

## POLICY 20:

# Child Welfare

**Why Child Welfare Policy Matters.** Through effective child welfare policy, states can improve the futures of children who are abused or neglected. Research studies and agency reports have consistently reported negative outcomes from the abuse and neglect of children. These outcomes include short- and long-term negative consequences for children's physical and mental health, cognitive skills, educational attainment, and social and behavioral development.<sup>101</sup> As a result of these effects, children who experience abuse and neglect are at risk for a variety of adverse outcomes as they mature and develop into adolescents and adults.<sup>102</sup> Without timely, supportive interventions, maltreated children are more likely to be involved in the juvenile justice system, suffer from mental health problems, become homeless and either lag behind in school or experience school failure. These poor outcomes follow children into adulthood where long-term costs also occur, such as unemployment, poor health conditions, drug addiction, homelessness, and incarceration. One estimate is that the cost of these poor outcomes amounts to an additional \$10 billion annually beyond the costs to the child welfare system.<sup>103</sup> States can implement effective policies to help prevent these negative outcomes for these children, their families and the community at large.

**Key State Policy Measures.** Based on research, states can improve the outcomes of abused and neglected children, and help ensure that they grow up in loving homes, are healthy, and are prepared to make positive contributions to society, through the following policies:

**20.1 Subsidized guardianship.** States can implement a subsidized guardianship program, which promotes more permanent placements for abused and neglected children than foster care. Legal guardianship provides an alternative option for permanency by allowing children to find a permanent placement with friends or relatives without severing legal parental ties. The termination of parental custody is required for adoption, and is a legally complicated measure that is sometimes opposed by older children and other family members. Research shows that the option of guardianship offers important advantages over foster care and is a good permanency option in addition to adoption. It eases separation trauma for the child, reduces legal liability for the state, reduces the costs of foster care casework, and maintains the responsibility of birth parents for child support payments.<sup>104</sup> Studies also show that in states with subsidized guardianship programs, placements tend to be more permanent.<sup>105</sup> Some states make this support available for all children in the foster care system up to age 18. Other states provide it only for children in a narrowly defined age range—often ages 12 to 18.

Due to changes in data interpretation, multi-year comparisons are not available for this measure.

**20.2 Subsidy level for guardianship.** States provide varying levels of subsidy payments to legal guardians. A key component of a successful subsidized guardianship is whether a state's subsidy levels are the same as foster care subsidies, ensuring no financial disadvantage for families choosing guardianship over foster care.

Due to changes in data interpretation, multi-year comparisons are not available for this measure.

**20.3 Public health insurance coverage for children in guardianship programs.** Not all children in subsidized guardianship programs have access to health insurance. States can establish a policy that automatically provides these children with eligibility for public health insurance.

Data measure under review.

**20.4 Continuing court jurisdiction over foster care youth.** There is a growing body of research showing that foster care youth who continue to receive services beyond age 18 have better outcomes than their counterparts who are cut off from services at a younger age. While continuing court jurisdiction over foster care youth does not guarantee that services will be provided, there is a higher likelihood that services will be provided to foster care youth if courts are still involved in their cases. This policy measure examines state statutes to see if they set an age limit for court jurisdiction for foster care youth. Some states continue court jurisdiction until age 19, 20 or 21. In these states, the juvenile or family court maintains oversight to help ensure that youth receive needed transitional services. Other states do not specify an age limit, leaving the termination of court jurisdiction up to agency precedent or regulatory measures.

**No data update available for this measure.**

**Prevention Is Key.** There is consensus among policy experts that the best child welfare policy is to help families and their children avoid involvement with the child welfare system in the first place. States have promoted a number of strategies to prevent child abuse and neglect, including home visitation services. These programs vary in scope, but their core mission is to promote the safety of children in vulnerable situations by connecting families in need to programs that help support their health and financial stability.

There are a number of national models of home visiting that have been replicated throughout the country, from Healthy Families America, which provides home visiting services to expectant and new families with children up to age five, to the Nurse-Family Pa in this report. Home visiting and other approaches to child abuse prevention are included to emphasize the need to focus on prevention in any discussion of child welfare policy.

## Child Welfare Policy Measures

### Measure 20.1: Subsidized Guardianship

For what age range of foster care children does the state provide a subsidized guardianship program? *Table reflects policy as of 2006.*

Birth to 18 years, plus some older youth	Ga., Kan., Md., R.I.
Birth to 18 years	Ariz., Calif., Colo., Conn., Fla., Hawaii, Idaho, Ill., La., Mass., Maine, Minn., Mo., Mont., Nev., N.J., N.C., N.D., Ore., Pa., Tenn., Va., W.Va., Wis., Wyo.
A more narrow age range (often age 12 and older)	Alaska, Del., D.C., Ind., Iowa, Ky., Neb., Okla., S.D., Utah
No subsidized guardianship program	Ala., Ark., Mich., Miss., N.H., N.Y., Ohio, S.C., Texas, Vt., Wash.

Note: Data unavailable for New Mexico.

### Measure 20.2: Subsidy Level for Guardianship

How do state guardianship subsidies compare to foster care payments? *Table reflects policy as of 2006.*

Equal to foster care payments	Calif., Colo., Conn., Del., D.C., Idaho, Ill., Mass., Minn., N.C., Okla., Ore.
Below or equal to foster care payments	Alaska, Hawaii, Iowa, Mo., Neb., N.J., Pa., S.D., Utah, W.Va.
Less than foster care payments	Ariz., Fla., Ga., Ind., Kan., Ky., La., Maine, Md., Mont., Nev., N.D., R.I., Wyo.
No subsidized guardianship program	Ala., Ark., Mich., Miss., N.H., N.Y., Ohio, S.C., Texas, Vt., Wash.

Note: Data unavailable for Minnesota and New Mexico.

**Measure 20.3: Public Health Insurance Coverage for Children in Guardianship Programs**

Does the state extend public health insurance coverage to children in subsidized guardianship programs?

Data Measure Under Review

**Measure 20.4: Continuing Court Jurisdiction over Foster Care Youth**

Until what age are foster care youth statutorily authorized to remain under the oversight of juvenile courts? *Table reflects policy as of 2004.*

Age 21	Ala., Ark., Calif., Colo., D.C., Ill., Ind., Kan., Md., Mo., Neb., N.H., N.Y., Ohio, Ore., Pa., S.D., Va.
Age 20	Alaska, Mich., Miss., N.D.
Age 19	Hawaii, Minn.
Age 18	Fla., Ga., Idaho, Iowa, Ky., N.M., N.C., Utah
Age not specified	Ariz., Conn., Del., La., Maine, Mass., Mont., Nev., N.J., Okla., R.I., S.C., Tenn., Texas, Vt., Wyo., W.Va. Wash., Wis.

### Selected State Child Welfare Policies

STATE	20.1	20.2	20.3	20.4
	AGE RANGE OF ELIGIBILITY FOR SUBSIDIZED GUARDIANSHIP PROGRAM	SUBSIDY AMOUNT RELATIVE TO FOSTER CARE (FCP)	CHILDREN IN SUBSIDIZED GUARDIANSHIP ELIGIBLE FOR HEALTH COVERAGE	AGE AT WHICH YOUTH ARE NO LONGER AUTHORIZED TO REMAIN UNDER THE OVERSIGHT OF JUVENILE COURTS
Alabama	No Program	No Program		21
Alaska	Older Than 10	Below or Equal to FCP		20 [e]
Arizona	0-18	Below FCP		Not Specified
Arkansas	No Program	No Program		21
California	0-18	Equal to FCP [m]		21
Colorado	0-18	Equal to FCP [m]		21
Connecticut	0-18	Equal to FCP [m]		Not Specified
Delaware	Older Than 12	Equal to FCP [m]		Not Specified
District of Columbia [a]	2 and Older	Equal to FCP [m]		21
Florida	0-18	Below FCP		18
Georgia [b]	0-18 and Some Older [j]	Below FCP		18
Hawaii	0-18	Below or Equal to FCP		19
Idaho	0-18	Equal to FCP [m]		18
Illinois	0-18 [k]	Equal to FCP [m]		21
Indiana	13 or Older	Below FCP		21
Iowa	12 or Older	Below or Equal to FCP		18
Kansas	0-18 and Some Older [j]	Below FCP		21
Kentucky	15 and Younger	Below FCP		18 [f]
Louisiana	0-18	Below FCP	MEASURE UNDER REVIEW	Not Specified
Maine	0-18	Below FCP		Not Specified
Maryland	0-18 and Some Older [j]	Below FCP		21
Massachusetts	0-18	Equal to FCP [m]		Not Specified
Michigan	No Program	No Program		20
Minnesota	0-18	Below FCP		19
Mississippi	No Program	No Program		20
Missouri	0-18	Below or Equal to FCP		21
Montana [c]	0-18	Below FCP		Not Specified
Nebraska	12 and Older	Below or Equal to FCP		21
Nevada	0-18	Below FCP		Not Specified
New Hampshire	No Program	No Program		21
New Jersey [d]	0-18	Below or Equal to FCP		Not Specified
New Mexico	0-18	n/a		18 [g]
New York	No Program	No Program		21 [h]
North Carolina	0-18	Equal to FCP		18
North Dakota	0-18	Below FCP		20
Ohio	No Program	No Program		21
Oklahoma	12 and Older	Equal to FCP [m]		Not Specified
Oregon	0-18 [k]	Equal to FCP [m]		21
Pennsylvania	0-18	Below or Equal to FCP	21 [e]	
Rhode Island	0-18 and Some Older [l]	Below FCP	Not Specified	
South Carolina	No Program	No Program	Not Specified	
South Dakota	12 and Older	Below or Equal to FCP	21[i]	
Tennessee	0-18	Equal to FCP	Not Specified	
Texas	No Program	No Program	Not Specified	
Utah	12 and Older	Below or Equal to FCP [n]	18	
Vermont	No Program	No Program	Not Specified	
Virginia	0-18	Equal to FCP	21	
Washington	No Program	No Program	Not Specified	
West Virginia	0-18	Below or Equal to FCP	Not Specified	
Wisconsin	0-18	Equal to FCP	Not Specified	
Wyoming	0-18	Below FCP	Not Specified	
<b>Year Data Collected</b>	<b>2006</b>	<b>2006</b>		<b>2004</b>

**Data Source:**

**20.1 – 20.3** Children's Defense Fund. *States' Subsidized Guardianship At A Glance*. Washington, D.C.: Children's Defense Fund, October, 2004. Updated with unpublished data from the Children's Defense Fund, February 2008.

**20.4** Jane Kim, Kevin Sobczyk, and Howard Davidson, ed. *Continuing Court Jurisdiction for 18 to 21 Year-Old Foster Youth*. Washington, D.C.: American Bar Association Center on Children and the Law, July 2004.

**Data Table Notes:**

- a. The District of Columbia also operates a separate subsidized guardianship program that serves children at age 0 to 18, and provides a subsidy level that is within 5 percent of the long-term permanent guardianship rate.
- b. Georgia operates two subsidized guardianship programs, and these data apply to both.
- c. Montana operates two subsidized guardianship programs, and these data apply to both.
- d. New Jersey operates two subsidized guardianship programs. Both serve children age 0 to 18 and make children eligible for health coverage but one provides subsidy amounts that are equal to FCPs, and the other provides subsidy amounts that are below FCPs.
- e. Alaska and Pennsylvania require the foster care youth to request continued jurisdiction.
- f. Kentucky state statute allows a foster care youth to request continued court oversight up to age 21. However, the agency (Kentucky Cabinet) must agree to the continued role of the courts in the case. Therefore, ultimate control of continued jurisdiction past age 18 remains in the hands of the Cabinet.
- g. New Mexico allows continued eligibility for transitional services beyond age 18, although jurisdiction is not extended.
- h. New York requires the consent of the child for continued jurisdiction.
- i. South Dakota maintains jurisdiction for the purpose of termination of parental rights through final adoption.
- j. Georgia, Kansas, and Maryland make some youth older than 18 eligible if they are high school graduates. Rhode Island makes youth up to age 21 eligible if they are under court jurisdiction.
- k. Illinois and Oregon apply this age range to children placed with relatives. Children placed with non-relatives are eligible at age 12 and older.
- l. Rhode Island makes some youth up to age 21 eligible if they are court-involved.
- m. These states were incorrectly identified as having subsidy amounts "Above FCP" in previous Policy Matters data reports.
- n. Utah sets its subsidized guardianship rate equal to the rate for specialized foster care payments.