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The Forum for America's Ideas

February 12, 2016

NCSL Child Welfare Trends

Nevada Child Welfare and Juvenile Justice Interim Committee

Nina Williams-Mbengue, NCSL Children and Families Program



EXHIBIT D - CHILD WELFARE

Document contains 35 pages.

Entire exhibit provided.

Meeting Date: 02-12-16



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The Forum for America's Ideas

National bi-partisan membership organization

- Legislators and staff in all 50 states, D.C. and territories are members of NCSL
- 7,382 legislators
- Thousands of legislative staff
- Offices in Denver and Washington, D.C.

Goals

- To improve the quality & effectiveness of state legislatures
- To promote policy innovation and communication among state legislatures
- To ensure states a strong, cohesive voice in the federal system



Child Welfare: By the Numbers

3.6 million maltreatment reports

702,000 child victims

**27.4% under 3
75% neglected**

1,570 fatalities



U.S. Department of Health & Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. (2016). Child maltreatment 2014

415,129 children in foster care

264,746 entered foster care

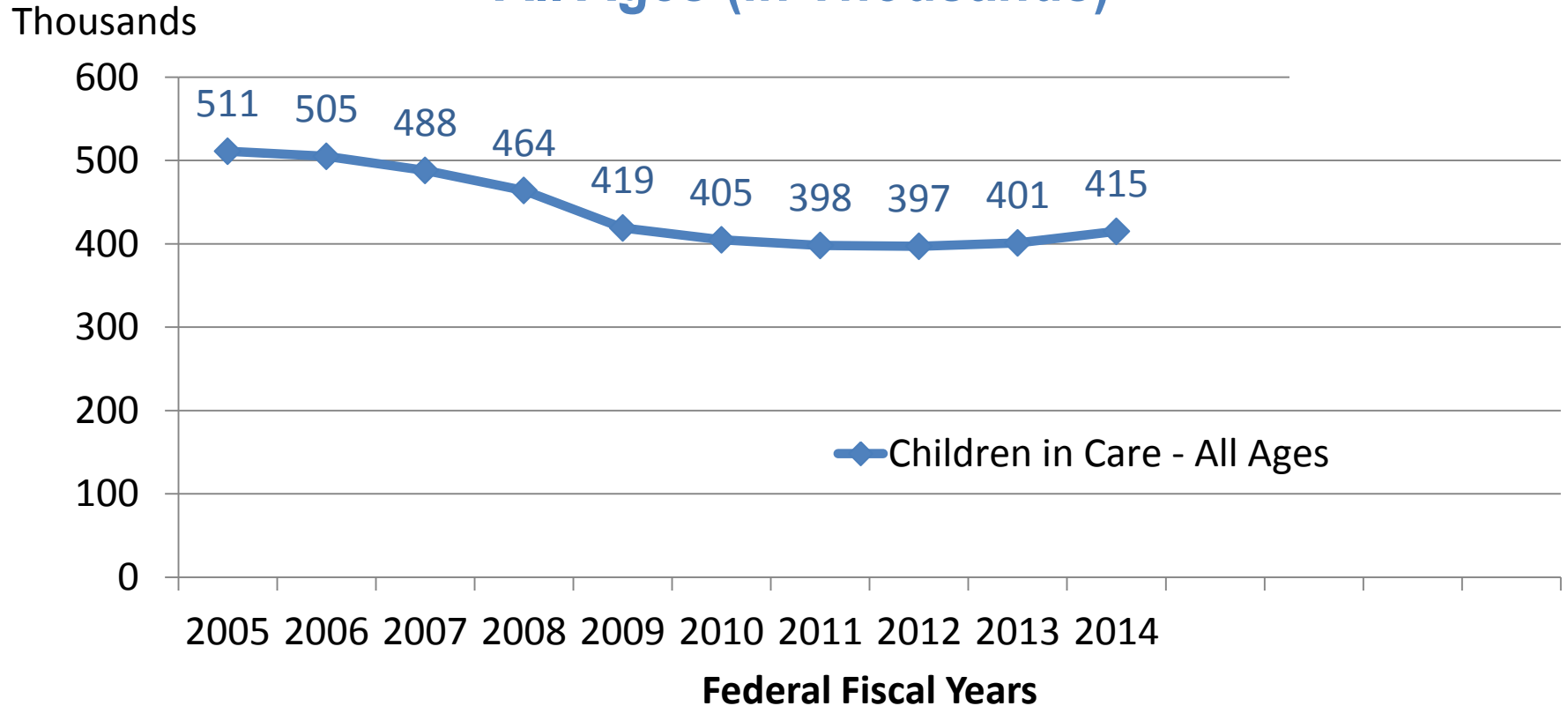
238,230 exited foster care

190,454 children in non-relative foster care



Children in Foster Care in U.S., 9/30/14, AFCARS

Caseload Trends: Children in Care All Ages (in Thousands)



Source: U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau, www.acf.hhs.gov/programs/cb
Preliminary Estimates for FY 2014 as of July 2015



Trends in Child Welfare Policy and Practice

Recent Policy and Practice Trends Impacting Child Welfare

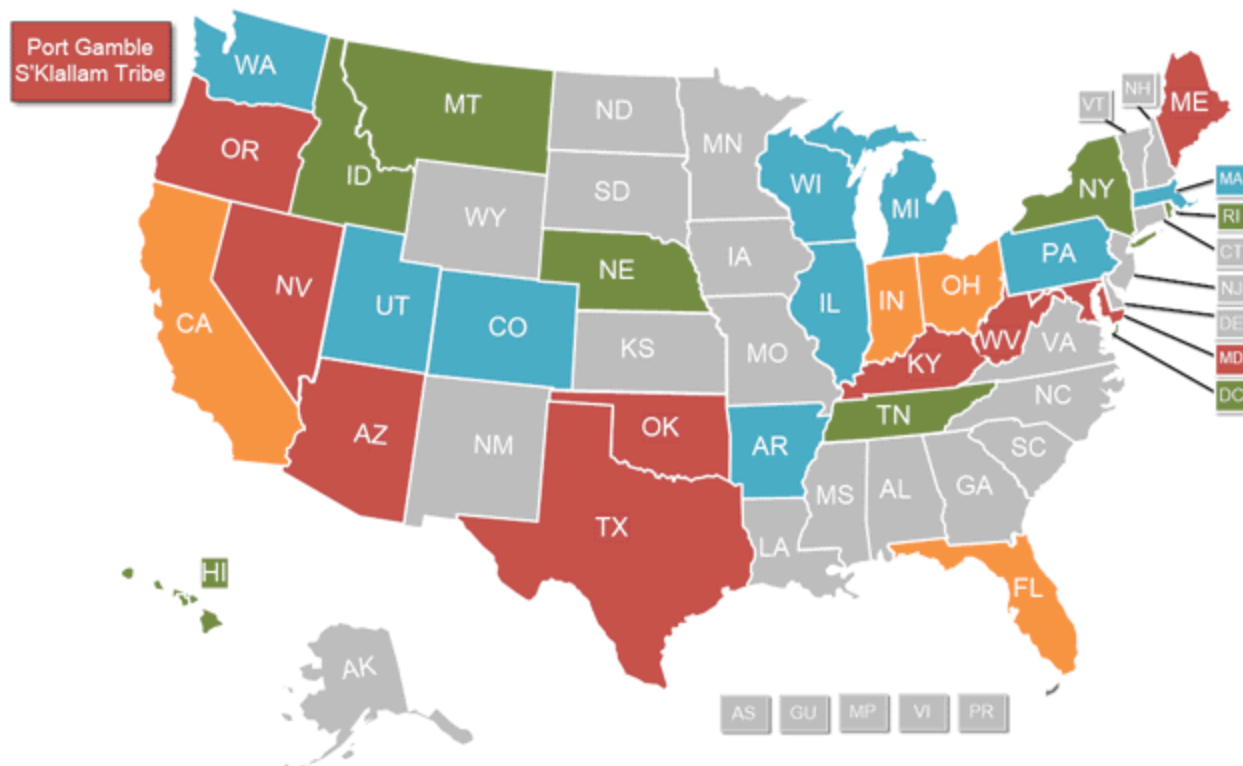
- Foster care caseload reduction
 - Nearly 25% over past decade; **Numbers ticking back up**
- Evidence-based, trauma-informed practice; child well-being
- CFSRs
- Title IV-E waivers

- Legislative Policy Priorities:
 - Preventing Sex Trafficking and Strengthening Families Act
 - Support for Older Youth
 - Congregate Care
 - Supporting Relative Caregivers
 - Supporting Family Foster Care
 - Indian Child Welfare, Children of Color
 - Adoption
 - Child Sexual Abuse Prevention
 - What Works?
 - Three Branch Institute



Title IV-E Child Welfare Demonstration Waivers

- A Child Welfare Waiver Demonstration Project can enable a state to use Title IV-E funds outside of the foster care costs restriction.
- HHS may approve up to 10 projects per year in federal fiscal years 2012 to 2014. Approved projects must be designed to accomplish one or more of the following goals:
 - **Increase permanency for all infants, children, and youth** by reducing the time in foster placements when possible and promoting a successful transition to adulthood for older youth.
 - **Increase positive outcomes for infants, children, youth, and families** in their homes and communities, including tribal communities, and improve safety and well-being.
 - **Prevent child abuse and neglect** and the re-entry of infants, children and youth into foster care.
- Waivers allow state and tribal child welfare agencies to design and demonstrate a wide range of approaches for improving safety, permanency and well-being outcomes for children.
- HHS will give priority to projects that:
 - Focus on positive well-being outcomes for children, youth and their families, especially those who have experienced trauma related to maltreatment.
 - Focus on the social and emotional well-being of children and youth who are available for adoption, as well as those who have been adopted.
 - Are designed to yield “more than modest improvements” in the lives of children and families and contribute to the evidence about what works to improve child and family outcomes.
 - Leverage the involvement of other resources and partners.

States with Title IV-E Waiver Demonstration Projects 2012-2014



LEGEND

-  States with Title IV-E Waiver Demonstration Projects Approved in FFY 2012
-  States with Title IV-E Waiver Demonstration Projects Approved in FFY 2013
-  States with Title IV-E Waiver Demonstration Projects Approved in FFY 2014
-  States with Title IV-E Waiver Demonstration Project extensions
-  States not currently operating a Title IV-E Waiver Demonstration Project

Areas of Focus

- Many states have identified **expanded use of in-home services** as a strategy.
- Many states have identified **trauma-informed** assessments and care as strategies.
- Several states have identified implementation or expansion of **differential or alternative response** initiatives.
- Several states have identified use of **Family Finding** as a tool.
- A number of states have identified **family/youth engagement** and involvement as strategies.
- Several states focus on **kinship care** (supporting effective placements and moving those placements to permanency).
- Several states are focusing on **reducing reliance on congregate care or residential treatment**.
- Several states are collaborating with their **Medicaid and/or Behavioral Health** systems



Legislative Policy Priorities....

Preventing Sex Trafficking and Strengthening Families Act of 2014

- Protecting children and youth at risk of sex trafficking
- National advisory committee on the sex trafficking of children and youth
- Supporting Normalcy: Reasonable and Prudent Parenting Standard
- Improves Another Permanent Planned Living Arrangement (APPLA)
- Case Plan and Transition Planning for Successful Adulthood
- Birth Certificate, Social Security Card, Health Insurance Information, Medical Records and a Driver's Licenses for Foster Children Aging Out of Care

2015 State Legislative Enactments Preventing Sex Trafficking State Legislation

73 bills in 30 states

- Preventing Sex Trafficking General Provisions
 - AR, CT, CA, CO, IL, IN, MN, MT, NC, OK, OR, TX, VA
- Missing Youth
 - CO, IL, IN, MN, NV, OK, OR, TX
- Foster Children's Bill of Rights
 - AZ, AR, CA, CO, CT, DE, FL, HI, IL, MA, MO, NV, NJ, NC, OR, PA, RI, SC, TX and PR
- Reasonable and Prudent Parenting Standard
 - LA, NC, ND, OR, TX
- Human Trafficking
 - FL, GA, IL, KS, ME, MD, NV, NY, NC, ND, OK, RI, SC, TN, TX, UT, WA

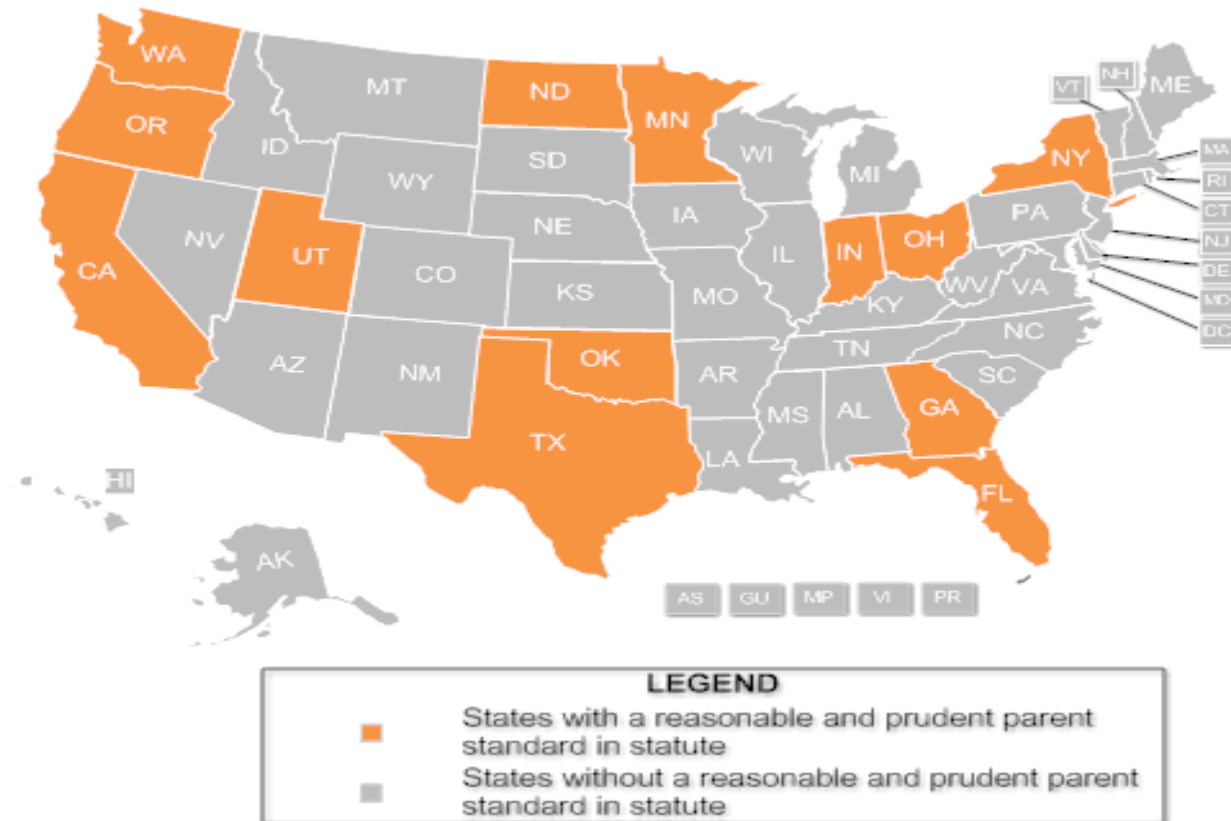
Reasonable and Prudent Parenting Standard Legislation

CA, FL, GA, IN, MN, NY,
ND, OH, OK, OR, TX, UT,
WA

- ☐ New federal legislation, [Preventing Sex Trafficking and Strengthening Families Act of 2014 \(H.R. 4980\)](#), now requires state child welfare agencies to:
- ☐ Develop a reasonable and prudent parenting standard for foster parents to make parental decisions re: health and safety, extracurricular, enrichment, cultural and social activities
- ☐ Children 14 or older participate in the development of, or revision to, case plan
- ☐ Provide children aging out with birth certificate, social security card, health insurance information, medical records, driver's license/state I.D.

Preventing Sex Trafficking Act of 2014

States with Reasonable and Prudent Parent Standard in Statute



Support for Older Youth



400,000 children in foster care

- nearly half (200,000) age 14 or older.
- 26,000 youth age out of foster care at age 18 each year.
- More than one in five will become homeless.
- 58 percent will graduate high school by 19 (compared to 87 percent of peers not in foster care).
- 71 percent of young women will be pregnant by 21.
- At age 26, only half are employed.
- One in four will become involved in the juvenile justice system within two years after leaving foster care.

Support for Older Youth (Cont'd)



- ***Adolescence and early adulthood provides just as much opportunity to impact brain development as early childhood.***
 - Between the ages of 14 and 25, a person's brain experiences a period of major growth and development.
- ***There isn't a "point of no return" for young people who have experienced trauma.***
 - There is a window of time in adolescence, to counteract the damage caused by the stressful and traumatic experiences youth in foster care might have undergone.
- ***Experience matters.***

Support for Older Youth (Cont'd)



22 states and the District of Columbia have enacted legislation to extend foster care beyond age 18.

- Alabama, Arkansas, California, Connecticut, Hawaii, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New York, North Dakota, Oregon, Pennsylvania, Tennessee, Texas, Virginia, Washington and West Virginia.

Support for Older Youth (Cont'd)



- Youth voice in court – 25 states
- Youth participation in case and transition planning
- Youth advisory boards – 50 states
- Foster children's bill of rights – 15 states

Addressing Congregate Care

55,916 (9/30/13)

- **8 months in care average**
- **31 % age 12 and under**
 - **21 states higher than 31%**
- **State Policies**
 - Unified statewide strategic plans
 - Community-based services
 - Address barriers to services
 - Statewide treatment-focused foster care
 - Flexibility in service provision
 - Alternative placement programs
 - Data collection systems

36 states (2009 – 2013) - Legislation

- Assessments - MN
- Courts – WI, WY
- Task Forces – CT, MS, WV
- Educational outcomes- CO, GA, MO, SD, WA
- Funding – CA, IN, NH, NC, TX
- Oversight and Safety – AK, AR, CO, NV, NY, OR, TX, PR, OK
- Psychotropic Medications – IL, NV
- Community Based Care – CA, KY, MA, NV, ND, VA, UT
- Licensing – FL, KS, LA, ME, MD, MI, TX
- Behavioral Health – AZ, CT, KS, KY, NE, TX
- Tribes

Supporting Relative Caregivers

- 3 million children cared for by relatives other than their parents
- Relatives care for 29 percent of children in foster care— 120,334

U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau,
www.acf.hhs.gov/programs/cb Preliminary Estimates for FY 2014 as of July 2015 (22)

- Subsidized guardianship (22 states) and kinship guardianship assistance (25 states)
- Relative placement preference – CO, KS, KY, MD, NE, NV, NC, OR, PA, SC, UT, VA
- Adoption assistance for youth in kinship care
- Licensing - NE, CO, IN, VA
- Medical consent and school enrollment – 42 states and D.C., including Nevada
- Other supports – family finding, one-time financial assistance, medical consent and school enrollment

Supporting Foster Families

- 3 million children cared for by relatives other than their parents
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Evidence-Based Practices to Support Foster Parents

Fostering Healthy Futures	Preventive intervention for 9-11 year old children who have recently been placed in foster care due to maltreatment. This program aims to reduce risk and promote well-being through skills groups and mentoring. Experimental evaluations of this program have found positive impacts on mental health symptoms, trauma symptoms, quality of life, use of therapy, and placement in residential treatment facilities when compared with a treatment-as-usual control group. This program is particularly successful in positive placement and permanency outcomes for children in non-kinship placements.
Foster Parent College	FPC is an online training venue for foster, adoptive, and kinship parents. Interactive multimedia courses offered through the site provide resource parents with in-service training on clinical aspects of and parent interventions for their child's behavior problems. Instructional content is based on social learning theory and attachment theory. Course topics also include safe parenting, positive parenting, resource parents' marriage relationships, working with schools and birth parents, home safety, and kinship care.
Foster Parent Skills Training Program	The 10 program sessions of this program uses demonstrations, role playing and other types of practice as the predominant tools. The program has consistently resulted in increased parental ability to reduce the use of destructive parental/caretaker responses.
Keeping Foster Parents Trained and Supported (KEEP)	KEEP is a less intensive version of the training component of Multidimensional Treatment Foster Care (MTFC), an evidence-based approach to treatment foster care. KEEP offers manualized training, supervision and support for foster parents over a 16- week period. It teaches foster parents about the techniques and benefits of positive reinforcement.
Nurturing Parenting Programs	The Nurturing Programs target all families at risk for abuse and neglect with children birth to 18 years. The programs have been adapted for special populations, including Hmong families, Military families, Hispanic families, African-American families, Teen Parents, Foster and Adoptive Families, Families in Alcohol Treatment and Recovery, Parents with Special Learning Needs, and Families with Children with Health Challenges.

State Legislation to Support Foster Parents

- Connecticut
2013 Conn. Acts, SB 972, P.A. 178: Requires the Department of Children and Families to develop a comprehensive implementation plan for meeting the emotional and behavioral health needs of all children in the state. The plan, must: (1) strengthen families through home visitation and parenting education programs; (2) increase mental, emotional, or behavioral health issue awareness within elementary and secondary schools; (3) improve the current system of addressing such issues in youths; and (4) provide public and private reimbursement for some mental, emotional, or behavioral health services.
- West Virginia
2010 W.V. Acts, HB 4164, Chap. 20: Establishes a pilot program (to be known as Jacob's Law) for the placement of children ages 4 to 10 in foster care to provide children in crisis with early intervention, assistance with emotional needs, medical evaluations, independent advocates, and foster family training and education. The law also requires immediate evaluation and testing following removal from a home.
- Wisconsin
2010 Wis. Laws, AB 823, Act 336: Requires that all foster parents complete training regarding the care and support needs of children who are placed in foster care or treatment foster care. The training shall be completed on an ongoing basis and include parenting skills, the teaching and encouragement of independent living skills, and issues that may confront foster parents of children with special needs.

Indian Child Welfare



State Indian Child Welfare Acts

IA, MI, MN, NE, OK, WA

Specific ICWA provisions

CA, CO, WI, OR, SD, ND

Study commissions

ME, SD

Direct access to Title IV-E

funding for Tribes

Port Gamble S'Klallam

Tribe

- Tribal Customary Adoption
 - CA – a permanent placement that allows Indian children to be adopted without terminating parental rights
- NCSL Indian Child Welfare webpage:
- <http://www.ncsl.org/research/human-services/ncsl-state-tribal-institute-intersection-ec-cwp.aspx>

Children of Color

- African-American children: 47.1% decline between 2002 and 2012
 - 74% of the overall decline
- Hispanic children: 2.5 % decrease
- Two or more races: increased from 13,857 to 22,942 children

(Source: September 2013 Recent Demographic Trends in Foster Care. ACYF Office of Data, Analysis, Research, and Evaluation Data Brief 2013-1)

Children in Foster Care on September 30, 2014 (N=415,129)		
Race/Ethnicity	Percent	Number
American Indian/Alaskan Native	2%	9,517
Asian	1%	2,107
Black or African American	24%	97,540
Native Hawaiian/Other Pacific Islander	0%	693
Hispanic (of any race)	22%	90,299
White	42%	174,477
Unknown/Unable to Determine	3%	12,747
Two or more Races	7%	27,179

Source: U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau, www.acf.hhs.gov/programs/cb Preliminary Estimates for FY 2014 as of July 2015 (22)

Adoption

- Re-Homing
 - 2014: CO, FL, LA, OH, WI
 - 2015: AR, ME, NE
- Subsidies, Supports, Birth Certificates
 - See NCSL tracking:
 - <http://www.ncsl.org/research/human-services/ncsl-streamlining-adoption-legislation-2008-2013.aspx>

Child Sexual Abuse Prevention in Schools

- Erin's Laws - 26 states
 - Age-appropriate k-12 child sexual abuse prevention curriculum in schools

Psychotropic Medication

- Oversight and administration
 - CO, CT, FL, IL, NV, OR, TX

Legislatures Address What Works

Washington State Institute for Public Policy (WSIPP)

- ❑ Non-partisan research on child welfare, mental health, juvenile justice and substance abuse
- ❑ Annual inventory of prevention and intervention services
- ❑ Conducts a meta-analysis of all rigorous evaluations of policies
- ❑ Cost-benefit analysis
- ❑ View WSIPP's [child welfare policy reports](http://www.wsipp.wa.gov/) or <http://www.wsipp.wa.gov/>

New Mexico Results First

- ❑ New Mexico's Legislative Finance Committee (LFC)
- ❑ Issues "report cards" on state programs to assess if they are delivering desired outcomes.
- ❑ Partnership with the Pew-MacArthur "Results First" initiative to support evidence-based policy making and budgeting
- ❑ A [national database](#) on effective programs. States add their own information on programs. The Results First model calculates long-term costs and benefits for each program.
- ❑ See New Mexico's recent [Results First reports](#) or <http://www.nmlegis.gov/lcs/lfc/lcresultsfirst.aspx>

What Works?

Well Supported By Research Evidence	Supported by Research Evidence
Parent Child Interaction Therapy	Safecare
Triple P – Level 4	Fostering Healthy Futures
Healthy Families America (Child Well-Being only)	Multisystemic Therapy (Child Abuse and Neglect)
Nurse Family Partnership and Other Home Visiting Programs	Intensive Family Preservation Services (Homebuilders)
Cognitive Behavioral Therapy for Adult Depression	

Three Branch Institute
NCSL, National Governor's Association, National Council for Juvenile and Family Court Judges, National Center for State Courts

**2013 Three Branch Institute on
Child Social and Emotional Well-Being**

Connecticut	Strengthening Families practice model. Support families and reduce poverty
Illinois	Addressing maltreatment and trauma within the foster care population: screening for mental health needs, formal adoption of trauma-informed well-being measures.
Kansas	Substance abuse.
New Mexico	Treating children in foster care with symptoms of trauma. Reduce use of psychotropic medications to treat trauma. Expand Trauma Academy.
Virginia	Psychotropic medications. Data management. Behavioral health.
West Virginia	Behavioral health.
Wisconsin	Adverse childhood experiences. Trauma informed care.

Three Branch Institute
NCSL, National Governor's Association
National Council for Juvenile and Family Court Judges

2016 – 2017

**Three Branch Institute on Improving Child Safety
and Preventing Child Fatalities**

8 States	Develop a state-specific plan to prevent child maltreatment fatalities and near-fatalities among children and youth known to the child welfare system
	Spread innovative practices while helping participating states strengthen and develop new partnerships, better understand policies/statutes driving practice issues, and coordinate multiple plans and initiatives
	Develop and begin to implement a single, coordinated plan of action toward a common goal with measureable outcomes and benchmarks
	Connect to the work of the national Commission to Eliminate Child Abuse and Neglect Fatalities

Additional NCSL State Legislation Tracking

- Child Welfare Financing 101
 - 50 state Charts
- Placement of Children/Congregate Care
- Adoption Subsidies and Supports
- Child Sexual Abuse Prevention (Erin's Laws)
- Indian Child Welfare
- Home Visiting
- Education
- Children of Color in Child Welfare
- Kinship Care
- Psychotropic Medications
- Statutes of Limitation in Child Sexual Abuse Cases
- Title IV-E Child Welfare Waivers
- Well-Being, Mental Health, Health
- Differential Response
- Foster Parent Bill of Rights

Contact NCSL

Nina Williams-Mbengue at 303-856-1559 or Nina.mbengue@ncsl.org

NCSL Child Welfare Webpage:

<http://www.ncsl.org/issues-research/human-services.aspx?tabs=858,51,16#16>

Additional Resources

Washington State Institute for
Public Policy (WSIPP)

<http://www.wsipp.wa.gov/>



California Clearinghouse on
Evidence-Based Child Welfare

<http://www.cebc4cw.org/>

Commission to Eliminate Child Abuse and Neglect Fatalities

<https://eliminatechildabusefatalities.sites.usa.gov/>