

**Assembly Committee on Human Services
Informational Hearing**

**Foster Caregiver Recruitment and Retention
Challenges, Lessons Learned and Next Steps**

**Tuesday, October 14, 2014
1:30 p.m., Norwalk City Council Chambers
City of Norwalk**

Purpose of this Informational Hearing

Over the past 25 years, California has worked to reduce the number of children in foster care and the number of children who are placed into institutional care, otherwise referred to as congregate care or group homes. Since 2000, the state has almost halved the number of children in foster care from just over 100,000 children to approximately 55,000 children in the current year. Most of this success can be attributed to a number of efforts, including improved efforts to identify and prioritize placement of children in care with relatives, enhanced supportive services for foster caregivers, and preventative services to help keep children from being placed into foster care.

However, although the state has seen a reduction in the number of children in foster care and a decreased reliance on group homes, it continues to face a number of challenges in finding families for children. While the state has transitioned to a child welfare system that prioritizes placement with relative caregivers and family-like environments, such as foster caregivers and certified foster family homes, it has also seen a reduction in the number of foster caregivers. Additionally, the development of a preferential placement policy for relatives has raised implementation concerns and policy questions as to when and how a child should be placed with a relative or non-related foster caregiver. When combined with the transition away from group home care and that many county child welfare agencies are struggling to recruit and retain quality foster caregivers, these issues raise serious concerns about the state's ability to adequately provide quality, family-like environments for children in foster care.

This hearing is intended review these issues and examine whether lessons learned and best practices need to be further disseminated throughout the foster care system, and whether legislative action is needed to provide greater support and clarity.

Family-like environments – Options, requirements, and responsibilities

When a child is removed from his or her family, placement with a relative, a non-relative extended family member (NREFM) or a family foster home, in that order of priority, must be considered. Only in challenging situations are group homes or other intensive treatment placement options supposed to be considered in order to help stabilize the child so he or she can transition into a less restrictive environment, such as a family-like placement. Family-like placements include the following:

- Relative – A relative, under current law, is defined as an adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, which includes stepparents, stepsiblings, and all relatives whose status is preceded by the words “great,” “great-great,” or “grand,” or the spouse of any of these persons, even if the marriage was terminated by death or dissolution. However, statute limits preferential placement of a child with only a grandparent, aunt, uncle, or sibling of the child. Additionally, similar to a licensed foster family home, federal law¹ requires relatives to meet the same licensing standards expected of a licensed foster family home.
- Non-Relative Extended Family Member (NREFM) – A NREFM is defined as a person who has an established familial or mentoring relationship with a child or the child’s family, and can be considered an individual with whom a youth under temporary custody or a dependent or ward of the court may be placed. They can be a godmother or godfather, a coach, a close friend of the family, or anyone who has an established relationship with the child. Unlike foster parents, whose home is licensed under the California Community Care Facilities Act (CCFA) NREFMs are not required to be licensed. Rather, they are required to undergo criminal background checks and are assessed by county welfare agencies to determine whether they are an appropriate placement for a youth and can provide for the child’s health and safety.
- Foster Family Home (FFH) – Licensed under the CCFA, an FFH is a home owned or rented by an individual who has applied and undergone a licensing evaluation by the Department of Social Services' Community Care Licensing Division (CCLD). In order to become an FFH, an individual is required to undergo and receive a criminal background check clearance, meet training requirements, including cardio-pulmonary resuscitation and first-aid training, and have his or her home assessed in order to determine whether it complies with health and safety requirements.
- Certified Family Home (CFH) – Foster Family Agency (FFA) – Similar to an FFH, a CFH contracts with an FFA and is required to comply with the same requirements expected of an FFH. Unlike an FFH, a CFH is overseen by an FFA, which contracts with a county child welfare agency (CWA) for the provision of child welfare placement and supportive services.

Family Finding

One of the critical first steps a county child welfare agency must take when they remove a child from the family home is to begin a search for relatives who could serve as an out-of-home placement for the child. Established as a requirement under AB 938 (Committee on Judiciary), Chapter 261, Statutes of 2009, pursuant to the federal Fostering Connections to Success and Increasing Adoptions Act of 2008, social workers are required to conduct an investigation, within 30 days of the child’s removal from his or her home, to identify and locate all grandparents, adult siblings and other adult relatives, including those suggested by the parents.

¹ Title 42, United States Code Section 672(c)(1))

As a requirement of their search, social workers must meet a standard of due diligence in their investigation of relatives, as evaluated and determined by the juvenile court.

In its evaluation of whether a social worker exercised due diligence in his or her search for known relatives of a child, the court may take into account whether the social worker:²

- Asked the child, in an age-appropriate manner and consistent with the child's best interest, about his or her relatives;
- Obtained information regarding the location of the child's relatives;
- Reviewed the child's case file for any information regarding relatives;
- Telephoned, e-mailed, or visited all identified relatives;
- Asked located relatives for the names and locations of other relatives;
- Used Internet search tools to locate relatives identified as supports; or
- Developed tools, including a genogram, family tree, family map, or other diagram of family relationships, to help the child or parents identify relatives.

However, the burden of determining whether a social worker exercised due diligence in his or her search for known relatives rests with the court. If the court finds that the social worker did not exercise due diligence, the court may order the social worker to conduct a further and more exhaustive effort to identify a child's relatives.

When adequately implemented and properly resourced, family finding efforts can be effective in identifying a child's relative or potentially a NREFM. However, due to high caseloads and concerns about a lack of funding, many CWAs struggle to provide trainings for all of their social workers and lack the resources needed to conduct exhaustive family finding efforts.

Additionally, when a relative is identified, oftentimes the relative lacks the proper information to understand when and how to respond, what the expectations of coming forward to care for the child mean, and whether and how coming forward can impact the child's ability to reunify with his or her biological family.

Reunification and permanency goals

It has long been the policy of the state to place children who have been removed from the "care, custody, and control" of their parent(s) in an environment that is as least restrictive as possible and is in close proximity to their family, if appropriate, in order to facilitate the successful and expeditious reunification of the child with his or her family. The purpose is to limit, as best as possible, the already traumatic experiences a child goes through upon being removed from his or her home due to abuse and neglect.

When children are removed from the home but the court determines, in consultation with a child's social worker, that the child would ultimately benefit from being returned to the family, the court can order reunification services for the child and his or her family. Reunification services are generally developed on a case-by-case basis to accommodate and respond to the needs of the child and the parents to better facilitate the family's reunification. Services can

² California Rule of Court 5.695

include family therapy, parenting classes, drug and alcohol abuse treatment, respite care, parent support groups, home visiting programs, and other coordinated and tailored services necessary to assist the child and the family with reunification. Under current law, reunification services are offered for six months for children under age three and for 12 months for children over the age of three. A six-month extension may be made if the court finds there is substantial probability that the child will be returned to the physical custody of his or her parent(s) within the extended time period or that reasonable services have not been provided to the parent(s).

Often, and on a case-by-case basis, courts have ordered sequential six-month extensions of reunification services, which have been known to last well beyond the originally intended 18 month time period for a variety of reasons. A parent's incarceration or substance abuse issues, geographic location of the family in relation to necessary services, the lack of access to adequate services, and an inability to provide services at all due to the absence of resources are all reasons why the reunification period can last two to three years. As a result, children are placed into awkward and unintended but emotionally challenging situations where the CWA is struggling to balance the desire to reunify the child with his or her family and the need to find permanency for the child.

Resource Family Pilot Project

Although state laws and regulations currently segment foster caregivers into three groups: relatives (including non-related extended family members), foster family homes, and adoptive homes, they are all required to meet the same health and safety standards. However, the process for each can vary significantly and can be duplicative and confusing for potential caregivers. For example, all currently approved relatives and licensed foster parents caring for a child in their home must undergo a second, nearly identical criminal background check if they want to adopt that child. Such redundancies in the current process create confusion for caregivers, make the licensure process cumbersome and cause delays for children in need of permanent adoptive homes.

The current three-step sequence for approval/licensure is primarily a result of antiquated policies and regulations that treat foster and adoptive caregivers not as family homes but as "facilities." As a result, the current process for assessing foster caregivers places greater emphasis on health and safety standards linked to the home as a facility ("building and grounds") rather than a foster caregiver's readiness and ability to provide a supportive family environment for the child.

Administered by the California Department of Social Services, in conjunction with the California Welfare Directors Association and foster care stakeholders, the Resource Families Pilot Project is designed to address these concerns by reducing redundant requirements and viewing potential caregivers in the context of their ability to care for a child. By eliminating redundant and unnecessary caregiver certification and licensing requirements, the project is intended to increase the likelihood that foster children are placed, from the outset, with a family that is capable of providing a safe, stable and loving home, whether on a short-term or more permanent basis.

Group home reform efforts

Throughout the past 25 years, the Legislature's involvement in group home reform has been extensive, including numerous steps to decrease reliance on the use of group homes for children in foster care. The decline in the use of group homes has been, in large part, due to an increase in widely available research demonstrating the damaging effects that group home placement has on maltreated children when used for more than emergency or crisis treatment on a short-term basis.

In June 2011, the Assembly Human Services Committee and the Assembly Select Committee on Foster Care held a joint informational hearing on group home reform. The purpose of the hearing was to examine group homes as a foster care placement option, the status of various reform efforts across California, and how the State can move the reform agenda forward in new ways. In their background paper, the committees stated that:

While there may be a need for some form of congregate care in the continuum of child welfare services, policymakers and child advocates have appropriately questioned how foster youth are faring in these placements; how to define the appropriate role for group homes in that continuum; and how to align policy and practice with federal and state child welfare goals for safety, well-being, and permanency for foster youth.³

It has been estimated that a child in foster care will experience, on average, five foster care placements before he or she is placed into a group home. This has resulted in some sectors of the child welfare services (CWS) system declaring these children as "difficult to place."

Unfortunately, this has caused some people to associate a foster youth's high number of placements with the youth's behavior as opposed to whether the system properly identified and provided appropriate and effective supportive services to the child. This contradicts the Legislature's work with the Governor, the administration, counties and child welfare advocates to help put in place a system that responds to the needs of youth in foster care by focusing on family reunification and permanency. Efforts to reform the state's CWS system have focused on how to better identify and address the needs of foster youth through less restrictive and more accommodating services and placements, rather than placing children into intensive and more restrictive institutional settings.

The most recent legislative action to improve the state's focus on placing fewer children in group homes and providing more family-like placements was the adoption of SB 1013 (Senate Budget and Fiscal Review) Chapter 35, Statutes of 2012, the CWS budget trailer bill for the 2012-13 Budget Act. Under SB 1013, which realigned CWS to county CWAs, a moratorium was placed on the licensing of new group homes, and DSS was mandated to convene a CCR workgroup to provide recommendations to the Legislature and the Governor on how to reform the use of group homes in California. The CCR report is due to the Legislature in October 2014.

³ Assembly Human Services Committee and Assembly Select Committee on Foster Care Oversight Background Paper. Congregate Care Reform: The Future of Foster Youth in Group Homes. June 28, 2011. Page 1.

Programs to support the recruitment and retention of relative and non-related caregivers

Numerous federal, state and local efforts have been developed to help increase the funding and support provided to relative and non-related caregivers over the past 30 years. Some of the more notable programs established to assist caregivers include the Kinship Guardianship Assistance Payment Program (Kin-GAP), the Adoption Assistance Program (AAP), and the Foster and Kinship Care Education (FKCE) Program.

Kin-GAP – The Kin-GAP program was established by SB 1901 (McPherson), Chapter 1055, Statutes of 1998, to provide children exiting dependency into permanency with a relative legal guardian. It was expanded by AB 1808 (Assembly Budget Committee) Chapter 75, Statutes of 2006, to include probation youth who were existing delinquency. The intent of the Kin-GAP program is to help improve permanency opportunities for foster youth by providing integral support benefits that enable the foster youth's relatives to open their home to the youth. A relative caregiver's participation in Kin-GAP is strictly voluntary, and not mandated by any regulations or statutes. Each family's situation is unique, therefore the decision regarding a child's permanent plan must be mutual between the county, the relative, and child where age appropriate, in order to ensure that the chosen alternative will be successful.

AAP – Recognizing that adoptive parents often experience financial difficulty meeting the special needs of children who formerly were placed in California's foster care system, the State Legislature created the AAP to mitigate that financial difficulty in order to provide children in foster care the security and stability of a permanent home through adoption. The amount of AAP support is based on the child's needs and family's circumstances, with eligibility periodically reassessed. Payments continue until the child reaches age 18, unless a mental or physical disability creates eligibility until the age of 21. For children who are federally eligible, the costs of AAP benefits are shared among the federal government, state, and relevant county. For children who are not federally eligible, the costs are shared by the state and county only.

FKCE Program – Established in 1984 by SB 2003 (Royce), Chapter 1597, Statutes of 2003, the FKCE Program provides education and support opportunities to caregivers of children in foster care so that they can better meet the educational, emotional, behavioral and developmental needs of children and youth in the state's CWS system. Funded through Proposition 98, the FKCE Program provides services through local community college districts in 51 of the 58 counties in California. It is a significant provider of initial ongoing annual training required by law. Unfortunately, due to budget reductions over the past ten years, its reach and access to relative and non-related caregivers has been limited.