

Promoting Permanency for Teens

A 50 State Review of Law and Policy

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This study is a project of the National Center for Youth Law (NCYL), a nonprofit organization with over 50 advocates and experts working in multiple states. For over four decades, NCYL has helped low-income children achieve their potential by transforming the public agencies that serve them by weaving together litigation, research, public awareness, policy development, and technical assistance.

NCYL worked with the Child & Family Policy Institute of California (CFPIC) on this project. Since its inception in 2005, CFPIC has been actively exploring and promoting best practices targeted towards improving permanency outcomes for older youth in foster care.



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Executive Summary

Over the last 20 years the number of children in foster care has decreased significantly. Yet during this same period, the number of teenagers aging out of foster care without finding a permanent family has increased from 19,000 to more than 23,000 annually. Youth who exit care without achieving permanency are at risk of several negative outcomes, including lower income, poorer health, and higher arrest rates than their peers in the general population.¹

Teenagers² make up between one-quarter to one-half of all entries into foster care nationwide.

For these young people, much of the policy and programmatic focus is not on permanence but on independence. Teens need both. Independent living programs are, certainly, vitally important. Yet the structure of these programs may discourage advocates, family members, and the youth themselves from simultaneously pursuing a legally permanent home because the resources available for housing,

career, and college opportunities may not be available to a teen who achieves permanency. This focus on independent living often forces teens and the professionals who work with them to choose between a permanent home and resources for their future independence.

*Promoting Permanency for Teens: A 50 State Review of Law and Policy*³ explores the diversity of state policies and practices for teens in foster care in two potentially competing areas: teens' need for a permanent connection to a family (either their birth family, or an adoptive or guardian family), and teens' developmental and practical needs in transitioning to legal adulthood, independence, and self-sufficiency. In the context of these concurrent goals, policies, practices, and programs can serve as incentives or disincentives to pursuing permanency for teens.

Child welfare agencies can use a variety of strategies to achieve permanency for teens and to assist in meeting teens' developmental needs. In this report, we consider policies and practices that help achieve both goals. These recommendations are framed as minimum standards, but ideally states would go far beyond. Specifically, the authors of this report recommend that states should:

1. Require a robust and ongoing search for relatives and other meaningful adults who will care for the teen. In the first month in care, states should require daily searches for relatives. Searches must be weekly for the next five months, and monthly thereafter. These initial and ongoing efforts should be made with the teen's input and participation. Strategies to locate and identify fit and willing relatives and other meaningful adults must include interviews with the teen and parent(s), notices to known relatives, and database and records searches.
2. Require parental visitation at least once a week, with emphasis on the importance of daily visitation and contact for all teens for whom reunification is a primary permanency goal. States should require parental visitation within two to three days of removal from the home for all teens to reduce the traumatic impact.
3. Require monthly permanency planning and family finding services that include the teen and the teen's chosen representatives' input and participation.
4. Remove financial and service barriers to permanency for teens.
 - a. States should provide equitable financial payments for relatives and meaningful non-relative adults who care for a teen entering foster care, or entering into adoption or guardianship.
 - b. States should provide financial payments to all caregivers that support the cost of raising a teenager both in foster care and when they move to permanency.
 - c. States should provide automatic, continued eligibility for all benefits the teen would be eligible for if they remained in foster care until age 21, such as education, career, health, and independent living supports and services, when they reunify with their family or otherwise attain permanency.
 - d. States should ensure that a teen and parent(s) continue to receive financial and service supports after reunification to ensure successful transition to adulthood and to prevent reentry into foster care.
5. Require ongoing, active, and documented searches for teens who are missing from care, using dedicated personnel. The missing teen's placement should be held open for at least one month. The child welfare case should remain open. For teens who return to care there should be an updated case plan to address the reasons the teen was missing from care.

Introduction

Having loving, consistent caregivers is critical for healthy teen development. Yet foster care removes teens from families, peers, and community at the time when they have a strong developmental need for someone to provide care and guidance. Federal policy has made permanency a goal for the last 40 years⁴ (Appendix 4). States have developed policies to meet this goal over that time period with varying degrees of success and inconsistent attention to teens in foster care. Permanency for teens is achieved most commonly through reunification, followed by adoption and then guardianship.⁵

This review summarizes state policies that promote teen permanency and identifies barriers that hinder the permanent connection of teens through reunification, adoption, or guardianship. The review flags vague policies that allow for broad discretion and possible disparate outcomes in recognition of the fact that some policies and practices can disadvantage teens based on their age, race, ethnicity, placement type, gender, sexual orientation, or other factors.

The project involved the use of three primary forms of data collection: A 50-state survey, additional interviews in 10 states, and legal research (Appendices 8 and 9). Researchers reviewing these state laws and conducting interviews with child welfare professionals from all 50 states found five key elements of successful teen permanency policies. Those elements are:

1. Efforts to Locate Relatives of Teens in Care
2. Parental Visitation with Teens in Care
3. Teen Voice and Representation in Permanency and Case Planning
4. Payments and Resources for Teens and Caregivers Achieving Permanency
5. Efforts to Locate and Support Teens Missing from Care

The review and appendices that follow provide recommendations, offer examples of strong state policies, and flag problematic policies with respect to each of the five elements listed above.

Definitions Quick Reference

Permanency: Permanency in child welfare can have different meanings depending on the child, family, and case circumstances. Child welfare professionals first focus on supporting and stabilizing a family to prevent an initial placement. Reunification with family is the preferred outcome for children removed from their homes and placed in foster care. When children must be removed from their families to ensure their safety, permanency planning efforts focus on returning them home as soon as is safely possible or placing them with another legally permanent family. Other permanent families may include relatives, adoptive families who obtain legal custody, or guardians.

Fictive Kin: Kinship care refers to the care of children by relatives or, in some jurisdictions, close family friends (often referred to as fictive kin).⁶

Relational Permanency: Permanency also includes maintaining or establishing meaningful connections with other caring adults in the child's life (relational permanency) with family, friends, and connections to the community.⁷

Kin GAP: Kinship guardianship or foster care payments may be available to relative caregivers. The requirements for receiving these payments vary from state to state. However, states have the option to provide for kinship guardianship assistance program (GAP) payments to support children and youth placed in guardianship arrangements with relatives. Relative caregivers who are licensed foster parents taking care of children placed with them by their local child welfare agency or court also may be eligible for such payments. These payments are generally higher than other forms of reimbursement, such as Temporary Assistance to Needy Families (TANF).⁸

State Policies

Element 1: Efforts to Locate Relatives of Teens in Care

In 1996 Congress added a provision to federal child welfare law requiring states to “consider giving preference to an adult relative over a non-related caregiver when determining placement for a child, provided that the relative caregiver meets all relevant state child protection standards.”⁹ Twelve years later, as part of the *Fostering Connections to Success and Increasing Adoptions Act of 2008*, Congress expanded the focus on relatives as potential caregivers for children in foster care, adding a requirement that states exercise due diligence to identify and provide notice to all grandparents and other adult relatives of the child (including any other adult relatives suggested by the parents) regarding (1) the fact that the child has been or is being removed from the custody of his or her parents, (2) the options the relative has to participate in the care and placement of the child, and (3) the requirements to become a foster parent to the child.¹⁰ More recently, as part of the *Preventing Sex Trafficking and Strengthening Families Act* enacted in 2014, federal law was amended to include parents of the child’s siblings in the relative notification requirement.



Federal law leaves considerable discretion to the states in implementing these provisions. First, the law does not define “relative.” Second, while it establishes a 30-day timeline for states’ “due diligence to identify and provide notice” to relatives, it does not impose any ongoing responsibility for identifying and locating relatives after the initial search. Third, the extent of the “due diligence” required is not specified.

A Program Instruction providing “Guidance on Fostering Connections to Success and Increasing Adoptions Act of 2008”¹¹ confirms the leeway given states in determining who is a “relative” for purposes of the notification requirements:

A title IV-E agency has discretion to define the term “relative” for the purposes of the title IV-E GAP. This means that we will accept a title IV-E plan or amendment that contains a reasonable interpretation of a relative, including a plan that limits the term to include biological and legal familial ties or a plan that more broadly includes Tribal kin, extended family and friends, or other ‘fictive kin.’ ...

We believe it is ideal for the title IV-E agency to use a consistent definition of relative for the GAP and the relative notification provision at section 471(a)(29) of the Act, to the greatest extent possible. This will support the identification and notification of potential relatives and/or other kin, as applicable, who will be informed of their options to care for the child and, if appropriate, receive title IV-E kinship guardianship assistance on the child’s behalf.

In the absence of federal definition or limitation, each state defines “relative” differently, including relatives by blood, marriage, or adoption ranging from the first to the fifth degree. Generally, it appears that preference is given to the child’s grandparents, followed by aunts, uncles, adult siblings, and cousins. For Indian children, nine states allow members of the child’s Tribe to be considered “extended family members” for placement purposes.¹²

Our legal research found some states taking advantage of a broad definition of “relative” while others limited the definition to only those who the child welfare agency is obligated to notify in statute. The nature of “due diligence” also varied considerably among the states. Finally, only some states made clear that the obligation to identify and notify relatives was a continuing one. (See Tables 1 and 2).

Recommendation

Require a robust and ongoing search for relatives and other meaningful adults who will care for the teen. In the first month in care, states should require daily searches for relatives. Searches must be weekly for the next five months, and monthly thereafter. The initial and ongoing efforts should be made with the teen’s input and participation. Strategies to locate and identify fit and willing relatives and other meaningful adults must include interviews with the teen and parents, notices to known relatives, and database and records searches.

Problematic policy language

A review of state policies related to relative search and notification revealed four key areas for improvement. First, if the policy has a narrow definition of relative and the search does not include fictive kin, the policy and practice should be expanded to provide more potential options for teens. Second, if the policy does not include any required search and notification beyond the initial 30 days it should be expanded to be ongoing. This will provide more opportunities to connect with potential caregivers throughout the teen’s time in care. Third, if the policy does not specify how the search is performed or how notifications are communicated or does not require documentation of search efforts, the policy should be enhanced in those ways. There should be a systematic record of prior connections and attempts that could be helpful in future permanency planning if the teen’s social worker changes or the placement changes. Finally, the policy should establish a minimum frequency of efforts instead of leaving the notification and search efforts to the discretion of the caseworker or agency. This would guarantee that every teen has received some support in connecting with potential caregivers with whom they already have a relationship.

Strong state policy examples

Pennsylvania’s Statewide Adoption and Permanency Network (SWAN)¹³ initiative is a statewide public/private partnership that works to provide permanency through adoption, permanent legal custodianship (guardianship) or placement with a fit and willing relative for foster youth who cannot return to their family of origin. One component of the SWAN program is diligent search. State law requires that family finding be offered to families involved with the child welfare system when the family is initially accepted for services. Additionally, family finding must be provided for all children/youth within 30 days of their removal and annually thereafter until the youth is no longer in county custody. SWAN¹⁴ employs dedicated paralegals to perform diligent searches to identify potential relatives and kin for all children in out-of-home care. A relative is defined as an individual who is related within the fifth degree to the child or stepchild and who is at least 21 years old. Pennsylvania’s requirement to notify adult relatives does not preclude the existing policy requirement to also identify

adults who qualify as “kin”: Godparents, members of a Tribe or clan, or someone with a “significant positive relationship with the child or the child’s family,” i.e. “fictive kin.” SWAN also provides direct services such as Child Profiles, Family Profiles, Child Specific Recruitment, Child Preparation, Placement and Finalization services to waiting children and the families who serve them. Additionally, SWAN provides Post-permanency services including Case Advocacy, Support Groups and Respite to any Pennsylvania family who has adopted or provides permanency to a foster child through permanent legal custodianship or formal kinship care.

Idaho codified best practices for conducting the search for relatives. Idaho gives placement priority to “fit and willing” relatives and nonrelatives who have a significant relationship with the teen. Idaho’s Administrative Rules clearly define diligent search efforts for relatives and nonrelatives as using multiple strategies such as interviews, notices, database searches, and records searches.¹⁵

Table 1.¹⁶ Relative Search and Notification Policy – Who

	Count	States
Policy does not require relative search and notification beyond the parent or custodian	1	Kentucky
Relative search required for immediate and 2nd degree family only	4	Delaware, Georgia, Idaho, Maine
Relative search required for family and extended family through to the 3rd, 4th or 5th degree	20	Alabama, Florida, Indiana, Iowa, Maryland, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, South Carolina, Utah, Vermont, Virginia, Washington, Wyoming
Relative search includes all family and other meaningful adults	20	Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Hawaii, Illinois, Kansas, Louisiana, Massachusetts, Minnesota, Montana, Nevada, North Dakota, Oregon, Rhode Island, Tennessee, Texas, West Virginia

Table 2.17 Relative Search and Notification Policy – How

	No	Yes
<p>Policy includes multiple search methods including internet and personal interviews</p> <p>No – 10 Yes – 34</p>	<p>Colorado, Delaware, Idaho, Kentucky, Louisiana, Massachusetts, Nebraska, New Mexico, Utah, West Virginia</p>	<p>Alabama, Alaska, Arizona, Arkansas, California, Connecticut, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Maryland, Minnesota, Mississippi, Missouri, Montana, Nevada, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington, Wyoming</p>
<p>Policy includes adults identified by the teen</p> <p>No - 26 Yes - 18</p>	<p>Alabama, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Iowa, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Dakota, Oklahoma, Oregon, Rhode Island, Texas, Vermont, Washington</p>	<p>Alaska, California, Connecticut, Illinois, Indiana, Kansas, Maryland, Massachusetts, Minnesota, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Utah, Virginia, West Virginia, Wyoming</p>
<p>Policy includes a 30-day time frame for due diligence search</p> <p>No – 6 Yes – 37</p>	<p>Georgia, Kansas, Kentucky, Massachusetts, Minnesota, Oregon</p>	<p>Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Hawaii, Idaho, Illinois, Indiana, Iowa, Louisiana, Maine, Maryland, Mississippi, Montana, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming</p> <p>* Mississippi, Nebraska (60-day timeline)</p>
<p>Policy includes ongoing efforts to identify and notify relatives</p> <p>No – 27 Yes - 18</p>	<p>Alaska, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Jersey, New Mexico, New York, Oregon, Rhode Island, South Carolina, Texas, Utah, Vermont, Virginia, West Virginia</p>	<p>Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Hawaii, Illinois, Nevada, North Carolina, North Dakota, Oklahoma, Pennsylvania, Tennessee, Washington, Wyoming</p>
<p>Policy requires search to continue through the life of the case or until the age of majority</p> <p>No – 32 Yes - 13</p>	<p>Alaska, California, Connecticut, Delaware, Georgia, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Jersey, New Mexico, North Carolina, North Dakota, Oregon, Rhode Island, South Carolina, Texas, Utah, Vermont, Virginia, West Virginia</p>	<p>Alabama, Arizona, Arkansas, Colorado, Florida, Illinois, Nevada, New York, Oklahoma, Pennsylvania, Tennessee, Washington, Wyoming</p>

Element 2: Parental Visitation with Teens in Care

Reunification is the primary goal of child welfare agencies, when appropriate, and is the most common permanency outcome for teens who enter foster care. Reunification is more common for teens when family visitation is consistent and the family is given the opportunity to stay connected with each other during the time of removal.

Analyses of the findings from the Child and Family Services Reviews (CFSRs)¹⁸ found a strong association between regular visits with a child's parents and siblings and timely permanency – whether reunification, guardianship, or permanent relative placement.¹⁹ Other research confirms children and youth who have regular visits with their families are more likely to reunify.²⁰ Visits can provide parents with opportunities to learn and practice parenting skills as well as give caseworkers opportunities to observe and assess family progress.²¹

Despite the importance of child-parent visitation in achieving reunification, there are no explicit requirements in federal law, regulation or policy related to visitation between parents and children.²² Federal law addresses the frequency of caseworker visits with the child in foster care and visits among siblings in foster care who are not placed together, but not parent-child visitation.

There is significant federal oversight of caseworker visitation. In 2006, Congress required child welfare agencies to describe the state standards for the content and frequency of caseworker visits for children who are in foster care under the responsibility of the state, which, at a minimum, ensure that the children are visited monthly and that the caseworker visits are well-planned and focused on issues pertinent to case planning and service delivery to ensure the safety, permanency, and well-being of the children.²³

Federal law also sets a general standard for sibling visitation. In 2008 the *Fostering Connections to Success and Increasing Adoptions Act* added a requirement that, in the case of siblings removed from the home who are not in the same foster care placement, agencies make “reasonable efforts ...to provide for frequent visitation or other ongoing interaction between the siblings, unless that State documents that frequent visitation or other ongoing interaction would be contrary to the safety or well-being of any of the siblings.”²⁴

In contrast, there are no federal laws or regulations addressing the frequency, nature, or location of visits between a parent and their child in foster care. Given this absence, states are left with broad discretion. Consequently, there is a range of policies regarding parent-child visitation. Most policies reviewed set no minimum frequency of visits, and provide little guidance about the location of visits, leaving the decision about visits to the individual caseworker (See Table 3).

Recommendation

Require parental visitation at least once a week, with emphasis on the importance of daily visitation and contact, for all teens for whom reunification is a primary permanency goal. States should require parental visitation, when appropriate, within two to three days of removal from the home for all teens to reduce the traumatic impact.

Problematic policy language

Vague policies can often lead to differential or disparate treatment that can deny teens the continued connection with family and community that is their right. These types of vague policies put teens at risk of further isolation from family and community include visitation plans that are developed on an individual or case by case basis or plans that

have a frequency that is based on “what is possible” with no clear rule for how such a determination would be made. Some states’ policies are problematic because they allow for long periods of time without visitation, such as six months to a year. This could lead social workers to deemphasize parental visitation for teens even if the goal is reunification and unnecessarily further strain the relationship of the family.

Strong state policy examples

Oklahoma’s policy recognizes the right of the child to visit their family and community on a regular basis and requires that family visitation begin no later than seven calendar days after the child’s removal from the home. The visitation schedule considers the child’s needs and includes a minimum of two times per calendar month visitation until the child is returned or the permanency plan is no longer reunification.²⁵

Georgia’s policy encourages reunification. Unless the court specifies otherwise, parents are instructed to visit their children every two weeks. This increases to two times a week for children ages zero to two years old and once a week for children ages three to five (it should be noted that a model policy would encourage visits and contacts for teens as well). Parents are recommended to visit within 24 hours of initial removal to foster care and no later than seven calendar days from the date of removal. Family members, friends, or fictive kin with whom the child has a significant, positive relationship may be substituted for parents if it is in the best interest of the child. While it is up to the case manager’s discretion where the visitation is to occur, the guidelines suggest the visit occur in the “least restrictive setting that does not compromise child safety (e.g., parks, playgrounds, etc.)”²⁶ Other details remain up to the discretion of the case manager, taking into account the child’s age, his or her permanency plan, the child’s/parent’s schedule, and ways to involve the parent in parenting opportunities (attending school functions, activities, etc.).

Table 3. Parental Visitation Policy Frequency

	Count	States
No policy found	2	Hawaii, Wyoming
Policy does not name a minimum frequency, or is established on a case-by-case basis with no minimum frequency	25	Alaska, Arizona, Arkansas, Colorado, Delaware, Idaho, Iowa, Kentucky, Louisiana, Maine, Maryland, Minnesota, Missouri, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oregon, Texas, Vermont, Virginia, West Virginia,
Policy names a specific minimum frequency	18	Alabama, California, Connecticut, Florida, Georgia, Illinois, Indiana, Kansas, Massachusetts, Mississippi, Montana, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Washington

Element 3: Teen Voice and Representation in Permanency and Case Planning

To improve permanency, when teens enter the foster care system their voice and choice must be integrated throughout the process in child and family team meetings and permanency planning. As part of the *Preventing Sex Trafficking and Strengthening Families Act*, Congress required that states ensure that older youth are involved in case planning and have the right to designate two persons to participate in the case planning team. Such a requirement benefits youth in care by preserving connections to important adults in their lives.

Relational permanency is known to be very important for teens and includes maintaining connections with family, friends, and community or establishing meaningful connections with other caring adults in the teen's life. Teens in foster care have a number of rights that should allow them to maintain relational permanency such as placement with relatives and siblings, visitation, maintaining schools or medical providers, and others. (See Table 4).

Recommendation

Require monthly permanency planning and family finding services that include teens' and their chosen representatives' input and participation.

Problematic policy language

Vague policies can often lead to differential or disparate treatment. In the review of state law and policy, there were eight states with no publicly available policy found on this topic (Table 4). Some state policies leave the decision to the case worker to involve the teen when the worker views the teen as able to understand the implications of permanency planning or to involve the child as much as is developmentally appropriate. Regardless of the developmental stage of the teen, accommodations should be made so that they are able to participate in the planning and to select individuals for their team.

Strong state policy examples

Tennessee's policy guarantees teen voice in their permanency planning process. Children and youth who are at least six years old are involved in the planning process to the extent that they are capable. All children 12 and over are included in the Initial Permanency Planning Child and Family Team Meeting. Younger children may also be able to participate. Exceptions to this policy must be clearly documented with an explanation for why the child's participation would be contrary to the child's best interests.

North Dakota's policy clearly names the federal requirements. A foster child who has attained 14 years of age must be given the opportunity to participate in the development and revision of their individualized permanency plan, be provided a copy of the North Dakota Foster Youth Rights, and be allowed to personally invite two additional members to join the Child & Family Team. One individual selected by the teen may be designated to be the teen's advisor.

Table 4.27 Case Planning

	Count	States
No case plan policy with youth involvement found	8	Illinois, Kentucky, Louisiana, Massachusetts, Mississippi, Oklahoma, Oregon, Wyoming
Youth 14 and Older are included in Case Planning 6 states reduced the age below the federal mandate	37	Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Indiana, Iowa, Kansas, Maine, Maryland, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia

Element 4: Payments and Services for Teens and Caregivers Achieving Permanency

Payments and services provided to families can promote stable foster care placements and permanency for teens. However, most states structure their payments and services in ways that:

1. Favor non-relative caregivers over relatives.
2. Favor foster care over other legal permanent settings.
3. Discourage foster youth from leaving foster care.
4. Set teens and parents up to fail in reunification.

(See Table 5).

Recommendation

Remove financial and service barriers to permanency for teens.

1. States should provide equitable financial payments for relatives and meaningful non-relative adults who care for a teen entering foster care, entering into adoption or guardianship.
2. States should provide financial payments to all caregivers that support the cost of raising a teenager both in foster care and when they move to permanency.
3. States should provide automatic, continued eligibility for all benefits the teen would be eligible for if they remained in foster care until age 21, such as education, career, health, and independent living supports and services when they attain permanency or reunify with their family.
4. States should ensure that a teen and parent continue to receive financial and service supports after reunification to ensure successful transition to adulthood and to prevent reentry into foster care.

Problematic policy language

Many states provide greater financial support to non-relative caregivers for foster care, disincentivizing permanency. In many states, relatives would only qualify for a few hundred dollars through Temporary Assistance to Needy Families (TANF) payments or are expected to care for a child without any payments until they finish the foster parent

licensing process. Licensure can take months, removing the option of placement with relatives, families, or grandparents that do not have sufficient income to care for the teen. Additionally, when foster parents want to adopt or become the legal guardian for a teen, many states stop providing the basic foster care rate or special needs payments. (See Appendix 5, Tables 10-17).

Depending on the state, the teen and caregiver or parent may no longer be eligible for needed services when they achieve permanency. Teens in foster care as well as those who age out of foster care have far more eligibility for supports and services than teens who reunify or who achieve adoption or guardianship. (Appendix 5, Tables 13-15).

- In 100% of states, teens who age out of foster care have Medicaid coverage as well as Education Tuition Voucher (ETV) and Independent Living Services eligibility.
- 86% of responding states reported that teens who age out of care also have access to other education supports such as tuition fee waiver programs and career and college programs.

Eligibility criteria in some states encourages teens to remain in foster care until the age of 16 to qualify for needed services related to education and independent living. In the states that have extended foster care programs there may also be an incentive for the teen to remain in care until age 18 in order to receive housing and other supports as they grow into adulthood.

More than half of state respondents reported that Medicaid coverage, independent living programming, and Chafee eligibility are no longer available for teens who reunify. In two-thirds of responding states, teens are no longer eligible for ETV after reunification. And in 80 percent of responding states, teens no longer have other education services eligibility after reunification.

Teens with special medical, mental, or behavioral health needs remain in care longer than their peers because it is the only setting that will provide them eligibility and access to services to meet those needs. Many states report that teens reenter foster care after permanency attempts because of behaviors related to mental health, delinquency, or simply “difficult” behaviors (see Appendix 5, Tables 17, 20).

There are also disincentives for caregivers. When caregivers transition from foster parent to another, more permanent status, they may not continue to receive financial payments related to the cost of raising a teen or related to the special needs of the teen. If those caregivers remained the teen’s foster parent they would continue to receive funds. For biological parent(s), there are also often no subsidies available when a teen reunifies. (Appendix Item 5, Tables 18-20).

Operating within these fiscal and service eligibility constraints, case workers, attorneys, and other professionals must make decisions about what is in the best interest of the teen. That is a significant choice to have to make on behalf of someone else and it is a significant choice for a teen to make. Do they choose family or independent living, housing, college, medical or other services? Oftentimes teens are counseled to remain in care in order to ensure their service needs are met. This focus downplays the importance of permanent and consistent adults and communities who support this developmental stage. Youth who go through their teen years without a consistent, caring adult and exit care without achieving permanency are at risk of several negative outcomes, including lower income, poorer health, and higher arrest rates. Teens should not be forced to choose between permanency and access to services and financial support. Teens deserve both family and their future.

Strong state policy examples

For teens who have the option of pursuing legal permanency, there are clear financial and service disincentives to exiting foster care. In recognition of these disincentives, some states have taken strides to ensure that payments and supports follow the teen into permanency.

Alaska pays a basic foster care rate that approaches the average cost of raising a teenager in the state. (See more about basic rates in Table 4 of the appendix). This reduces any financial restrictions a caregiver may have in caring for a teen.

Connecticut pays kin and non-kin guardians and adoptive parents the same amount as foster parents when permanency is achieved. They also provide payments to adoptive parents until age 21; the same age as extended foster care. In so doing, they have removed any fiscal disincentives related to payments for exiting foster care.

Hawaii continues Medicaid eligibility until age 26 for teens 16 and older who have been adopted or achieve legal guardianship. This removes a barrier to permanency for teens who have ongoing medical needs.

Rhode Island provides family reunification and preservation services for up to a year for both the parent and the teen when a teen returns home.

Oregon created a document²⁸ that explains the resources that become available and unavailable when a teen leaves foster care for permanency through adoption and guardianship. This document can help teen's and caregivers make informed financial decisions as they relate to permanency.

For more findings related to finances, services, and permanency status see Appendix 5, Tables 10-20.



Table 5.29 Payments and Services

	Count*	States
Base foster care rate is approaching the amount it costs to raise a teen in the region	11	Alaska, Connecticut, Georgia, Mississippi, North Dakota, Pennsylvania
Pays licensed kin/non-kin guardians of teens 16 years or older the same amount when permanency is achieved as when they were foster parents	22	Alabama, Alaska, ³⁰ Arkansas, ³¹ Connecticut, Hawaii, Idaho, Illinois, Michigan, Minnesota, New York, ³² Nevada, ³³ North Carolina, Pennsylvania, Rhode Island, South Dakota, ³⁴ Vermont, ³⁵ West Virginia
Pays kin/non-kin adoptive parents of teens 16 years or older the same amount when permanency is achieved as when they were foster parents	28	Alabama, Alaska, Arizona, Connecticut, Hawaii, Idaho, Illinois, Iowa, Kentucky, Michigan, Minnesota, Nevada, ³⁶ New York, ³⁷ North Carolina, North Dakota, Pennsylvania, Vermont, West Virginia, Wyoming
Expanded Medicaid until age 26 for teens 16 years or older who have been 1) adopted, 2) adopted or achieved legal guardianship, 3) reunified or if legal guardianship fails the teen can reenter extended foster care and are eligible, 4) who have achieved legal guardianship	7	1) North Dakota, ³⁸ 2) Hawaii and Mississippi, ³⁹ 4) New York ⁴⁰
Offers parents any needed mental health, substance use service, education referrals, housing assistance, for six months to one year when a teen reunifies	2	Oregon, Rhode Island
Provide post permanency family preservation services, or aftercare services for up to one year or longer when a teen reunifies	9	Kansas, Nebraska, North Dakota, Oregon, Pennsylvania, ⁴¹ Rhode Island
Provides a specialized permanency worker or program for teens	4	Montana, Utah
Provides a statewide permanency program for all children and youth	7	Nebraska, Ohio, ⁴² Pennsylvania, Rhode Island, Texas
Provides a teen permanency program or staff in some counties or offices but not statewide	9	Alabama, Arizona, Minnesota, Ohio, ⁴³ Oregon, Wyoming

*Count reflects total aggregate responses from confidential interviews

Element 5: Efforts to Locate and Support Teens Missing from Care

Youth who run from their foster care placement are often at extreme risk of further harm. Most of them are teens who run for a variety of reasons; they are gone for varying lengths of time before returning to care. Some never return while others return only to run again. When a teen is missing from care, permanency efforts are disrupted or on hold. Sometimes a teen missing from care will experience changes in placement and/or case-workers. In some jurisdictions, their case may be closed permanently. Permanency efforts cannot begin until the teen is located, safely returned to care, and given supports.

Until recently, federal child welfare law did not address this population of foster children at risk. In 2014, as part of the *Preventing Sex Trafficking and Strengthening Families Act* federal child welfare law was amended to mandate that states develop policies to locate and respond to children who have run away from foster care. Within one year of enactment (by September 29, 2015) states were required to develop and implement protocols to:

- Locate children missing from foster care;
- determine the factors that lead to the child's being absent from foster care and to the extent possible address those factors in subsequent placements; and
- determine the child's experiences while absent from care, including whether the child is a sex trafficking victim.⁴⁴

Within two years of enactment (by September 29, 2016), states were required to develop and implement protocols to report missing or abducted children or youth⁴⁵ immediately (no later than 24 hours after receiving information) to law enforcement for entry into the National Crime Information Center (NCIC) database, and to the National Center for Missing and Exploited Children.^{46,47}

The federal law grants broad discretion to state child welfare agencies in developing protocols applicable to runaways from foster care. Instructions issued by the Children's Bureau provide little guidance to the states; no minimum set of procedures for locating children missing from care is suggested or required.⁴⁸ As a result, states' efforts to locate and prevent runaways vary widely. (See Table 6 and Charts A-C).

Recommendation

States should require initial hourly, daily, weekly and monthly ongoing active search activities for teens who are missing from care, with clearly identified responsibilities of all parties involved. All attempts to locate the teen should be documented. The child welfare case should remain open until the teen returns to care and the teen's placement should remain open for at least one month as most teens who are missing will return within that time frame. Upon return to care there should be an updated plan to address the root causes the teen was missing from care.

Problematic policy language

Many state policies are vague. They do not name specific search and location activities or who is required to perform the activities. Some state policies have no specific timelines or do not define what "locate expeditiously" would mean. Often states only require initial actions with no ongoing search. Finally, state policy may instruct the worker to close the placement at the time the teen is reported missing. Research shows that many teens missing from care return within the first few weeks. Many policies do not specify if the placement is held for when the teen returns. Nor do they specify if changing the placement status to missing or runaway affects the availability of the existing placement. Closing a teen's placement can create further instability and disruption for the teen.

Strong state policy examples

Virginia has a clear policy outlining immediate, within 24 hours, within 48 hours, ongoing, and quarterly search requirements.⁴⁹ Minnesota's policy specifies that the agency shall not close the case until diligent efforts have been exhausted to locate the child and the court terminates the agency's jurisdiction. Five states⁵⁰ responded to the survey sharing that they provide specialized staff, workers, or units for teens who are missing from care.

Under the *Braam v. DSHS* settlement **Washington State** created a Missing from Care program for youth who run between the ages of 11-17. To reduce the percentage of youth who run from foster care placements and to reduce the length of time youth are missing from care before returning to a safe and appropriate placement, the state has a team of "locators." Locators are social workers whose sole job is to find youth missing from care, facilitate their return to care, conduct interviews with youth to find out why they left care, and develop run prevention plans.

The Missing from Care Policy in Section 4550 of the Washington State Practices & Procedures Guide policy requires:

- Active and ongoing efforts must be made to locate a youth within 24 hours of notification and until the youth returns to care;
- The types of ongoing search efforts are listed in the policy - e.g. contacting homeless shelters, family and friends, bus stations, etc. - and must be documented at least monthly;
- If the youth is gone overnight the case must be staffed with a supervisor within 2 days and the regional missing from care specialist must be notified;
- The youth's dependency must continue while he or she is on the run until their 18th birthday;
- A debriefing interview must be conducted with youth within 2 days of returning to care; and
- A youth run prevention plan must be developed with the youth and caregiver within 7 days of returning to care.
- There are standard forms to be used for the "Returning Child De-Briefing" and "Run Prevention Plan."

Table 6. Missing from Care Policy⁵¹

	Count	States
No policy found	5	Hawaii, Iowa, Oregon, Pennsylvania, Wyoming
Policy found	40	Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia

Since the policies and practices in this area are newer we wanted to hear more about how they were implemented. Interviews with child welfare respondents revealed more specifics about how teens are categorized when they are missing from care and how long states continue to search for the teen. When a teen is missing from placement, caseworkers respond differently depending on the state. Caseworkers (continued on page 21)

Chart A. How are teens who run away categorized?

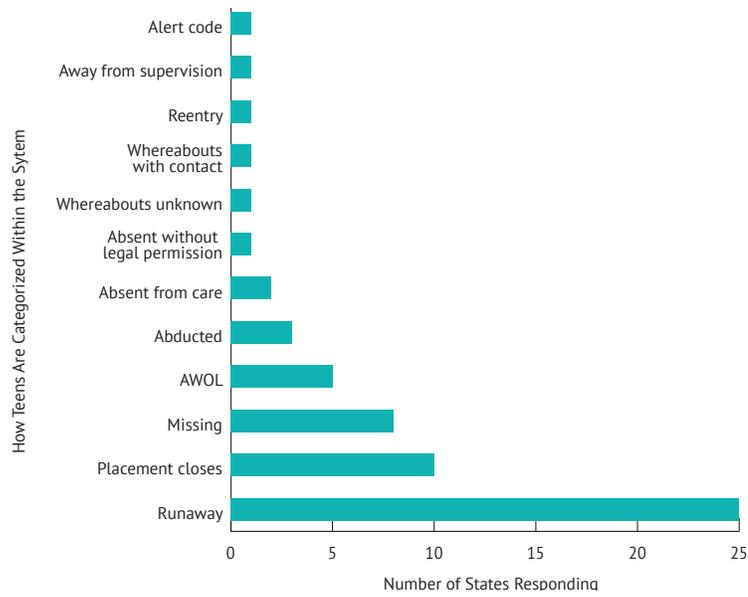


Chart B. How are teens who run away categorized? (Additional data tracked)

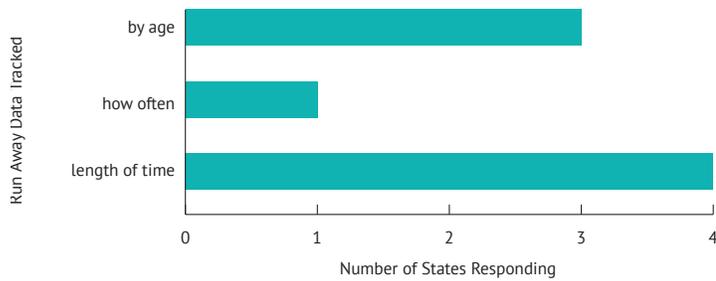
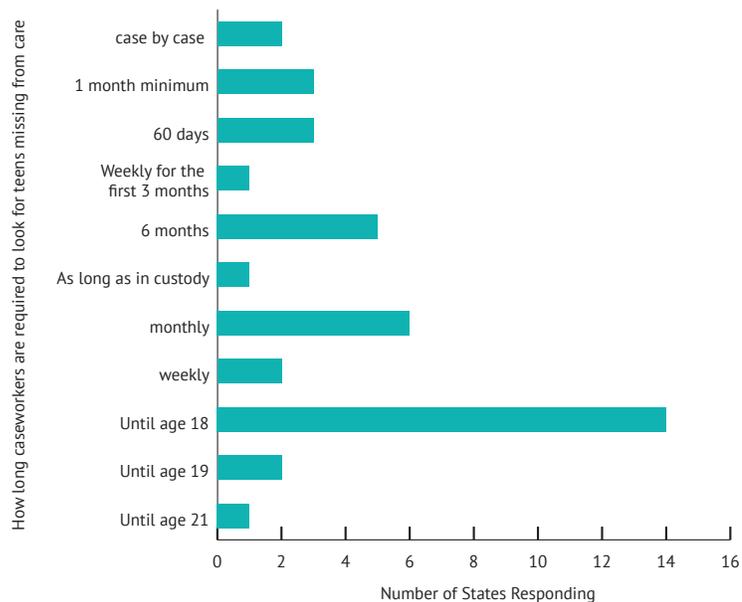


Chart C. What is state policy on how long caseworkers are required to look for teens before case closure?



in 39 of 40 responding states track or keep data on teens who have run away. Only four states responded that they have a specialized worker or program for teens who have run away. The way that teens are tracked in the system varies greatly by state. Nine states had no answer to the question of how the system categorizes teens missing from placement. From the responding states, there were 12 potential categories. Ten states responded that the placement is immediately closed in the system (Chart A).

Only a few states mentioned that they track additional information in the system beyond the placement status or category update including age, length of time, or how often the teen has run away (Chart B).

Only two states mentioned that when a teen returns to care they are classified as reentries.

Case closure policies, as they relate to missing foster youth, vary state by state. Seven states said they did not have a case closure policy, but some noted that in practice they do not close the case. Thirty-one states responded that they do have a policy.

State policies vary on how long caseworkers are required to look for teens before case closure. Fourteen states said the case does not close until age 18, and they are required to look for the youth until then. Two states keep the case open until age 19, and one state keeps the case open until age 21. The frequency for how often they have to perform searches or activities related to finding the teen seems to generally be monthly (only a few states said weekly and that was only for a short period of time), with some state efforts stopping at one month, three months, or six months (Chart C).

Interviewers also inquired about states' current plans or practices for using Runaway and Homeless Youth Act funds; twelve states did not know about these funds or their usage. Most other states said the funds go directly to providers who apply for funds.

Conclusion

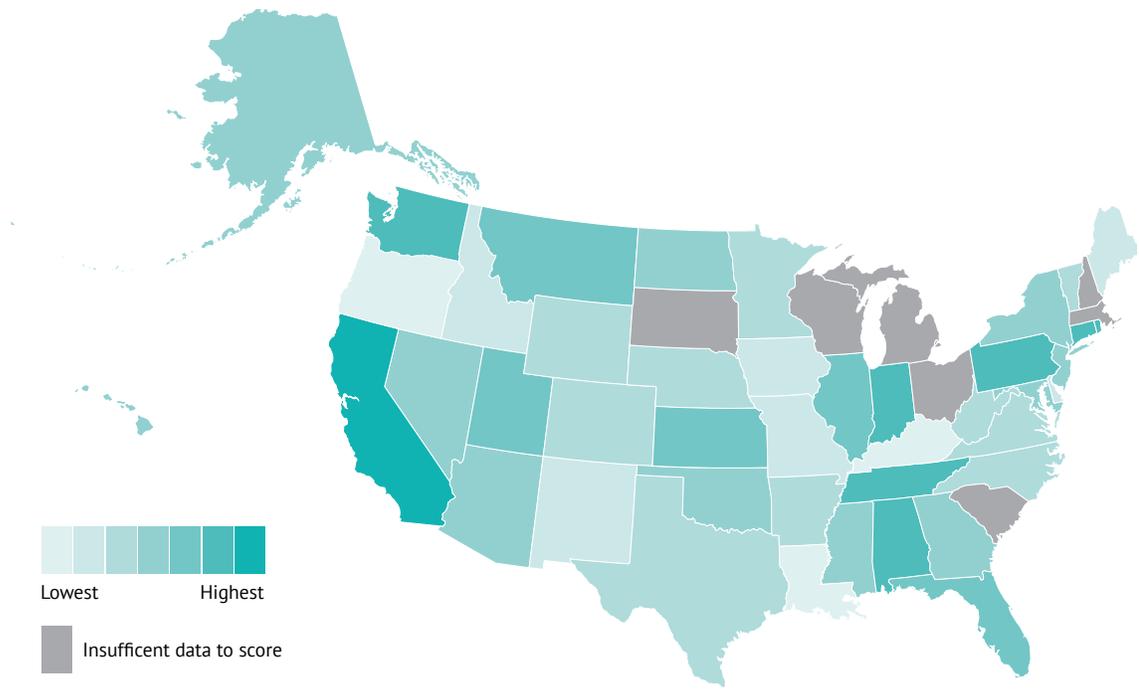
Loving, consistent caregivers are critical for healthy teen development. Foster care removes teens from families, peers, and community at the time when they have a developmental need for someone to provide care and guidance. Youth who go through their teen years without permanency may experience several negative outcomes, including lower income, poorer health, and higher arrest rates in their lifetime.

Federal policy has made permanency a goal and states have developed policies to meet this goal with varying degrees of success. The states that have adopted effective policies for achieving permanency for teens have policies that focus on:

1. Efforts to Locate Relatives of Teens in Care
2. Parental Visitation with Teens in Care
3. Teen Voice and Representation in Permanency and Case Planning
4. Payments and Resources for Teens and Caregivers Achieving Permanency
5. Efforts to Locate and Support Teens Missing from Care

States with these policies are best positioned to promote permanency for teens. Perhaps, most importantly, continuing supports and services for teens who have been moved to permanent settings can ensure the stability of these placements.

As shown in the map below, states have much room for improvement in developing a solid policy framework to support permanency. However, as many states have demonstrated, model policies exist to achieve this goal. For more findings, see Appendix 6.



Permanency Landscape

This map is a representation of the relative strength of each state's policy landscape with regard to the five elements summarized in this study. Most of the policies were only recently adopted. A higher score on the map means the state has been able to successfully enact law or policy in line with federal requirements and in line with the five elements that can incentivize teen permanency. A lower score on the map may mean that the state is still working to enact laws and policies in alignment with federal requirements. All states could benefit from a refinement in policies to account for the unique developmental needs of teens. Future research will compare the effects of these policies and their implementation on the state's ability to achieve permanency for teens in foster care.



Endnotes for the Report

- Casey National Alumni Study, Midwest study of the adult functioning of former foster youth: Outcome at age 27, Chapin Hall.
- Teenagers are defined for in this study as ages 13-18.
- For more on the project, methodology, and limitations see Appendices 1-3
- <https://www.congress.gov/bill/96th-congress/house-bill/3434>
- <http://datacenter.kidscount.org/data/tables/6277-children-exiting-foster-care-by-exit-reason#detailed/1/any/false/869,36,868,867,133/2631,2636,2632,2633,2630,2629,2635,2634/13050,13051>
- <https://www.childwelfare.gov/topics/outofhome/kinship/>
- <https://www.childwelfare.gov/topics/permanency/overview/>
- https://www.childwelfare.gov/pubPDFs/f_kinshi.pdf
- P.L. 104-193 section 505 codified at 42 U.S.C. 671 (a)(19). With the creation of the KinGap program making federal financial assistance available for relatives who took guardianship of a child in foster care, Congress created a fiscal incentive for state to place children with relatives.
- The search for and notice to relatives is “subject to exceptions due to family or domestic violence.”
- <https://www.acf.hhs.gov/sites/default/files/cb/pi1011.pdf>
- Child Welfare Information Gateway. (2013). Placement of children with relatives. Washington, DC: U.S. Department of Health and Human Services, Children’s Bureau.
- <http://www.adoptpakids.org/swan.aspx>
- <http://www.diakon-swan.org/lsi/> and <http://swantoolkit.org/toolkit/09-lsi-legal-services/>
- <https://adminrules.idaho.gov/rules/current/16/0601.pdf>
- Policy scan included all but 5 states: Michigan, New Hampshire, Ohio, South Dakota, and Wisconsin. Those policy scan templates were not completed in time for the study.
- Policy scan included all but 5 states: Michigan, New Hampshire, Ohio, South Dakota, and Wisconsin. Those policy scan templates were not completed in time for the study.
- <https://www.acf.hhs.gov/cb/monitoring/child-family-services-reviews>
- Findings From the Initial Child and Family Service Reviews 2001 - 2004 at https://www.acf.hhs.gov/sites/default/files/cb/findings_from_the_initial_cfsr.pdf
- Chambers, R. M., Brocato, J., Fatemi, M., & Rodrigue, A. Y. (2016). An innovative child welfare pilot initiative: Results and outcomes. CHILDREN AND YOUTH SERVICES REVIEW, 70, 143–151.
- Child Welfare Information Gateway. (2017). Supporting successful reunifications. Washington, DC: U.S. Department of Health and Human Services, Children’s Bureau. at <https://www.childwelfare.gov/pubs/supporting-successful-reunifications/>
- Supporting and facilitating frequent parent-child visitation certainly falls with “reasonable efforts” requirement to reunite children in foster care with their parents under 42 U.S.C. 671 (a)(15), but there is no statutory definition of reasonable efforts and no language elsewhere in the federal law emphasizing the importance of parent-child visitation.
- This mandate was effective “not later than October 1, 2007,” 42 U.S.C. 622 (17). Section 624 (f) also requires the State to provide data on monthly visits between a child in foster care and “the caseworker handling the case of the child” and to make progress toward 90 percent of children in foster care in the State being visited by “their caseworkers.” Federal policy on caseworker visits even rules out videoconferencing as meeting the requirement for a “visit.” See, Child Welfare Policy Manual, Section 7.3 (“Videoconferencing or any other similar form of technology between the child and caseworker does not serve as a monthly caseworker visit for the purposes of meeting the requirements of section 422(b)(17) of the Social Security Act (the Act). Rather, a monthly caseworker visit must be conducted face-to-face and held in person.”
- Fostering Connection to Success and Increasing Adoptions Act of 2008, P.L.110-351 now codified at 42 U.S.C. 671 (a) (31)
- Per 10A O.S. § 1-7-105, the child has the right to communicate and visit with his or her family, kin, and community on a regular basis, provided the communication or visitation is in the best interests of the child.
- Policy Manual at 10.19.
- Policy scan included all but 5 states: Michigan, New Hampshire, Ohio, South Dakota, and Wisconsin. Those policy scan templates were not completed in time for the study.
- <http://www.courts.oregon.gov/programs/jcip/EducationMaterials/model/BenefitsOfAPermanentFamilyFinal.pdf>
- Interviews were conducted with all but two states: Massachusetts and South Carolina. Those states were unable to participate during the time period allotted for the study. All information in the table was collected in self-report interviews. Information was not always able to be confirmed. Some states provided caveats for their responses.
- In Alaska, each subsidy negotiation is different. It is not automatically equal but the subsidy can be up to the foster care amount and is typically the same.
- Arkansas only has a guardianship subsidy available for relatives who meet the IVE regulations for subsidized guardianship. Arkansas does not pay subsidies if a non-relative takes guardianship of a child in foster care. The amount of the guardianship subsidy for relatives who meet IVE regulations for the subsidized guardianship is typically the same amount as the foster care board payment they were receiving while opened as a fully approved foster home.
- Relatives eligible for kinship guardianship assistance payments receive the same rate as adoptive parents receiving adoption subsidy.
- When permanency will be achieved through KinGAP, licensed kin/non-kin guardians can negotiate a subsidy up to the same amount as a standard foster care rate.
- South Dakota bases the rate on the foster care maintenance rate the foster parent was receiving while the child was in foster care in Guardianship Assistance Program (GAP) guardianship cases. In a general state funded guardianship the subsidy amount is up to the current basic foster care rate which may be less than other types of rates (Therapeutic Foster Care or Specialized Rate).
- Vermont typically pays the same amount. There are however, cases where the state is not able to do so. The state uses multiple funding sources prior to permanency being achieved.
- When permanency will be achieved through adoption, licensed kin/non-kin adoptive parents can negotiate a subsidy up to the same amount as a standard foster care rate.
- Local departments of social services have the option for all of their adoption subsidy cases of paying adoptive parents in receipt of adoption subsidy either 100% of the

- rate as if the child was in foster care or a rate that is between 75% and 100% of the foster care rate based on the income of the adoptive parent or parents.
38. Adopted
 39. Adopted or achieved legal guardianship
 40. Achieved legal guardianship
 41. In Pennsylvania, the length of service provided is determined by the county and the county court. It can vary from county to county. So it could last 3 months, 6 months or longer.
 42. Wendy's Wonderful Kids recruiters find families for adoption for children and youth. Recruiter caseloads tend to have teens. <https://davethomasfoundation.org/adopt/wwwk/>
 43. Some counties in Ohio provide permanency roundtables for teens when they first enter and for teens in care for 17 months or longer. <http://ohioprt.org/project-history.php>
 44. 42 U.S.C. 671(a)(35)(A).
 45. Described under 471(a)(9)(C)(i)(I)
 46. 42 U.S.C. 671 (a)(35)(B)
 47. States also are required to provide report information about children missing from foster care as required by HHS and HHS must report to Congress on children who run away from foster care and their risk of being sex trafficking victims, their characteristics, factors associated with running away, experiences while absent from care, and trends, among other things (section 105 of P. L. 113-183). This report is due to Congress within 2 years of enactment (by September 29, 2016).
 48. See, Program Instruction 15-07 (July 7, 2015), Attachment B, Agency Plan For Title IV-E of The Social Security Act Foster Care And Adoption Assistance, at 54.
 49. https://www.dss.virginia.gov/family/fc/story_content/external_files/Missing%20Runaway%20Job%20Aid-FSS%20Actions.docx
 50. California, Delaware, Illinois, Washington, Wisconsin. Delaware has special investigators for teens who are missing from care. The special investigators and assigned caseworker coordinate efforts to locate the missing child.
 51. Policy scan included all but 5 states: Michigan, New Hampshire, Ohio, South Dakota, and Wisconsin. Those policy scan templates were not completed in time for the study.

Appendices

1. Project Description and Organization

The objective of this project is to explore the range of state policies and practices that address the needs of teens in foster care. The project focuses on both teens' need for a permanent connection to a family (either their birth family or an adoptive or guardian family) and teens' developmental and practical needs in transitioning to legal adulthood, independence, and becoming their primary economic support. The main objective is to identify policies, practices, and programs that may serve as incentives or disincentives to teen permanency, including the policies and practices that guide placement decisions. Additionally, the project hopes to make some initial contribution to understanding how states' policies regarding youth who have run away fit within the larger scope of permanency policies and practices. In the long term, we hope the findings of this study will promote – at federal, state, and local levels – the policy and practice change required to reduce the number of teens aging out, running away, or otherwise failing to find the support and services that they, and their caregivers, need.

There are a multitude of policies, practices, and programs that likely impact permanency in different ways. Based on a literature review and dialogue with the Annie E. Casey Foundation staff, we mapped policies and practices we suspect to be most critical to permanence, least well understood, most likely to have disparate impacts on especially marginalized populations of youth, and most easily improved.

The project called for a 50-state review and survey of state policies and practices that support or discourage legal permanence (reunification, adoption, and guardianship) for teens in foster care.

The study period began November 2016 and ended January 2018. This included a five-month planning period (November 2016 – March 2017) and a four-month execution period for data collection, analysis, and reporting (April 2017 – July 2017). Data analysis and writing continued into December 2017.

This report focuses on findings from a review of 45 states' policies from legal policy scan templates and interviews with 48 state child welfare agencies that were available to participate in the project within its time limitations.

2. Methodology

Overview

The project involved the use of three primary forms of data collection: A 50-state survey, additional interviews in ten states, and legal research. This report covers the initial findings.

The central part of the design for *Promoting Permanency for Teens: A 50 State Review of Law and Policy* focused on interviews with states' senior staff persons with both state-wide overview and direct responsibility for permanency and transitioning out of care for older youth.¹ Potential respondents were identified with assistance from the Foundation, which provided its most up to date list of state child welfare program directors. When this list was found out-of-date, additional publicly available resources were used.

Survey objectives included a desire to collect both quantitative and qualitative information about states' historical experiences, as well as perspectives on needed policy and program change. In consultation with staff of the Foundation, project staff concluded that survey data would be clearest and most useful if study results were aggregated across states prior to release. To encourage state participation, minimize response time, and promote candidness, respondents (and states) were promised anonymity.² All findings reported in the study for elements 1-3 and 5 were from publicly available sources. Consent to highlight findings in Table 5 of element 4 were collected by email in advance of the study's publication in line with the consent agreement.

State participation and respondent recruitment relied, first, on a letter sent electronically from Patrick McCarthy, President and CEO, and Tracy Feild, Director, Child Welfare Strategy Group, of the Foundation (see Appendix 7 for a copy of the letter). Letter recipients were asked to identify the "senior staff person who both has a statewide overview and is most directly responsible for permanency and transitioning out of care for older youth" who could participate in a one-hour interview about state permanency policy and practice efforts. The letter, shared in late March, asked the prospective project participant to schedule a phone interview through a web-based, electronic scheduling system.

In early- and mid-May, states that had not responded to the letter were contacted again. Electronic communications were addressed to state child welfare directors and individuals identified through internet searches as having knowledge of or responsibility for teen permanency, and the original letter was included as an attachment. Simultaneously, phone calls were placed to the same group of individuals. All interviews were conducted by Anna Johnson of the National Center for Youth Law (NCYL).

The survey instrument was designed to be tightly focused to secure needed information yet expansive enough to invite information about innovative policies and practices not specifically targeted in project questions. The survey instrument covered seven topic areas with 90 corresponding questions. The topics include Fiscal, Services, Reunification, Caseloads/Specialized Units, Reentry, Run away, and Diversion. The instrument included specific inquiries about stipend amounts, multiple choice questions about program coverage, and open-ended questions on areas that state staff considered the most important with respect to permanency (see Appendix 8 for a copy of the instrument).

While in many places the survey instrument provided for closed-ended responses, numerous times the instrument included space for the interviewer to note additional information provided by the survey participant that might permit a more nuanced coding effort prior to data analysis. Also, in cases in which the survey participant did not know specific

information but had access to it, the interviewer encouraged the respondent to secure the information and forward it by email or another means. These later data were incorporated into the interview dataset.

Interviews took place between April 6 and June 14, 2017, with the majority completed by the end of April. During the interview the project interviewer and/or another member of the project team used pen-and-paper to record responses. In addition, with the permission of the respondents, all interviews were recorded for possible play-back to clarify a response during data entry or coding. These materials served as the basis for entering responses into an Excel spreadsheet, which serves as the data archive for this part of the project.

Representatives from all 50 states indicated an interest in participating in the study, and by the close of data collection 48 had done so. The two states that did not participate account for 3.6 percent of the U.S. population and 3.4% of the population under 18 years of age. Compared to the national average, one of the two states has a substantially greater per-thousand foster care caseload, a larger emancipation rate, and notably fewer adoptions per 100 foster children. The other has a significantly lower rate of placement with relatives as a percent of foster-care exits and a somewhat higher rate of adoptions as a percent of foster-care exits.

Note that in the findings presented below, in many instances the number of states represented in a particular table is fewer than 48. This may reflect any of several factors. For example, states that had already reported they did not support a particular program – non-kin guardians, for example – were not asked follow-up questions about services for that group. In other instances, missing data may reflect the fact that a respondent may not have had information about a particular topic.

While we had anticipated that there would be one respondent per state, the number of interview participants ranged from 1, in the case of 15 states, to 10, in one state (see Table 7). In only 31 percent of interviews was there one respondent. The modal number of participants was two. In the relatively rare case when multiple participants from one state disagreed about the response to a particular question, all responses were recorded. If they could not be reconciled into one response in the database, the state's input for that variable typically became "other," with a comment field noting the variety or range of responses.

Table 7. Number of survey respondents participating per state

Number of participants	Frequency	
	n of states	Percent of states
1	15	31%
2	18	38%
3	10	21%
4	3	6%
5	1	2%
10	1	2%
Total	48	100%

Among study respondents job titles ranged widely in terms of their organizational position and potentially their perspective. Some of the diversity may mirror the size, bureaucratic sophistication, or other characteristics of the state child welfare organization. A larger state, or one with more resources invested in child welfare, foster care, or teen permanency, might have assigned a higher-level state official to the study – in part because of the number of state officials or the state’s engagement in national policy conversations. At the same time, more resources may have meant that a lower-level official with a more precise teen permanency focus would be asked to talk about policy and practice. In any event, it is impressive, for study participation, that almost half (46%) of state primary respondents were the chief, administrator, executive director, deputy director, or assistant director (Table 8).

Table 8. Distribution of job titles among primary state survey respondents

Title	n of states	Percent of states
Social services, Child welfare, Foster care, Permanency, Young adult, or Youth services Chief, Bureau chief, Section chief, Administrator, Executive director, Director, Deputy director, or Assistant director	22	46%
Independent Living Program Director, Supervisor, Coordinator, Manager, or Program specialist	6	13%
Foster care, Youth transitions, or Permanency planning manager	5	10%
Child welfare program or policy specialist or Assistant specialist	4	8%
Manager of Permanency, Child welfare, Out-of-home care, Education, or Youth services	4	8%
Other program manager, Assistant program manager, Program coordinator, or Youth transitions team leader	4	8%
Analyst or Strategic planner, or Systems integration and innovations unit supervisor	3	6%
Total	48	100%

Interview call length averaged 72 minutes (median 69.5 minutes). The typical interview length was greater than anticipated in the recruitment communications, and in two cases state officials who had allotted only one hour to the interview were generous enough to schedule a second interview to complete the survey. Others let the hour run over.

Following each interview a member of the project interviewing staff input the data into the study spreadsheet. Once enough interviews had been completed and imported into the spreadsheet we were able to code most open-ended responses, and those codes were added to the spreadsheet. Data could then be manipulated for analytical purposes.

Items that were selected for inclusion in this report because they might best contribute to on-going conversation about teen permanency policy included fiscal payments, eligible and needed services for teens and families, and reasons for reentry.

Focus States

During the project design ten states were selected for additional inquiry. Following completion of the 50-state survey, we conducted follow-up interviews with two additional respondents per state in each of the ten states. The ten states were all moderately or very populous – states with an age 5 to 17 youth population of under 550,000 according to 2015 Census estimates³ were not considered for the “deep dive” – and reflect the diversity of the United States in terms of region, state demographics, and features of foster care in the state, including states with relatively high, medium or low rates of teen foster care placement, teen adoption/guardianship, and reunification of teens in foster care (Table 9).

Table 9. Focus states selected

State	Population ages 5-17 years
Connecticut	568,065
Kentucky	720,541
Louisiana	800,697
Colorado	909,052
Indiana	1,134,585
New Jersey	1,453,029
Georgia	1,826,624
Illinois	2,149,015
Texas	5,179,523
California	6,511,223

In each focus state respondents were sought from outside the state child welfare system. We sought to interview one individual central to child welfare advocacy and one knowledgeable about the juvenile and dependency courts. Lists of potential participants for recruitment for the follow-up interviews were drawn from known stakeholder meetings, reports, and by recommendation from project team members or child welfare agency respondents.

A focus state interview instrument was developed that included questions on diversion, benefits and services, reentry, and policy recommendations for teen permanency. Additionally, we developed and utilized state-specific questions motivated either by a need to clarify contradictory information during the 50-state survey or to secure more detailed information on a policy or practice of interest to the project.

Policy Research

To assist with and to supplement the interviews, 32 attorneys from six law firms were recruited to obtain and summarize individual state child welfare written policies. NCYL drafted a template to be used by the volunteers and provided training and consultation to attorneys completing them. Several volunteers had direct experience with the child welfare system in their state, but for the majority this was a new area of research.

This pro bono legal team used typical search tools including LEXIS/NEXIS and WestLaw. They were encouraged to supplement that research by searching state agency websites for policy manuals and other web-based collections of policies related to teens in care and the implementation of federal law related to teens and permanency. We suggested that they also consult state Annual Progress and Services Review reports. In those

instances in which a state had completed either a Third Round of Child and Family Service Review or the Statewide Assessment for the Third Round, attorneys were asked to review those as well.

This legal research was designed to identify particular areas of focus in a state and to verify and gain a fuller understanding of policies and practices mentioned during the interviews. Very often, policies are more complex than described in a time sensitive interview.

The search for state policies included the Children's Bureau's Child Welfare Information Gateway, especially its state statutory series, and other public databases including LEXIS and agency websites. Some state websites provided access to policy manuals and other collections of policies while others failed to include these resources. Consequently, it is possible that there are policies applicable to the areas discussed in the report that we did not discover. The difficulty in uncovering state or local child welfare policies has been noted in other research. See, e.g., Kathleen Noonan & Dorothy Miller, *SYMPOSIUM: CHILDREN'S HEALTH, MENTAL HEALTH, AND THE LAW: Fostering Transparency: A Preliminary Review of "Policy" Governing Psychotropic Medications in Foster Care*, 65 *Hastings L.J.* 1515. Noting

"[i]n our review, we could not locate many of the monitoring policies reported in the foregoing studies, suggesting the policies are not available in public databases or on the agencies' websites, and were likely based on internal agency memorandum or were simply an articulation of state norms."

3. Limitations

This project was intended to provide a quick overview of states' policies and practices that may serve as incentives or disincentives to teen permanency. It was quite successful – even remarkable – in doing this by involving officials in 48 of the 50 states. We presume that it was states' concerns for and/or interest in teen policy that yielded such a strong participation rate. The interest in the project also suggests a yearning for additional conversations about policy as it relates to teens and permanency.

The project findings and this report are limited because of the several factors, some inherent to the project, others reflecting how data are kept nationally and at the state level:

- Perhaps most important is that the survey asks one state official – or, in some cases, a group of officials – to provide an overview of policy and activity throughout the state. In some survey questions, we inquired about whether resources were available statewide, but even then, our information comes from only one person or a small group. The survey was not intended to describe variation within the state or local jurisdictions.
- None of the respondents' survey data are confirmed by reference to external sources; all are a kind of self-report.
- Except insofar as some states included more than one respondent in the interview, in the 50-state study respondent perspectives are not subject to confirmation, whether from state colleagues or any number of counterpart stakeholders, from policy advocates to juvenile justice staff to other legal experts.
- Because Kids Count and AFCARS do not report data for teens as a group, we cannot easily reflect on states' teen practices using national data.

- The study relied upon 32 volunteer attorneys from five law offices and one public defender's office to assist in performing a policy scan in all 50 states. The scan involved research on state laws, regulations, and policies related to teens in foster care. Accessing state policies on-line was often difficult, if needed data were available at all. We also underestimated the time and resources involved in recruiting, on-boarding, training and supporting volunteers. Volunteers often devoted more than the estimated 10 hours per state to track down answers to policy questions. There are many rich data in the completed templates that remain to be analyzed. More time is needed to best utilize the wealth of information gathered from the volunteer attorneys. While all states were assigned to a volunteer, five state policy scan templates were not submitted by the study deadline and the states were not able to be included in four of the five element findings.
- We were aware that broad research on this topic necessarily would extend to agencies and systems other than states' child welfare systems, such as juvenile courts, education, healthcare, and workforce development or employment programs. The project lacked the time and other resources to extend its focus so widely.

Nevertheless, we believe that the study will usefully promote the national conversation.

4. Federal Laws

While the primary responsibility for child welfare services rests with the states, the federal government plays a major role in shaping states' child welfare policies and practices.⁴ Federal funds provide a significant part of the resources spent on child welfare in the states. In return for federal financial participation, states are required to comply with federal mandates. Federal child welfare law also creates optional programs for which states may receive additional federal financial participation. State and local variations in policy and practice also can encourage or discourage legal permanency outcomes for teens. In addition, incentives for legal permanency also may be found in laws that are not part of the child welfare codes, such as the tax code.

There is no federally required foster care rate or uniform methodology for calculating the basic foster care stipend rate. Federal law lists the costs that must be covered in the state's calculation of the monthly foster care benefit - the term "foster care maintenance payments" is defined (in section 475(4)) as:

"...payments to cover the cost of (and the cost of providing) food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to a child and reasonable travel to the child's home for visitation and reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement. In the case of institutional care, such term shall include the reasonable costs of administration and operation of such institution as are necessarily required to provide the items described in the preceding sentence."⁵

Although this guidance exists, states are given broad discretion to determine the amount of the monthly foster care payment to caregivers, though that discretion is not unlimited.⁶

Federal law does not dictate that foster care rates must increase with age, and while states in general provide increased rates for older children, the age groupings vary widely from state to state. States also may supplement "basic rates" for children who have special needs.⁷

Some federal laws explicitly address the needs of older youth in care; some have built-in incentives and disincentives for permanency for teens. For example, as part of the *Preventing Sex Trafficking and Strengthening Families Act*, P.L. 113-183, Congress limited Another Planned Permanent Living Arrangement (see definitions) as a permanency plan to youth age 16 and older. The same Act required that states ensure that older youth are involved in case planning and have the right to designate two persons to participate in the case planning team.

The states vary considerably in how they fund child welfare services generally and out-of-home care specifically. Overall, in State Fiscal Year (SFY) 2014, state and local expenditures accounted for 57 percent of child welfare costs.⁸ The rate ranged from 16 percent in West Virginia to 79 percent in Pennsylvania.

Substantial diversity is evident also in funding payments and services for children in out-of-home placements. In SFY 2014, 51 percent of children received federal reimbursement under Title IV-E of the Social Security Act.⁹ But this statistic also varied, ranging from 20 percent in West Virginia to 77 percent in Ohio.

Federal laws also extend certain benefits only to youth who exit foster care after reaching a certain age. For example, youth who are adopted or who leave foster care under a kinship guardianship after reaching age 16 are eligible for Chafee Independent Living Services and education vouchers. Younger teens who leave care to a legal permanent home before they are 16 are not eligible for these services.

Still other provisions of federal law suggest that a youth in care as young as 14 may end up aging out of care rather than achieving permanency. See, for example, 42 U.S.C. 675 (1) (D) requiring that the case plan “For a child who has attained 14 years of age, [include] a written description of the programs and services which will help such child prepare for the transition from foster care to a successful adulthood.”

Taken together these federal laws include contradictory principles with some acting as incentives and others as disincentives to legal permanency for teens.

5. More Findings Related to Element 4 - Fiscal Supports and Services

The wide variation in state foster care maintenance rates and payment structures for teens provides the jumping-off point for the study's findings. These payments are part of the context within which agency staff, caregivers, teens and birth parents make decisions about a teen's living arrangements. Indeed, it is possible that whether a youth's non-parent potential caregivers become foster parents and a possible later decision to convert a foster care arrangement into guardianship or adoption, may be heavily influenced by the funds they can receive in these different statuses.

The survey asked what is the basic state-paid foster care payment rate for a 16-year-old. Across the 45 states responding to this question, those basic foster care rates range from \$300 to \$1,311 per month, with a monthly median of \$681. Table 10 displays the states by quartile.

Table 10. Distribution of states by basic state-paid foster care payment rate for a 16-year-old, monthly rate by quartile

Quartile	Monthly payment rate range	State name
1	\$300 to \$511	Alabama, Arkansas, Delaware, Idaho, Illinois, Louisiana, Maine, Missouri, New Hampshire, Ohio, Wisconsin
2	\$530 to \$676	Florida, Hawaii, Iowa, Michigan, New Mexico, North Carolina, Oklahoma, Rhode Island, South Dakota, Utah, Vermont, West Virginia
3	\$681 to \$815	Arizona, Indiana, Kentucky, Minnesota, Montana, Nebraska, Nevada, New York, Oregon, Texas, Virginia, Washington, Wyoming
4	\$866 to \$975	Alaska, California, Connecticut, Georgia, Maryland, Mississippi, New Jersey, North Dakota, Pennsylvania, Tennessee, Texas

These payments must be evaluated in the context of actual costs to support a teen. The average monthly cost in 2017 of raising a teen in a rural area is estimated by the USDA¹⁰ as \$1,056, and in an urban or suburban neighborhood to vary regionally: \$1,282 in the Northeast, \$1,123 in the West, \$1,070 in the South, and \$1,022 in the Midwest. If the foster care rate is close to the typical cost of raising a teen in that state and is adjusted for special needs, it can reduce barriers for finding foster care placements for teens. However, Table 10 suggests that payment rates are not strictly a function of local cost of living.

Special needs payments in excess of the basic rate may be provided for the teen. When asked how often additional payments were provided to teens for special needs, one-third (33%) of states responded “some” teens, in half (50%) of states “many” teens, and 18 percent of states “all or almost all” of teens (40 states reporting). Eighty-eight percent of state respondents referenced a program for providing extra payments above the basic foster care rate based on the special needs of the teen. Eligibility varies state by state with some performing a needs assessment to determine payments, others if there are medical conditions or mental health needs assessed, others based on the age of the teen and the known additional costs associated with raising teens.

Understanding that special needs payments might vary in amount, we asked survey participants about their state’s monthly incremental payment range. Some states offered a range while noting that there was no maximum. Among 38 states responding, incremental payments ranged from \$144 to \$9,000 per month. The median monthly amount of special needs payments, supplemental to the basic rate, ranged from \$720 to \$1,500.

The same logic could be applied for supporting legal permanence for teens. If rates are provided to care for teens in adoption, guardianship, and reunification to the extent that the teens’ needs are met, this could remove the barriers of caring for a teen based on the financial resources available to a potential caregiver. Since kin and non-kin extended family members are more likely to care for a teen, the survey inquired about the amounts of payments allocated for those families compared to if a non-relative or stranger were available to provide legal permanency. Respondents were asked if a foster parent were to become the teen’s guardian or adoptive parent if those payments would continue with the same or lesser amount. Respondents were asked to elaborate on any contrasts in payments between foster care and adoption or guardianship rates.

Many states have adjusted their payment rates to ensure that the money would follow the teen into guardianship and adoption at the same rate. Those states have removed a barrier to legal permanency for teens. Unfortunately, among the states that provide funds to kin guardians, about one-quarter will not pay kin and non-kin caregivers the same amount as they would have received as foster parents (Table 11). In those states, in terms of financial support, foster care remains the most supportive placement option for teens and serves as a disincentive to permanency.

- In 44 percent of responding states, foster parents who become guardians will receive less than the foster care rate subsidy.
- In one-quarter of states, kin and non-kin foster parents becoming adoptive parents will receive less than the foster care rate subsidy.
- In 24 percent of states, foster parents receiving special needs payments who become a guardian will receive less than the extra increment or an alternative form of incremental payment.
- In 24 percent of states, foster parents becoming adoptive parents will receive less than the extra increment.
- There are no subsidies for reunification.

Table 11 Stipends received by other caregivers, compared to basic foster care rate

Money received by kin foster parent turned guardian		Money received by non-kin foster parent turned adoption parent		Money received by kin foster parent turned adoption parent		Adoption subsidy to kin caregiver		Extra payments for special needs foster care		Guardianship bump compared to foster care increment		Adoption bump compared to foster care increment	
n=36		n=41		n=39		n=41		n=47		n=33		n=41	
% less	44	% less	24	% less	23	% No	49	% No	2	% less	24	% less	24
% same	56	% same	76	% same	77	% Yes	51	% Yes	89	% same	55	% same	56
								% other	9	% less or the same	21	% less or the same or other	20
% total	100	% total	100	% total	100	% total	100	% total	100	% total	100	% total	100

Legal guardianship can be appropriate for teens who do not want to terminate parental rights with their families or for caregivers who are related and who may not want to see the parent(s) who are their own family members lose their parental rights. While kin and adults who know the teen are more likely to take a teen in to their home than a stranger, legal guardianship remains the least frequent form of legal permanency. Foster care exits in 2014 showed only nine percent exiting to legal guardianship (Table 12).¹¹

Findings show that there are seven states with no funded guardianship program and an additional 14 that fund guardianship for kin but not for non-kin family members. Lack of funded guardianship remains a disincentive to legal permanency. In those 21 states, the teen would receive more support when caregivers remain foster care providers.

Table 12. State coverage of funded guardianship, by region

State policy (# states)	Region												Total	
	East, Northeast Region 1		South, Southeast Region 2		Midwest Region 3		South, Southwest Region 4		Northcentral, Mountain Region 5		West Region 6			
	N	percent	N	percent	N	percent	N	percent	N	percent	N	percent	N	percent
No funded guardianship states (N = 7)	2	29%	2	29%	2	29%	1	14%	0	0%	0	0%	7	100%
Kin funded guardianship states (N = 14)	3	21%	2	14%	2	14%	2	14%	2	14%	3	21%	14	100%
Both kin and non-kin funded guardianship states (N = 27)	7	26%	3	11%	6	22%	2	7%	4	15%	5	19%	27	100%
No data states (N = 2)	1	50%	1	50%	0	0%	0	0%	0	0%	0	0%	2	100%
Basic foster care rate, median monthly rate for 48 states, by region	\$671		\$720		\$581		\$560		\$681		\$757		\$681	

Foster care can also bring with it access to certain important resources and services, for teens and for their caregivers. Services and supports provided to families can also promote stable foster care placements and/or permanency for teens. Respondents were asked about a number of services that teens in foster care are eligible for and if eligibility would be continued if a teen achieves reunification, adoption, or guardianship. Findings show that foster care remains a more resource-rich environment for teens than other legal permanent settings overall (Tables 13-15).

Not having needed supports, whether in foster care or in an arrangement of legal permanency, can create unnecessary instability, crisis, placement changes, or further system involvement for the teen. To better understand any disincentives to permanency or restrictions on funding experienced by the states, Tables 16-18 look at different ways to address this problem.

Respondents were asked, “What needed supports for teens are hardest to fund? Why?” Respondents described structural shortages related to other state systems like behavioral health, affordable housing, and transportation services that make achieving stable foster placements and achieving permanency difficult (Table 16).

Table 13. Funding for mental health and substance abuse services for teens*

MH and SA for FC teens funded by Medicaid		Funds for MH, SA once adopted		Funds for MH, SA in kin guardian care		Funds for MH, SA in non-kin guardian care		Funds for MH, SA if reunified		Funds for MH, SA if aged-out	
n=45		n=45		n=45		n=45		n=46		n=44	
% yes	100%	% coverage provided by Medicaid or other state program, with or without adoptive parent's insurance	100%	% coverage provided by Medicaid or other state program, with or without guardian's insurance	91%	% coverage provided by Medicaid or other state program, with or without guardian's insurance	69%	% coverage provided by Medicaid or other state program, with or without family's insurance	41%	% coverage provided by Medicaid or other state program, with or without own insurance	95%
				% guardian insurance	7%	% guardian insurance	18%	% family insurance	57%	% own insurance	5%
				% coverage not available	2%	% coverage not available	7%	% coverage not available	2%		
						% not applicable	7%				
Total %	100%	Total %	100%	Total %	100%	Total %	100%	Total %	100%	Total %	100%

Table 14. Eligibility for Chaffee services beyond ETV for Teens in Care 16+

	If adopted	If with kin guardian	If with non-kin guardian	If reunified	If aged-out of foster care at age 18
	n=29	n=29	n=29	n=27	n=29
% Yes	79%	72%	72%	41%	86%
% No	21%	28%	28%	59%	14%
Total %	100%	100%	100%	100%	100%

Table 15. Independent living services for Teens in Care 16+ by permanency status*

	Indep Living Services if adopted	Indep Living Services if with kin guardian	Indep Living Services if with non-kin guardian	Indep Living Services if reunified	Indep Living Services if aged out of FC at age 18
	n=44	n=43	n=40	n=43	n=44
% Yes	75%	72%	68%	49%	100%
% No	23%	26%	30%	51%	0
% Other	2%	2%	3%	0%	0
Total %	100%	100%	101%	100%	100%

*Totals may sum beyond 100 percent due to rounding error.

Table 16. Supports for teens that are hardest to fund

Policy or practice	Number of states mentioning each support
Mental/behavioral health/ substance use services	24
Housing	21
Transportation, drivers' education, auto insurance	12
Inadequate supply of foster homes	7
Normalcy efforts	3
Services for youth who have been trafficked	3
Reunification services	2
Caseworker time with youth	2
Other (Services for delinquent youth, orthodontics, employment, cell phones, all services generally hard to fund)	5
Total responses among 47 states providing input	79

Table 17. Reasons for reentry into foster care for teens, number of states mentioning each reason (31 of 48 states responding)

Reason for reentry	for teens who have reunified	for teens who have been adopted
Teen delinquent behavior	17	9
Teen mental health	12	17
Parent/guardian substance use	11	
Repeated maltreatment	9	3
Teen behavior	9	14
Conflicting values of parents/guardians and teens	6	5
Parent/guardian mental health	4	
Other disabilities of teens		3
Lack of access to services for parents/guardians	3	3
Poverty generally, parent employment/job loss, or inadequate or unstable housing	4	2
Lack of access to services for teens	2	2
Teen substance use	2	3
Parent/guardian criminality	1	
Other		
Parental inability to cope; lack of parental follow-up; parental inability to ameliorate issues for care	3	
Children adopted younger and become teens, adoptive parents' unrealistic expectations of youth, families' lack of flexibility with trauma resurfacing during puberty		3
Teen desire to be with biological parents, teen refusal to live at the adoptive home		2
Lack of preparation for reunification; lack of aftercare and transition services	2	
Reunification plan didn't work; "it didn't work out"	2	
Adoptive parent unwillingness to access services for older youth; families wait until they are "done"		1
Lack of access to services (unclear whether for teens or caregivers)	1	
Homes with multiple siblings who may not get along well with each other		1
Domestic violence	1	
Gay or bisexual teen		1
On-going needs not fully addressed or re-surfaced	1	
Death of adopted/guardian parent and availability of Kin-GAP		1
Neglect	1	
Dependency - no fault of child or parents		1
Total responses among 31 states providing input	91	71

NOTE: 17 states reported that they lack relevant data or provided no response

Respondents were asked, “What are the two primary reasons teens reenter foster care after reunification and adoption?” (Table 17). Mental health, substance use, behavior, and poverty resurface as barriers to permanency. Caseworkers, teens and families are faced with these service barriers during prevention and initial entry into foster care, during attempts at reunification and placement, and during transitions to permanency or aging out.

One way to stabilize placements is to continue to provide funds and services for the teen and the caregiver until the teen ages into adulthood. Several questions asked about services provided to the caregivers themselves that could promote a stable living environment for the teen such as mental health, substance use, education, respite, housing, employment or other services (Table 18). Findings show that very few caregivers remain eligible for these services once permanency is achieved. Loss of supports for the caregiver can make achieving permanency unlikely or unstable for the teen.

Table 18. Caregiver services

Caregiver type	Mental health services			Substance abuse services			Educational services		
	n “yes”	n responses	Percent of responding states saying “yes”	n “yes”	n responses	Percent of responding states saying “yes”	n “yes”	n responses	Percent of responding states saying “yes”
Biological family	14	37	38%	13	37	35%	6	34	18%
Non-kin caregiver	6	34	18%	4	33	12%	5	35	14%
Kin caregiver	4	31	13%	3	31	10%	3	31	10%
Adoptive parent	8	33	24%	6	33	18%	9	35	26%

Table 18 Caregiver services, cont.

Caregiver type	Respite			Housing subsidies			Employment Services			Other services*		
	n “yes”	n responses	Percent of responding states saying “yes”	n “yes”	n responses	Percent of responding states saying “yes”	n “yes”	n responses	Percent of responding states saying “yes”	n “yes”	n responses	Percent of responding states saying “yes”
Biological family	7	36	19%	8	35	23%	5	34	15%	20	33	61%
Non-kin caregiver	8	34	24%	0	34	0%	1	34	3%	19	33	58%
Kin caregiver	4	30	13%	0	31	0%	1	30	3%	15	31	48%
Adoptive parent	16	36	44%	2	33	6%	4	33	12%	26	33	79%

* Other services include a wide variety. For adoptive parents these range from training, post-adoption resources, and in-home case management to financial and other services.

Table 19. Major obstacles to meeting reasonable efforts to reunify foster care teens with biological parents (46 states)

Policy, practice, or condition	Number of states mentioning each policy, practice, or condition
Lack of substance use services for parents	22
Services for youth with high needs only accessible in foster care	15
Parent not wanting teen back, teen not wanting to go back, parent-teen conflict, parent training needed	11
Housing, employment, income/poverty, transportation limitations	10
Lack of caseworker staffing to support families	6
Needed parental behavior change	3
Unable to reinstate parental rights after termination	2
Shortage of trauma-informed practice	1
Total responses among 46 states providing input	70

Table 20. Needed supports for biological and adoptive parents and guardians that are hardest to fund (45 states)

Policy or practice	Number of states mentioning each support
Mental/behavioral health or substance abuse services for parents	21
Mental/behavioral health or substance abuse services for teens	16
Housing	11
Respite	8
Subsidy or post-permanency supports for adoption or kinship equivalent to foster care board rate	6
Funding for services for biological parents	6
Training for parents	4
Transportation, drivers' education, and/or drivers' insurance	4
Normalcy expenses or items for teens	2
College deposits and fees	2
Family-specific funds to do what the family needs	2
Total responses among the 45 states providing input	82

One question asked about the major obstacles to meeting reasonable efforts to reunify foster care teens with biological parents. The leading responses included lack of substance use services for parents, lack of services for teens with high needs, and lack of housing, employment, income, and transportation (Table 19). Another common response was that there may exist a lack of desire to reunify coming from either the teen or the parent, with a lack of parent training for raising teens as one of the main findings.

Respondents were asked to elaborate on what needed services for caregivers were hardest to fund (Table 20). The dearth of coverage for and availability of Medicaid providers to meet the needs of families and teens in their communities, the high cost of private programs, and long waitlists and long commutes to available providers, have made foster care a default behavioral health and mental health service coordinator for many families. Once in care, the lack of timely access to substance use treatment and rehabilitation can make it difficult to achieve reunification within the timeframe required by the courts.

6. Other Findings Related to Teen Permanency

Our first question asked how many teens were in state out-of-home placements. Thirty-nine states responded to the question about the approximate share of out-of-home or relative-care foster youth that are teens ages 13-18. The mean and median responses were both 28 percent. The minimum percentage was 15 percent and maximum 50 percent. Part of what accounts for such a range is state inclusion or exclusion of youth in out-of-home placements through probation. Another reason for the range is that some states have made efforts to reduce the number of teens in congregate care. Finally, some states have implemented strategies to divert entries to child welfare through informal kinship care arrangements.

Given the unique developmental needs of teens in foster care, and given that teens are just over one-quarter (28%) of an average state's out-of-home placements, it is surprising that only eight states' respondents could name relevant studies specific to teen permanency. Four of those responses referred to mandatory reporting requirements for the Annual Progress and Services Reports, Child and Family Services Review, The Adoption and Foster Care Analysis and Reporting System, or National Youth in Transition Database data. This dearth of teen studies stands in contrast to the numerous studies relevant to infants and children ages 0-5 directed to meet the specific developmental needs of infants and toddlers.

When asked about their agency's current mission or focus regarding teen permanency, 19 states' survey participants reiterated federal law responding that permanency in family-like settings is the primary goal; 15 states responded that reunification was the primary goal, seven states named placement with kin as the primary goal; and two states responded with independent living as the primary goal.

Caseworkers have concurrent goals for planning for permanency and independence for teens. While all 50 states have funding for Chafee services and independent living programs and staff, only five reported having statewide permanency programs or staff for teens. When asked about staffing structures to support permanency planning for teens in foster care only six states named specific statewide permanency programs such as permanency roundtables, Wendy's Wonderful Kids, or permanency teams or units. Only three of those states named a specialized program for teen permanency. Six more states reported the existence of a permanency program in one or two counties or regions of the state with two of these states' programs having a teen-focused component. Multiple state respondents mentioned that the overall lack of information, specialization, or expertise for teen permanency is a result of high caseloads and high turnover of caseworkers, making permanency efforts systematically unfeasible.

Although the most common form of legal permanency for teens exiting foster care is reunification, most states were unable to name an alternative response or diversion program for teens and families. There is variability in how states use prevention funds and any use specific to the needs of teens and families is generally not well documented at the state level.

Before and after foster care involvement, families are on their own to navigate supports and services. Many community-based services are difficult to navigate, even for trained social workers. Denials, red tape, location, access to providers (particularly for rural populations), paperwork, waitlists, age cut-offs, and the amount of time the process takes can prevent families from accessing services they are entitled to.

These system barriers have disproportionately impacted African American and Native American teens and families.

- Lack of affordable housing, jobs, and poverty generally present major obstacles to reunification. Once a teen has entered the foster care system, their biological family must meet the criteria required by the courts. The current housing crisis felt in most cities seems to be impacting foster care entries, reentry, and total lengths of stay in foster care for teens.
- Once teens reenter the home, providing funds and services for biological families could significantly improve permanency for teens. In many states, aftercare may not be provided or provided for only 3, 6 or 12 months.
- Caseworkers may refer or connect families with community-based services or financial assistance programs if the programs are available and eligible prior to reunification. In most states, once the case is closed caseworker supports are not continued. Families must reapply, there are term limits or caps on the amounts of support that a family can receive, or the family no longer qualifies for those supports when the teen reunifies.

Many of the reasons for entry into foster care for teens are abuse and neglect related to substance use of parents and poverty reasons such as lack of housing or transportation to school causing truancy.

- Often substance use treatment needs to continue longer than the 12-month window for reunification, but services can be cut off for families when they reunify. If a service need reemerges, access to services in the community may be quite difficult.
- Monthly mortgage or car payments are often less than the basic foster care rate, but many states struggle in providing needed resources to families to prevent teen entry into care.

Most child welfare respondents identified difficulty finding foster homes or placements for teens but were unable to name dedicated staff, units, or programs specific to teen permanency efforts to assist with finding homes for teens.

- While research shows that adults who know the teen are more likely to complete foster parent training, home study, and care for a teen, the practice for identifying those individuals in each state is unsystematic.
- While teens are supposed to be involved in child and family team meetings and have a voice in their permanency planning, implementation varies widely in most states and statewide supports are not yet in place to encourage targeted recruitment of biological or chosen family who would be a good fit for the teen.
- Caseworkers have the dual responsibility of permanency planning and preparing youth for independence. Respondents described statewide independent living program services and benefits but most were not able to name statewide programs, services, or benefits supporting teen permanency. Permanency goals are not supported at the same level as independence goals.

State child welfare systems lack sufficiently staffed programs designed to prevent entry, secure appropriate family-like placements, and maintain relational permanence. When teens enter care and there are few placement options, they can be placed in different neighborhoods, cities, counties, or states or placed in institutions such as group homes. While their peers are participating in typical teenage activities such as school and community extracurricular activities, jobs, dating, college and career preparation, community service, etc., teens in foster care are faced with multiple disruptions and moves that can make these opportunities very difficult to pursue and maintain. Changes like missing

tryouts, auditions, exams, and interviews and moving away from family and friends because of the initial removal from the home, at any placement changes and again or returning home all disrupt the teen's livelihood, social connections, and natural development. Entry into care can disrupt their other existing permanent relationships and connections to community that support their development into young adulthood.

There is a dearth of teen foster care studies. Only four states had unique reports¹² they could share that were focused on the teen population that are publicly available. This stands in contrast to the numerous studies relevant to infants and children ages 0-5 directed to meet the specific developmental needs of young children. Those studies have led to several very successful campaigns for infants and children, particularly ages 0-5 and elementary school ages.

Endnotes for Appendices 1-6

1. In its focus on the 50 states, the study did not include the District of Columbia since the District functions much more like a dense city or urban area rather than a state.
2. The project recruitment letter noted that "information gathered from the interview will be aggregated across states to ensure anonymity in responses." Only publicly available information and information where the participants agreed to publicly share the information are reported.
3. Source: Population estimate 5 – 17 years (U.S. Census Bureau, 2015 American Community Survey 1-Year Estimates)
4. The Children's Bureau publishes a comprehensive collection of federal child welfare laws at its website, at <https://www.acf.hhs.gov/cb/resource/compilation-of-social-security-act>.
5. 42U.S.C. 677 (a)(7), (i)(2) https://www.acf.hhs.gov/cwpm/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?citID=41
6. *Cal. State Foster Parent Ass'n v. Wagner*, 624 F.3d 974 (9th Cir. 2010); *Cal. Alliance of Child & Family Servs. v. Allenby*, 589 F.3d 1017 (9th Cir. 2009).
7. See, e.g., *Child Welfare Policy Manual*, Section 8.3B(2) ("A supplement to the basic maintenance payment for a particular child is justified when the child has greater than usual needs for the items included in the definition, as determined by the State agency").
8. Rosinsky, K. & Connelly, D. (2016). *Child welfare financing SFY 2014: A survey of federal, state, and local expenditures*. (Child Trends, updated December.) Retrieved 7/25/2017 from <https://childtrends-ciw49tixgw5lbbab.stackpathdns.com/wp-content/uploads/2016/10/2016-53ChildWelfareFinancingSFY2014-1.pdf>
9. Ibid.
10. USDA Cost of Raising a Child Calculator. Overall Annual Cost Estimates based on USDA's Expenditures on Children by Families, most recent report (2017) https://www.cnpp.usda.gov/tools/crc_calculator/default.aspx
11. Wanting to know more about what could be a barrier to guardianship Q4 asks if the state has a funded guardianship program for youth departing foster care and Q5 asks if the eligibility for benefits depends on whether the guardian is kin as opposed to non-kin.
12. http://www.oregon.gov/ohcs/OSHC/docs/HSC-2017/2%20-%20Apr%2C%20May%2C%20Jun/Runaway-Homeless-Youth-Overview_Strategic-Framework.pdf and <http://www.dcf.louisiana.gov/assets/docs/searchable/Child%20Welfare/PlansReports/1.23.2017%20Final%20Report.pdf>

7. Participation Letter



THE ANNIE E. CASEY FOUNDATION

February 21, 2017

Dear [Director]:

We write to ask for your participation in The Older Youth Permanency 50 State Study.

The Annie E. Casey Foundation supports state efforts to improve permanency outcomes for young people who experience foster care, specifically to promote successful reunification, guardianship, and adoption outcomes. Nationally federal and state law related to permanency for young people in care has not led to an overall decrease in the number of young people aging out of care. While some aspects of law and associated policy incentivize permanency, others serve as a disincentive to permanency. *The Annie E. Casey Foundation* would like to better understand these nuances at the level of state policy and practice.

The Annie E. Casey Foundation is grateful for the time and care that state leaders have given to informing policy makers about trends in the field in the past and hopes to gain maximum participation from state agencies once again. The study's findings will provide critically important information for policy makers, child welfare administrators, practitioners, foster care organizations, and others working to connect young people in foster care with permanency. In particular, as policy makers nationally continue to examine the nation's child welfare system, the study will offer reliable and up-to-date information on both national trends and state-level policies.

The Annie E. Casey Foundation has provided a grant to the National Center for Youth Law, Child and Family Policy Institute of California, and University of California-Berkeley to conduct the *Older Youth Permanency 50 State Study*. The study will include information about policies, practices, and benefits that support or hinder permanency for young people who experience foster care. Through this study, we will collectively gain a deeper understanding of the teens who enter and exit the child welfare system, and the policies and practices that impede or promote permanency; we also hope to document any innovative and promising practices for achieving older youth permanency. Findings from the study will be made available online at www.aecf.org and www.youthlaw.org.

Please give this study top priority by directing a senior staff person, who both has a statewide overview and is most directly responsible for permanency and transitioning out of care for older youth, to participate in a phone interview in March or early April. The appropriate staff can electronically sign up for an interview session at: calendly.com/ajohnson-6. Interviewees will be asked about permanency policy and practice efforts in your state in an interview that will take approximately one hour. The information gathered from the interview will be aggregated across states to ensure anonymity in responses. Only publicly available information will be reported in state-level summary tables in the appendices. You will receive a report on the study findings as soon as it is completed.

Should you or your staff have any questions regarding the interview or study, please contact Anna Johnson, Senior Policy Associate, at ajohnson@youthlaw.org or 510-899-6567.

Thank you for your time and attention to this important information collection effort to help support our most vulnerable children and families.

Sincerely,



Tracy Feild, Director, Child Welfare Strategy Group



Patrick McCarthy, President and CEO

8. Interview Protocol

Child Welfare Administrators and Teen Permanency

Page 1

National Center for Youth Law Child Welfare Administrators and Teen Permanency Survey

State: _____

Survey date: _____

Section I. Opening Conversation

Good morning/afternoon.

I'm Anna Johnson, and I'm working with the National Center for Youth Law. As you know, we're conducting this interview as part of a grant funded by the Annie E Casey Foundation, to learn about policies and practices that may make foster care exits to *legal, permanent* situations—adoption, guardianship, or reunification with biological parents – more likely for teen foster youth; we also want to know about policies and practices that make it less likely a teen will exit to legal permanency. Our focus is on teens in out-of-home or relative care foster care, ages 13-18, not youth in extended foster care.

In addition to this and interviews in the other 50 states, we first conducted Background Legal Research including each state's policies and practices by reviewing documents that are publicly available. With that legal research in mind, this conversation with you is designed to learn more about paths to teen permanency.

READ IF DEEP DIVE STATE: In ten states we will also pose similar questions to a small number of other respondents or key informants, such as judges, CASAS, caregivers, youth advocates, and dependency attorneys. [STATE] has been chosen to solicit information from additional key informants. At the end of the interview we will ask you for contact information for colleagues and experts in and out of your agency.

ALL: After these interviews we will conduct a general analysis based on all of the information provided, and we will then write a report for the Annie E. Casey Foundation. I will forward a copy of that report to you, and it will be available on the web as well. That report will contain an analysis of teen permanency policy and practice in the 50 states.

I emailed some of our questions to you when the call was scheduled. Feel free to refer to that document if you would like.

Section II. Personal Information

First, could you please confirm that the information we have for you is correct?

BI-1. Respondent1 name: _____

BI-2. Respondent1 title: _____

BI-3. Respondent1 agency affiliation: _____

BI-4. Respondent1 role and assignment
in organization: _____

BI-5. Respondent1 organizational
contact info: _____

[IF ONLY ONE RESPONDENT SKIP TO B1-16]

BI-6. Respondent2 name: _____

BI-7. Respondent2 title: _____

BI-8. Respondent2 agency affiliation: _____

BI-9. Respondent2 role and assignment
in organization: _____

BI-10. Respondent2 organizational
contact info: _____

[IF ONLY TWO RESPONDENTS SKIP TO B1-16]

BI-11. Respondent3 name: _____

BI-12. Respondent3 title: _____

BI-13. Respondent3 agency affiliation: _____

BI-14. Respondent3 role and assignment
in organization: _____

BI-15. Respondent3 organizational
contact info: _____

DO NOT ASK, but RECORD:

BI-16. Phone number for interview: _____

BI-17. Interview date: _____

BI-18. Interviewed by: _____

BI-19. Interview recorded on paper by: _____

BI-20. Interview data entry input by: _____

Just to confirm, do you have 60 minutes available now to complete the interview? Is it OK to get started? **[IF LESS THAN 60 MINUTES:** I think it's best to reschedule or complete only the financial section of the interview and reschedule the latter half. How would you like to proceed?]

IF RESCHEDULE NEEDED, WHEN/HOW TO DO THAT? _____

Section III. Consent Process

This interview is confidential, and your replies to the questions will not be identified as provided by you, and will not be indicated as describing your department or agency or your state in any reports or presentations from this research. All the information we receive in the phone interviews – which we are conducting in all 50 states -- will be summarized in aggregate form; unless we ask for your specific permission to do so, we will not report about policies or practices in specific states.

If we learn of a promising or innovative practice that we would like to highlight in the report as occurring in your state or agency, we might want to include the information. In that case, we will ask your permission to identify your state or agency specifically in the report. We will run the relevant text by you for permission to include it.

While a project member will be taking notes during the interview, we would also like to record the discussion in case we miss anything. After the report has been submitted and accepted, we will destroy that recording.

Before I ask for your agreement to be interviewed, do you have any questions about what I just said?

Are you willing to be interviewed for this study? **[NEED AGREEMENT FROM ALL ON CALL]**

YES NO **CIRCLE ONE; IF “NO” TERMINATE INTERVIEW**

IF YES: Is it OK to record the interview? **[NEED AGREEMENT FROM ALL ON CALL]**

YES NO **CIRCLE ONE; IF “NO” DO NOT RECORD**

Section IV. Fiscal Questions

Okay, let’s get started. Throughout the survey questions please reply with reference to statewide data.

1. Approximately what share of your out-of-home or relative-care foster youth are teens, defined for this study as ages 13-18?

_____ percent or _____ **[NUMBER OF]** youth out of a total of _____ out-of-home or relative-care foster youth

REFUSED-7

DON'T KNOW-8

2. Can you describe your department/agency/program’s current goals or current focus regarding teen permanency?

REFUSED-7
DON'T KNOW-8

The next questions are about the foster care payments, guardian payments, and adoption subsidy rates for a 16-year-old with no special needs subsidy for disability or medical needs, and not identified as hard-to-place.

3. What is the basic (state-paid) foster care payment rate for such a 16-year-old?

\$ _____

Other..... 4

SPECIFY: _____

REFUSED-7

DON'T KNOW-8

To help me focus on which questions are relevant for your state I’d like to ask a couple of orienting questions.

4. Does the state have a funded guardianship program for youth departing foster care? **[IF NO, SKIP QUESTIONS ABOUT GUARDIANSHIP]**

Yes 1 GO TO 5

No 0 GO TO 9

REFUSED-7 GO TO 9

DON'T KNOW-8 GO TO 9

5. [IF YES] Does eligibility for benefits depend on whether the guardian is considered kin as opposed to non-kin?

- Yes it does 1
- No, there’s no difference 0
- REFUSED-7
- DON’T KNOW-8

IF NO, SKIP QUESTIONS THAT DISTINGUISH THE TWO FORMS OF GUARDIANSHIP

6. If a *non-kin* foster parent getting the basic rate for that teen were to become their *non-kin* guardian, would they typically get the same amount of money as they did when a foster parent, or less money, or more money?

- Less 1
- Same 2
- More 3
- Other 4

SPECIFY: _____

Not applicable..... 5

WHY? _____

- REFUSED-7
- DON’T KNOW-8

7. Now let's consider kin: If a *kin* foster parent getting the basic rate for that teen were to become their *kin* guardian, would they typically get the same amount of money as they did when a foster parent, or less money, or more money?

- Less 1
- Same 2
- More 3
- Other 4

SPECIFY: _____

Not applicable..... 5

WHY? _____

- REFUSED-7
- DON'T KNOW-8

8. Is there more you would like to tell me about the contrast between foster care and guardianship payments?

- No 0
- REFUSED-7
- DON'T KNOW-8

9. What about adoption? If a *non-kin* foster parent were to adopt that 16-year-old, would they typically get more money than as a foster parent, or less money, or the same?

- Less 1
- Same 2
- More 3
- Other 4

SPECIFY: _____

- REFUSED-7
- DON'T KNOW-8

10. And if the adoptive parent were considered *kin* would the stipend be more money than as a foster parent, or less money, or the same?

- Less 1
- Same 2
- More 3
- Other 4

SPECIFY: _____

- REFUSED-7
- DON'T KNOW-8

11. Is there more you would like to tell me about the contrast between foster care rates and adoption subsidies?

- No 0
- REFUSED-7
- DON'T KNOW-8

IF NO GUARDIANSHIP PROGRAM, SKIP TO 16.

12. Some states rely on kin guardianship as part of differential response or diversion from foster care. Does such a kin caregiver receive guardianship payments, as discussed earlier?

- Yes 1 GO TO 13
- No 0 GO TO 14
- REFUSED-7 GO TO 14
- DON'T KNOW-8 GO TO 14

13. Would a kin caregiver in a differential response situation probably get more money than another guardian? Or less money? Or the same? Or is there no standard pattern?

- Less money 1 GO TO 14
- Same money 2 GO TO 14
- More money..... 3 GO TO 14
- No standard pattern 6

SPECIFY: _____
_____ GO TO 14

- REFUSED-7 GO TO 14
- DON'T KNOW-8 GO TO 14

14. What if they adopted the youth? Would they receive an adoption subsidy?

- Yes 1 GO TO 15
- No 0 GO TO 16
- REFUSED-7 GO TO 16
- DON'T KNOW-8 GO TO 16

15. How would that payment they receive compare to the foster care rate?

[ENCOURAGE RESPONDENT TO EXPLAIN]

- Less 1 GO TO 16
- Same 2 GO TO 16
- More 3 GO TO 16
- Other / Explain 4

SPECIFY: _____

- _____ GO TO 16
- REFUSED-7 GO TO 16
- DON'T KNOW-8 GO TO 16

16. Let's go back to foster care. Many teens qualify for special needs or as hard to place and are provided additional foster care payments, subsidies, or increments. Does your state offer any extra payments for special-needs or hard-to-place foster care?

- Yes 1 GO TO 17
- No 0 GO TO TEXT ABOVE Q24
- Other / Explain 4

SPECIFY: _____

- _____ GO TO 17 AS NEEDED
- REFUSED-7 GO TO TEXT ABOVE Q24
- DON'T KNOW-8 GO TO TEXT ABOVE Q24

17. IF YES: How common are such additional payments among teens? [WOULD YOU SAY . . .]

- We have none 1 GO TO 18;
RECONCILE WITH 16
- We have a few 2 GO TO 18
- We have many..... 3 GO TO 18
- All or almost all of our placements are this type..... 4 GO TO 18
- REFUSED-7 GO TO 18
- DON'T KNOW-8 GO TO 18

18. IF YES: What is the range of incremental payment for a 16-year-old with special needs or hard to place?

- From \$_____ to \$_____
- REFUSED-7
- DON'T KNOW-8

19. Do these increments follow the teen into legal permanence, that is, do they “bump up” guardianship payments?

- Yes 1 GO TO 20
- No 0 GO TO 22
- Not applicable..... 5 GO TO 22
- REFUSED-7 GO TO 22
- DON'T KNOW-8 GO TO 22

20. IF YES: Is the bump the same as the foster care increment, less, or more?

- Less 1 GO TO 21
- Same 2 GO TO 21
- More 3 GO TO 21
- Other / Explain 4

SPECIFY: _____

_____ GO TO 21

- Not applicable 5 GO TO 22
- REFUSED-7 GO TO 22
- DON'T KNOW-8 GO TO 22

21. Is there a difference between kin guardianship and non-kin guardianship in this regard?

- Yes 1 GO TO 22
- No 0 GO TO 22
- Not applicable 5 GO TO 22
- REFUSED -7 GO TO 22
- DON'T KNOW -8 GO TO 22

22. What about the subsidy for adoption – is that bumped up by special needs?

- Yes 1 GO TO 23
- No 0 GO TO TEXT ABOVE Q24
- REFUSED -7 GO TO TEXT ABOVE Q24
- DON'T KNOW -8 GO TO TEXT ABOVE Q24

23. **IF YES:** Is the bump the same as the foster care increment, less, or more?

- Less 1
- Same 2
- More 3
- Other / Explain 4

SPECIFY: _____

- REFUSED -7
- DON'T KNOW -8

Section V. Array of services and non-cash resources provided for teens 13-18 and for caregivers

I'll now ask a series of questions about services and non-cash resources – both for teens and for their caregivers. Let's start with the situation for the teens themselves.

24. First, a background question. Can I assume that, for teens in foster care, mental health and substance abuse services are funded under the state's Medicaid program?

- Yes 1
No 0
Other 4
SPECIFY: _____

REFUSED-7
DON'T KNOW-8

25. Now, another question about behavioral health services. For the 16-year-old about whom we have been talking, what agency or individual funds mental health and substance abuse services once the teen is adopted? ASK EACH.

Table with 2 columns: Agency/Program, No, Yes. Rows include State Medicaid, Other state program, Adoptive parent's health insurance, Other, SPECIFY, REFUSED, DON'T KNOW.

26. For how many months after departure from foster care, or until what age, are mental health and substance abuse services funded in this/these ways for teens who have been adopted?

- For _____ months
to age _____
Other 99
SPECIFY _____
REFUSED-7
DON'T KNOW-8

27. What about behavioral health services for 16-year-olds being cared for by kin guardians? What agency or individual funds mental health and substance abuse services for them? **ASK EACH.**

	No	Yes
State Medicaid	0	1
Other state program	0	1
Kin guardian’s health insurance	0	1
Other	0	1
SPECIFY: _____		
REFUSED	-7	
DON'T KNOW	-8	

28. For how many months after departure from foster care, or until what age, are mental health and substance abuse services funded in this/these ways for teens who are being cared for by kin guardians?

For _____ months
to age _____

Other	99
SPECIFY _____	
REFUSED	-7
DON'T KNOW	-8

29. What agency or individual funds mental health and substance abuse services once the teen is being cared for by non-kin guardians? **ASK EACH.**

	No	Yes
State Medicaid	0	1
Other state program	0	1
Non-kin guardian’s health insurance.....	0	1
Other	0	1
SPECIFY: _____		
REFUSED	-7	
DON'T KNOW	-8	

30. For how many months after departure from foster care, or until what age, are mental health and substance abuse services funded in this/these ways for teens being cared for by non-kin guardians?

For _____ months
to age _____
Other 99

SPECIFY _____
REFUSED-7
DON'T KNOW-8

31. What about for the 16-year-old who has been reunified with biological parents? What agency or individual funds mental health and substance abuse services for that teen? **ASK EACH.**

	No	Yes
State Medicaid	0	1
Other state program	0	1
Parent's health insurance.....	0	1
Other	0	1
SPECIFY: _____		
REFUSED	-7	
DON'T KNOW	-8	

32. For how many months after departure from foster care, or until what age, are mental health and substance abuse services funded for teens reunified with biological parents?

For _____ months
to age _____
Other 99

SPECIFY _____
REFUSED-7
DON'T KNOW-8

Child Welfare Administrators and Teen Permanency

33. What about for the teen who turns 18 and ages-out of foster care? What agency or individual funds mental health and substance abuse services for that teen? **ASK EACH.**

	No	Yes
State Medicaid	0	1
Other state program	0	1
Own health insurance	0	1
Other	0	1
SPECIFY: _____		
REFUSED	-7	
DON'T KNOW	-8	

34. For how many months, or until what age, are mental health and substance abuse services funded for teens who have aged-out of foster care?

For _____ months
to age _____

Other	99
SPECIFY _____	
REFUSED	-7
DON'T KNOW	-8

35. Turning now to educational services. In which situations would the 16-year-old who left foster care for permanency be eligible for the following educational services funded by the state? **[Record in table below.]**

36. And until what age would the teen be eligible for that benefit? **[Record in table below.]**

Q 35, 36	If adopted	If with kin guardian	If with non-kin guardian	If reunified with biological parent(s)	If aged out of foster care or when they turn 18
a. Education Training Voucher	0 No 1 Yes -7 REFUSED -8 DON'T KNOW				
	____ years old -7 REFUSED -8 DON'T KNOW				
b. Chafee services beyond ETV	0 No 1 Yes -7 REFUSED -8 DON'T KNOW				
	____ years old -7 REFUSED -8 DON'T KNOW				
c. Other existing educational services the youth currently receives as a foster youth (FYS)	0 No 1 Yes -7 REFUSED -8 DON'T KNOW				
	____ years old -7 REFUSED -8 DON'T KNOW				

37. **[ADDITIONAL INFORMATION ABOUT Q35-36a PROVIDED BY RESPONDENT WITHOUT PROBE]**

SPECIFY _____

38. [ADDITIONAL INFORMATIN ABOUT Q35-36b PROVIDED BY RESPONDENT WITHOUT PROBE]

SPECIFY _____

39. [ADDITIONAL INFORMATIN ABOUT Q35-36c PROVIDED BY RESPONDENT WITHOUT PROBE]

SPECIFY _____

40. What about independent living services? In which situations would the 16-year-old who left foster care for a permanent placement be eligible for the independent living services? **[Record in table below.]**

41. And until what age would the teen be eligible for that benefit? **[Record in table below.]**

Q41	Until what age?	40. Would the 16-year-old teen who left foster care be eligible for Independent Living Services if he or she were in this situation?				
		Adopted	With kin guardian	With non-kin guardian	Reunified with biological parent(s)	Aged out of foster care or when they turn 18
		0 No 1 Yes -7 REFUSED -8 DON'T KNOW	0 No 1 Yes -7 REFUSED -8 DON'T KNOW	0 No 1 Yes -7 REFUSED -8 DON'T KNOW	0 No 1 Yes -7 REFUSED -8 DON'T KNOW	0 No 1 Yes -7 REFUSED -8 DON'T KNOW
		____ years old -7 REFUSED -8 DON'T KNOW	____ years old -7 REFUSED -8 DON'T KNOW	____ years old -7 REFUSED -8 DON'T KNOW	____ years old -7 REFUSED -8 DON'T KNOW	____ years old -7 REFUSED -8 DON'T KNOW

42. [ADDITIONAL INFORMATION ABOUT Q40-41 PROVIDED BY RESPONDENT WITHOUT PROBE]

SPECIFY _____

43. Are there other services for which the 16-year-old who left foster care for permanency would be eligible that are funded by your agency? What are they? **[Record in table below.]**

Q43					
Are there other services for which the 16-year-old who left foster care for permanency would be eligible that are funded by <u>your agency</u> ? What are they?					
Name of Service	Adopted	With kin guardian	With non-kin guardian	Reunified with biological parent(s)	Aged out of foster care or when they turn 18
Service a. _____ _____ _____	0 No 1 Yes -7 REFUSED -8 DON'T KNOW				
Service b. _____ _____ _____	0 No 1 Yes -7 REFUSED -8 DON'T KNOW				
Service c. _____ _____ _____	0 No 1 Yes -7 REFUSED -8 DON'T KNOW				

44. **[ADDITIONAL INFORMATION ABOUT Q43 PROVIDED BY RESPONDENT WITHOUT PROBE]**

SPECIFY _____

45. **IF YES TO ANY IN Q43:** For how many months or until what age are these supports to teens provided after departure from foster care?

For _____ months
 to age _____
 Other 99

SPECIFY _____

REFUSED-7
 DON'T KNOW-8

46. **IF YES TO ANY SERVICES** Thinking about mental health, substance abuse, Independent Living, and Other services, are the services we have just discussed provided throughout the state?

Yes 1
 No 0
 Other 4

SPECIFY: _____

REFUSED-7
 DON'T KNOW-8

47. **IF ANY SERVICES AVAILABLE:** When these services are available, do teens in adoption, guardianship, and/or reunification have the same access to those services as they did when they were in foster care?

Yes 1
 No 0
 Other 4

SPECIFY: _____

REFUSED-7
 DON'T KNOW-8

48. What needed supports for teens are hardest to fund? Why?

REFUSED-7

DON'T KNOW-8

Now I would like to ask questions about services and non-cash resources not for the teens themselves but instead for adoptive parents, guardians, and biological parents.

49. Caseworkers may support foster parents with supports such as mental health and substance abuse services, respite, housing subsidies, and other supports. We are interested in which of these continue post-reunification and in adoption and guardianship. Do you have a policy or practice of providing continued support for *biological parents, adoptive parents or other caregivers* after teens leave foster care for permanency?

Yes 1 GO TO 50

No 0 GO TO 63

Other 4

SPECIFY: _____

_____ GO TO 50

REFUSED-7 GO TO 63

DON'T KNOW-8 GO TO 63

Child Welfare Administrators and Teen Permanency

50. **IF YES TO Q49:** Which of these services do you provide to adoptive parents as support for the adults *adopting teens* from foster care? [READ EACH] [CODE “we can provide” as YES, ” but “we can refer” as NO]

	No	Yes
50.1 Mental health services	0	1
50.2 Substance abuse services.....	0	1
50.3 Educational services.....	0	1
50.4 Respite	0	1
50.5 Housing subsidies	0	1
50.6 Employment services	0	1
50.7 Other services	0	1
What are they? _____		

REFUSED	-7	
DON'T KNOW	-8	

51. **IF YES TO ANY Q50:** For how many months or until what age are these supports provided to adoptive parents after teens’ departure from foster care?

_____ months	
to age _____	
Other	99
SPECIFY _____	

REFUSED	-7
DON'T KNOW	-8

52. **IF YES TO Q49:** Which of these services do you provide to *kin guardians* as support for the adults caring for *teens* departing from foster care? **[READ EACH]**

	No	Yes
52.1 Mental health services.....	0	1
52.2 Substance abuse services.....	0	1
52.3 Educational services.....	0	1
52.4 Respite	0	1
52.5 Housing subsidies	0	1
52.6 Employment services	0	1
52.7 Other services	0	1

What are they? _____

REFUSED-7

DON'T KNOW-8

53. **IF YES TO ANY Q52:** For how many months or until what age are these supports provided to kin guardians after teens' departure from foster care?

_____ months

to age _____

Other 99

SPECIFY _____

REFUSED-7

DON'T KNOW-8

54. **IF YES TO Q47:** Which of these services do you provide to non-kin guardians as support for the adults caring for teens departing from foster care? **[READ EACH]**

	No	Yes
54.1 Mental health services.....	0	1
54.2 Substance abuse services.....	0	1
54.3 Educational services.....	0	1
54.4 Respite	0	1
54.5 Housing subsidies	0	1
54.6 Employment services	0	1
54.7 Other services	0	1
What are they? _____		

REFUSED	-7	
DON'T KNOW	-8	

55. **IF YES TO ANY Q54:** For how many months or until what age are these supports provided to non-kin guardians after teens' departure from foster care?

_____ months

to age _____

Other 99

SPECIFY _____

REFUSED-7

DON'T KNOW-8

56. **IF YES TO Q47:** Still thinking about services for *adults*, which of these supports do you provide to *biological parents* as support for the adults with whom teens have reunified after foster care? **[READ EACH]**

	No	Yes
56.1 Mental health services.....	0	1
56.2 Substance abuse services.....	0	1
56.3 Educational services.....	0	1
56.4 Respite	0	1
56.5 Housing subsidies	0	1
56.6 Employment services	0	1
56.7 Other services	0	1

What are they? _____

REFUSED-7
 DON'T KNOW-8

57. **IF YES TO ANY Q56:** For how many months or until what age are these supports provided to biological parents after teens' departure from foster care?

_____ months

to age _____

Other 99

SPECIFY _____

REFUSED-7
 DON'T KNOW-8

58. **IF YES TO ANY SERVICES:** Is the availability of services for caregivers across the state similar to what you said a few minutes ago about services for teens?

Yes 1

No 0

Please explain: _____

REFUSED-7

DON'T KNOW-8

IF NO SERVICES FOR ADULTS GO TO 63

59. At what point do adoptive families learn that the above services are available?

NOT APPLICABLE 0

REFUSED-7

DON'T KNOW-8

60. At what point do kin guardians learn that the above services are available?

NOT APPLICABLE 0

REFUSED-7

DON'T KNOW-8

61. At what point do non-kin guardians learn that the above services are available?

NOT APPLICABLE 0

REFUSED-7

DON'T KNOW-8

62. At what point do biological parents learn that the above services are available?

- NOT APPLICABLE 0
- REFUSED -7
- DON'T KNOW -8

63. What needed supports for *biological and adoptive parents and guardians* are hardest to fund?

63.1 _____

63.2 _____

- REFUSED -7
- DON'T KNOW -8

Section VI. Reunification

We have just a couple of questions specifically on reunification with biological parents.

64. What do you see as the major obstacles to meeting reasonable efforts to reunify foster care teens with biological parents?

- REFUSED -7
- DON'T KNOW -8

65. Is transportation assistance available for biological parents to visit their teen children who are in foster care?

- Yes 1
- No 0
- Other 4
SPECIFY: _____
- REFUSED -7
- DON'T KNOW -8

GO TO 66
GO TO TEXT ABOVE Q67
GO TO 66
GO TO TEXT ABOVE Q67
GO TO TEXT ABOVE Q67

69. **[IF YES]** Do you have different caseloads for the specialized permanency program?

- Yes 1 GO TO 70
- No 0 GO TO 71
- REFUSED-7 GO TO 71
- DON'T KNOW-8 GO TO 71

70. **[IF YES]** How do the permanency program caseloads differ in terms of size?

-
- REFUSED-7 GO TO 71
 - DON'T KNOW-8 GO TO 71

71. Do the permanency program case workers differ in terms of training?

- Yes 1 GO TO 72
- No 0 GO TO 73
- REFUSED-7 GO TO 73
- DON'T KNOW-8 GO TO 73

72. **[IF YES]** How?

73. Are there other important characteristics of the special permanency program caseloads?

- Yes 1 GO TO 74
- No 0 GO TO 75
- REFUSED-7 GO TO 75
- DON'T KNOW-8 GO TO 75

74. **[IF YES]** What are they?

75. What would make a specialized permanency program more successful in promoting teen permanency?

REFUSED-7

DON'T KNOW-8

76. Is there a specialized unit, or are there specialized workers, for teens who have run away from foster care? **ASK EACH.**

	No	Yes
76.1 Specialized unit	0	1
76.2 Specialized workers.....	0	1
Other	4	
SPECIFY: _____		

REFUSED	-7	
DON'T KNOW	-8	

77. Have you found that Independent Living Services operate as an incentive to permanency, a disincentive to permanency, or are they neither an incentive nor a disincentive?

Incentive 1

Neither incentive nor disincentive 2

Disincentive 3

REFUSED-7

DON'T KNOW-8

Section VIII. Runaway policies & practice

States have different ways of defining the permanency status of teens who have run away.

78. Do you track numbers of children and youth who run away or otherwise keep data on teens who run away?

Yes	1	GO TO 79
No	0	GO TO 81
Other	4	
SPECIFY: _____		GO TO 79
REFUSED	-7	GO TO 81
DON'T KNOW	-8	GO TO 81

79. IF YES: How are teens who run away categorized?

- _____
- _____
- REFUSED-7
- DON'T KNOW-8

80. IF YES: When and if they return to foster care, are they classified as reentries?

- Yes 1
- No 0
- Other 4
- SPECIFY: _____
- REFUSED-7
- DON'T KNOW-8

81. Do you have a defined policy for case closure for teens who have run away?

- Yes 1 GO TO 82
- No 0 GO TO 83
- Other 4
- SPECIFY: _____ GO TO 82
- REFUSED-7 GO TO 83
- DON'T KNOW-8 GO TO 83

82. IF YES: What is state policy on how long caseworkers are required to look for teens before case closure?

- _____
- _____
- REFUSED-7
- DON'T KNOW-8

83. What is your state's current plan or practice for using Runaway and Homeless Youth Act funds?

- _____
- _____
- REFUSED-7
- DON'T KNOW-8

Section X. Re-entry rates from adoption, guardianship, and reunification

National data show that rates of reentry into foster care are high for teens who have moved to reunification, and also high for guardianship and adoption. We are interested in reentry foster care for each group of teens we have been discussing.

84. Other than “age,” which of these are the two primary reasons for reentry into foster care for teens who have reunified? **[READ LIST; ENTER CODES FROM LIST OR SPECIFY OTHER REASONS; IF RESPONDENT SAYS abuse, neglect, etc. PROBE FOR UNPACKING THOSE TERMS.]**

84.1 [CODE OR SPECIFY] _____

84.2[CODE OR SPECIFY] _____

REFUSED-7

DON'T KNOW-8

1. INADEQUATE OR UNSTABLE HOUSING
2. POVERTY MORE GENERALLY
3. CONFLICTING VALUES OF PARENTS/GUARDIANS AND TEENS
4. LACK OF ACCESS TO SERVICES FOR PARENTS/GUARDIANS
5. LACK OF ACCESS TO SERVICES FOR TEENS
6. TEENS’ SUBSTANCE ABUSE
7. TEENS’ MENTAL HEALTH PROBLEMS
8. OTHER DISABILITIES OF TEENS
9. TEENS’ DELINQUENT BEHAVIOR
10. OTHER BEHAVIOR OF TEENS
11. PARENTS/GUARDIANS’ SUBSTANCE ABUSE
12. PARENTS/GUARDIANS’ MENTAL HEALTH PROBLEMS
13. PARENTS/GUARDIANS’ CRIMINALITY
14. REPEATED MALTREATMENT
15. OTHER: PLEASE SPECIFY IN RESPONSE

85. Other than "age," what are the primary reasons for reentry for teens who have been adopted? **[RE-READ ABOVE LIST]**

- 85.1 [CODE OR SPECIFY] _____
- 85.2[CODE OR SPECIFY] _____
- REFUSED-7
- DON'T KNOW-8

Section XI. Concluding questions.

86. If you could change one or two policies or practices that we have discussed (funds, services, reunification, staffing, etc.), what would make the most difference for *getting teens into* stable, permanent settings?

- _____
- _____
- REFUSED-7
- DON'T KNOW-8

87. Which policies or practices would make the most difference for *keeping teens in* stable, permanent settings once they are there?

- _____
- _____
- REFUSED-7
- DON'T KNOW-8

88. Do you have useful studies or evaluations relevant to teen permanency in your state?

- Yes 1 GO TO 89
- No 0 GO TO END
- REFUSED-7 GO TO END
- DON'T KNOW-8 GO TO END

- 89. **IF YES:** Can you provide us with copies or links?
 - Yes 1 GO TO 90
 - No 0 GO TO END
 - REFUSED-7 GO TO END
 - DON'T KNOW-8 GO TO END

- 90. **IF YES:** Please specify:
 - _____
 - _____

END

[IF DEEP DIVE STATE INQUIRE ABOUT REFERRALS TO OTHER RESPONDENTS.]

[THANK-YOU AND/OR OTHER ENDING]

POST-INTERVIEW OBSERVATIONS	YES 1	NO 0
<p>A. RESPONDENT BROKE OFF INTERVIEW ANY REASON GIVEN?</p> <p>_____</p> <p>_____</p>		
<p>B. INTERVIEWER STOPPED INTERVIEW. WHY?</p> <p>_____</p> <p>_____</p>		

9. Legal Policy Template

	Response and Citation
State	
Date Modified	
Documents Referenced	
Interviews Conducted, Interviewees, Dates	
State Permanency / Governance	
Does the state or counties have a teen permanency unit?	
Known Teen Permanency Initiatives	
What federal demonstration projects has the state participated in? Please describe.	
Is there an active Annie E. Casey project or program or Jim Casey project or program in the state? If yes, describe.	
Does the state have a Jim Casey Youth Opportunities program? If yes, describe.	
Other demonstration projects/grants/known initiatives? If yes, describe.	
Legal Definition of Permanency (any teen specific clauses)	
Permanency as defined in state law	
Provisions specific to teens in care	
How does the state define special needs for fiscal payment structures? Have they added any groups besides those named in federal law?	
State Data Cites/Links	See, AECF Kids Count Data Center at datacenter.kidscount.org For California: kidsdata.org has a few more sources
Number of teenagers in the state/ number of teenagers in foster care	1265 children in foster care in 2015.
Teenage care population by ethnicity/ race, gender, placement type, age groups	
Reasons for teen entry into care (e.g. abuse, neglect, behavioral problems)	
Reasons for teen discharge from foster care – percentage to reunification, adoption, guardianship, runaway/ missing from care	
Teen reentries	
How many teens are adopted through interstate placements?	

Runaway data – e.g. number/percentage of youth on runaway; length of time on runaway...	
Advisory Boards	
Does the state have a child welfare policy advisory board or commission? Describe. Have they produced any study or report on teen permanency?	
Does the state have a youth advisory board? Describe. Have they produced any study or report on teen permanency?	
Does the state have a foster youth advocacy organization – e.g. California Youth Connection? See, http://www.calyouthconn.org/	
Citizen Review Board	
Does the state have a citizen foster care review board? ¹ Does it review teen cases? Data/Reports on permanency for teens? Any initiatives focused on youth in foster care?	
Appointment of Counsel	See, National Coalition for Civil Right to Counsel at civilrighttocounsel.org/map ; Child Welfare Information Gateway, <i>Representation of Children in Child Abuse & Neglect Proceedings</i> (2014) at https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/represent/ ; and Children’s Advocacy Institute & First Star, <i>A National Report Card on Legal Representation for Abused & Neglected Children</i> (3rd ed.)at http://www.caichildlaw.org/Misc/3rd_Ed_Childs_Right_to_Counsel.pdf
Children: Are attorneys appointed for children? Are Guardian Ad Litem (GAL) appointed? Are Court Appointed Special Advocates (CASA)? Does it depend upon child’s age? Explain.	
Parents: Are attorneys appointed for parents in all/some situations?	
Extended Foster Care	
Has state extended eligibility for foster care to youth beyond age 18? What are the eligibility criteria? Age group(s) eligible?	

Relative Placement Preference ²	See, Child Welfare Information Gateway, <i>Placement of Children with Relatives</i> at https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/placement/ (2013); Background Checks for Prospective Foster, Adoptive, and Kinship Caregivers at https://www.childwelfare.gov/pubPDFs/background.pdf (2015)
Is there a preference for placement of children in foster care with relatives? ³	
What 'relatives' are included in the placement preference? Does it include "fictive kin."	
Are monthly payments to relatives equivalent to those for unrelated foster care providers?	
Must relatives be licensed as foster parents?	
Does state allow waiver of non-safety standards? ⁴	
What are the non-safety standards that can be waived?	
What is procedure for waiver and who has authority to approve?	
What criminal offenses make relative ineligible for placement of child?	
<i>Fostering Connections: Kinship Guardianship Assistance Program</i> ⁵	Information about state KinGAP, current as of September 2012, may be found at http://www.grandfamilies.org/Portals/0/Making%20it%20Work%20-%20GAP%20report%202012.pdf . (Box 1, 4, 6,7, Appendix G) See also, Child Welfare Information Gateway, <i>Kinship Guardianship as a Permanency Option</i> (2104) at https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/kinshipguardianship/
Has the state adopted the option to provide guardianship assistance payments (KinGAP) to relatives who become legal guardians? ⁶ Are non-IVE children eligible?	Box 1, Appendix H
How is relative defined for purposes of eligibility for state's KinGAP? Are 'fictive kin' included?	Box 7
Is the KinGAP payment the same amount as the foster care maintenance payment or less? ⁷ If less, what is maximum amount permitted? ⁸ What financial and other supports are included in guardianship assistance?	Box 6
Does KinGAP extend beyond age 17? If so, to what age? Special needs required?	Box 4

Under what circumstances/events may the KinGAP agreement and/or payment be modified?	
What is the maximum amount of reimbursement for non-recurring expenses for obtaining guardianship? ⁹	
What criminal offenses make relative ineligible for KinGAP? ¹⁰	
Are KinGAP youth eligible for services provided under the Chafee Foster Care Independence Program (CFCIP) ¹¹	Appendix G
Are KinGAP youth eligible for the Education and Training Voucher program. ¹²	Appendix G
Are guardianships really permanent? Any data?	
<i>Fostering Connections: Identifying & Notifying Relatives</i> ¹³	
Are the “relatives” to be identified and notified listed? Must all relatives be notified or may the agency stop after finding a single relative interested in assuming care of the child?	
What are the procedures required for identifying relatives? E.g., Is child and/or parent asked to identify? Is Federal Parent Locator Service used? What other data bases or information management systems are consulted? Social media?	
Are there dedicated staff whose role is identifying and notifying relatives?	
Who is responsible for notifying relatives? Child welfare agency/ probation? Court?	
Is there a requirement that relatives be notified in writing and/or verbally?	
Is “due diligence” defined? If so, what is required?	
What oversight, if any, is there to determine if due diligence was exercised?(E.g. by the courts)	
Preventing Sex Trafficking & Strengthening Families Act (2014)	

<p>What are policies for youth's participation in case planning? Item 13, CFSR.¹⁴ Are youth 14 and older empowered to select 2 members of planning team?</p> <p>What accommodations are there to facilitate/encourage youth to participate – e.g. scheduling after school, providing transportation. How are meetings run so as to encourage youth participation, speaking out?</p>	<p>CFSR Item 13: Involvement of Child/Parents in case planning APSR?</p>
<p>Does policy prohibit permanency plan of Another Planned Permanent Living Arrangement (APPLA) for youth under 16?¹⁵ Are there rules of court requiring judge to make certain determinations before approving APPLA for a child 16 yrs old or older?¹⁶</p>	
<p>Congregate Care Facilities</p>	
<p>Are there policies restricting placement of youth in group care and/or limiting time in group care?</p>	
<p>Are there policies for diversion of teens from foster care? E.g., differential response</p>	
<p>Runaways</p>	
<p>What are the agency's protocols for locating youth missing from foster care?</p>	
<p>Do policies require determination of factors leading to the child leaving care and addressing reasons in subsequent foster care placements?</p>	
<p>Do policies require determination of child's experiences while missing from care, including queries about victimization (sex trafficking)?</p>	
<p>What criteria are there for closing a case/discharging a child from care who is missing/=on runaway?</p>	
<p>Adoption¹⁷</p>	<p>North American Council on Adoptable Children, Summary of State Adoption Assistance Programs, at http://www.nacac.org/adoption/subsidy/summary.html</p>

<p>Adoption Subsidies.¹⁸ Are adoption subsidies limited – i.e. are they less than the foster care rate?¹⁹ What is the maximum amount of the adoption subsidy? What criteria are used to determine the amount of subsidy? How frequently is the amount of the subsidy reviewed or reconsidered? What are the criteria for changing the amount of the subsidy?</p>	
<p>Post Adoption supportive services?²⁰ What services are available? Limitations on nature and/or duration?</p>	
<p>Does the state provide for open adoptions that allow contact with biological parents/siblings after adoption?²¹</p>	
<p>Multi-Ethnic Placement Act of 1994²²</p>	
<p>What are the diligent recruitment efforts made by the agency? Are there targeted recruitment efforts for minority and older children? Does the agency contract with private recruitment agencies?²³</p>	<p>Item 35, CFSR.</p>
<p>Does the agency collect and analyze data re: adoptive home recruitment, guardianships, adoption and guardianship disruptions (factors contributing to disruptions)</p>	
<p>How does the agency notify prospective adoptive parents of the availability of adoption assistance?²⁴ Adoption tax credit?</p>	
<p>Safe & Timely Interstate Placement of Children Act of 2006²⁵</p>	
<p>Item 36, CFSR. State Use of Cross-Jurisdictional Resources for Permanent Placements</p>	
<p>Reunification²⁶</p>	<p>Child Welfare Information Gateway, <i>Reasonable efforts to preserve or reunify families and achieve permanency for children</i> (2016) at https://www.childwelfare.gov/pubPDFs/reunify.pdf</p>

What are the policies concerning parents' visiting with their children in out-of-home placements? E.g., Does the policy specify minimum frequency, length of visits, places where visits should occur...? Does the state's definition of "reasonable efforts" include visitation between parent & child?	Item 8, CFSR ²⁷
Special Populations	
Youth with mental health, behavioral, or substance use needs	
Youth who are LGBTQI	
Youth who have developmental disabilities	
Youth who are African American, Native American, Unaccompanied Minors/Undocumented	

CFSR Item nos. added where related to policy issue.

Recommended search terms for APSRs: recruitment, diligent recruitment, guardianship, kinship care, kinship guardianship, kinship support, family-finding, family group-decision-making, family team meeting, visitation, reasonable efforts...

Endnotes for Appendix 9

- States with foster care citizen review boards include Arizona, Kentucky, Maryland, Michigan, Nebraska, Oregon, South Carolina.
- 42 U.S.C. 671(a)(19) provides that the State shall consider giving preference to an adult relative over a non-related caregiver when determining a placement for a child, provided that the relative caregiver meets all relevant State child protection standards. Approximately 45 States and Puerto Rico given preference or priority to relative placements in their statutes. Massachusetts, Ohio, Wyoming, and the District of Columbia require child-placing agencies to give preference to placements with relatives in regulation, Child Welfare Information Gateway, *Placement of Children with Relatives* (July 2013) at
- See, Item 15 CFSR, Relative Placement and Item 8 CFSR, Reunification, Guardianship, Permanent Placement with Relatives
- 42 U.S.C. 671(a)(10) explicitly permits the title IV-E agency to waive on a case-by-case basis a non-safety licensing standard for a relative foster family home.
- Fostering Connections to Success and Increasing Adoptions Act of 2008*
P.L. 110-351, 42 U.S.C. 671(a)(28), 673 (d), & 674 (a)(5). "Thirty-seven states and the District of Columbia had offered subsidized guardianship assistance funded primarily with state dollars prior to Title IV-E GAP. By 2012 29 states, the District of Columbia and one Indian tribe, had received approval to operate GAP from the Children's Bureau in the Administration on Children, Youth and Families in the U.S. Department of Health and Human Services..., Children's Defense Fund, et al, *Making it Work, Using the Guardianship Assistance Program (GAP) To Close the Permanency Gap for Children in Foster Care* (2012) at <http://www.grandfamilies.org/Portals/0/Making%20it%20Work%20-%20GAP%20report%202012.pdf>
- Some states provide subsidized guardianship for unrelated guardians. E.g., AZ - Arizona has a state funded guardianship subsidy program for children for whom a Title 8 guardianship is established through the juvenile court. Specific eligibility factors are:
 - There is a Title 8 permanent guardianship finalized through Juvenile Division of Arizona Superior Court in accordance with state statute A.R.S. §8-872;
 - The child is in the custody of the Department of Child Safety; and
 - The guardian must apply for other state and federal program benefits on behalf of the child.
at <http://www.nacac.org/adoptionsubsidy/stateprofiles/arizona.htm>
Kansas established a state-funded "permanent custodianship" stipend to assist families willing to assume this responsibility for a child in foster care, K.S.A. §38-2272. The maximum stipend is \$300/month
- See, Child Trends, *Family Foster Care Reimbursement Rates in the U.S.A Report from a 2012 National Survey on Foster Care Provider Classifications and Rates* (2013), Table 4 for basic foster care rates broken down by age. Note: data is from 2012.
- Kentucky eliminated its kinship program due to budget issues and provides stipend of \$300/month
- 42 U.S.C. 673(d)(1) allows up to \$2000.
- 42 U.S.C. 671(a)(20) requires states to have procedures for fingerprint-based criminal records checks of relative guardians and child abuse and neglect registry checks of relative guardians and adults living in the guardian's home. That section of the law also states

- (i) in any case involving a child on whose behalf such payments are to be made in which a record check reveals a felony conviction for child abuse or neglect, for spousal abuse, for a crime against children (including child pornography), or for a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery, if a State finds that a court of competent jurisdiction has determined that the felony was committed at any time, such final approval shall not be granted; and
 - (ii) in any case involving a child on whose behalf such payments are to be made in which a record check reveals a felony conviction for physical assault, battery, or a drug-related offense, if a State finds that a court of competent jurisdiction has determined that the felony was committed within the past 5 years, such final approval shall not be granted...
11. 42 U.S.C. 677(a)(7) permits providing Chaffee services to youth who after age 16 leave foster care for kinship guardianship or adoption.
 12. 42 U.S.C. 677(i)(2) permits vouchers for youth who after attaining age 16 enter into kinship guardianship or are adopted from foster care
 13. 42 U.S.C. 671(a)(29) requires that title IV-E agencies exercise due diligence to identify and notify all adult relatives of a child within 30 days of the child's removal, of the relatives' options to become a placement resource for the child. See Item 10 of CFSR, "Relative Placement"- concerted efforts to place with a relative.
 14. See Item 18, CFSR, Child and family involvement in case planning.
 15. See, Item 10, CFSR, Other Planned Permanent Living Arrangement.
 16. ABA Center on Children & the Law, *Issue Brief/The Role of the Court in Implementing the Older Youth Provisions of the Strengthening Families Act* (February 2016)
To select or maintain the plan of APPLA, the court: 1. Should determine whether the agency has documented the intensive, ongoing, unsuccessful efforts to achieve reunification, adoption, guardianship, or placement with a fit and willing relative; 2. Must find that APPLA is the best permanency plan for the child; and 3. Must find that there is a compelling reason that it is not in the best interest of the youth to return home, be placed for adoption, enter a guardianship arrangement, or be placed with a fit and willing relative.
 17. See, Item 9 CFSR, Adoption.
 18. See, *Child Welfare Policy Manual*, Section 8.2A.2
The use of a means test is prohibited in the process of selecting a suitable adoptive family, or in negotiating an adoption assistance agreement, including the amount of the adoption assistance payment. Once a child has been determined eligible under section 473 of the Act, adoptive parents cannot be rejected for adoption assistance or have payments reduced without their agreement because of their income or other resources. In addition, the State cannot arbitrarily reject a request for an increase in the amount of subsidy (up to the amount the child would have received in foster care) in cases where the adoptive parents make life choices such as resigning one's job to stay at home with the adopted child or to return to school. Adoptive parents can request a fair hearing if the State rejects such requests.
 19. See, *Child Trends, Family Foster Care Reimbursement Rates in the U.S.A Report from a 2012 National Survey on Foster Care Provider Classifications and Rates* (2013), Table 4 for basic foster care rates broken down by age at Note: data is from 2012. Compare with adoption subsidy maximum rates. Subsidy rates are broken down into three age groups – age 2, age 9, age 16.
 20. E.g., New Jersey's Mobile Response and Stabilization Services (MRSS) provides 24/7 crisis support to all resource families and children and youth in foster care. Resource families can call a hotline 24 hours a day, 7 days a week to request assistance if a child experiences an emotional or behavioral health crisis that causes a disruption in the home.
 21. *ABA Issue Brief* also suggests exploring Does the state have a law or policy to undo termination of parental rights? Does the state have a policy on how to engage biological parents whose rights were terminated, but may now be a permanency resource?
 22. 42 U.S.C. 622 (b)(7) requires that state plan for child welfare services must provide for the diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of children in the State for whom foster and adoptive homes are needed;
See also, *Child Welfare Policy Manual*, Section 4.1 at https://www.acf.hhs.gov/cwpm/programs/cb/laws_policies/laws/cwpm/index.jsp
Note: The CFSR includes a determination of whether or not the title IV-E agency has in place an identifiable process for assuring the diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of children in the State or Tribe for whom foster and adoptive homes are needed, Item 35. Did the most recent CFSR determine this was an area needing improvement? See PIP??.
 23. Note: Recruitment efforts may be local not statewide, See, *Child Trends, A National Evaluation of Wendy's Wonderful Kids/Technical Report: Impact Findings*, at 5-7 (October 2011) ("many [adoption recruitment programs] are implemented on a small, local scale.")
 24. See, *Child Welfare Policy Manual*, Section 8.2E.
 25. 42 U.S.C. 671 (a)(25)&(26) requires states
(25) provide that the State shall have in effect procedures for the orderly and timely interstate placement of children; and procedures implemented in accordance with an interstate compact, if incorporating with the procedures prescribed by paragraph (26), shall be considered to satisfy the requirement of this paragraph;
(26) provides that—
(A)(i) within 60 days after the State receives from another State a request to conduct a study of a home environment for purposes of assessing the safety and suitability of placing a child in the home, the State shall, directly or by contract—
(I) conduct and complete the study; and
(II) return to the other State a report on the results of the study, which shall address the extent to which placement in the home would meet the needs of the child; and
42 U.S.C. 622 (b)(10) requires state child welfare services plan contain assurances that the State shall make effective use of cross jurisdictional resources (including through contracts for the purchase of services), and shall eliminate legal barriers, to facilitate timely adoptive or permanent placements for waiting

children

26. 42 U.S.C. 671(a)(15) requires 'reasonable efforts' to prevent child's placement in foster care and to reunite a child with family. Title IV-B includes family preservation services and time-limited reunification services. Time-limited reunification services include
 - (i) Individual, group, and family counseling.
 - (ii) Inpatient, residential, or outpatient substance abuse treatment services.
 - (iii) Mental health services.
 - (iv) Assistance to address domestic violence.
 - (v) Services designed to provide temporary child care and therapeutic services for families, including crisis nurseries.
 - (vi) Peer-to-peer mentoring and support groups for parents and primary caregivers.
 - (vii) Services and activities designed to facilitate access to and visitation of children by parents and siblings.
 - (viii) Transportation to or from any of the services and activities described in this subparagraph.
27. Meaningful and frequent visitation is the single best predictor of safe and lasting reunification.

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