

Strong States, Strong Nation



STATE KINSHIP CARE TRENDS 2017

THE CENTER FOR RURAL PENNSYLVANIA HEARING MAY 10, 2017

May

 NATIONAL CONFERENCE *of* STATE LEGISLATURES

Nina Williams-Mbengue

Program Director

National Conference of State Legislatures



About NCSL

- Bipartisan organization serving legislators and staff in all 50 states and territories
 - Improve the quality and effectiveness of state legislatures
 - Promote policy innovation and communication among state legislatures
 - Provide state legislatures a strong, cohesive voice at the federal level



Overview

- By the Numbers
 - ▣ Increases in....
 - Foster and kinship care placements
 - NAS, parental alcohol/substance abuse
 - Incidence of parental alcohol/drug use as reason for removal
- State and Federal Policies to:
 - ▣ Support Kinship and Relative Caregivers
 - ▣ Address Substance Abuse/Opioid Crisis

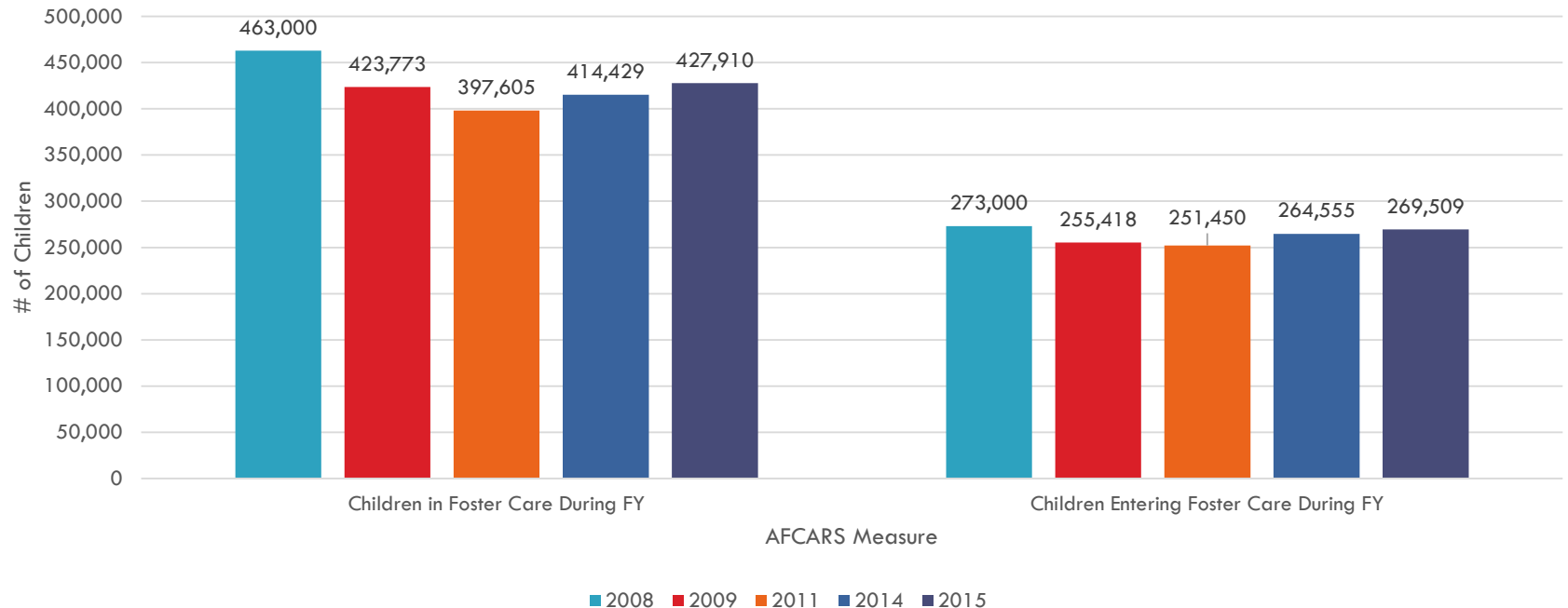


By the Numbers...

In FY2015, there were approximately 428,000 children in foster care in the U.S., the highest caseload since 2008. In the same year, nearly 270,000 children entered care, the highest number since 2008



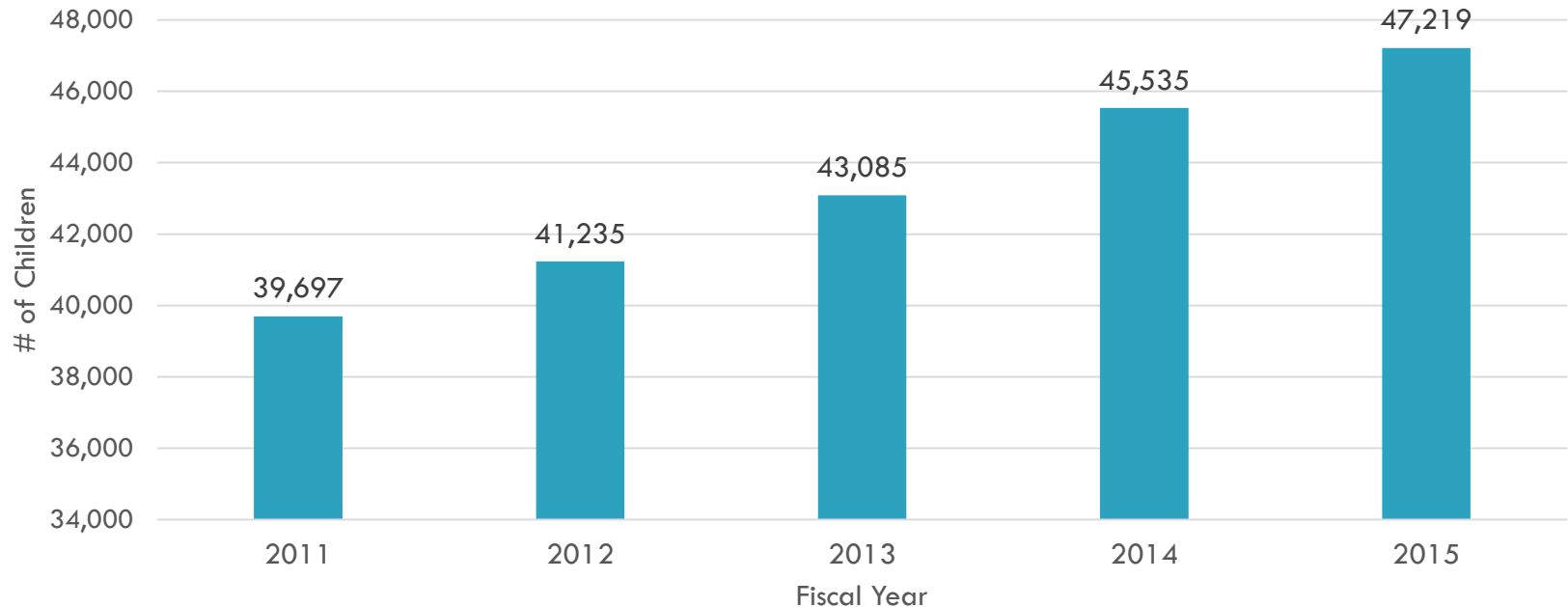
Number of Children in Foster Care and Number of Children Entering Foster Care



The number of children under the age of 1 entering foster care is increasing, the highest percentage, by age group, of children entering foster care



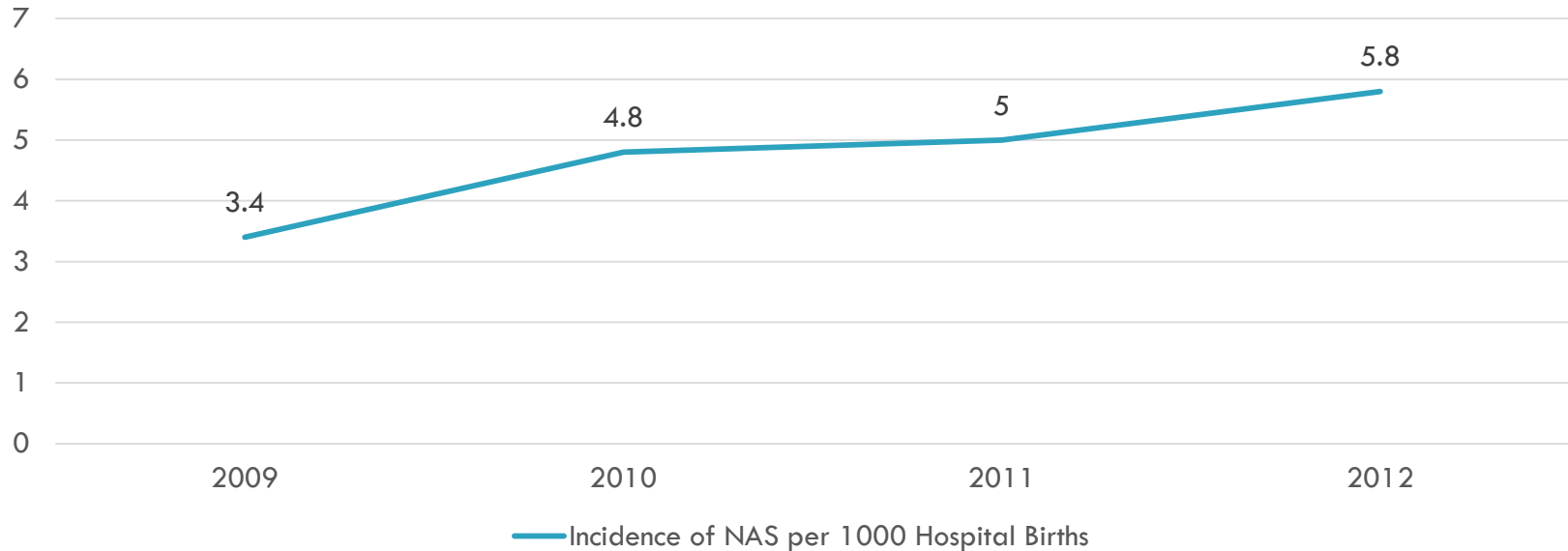
of Children Under Age 1 Entering Foster Care by FY



The number of children experiencing neonatal abstinence syndrome (NAS) is on the rise



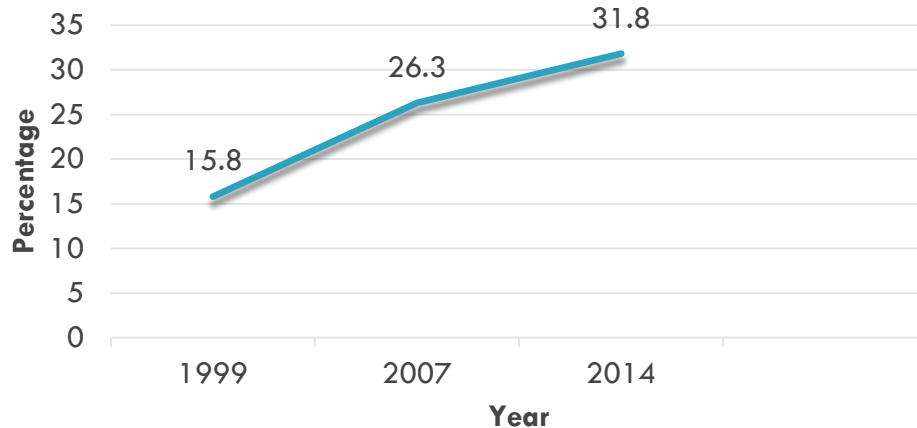
Incidence of NAS per 1000 Hospital Births



From 1999-2014, the incidence of parental alcohol or other drug use as a reason for removal more than doubled



Percentage of all Children in Out-of-Home Care During Fiscal Year Where Parental Alcohol or Other Drug Use was a Reason for Removal



Massachusetts: 28% jump in the number of children removed from their homes in the last three years

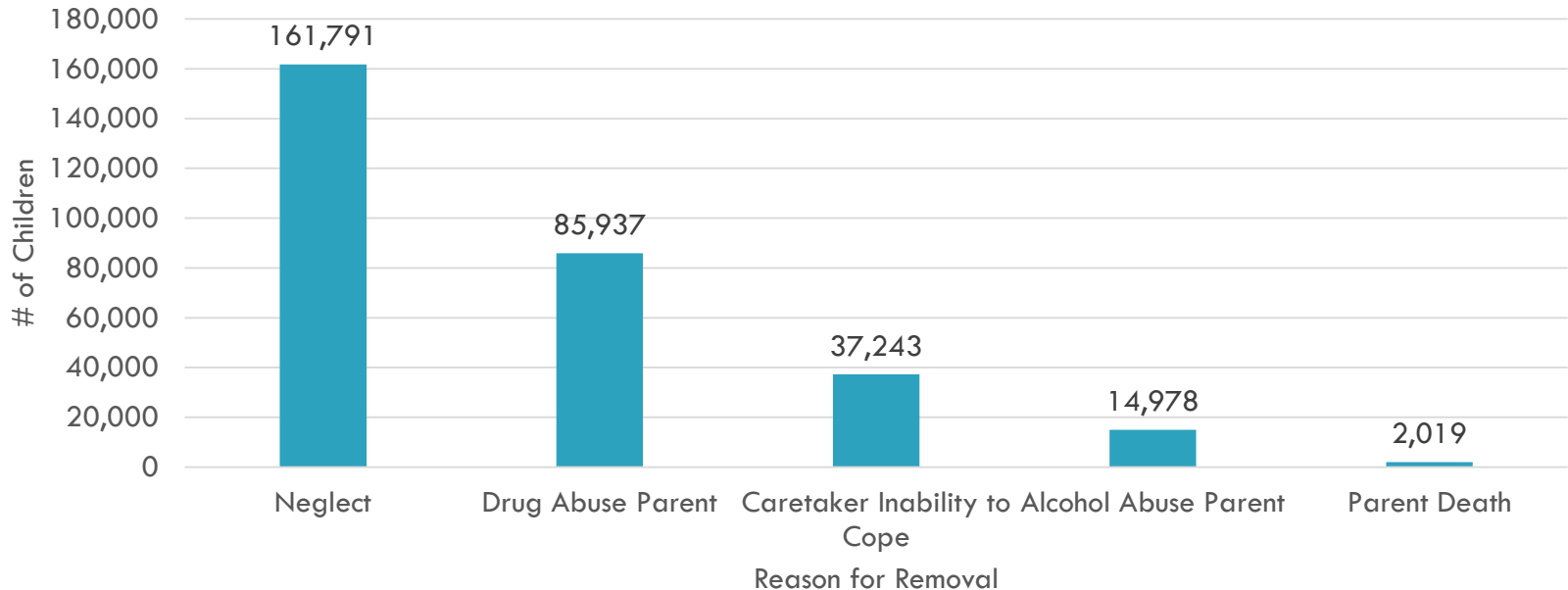
Indiana: 40% jump in “children in need of services” from 2013-2015, while half of new cases cited substance abuse as a factor for removal

Source:
AFCARS

For the first time AFCARS provides specific data showing removals due to parental drug and other co-occurring reasons for removal such as neglect, caretaker inability to cope, alcohol abuse of a parent and parent death



Reason for Removal Related to Parental Substance Use in FY 2015



Increase in Foster Care by Placement Type

Non-Relative and Relative



Children in Foster Care by Placement Type
2011 - 2015



Source: Annie E. Casey
Kids Count Data Center



Kinship Care...



Kinship Care

Private kinship care (informal):

- Child living with a relative because of a private agreement between the relative and the birth parent; no child welfare agency involvement.

Voluntary kinship care:

- A family becomes involved with a child welfare agency, agency suggests child moves in with kin without taking custody.

Kinship foster care:

- Child welfare agency takes custody after child maltreatment investigation; child is placed with a child welfare agency-approved relative caregiver



Kinship Care (Cont'd)



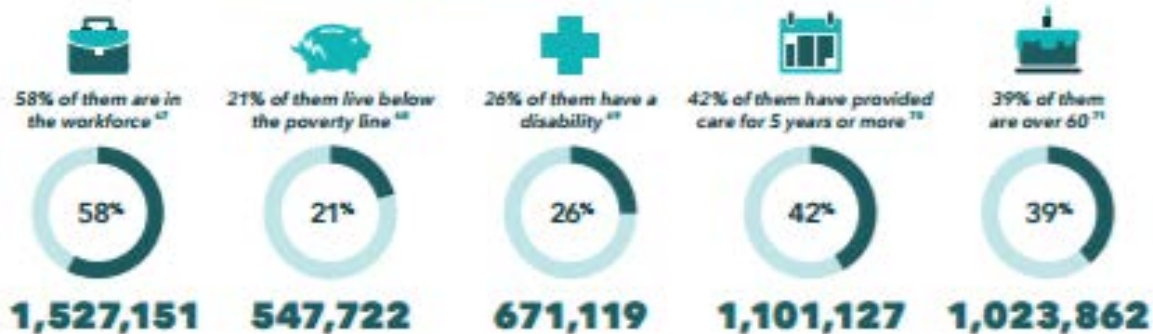
- Parental substance abuse/mental illness
- Child abuse or neglect
- Family violence
- Parental incarceration
- Parental military service
- HIV/AIDS



Kinship Care (Cont'd)

GRANDPARENTS RESPONSIBLE FOR GRANDCHILDREN (2015)

2,631,546 Grandparents are responsible for grandchildren ⁶⁶



In Pennsylvania, there are 92,944 grandparents responsible for grandchildren (2015)



Kinship Care: Outcomes for Children

Children in foster care who are placed with relatives, compared to children placed with non-relatives:

- have more stability (fewer changes in placements),
- Have fewer school changes
- have more positive perceptions of their placements,
- are more likely to be placed with their siblings,
- are less likely to re-enter care,
- and demonstrate fewer behavioral problems



State and Federal Policies to Support Kinship and Relative Caregivers



Fostering Connections to Success Act of 2008

Strong States, Strong Nation

- **New state options for subsidized guardianship payments for relatives (optional) – Kinship Guardianship Assistance**
 - States will be able to use federal Title IV-E funds for this purpose
- **New Family Connections grants (optional)**
 - Kinship Navigator
 - Family Finding
 - Family Group Decision-Making
- **Relative notification (required)**
 - Within 30 days after a child has been removed from parental custody, the state must provide notice to all adult relatives of the child
 - Except in cases of domestic violence
- **Waive licensing standards for relative foster homes**
 - On a case by case basis, non-safety standards
- **Training**
 - adds relative guardians



Federal Legislation

- ▣ Fostering Connections – Kinship Guardianship Assistance
- ▣ Preventing Sex Trafficking and Strengthening Families Act
- ▣ National Family Caregiver Support Program
- ▣ TANF
- ▣ SSBG



State Legislation

RECENT STATE LEGISLATIVE ENACTMENTS TO SUPPORT RELATIVE CAREGIVERS

Medical consent and school enrollment	42 states and the District of Columbia
Expanded definition of relative	Arkansas, California, Colorado, Illinois, Maryland, Michigan, New Mexico, North Carolina, Oregon, Utah
Subsidized guardianship - Title IV-E	33 states, the District of Columbia and 6 Tribes
Easing licensure requirements, waivers, variances	Colorado, Indiana, Nebraska, Virginia
Relative placement preferences	California, Colorado, Georgia, Kansas, Kentucky, Maryland, Nebraska, North Carolina, Oregon, Pennsylvania, South Carolina, Utah, Virginia
Payment, reimbursement, subsidies	Arizona, Connecticut, Georgia, Michigan, Missouri, Montana, New York, Oregon, Texas, Virginia, Wisconsin, District of Columbia

(Source: NCSL Supporting Relative Caregivers of Children:

<http://www.ncsl.org/research/human-services/relative-caregivers.aspx>)



Supporting Relatives: Examples

Nebraska - 2013 LB 269

Requires HHS to adopt new foster care licensing regulations that minimize the mandates for non-safety issues and provides alternatives to address non-safety issues regarding housing and provide assistance to overcome licensing barriers, especially in child-specific relative and kinship placements.

Virginia - 2012 SB 299 - Act No. 568

Provides that the commissioner of social services may grant a variance for approval of foster homes for children if the placement is a kinship foster care placement and the variance will not adversely affect the safety and well-being of the child. Provides that a local board or child-placing agency may approve as a kinship foster care parent an applicant convicted of drugs or arson under certain circumstances.

(Source: NCSL Supporting Relative Caregivers of Children:
<http://www.ncsl.org/research/human-services/relative-caregivers.aspx>)



Supporting Relatives: Examples

Georgia - 2016 HB 887 Act. No 337

Relates to dependency proceedings and termination of parental rights. Prioritizes the placement of a child with an adult who is a relative or fictive kin when such individual is qualified to care for such child and it is in the best interests of the child.

Kentucky - 2014 SB 176 Act No. 69

Requires the cabinet for health and family services to create a centralized, statewide service program that provides information and referrals through a statewide toll-free telephone number to grandparents and other caregivers who are caring for minors who are not their biological children.

(Source: NCSL Supporting Relative Caregivers of Children:
<http://www.ncsl.org/research/human-services/relative-caregivers.aspx>)



Supporting Relatives: Examples

Arizona - 2016 HB 2452 Act No. 133

Allows an eligible dependent child to receive cash assistance during the period in which the dependent child is in the legal custody of DCS, a tribal court, or a tribal child welfare agency and is placed in kinship foster care with a nonparent relative. Provides for cash assistance if the court has placed a child with a nonparent relative, the child's parents are deceased and the child is living with a such relative, or if a non-parent relative has custody of the child because the child is abandoned.

Utah - 2013 SB 255 Act No. 171

Requires a court, in determining primary permanency and concurrent permanency plans, to prioritize a kinship placement, consider guardianship placement.

(Source: NCSL Supporting Relative Caregivers of Children:

<http://www.ncsl.org/research/human-services/relative-caregivers.aspx>)



State and Federal Policies to Address Substance Abuse/Opioid Crisis



Federal Legislation

- The Child Abuse Prevention and Treatment Act (CAPTA), amended by the Comprehensive Addiction and Recovery Act in 2016 (CARA)
- CAPTA:
 - Requires states to have policies and procedures for hospitals to notify CPS of all children born who are affected by illegal substance use or withdrawal symptoms resulting from prenatal drug exposure or indications of FASD
 - Requires CPS agencies to develop a plan of safe care for every such infant referred to their agency and address the health and substance use disorder treatment needs of the infant
- CARA:
 - Removed the word illegal so CAPTA applies to all substance abuse
 - Requires the plan of safe care to also address the treatment needs of affected family or caregivers
 - Requires states to report in the National Child Abuse and Neglect Data System (NCANDS)
 - Requires states to develop a monitoring system to determine whether and how the local entities are providing referrals to and delivery of appropriate services for the infant and affected family or caregiver
 - Requires all children who are younger than three years who are substantiated victims of child maltreatment are referred to early intervention agencies that provide developmental disabilities services



Substance Abuse -State Legislation

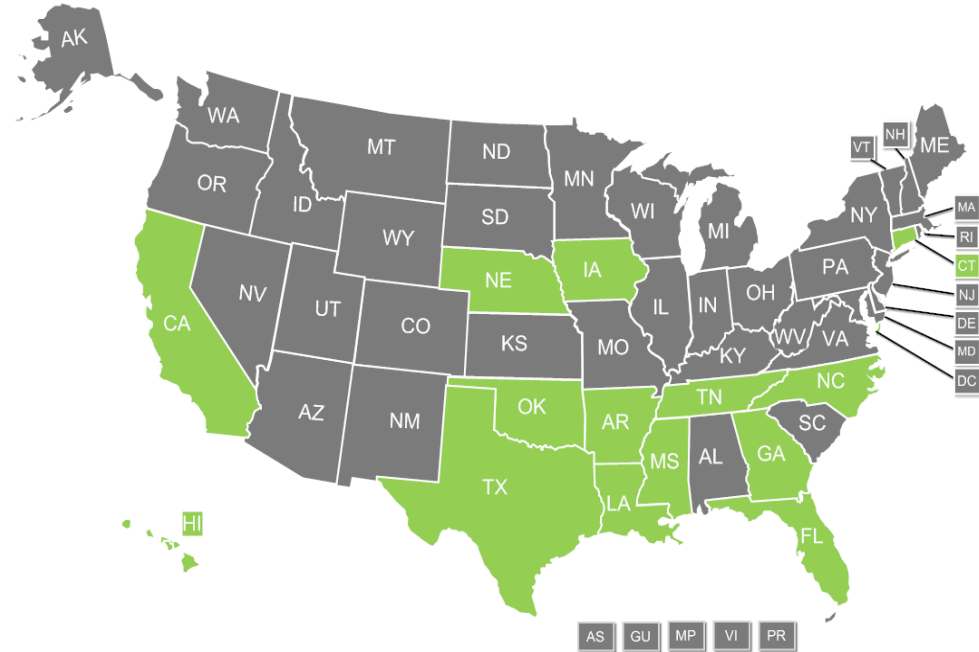
- ❑ 47 states and territories address parental substance abuse in child protection statutes
- ❑ 14 states and D.C. include pre-natal drug exposure in the definition of child abuse and neglect
- ❑ 19 States and D.C. have assessment or reporting procedures for infants who show evidence of prenatal alcohol or drug exposure
- ❑ During 2017 session, approx. 21 states introduced 48 bills addressing parental substance use and child welfare/well-being

Safe Baby Court Teams



Strong States, Strong Nation

- Bring stakeholders (e.g., child welfare agencies, substance abuse treatment providers, mental health treatment providers, other community supports) together with child, birth parents, foster parents etc. to help move towards reunification.
- Viewed with a trauma-informed/ACEs lens
- Sometimes called early childhood courts because of focus on child development.



LEGEND

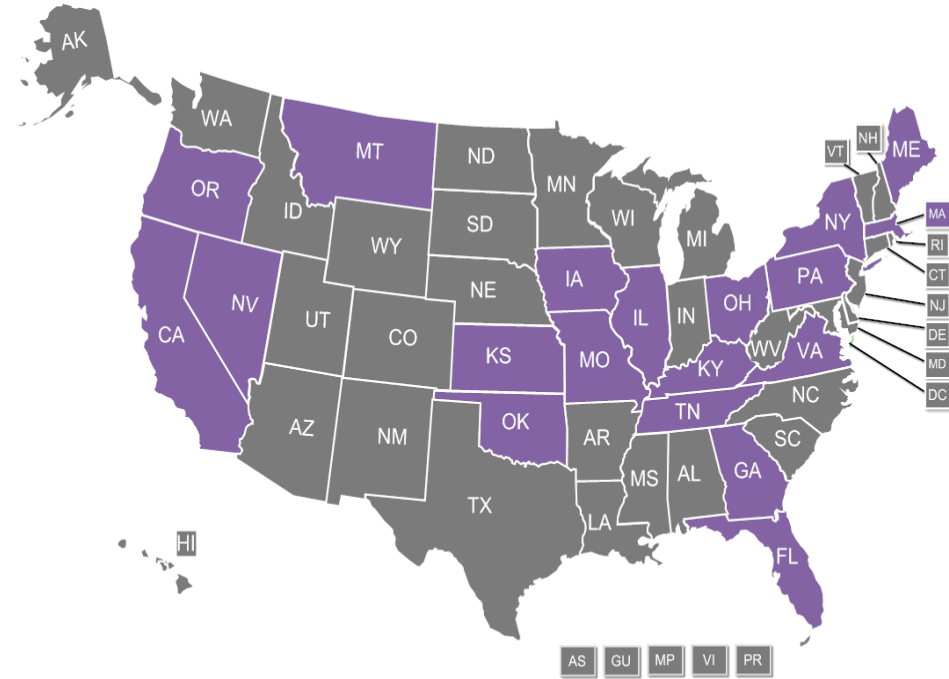
- States with active, legacy, or QIC demonstration site

Regional Partnership Grants



Strong States, Strong Nation

- ❑ 11 substance abuse or service providers
- ❑ 6 state child welfare and/or substance abuse agencies
- ❑ 1 county child welfare agency
- ❑ 2 universities



LEGEND

■ States that have received Regional Partnership Grants in 2012 and 2014



Questions?

Nina Williams-Mbengue
National Conference of State Legislatures
303-856-1559
Nina.mbengue@ncsl.org