


Be Heard!

Passage of the Strengthening Families Act Creates Advocacy Opportunities

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About This Webinar

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- All participants are muted throughout the presentation.
- If you have questions, please type them in the Questions box at the bottom of the GoToWebinar control panel and click Send. We'll take a few opportunities during the session to ask the questions aloud so everyone can hear the answers.



Workshop Overview

What are VFA and Children's Defense Fund?

Analysis of the child welfare provisions in P.L. 113-183 (H.R. 4980) Preventing Sex Trafficking and Strengthening Families Act of 2014

What opportunities does the passage of H.R. 4980 offer advocates at the state level?

How can Advocates for Families First support you?

Voice for Adoption

VFA develops and advocates for improved adoption policies to make a difference for the 102,000 children in public foster care and families who adopt from the public system.

Recognized as a national leader in special needs adoption, VFA works closely with federal legislators and child welfare organizations to highlight policy barriers.

VFA tracks and analysis federal child welfare/adoption policy and disseminates this information to our members and partners through policy calls, webinars and email updates.

www.voice-for-adoption.org

Children's Defense Fund

The Children's Defense Fund (CDF) is a non-profit child advocacy organization that has worked for more than 40 years to ensure a level playing field for all children.

The Children's Defense Fund Leave No Child Behind® mission is to ensure every child a *Healthy Start, a Head Start, a Fair Start, a Safe Start* and a *Moral Start* in life and successful passage to adulthood with the help of caring families and communities.

CDF provides a strong, effective and independent voice for all the children of America who cannot vote, lobby or speak for themselves. We pay particular attention to the needs of poor children, children of color and those with disabilities. CDF educates the nation about the needs of children and encourages preventive investments before they get sick, drop out of school, get into trouble or suffer family breakdown.

Preventing Sex Trafficking and Strengthening Families Act P.L. 113-183 (H.R. 4980)

On September 29th 2014, President Obama signed the Preventing Sex Trafficking and Strengthening Families Act (H.R. 4980) into law. (Public Law 113-183)

Three titles

- Title I: Protecting Children and Youth at Risk of Sex Trafficking
- Title II: Improving Adoption Incentives and Extending Family Connections Grants
- Title III: Improving International Child Support Recovery

Protecting Children and Youth at Risk of Sex Trafficking

Identifying, documenting, and determining services for children and youth at risk of sex trafficking

Reporting instances of sex trafficking within 24 hours to law enforcement

Including sex trafficking data in AFCARS

Locating and responding to children who run away from foster care

Increasing information on children in foster care to prevent sex trafficking

National advisory Committee on the Sex Trafficking of Children and Youth in the United States

**These provisions only apply to the children who that state has responsibility for placement, care, or supervision, including those who were not removed from the home, children from foster care who have run away and those receiving services under Chaffee.*

Supporting Normalcy: Establishing a “Reasonable and Prudent Parent” Standard

States must implement a “reasonable and prudent parent standard” to allow foster parents (including licensed kinship caregivers) more autonomy to make decisions in matters affecting the health, safety, and best interest of the child, as well as extracurricular and social activities.

States will have to revise their licensing rules and policies to ensure appropriate caregiver liability.

States have one year to implement this provision, and are allowed more time if legislation is required.

Another Planned Permanent Living Arrangement (APPLA)

AAPLA will no longer apply as a permanency goal for children under age 16, and further case planning and review requirements will go into effect for youth with an APPLA permanency goal (implementation is delayed three years for children in the foster care systems of Indian tribes).

The state must show its intensive, ongoing and unsuccessful efforts to find permanent placements during permanency hearings, which should include attempts to find biological family members.

The state agency must ask the child at each hearing about his or her preferred permanency goal and conduct a judicial determination showing why APPLA is still the best option.

Ensure the reasonable and prudent parent standard is being followed.

States have one year to implement (by September 29, 2015), and are allowed more time if legislation is needed.

Three year delay for children in foster care under the responsibility of an Indian tribe, tribal organization or tribal consortium

Youth Empowerment & List of Rights Notification

Sec. 113 requires children 14 and older to be consulted in the development of their case plan and directs states to allow youth to invite 2 other members identified by the youth to be a part of their case planning team (other than their foster parent or caseworker)

A state can reject only if there are concerns of safety or not having the youths best interest at heart

States are also required to provide a written "List of Rights" document to youth age 14 or older outlining the following (but not limited to): education, health care, visitations, court hearings/ participation and their rights to be safe.

Youth Empowerment & List of Rights Notification Continued

Youth ages 14 and older must also receive a free annual credit report and help with resolving any inaccuracies

The state is also required to document a signed acknowledgement from the child that they received their list of rights and that they have been "explained in an age-appropriate way"

Two years after enactment HHS is required to report to Congress an analysis of how states are administering these requirements and share states best practices of these efforts

Equipping Youth with Self-Identifying Documentation

Requires that youth who have been in care at least six months must be provided a legal copy of their personal documents, including their birth certificate, social security card, driver's license or identification and medical records.

States have a year to implement this provision, and are allowed more time if legislation is required.

California has strong state legislation on documentation provided to youth aging out of care

Advocacy needed for states to go beyond the law and encourage providing proof of time in care for the purposes of college financial aid access and Medicaid to age 26 (benefit under the Affordable Care Act law)

Equipping Youth with Self-Identifying Documentation

Documentation

- Birth certificate
- SS card
- Health insurance and medical record
- Driver's license or I.D.

Advocacy needed: Providing proof of time in care for the purposes of

- college financial aid access
- Medicaid to age 26 (benefit under the Affordable Care Act law)

Expanding the Adoption Incentive Program

The Adoption Incentive Program is renamed the Adoption and Legal Guardianship Incentive Payments Program, and is reauthorized through fiscal year 2016.

Incentive payments to states will now be based on guardianships in addition to adoptions.

Improvements based on RATES rather than NUMBERS.

The incentive categories and payment amounts have also been changed to include:

- \$5,000 for foster child adoption
- \$7,500 for pre-adolescent child adoption and guardianship
- \$10,000 for older (ages 14+) child adoption and guardianship
- \$4,000 for foster child guardianship

These provisions take effect as if the legislation was passed October 1, 2013.

Title IV-E Adoption Assistance "De-Link" Savings Reinvestment

Building on the 2008 Fostering Connections Law "de-linking" a child's income eligibility from AFDC (phasing in through FY2018). Federal share of cost goes up and states save dollars. Already required in law to be reinvested into child welfare services.

Sec. 206

Requires states to annually report any savings to HHS (including what methodology was used). Must supplement, not supplant

Requires states to spend 30% on certain services (post-adoption, post-guardianship & prevention of FC services) used support and sustain positive permanent outcomes

20% must be spent specifically on post adoption/guardianship services.

Title IV-E Adoption Assistance "De-Link" Savings Reinvestment Continued

What Can State Advocates Do?

- Become familiar with the history of this provision.
- Understand the new law requirements.
- Ask questions and begin a local dialogue to ensure that these savings are being reinvested for children and families.

Successor Guardians Can Continue to Receive Title IV-E GAP

Payments under the Guardianship Assistance Program (GAP) for children eligible under Title IV-E may be transferred to the care of another named "successor" guardian in cases where the child's guardian dies or is otherwise unable to care for them.

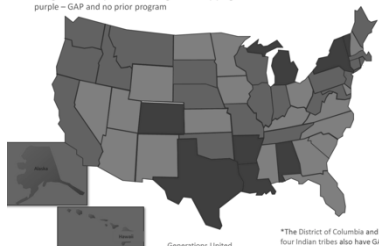
These children no longer have to return to foster care for 6 months in order to re-qualify for GAP.

Administration for Children and Families released Program Instruction ACYF-CB-PI-14-06 with instructions on state plan amendments for this provision.

Successor Guardians Can Continue to Receive Title IV-E GAP

31 States with GAP

orange -- GAP and prior subsidized guardianship program
purple -- GAP and no prior program



Data Collection: Adoption/Guardianship Disruption & Dissolution

Requires the Department of Health and Human Services to provide regulations to states around the collection and analysis of information on children who re-enter foster care after being placed in adoption or guardianship.

The regulations will require that states collect and report –the number of children who enter FC after the finalization of an adoption or guardianship.

A list of data details will be required, for example: length of placement, type, age of child, type of agency (public/private) that made the initial placement, etc.

Notification of Sibling Placements

Sec. 209 – Builds on the “Relative Notification” provision from 2008 Fostering Connections Law.

Clarifies that agencies must notify parents of a child’s siblings when the child is removed from a parent’s care. This includes children who would have been considered siblings if not for the termination or other disruption of parental rights.

States have one year to implement this provision, and are allowed more time if legislation is required.

Administration for Children and Families released Program Instruction ACYF-CB-PI-14-06 with instructions on state plan amendments for this provision.

Family Connections Grants, 1 year Extension

Family Connections Grants established in the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections Act).

Funding for Family Connections Grants (which include kinship navigators, family finding, and family group decision making programs) is extended through fiscal year 2014 at the current authorization of \$15 million.

Current grantees who were awarded three-year grants in 2012 were facing threat of losing last year of funding in FY2014.

This section removes the provision in current law that requires at least \$5 million of the Family Connection Grants funding be used to support kinship navigator programs.

No new RFP’s. This funding only completes the work of current grants.

Improving International Child Support Recovery

Third title of the bill, unrelated to our work

ACF Program Instructions Issued

On November 21, 2014, the Administration for Children and Families released Program Instruction ACYF-CB-PI-14-06 that provides information and instructions for amending the relative identification and notification to include siblings and incorporating successor guardian.

Information on effective dates and applying for a delayed effective date if state legislation is required (within 30 days of PI)

Information on submitting agency plan amendments (within 60 days of PI)

Looking to 2015 and Beyond

Federal legislation & continued child welfare finance reform landscape on the horizon

Opportunities for advocacy on the federal & local levels

Keeping the eye on the prize: continued communication and guidance from advocates

Advocates for Families First

1. State implementation items
2. What can advocates do to inform local implementation?
3. What resources can Advocates for Families First offer?

Provision Included	State Responsibility	Local Advocacy
Supporting Normalcy	States implement "prudent parent standard" States revise licensing standards May require legislation	Inform the definition Provide testimony Serve on task force
APPLA Improvements	Demonstrate increased permanency efforts Should result in increased permanency outcomes for older youth	Serve in foster care review meetings and permanency roundtables Support youth network and advocacy teams Educate and support youth regarding permanency options
Youth Empowerment	Include youth age 14+ in case planning Report to fed in 2 years	Ensure youth have skills and ability to participate fully Anticipate results from 2 year report and develop advocacy plan
Documentation	Provide legal (official) copy One year to implement	Share California legislative language Push for additional documentation on time in care Monitor implementation
Improve Incentive Program	Effective as of October 2013 Based on RATES Incentives for Guardianship	Monitor RATES of guardianship/adoption and reinvestment of incentives (NACAC reports) Push for KiviGAP in your state Anticipate advocacy approaching 2016

Provision Included	State Responsibility	Local Advocacy
Title IV-E De-link	Report annually on savings and reinvestment Must not supplant 30% to support permanency outcomes 20% post-adoption, post-guardianship support	Monitor reporting and hold states accountable Serve on advisory panels Develop reinvestment plans and share early
Successor Guardians	Must transfer assistant payments to named successor	Educate caregivers about the importance of naming a successor Familiarize self with ACYF-CB-PH-14-06 Push for GAP in non-participating states
Data Collection	Report on re-entry after adoption/guardianship	Monitor reporting and analyze results Inform systems regarding training, support, and service models that support stability
Siblings	Notify parents of siblings One year to implement	Familiarize self with ACYF-CB-PH-14-06- instructions Monitor states' progress Inform legislation, if required
Family Connections Grants	Awarded final year of funding	Watch for evaluation reports and use information in 1) developing advocacy plan to request future funding, and 2) replication of successful models

Resources Available

Assistance with data collection

Assistance with understanding funding streams and promoting spending plans

Assistance in developing

- Legislative language
- Program proposals
- Action plans

Questions?



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