

Intentions and Results

A Look Back at the Adoption and Safe Families Act

The Impact of ASFA on Family Connections for Children

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The Importance of Family Connections for Children

More than 800,000 children are in foster care each year—about 513,000 on a single day. Some 360,000 of these more than half a million children reside in foster family homes, with just over a third of these children in relative foster homes; others are in group care settings of various sizes. On average, children are in foster care for almost two and a half years. Many children, especially those who spend more than two years in care, experience multiple placements. More than 180,000 have been in care for two years or longer without being connected to a permanent family.¹

The importance of family connections to children is widely recognized, and much is known about the benefits of family connections and parent-child interactions, especially from the child development literature. Nonetheless, hundreds of thousands of children across the United States do not have permanent family connections, including many of the one-half million plus children in foster care at any one time. Children without families lack comfort and security. Family connections offer children a sense of well-being and belonging that encompasses their racial, ethnic and cultural heritage; a model for their own relationships when they become adults; and a personal safety net.

The Adoption and Safe Families Act of 1997 (ASFA)² recognized the importance of family connections in its emphasis on permanent families for children. During the Act's consideration, members of Congress voiced concerns about children's long stays in foster care, the large numbers of children who languished in foster care without permanent families while waiting to be adopted, and the need to expedite decision making for children. ASFA highlighted the importance of permanent families for children and

the kinds of harm children face when denied that permanence and stability. In so doing, the Act renewed a congressional commitment from almost two decades earlier that foster care, when necessary, should be only a temporary alternative for children who are abused and neglected.

At the time ASFA was being considered, many interpreted permanence as synonymous with adoption—adoption being the most familiar permanency option—even though permanence with birth families and with other relatives were also options recognized in federal law. This paper focuses on the impact of ASFA on family connections for children beyond adoption, looking first at connections to extended family and also at reunification. The paper begins with a discussion of the benefits of these family connections, the corresponding challenges in policy and practice, and the ways in which ASFA addressed these challenges. It then describes the types of activities ASFA has spurred in various states and in Congress, as well as the steps that still need to be taken at the federal policy level to further promote family connections as a means of improving outcomes for children and their families.

A Look at the Benefits of Family Connections

To gauge the importance of family connections to children, it is helpful to review what is known about the benefits of living with extended families or of staying connected or reconnecting with birth families. While research on reunification is limited and mixed in its findings, more is known about the benefits to children living with relatives in foster care.

The North Carolina Department of Health and Human Services, through its Division of Social Services, has operated a Family Reunification Services Program since 1999, and recent research on its impact is encouraging. Family reunification programs in North Carolina vary in terms of the services they provide, but all must meet established state standards. Services are provided for no more than twelve months within the fifteen-month period after a child enters foster care. Caseloads are small and services responsive to families' needs. Most relevant to assessing outcomes, the state uses the North Carolina Family Assessment Scale for Reunification to measure family functioning at both the beginning and the end of services. A recent evaluation looked at family reunification programs in the state over a five-year period during which the assessment scale was used. It found that reunification services had improved family functioning to a substantial degree on a number of indicators, including living environment, parental skills, safety, interaction patterns and behavior, child well-being, and readiness for reunification. Importantly, these improvements in family functioning were shown to be statistically associated with family reunification.³

A number of studies have found that children placed in foster care with relatives generally do better than those placed with non-relatives. They are at least as safe, and sometimes safer.⁴ Research shows that whether children stay with relatives or eventually return home to their parents, placements with relatives lead to greater stability for children. They experience fewer placements than those in non-relative homes, giving them a greater sense of stability both at home and in school.⁵ They are more likely to be placed with their siblings—a very important connection for children.⁶ For those children who return to their parents, they are less likely to re-enter foster care after reunification.⁷

New research done at Children's Hospital of Philadelphia⁸ demonstrates that children placed in foster care with relatives have significantly reduced behavioral problems, when compared to children in non-kin foster care. The study also showed that these children had even fewer behavioral problems when

Subsidized Guardianship Promotes Family Connections

Subsidized guardianship programs, offering support similar to that provided through adoption assistance programs, can help to advance family permanence. Investing in subsidized guardianship provides clear benefits to children, reports Mark Testa, Director of the Children and Family Research Center at the School of Social Work at the University of Illinois at Urbana-Champaign; this finding comes from randomized clinical trials in federally supported subsidized guardianship demonstrations in Illinois, Wisconsin, and Tennessee.⁹ Where guardianship is offered, children are more likely to be in permanent families and to move to permanency more quickly, satisfying two key goals of ASFA. In each of the three studies, there was a boost in permanence in the experimental group, which was offered subsidized guardianship, as contrasted with the control group, which was not. Illinois saw a 6.6 percent increase in children in permanent families (guardianship, adoption, reunification, and custody to kin), and in Wisconsin and Tennessee the increases in permanency were 10 and 15 percent, respectively. In Illinois, after 10 years, the average length of time that children spent in foster care was reduced by 22 percent for families offered subsidized guardianship; in Wisconsin, after three years, average length of stay was reduced by 32 percent. Children who leave care with guardians also are spared the intervention of regular caseworker visits, as well as periodic reviews and court appearances, which frequently cause concern among both relatives and children that family connections may be interrupted. Finally, there was no evidence that the subsidized guardianship programs lowered rates of reunification with birth parents or increased intake of children into foster care because of the higher financial support available under subsidized guardianship.

they moved more quickly into relative placements. Importantly, the study countered potential selection bias by controlling for the problems that children already had when they entered foster care.

Children living with relatives in foster care also have been found to experience more positive feelings about their placements when compared to children living in non-relative homes. They are more likely to like the people they live with, to want to stay with the relative and make the placement their permanent home, and to feel loved.¹⁰

Research has documented that children of color, particularly black children, remain in foster care longer than white children. Some of this difference is owing

to the fact that children of color are more likely to be living with relatives, some of whom may feel that adoption is not an appropriate option.¹¹ A July 2007 Government Accountability Office (GAO) study, along with other research, confirms that guardianship is often seen as a more appropriate response according to cultural norms in Black, Hispanic, and Native American communities, some of which do not recognize the practice of termination of parental rights (TPR)—a step required to proceed to adoption.¹² In such instances, relatives may believe that their only option is continued foster care for the children, and in some states it is the only option. Although thirty-seven states and the District of Columbia have subsidized guardianship programs, many are small-scale and do not offer relatives the level of supports for which they would be eligible if they adopted children in their care.¹³ However, research in Illinois demonstrates that when relatives have the opportunity to carefully weigh permanency options for the children they are raising, they are more likely to choose adoption over guardianship.¹⁴

Challenges in Policy and Practice

For all the documentation of the benefits of family connections for children, challenges in policy and practice to truly engaging families and maintaining such connections existed prior to passage of ASFA and, despite important gains, persist today.

For many years, federal and state child welfare policies focused almost exclusively on the importance of substitute families for vulnerable children in care, both foster and adoptive families. Little attention was paid to enhancing children's chances for permanency within their own families, asking families what they needed or responding to those needs, or involving families in the planning and delivery of care for their children. There was seldom a requirement that extended families be sought out as placement options.

As often happens, practice followed policy. Staff training rarely stressed the importance of engaging birth families or other relatives in the day-to-day care and nurturing of children in foster care. Only a few states provided funding for a range of alternative services such as intensive home-based services or comprehensive family-based substance abuse services for families. As the pressures on families increased and their problems intensified, fueled in part by an influx of crack cocaine and other drugs in the 1980s and early 1990s, it became even more difficult for staff to envision children remaining in troubled families or to

view these families as reunification resources.

The Adoption Assistance and Child Welfare Act of 1980¹⁵ called for greater attention to families throughout the child welfare service continuum, beginning with efforts to preserve families and keep children safe, and instituted protections to encourage such connections. Yet limited resources and other demands on budgets prevented many goals of the legislation from being realized. The economic downturn, coupled with the crack-cocaine epidemic, left many child welfare agencies barely coping with daily responsibilities. While demonstration programs promoted family preservation and reunification and encouraged outreach to relatives, child welfare systems generally did not change the way they approached families or try to connect or reconnect more children with families.

How ASFA Addressed Family Connections, for Better and for Worse

In passing the Adoption and Safe Families Act in 1997, Congress attempted to strengthen the focus in federal law on safety and permanence for children who had been abused and neglected. The emphasis on permanency helped to highlight the importance of family connections for children. While many of ASFA's proponents were more familiar with adoption and focused on the more than 100,000 children in foster care then waiting for adoptive families, ASFA expanded permanency options beyond adoption and amended strong provisions already in federal law that promoted other types of family connections for children. The discussion below takes up pertinent key provisions of ASFA. It highlights the awkward balance that resulted as the law tried to create new family connections for children through adoption while at the same time maintaining children's connections to parents and other family members.

Promoting Adoption

Undoubtedly, ASFA's promotion of adoption and efforts to move children more promptly to adoptive families got the most attention. Unfortunately, other permanency options did not receive comparable attention. Families caring for children with special needs in federally supported foster care who decided to adopt were eligible for adoption assistance payments, as they had been in the past, but families who wanted to care for children permanently as legal guardians were not made eligible for ongoing assistance if they left foster care. A new Adoption Incentives Program authorized

funding for states that increased adoptions of children from foster care, but no similar incentive payments were provided for children who were returned home or who moved to permanent homes with relatives as legal guardians. There was concern, too, that ASFA's emphasis on adoption would hinder reunification efforts. In particular, some worried whether the new ASFA provisions that required reasonable efforts to move children to adoption and guardianship, as well as to reunification, which had been previously required and that allowed all such efforts to be made concurrently, would set up a competition pitting reunification against adoption and the other permanency options.

Expanded Permanency Options

Despite its emphasis on adoption, ASFA specified that appropriate permanency options should include placements with a fit and willing relative, with a legal guardian, or in another planned permanent-living arrangement, in addition to safe return home. "Long-term foster care" was removed from the law as a permanency option. Although guardianship was already established as a permanency option in federal law, ASFA recognized placement with relatives as such an option for the first time. ASFA also allowed states to exempt children living with relatives from the requirement for initiating TPR proceedings, as elaborated upon below. It further required that relative caregivers be given an opportunity to be heard at court proceedings involving children in their care. Finally, ASFA called for the convening of a Kinship Care Advisory Panel and the preparation of a report on kinship care by the Department of Health and Human Services (DHHS) for submission to Congress.

Expedited Timeline for Permanency Decisions

ASFA expedited timelines for determining if and when children in foster care can be moved to permanent homes. It required that permanency hearings be held six months earlier than previously required and that states, in certain cases, initiate TPR proceedings when a child had been under state responsibility for 15 of the preceding 22 months. However, as the Framework Paper explains, the law also specified exceptions to the new timeline, recognizing the importance of taking into account individual child and family circumstances as decisions were made about the appropriateness of proceeding with TPR.

ASFA exceptions included cases in which the child was in the care of a relative, the state agency documented a compelling reason as to why filing for TPR

was not in the child's best interest, or the child's family had not received services necessary for safe reunification within the period specified in the case plan. These exceptions recognize the importance of family connections to a child and the danger of prematurely or inappropriately terminating parents' rights. Advocates for them had underscored that too often parents whose children entered care waited months before any services were provided. They also pointed out serious tensions between ASFA's new permanency timelines and the amount of time it takes, even in the best situations, to help such parents resume parenting, especially those who are engaged in substance abuse treatment or are incarcerated.

Clarifying Reasonable Efforts

As ASFA was being considered, some members of Congress expressed concern that existing provisions in federal law were delaying permanence for children and threatening their safety. Some cited as problematic the requirement in Title IV-E of the Social Security Act, added in 1980, that "reasonable efforts" be made to prevent unnecessary foster care placements and to reunify families. They feared it *might* keep children in unsafe homes and prevent children in foster care from moving to new permanent families. This reservation was in spite of the use of the term "reasonable," which implied situations dangerous enough to make efforts "unreasonable" and to justify immediate and sometimes permanent removal of children from their parents' home. To be cautious, ASFA retained the requirements to prevent unnecessary placements and to reunify families but explicitly stated that nothing in federal law requires a child to remain in or to be returned to an unsafe home, and included examples of aggravated circumstances that might make it "unreasonable" to reunify a child with his or her family. ASFA also added that reasonable efforts must be made to place a child in a timely manner with a new permanent family when the child cannot be reunified with family members. It clarified that these efforts to place a child with a legal guardian or for adoption may proceed concurrently with efforts to reunify a child with his or her parents, recognizing that some states already had implemented such concurrent planning.

Insufficient Resources for Agencies and Courts

In thinking about the impact of ASFA on family connections, it is equally important to focus on what the 1997 law did *not* do. Funding for a range of family support and family preservation services was in even

ASFA's Mixed Messages

ASFA sent a number of mixed messages to those trying to implement its provisions to benefit children and maintain family connections.

ASFA ignored distinctions between relative and non-relative homes. Placements with relatives are key to maintaining family connections. ASFA recognized this in principle, yet restricted such placements. ASFA regulations require that relative foster homes be licensed in the same way as foster homes for children who are not related to their caregivers, allowing only limited, case-by-case exceptions. Core protections are essential for all children—in relative and non-relative homes alike—yet certain non-safety-related licensing rules may be less relevant for children in relative homes. Examples include rules relating to the square footage of a house, the number of children per bedroom, or the overall number of children living in the house. More attention to developing core protective elements and describing how licensing rules for relative homes should differ from those for non-relative homes might have resulted in more permanent homes with relatives than using the case-by-case approach.

ASFA did not offer relatives the supports needed to ensure permanence. Even as ASFA encouraged states to see fit and willing relatives as permanent family options, it continued pressuring agencies to reduce the number of children in foster care, regardless of whether the children were living with relatives, and did so without offering ongoing financial assistance to help relatives who were foster parents caring for children as their guardians outside of foster care. ASFA provided incentives to encourage movement of children to adoptive families, but no similar fiscal incentives to help children leave care to live permanently with legal guardians or relatives who were not adopting them. As a result, there were frequent tales of relatives being pressured by agency workers either to adopt children in their care or to lose custody of them. Although some relatives seek to adopt, grandparents sometimes are especially hesitant because of the need first to terminate their own children's parental rights and the hope that these adult sons or daughters will one day be able to resume parenting.

ASFA created more “legal orphans.” The ASFA requirements for expedited timelines and initiation of TPR proceedings once a child is in care for 15 out of 22 months were intended to help children waiting in foster care find new permanent families through adoption. In reality, these provisions left children in some states as “legal orphans,” with parental rights terminated but without success in finding adoptive families.¹⁶ These children have no viable family connection, and in some states have no way to reconnect with birth parents or birth-family relatives. Without such connections, these children may also forfeit options for kinship care or for supports from family when they age out of care.

shorter supply after ASFA. Even though programs saw more funding through ASFA and afterward, these resources could not adequately cover the expanded range of time-limited reunification and adoption promotion and support activities added to the Promoting Safe and Stable Families Program by ASFA. This shortfall caused intense pressure on activities already underway and increased competition between family support, family preservation, family reunification, and adoption services.

To truly achieve sound family connections, there needs to be sufficient support for agencies and also for courts, whose role in pursuing permanency for children is often overlooked. Frequently, the courts decide which services the child and the family receive and how quickly a child can be successfully returned home, or alternatively be placed permanently with a relative or in an adoptive home. ASFA assigned more responsibilities to the court—expedited timelines, more frequent permanency hearings, new permanency options, and new impetus to speed up adoptions—but did not increase the funds needed to carry them out. Although the Court Improvement Program, authorized four years prior to ASFA, made steps in this direction, ASFA did not increase funding for the courts.¹⁷ Expedited timelines for decision making will mean little if courts are overwhelmed and fall behind in their periodic reviews of children's cases and permanency hearings. Such backlogs result in delays in movement toward reunification and other permanency options.

A Look at ASFA's Impact on Family Connections in the States

Despite its shortcomings, ASFA renewed an emphasis on permanent families for children in the states and, over time, helped to broaden the conception of permanence beyond adoption to other permanent family connections. Increasingly, talk about permanence encompasses children being reunited with their parents, placed permanently with relatives, or adopted. There is also growing attention to the need to connect older youth in care and exiting care to family members and other caring adults. ASFA helped to discredit the long-held notion that children in foster care, especially those in care for extended periods, did

not have families to connect with. In reestablishing foster care as a short-term solution, ASFA also prompted states to develop strategies to keep children out of foster care in the first instance or to get them out, once placed, which has helped give greater attention to the need to support and strengthen birth families.

While many factors contributed to movement in these directions, the pressure of ASFA's timeframes and push toward TPR made states receptive to new approaches. There also was increased accountability for progress in these areas. The accountability measures in ASFA triggered assessments of children entering and leaving care and greater attention to their connections to family. ASFA required DHHS to prepare annual reports on outcomes that tracked state performance in protecting children and moving them out of care. ASFA also prompted DHHS to fully implement the Child and Family Service Reviews (CFSRs), which had been dormant for a number of years, by spelling out the outcomes and system variables against which state performance would be judged and program and policy improvements instituted. The CFSR process examined the continuity of family relationships and the connections preserved when children enter foster care, the proximity of children to their homes, and the means for helping children stay connected with siblings.

In discussing ASFA's impact on family connections in states, we will not be looking at specific outcomes for children, as these outcomes have generally not been realized yet. We will also not be looking at state data patterns, as we have no pre-ASFA baselines on connections to relatives or reunification with birth families from which to make comparisons. Rather, we highlight the development of approaches and services that have gradually improved the opportunities for more children to benefit directly from increased family connections and to experience better outcomes. A DHHS analysis of findings from the first round of CFSRs reported that states demonstrated more progress in preserving family relationships and connections than they did on any other permanency, safety, or well-being outcome measure. Although only seven states were in substantial conformity with all of the indicators, more states showed progress on individual indicators such as finding more placements close to family and with siblings.¹⁸ The discussion below starts with activities that have promoted connections to extended family, and then addresses some positive efforts underway to promote connections to birth families.

Placement with and Outreach to Relatives

The focus on fit and willing relatives in ASFA seemed to take hold first in the states, perhaps in part because it was highlighted as a permanency option, but also because it followed upon a requirement in the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), Public Law 104-193, of the year before. The latter provision required states to consider giving preference to an adult relative over a non-related caregiver when determining a placement for a child, provided child protection standards were met.¹⁹

In a number of states the focus on extended family started with subsidized guardianship programs to help children living in foster care with relatives to live permanently with those relatives outside of foster care. Massachusetts enacted the first such law in 1983 and was followed later in the decade by South Dakota and Nebraska. Eventually many other states came to see subsidized guardianship as a means to increase permanency options for more children and reduce their foster care caseloads. By 2008, thirty-seven states and the District of Columbia had subsidized guardianship programs that provided ongoing support to children exiting foster care to permanent placements with relatives.²⁰ Programs vary significantly in the characteristics of the children, grandparents and other relatives they serve, the nature of the assistance given (e.g., amount of payment, provision of Medicaid, and other services provided), the number of children served, and the mode of funding. The state of Illinois saw 10,000 children exit from foster care to permanent guardianship in the ten years after its program started in 1997.²¹ Illinois and ten other states have used federal funds provided under Title IV-E of the Social Security Act for subsidized guardianship programs through Child Welfare Demonstration Waivers, which ASFA had extended to additional states. Six states are presently continuing subsidized guardianship programs under such waivers, although authority for new waiver programs has been terminated.

More than half of the forty-four existing subsidized guardianship programs (five states have multiple programs) require that both reunification and adoption be ruled out before a child may be placed permanently with a relative under a subsidy. Almost all programs require that the caregiver be the child's legal guardian. About half of those that restrict their purview to children in foster care require the child to live with the prospective guardian for a period of time beforehand, thus testing the strength of the family connection. More than a dozen programs allow siblings of eligible children to be placed with the same

relative and to benefit from guardianship even if they themselves do not meet all eligibility requirements.

Attention to relatives as permanency resources also prompted greater state and community attention to relatives as a resource for children before they enter foster care. Some states with subsidized guardianship programs have expanded them to help prevent children from entering foster care in the first place. Nationally, at least six states provide monthly subsidy payments for children who are living with permanent guardians and who otherwise would be at risk of placement. A few of these have only a preventive guardianship program.²²

States also have begun to seek out relatives for ongoing support and connections, not just placement options. A review of “relative search” strategies by ChildFocus highlights that many states require diligent efforts to locate relatives and engage them on behalf of the child, and that these “good practice” models are expanding. Minnesota’s *Relative Search Best Practice Guide*, cited as a model for other states, reinforces the value of using multiple strategies to connect children with relatives.²³

A number of states also have grandparent notification laws and others use the internet to locate relatives. Providing notice immediately when children are removed from their families allows relatives to decide early on whether and to what extent they can be involved in caring for the child. Even when relatives cannot provide a home for the child, they may help maintain connections that ease the child’s sense of loss. When the relative is able to care for the child, early notice can minimize the number of moves a child has to make. If a child cannot be returned to his or her birth parents, the early involvement of relatives may also help find a permanent home for the child more quickly. Some states bring relatives to the table earlier through family group decision-making meetings, giving them a role in planning for children before or as they enter care and providing another resource for the child in or out of care.

Increasing contact with relatives made staff and state and local officials more aware of the supports that many families needed as they became involved in care-giving. Ohio and New Jersey were the first states to dedicate significant funds to Kinship Navigator Programs to link relative caregivers to services and programs both for the children they are raising and for themselves.²⁴ New York, Washington, Connecticut, and Delaware have more recently funded similar activities. Some states offer additional aid for kinship

navigator programs through their Area Agencies on Aging or informal networks of caregivers and support groups. In some cases, the programs have linked help for relative caregivers to state 2-1-1 systems of telephone-accessed resources and referral services.

Maintaining Family Connections at the Front End of the System

As noted above, in ASFA a child’s family of origin continues to be the preferred permanent family whenever it is a safe option. To encourage more attention to keeping children safely with their families, a number of states have implemented alternative or differential response systems, offering families options beyond the routine investigation process and help in locating community supports that might enable children and parents to remain safely together.²⁵ This type of response network can be especially valuable to families that in many states get little help from the child protection system, even when child abuse and neglect reports are substantiated. Considerable experience with this service approach in Missouri and Minnesota has demonstrated positive results.²⁶ In Missouri, evaluations have shown that children and families get help more quickly than with traditional interventions and benefit from community supports.²⁷ Other states use structured decision making to assess early on both family needs and strengths and to guide decisions about whether children can safely remain with their families.²⁸ States also employ family group decision making to divert children when they first come to the system’s attention or to connect them with families and other supportive adults as they are about to leave foster care.

Returning Children to Families More Quickly

There are also pockets of progress toward greater efforts to reunify children with their families. Reviews of state child welfare practices, conducted as part of the CFSRs by the DHHS Children’s Bureau, have highlighted approaches to promote timely and stable reunifications. Engaging families early through various models of family group decision making, assessing child and family strengths and needs, and shaping individualized responses enable more reunifications and decrease the likelihood of children re-entering care. The Children’s Bureau findings emphasized states’ recognition of the importance of funding services, gaining support from the courts, and maintaining competent staff in order to realize successful reunifications. The Children’s Bureau also cited research bearing out the effectiveness of concrete services, substance

abuse treatment using intensive case management and tailored to the needs of mothers and children, home-based services, and post-reunification services.²⁹ Kevin Campbell's Family Finding model³⁰ has succeeded in promoting reunification or other family connections for older youth in care, and in forging family connections for children before placement.

Some reunification approaches intensify child and family assessments immediately when problems arise so that prompt decisions can be made about the likelihood and relative timeliness of reunification. Others focus on getting children extra supports to stay with or return to their families. Many approaches incorporate both strategies.

ASFA's expedited timelines for decision making and TPR and provision to bypass reunification owing to aggravated circumstances have encouraged in some states more cross-agency collaboration on behalf of children and families among child welfare and substance abuse treatment agencies and the courts. States are also placing more priority on addressing substance abuse to promote reunification or other timely permanency options and on addressing racial disparities in foster care. This attention grows out of recent findings that placement rates are highest for children under age one and that a black infant's risk of placement in foster care is nearly three times that of a white infant.³¹ Comprehensive assessments and family-based treatment are essential to progress on this front. The National Center on Substance Abuse and Child Welfare has prepared a guidebook, *Screening and Assessment for Family Engagement, Retention, and Recovery (SAFERR)*,³² to help agencies work with one another and the courts to identify and respond to families affected by substance abuse disorders. The guide emphasizes the importance of making more timely referrals for treatment and of addressing both safety decisions and family engagement. It encourages involving parents and other family members as active partners in tackling substance abuse problems and in staying connected with the child.

Operating in some states, comprehensive family-based substance abuse treatment programs model the importance of family connections for both children and parents. The most exemplary approaches allow a parent to bring his or her children into the treatment program and work to meet the respective needs of the whole family. They furnish health and mental health services, children's early intervention services, and nursery and pre-school programs as well. In some cases, a child joins a parent from foster care as the parent progresses with treatment. Such programs help the

family strengthen parent-child interactions and adjust to their new routines together before transitioning to the community. A 2001 study of these treatment programs found they succeeded in treating the multiple problems typical of parents who come to the attention of the child welfare system. The study reported major decreases in the use of alcohol and drugs and less criminal involvement by the mothers in treatment. Equally as important, the cross-site study found substantial benefits for infants and improved parenting.³³

The Michigan Family Reunification Program is comprehensive, intensive, time-limited and cost-effective. Components include assessment, case management, transportation, 24-hour service, flexible funds, in-home services, and availability of two degreed staff for each family. According to one evaluation, children of families who participated in this program were more likely to reunify and to remain at home than those in the control group. The Michigan program has resulted in savings of more than \$5,000 per family and has served more than 2,500 families in the last three years.³⁴

Another model of support for connecting children in care with their families is the Family to Family program sponsored by the Annie E. Casey Foundation (AECF). Family to Family began before ASFA and has subsequently expanded, focusing on four key strategies: recruiting, training and supporting resource families (foster family and relative homes); building community

Family Group Decision Making Can Help Reduce Racial Disparities

The U.S. Government Accountability Office has recognized family group decision making as a successful strategy for reducing racial disproportionality in state child welfare systems.³⁵ This approach engages families early on to help prevent removal, ensures that children return home more promptly from care, and (when that outcome is not possible) identifies another permanency option for the child. Texas has employed family group decision making to promote family connections, and has also witnessed a remedial effect on racial disproportionality in some parts of the state. Participating families are more likely to have their children return home than families receiving traditional services, and benefits were even more significant for black and Latino families. When families received traditional services, only 14 percent of black children and 13 percent of Latino children returned home; however, when the families participated in family group decision making, these rates of success more than doubled for black children and tripled for Latino children.³⁶

partnerships; promoting team decision making (bringing parents, relatives, and other supporters to the table to plan for children); and conducting self-evaluation. Recruitment aims to cultivate local foster families in order to allow children to stay in their original neighborhoods and maintain connections with their parents. In 2006, the AECF selected fifteen “anchor sites” from among its sixty Family to Family sites to better realize the model’s full potential. Since becoming a Family to Family site five years ago, Denver, Colorado, has seen important improvements in the functioning of its child welfare system. Today ninety percent of children in the system participate in family team decision-making meetings.³⁷ Reliance on congregate or group care settings has dramatically declined, and kinship and foster family placements have increased by more than sixty percent.³⁸ Denver has developed seven community collaboratives that reflect the needs of different communities and help prevent children from entering the child welfare system.

Federal Attention to Family Connections beyond ASFA

The Fostering Connections to Success and Increasing Adoptions Act and Other Reforms

As states expanded efforts to promote family connections, Congress recognized the need for more supports at the federal level as well. The most significant federal reforms for children in foster care since ASFA were enacted as part of the Fostering Connections Act of 2008. These reforms build upon ASFA and intervening service, practice, and policy innovations.

Following ASFA, several child welfare bills further recognized the need for permanency options other than adoption for various groups of children. States received little specific direction, however, on promoting family connections to birth or extended families to achieve permanency. The John H. Chafee Foster Care Independence Program (CFCIP) was established in 1999 to assist older youths aging out of foster care at 18.³⁹ Several new initiatives came as part of the reauthorizations of the Promoting Safe and Stable Families Program in 2001 and 2006. These initiatives raised the visibility of the needs of children of incarcerated parents and those at risk of placement or already in out-of-home care because of a parent’s or a caregiver’s methamphetamine or other substance abuse. In neither instance, though, was specific attention paid to promoting permanency outcomes for such children. The 2006 legislative action also empha-

sized increasing caseworker visits to children to ensure timely permanence. Unfortunately, the new investment was limited and focused only on agency visits with children and not on parent-child visits.

In considering Fostering Connections Act,⁴⁰ Congress took a careful look at the challenges facing children and families in the child welfare system. Congress heard from youths raised in foster care about lost opportunities to remain with their birth families, to get necessary supports to live with grandparents or other relatives, and to find permanent connections when they left care. The Act’s numerous improvements target better outcomes for children who are at risk of entering or who have spent time in foster care, as well as offering children in out-of-home care enhanced family connections. Among other things, the Act:

- ▷ requires states to identify and notify relatives when children are removed from their parents’ custody, so that they may become a placement resource for the child or help support the child in other ways;
- ▷ allows states to claim federal funds for guardianship subsidies to help more children exit foster care and live permanently with relatives who become their legal guardians, and to offer these families supports like that already afforded to those who adopt children from foster care;
- ▷ provides funding for new “Family Connection Grants” that will allow states, localities, and non-profits to invest in Kinship Navigator programs, family group decision making, intensive family-finding efforts, and comprehensive family-based substance abuse treatment;
- ▷ clarifies that agencies may, on a case-by-case basis, waive non-safety licensing standards when licensing a relative’s home, and requires a report to Congress on the efficacy of this clarification in eliminating barriers to licensing relative homes for children;
- ▷ requires states to make reasonable efforts to place siblings together in foster care, guardianship, or adoption, unless it would be contrary to their safety or well-being, and to help children otherwise stay connected with their siblings;
- ▷ gives Native American tribes and tribal consortia the opportunity to expand federal support and protections for Native American children;

- ▷ increases training opportunities, with federal child welfare training funds, for current and prospective relative guardians and others working in the child welfare system.

Many provisions in the new Act build upon the experience base and lessons learned since ASFA was enacted. They further promote innovative policies and programs developed by states after ASFA and rely on research showing the benefits of family connections for children. Together they give child welfare agencies the chance to expand efforts to maintain family connections and thereby to improve outcomes for children. Children should benefit from notice to relatives, increased support for subsidized guardianship programs, expanded innovative family engagement and family finding approaches, and efforts to keep siblings together or in close contact for mutual support.⁴¹

Moving Toward Improved Outcomes for Children

In the decade since the passage of ASFA, important steps have been taken to improve conditions for children in foster care, including attending to some of ASFA's unfinished business. The Fostering Connections Act has made additional advances. But now it is time for major improvements in federal child welfare policies to promote better outcomes for children and create new opportunities to ensure permanent family connections for every child. In pursuing these improvements, it is vital to keep heeding the voices and strengthening the involvement of youths, parents, grandparents and other relatives who know firsthand the importance of family connections and the benefits accruing from services that actively engage families with their children.

Most crucial is the need to revamp federal programs like those under Title IV-E of the Social Security Act that guarantee funds to states for out-of-home care of children, for help with adoption of children with special needs, and, in states that take the option, for help with relative guardianship. The current financing structure of Title IV-E fails to adequately invest in services and supports necessary to keep children safely with their families, to return children promptly to families, and to promote other permanency options and post-permanency services when temporary placement in foster care is necessary. The Title IV-E Foster Care Program guarantees funding for the room and board of certain eligible children in foster care, but only very limited funding to develop alternative services for abused and neglected children and their

families—services that should come into play both before a child must be placed in foster care and after a child returns home from a placement. Child welfare financing improvements are needed to increase investments and redirect federal and (to a degree) state resources to strengthen capacity in the following areas so as to ensure better outcomes for children:

■ **Prevention and early intervention**

Prevention and early intervention strategies, with incentives for using evidence-based practices, will enable early engagement of families and provide the advice and supports needed to safely keep their children at home. The ability to use federal dollars for differential or alternative response, family group decision making, and more intensive services for families will help maintain important family connections for children. These approaches ensure that families are asked what they need and treated as partners in keeping their children safe. In 2008, about \$7 billion in federal funds, just over half of all child welfare spending, went into out-of-home placements, while less than \$900 million went into early intervention and prevention for children and their families. Forty percent of children who are abused and neglected get no services at all after the initial investigation, and many more receive inadequate services.⁴²

■ **Specialized treatment**

Specialized treatment is needed to address substance abuse, mental health problems and domestic violence—problems that often make it difficult to maintain or resume family connections. Current gaps in services and treatment are attributable to a lack of funding for specialized services and poor coordination among child-serving systems. Comprehensive family-based treatment approaches engage children and parents, address trauma and other abuses, successfully pursue recovery for parents with substance abuse and mental health problems, while at the same time maintaining or reuniting families. Although as many as two-thirds of all children in the child welfare system have parents with substance abuse disorders, less than a third of these parents get treatment. In a 2007 GAO survey, more than thirty states reported that inadequate mental health and substance abuse services compromised their ability to improve outcomes for children in their care.⁴³ The National Survey of Child and Adolescent Well-Being indicates that many children in out-of-home care with significant behavior problems are not receiving mental health services.

In one recent year, less than a quarter of children in foster care received at least one specialty mental health service, despite presenting numerous risk factors.⁴⁴

■ Expanded permanency incentives and post-permanency services

The current adoption incentive program should be expanded to reward states' efforts to reunite children with their families and place them permanently with relatives, as well as to move children to adoptive families. There is also a need to expand funding for post-permanency services to help children placed in permanent families to remain there. Analyses of states' data have shown that fifteen percent of children who leave foster care return to care within a year of discharge.⁴⁵

■ Permanent family connections for older youths

The child welfare financing agenda should also include federal incentives for states to ensure permanent family connections for older youths in group care and other residential settings, for they often remain in care the longest. Targeting attention for a 3-5 year period to identify these youths, assess their needs, and connect or reconnect them to family and other adults with whom they have established relationships over the years will be of great benefit to them. This sort of initiative will also reduce the large number of such youths who remain in group care settings and have been overlooked in other permanency reforms at the federal and state levels.

Improving infrastructure is imperative to increasing knowledge about children's needs and the importance of family connections at all points on the service continuum. It is also instrumental to ensuring accurate assessment and reporting as to the overall progress in promoting family connections in states. The absence of a pre-ASFA baseline seriously impeded efforts to gauge the law's impact. Steps should be taken to avoid a similar information deficit in the future. A number of these much-needed changes can be made administratively, with possibly some incentives in legislation. These include:

■ Improvements in the child welfare workforce

Any reform should set a high premium on increasing the quality of all staff working with children in the child welfare system, including those from other child-serving systems, and on rewarding those who are doing the best work. To ensure positive outcomes

and experiences for children that involve sound family connections, it is crucial to maintain a skilled and knowledgeable child welfare workforce. Staff must know how to accurately assess and provide for the range of child and family needs. They must have the necessary resources and time to work with children and families toward addressing their complex challenges. They also must be connected to local communities and to families so they can access both informal and formal services and engage families in meeting their children's needs. The Title IV-E training program must be improved, and investments made in loan forgiveness, new workforce demonstrations, and enhanced data-collection and tracking mechanisms to respond to workforce concerns as they affect the lives of children and families.

■ Improvements in data and the tracking of children's connections with families

Both the Adoption and Foster Care Analysis and Reporting System and the Statewide Automated Child Welfare Information System (SACWIS) need to be updated to ensure that the experiences of children who come to the attention of child welfare can be tracked before they enter foster care and throughout their time in the system.

■ Improvements in the Child and Family Service Reviews

Steps must be taken to improve the CFRs now conducted in states to ensure that they accurately measure progress in the care of children and supports to their families.

■ Additional accountability measures

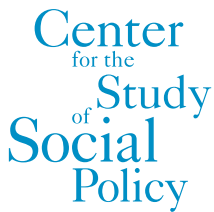
External review bodies in states, including independent ombudspersons to field inquiries from parents, youths, the public and staff, are necessary to ensure that reforms are meeting their goals and that challenges facing youths and parents are both promptly responded to and used to refine policy and practice. Ongoing evaluation of state efforts to expand services and supports and to improve child outcomes is essential to meaningful accountability.

Footnotes

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