

**JOINT INFORMATIONAL AND OVERSIGHT HEARING  
of the  
ASSEMBLY COMMITTEE ON HUMAN SERVICES  
and  
ASSEMBLY SELECT COMMITTEE ON FOSTER CARE**

**Tuesday, May 10, 2011  
Upon adjournment of Policy Hearing  
State Capitol, Room 437**

**From Long-Term Foster Care to Permanency:  
A Focus on Child and Family Centered Practice**

**Background Briefing Paper**

The Joint Informational and Oversight hearing of the Assembly Committee on Human Services and the Assembly Select Committee on Foster Care takes place today as part of the California kick-off to National Foster Care Month in May, and examines how youth and family centered child welfare practices can improve the quality and outcomes of permanency efforts in California.

**OUTLINE OF THE HEARING**

- First, the hearing will provide an overview of the state’s efforts to safely reduce the numbers of children in foster care through permanency initiatives with an overview of data trends and analysis.
- Then, the hearing will place California’s efforts in the context of national trends with a presentation of the role of state legislatures in child welfare reform, strategies employed in other states, and will highlight California’s leadership in permanency efforts nationally.
- Next, the hearing will look closely at two local efforts that put the children and families served by the child welfare system at the core of program design, evaluation, and implementation, thereby leading to better permanency outcomes: the Family Wellness Court in Santa Clara County and the Humboldt County Transition Age Youth Collaboration.

- Finally, this hearing will provide members of the Human Services Committee, the Select Committee on Foster Care, and the public with an opportunity to learn about the early implementation planning stages of the California Partners for Permanency project: a \$14.5 million, 5-year federal grant awarded to the State of California by the federal Administration for Children and Families.

### GOALS OF THE HEARING

Today's hearing seeks to assist members of the Legislature and the public with understanding:

1. Why permanency matters for the child welfare system.
2. How California has worked to achieve permanency over the past decade.
3. Who, among the populations remaining in foster care, is in need of additional services and supports. What a more quality approach looks like for achieving permanency in early childhood through young adulthood.
4. What is being done at the local, state and national levels to continue the trend away from long-term foster care toward safe permanency.

In addressing these questions, this hearing will examine specific practice models which bring together the different public and private service providers and agencies in two California counties. Each of these models works to place youth and families at the core of program design to develop and deliver more quality services for target populations of young children and transition age youth. The two counties featured in today's hearing are also taking part in the federal California Partners for Permanency grant which seeks to further permanency goals by focusing on developing a practice model aimed at addressing the overrepresentation of African American and Native American children and families involved with California's child welfare system.

### CHILD WELFARE SERVICES OVERVIEW

The child welfare system in California is made up of public and private agencies, institutions, and programs responsible for responding to the nearly 500,000 reports of suspected child abuse and neglect filed each year by concerned professionals and community members. These organizations provide services to children who are victims of, or are at risk of becoming victims of child abuse or neglect, and their families.

The California Department of Social Services (DSS) is the single state agency responsible for the state's child welfare system, which is administered by each of the state's 58 counties. Federal and state laws provide the framework for child welfare services, which are funded through a combination of federal, state, and county resources. Approximately 75% of California's 63,000 foster children are eligible for federal foster care funding.

Child welfare services include a variety of interventions designed to protect children such as: emergency response to reports of suspected abuse and neglect; family maintenance (time-limited protective services to families in crisis); family reunification (time-limited intervention and

support services to help create a safe environment to which a child who was removed from home could return); and, foster or out-of-home care. However, in order to successfully implement each of these interventions, the child welfare system must draw from multiple state and county systems and programs, including the judicial system and substance abuse treatment programs, developmental services, the education system, and health care and mental health services. Quite often foster children and families are challenged to navigate these complex systems to access services, just as the child welfare system struggles to ensure proper interagency coordination in service delivery. Ensuring access to quality programs and services for families and children involved in the child welfare system is crucial, as close to three-quarters of the children entering the child welfare system did so due to neglect, rather than abuse or abandonment.

For over ten years, California has been a national leader in the reduction of our foster care caseload. Because of an intense focus on reducing the length of stay for children in foster care, and moving toward permanent placements more quickly, California has managed to decrease its overall foster care caseload by 47% over this period despite a growth in the overall number of children in the state.

Overall, California has managed to retool its foster care system over the course of the last decade from a system designed to remove children from unsafe homes and place them in long-term foster care, to one with an emphasis on securing a safe and loving family for every child.

### WHY DOES PERMANENCY MATTER FOR THE CHILD WELFARE SYSTEM?

Permanency in the child welfare context refers to, “the need of all children and youth for love, a sense of belonging, and the continuity of family to support and sustain them throughout their lives.”<sup>1</sup> Research shows that children grow up best in nurturing, stable families that offer commitment and continuity, legal status, and where members of the family share a common future. A common goal of the child welfare system is to ensure a lifelong connection with a caring and committed adult for every child.

#### Historical Context

According to the U.S. Department of Health and Human Services Administration for Child and Family Services, concepts of permanency in child welfare date back to the 1950’s in the United States, although through the 1970’s and beyond the child welfare system across the nation typically focused on removal of children from unsafe households and placement in long-term foster care. It was standard practice during this time for children to grow up in the state’s custody. In 1973, the federally funded Oregon Project, demonstrated that with adequate services and planning, permanency through reunification or adoption was possible for children in foster care. Following this foundational demonstration project, foster care was recast by Congress as a temporary service rather than a desired outcome of child welfare with the passage of the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272). Federal and state policies today emphasize the importance of ensuring reasonable efforts are made to safely keep children

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<sup>1</sup> California Child Welfare Co-Investment Partnership, Insights, vol. 2 2009: Understanding Permanency and the Child Welfare System.

at home whenever possible, and to remove children from their parents only when those efforts are unsuccessful. Examples of legal permanency include reunification, legal guardianship, tribal customary adoption, and adoption.

Aside from the benefits to the child and family, the goal of permanency is also fiscally responsible, as a child who has achieved permanency through reunification or adoption no longer requires ongoing foster care maintenance payments. Aside from the immediate benefits of lower costs to the child welfare system, children and youth who reach permanency achieve better outcomes in adulthood, which decreases costs to the state welfare and public safety systems. Permanency when done right is a win-win proposition.

### HOW CALIFORNIA HAS WORKED TO ACHIEVE PERMANENCY OVER THE PAST DECADE?

California has improved its efforts at permanency by concentrating services early in a family's interactions with the child welfare system, and by moving quickly toward legal permanency when children are placed in foster care. Federal guidelines brought about as a result of the Adoptions and Safe Families Act of 1997 (ASFA) (P.L. 105-89) prompted a serious effort on the part of states to move families toward permanency through mandated timelines.

Pursuant to federal and state law, reasonable efforts must be made to reunify the family within the first six to twelve months of a child's removal from home unless there are aggravating circumstances. In addition, a child's permanency hearing must be held within 12 months of the child's entry into foster care and no more than 18 months of the child's initial removal from the home. Finally, termination of parental rights petitions must be filed if the child is in foster care for 15 of the previous 22 months, although the court can extend this time period if compelling reasons exist in the case.

Ideally, permanency efforts should begin when a child is identified as being at risk for removal from the parents. At these earliest stages of intervention by the child welfare system, families in need of mental health, substance abuse, or domestic violence services can sometimes be stabilized to the point where the child may safely remain in the home – a goal facilitated through practices such as differential response. However, in cases where a parent or family is working diligently toward reunification, but still in need of additional mental health, substance abuse, or other support services, the stated federal and state timelines can be extended.

#### Family Reunification

In fact, reunification is the most successful form of legal permanency in California. A majority of children in California achieve permanency through reunification with their parents within their first two years in foster care. Families who are reunified may be at risk of reentry into the child welfare system if there is a recurrence of maltreatment. California tracks the recurrence of maltreatment of children in foster care and compared with other states, performs at 98.3% of the national standard for achieving child safety through no recurrence of child maltreatment. In recognition that sometimes a parent's recovery and rehabilitation efforts can be slow but

achievable, California is one of a very few states that allows a foster youth who has been in foster care for more than three years without being adopted to petition the court to be reunified with his or her parent (Welfare and Institutions Code Section 366.26).

### Concurrent Planning

Once a child has been placed in out-of-home care, federal and state laws have also prioritized permanency through concurrent planning. Concurrent planning is the practice of working on dual tracks to: 1) reunify a child with his or her parents while 2) exploring alternative permanency options such as guardianship or adoption in the event reunification fails. Through concurrent planning, counties can ensure a fast-track to permanency. ASFA also set the groundwork for California to require concurrent planning whenever a child is placed in out-of-home care, which the state followed up on with the passage of AB 1544 (Committee on Human Services) Chapter 793, Statutes of 1998. Counties such as Los Angeles have reformed their practice models to ensure that every foster parent licensed in their county is concurrently screened as a prospective adoptive parent, showing a high level of commitment to permanency.

### Relative Guardianships

Clearly, not every family can or should be reunified. If a household is unsafe for a child, removal of the child from the home and termination of parental rights may be in the best interests of the child and necessary for ensuring the child's safety. Once the court orders a plan of permanency for a child, California law establishes a preference for placement with a suitable relative, if the relative is willing and available. A family member who can provide a safe, stable, and loving home can make an ideal relative caregiver. California policy has incentivized these sorts of legal relationships through the Kinship Guardian Assistance Payment (Kin-GAP) program since 2000 when SB 1901 (McPherson) Chapter 1055, Statutes of 1998 was implemented. Until last year, Kin-GAP was supported by state and county funding only. Fortunately, the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351) provided federal assistance for kinship guardian assistance programs to states for the first time, based, in part, upon the demonstrated success of California's Kin-GAP program.

### Family Finding and Engagement

The movement toward family finding and engagement (FFE) has also shown great promise as a way to leverage technology and social media networks to connect foster youth with relatives who may be willing to play an important role in the child's life once they know that he or she is in foster care and in need of a home. The right relative connection, found through FFE, has led to guardianship, adoption, or even permanency in the form of a firm familial connection, whether with a sibling, cousin, aunt, or estranged parent.

## Adoption

Adoptions are, of course, a vital component of permanency efforts. From 2000 to 2010, the rate of exits to permanency through adoption within 2 years of entry into foster care has more than doubled in California. Currently, adoptions make up approximately 17% of permanency exits. A cornerstone of adoption policy for over thirty years has been the Adoption Assistance Program (AAP). Created by Congress in 1980 through the Adoption Assistance and Child Welfare Act (P.L. 96-272), AAP removes financial barriers to adoption by allowing states to offer subsidies to adoptive families. California's AAP program provides up to \$400 per month to eligible children based on their basic and special needs.

## Challenges of Permanency

Often, one of the drawbacks of the success of counties to achieve permanency for foster youth is that good foster homes may close their doors to more children when they decide to adopt. Another challenge is that, due to federal funding structures, payments to the state and county are most often tied to foster care placement, rather than the services needed to stabilize children and families, to remove barriers to permanency, or to provide adequate supports post-adoption and ensure a new family's viability. Fortunately, communities across California have been creative and have learned to cobble together disparate funding streams to create the desired systems and outcomes.

## WHO IS IN NEED OF ADDITIONAL SERVICES AND SUPPORTS?

While the overall reduction of children in foster care is encouraging, children of color continue to be overrepresented in the child welfare system. In 2010, children of color made up three-quarters of the population (African American, Latino, Asian/Pacific Islander, Native American). Although California saw a 50% decline in the numbers of African American children in foster care between 2000 and 2010, African American children are still more than five times as likely as white children to be in foster care as of 2009. In addition, African American and Native American children in foster care are less likely to be reunified with their families, experience longer stays in foster care, and are less likely to age out of care with permanent connections to adults in place.

The reasons for these disparities are not entirely known, but the consequences are. Youth in care for more than two years are significantly less likely to achieve permanency; their chances decreasing the longer they remain in care. Youth in long-term foster care may also face barriers to permanency because they tend to be older, and may have added emotional or physical needs. Children in sibling groups are also more difficult to place in permanent homes. It should also be noted that 54% of African American and 45% of Native American foster youth have been in care for over two years, compared with 40% of Latino children and 41% of white children. Most distressing, 32% of African American children have been in foster care for more than five years. The child welfare system must focus on removing barriers to permanency before these youth age

out by increasing access to necessary mental health services, and educational stability, and through FFE.

Without a permanent connection to a caring and committed adult, youth who age out of the foster care system are left to navigate the transition to adulthood alone and without the financial and emotional support most of their peers enjoy well into their mid- to late-twenties. Youth who age out of foster care without these connections are far more likely to experience homelessness and involvement with the criminal justice system, and to ultimately depend upon government programs and services, such as CalWORKs.

Child welfare advocates, agencies and providers have also begun to think about ways to connect all youth, even those past the age of majority (18 years) with a caring and committed adult in some way. These programs are critical to informing how California will embark on permanency efforts for its young adults who opt to stay in extended care between the ages of 18 and 21 pursuant to the California Fostering Connections to Success Act of 2010 [AB 12 (Beall & Bass) Chapter 559, Statutes of 2010].

#### WHAT IS BEING DONE TO CONTINUE THE TREND TOWARD PERMANENCY?

Perhaps one of the best indicators of the direction the federal government would like states to move in is included in the proposed 2012 budget put forward by President Obama, which outlines a child welfare reform agenda based on the following principles:

- Creating financial incentives to improve child outcomes in key areas, by reducing the length of stay in foster care, increasing permanency through reunification, adoption, and guardianship, decreasing rates of maltreatment recurrence and any maltreatment while in foster care, and reducing rates of reentry into foster care;
- Improving the well-being of children and youth in the foster care system, transitioning to permanent homes, or transitioning to adulthood;
- Reducing costly and unnecessary administrative requirements, while retaining the focus on children in need;
- Using the best research currently available on child welfare policies and interventions to help states achieve further declines in the numbers of children who need to enter or remain in foster care, to better reach families with more complex needs, and to improve outcomes for children who are abused, neglected, or at risk of abuse or neglect; and
- Expanding our knowledge base by allowing states to test innovative strategies that improve outcomes for children and reward states for efficient use of federal and state resources.

State policymakers should consider the principles outlined here as they consider how to continue the momentum from a decade of successful reductions in foster care through permanency, and the unique challenges that lie ahead.

### WHAT DOES A MORE QUALITY APPROACH LOOK LIKE FOR ACHIEVING PERMANENCY IN EARLY CHILDHOOD THROUGH YOUNG ADULTHOOD?

The Joint Oversight Committee Hearing today will hear from several national, state and local leaders in child welfare to assess emerging trends in child welfare practice in California.

Appropriately, today's hearing will open with testimony by a youth member of the California Youth Connection (CYC) who has experienced California's child welfare system first-hand, to learn about what permanency means to our state's foster youth. CYC is the nation's largest foster youth-driven advocacy organization. Since their founding in 1988, CYC has had a tremendous impact on child welfare policy by empowering current and former foster youth to develop and respond to policy proposals at the state and local levels in California. In many ways, CYC has set the foundation for youth and family centered policies in California by serving as a constant reminder to policymakers of the children and young people most impacted by the state's child welfare policies.

Next, the hearing will turn to a presentation of California child welfare services data trends compiled through the Child Welfare Services/Case Management System and analyzed and presented by Barbara Needell, Principal Investigator with the Center for Social Services Research at the University of California at Berkeley. Ms. Needell will present data on the change in California's foster care caseload over the course of the past ten years, and some of the policy trends that have contributed to such significant reductions.

The Committees will also hear from Nina Williams-Mbengue with the National Conference on State Legislatures. Ms. Williams-Mbengue will provide a general overview of the role of legislatures in child welfare reform, trends across the nation, and California's leadership role in permanency efforts.

Following this overview, the hearing will examine closely two existing models for youth and family centered child welfare practice. The first, the Family Wellness Court out of Santa Clara County, will underscore the importance of addressing infants and very young children in the child welfare system. The Family Wellness Court was started in 2008 with a \$3.742 million federal grant and \$2.591 million matching funds from First 5 of Santa Clara County. This five-year demonstration project is modeled after Santa Clara County's successful Dependency Drug Treatment Court. The Family Wellness Court differs in that it serves families with children ages 0-3. The specific focus on substance abusing parents is the same. What makes the Family Wellness Court so unique is that Judge Erica Yew practices a therapeutic model of justice which seeks to build upon the strengths of parents and families and support them in their efforts to be reunified with their children with a holistic approach that brings together an individualized case plan that coordinates services needed to address the underlying challenges facing the family. These services can range from substance abuse treatment and domestic violence, to housing and



employment related services. In addition, the Family Wellness Court works with former graduates of the program who serve as parent peer mentors. The committee will hear from the Family Wellness Court's first father graduate, Mario Montemayor, who now works as a peer mentor through the Mentor Parent Program run by the Dependency Advocacy Center. Mr. Montemayor will share his story of overcoming drug addiction to be reunified with his children.

The second county model the hearing will explore is the Humboldt County Transition Age Youth Collaboration (HCTAYC), which seeks to remove barriers to permanency for older youth by working to provide advocacy training for current and former foster youth with mental health and other needs, and to use their input to inform county child welfare practice at all levels. According to HCTAYC:

Making a genuine commitment to youth engagement requires most adult-run programs to make cultural and structural adjustments to calling and running meetings. Too often youth participation is seen as a gesture of good will, an easy way to demonstrate an agency's commitment to youth rather than viewing youth participation as a necessity for sound decision-making and a significant asset to the decision-making process.

HCTAYC shows a high-level commitment to youth centered programs and practice on the part of Humboldt County, as it brings together various partner agencies and organizations, including: The Y.O.U.T.H. Training Project, CYC, Youth in Mind, the Humboldt County Department of Health and Human Services, and transition age youth from throughout the county. While participating youth range in age from under 16 to over 25 years of age, the majority of youth participants are between 16 and 22 years of age.

This hearing will end with legislative oversight of the California Partners for Permanency (CAPP) project, a 5-year, \$14.5 million federal grant to address permanency by focusing on African American and Native American children in foster care. In doing so, the project will seek to both reduce long-term foster care and improve child well-being through a comprehensive approach to child welfare systems change. Specifically, the CAPP project seeks to:

- Conduct an analysis of local child welfare systems to better understand the barriers to permanency and inform solutions to reduce long term foster care;
- Develop an integrated child welfare practice model that builds on existing permanency practices;
- Refine, test and evaluate the approach in four California counties, and then;
- Replicate the approach in 10 more counties statewide and develop a plan to spread statewide.

Still in the early stages of implementation, the hearing will allow members of both committees to learn about this unique opportunity for reform of California's child welfare system.