

State Policy Update

December 2019



CHAMPS, which stands for Children Need Amazing Parents, is a national campaign to ensure bright futures for kids in foster care by promoting foster parenting policy improvements in states and nationally. CHAMPS provides research-based information and tools to encourage and assist decision makers in strengthening foster parenting in their communities. CHAMPS identifies six policy priorities (see below). Key resources from CHAMPS include a policy playbook, a Guide on Foster Parent Recruitment and Retention, and the Foster Family Story Project.

CHAMPS provides this state policy update highlighting legislative activity as well as executive and administrative actions related to recognizing and supporting current foster parents as well as recruiting and training new foster families. CHAMPS applauds the many policymakers who are committed to supporting foster families and helping to ensure that children in foster care receive the highest quality parenting and experience the best possible outcomes.

- Support Relationships between Birth and Foster Families** 1
 - Implement Data-Driven Recruitment and Retention Practices** 2
 - Engage Foster Parents in Decision-Making** 3
 - Provide Timely Access to Trusted, Dedicated Staff and Peer Support** 4
 - Prioritize Placements with Family Members and Other Family Connections** 5
 - Ensure Timely Access to Physical and Mental Health Services** 6
- 6**
Policy
Priorities

The following summary identifies Governors' initiatives and legislative measures related to the Champs policy priorities.

Foster Parent Recruitment

Recruitment and retention of foster parents is a growing priority in a number of states in the context of increasing foster care caseloads driven in large part by child welfare agencies' response to the surge in parental drug use. The following states are seeking to address this issue through legislation or executive action:

- Several Governors and First Ladies have made recruitment and support of foster parents a high priority.
 - **Alaska** Governor Mike Dunleavy proclaimed May 2019 as Foster Parent Appreciation Month.
 - In his 2019 State of the Commonwealth address, **Kentucky** Governor Matt Bevin promoted "Uniting Kentucky," an initiative to engage faith communities in recruitment and support of quality foster and adoptive parents.
 - **Louisiana** First Lady Donna Edwards hosted two foster care summits at the Governor's mansion in support of "Louisiana Fosters," a campaign to recruit and support foster parents.
 - **Massachusetts** Governor Charlie Baker announced major foster care reforms, including an increase in the number of dedicated foster care recruiters from 11 to 29 and expansion of a pilot program to identify kinship placements. The reforms will also include creation of a centralized database of available foster homes after hours and on weekends.
 - **South Dakota** Governor Kristi Noem pledged in her 2019 State of the State address to use every opportunity to educate her state about the need for more foster parents. Other governors who cited the need for more foster parents in their State of the State addresses include **Kansas** Governor Laura Kelly, **Ohio** Governor Mike DeWine and **New Mexico** Governor Michelle Lujan Grisham.
 - **Virginia** Governor Ralph Northam announced the launch of the Virginia Fosters Campaign to improve recruitment, retention and support of foster families.
- **California** enacted AB 686, which provides that when a tribe does not exercise its right to approve a home for a specific child, the county must apply prevailing social and cultural standards of the Indian community when approving a home for the child.
- H 133, pending in the **Massachusetts** legislature, would require the Department of Children and Families to investigate and report on the feasibility of launching an organized and focused foster parent recruitment campaign.
- The **New Mexico** legislature approved House Joint Memorial 10, requesting the Secretary of Children, Youth and Families to convene a task force to recommend measures to improve recruitment and retention of resource families.



- **Virginia** enacted SB 1339, a foster care reform bill that includes a provision requiring the state to develop a data-driven plan for recruitment and retention of foster families.

Foster Parents as Partners

Increasingly, foster parents are being recognized as priority partners on children's care and treatment teams and as trusted advisors on matters of foster care policy and practice. Policymakers are including foster parents on advisory boards, enacting foster parent bills of rights and giving foster parents a voice in court proceedings.

- The **Florida** legislature passed HB 1209 setting forth the Department of Children and Families' responsibilities to caregivers, including sharing of all relevant information, soliciting and considering caregiver input on a child's case plan, and providing notice of court hearings.
- **Georgia** SB 167 allows a court to presume that continuation of a child's placement with a current caregiver is in the child's best interest under specified circumstances and requires the court to enter a finding that a change of placement is a failure by DFCS to make reasonable efforts to finalize the child's permanency plan. It also provides that if a relative fails to demonstrate an interest in providing a child a permanent home within six months after receiving the required notice of the child's placement, the court may excuse DFCS from considering such relative as a placement.
- The **Indiana** legislature enacted SB 1, which clarified and expanded the rights of foster parents in court proceedings:
 - Allows foster parents to petition to intervene in court proceedings. Requires the court to grant a petition to intervene if it determines that intervention is in the best interests of the child.
 - Requires the creation of a form that may be used by foster parents to provide written testimony to the court.
 - Requires Department of Child Services (DCS) court reports to include information gathered from foster parents regarding the child's progress.
 - In cases where a petition to terminate parental rights has not been filed when a child has been in foster care for 15 of the most recent 22 months, allows a foster parent, a relative or a de facto custodian of the child to file a notice with the court and requires the court to schedule a hearing



within 30 days.

- Requires DCS and the office of judicial administration to file a report with the Legislature regarding foster parents' right to be heard through oral or written testimony to the court.

SB 1 also requires DCS to make a reasonable effort to place children who re-enter foster care with the family with whom the child was first placed, if appropriate and in the child's best interest. It allows DCS to exceed a foster home's capacity for that purpose under certain conditions.

- Kentucky enacted HB 446, which requires foster parents to be parties to termination of parental rights proceedings.
- The Massachusetts legislature is considering two bills that would create a foster parent bill of rights, including the right to participate in meetings regarding the child and to receive notice of court hearings: H. 4162 and S. 2395.
- Virginia enacted HB 2108 requiring the Department of Social Services to promulgate rules regarding foster parents' rights and responsibilities.

Foster Parent Support

One of the keys to successful foster parenting is support from child welfare agencies, peers and the community. This year, policymakers are approaching foster parent support from a variety of angles.

- **California** AB 337 would, if enacted, make emergency caregivers eligible to receive stipends for school transportation costs.
- **California** enacted AB 865, which requires foster parent training to cover care and supervision of children who have been commercially sexually exploited.
- As part of **Massachusetts'** foster care reforms, the state DCF is increasing the number of foster care caseworkers, has launched a dedicated intranet for foster parents and will be providing trauma-informed foster parent training by July 2019. DCF is also increasing foster parent access to respite care.
- Mississippi enacted SB 2196 creating the **Mississippi** Foster Care Fund to support services to foster families and foster children. Mississippi also enacted HB 1613, which expands the availability of income tax credits for contributions to eligible organizations that provide services to foster parents and children in foster care.
- **Ohio** Governor Mike DeWine expressed his support for foster parents by signing Executive Order 2019-04D elevating the seniority of the Office of Children and Families within the Department of Job and Family Services. Governor DeWine also signed Executive Order 2019-02D creating the Governor's Children's Initiative.



-
- **Oklahoma** enacted SB 893 restoring an income tax deduction for foster care expenses.
 - **Virginia** enacted two measures regarding resolution of foster parent complaints. HB 2108 requires local boards and licensed child-placing agencies to adopt a dispute resolution process. SB 1339 requires the Commissioner of Social Services to establish a dispute resolution process at the state level, including a statewide, toll-free hotline. SB 1339 also requires the Commissioner to establish a caseload standard for foster care caseworkers.
 - **West Virginia** enacted HB 2010, which includes establishment of an independent foster care ombudsman to advocate for the rights of foster children and foster parents and to participate in investigation and resolution of complaints filed on behalf of foster children and foster parents.
 - Legislatures in at least two states adopted resolutions or memorials designating certain days for awareness and appreciation of foster parents: **Georgia** (HR 839) and **New Mexico** (HM 20 and SM 4).

Relative/Kinship Foster Care

Relatives are the preferred placement for children removed from home for reasons of abuse or neglect. Research has shown that such placements reduce the trauma of removal, help to maintain connections with family and community and promote placement stability. Current policy activity in this area includes the following:

- **Indiana** SB 1 imposes new requirements on DCS and courts regarding documentation of diligent searches for all adult relatives of a child in out-of-home placement. It also requires DCS to provide family case managers with telephone contacts to assist them in finding a relative, foster care or other suitable placement for a child.
- **Kentucky** enacted HB 2 requiring the state to track data on relative and fictive kin placements and to develop custodial, permanency and service options for kin caregivers.
- **Maryland** enacted HB 1212 to authorize a local department of social services to place a child with a kinship caregiver as an alternative to foster care under certain circumstances.
- **Minnesota** enacted SF 12 in special session, which directs the state agency to review opportunities to develop kinship navigator models eligible for reimbursement under the Family First Prevention Services Act. The legislation also directs the agency to develop and provide guidance to counties regarding relative searches.
- **New York** A 569 requires local social services districts to provide written information to current and prospective relative and non-relative kinship caregivers regarding how to become a kinship foster parent and available services.
- **Virginia** enacted S 1679, which adds a definition of fictive kin and a definition of “family and permanency team,” which includes relatives and fictive kin.
- **West Virginia** SB 2010 requires the state child welfare agency to conduct a study and make recommendations to improve services to kinship foster families.

Physical and Mental Health Services

Quality foster parenting is a therapeutic intervention that promotes children's health and well-being. Policy can facilitate children's access to needed mental and physical health services. State approaches to this issue include the following:

- **California** AB 1005 would require county child welfare, probation, and behavioral health agencies to establish a joint county-based Family Urgent Response System that includes a mobile response and stabilization team to provide stabilization services for caregivers and current or former foster children or youth who are experiencing a crisis.
- **Maine** enacted LD 1378 requiring the state child welfare agency to ensure that a child receives a medical examination within 10 working days of when the department's custody commences.
- **Oregon** Governor Kate Brown signed Executive Order No. 19-03 establishing a Child Welfare Oversight Board to make recommendations and implement foster care improvements, including building capacity for accessible, trauma-informed behavioral health services for children in foster care.
- **Virginia** enacted SB 1339 requiring dedicated staff at the state agency to monitor medical services provided to children in foster care. The act also creates the position of Director of Foster Care Health and Safety within the state department.
- **West Virginia** enacted HB 2010 requiring the state to transition the foster care population to a managed health care system.



NOTE: CHAMPS does not specifically endorse any of the legislation highlighted in this summary; rather this summary is provided as an informational resource to describe policymaking efforts in states related to foster parenting.