



**Making Permanence  
a Reality for Children and Youth  
in Foster Care:  
Strengthening Policy at the  
Federal Level**

**Casey Family Services**, the direct service agency of the Annie E. Casey Foundation, is committed to improving the lives of at-risk children and to strengthening families and communities by providing high-quality, cost-effective services that advance both positive practice and sound public policy. Established by UPS founder Jim Casey in 1976 as a source for high-quality foster care, Casey Family Services today offers a broad range of programs for vulnerable children and families throughout the Northeast and in Baltimore, Maryland.

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*“It’s important to know that there is someone  
I can count on who wouldn’t turn their back on me.”*

*– Former Foster Youth*

## **Introduction**

Permanent family relationships must be a goal for every child as they are essential to children’s growth and development. For children in the child welfare system, the best permanency option for most of them is to remain safely with their families whenever that is possible, with timely, individualized community-based preventive services readily available to keep the family safely together. For children who already have been removed from their families and placed in foster care, the goal is to ensure children permanent families through timely, safe, and appropriate reunification with their families, subsidized guardianship, adoption, or other permanent family connections. This report focuses only on children already in foster care and describes important recommendations to inform federal policy choices to promote permanence for these children.

Permanence means having an enduring family relationship that:

- Is safe and meant to last a lifetime;
  - Offers the legal rights and social status of full family membership;
  - Provides for physical, emotional, social, cognitive, and spiritual well being; and
  - Assures lifelong connections to extended family, siblings, other significant adults, family history and traditions, race and ethnic heritage, culture, religion, and language.
- In achieving permanency outcomes, the objective is the optimal balance of physical, emotional/relational, legal, and cultural dimensions of permanence within every child’s and youth’s array of relationships.

The importance of permanence for children and youth in foster care has been recognized in policy and practice for more than two decades. Beginning with the Adoption Assistance and Child Welfare Act of 1980 and continuing through the Adoption and Safe Families Act (ASFA) of 1997, federal policies have highlighted the importance of ensuring permanent families for children and youth leaving foster care through reunification with family, permanent placement with extended family members, or adoption. In selected states and communities, there also have been improvements in policies designed to help achieve permanence for children and youth in foster care. Nonetheless, even the best of these still fall far short in making permanence a reality for all children and youth in foster care.

The Children’s Defense Fund (CDF) and Casey Family Services hosted a Permanency Symposium in 2005 to identify policy approaches to ensure that more children in foster care have permanent families through reunification, subsidized guardianship, adoption, or other permanency supports. It was attended by 40 child welfare experts with experience in child welfare policy, practice, program development, and advocacy and provided a unique opportunity to examine current policies and necessary policy changes at all levels that can help ensure permanence for children in foster care.

This report highlights the major challenges, many of the lessons learned, and recommendations to inform federal policy that emerged from the Permanency Symposium. Examples of state and local activities that inform the lessons learned and policy recommendations appear throughout the report. CDF and Casey Family Services hope that the lessons learned and recommendations together will stimulate increased attention and action to additional steps that are necessary to make permanence a reality for all children in foster care.

The four major challenges highlighted at the Symposium and discussed below are:

- Creating incentives for permanence for children in foster care;
- Clarifying alternative permanency options for children in foster care;
- Enhancing permanence for older children in foster care; and
- Promoting post-permanency support to help children remain with their permanent families.

## Key Factors Underlying Sound Permanency Policy

- A commitment to ensuring permanent family relationships for all children and youth in foster care
- Rewards for the timely achievement of permanence
- An understanding that placement does not equal permanence
- Active engagement of youth and families in developing and evaluating child welfare policy
- Culturally competent policies and practices that recognize cultural strengths
- Development of the necessary infrastructure to implement sound permanency policy
- Supports for sustaining effective practices over time
- Research regarding the positive and negative effects of policies so that policies can be continued, modified, or eliminated
- Ongoing data on outcomes for children and youth in foster care in the areas of permanence, safety and well being

## Creating Incentives for Permanence for Children in Foster Care

- An estimated 800,000 children are placed in foster care at some point each year.
- On average, a child in foster care has been in care for almost three years.
- Children of color remain in foster care for a longer time period than non-Hispanic white children; they are less likely to be reunited with their parents than non-Hispanic white children; and adoption for African-American children takes longer than it does for white children.

### **The Challenge:**

*Create federal incentives to encourage states to support different types of permanent families for children in foster care. Families should be identified according to their ability to meet the individual needs of the child.*

The federal Adoption and Safe Families Act of 1997, reflecting Congress' recognition of the importance of federal incentives in promoting permanence for children, took a first step and established the Adoption Incentive Program. It went beyond the federal adoption assistance payments already in federal law. The program encouraged states to place children with adoptive families by granting an incentive payment for each foster child that the state placed for adoption above an established baseline number. Under the original program, a state received \$4,000 for each child placed for adoption, and an additional \$2,000 for each child with special needs who was adopted above an established baseline. Every state received incentive payments for at least one of two fiscal years, FY 1998 and FY 1999. Research indicated that the incentive program reinforced for states the priority of finding permanent adoptive families for children in a timely way.

The Adoption Promotion Act of 2003 reauthorized the Adoption Incentive Program and added additional incentives for states to work to find adoptive families for older children in foster care. The new focus was based on national data that indicated that children over the age of 9 are more likely to remain in foster care until the age of majority than they are to be reunited with their birth families, adopted, or achieve another kind of permanence. In addition to the incentives described above, a state now can receive additional funding when children adopted from foster care are older children and they increase the number of older foster child adoptions.

The challenge with the current federal fiscal incentive and the adoption assistance payments already in place are that they do not encourage permanence outcomes for children other than adoption. Federal policy provides financial incentives to states for increasing the number of adoptions above established baselines, but there are no incentives for the achievement of other permanency outcomes, specifically reunification and guardianship. Many view this inequity as essentially "pitting" adoption against reunification and guardianship.

## **Lessons Learned:**

*In its report, “Nation’s Child Welfare System Doubles the Number of Adoptions from Foster Care,” Fostering Results noted that the Adoption Incentive Program “illustrates what can happen when government aligns financial incentives with the outcomes it hopes to achieve. Child welfare systems and communities can deliver.”*

*The Adoption Incentive Program has had clear benefits.*

- Incentives have contributed to the increase in the number of adoptions of children from foster care. States generally have reinvested incentive funds they have received into adoption and permanency services.
- The program has successfully highlighted one form of permanence – adoption – for children and youth in foster care.
- Adoption incentive funds have reinforced good practice. The incentive program has spurred creative thinking on the part of public and private agencies about adoption, leading to the development of effective new practices. It also has provided an opportunity for courts and agencies to collaborate on adoption.
- The Adoption Incentive Program has helped states pay more attention to the numbers of children with special needs moving to adoption and has helped to promote better data collection regarding adoption.
- The Adoption Incentive Program has helped to reinforce the benefits of attaching fiscal incentives to the achievement of positive outcomes for children.

*There are emerging concerns that the fiscal incentives for adoption may push some children to adoption when it is not the best permanency plan for them.*

- Adoption incentive payments may cause agencies to press forward with adoptive placements too quickly without adequately preparing families and children, without ensuring appropriate placements, and without providing ongoing supports. This may result in possibly more adoption dissolutions.
- If child welfare caseworkers perceive the established baselines and incentive payments as “quotas” or goals they must meet in their performance contracts, staff may move children toward adoption in situations where adoption may not be the most appropriate goal for the child.
- The exclusive focus on adoption may send the message that other permanency options are not as legitimate, and these options may not receive the attention that they deserve. Particular concerns have been raised that the current focus on adoption leads to further devaluing of birth families.

*The intent of any permanency incentives that are established – fiscal incentives or others – should be twofold: 1) to ensure that the most appropriate permanency goals, consistent with the child’s best interest, are established for children in foster care; and 2) to ensure that these goals are achieved in a timely manner so that children’s stays in foster care are limited.* The incentives should reward good practice in placing children with permanent families in a timely way. Incentives may need to be altered over time as improvements in permanency practice are achieved.

*Permanency incentives, whether fiscal or otherwise, should be coupled with other improvements to make sure that children are connected to appropriate permanency options and that ongoing supports will be available as needed once the child achieves permanency.* Attention to a fundamental restructuring of child welfare financing and to removing barriers to all forms of permanence, including adoption, is needed.

## **Federal Policy Recommendations for Creating Incentives for Permanence for Children in Foster Care**

1. *Federal policy should establish incentives or rewards for all permanency options for children in foster care: reunification, guardianship, and adoption.* States should receive incentive payments for increasing the proportion of children who leave foster care through any of these permanency options. In establishing these incentives, continued efforts are needed to ensure that permanence is achieved through each of these options, and that permanency options are well defined and are maintained over time. Special attention should be paid to children with special needs and older children in foster care. Consideration also should be given to rewarding large metropolitan areas, counties, and Indian tribes that undertake their own initiatives to enhance a broad range of permanency options for children.
2. *Incentives should be structured to promote safety, permanence, and well-being for the children who are placed with permanent families.* A recurring issue in relation to incentives for permanence is whether the intended permanent placements, having been achieved and rewarded, will be lasting for children. To help ensure that incentives encourage appropriate permanent arrangements, it would be helpful to require that a child remain with the permanent family for a minimum period of time before the incentive payment is awarded. Special attention also should be given to the rates of reentry into foster care for children who are returned home, placed permanently with relatives, or adopted. Such efforts should help to encourage good permanent arrangements up front as well as ongoing support to maintain permanence. Incentives that reward lasting permanence for children in foster care must be balanced with incentives that reward successful efforts to keep children safely with their families.
3. *The incentive structures should encourage states or other jurisdictions to explore and implement strategies to ensure that they take into account the best interests of the children, including appropriate racial, cultural, and community connections.* Racial disparities are evident in children's entry into foster care and their experiences once in foster care. The over-representation of children of color in foster care is, in part, due to economic inequities that persist in U.S. society and the conscious or unconscious racial bias within the foster care system. It is essential that permanency incentives recognize the importance of children's racial, cultural, and community connections and reward efforts to ensure that those connections are maintained. The impact of policies on racial disparities should be assessed on an ongoing basis.

*“Human nature responds to incentives. Systems, like people, respond best to incentives as well. And the best kind of incentive is financial. We need financial incentives to foster permanence – through adoption, legal guardianship, family members trying to take on that role, or other family-type arrangements that assure lifelong connections.”*

*– Gary Stangler, Executive Director, Jim Casey Youth Opportunities Initiative*



## Jim Casey Youth Opportunities Initiative (JCYOI)

JCYOI supports successful community-based efforts to create opportunities and build assets for youth leaving foster care through grants, technical assistance, and coalition-building with multiple stakeholders. It supports youth engagement through the formation of local youth leadership boards and a national Jim Casey Youth Leadership Board. The Initiative also exerts national leadership on the issue of young people leaving care, creates a new electronic network connecting youth in foster care to resources and to each other, and disseminates promising practices about youth transitioning out of foster care.

4. ***Special attention should be paid to the mechanisms that are used for determining eligibility for incentives in order to ensure that they reward sustained, comprehensive progress in ensuring that children in foster care have permanent families.*** The adoption incentive established by the Adoption and Safe Families Act uses an established baseline, which by necessity, looks at numbers that only provide a snapshot of performance in a single year, or a multi-year period, which is then used to rate performance in subsequent years. Current tracking does not evaluate performance based on true improvement over time, but rather on current performance measured against performance in a selected year. Longitudinal data should be considered as an alternative to using baselines for determining eligibility for incentives. These data would enable the federal government to reward permanency performance based on children's stability while in foster care, their exits from care to permanence, and the rates of reentry. Longitudinal data also permit a determination of improvement over time. A composite score could be developed that looks at placement moves, permanency exits, and reentry rates, and incentives could then be linked to this overall performance. Over time, incentives could be provided not on a case-by-case basis but instead on overall performance.
5. ***Federal policy should specify the permissible uses of incentive funding and require regular reporting on how funds are used.*** The goal of the incentive funding is to improve permanency options for children. Therefore, funds received should be used to further that goal. States should be required to use incentive funds to provide evidence-based services that promote family permanence for children by preventing their placement into foster care; enhancing permanency-planning services; and supporting children and families post-permanence. Data should be collected on the services provided, the number of children and families served, and the outcomes of these services.
6. ***Federal support for subsidized guardianship programs should be provided so that states have incentives to establish or expand their guardianship programs and promote permanence for children.*** Subsidies can help move children from foster care to permanent families and also can provide help to relatives now caring for children without their having to turn to foster care for help. In most of the states with subsidized guardianship programs, return home or adoption must be ruled out before a child in foster care can be eligible for the subsidized relative placement. To encourage family permanence, it is important that the subsidy payments be at least equal to foster care payments. A number of states have developed state-funded subsidized guardianship programs. There is, however, no targeted federal support for subsidized guardianship as a permanency option (as there is for adoption). If subsidized guardianship is to become a viable permanency option for children, increased federal financial support is essential.

## Subsidized Guardianship Programs

### State Subsidized Guardianship Programs

A number of states have developed subsidized guardianship programs that offer subsidies and ongoing services to children exiting foster care to enter into legal guardianship. A few states have used these programs to prevent children from entering foster care in the first place. As of August 2006, 37 states and the District of Columbia had subsidized guardianship programs. Most of these programs are funded totally by state and/or local dollars. Even though legal guardianship was recognized as a permanency option in the federal Adoption and Safe Families Act, it was not accompanied by federal financial assistance as adoptions are. There are, however, 11 states that have received waivers from the U.S. Department of Health and Human Services (HHS) over the years to use federal foster care funds under Title IV-E of the Social Security Act to provide subsidies to some legal guardians.

### Federal Proposals in the 109th Congress to Use Title IV-E Funds for Subsidized Guardianship

The Kinship Caregiver Support Act (S. 985), a bill with bipartisan support, reaches children living with relative caregivers both in and out of foster care. It establishes a Kinship Guardianship Assistance Program that will allow states to use federal funds to enable relative caregivers who are legal guardians and who want to care permanently for children who are in foster care to do so. The bill also includes two provisions that will make it easier for relatives to know when children are about to enter foster care and to be licensed as foster parents, if placement becomes necessary.

The Guardianship Assistance and Promotion and Kinship Support Act (H.R. 3380) also reaches children living with relative caregivers whether in or out of foster care. It establishes a Kinship Guardianship Assistance Program, which has a broader reach than S. 985 (described above) or H.R. 3576 (described below). The new federal assistance could be used for relatives and non-relatives who care for children in foster care. It requires notification of relatives when a child enters foster care and permits separate licensing standards for relative and non-relative homes, provided child safety is assured. It also makes older youths, who leave foster care to live with relatives who are legal guardians, eligible to receive independent living services, including education and training vouchers for higher education.

The Leave No Abused or Neglected Child Behind Act (H.R. 3576) includes two important provisions for relative caregivers and the children they are raising. These provisions are within a broader set of reforms designed to make improvements in the public child welfare system. The bill allows states to use federal dollars for Kinship Guardianship Assistance payments and permits states to establish separate licensing standards for relative and non-relative foster parents, provided both standards assure the safety of the children. It expands funding for services to keep children safely with their families. It also provides funding to improve the quality of services and promote permanence for children already in foster care. Finally, it gives states funds to enhance the quality of their child welfare workforce.

## Promoting Permanence in States and Communities: Multiple Strategies Are Needed

### Washington State's Five-Year Plan

In 1998, a statewide coalition of more than 300 people from 90 public and private agencies and tribes developed *The Washington Permanency Framework: A Five-Year Plan for Ensuring Permanent Families for Children in Foster Care*, which set the vision in Washington for, "a permanent family, in a timely manner, for each child in foster care." The coalition identified, and is now working on, six areas needing strategic action to achieve systemic change: expediting family permanence, kinship families, alternative (non-kin) permanent families, effective practice with the youngest children, permanence for adolescents, and community involvement.

### Illinois's Permanency Initiative

The Illinois Department of Children and Family Services (DCFS) implemented the Illinois Permanency Initiative following the passage of state laws that eliminated long-term foster care

as a permanency goal, reduced permanency-planning timelines to one year, and required the Department to use concurrent permanency-planning strategies. At the same time, the Department developed and adopted a comprehensive strategic plan, the *Child and Family Services Plan*, which requires all activities performed by DCFS and its contractors to clearly focus on achieving one or more of three primary goals: safety, permanence, and well being. Permanency achievements include increased investments in family reunification services, the implementation of a subsidized guardianship demonstration, and specialized workers for adoption and guardianship cases.

#### Allegheny County's Collaboration to Ensure Permanence

Allegheny County, Pennsylvania, has developed a strong collaborative effort with the community, working closely with families, the faith-based community, and other members of the private sector to keep children out of foster care and to promote family permanence for children and youth in foster care. The county brings together all human services on behalf of families served, including mental health and substance abuse services provided by specialists. The county uses a mix of state dollars, Title IV-E funds, TANF funds, and other revenue sources to fund this collaborative effort. It successfully has reduced the number of children who must enter foster care and reduced the length of time that children remain in foster care.

#### California Permanency for Youth Project (CPYP)

The mission of CPYP is to achieve permanence for older foster children in California so that no youth leaves foster care without a lifelong connection to a caring adult. Its objectives are to: (1) increase awareness among child welfare agencies and staff, legislators, and judicial officers regarding older children's urgent needs for permanence; (2) influence public policy and administrative practices so that they promote permanence; and (3) assist 14 California counties, and private agencies with which they work, to implement new practices to achieve permanence for older children and youth.

#### Performance-Based Contracting

Several states have implemented performance-based contracting, a method that provides incentives to public and private agencies to promote family permanence for children. This contracting approach conditions financial reimbursement on achieving permanency outcomes for children. Examples of states that are using performance-based contracting in relation to permanence include:

**Illinois:** The Illinois Department of Children and Family Services put into place performance-based contracting with private placement service agencies in 1997. This approach significantly changed the financial incentives – from an approach that paid agencies for “services per child” to an approach that paid agencies for outcomes achieved. Since the implementation of performance-based contracting, the increasing children moving to permanency has been dramatic. There was a decline from 51,000 children in care to just 30,000 in the first three years of the program. Significant improvements were noted in the number of children moving to adoption and in the average permanency rate for agencies.

**Pennsylvania:** Building on the Illinois model of performance-based contracting, Pennsylvania provides incentives for reunification and legal guardianship. Through performance-based contracting, a partnership has been created among the child welfare agency, the private provider community, the courts, and advocates. Performance-based contracting has led to increases in adoption and reunifications and a reduction in the number of children in foster care in Philadelphia.

**Michigan:** In the late 1990s, Wayne County, Michigan, implemented a performance-based, managed care approach in its contracting for foster care with private agencies. The approach included bonus payments tied to achieving permanence within specified time frames and to reducing the number of children returning to foster care. Results indicate that permanence is being more timely achieved.

## Clarifying Alternative Permanency Options for Children in Foster Care

- As of September 2004, more than 40,000 children and youth in foster care had permanency goals of long-term foster care, and another 32,000 youth had permanency goals of “emancipation.”
- Research makes clear that youth who leave care to live on their own without the benefit of family connections and support are at heightened risk of poor life outcomes.

### The Challenge:

*Find ways at the federal level to clarify when states should use new alternative permanency options for the relatively small number of children in foster care for whom reunification, guardianship, or adoption are not appropriate, and how to do so in a way that still provides each child with a permanent connection to a caring adult.*

The Adoption and Safe Families Act established “another planned permanent living arrangement” (APPLA) as an alternative permanency goal to be used when there is a compelling reason that return home, placement with a guardian or relative, and adoption would not be in a child’s best interest. Federal regulations suggest that APPLA may be an appropriate permanency goal in the following types of cases:

“(i) The case of an older teen who specifically requests that emancipation be established as his/her permanency plan;

(ii) The case of a parent and child who have a significant bond but the parent is unable to care for the child because of an emotional or physical disability and the child’s foster parents have committed to raising him/her to the age of majority and to facilitate visitation with the disabled parent; or

(iii) The Tribe has identified another planned permanent living arrangement for the child.” [45 CFR 1356.2(h)(3)(i-iii)]

These are all situations where a decision could be made in an individual case that reunification, guardianship, or adoption is not appropriate and it is likely that children would otherwise remain in long-term foster care. ASFA substituted APPLA for the goal of “long-term foster care,” which had previously been in federal law. This reflected the belief that in many cases long-term foster care did not ensure permanence for a child, and, in most cases, occurred by default and not as a result of thoughtful planning.

### Lessons Learned:

*“I wanted to be adopted, but who would adopt a 16-year-old?”*

*One social worker told me that nobody wants to adopt a 16 year old.*

*She said, ‘Who would want to adopt you? Let’s be realistic.’ ”*

*– Former Foster Youth*

*Federal policy continues to be unclear about “long-term foster care” and its role as another planned permanent living arrangement.* While the U.S. Department of Health and Human Services (HHS), in its preamble to the ASFA regulations, reaffirmed that long-term foster care “is not a permanent living situation for a child,” the HHS policy manual affirms that it is an acceptable goal. Similarly, there are varied references to APPLA in materials completed by states for the Child and Family Service Reviews (CFSRs). Despite the fact that there are numerous references to long-term foster care in the reports, HHS appears in a number of the reports to be critical of placing children in long-term foster care or using APPLA as the permanency goal without considering other permanency alternatives.

*APPLA is being used as the equivalent of long-term foster care in many states.*

The Children’s Defense Fund (CDF) reviewed child welfare statutes in all 50 states and the District of Columbia to examine how “another planned permanent living arrangement” had

been implemented. CDF found that fewer than half the states had changed their laws to refer only to planned permanent living arrangement. Most states used APPLA, long-term foster care, permanent foster care, or some combination of the three terms in defining permanency options other than return home, guardianship, or adoption. Irrespective of statutory language (including the use of federal language), it was clear that many states continue to use long-term foster care on a regular basis as a catch-all when returning home is not an option, and when foster parents indicate they do not want to adopt. There are practice concerns about this approach: it appears that attempts are not being made to explore why foster parents do not want to consider adoption, and it seems that extra support is rarely extended to foster parents who may be able to care permanently for the child if additional assistance were offered.

*Despite language specifying that there must be a “compelling reason” to use another planned permanent living arrangement, APPLA often is used without first considering, and taking out, other permanency options.* States generally do not specify what process must be in place to determine whether a compelling reason exists to use APPLA, even though they may mimic the words in the statute. Without such procedures, it is easier for “another permanent plan” to be approved without first ruling out return home, guardianship, or adoption. There are some exceptions. Tennessee, for example, requires that a case be reviewed by state officials and approved by the Commissioner of the Department of Children’s Services before APPLA may become the permanent option for a child. A similar procedure has been used in Marion County, Indiana.

*Experience has shown that states are using APPLA without due attention to the dual needs of older youth for permanence and solid preparation for adulthood.* For example, there may be no efforts to explore why a youth does not want to consider adoption. There also is often no commitment to establishing a consistent basis supportive connections to caring, committed adults for these youth when APPLA is used.

## **Federal Policy Recommendations for Clarifying Alternative Permanency Options for Children in Foster Care**

1. *HHS should undertake an active oversight role in monitoring how states are using APPLA.* A number of states still refer to long-term foster care despite the fact that federal law has eliminated it as a permanency option. A number of states also appear to ignore the fact that federal law requires that courts must document that preferred, family-based permanency options have been ruled out before APPLA can be used. At a minimum, HHS should issue guidance for states, clarifying the “compelling reason” requirement as it applies to APPLA. Research also should be undertaken to examine the impact of APPLA and other forms of long-term foster care on the short- and long-term well being of youth.
2. *Stronger oversight of the use of APPLA should be provided by judges, bench officers, and attorneys.* Courts should take an active role, as they do in some states, in reviewing APPLA decisions and determining whether other permanency options have been appropriately ruled out as not in the child’s best interest. Increased collaboration between courts and agencies about best practices in this area also would be helpful. State and local public agencies also should use an independent review process regarding APPLA decisions.

### **New Federal Grants to Promote Court Collaboration**

The federal Deficit Reduction Act of 2005 (P.L. 109-171) created two new Court Improvement Program grants, both of which are designed to strengthen collaborations between the courts and child welfare agencies:

- A grant for data collection and analysis to help ensure that foster children’s needs for safety, permanence, and well being are met in a timely and complete manner
- A grant for training judges, attorneys, and other legal personnel in child welfare cases and conducting cross-training with child welfare agency staff and contractors

The new grants are authorized for \$10 million each for Federal Fiscal Years 2006 through 2010.

3. *Federal policy regarding the use of APPLA should be developed with an understanding of different cultural contexts and the differing needs of individual youth.* In American Indian communities, for example, APPLA often is a preferred permanency goal when children are placed with kin who are not eligible to receive a guardianship subsidy. APPLA also may be a preferable option for an American Indian youth over adoption, but it may not be possible to rule out adoption, as required by federal law, because some tribal courts do not recognize termination of parental rights.

### **National Indian Child Welfare Association: The Indian Foster Kinship and Adoptive Capacity Building and Linking Initiative**

This initiative is designed to improve permanency systems and outcomes and to increase the number of American Indian children placed for adoption with kin or within their own tribes. Already completed are the development of sample customary law adoption codes and training in customary adoption practices for tribes to use as they formally implement customary adoption practices in their legal codes. “Customary adoptions” are defined as a practice, ceremony, or process that is considered binding by the tribal court and gives the child a permanent parent-child relationship with caring adults who will provide a permanent home for the child without terminating the birth parents’ rights.

A number of tribes formally have implemented these practices in their legal codes and are working to have state agencies honor them as permanent placements with the benefits and supports afforded to other permanent families. As an example, the White Earth Tribe in Minnesota is working with the state to develop a process to access adoption subsidies and other resources for American Indian families who have provided permanent families for children through customary adoptions. The Lower Elwha Klallam Tribe in Washington State has modified its legal code to allow for customary adoptions and is working with the state to access supports and services.

4. *When APPLA is used appropriately, federal policy should require that a caring, committed adult has been identified for the youth prior to the youth’s departure from foster care.* Permanence requires that every youth who leaves foster care to live on his or her own have a permanent connection with at least one caring, committed adult who will “be there” for the youth. States could be required to hold family group conferences for all youth, including those in congregate care, with a permanency goal of APPLA to identify caring adults who will formally or informally assume this ongoing role in their lives.

### **Enhancing Permanence for Older Children in Foster Care**

- Each year, more than 20,000 youth leave foster care at the age of 18 or older to live on their own, without connections to parents or extended family and without adoptive families.
- Research shows that youth who “age out” of foster care face major challenges in relation to their physical and mental health, education, and employment.
- Research also shows that youth who “age out” of foster care without families to return to and without being adopted are especially poorly prepared to live on their own.

*“They keep you in a group home until you are 18 or 19 and then at 21, ‘Hey, bye!’ and you are out the door.”*

*- Former Foster Youth*

#### **The Challenge:**

*Remove barriers to permanence for older children in care and establish permanent family connections for them. Family connections may include siblings, extended family, and community. Provide all youth in care both independent living and permanency-planning services.*

The absence of federal incentives and supports for youth returning home from foster care and living with guardians limits opportunities to give comprehensive consideration to the full range of permanency options for older children. Under the federal Title IV-E Foster Care and Adoption Assistance Programs, ongoing financial subsidies and health care through Medicaid are available only to adoptive families. Support is not available to parents who, according to the findings of the federal Child and Family Service Reviews, often do not receive the services and supports they need to assist in them in safely reuniting with their children in foster care nor needed services and support once children are returned home. Subsidies are not available for relatives who assume guardianship and commit to care for children permanently, except in cases of approved federal Title IV-E waivers (as discussed earlier), an option that ended in March 2006.

The federal Education and Training Vouchers Program also offers assistance to young people leaving foster care to help them with college and other post-secondary educational opportunities. It is available to youth who are in foster care at age 18 and are not yet age 23, as long as they are participating in the voucher program at age 21 and are making satisfactory progress toward completing their course of study or training. Youth who are adopted from foster care after age 16 also are eligible. Youth reunited with their families, or who are placed with guardians, are not eligible for these benefits – a factor that can create barriers to permanence.

The federal John H. Chafee Independent Living Program offers supports to youth in foster care who are likely to remain in care until age 18 or are aging out of care. However, it is frequently perceived as a program only for youth leaving foster care without permanent families. Independent living, however, is a service, not a permanency option. Independent living services should be provided to all children in care who likely are to remain in care until age 18, regardless of their permanency status.

#### **Lessons Learned:**

*“A lot of people have this misconception, ‘Oh, they are too old, they’re going to age out, they don’t really need permanency.’ Although teens may say that they don’t want it, ask them when they get older and they will say, ‘You know, I wish I had somebody for me.’ ”*

*- Former Foster Youth*

***Permanence for older children must be viewed comprehensively and include all forms of permanence (reunification, guardianship, and adoption).*** Policies should support exploration of the full range of permanency options for youth and promote strategies that meet the needs of special populations, including youth in congregate care and those with special needs. No options (reunification, adoption, or guardianship) should be “out of reach” for youth. It is important to revisit various permanency options with youth in care over time. Just because young people refuse to consider adoption or guardianship at one point in their lives does not mean that they are unwilling to reconsider these options at some point in the future.

#### Reducing Reliance on Congregate Care and Promoting Permanence

In 2003, the New York City Administration for Children’s Services (ACS) began implementation of its Congregate Care Reduction Initiative, designed to end the City’s over-reliance on group and residential care as placement resources for older children and youth. Simultaneously, ACS began work toward family-based placements for teens in these facilities. More than 48 facilities have been shuttered, eliminating some 535 congregate care beds. Permanence has become a key goal for these youth with accompanying initiatives such as Families for Teens.

***Youth in foster care have much to contribute to discussions and decisions about their own futures and the futures of other youth in care.*** Youth should be engaged actively in discussions about what they need and want in relation to permanence. They often can identify adults from their past who can provide lifetime adult connections. They also can contribute to system-wide reforms by engaging in policy development and helping to train staff about how to approach permanency issues with youth in care.

*States have developed innovative strategies to help youth make permanent adult connections.* Some agencies employ Family Group Conferencing to explore permanency options with extended family and community members. Others designate special staff, sometimes former caseworkers, to work with youth to identify people from their past, mine their case records, and follow up with contacts. Judges and courts are important allies in ensuring that youth are prepared for the transition to adulthood.

### **Identifying Family Resources for Older Children and Youth**

“Family Finding: Lighting the Fire of Urgency”

This model engages agencies in finding relatives for children and youth who may otherwise exit foster care without permanent connections to caring adults. Public and private agency staff work as partners and begin with a thorough review of the child welfare record, supplemented by Internet searches. According to Kevin Campbell, “the file review or search reports usually lead us to at least one relative, usually several.”

California: AB 408

AB 408 requires social workers to ask youth who are older than age 10 and have lived in group care for more than six months about people important to the youth. The social study, evaluation, or supplemental report used by the court must also include a discussion of whether the child has relationships with significant individuals other than the child’s siblings.

Y.O.U.T.H. (Youth Offering Unique Tangible Help)

This training program was developed by six foster youth under a three-year federal grant. The curriculum that they developed, *Youth Development, Empowerment, and Super Strategies for Supporting Transition-Aged Youth*, now includes a module on permanence. Foster youth have trained more than 2,000 child welfare workers throughout California in this curriculum.

*Permanence for older children should not be confused with the supports needed to help all youth in care transition to adulthood.* “Independent living” is not permanence, but is, instead, a service. Independent living services, more appropriately called interdependent living services, should be provided to all youth in foster care irrespective of their permanency goal. It can be expected that given the long history of the use of independent living as a permanency goal, it will continue to be used to a limited extent. Some communities, New York City, for example, have established clear policies that state that independent living can be used only in limited circumstances and with prior written approval of supervisory staff and that when it is used, there must be simultaneous efforts to connect youth with caring adults.

*Efforts should be made throughout a child’s placement in foster care to encourage permanence.* Decisions about where a child is placed, number of moves, placements, schools attended, and connections to siblings all impact the child’s sense of stability and permanence while in care. Discussions about permanent connections for children in foster care should begin as they are entering care. Ongoing visits and other connections with siblings, parents, and extended family members are essential to successful permanency planning and achievement.

*“I have no job. I don’t have a high school diploma. I don’t have a GED. I’m not in school. What am I going to do on the streets? How am I going to eat? Where am I going to sleep? It’s all these questions that go through your head. You feel like you don’t have a family that you can turn to and be like, ‘I need help.’”*

– Youth in Foster Care



## Parents and Youth Are Key to Making Permanence a Reality

### The Child Welfare Organizing Project

The Child Welfare Organizing Project (CWOP) is a partnership between parents and professionals. It is dedicated to public child welfare reform in New York City through increased, meaningful parent involvement in policy planning. Parents with personal experience with the foster care system are prepared to play, and supported in playing, active policy roles. Parents hold seats on three New York City Administration for Children's Services Advisory Groups and advise the New York City Council on child welfare matters. CWOP trains parent advocates so that they can serve as role models for other parents and promote better service outcomes, including permanence for children and their families.

### California Youth Connection (CYC)

CYC is guided, focused, and driven by current and former foster youth with the assistance of other committed community members. CYC promotes the participation of foster youth in policy development and legislative change to improve the foster care system, and strives to improve social work practice and child welfare policy. CYC chapters in counties throughout the state identify local issues and use grassroots and community organizing to create change. Among its many activities is the production of "digital stories" on permanence by current and former foster youth. These stories are available from CYC and can be used in training.

*Research and data regarding permanency placements, services provided, and outcomes for older children who have "aged out" of care are key to developing effective policy and practice.* Attention must be given to disparities in outcomes for children and youth of color in foster care. There must also be special attention given to special populations, including older children and youth with disabilities.

## Casey-Center for the Study of Social Policy Alliance for Racial Equity

The Alliance is a unified effort of the Annie E. Casey Foundation/Casey Family Services, Casey Family Programs, the Marguerite Casey Foundation, the Jim Casey Youth Opportunities Initiative, and the Center for the Study of Social Policy to create a child welfare system free of structural racism and one that benefits all children and families. The Alliance is addressing racial disparities related to the following:

- Entry into foster care
- Length of stay in foster care
- Number of placement moves
- Limitations in services
- Slower rates of exit from care with longer waits for reunification and adoption

### Illinois: Benchmark Permanency Hearings

The Illinois Benchmark Permanency Hearing Program helps older youth in foster care prepare for independence. Youth receive individualized attention from a judge and various court and social agency representatives at a series of hearings held at certain "benchmarks" or milestones in the youth's life and case. The focus is on helping the youth identify and plan long-term educational and career goals. The hearings also give youth a better understanding of what independence from the foster care system entails.

## **Federal Policy Recommendations to Help Enhance Permanence for Older Children in Foster Care**

- 1. *Federal policy should specifically recognize the permanency needs of older children in foster care.*** It should make clear that “independent living” should be viewed and used as a service and not a permanency goal except in limited circumstances. The Alternative Planned Permanent Living Arrangement in federal policy should require that a caring, committed adult be identified for a youth prior to that youth’s departure from foster care.
- 2. *There should be greater emphasis in federal policy on reunification and permanence with extended family as permanency goals for older children in foster care.***  
Under current federal policy, far greater resources are invested in foster care under Title IV-E and in adoption (through the Adoption Assistance program, the Adoption Incentive Program, and the Adoption Opportunities Program) than in services to safely reunify children and youth with their parents and extended families. The Promoting Safe and Stable Families program of Title IV-B provides some federal funds for family support, family preservation, and time-limited reunification, but at levels that fall far short of federal investments in foster care and adoption.
- 3. *Federal policy should promote the engagement of youth in identifying permanent connections and relationships in their lives.*** The engagement of youth should include respecting a youth’s right to notice of all court proceedings and an opportunity to be heard. Activities to promote permanence, including the identification of permanent adult connections, also should be specified in the youth’s case plans and case reviews.
- 4. *Sibling relationships should be maintained.*** Sibling relationships, for many children and youth, are the strongest family relationships they have. Policies should require attention to the importance of placing siblings together and to ensuring meaningful connections when they are not placed together. When agencies fail to support sibling connections, they should be required to demonstrate that it is not in the best interest of a child to maintain such connections.
- 5. *Federal policy should expand eligibility for the Chafee Independent Living Program and the Educational and Training Vouchers (ETVs) Program to youth who were in foster care and after their 16th birthday returned home or were placed permanently with guardians or relatives.*** Policies that render a youth ineligible for educational assistance if they are reunified with parents or placed permanently with extended families can, and often do, work against the achievement of permanence. Youth and their families are required to choose between being together on a permanent basis or having resources available for youth to pursue their educational goals. Both permanency and educational opportunities must be offered to youth.
- 6. *Fully integrate permanence and preparation for adulthood in family policy.***  
Youth permanency practices and practices focused on preparing youth for adulthood need to be blended to ensure that all youth achieve the best of both “permanence” and “preparation.”

## **Promoting Post-Permanency Support to Help Children and Youth Remain with Their Permanent Families**

- Approximately half of all children and youth who leave foster care each year return home to their parents. In FY 2004, more than 151,000 children returned home.
- About 12 percent of all children who leave care live permanently with relatives (33,397 children in FY 2004). Another four percent are in guardianship arrangement (12,519 children in FY 2004).
- Close to one-fifth of the children who leave care are adopted (51,413 children in FY 2004).

### **The Challenge:**

*To offer a range of post-permanency services to children who leave foster care to be reunited with their parents, live with members of their extended families, or join new families through adoption or through other permanency options.*

Subsidies and ongoing health care provided at the time of the permanent placement can help some of these children and youth. But, in other cases, more is needed. Some problems that children had while in care continue in their permanent placements, but are not identified until much later. Families, as well as children, may need additional supports and services. If such services are not forthcoming, children may return to foster care, having experienced abuse or neglect again, and at much greater cost to the public and the public systems charged with their care.

Traditionally, the focus in relation to post-permanency services and supports has been on post-adoption services. Under Title IV-E of the Social Security Act, federal funds are available for adoption subsidies for eligible children who are adopted from foster care but not, as noted earlier, for subsidized guardianships or post-reunification supports for families. Although there are a number of other federal funding streams that have been, or potentially could be, utilized for post-permanency services, either specifically for post-adoption services or for services that more broadly support permanence, many of these dollars already are committed to other activities for children. Some are optional resources. For example, states have had the option since 1999 to provide Medicaid to age 21 for youth “aging out” of foster care, provided they were in care on their 18th birthday, but only about 12 of states have done so.

### **Lessons Learned:**

*Post-permanency services need to be broadly conceptualized to include services for children who are returned home, placed with guardians, adopted, or “age out” of care.* Irrespective of the permanency arrangement, youth and families who live more independently need access to services and supports. Investments must be made in youth who need permanent connections with caring adults, and in families as they work to build or rebuild relationships. Medicaid is an essential post-permanency support for children with special needs who move to any of these permanent settings. It already is available to children with special needs who are adopted, and should be extended to all children who “age out,” children who return home, and children who move to permanent placements with guardians.

*Attention must be paid to post-emancipation services for those youth who leave care without permanent connections to family.* For youth who leave foster care through “emancipation,” connections with family and/or caring committed adults are key to ensuring the well being of youth after they leave care. Supports also must include health care, housing assistance, and aid in continuing their education. Jim Casey Youth Opportunities Initiative recommends federal authorization for matched savings accounts, or Individual Development Accounts, for youth transitioning from foster care that would provide for assets such as a car, which is essential to get to school or work in most places in this country, especially in rural areas. It is never too late to help them establish permanent adult connections.

## **Post-Permanency Services: State and Community Responses to the Needs of Families and Youth**

### Indiana: Post-Reunification Services

When a child reunifies with his or her family, the case is closed but the services may continue for 15 months, with the state covering the costs of these services.

### Pennsylvania: A Second Chance

A Second Chance, in Allegheny County, provides a full range of kinship foster care, adoptive, and support services for kinship care families. Among its many services is a monthly newsletter that provides a summary of state and national legislation, and programs that address the health, education, and well being of children in kinship care families.

### Pennsylvania: The Statewide Adoption and Permanency Network (SWAN)

SWAN is a partnership among the Department of Public Welfare (DPW), the Pennsylvania Adoption Exchange, public and private adoption agencies, organizations, advocates, judges, the legal community, and foster and adoptive parents. SWAN serves children in the custody of county children and youth agencies and works to expedite permanency services. Its adoption services include post-permanency services.

### California: The Post-Emancipation Program

The Post-Emancipation Program, in Contra Costa County, provides aftercare services for the county's emancipated youth. Youth are eligible to participate until their 21st birthday. The post-emancipation program is staffed with an educational specialist, outreach specialist, employment specialist, and a case manager. Services are provided on an as needed basis to ensure that the youth are meeting their goals.

***Community engagement and a focus on good outcomes is a key to the provision of quality post-permanency services and supports.*** Post-permanency services and support should include funding for resource centers and other community-based services so that they will be available to children and their lifetime families. In addition, these should provide special support networks for families in similar situations, as well as payments to families to help them get the ongoing supports that they need. An ombudsman system also can help connect adoptive families, kinship care families, or others with the services and support they need.

### Kinship Navigator Programs

Ohio and New Jersey, and several other states on a pilot basis, have made special efforts through Kinship Navigator programs to ensure that kin, at a minimum, receive the services, supports, and benefits for which they are eligible. Ohio's Kinship Navigator Program helps relative caregivers "navigate" their way through government systems and find local supports and resources. The program works to educate kinship caregivers about a wide variety of available community services and assist them in getting access. It also offers a minimum of core services, including information, referral, and access to legal services, child care services, respite care, training, and financial services. Several proposals pending in the 109th Congress would authorize federal funds to expand navigator programs.

***Good post-permanency services require coordination and collaboration with multiple child-serving agencies, including those offering mental health and substance abuse treatment services, and resources that can help families negotiate the education and special education systems for their children.*** Child welfare agencies should ensure that families are referred to, and connected with, other agencies that can meet the needs of children and families on an ongoing basis. These agencies may include other service systems, such as health, mental health, substance abuse treatment, and education, as well as community-based services which can assist families on a more informal basis. Child welfare agencies can assist these agencies in more effectively serving children and families by providing their staff with training about the special needs of children who have experienced abuse and neglect and who have been separated from their families.

*Not all families will need post-permanency services.* The first step must be to talk with families about what it is they need and what they want. It also is important to have provisions in place so that families can return for services and have a case plan developed to meet their needs.

*Good work before permanency arrangements are made should help minimize the need for post-permanency services.* Good work is needed to ensure that quality appropriate placements are made and supported. When there is clear recognition up front about children's needs and the challenges that families may encounter in caring for them, and appropriate services are provided, there will be fewer surprises once the child is with the permanent family.

*Research and data on how many children return to the system after being placed with permanent families, the reasons they return, and the services and supports offered during the permanent placements are limited.* Often there is no attention given to what services children who return to the system had received. The reason children return also can be instructive. Illinois learned from its research, for example, that of the relatively few guardianships that disrupted in the state, half disrupted because of the death or incapacity of the caregiver. The "Successor Guardianship Program" was created to help ensure permanence for these children. It allows the state to designate a caregiver if – as a result of the death, disability, or resignation of the initially appointed guardian – guardianship is still needed.

### **Federal Policy Recommendations for Promoting Post-Permanency Support to Help Children and Youth Remain with their Permanent Families**

- 1. Dedicated funding is needed at the federal level for post-permanency services.* Federal dollars for out-of-home care that are no longer needed as caseloads decline should be preserved for post-permanency services and supports. Funding also could come from an expansion of the Titles IV-B and IV-E programs, the development of guardianship tax credits, and/or assisting families in accessing child support and/or Earned Income Tax Credits (EITC) so that they can obtain needed services. Political will is required to prioritize post-permanency services and supports for children and youth exiting foster care.
- 2. Drawing on the concept of "aftercare" from the mental health system, consideration should be given to providing aftercare for a period of time at least for some children who leave the child welfare system to return home, live permanently with a guardian or relatives, or to live with an adoptive family.* The ability to receive ongoing services will help ease the transition and reduce reentry to foster care.
- 3. Additional federal guidance is necessary to help states maximize their federal Title IV-E and Medicaid reimbursements for foster care services, so that states can use general funds not used for foster care and health care to more fully invest in post-permanency supports.* Federal guidance also could assist states to explore creative financing strategies for post-permanency services, using a blend of Title IV-E, Medicaid, EPSDT, TANF, the Social Service Block Grant, and Title IV-B funds.
- 4. Federal policy should ensure that children and youth who leave foster care have continuing Medicaid coverage ("transitional Medicaid").* Making health and mental health care available to all children should be the goal. In the short run, Medicaid should provide access to a range of services and treatments that children and youth continue to need after they leave foster care, including preventive health care but also specialized treatment for mental health, substance abuses, and other disabilities. The provision of Medicaid for families with children with disabilities, who might not otherwise qualify, would also help.
- 5. Federal support is needed for research on "what works" in achieving and sustaining permanence for children leaving foster care.* Questions to be examined include: What promotes the success of reunification? What services and supports are key post-guardianship? What post-adoption services are most critical for adoptive families? Special attention should be given to those characteristics of services and supports that could make post-permanency services more effective. Special attention should be given to racial disparities in such findings.

## Supporting Families Post-Permanence

### Michigan: Family Reunification Program

This program provides intensive services following children's return home to strengthen families and reduce the need for children to reenter foster care. The agency conducts an assessment of the family's needs and provides strengths-based services including individualized therapy, parenting classes, and family workshops.

### Colorado: Performance-Based Contracting

Through its contracts with private child welfare agencies, the public agency in El Paso requires that agencies continue to support families following children's permanent placements with them. The county's Child Placement Agency Project is a multi-agency initiative that integrates foster care, mental health, medical, and adoption services.

### Illinois: Adoption Project and Guardianship Preservation Services

This program offers a range of services to support a child's placement as soon as an adoption or guardianship is finalized. Services include 24-hour crisis intervention, comprehensive assessments, intensive therapeutic interventions, support groups, concrete services such as transportation, and information and referral.

## Conclusion

In order to make permanence a reality for all children and youth in foster care, it is critical that there be attention at the federal policy level to the challenges noted above and to stimulating additional gains in states and communities building on the lessons learned.

As work proceeds to shape policy at the federal, state, and local levels to ensure that permanence is a reality for all children and youth in foster care, it is essential that certain principles, key to addressing each of the challenges above, be kept front and center:

- the importance of keeping a focus on preserving families and keeping children safely with their families;
- the importance of engaging parents and other family members in planning, decision making, and research about permanence; and
- the importance of engaging youth in decision making about their own permanency plans and broader efforts to promote permanence for youth.

With a commitment to these principles and a recognition of the challenges that need to be addressed, significant strides can be made in making policies more responsive to the need to promote permanence for all children and youth in foster care.



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