

FEDERAL POLICY RECOMMENDATIONS

JUNE 2021

CHAMPS is a policy campaign to promote better outcomes and opportunities for children in foster care by strengthening family-based foster care. CHAMPS offers a **policy playbook** and related tools to assist policymakers in championing reforms to improve foster and kin family recruitment, support and retention so children in foster care have the stable, quality caregiving they need to heal and thrive. The campaign's reform efforts are led by a broad-based coalition of partners in states and nationally, including foster and adoptive families, kinship caregivers, birth families and young people with lived experience in foster care.

The CHAMPS campaign offers federal policymakers the following recommendations to drive better outcomes for children and youth. These recommendations align with the **six policy goals** featured in the CHAMPS playbook. They also draw on what's known from:

- child development research
- examples of promising approaches in the field
- thorough review of state foster parent recruitment and retention policies,
- analysis of disparate outcomes for children in foster care based on race and ethnicity, and
- insights and experience of foster families, young people with lived experience in foster care and issue experts.

RECOMMENDATION #1

Increase the stability and quality of family-based care for all children in foster care and create a new norm of support for kin and non-kin foster families by requiring child welfare agencies to make a core set of supportive services available to all families caring for children in foster care.

RECOMMENDATION #2

Accelerate the goal of eliminating the inappropriate use of congregate care for children and youth through a targeted grant program to spur innovation in (1) preventing congregate care placements and (2) shifting youth from congregate care placements to well-supported family-based care.

RECOMMENDATION #3

Spur lasting improvements to foster parent recruitment, support and retention by revamping outdated federal policy on "Diligent Recruitment Plans." Doing so will mobilize agencies to create and implement effective, data-driven approaches to engaging and partnering with kin and non-kin foster families and result in better outcomes for children and youth.

RECOMMENDATION #4

Have the Department of Health and Human Services produce an annual, national census to highlight data and trends on family-based care and congregate care to keep policymakers and the public informed about the capacity of the nation's foster care safety net.

These recommendations are designed to augment the important family-centered reforms underway in states relating to the *Family First Prevention Services Act*. In the coming months, as child welfare agencies engage in rebuilding and recovering from the pandemic and with the impending implementation deadline for Quality Residential Treatment Programs, policy and program leaders will be seeking ways to strengthen family-based care. To this end, it is timely for Congress to take targeted steps to help agencies realize the vision and expectations established by the *Family First Act*. QRTP reforms are a big step in the right direction, yet there is more Congress can and should do to help child welfare agencies create and sustain viable alternatives to congregate care.

These policy recommendations are also intentional in their promotion of racial equity. And while these four recommendations focus specifically on improving the experiences and outcomes of children and youth who are in foster care, we support broader policy reform efforts to comprehensively address systemic racism within child welfare, eliminate overrepresentation and disparate treatment of children and youth of color, and to prevent entries into foster care.

DETAILED POLICY RECOMMENDATIONS

RECOMMENDATION #1

Increase the stability and quality of family-based care for all children in foster care and create a new norm of support for kin and non-kin foster families by requiring child welfare agencies to make a core set of supportive services available to all families caring for children in foster care.

This important reform can be achieved through federal policy by requiring child welfare agencies to describe in their Title IV-E state plans their approach to making a core set of supportive services available to all kin and non-kin foster families. These services should be trauma-informed, accessible and reflect the range and intensity of services that are necessary to ensure quality and stability of care for children and youth in family-based care. At a minimum, the core set of supportive services should encompass what new and experienced families say are essential to their ability to provide quality care, including:

- peer support for families, including specialized (or targeted) peer support for families caring for teens, siblings, and other groups of children and youth that require unique caregiving skills
- 24-hour access to crisis planning and support
- respite care
- effective, tailored in-service caregiver training
- timely and responsive agency staff support
- peer support for youth
- tailored youth development activities that promote well-being such as summer camp, enrichment opportunities and other extracurricular activities
- timely access to mental and behavioral health supports that are relationship based and holistic

In addition, this federal policy reform should:

- encourage agencies to go beyond the core set of supportive services to offer other services that families and youth in their state identify as essential to achieving quality of care,
- require agencies to partner with a diversity of families and youth in determining the array of supportive services; agencies and their partners should regularly review the array of services
- ensure that agencies take ongoing steps to ensure all kin and non-kin families are knowledgeable about and able to access support and services throughout the child's time in foster care.
- permit the core supportive services to be reimbursable Title IV-E administrative expense (at the rate of 50 percent without regard to the child's IV-E eligibility), and
- establish accountability measures to ensure these core services are available to kin and non-kin foster families

KEY FINDINGS: WHY POLICY ACTION IS NEEDED.

- Caregivers need both skills and supportive services to be successful in meeting the unique needs of children and youth in their care. Assisting caregivers with skill development and providing essential supports contributes to placement stability, which in turn improves children's outcome in education, health, well-being and permanency.¹
- As a result of the trauma children and youth in foster care have experienced, they often face a range of physical, social, emotional and educational challenges that require special attention and support. Foster parents who do not understand trauma and who lack the skills and support to help children cope with trauma will struggle to provide quality care. This can lead to caregiver frustration and a sense of failure and result in placement disruptions which are associated with negative outcomes for children.²
- Peer support and access to training and counseling equips caregivers with the skills and knowledge they need to meet the changing needs of the children in their care and create stable, nurturing environments that are important to children's healing and healthy development and facilitate better academic performance, improved mental or behavioral challenges and increased well-being.³
- Support for foster families is associated with improved foster parent retention.⁴ Research has found that as many as 40 percent of foster parents stop providing foster care due to lack of agency support. Foster parents commonly report that the single most important factor to their ability to care for children — and their desire to continue fostering — is having access to someone they trust to discuss the needs of children in their care. This might be an experienced foster parent or an attentive case worker. Foster families consistently say they need to have their calls returned and questions answered in a timely fashion, and they need immediate assistance in times of crisis.

¹ CHAMPS policy playbook, retrieved from <https://playbook.fosteringchamps.org/wp-content/uploads/2019/01/CHAMPS-Policy-Primer-Provide-Timely-Access-to-Trusted-Staff-and-Peer-Support.pdf>

² American Academy of Pediatrics, retrieved from <https://www.aap.org/en-us/advocacy-and-policy/aap-health-initiatives/healthy-foster-care-america/documents/guide.pdf>

³ AdoptUSKIDs, retrieved from https://adoptuskids.org/_assets/files/AUSK/support-matters/support-matters-resource-guide.pdf?utm_source=Gateway&utm_campaign=NAM2017

⁴ CHAMPS research highlights brief, retrieved from <https://fosteringchamps.org/wp-content/uploads/2019/01/CHAMPS-Research-Highlights-for-Policy-Goals.pdf>

RECOMMENDATION #2

Accelerate the goal of eliminating the inappropriate use of congregate care for children and youth through a targeted federal grant program to spur innovation in (1) preventing congregate care placements and (2) shifting youth from congregate care placements to well-supported family-based care.

This new grant program can be modeled on the successful Regional Partnership Grants⁵ and generate evidence-based strategies to achieve desired outcomes, including:

- Reducing the number of children and youth of color in congregate placements
- Reducing initial congregate placements
- Reducing step-ups to congregate placements from family-based care
- Decreasing lengths of stay in congregate placements
- Increasing stability and quality of family-based care, including
 - Increasing kin placements
 - Increasing kin and non-kin foster home placement stability for children and youth
 - Increasing kin and non-kin foster home retention

Similar to the Regional Partnership Grants, grantees would participate in a national cross-site evaluation which would help identify evidence-based strategies and approaches that can be replicated in the field and spur improved outcomes for children and youth. This grant program would build on innovation underway in the field, including systemic reform efforts led by the Quality Parenting Initiative, and help create a foundation of evidence-based programs and practices that can be replicated.

KEY FINDINGS: WHY POLICY ACTION IS NEEDED:

- An abundance of research and evidence exists about the negative risks and harm associated with congregate care⁶. Congregate care:
 - is disproportionately used as a placement for Black and LGBTQ+ youth in foster care
 - places youth at increased risk for physical and sexual abuse compared with children placed with families
 - deprives children and youth of critical parenting figures
 - increases likelihood of behavior problems
 - is often used even when there is no clinical reason for it
 - is associated with an increased involvement in the juvenile justice system
 - is 6 to 10 times more costly per month than foster care
 - is associated with worse educational and occupational outcomes, including higher dropout rates

⁵ Regional Partnership Grant Program, retrieved from https://ncsacw.samhsa.gov/files/rpg_bifold_final_508.pdf

⁶ CHAMPS policy brief, retrieved from <https://fosteringchamps.org/champs-family-based-care-brief/>

- Children and youth of color are more likely to experience congregate care. In 2019, Black children and youth represented 26 percent of youth in congregate care and only 14 percent of the total population. Black male children and youth are almost 30 percent more likely to experience congregate care than other children and youth in care.⁷
- The tragic death of Cornelius Frederick in May 2020 from physical restraints applied in a congregate care setting show the fatal consequences of abuse and lack of safety that young people too often say is typical of congregate care.

RECOMMENDATION #3

Spur lasting improvements to foster parent recruitment, support and retention by revamping outdated federal policy on “Diligent Recruitment Plans.” Doing so will mobilize agencies to create and implement effective, data-driven approaches to engaging and partnering with kin and non-kin foster families and result in better outcomes for children and youth.

Specifically, Congress can strengthen federal policy by providing clearer and further guidance to child welfare agencies to improve their focus on recruiting a diverse pool of foster families and guide them in developing and implementing best practices in foster parent recruitment, support and retention. Specifically, we urge Congress to require that child welfare agencies develop “Family Partnership Plans” that focus on five critical drivers of improved outcomes:

- **Engaging families as valued partners.** The current ‘Diligent Recruitment Plans’ — which are tied to an existing IV-B requirement and comprise a section of each state’s Child and Family Services Plan — should be redesigned and renamed in federal policy as ‘Family Partnership Plans.’ Renaming these plans is a first step to establishing new expectations that families are engaged as valued partners. This includes as decision-making partners to agencies, as quality caregivers to children and youth and as co-parents and mentors to birth families. Family Partnership Plans should be developed and regularly reviewed in close partnership with families, including birth, foster, kinship and adoptive families as well as with young people who have lived experience in foster care. Other community partners and technical assistance providers should also be included in the development and implementation of these plans.
- **Achieving kin-first policy and practice.** The scope of the new Family Partnership Plans should be broadened to encompass activities relating to both kin and non-kin foster family recruitment, training, support and retention. Currently, the scope of Diligent Recruitment Plans does not explicitly include kinship foster families. Broadening the focus to cover kin caregivers will make important connections in policy and reinforce the use of best practice in kinship placement preference. Specifically, the plans should require agencies to describe their approach relative identification, notification and engagement. These kin-first practices are essential to keeping children connected to family, community and culture and are important ways for agencies to appropriately increase racial and ethnic diversity of foster families.

⁷ U.S. Children’s Bureau, retrieved from <https://capacity.childwelfare.gov/pubPDFs/cbc/congregate-care-overview-cp-20114.pdf>

- **Prioritizing child-centered outcomes.** The new Family Partnership Plans should be data-driven and outcome-focused. This can be achieved by
 - (a) requiring plans to be based on a needs assessment and
 - (b) creating and showing measurable progress on key benchmarks, including:
 - Recruitment and retention of families that reflect the race and ethnicity of children in care
 - Recruitment and retention of families for teens, sibling groups and other special populations (young parents, LGBTQ+ youth, children with special health care needs, children who are victims of sexual abuse, youth who have experienced commercial sexual exploitation, youth involved with the juvenile justice system)
 - Recruitment and retention of families interested in co-parenting and supporting biological families to reunify
 - Rates of kinship placements
 - Percentage of prospective foster families that complete the licensing process
 - Duration of the licensing process
 - Foster family retention and turnover rates, including rates by different demographic groups
 - Placement stability
 - Youth involvement in placement decisions
 - Caregivers' access to key information needed to provide quality caregiving, such as child's medical information
 - Adherence to customer service standards, e.g., responding to inquiries from families and streamlined licensing processes.
 - (c) requiring data collection and analysis of all children and youth placed in congregate care, including out of state congregate placements, including:
 - the reason for the congregate placement,
 - the needs of the child that could not be met in family care
 - the services available in the current congregate placement to meet those needs
 - the length of time the child is in the facility
 - the services actually provided by the facility
 - permanency and well-being outcomes of children in congregate placement
 - number and location of all children placed in out-of-state facilities
- **Ensuring accountability and transparency.** Plans should collect and report on the agency's actual foster family capacity and congregate care utilization, including the elements outlined in 3b and 3c above. With regard to foster families, it's important that agencies produce and report data on foster families by race and ethnicity to show how the diversity of foster families matches (or doesn't) the diversity of children in foster care. Reporting also should specify the number, demographics and characteristics of licensed foster families as well as licensed foster families that are not being fully utilized and the reasons why. Plans also should summarize foster parent feedback, including feedback on licensing, training, as well as reasons why foster parents stop fostering; and should include youth feedback on their experiences with foster families and in congregate care.

■ **Aligning with national expectations and continuous quality improvement.**

HHS should be required to provide leadership and support to child welfare agencies in foster parent data collection and analysis so agencies can be successful in generating desired outcomes. This entails HHS issuing guidance and providing ongoing technical assistance. Technical assistance should include: guidance to agencies on overall goals and expectations and define data elements and terminology; training on tracking and analyzing data within different data systems; support in building staff capacity to conduct meaningful data analysis and develop data-driven strategies; and facilitation of peer-to-peer sharing across systems and jurisdictions about effective data collection, tracking, analysis.

Staff activities and services to families and youth encompassed by the Family Partnership Plans should be eligible for federal Title IV-E reimbursement at a rate of 50 percent, without regard to the state's Title IV-E eligibility ratio. This includes specialized, dedicated staff positions that focus on family finding, child-specific recruitment, and data-driven foster family recruitment, engagement, and support through the licensing process. It also includes costs associated with states improving data capacity, including data collection and analysis activities necessary to meeting new requirements of the Family Partnership Plans.

KEY FINDINGS: WHY POLICY ACTION IS NEEDED

- **Federal policy is outdated.** Federal policy pertaining to foster parent recruitment was enacted by Congress in 1994 with the passage of the Multi-Ethnic Placement Act (MEPA). That law required, as a condition of receiving federal Title IV-B funds, that child welfare agencies “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.” HHS has not updated its guidance on what the core elements of a Diligent Recruitment Plan should include since 1995.^{8,9} Neither the statute nor federal guidance to states has been updated for more than 25 years.
- **Federal guidance is not aligned with desired results.** Federal guidance on foster parent Diligent Recruitment Plans lacks a clear connection to the primary intent of the law, which is that agencies should be recruiting a diverse pool of foster families. Further, federal guidance does not reflect advances in child welfare practice, particularly with regard to well-established best practice in kinship care that acknowledge the vital importance of nurturing a child's natural connections and utilizing kinship relationships as preferred resources for children who need foster care.
- **Federal policy and HHS guidance do not appropriately acknowledge the importance of supporting and retaining foster families.** Until agencies broaden their focus and develop strategies to support family-based care, there will be little measurable progress in recruiting or recruiting kin and non-kin families to care for children and youth and reduce reliance on congregate care.
- **State child welfare agencies lack the data to target recruitment strategies and improve retention.** Multiple reviews of state policy and practice on foster parent recruitment highlight how child welfare agencies are falling short:

⁸ 60 Federal Register No. 79, pp. 20271-20275, April 25, 1995

⁹ Children's Bureau Program Instruction, ACYF-PI-CB-95-23, October 11, 1995

- An analysis of Diligent Recruitment Plans conducted by CHAMPS¹⁰ found that very few state plans directly addressed the recruitment of a racially and ethnically diverse pool of foster parents, the central goal of MEPA and the origin of the Diligent Recruitment Plan. The same analysis identified lack of focus on results and weak oversight.
- A study commissioned by HHS in 2020 to assess state compliance with federal Diligent Recruitment Plan requirements found that many plans were missing required information. The report concluded there is room for states to improve their diligent recruitment strategies as well as the documentation of their efforts.¹¹
- The federal Child and Family Services Reviews assess child welfare agencies on their “Diligent Recruitment of Foster and Adoptive Homes.” Most recently, 34 states received a rating of “needs improvement” in this area.
- A final report highlighting key findings from three clusters of federal HHS grants (2008, 2010 & 2013) on the diligent recruitment of foster families identifies “using data” as a key strategy to overcoming challenges and barriers that often impede successful foster parent recruitment and retention, such as lack responsiveness and support to help retain foster families.¹²

RECOMMENDATION #4

Have the Department of Health and Human Services produce an annual, national census to highlight data and trends on family-based care and congregate care to keep policymakers and the public informed about the capacity of our nation’s foster care safety net.

- The census should be based on the foster family data reported annually to HHS through states’ Family Partnership Plans (per elements outlined in recommendation #3 above). This includes data on racial and ethnic background of foster families, among other characteristics, to illustrate how well the diversity of foster families reflects the diversity of children in care.
- The census should include detailed data about all children placed in congregate care, including out of state placements (per elements outlined in recommendation #3 above).
- The census should summarize key trends on foster parent support needs, experiences with licensing and reasons for quitting fostering, data that can also be gleaned from states’ Family Partnership Plans.
- The census should summarize insights and feedback from young people who have experience in both family-based and congregate care settings, data that should be gathered as part of the state’s Family Partnership Plans.

HHS should convene a working group comprised of leading researchers, practitioners, and persons with lived experience in foster care, including youth who were in both family-based and congregate care placements, to advise HHS on the types and uses of data to be included in the census and how the data should be presented.

¹⁰ To understand state implementation of the DR requirement, CHAMPS analyzed state 2020-2024 DR plans and reviewed the results of the third round of Child and Family Services Reviews (CFSRs).

¹¹ Kalisher, A., Spielfogel, J., Shenk, M., & Edouard, K. “The Multiethnic Placement Act 25 Years Later: Diligent Recruitment Plans.” Washington, D.C., Office of the Assistant Secretary for Planning and Evaluation, August 2020. Available at <https://aspe.hhs.gov/pdf-report/mepa-transracial-adoption>.

¹² James Bell Associates (2019). *Diligent recruitment of families for children in the foster care system: Challenges and recommendations for policy and practice*. Washington, CD: Children’s Bureau, Administration for Children and Families, U.S. Department of Health and Human Services.



WHY POLICY ACTION IS NEEDED.

- There is no national data on the number or characteristics of foster families available to care for children and youth in foster care. The last national survey of foster parents was conducted in 1989 by the U.S. Department of Health and Human Services. Since that time, there has been no reliable national estimate of the number of licensed foster families to care for children in foster care. A national census also will provide a model for states and localities on how to collect and share data in ways that can drive better outcomes for children.
- A national census would require HHS to provide the leadership and technical support that state and local agencies need to develop effective data-driven strategies to strengthen the capacity of family-based foster care and make progress on safe reduction of congregate care.

For more information about the CHAMPS campaign, including the campaign's policy goals, partnerships and research-based resources, please visit our online resources (see below). For questions or to discuss these recommendations, please contact Hope Cooper, campaign director, at hope@fosteringchamps.org.

ONLINE RESOURCES

Visit our website at www.fosteringchamps.org for the **CHAMPS playbook**, **research summaries** and related policy reports and tools that support these federal recommendations

Hear from families about the need for policy reform at **(insert our YouTube channel)**

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