

# State Policy Update

## May 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.**

The CHAMPS team recently reviewed efforts to improve foster parenting policies across the US. This state policy update highlights 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. We found that 13 states advanced 20 new laws or governor actions to improve foster parenting policies for the future, and another 17 bills are under consideration.

**Support Relationships between Birth and Foster Families**

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**Implement Data-Driven Recruitment and Retention Practices**

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**Engage Foster Parents in Decision-Making**

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**Provide Timely Access to Trusted, Dedicated Staff and Peer Support**

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**Prioritize Placements with Family Members and Other Family Connections**

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**Ensure Timely Access to Physical and Mental Health Services**

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Policy  
Priorities

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This summary identifies proposed and enacted state Governors' initiatives and legislative measures related to the CHAMPS priority policy areas in 2019.

## 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.
- 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

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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.
- The **Indiana** legislature enacted SB 1 providing foster parents with a right to intervene in court proceedings and request additional hearings under certain circumstances.
- **Kentucky** enacted HB 446, which requires foster parents to be parties to termination of parental rights proceedings.
- The **Massachusetts** legislature is considering three 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 113, S 30 and H 106.
- **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 make emergency caregivers eligible to receive stipends for school transportation costs.
- At least five states are considering bills that would create family and medical leave programs that include foster parents: **Illinois** (SB 1723), **Louisiana** (SB 186), **Maine** (LD 1410), **Ohio** (HB 91) and **Vermont** (H 107, H 395 and S 88).
- 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. He 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.
- **Oregon** HB 2868 would create an income tax credit for foster parents. Similar legislation has been introduced in Pennsylvania (HB 296 and SB 445).

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- **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. **Oregon** is considering similar legislation (HB 2337).
  - 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:

- **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.
- **West Virginia** SB 2010 requires the state child welfare agency to conduct a study and make recommendations to improve services to kinship foster families.
- **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** included Family First Transition Fund in its approved FY2020 budget, a public-private partnership to invest in county-based efforts to strengthen, support and expand family-based foster care, particularly kin-based care.

## 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.

- HB 219, pending in the **Illinois** legislature, would create the Children's Mental Health Local Integrated Fund to be administered by local children's mental health collaboratives.
- **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.
- **North Carolina** S 549 would establish a two-year child welfare and behavioral health pilot project that will provide easier access to comprehensive health services for children in foster care.
- **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.

### Twenty Newly Enacted or Adopted State Policies Aligning with CHAMPS Goals

	Foster Parent Recruitment	Foster Parent Support	Foster Parents as Partners	Physical and Mental Health	Relative/Kinship Care	Total
FL			1			1
GA		1				1
IN			1			1
KY			1		1	2
ME				1		
MS		1				1
MN					1	
NM	1	1				2
NY					1	1
OK		1				1
OR				1		
VA	1	2	1			4
WV		1		1	1	3
<b>Total</b>	<b>2</b>	<b>7</b>	<b>4</b>	<b>3</b>	<b>4</b>	<b>20</b>

## Pending and Enacted/Adopted State Policies Aligning with CHAMPS Goals

State	Bill	Status	Type	Details
CA	AB 1005	Pending	Physical and Mental Health	Creates a Family Urgent Response System to support caregivers and current and former foster youth who are experiencing a crisis
CA	AB 337	Pending	Foster Parent Support	Would make emergency caregivers eligible to receive stipends for school transportation costs
FL	HB 1209	Enacted	Foster Parents as Partners	Sets forth DCF responsibilities to caregivers, including sharing of all relevant information, soliciting and considering caregiver input on a child's case plans and providing notice of court hearing
GA	HR 839	Enacted	Foster Parent Support	Foster Care and Adoption Day at Capitol.
IL	HB 219	Pending	Physical and Mental Health	Creates a Children's Mental Health Local Integrated Fund to be administered by local children's mental health collaboratives
IL	S 1723	Pending	Foster Parent Support	Would create family and medical leave programs that include foster parents
IN	SB 1	Enacted	Foster Parents as Partners	Provides foster parents with a right to intervene in court proceedings and request additional hearings under certain circumstances
KY	HB 446	Enacted	Foster Parents as Partners	Requires foster parents to be parties to TPR proceedings
KY	HB 2	Enacted	Relative/Kinship Care	Requires state to track data on relative and fictive kin placements and to develop custodial, permanency and service options for kin.
LA	SB 186	Pending	Foster Parent Support	Would create family and medical leave programs that include foster parents
MA	H 113, S 30, H 106	Pending	Foster Parents as Partners	Foster parent bill of rights
MA	H133	Pending	Foster Parent Recruitment	DCF to study foster parent recruitment campaign.
ME	LD 1378	Enacted	Physical and Mental Health	Requires 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.
ME	LD 1410	Pending	Foster Parent Support	Would create family and medical leave programs that include foster parents
MN	SF 12	Enacted	Relative/Kinship Care	Develop kinship navigator models eligible for reimbursement and provide guidance to counties regarding relative searches.
MO	SB 360	Pending	Foster Parents as Partners	Allows foster parents to intervene as parties to children's court proceedings
MO	SB 162	Pending	Foster Parent Support	Would create family and medical leave programs that include foster parents
MS	SB 2196	Enacted	Foster Parent Support	Creates foster care fund to support services for foster parents and foster children.
NC	S 549	Pending	Physical and Mental Health	Would establish a two-year child welfare and behavioral health pilot project to provide easier access to comprehensive health services for children in foster care

State	Bill	Status	Type	Details
NM	HM 20, SM 4	Enacted	Foster Parent Support	Creates Foster Parent and Advocate Day
NM	HJM10	Adopted	Foster Parent Recruitment	CYF to convene task force on relationships with foster families, improving recruitment, etc.,
NY		Enacted	Relative/Kinship Care	Establishes the Family First Transition Fund in FY2020 budget to support county-based efforts to strengthen, support and expand family-based foster care, particularly kinship care.
OH	HB 92	Pending	Foster Parent Support	Would create family and medical leave programs that include foster parents
OK	SB 893	Enacted	Foster Parent Support	Restores income tax deduction for foster care expenses for foster parents
OR	Executive Order No. 19-03	Enacted	Physical and Mental Health	Build capacity for accessible, trauma-informed behavioral health services for children in foster care
OR	HB 2337	Pending	Foster Parent Support	Creates foster care ombudsman. Creates foster care advisory committee.
OR	HB 2868	Pending	Foster Parent Support	Creates income tax credit for foster parents
PA	HB 296, SB 445	Pending	Foster Parent Support	Creates income tax credit for foster parents
VA	SB 1339	Enacted	Foster Parent Support	Require Commissioner of Social Services to establish a dispute resolution process at the state level, including a statewide, toll-free hotline; requires commissioner to establish a caseload standard for caseworker
VA	SB1339	Enacted	Foster Parent Recruitment	Requires data-driven plan for recruitment and retention; Requires dedicated staff to monitor medical services to foster children establishes Director of Foster Care health and Safety in state department
VA	HB 2108	Enacted	Foster Parents as Partners	Requires DSS to promulgate rules regarding foster parents' rights and responsibilities
VA	HB 2108	Enacted	Foster Parent Support	Requires local boards and licensed child-placing agencies to adopt a dispute resolution process
VT	H 107, S 88	Pending	Foster Parent Support	Would create family and medical leave programs that include foster parents
WV	HB 2019	Enacted	Foster Parent Support	Establishes an independent foster care ombudsman to advocate for 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
WV	SB 2010	Enacted	Relative/Kinship Care	Requires state child welfare agency to conduct a study and make recommendation to improve services to kinship foster families
WV	HB 2010	Enacted	Physical and Mental Health	Requires 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.*