILDREN'S BUREAU'S VISION FOR CHANGING NATIONAL CHILD WELFARE PRACTICE





Overview of FFPSA

- Most significant federal child welfare legislation in decades with potential to dramatically change child welfare systems throughout the country
- Substantial changes to federal child welfare financing
 - Federal funding for prevention services available
 - Limitations on federal reimbursement for placement of children in Child Caring Institutions (group homes)
- Varied implementation timelines with some changes effective now
 - Georgia's target implementation date: October 29, 2020

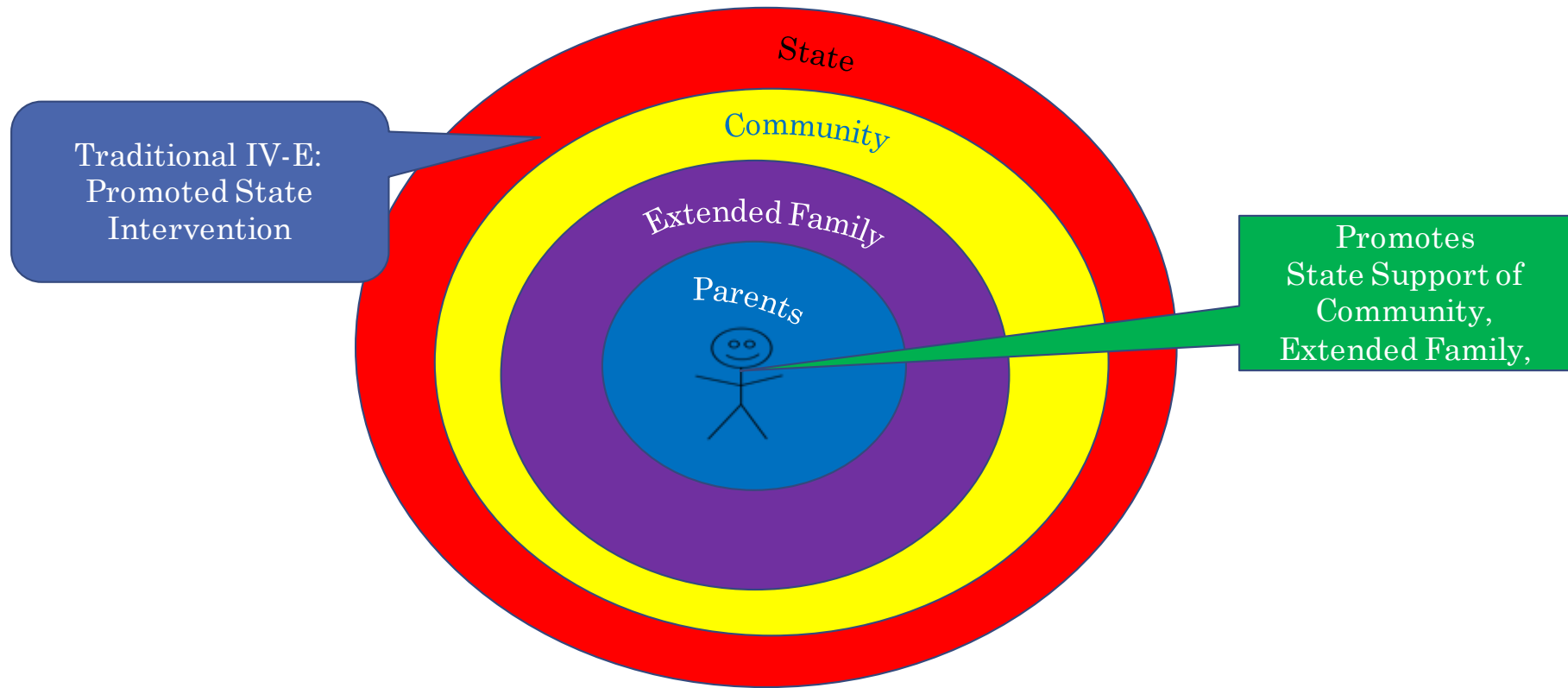
Policy Aims

Prevention of unnecessary placements

- Funding flexibility for certain services
- Evidence-based practices
- Plan to prevent maltreatment related fatalities

Promotion of family based care

- Expansion of family reunification services
- Licensing standards for relative foster homes
- Automation of ICPC
- Restrictions on federal reimbursement for congregate care
- Assessment to determining appropriateness of placement.



Circles of Support and Intervention

Georgia's FFPSA Goals

- Safely prevent removals to foster care through targeted, effective, community-based prevention services.
- Support a model of extended family preservation that allows children to remain in their communities.
- Ensure children are appropriately placed in settings that meet individualized needs and preserve family and community connections.
- Leverage and invest in communities to provide adequate and effective service capacity statewide.

Prevention Services:

Beginning in FY2020, title IV-E funding available for up to 12 months of services (per episode, per family) for “candidates for foster care”, pregnant and parenting youth, and their parents/caregivers.

Mental health and substance abuse prevention and treatment services provided by a qualified clinician

In-home parent skill-based programs, which include parenting skills training, parent education, and individual and family counseling

All services must be trauma-informed

All services must meet evidence-based requirements (promising, supported, or well-supported practices, as defined)

First Services and Programs Selected for Initial Consideration (ACYF-CB-PI-18-09)

Prevention Services and Programs

- Mental Health
- PCIT, TF-CBT, MST, FFT
- Substance Abuse
- MI, MST, Families Facing the Future, Methadone Maintenance Therapy
- In-Home Parent Skill-Based
- NFP, HFA, Parents as Teachers
- *Kinship Navigator Programs*
- Children's Home of NJ Kinship Navigator Model
- Children's Home Inc. Interdisciplinary Navigation Technologically-Advanced Model (Kin-Tech)

Promoting Family-Based Care

Beginning after 14 days of entry into foster care, federal reimbursement for foster care payments is limited to children in:

- A foster family home
- A setting specializing in providing prenatal, post-partum or parenting supports for youth
- A supervised setting for youth ages 18+ who are living independently
- A setting providing high-quality residential care and supportive services to children who have been or at risk of being sex trafficking victims
- A Qualified Residential Treatment Program (QRTP)



QRTP Requirements

- Has a trauma-informed treatment model, designed to meet the specific clinical needs of children with serious emotional, behavioral disorders or disturbances, as identified in the child's assessment
- Has registered or licensed nursing staff and other licensed clinical staff (on-site consistent with the treatment model, and available 24/7)
- Facilitates family outreach and participation in child's treatment program (including post-discharge)
- Provides discharge planning and family-based aftercare supports for 6+ months post discharge
- Licensed and accredited by CARF, JCAHO, COA

Assessment to Determine Appropriateness of QRTP Placement

- Must be completed within 30 days of QRTP placement
- Completed by a “qualified individual,” a trained professional or licensed clinician who is not an agency employee or affiliated with any placement setting (may be waived)
- Administered through a tool that is age appropriate, evidence-based, validated, functional assessment (HHS will release guidance)
- Conducted in conjunction with a family and permanency team which includes appropriate biological family members, relatives, and fictive kin as well as professionals who have helped the family (teachers, medical or mental health providers who have treated the child, clergy).
 - Child age 14+ can select members of the permanency team

Monitoring of Children in QRTPs

- Court review within 60 days of QRTP placement
- At every status and permanency hearing, state must submit evidence
 - Ongoing assessment confirms need for QRTP placement
 - Specific treatment needs that will be met
 - Length of time child is expected to need additional treatment
 - Efforts made to prepare child to transition to a family
- Child welfare director approval for children in QRTP placement for 12 consecutive/18 cumulative months (or for 6 months for children under 13)

- Federal reimbursement for newly ineligible placements ends on September 30, 2019
- States may extend deadline by up to 2 years (no later than September 30, 2021)
 - *Georgia has selected 9/29/2020*
- For any period of time that states extend deadline, they will not be permitted to claim prevention funds under Title IV-E

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"Thanks for coming in. You've given me a lot to forget about after you leave."

2019 Legislative Update



SB 225: FFPSA Compliance

- Adds definition of QRTP to Juvenile Code
- Sets forth documentation requirements for DFCS regarding children placed in QRTP settings
- Sets forth requirements for evidence to be presented by DFCS at each periodic review hearing and permanency hearing concerning any child placed in QRTP settings
- Requires assessment of appropriateness of placement by qualified individual w/in required timeframes, and corresponding court review and findings
- Requires official proof of foster care be given to youth aging out
- Also complies with Indian Child Welfare Act (ICWA)

HB 472: Temporary Alternatives to Foster Care

Authorizes the juvenile court to order “temporary alternatives to foster care” in lieu of removal or placement of the child in foster care, to:

- prevent or reduce trauma
- allow the child to be cared for by people with whom the child has an existing bond, or
- ensure the child’s safety pending further court action

Such orders may include:

- Authorizing the care of a child by a relative or fictive kin;
- A protective order as provided by law; or
- A pre-removal investigation and report by DFCS

HB 478: Child Abuse Registry

- Revises procedures to provide fairer review hearings and a meaningful opportunity for expungement. Additionally, eliminates the inclusion of minors (under age 18) on the registry.

HB 228: Child Marriage Initiative

- Raises the minimum age of marriage from 16 to 17 and requires 17-year-olds wishing to get married to first be legally emancipated

HB 530: Investigating Student Withdrawal and Extended Absences

- Requires schools to report to DFCS when a child has been withdrawn from school without a declaration of intent to homeschool and has been absent from school for 45 days. DFCS is in turn required to determine whether the child was removed from school so the parent could avoid educating the child.

SB 167: Improving Placement Stability and Relative Engagement

- Expands the "reasonable efforts" requirement to include a diligent search for relatives and requires DFCS to file the search at each periodic review hearing. Allows the court to excuse DFCS from considering a relative if that relative has not demonstrated an interest in permanent placement within 6 months of receiving the required relative notice. Also allows juvenile courts to presume that remaining in a stable placement where the child has lived for 12 months is in the best interests of the child.

DHS-DFCS Amended FY'19 Budget

- Support for assessment of readiness of congregate care providers to become accredited QRTPs
- Support for retention initiatives for eligible relative and foster caregivers
- Funding to support enhancement to TRAILS
- \$11m for out-of-home care to reflect 7.1% utilization growth

DHS-DFCS FY'20 Budget

- SHINES upgrades (first of 4 years): \$3m
- Family First Project Management Team: \$438,600
- \$2.7m to increase relative per diem rate by \$1
- \$250k to increase statewide capacity of CASA
- \$867k to continue child care placements for priority families
- \$500k for new QA and monitoring of child welfare support services providers
- Support for retention initiatives for eligible relative and foster caregivers



Q & A



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