

May 30, 2009

Youth in Transition: How Are Youths Faring in Lieu of Michigan's Child Welfare Lawsuit?

One of Michigan's Children's top legislative and administrative priorities for the year is to ensure a successful transition to adulthood for at-risk youths. Michigan's Children provided leadership to the Child Welfare Improvement Task Force that was established in April of 2008 as a result of Children's Right Lawsuit and the Settlement Agreement that followed. The task force was charged with developing comprehensive recommendations for improving the child welfare system. This 85 member task force included wide representation from public and private child welfare and juvenile justice agencies, including state and local lawmakers, state, local and tribal child welfare and health professionals, university researchers, the courts, advocates for youth, foundation executives, birth parents and youth who were aging out of foster care.

The common developmental needs of vulnerable youth were explored, including the need to provide services to youth irrespective of the programmatic or legal labels that have been assigned to them, such as abused, neglected, delinquent or runaway. Barriers to a successful transition were identified in the areas of permanency, physical and mental health, and educational achievement. To eliminate these barriers, the task force agreed on the need to implement several initiatives, including eight major, interrelated change priorities that should be acted upon concurrently to improve the child welfare system.

The eight change priorities include:

- The creation of a seamless array of services that meets the full needs of children and families in a respectful way, with emphasis on prevention and early intervention;
- Planning and provision of service should be guided by a timely comprehensive screening and assessment of the child and family and their needs;
- Secure greater funding and use it more flexibly to achieve the structural system and service reforms;
- Racial, gender, and cultural equity must become a priority for the child welfare system;
- Engage and empower consumers, children and youth, birth and adoptive parents, families, Tribes and Tribal organizations to ensure their involvement and voice as decision-makers and respected partners in case planning, program/policy development, service delivery and systemic change efforts;
- Foster a seamless approach to service delivery through cross systems collaboration and community partnerships to improve conditions of vulnerable children and families;
- Improve the strategic use of data collection, analysis and reporting to improve performance of the system as measured by outcomes for families and children;
- Provide opportunities for training and workforce development to ensure that judicial officers and public/private providers have adequate skills and competencies to effectively serve the needs of children, youth and families.

The 134 page task force report was released April 30, 2009 for consideration by the legislature. The recommendations that apply to older youth are referenced below.

Task Force Recommendations

1. There are insufficient resources for transitional services for youth aging out of the child welfare system. Youth should be provided services based on their particular needs as determined by a comprehensive assessment conducted at all entry points. Services should be equally accessible to all youth around the state and be responsive to their race, culture, tribal affiliation, language, religion, sexual orientation, disability status, geographic location and economic status.
2. A developmentally appropriate continuum of care must be safe and nurturing and should include: support services and permanent connections for young persons making the transition to adulthood and should utilize a peer youth advocacy model.
3. Improve services to youth in transition through the expansion and support of the Michigan Youth Opportunity Initiative.
4. Federal legislation (The Fostering Connections to Success and Increasing Adoptions Act) enacted in the fall of 2008 provides new opportunities for states to support youth in foster care and increase permanency. The legislative gives states the option to further assist older youth aging out of foster care by extending care to age 21 with federal participation. Michigan should provide the required state match, starting in 2010, to draw down federal funds that were made available through the FCSIAA.
5. The Governor should support and the Michigan Legislature should amend the excise tax on beer to include an increase in the beer tax by five cents per 12 ounce can or bottle (\$16.53 per barrel). Revenue raised from the tax will provide for post-placement and post-permanency services for child abuse and juvenile justice; medical, mental health, dental, and substance abuse treatment services; and educational services for youth during and after exit from foster care, juvenile justice, mental health and homeless youth.
6. Improve educational and workforce opportunities and outcomes for youth served by the child welfare system. This should include replicating higher education programs such as the Seita Scholarship program at Western Michigan University and giving youth in foster care preference in Americorps.
7. Improve support services for all youths, age 15-24, who are transitioning from foster care, juvenile justice, and from youth homelessness (including those with and without a history in child welfare and juvenile justice systems).
8. Strengthen the staff intervention and response network at first point of contact with youth in order to respond to needs and build trusting relationships. Solutions to remove barriers include: providing opportunities for youth to actively participate in statutory hearings; timely information from workers so that youth can participate, in an informed manner, in their statutory hearings; a means of transportation to attend their statutory hearings; appropriate attire when participating in statutory hearings.
9. Opportunities should be provided to youth to provide feedback to service provider agencies through surveys.
10. Adequate enforcement of legal representation is also needed.
11. Fund youth partners to serve as system navigators and peer mentors.

12. Youth in the child welfare and juvenile justice system should be placed in the least restrictive setting appropriate to their needs. Use residential and other institutional placements only when essential to the needs of youth or to public safety. When these placements are essential, the safety, permanency, reunification and well-being outcomes for youth served must be improved.
13. Implement the best practices and lessons learned from the Michigan Prisoner Re-entry Initiative (MPRI) for youth to help with the reduction of recidivism.
14. Decriminalize youth. The Children's Cabinet should propose to the Governor and the legislature amendments to the criminal code to reduce inappropriate criminalization of youth, to abolish sentencing of youth to life imprisonment without parole, and to limit waivers of minors to adult court only in situations in which protection of public safety requires them.
15. Assessment will be mandatory for youth under juvenile court jurisdiction, using a uniform assessment tool administered by trained staff. Wayne County will be targeted as a pilot site.
16. DHS and SCAO should work together to ensure that youth in the Michigan Juvenile Justice System, including dual wards, are provided with adequate attorney representation and support to participate in the juvenile process.

Michigan's Children would like to applaud the Michigan Department of Human Services for their commitment and work to ensuring that these vulnerable youth successfully transition into adulthood.

The work of the Child Welfare Improvement Task Force is a fine example of how interagency and community level conversations can work to improve outcomes for vulnerable populations. Michigan's Children is exploring options, including Legislative action that would facilitate an interagency task force charged to more fully examine the issue of drop out prevention and recovery. We are hopeful that through similar collected efforts, our state can expand on the successful work of the Child Welfare Improvement Task Force to ensure that all youth at risk of dropping out of high school receive the needed supports to successfully persist to graduation and have the skills necessary to contribute to Michigan's developing economy.

For more information on current advocacy efforts that impact vulnerable children and families, visit Michigan's Children's website at <http://www.michiganschildren.org> or visit the Child Welfare Improvement Task Force website at www.michigan.gov/cwif.

Michigan's Children
428 W. Lenawee
Lansing, MI 48933, 517.485.3500
www.michiganschildren.org

for Michigan's Children

September 15, 2009

Improving Permanency for Children in Michigan's Foster Care System: How Are Our Children Faring Since the Enactment of the Fostering Connections to Success Act?

It has been almost a year since President Bush signed into law the **Fostering Connections to Success Act and Increasing Adoptions Act** ([H.R. 6307](#)) on October 7, 2008. The law was enacted as a response to the number of foster youth in Michigan, and across the Country, who lack permanent homes, experience negative health outcomes, and drop out of school - issues that harm their prospects to transition successfully into adulthood.

Key provisions in the act include:

Promoting Permanent Families for Children in Foster Care

With Relatives

- **Notice to Relatives When Children Enter Care.** The federal law increases opportunities for relatives to step in when children are removed from their parents and placed in foster care by ensuring they get notice of this removal. The Michigan Department of Human Services has a relative notice policy (DHS 990); it was implemented in February of 2009. Relative notification is a key aspect of family finding as a permanency tool. Michigan aligns with federal policy that requires that within 30 days of removal from a child's own home, the state must exercise due diligence to identify and provide notice that a child is in foster care to all adult relatives.
- **Kinship Navigator Programs.** The FCSA Act guarantees funds for Kinship Navigator programs, through new Family Connection grants, to help connect children living with relatives, both in and out of foster care, with the supports and assistance they need. Michigan has not implemented a Kinship Navigator Program, and there is no pending legislature or programs being developed that will address this provision.
- **Subsidized Guardianship Payments for Relatives.** The FCSA provides supports for children in foster care to leave care to live permanently with grandparents and other relative guardians when they cannot be returned home or adopted and offers federal support to states to assist with subsidized guardianship payments to families for these children, generally to age 18. In certain circumstances, children may continue to receive guardianship assistance to age 21. The law clarifies that all children who, as of September 30, 2008, were receiving federally-supported subsidized guardianship payments or services in states with Child Welfare Demonstration Waivers will be able to continue to receive that assistance and services under the new program. It also clarifies that children who leave foster care after age 16 for kinship guardianship are eligible for independent living services and makes them eligible for education and training vouchers. In anticipation of the federal act's passage, Michigan signed into law [Public Act 15 \(SB 227\) \(Clark-Coleman\)](#) on April 9, 2009, and became effective July 1, 2009. The bill provides the following:
 - That only a relative who is a licensed foster parent caring for a child who is eligible to receive Title IV-E-funded foster care payments for six consecutive months is eligible for Federal funding under Title IV-E for guardianship assistance.
 - A child who is not eligible for Title IV-E funding who is placed with a licensed foster parent, related or unrelated, and who meets the bill's eligibility criteria, may be eligible for State funded guardianship assistance.

- The bill also adds strict assessment requirements for a guardian to qualify for assistance, including a criminal background check and a central registry check for all adults living in the home, as well as consultation with the child if he or she is at least 14 years old.
 - These provisions reflect Federal Fostering Connections Act requirements and will help ensure that the placement is appropriate and does not endanger the child.
 - Adoption of the Public Act 15 of 2009 reduces State expenditures for subsidized guardianship per child by about 65 percent.
 - A child who is not eligible for Title IV-E funding who was placed with a licensed foster parent, related or unrelated, and who otherwise met the bill's eligibility criteria described above, will still be eligible for State-funded guardianship assistance.
 - For fiscal year 2009, \$600,000 of the state budget allocation was preserved in the state DHS budget to cover the costs of the program's roll out.
 - To date, Michigan has 20 families who have applied for assistance under the act. Due to budget constraints and federal match requirements, Michigan has not applied for federal Fostering Connections dollars to subsidize the program, as the state does not have the required 50% match required to apply.
- **Licensing Standards for Relatives.** The federal law clarifies that states may waive non-safety related licensing standards for relatives on a case-by-case basis and requires the Department of Health and Human Services (HHS) to report to Congress on the use of licensing waivers and recommendations for increasing the percentage of relative foster family homes that are licensed. Prior to the adoption of the federal act, a motion was filed against the state of Michigan in August of 2006 instituted by Children's Rights, a law firm based out of New York, due to the lack of permanency for youth involved in the foster care system in the state of Michigan. Although the state was following best practice in placing children with relatives, relative caretakers were not equipped with the same resources to care for the children. More than 75% of children placed with relatives were placed in unlicensed homes, without access to the same resources as other youth in the foster care system. On July 3, 2008 Children's Rights Lawsuit Settled out of court. The lawsuit mandates will reverse the recent trends that have occurred in our state in that all foster parents (relatives and non-relatives) shall be licensed. Under the consent decree children can be placed with unlicensed relatives ONLY IF: The home assessment and safety check are appropriate, placement with the relative is determined to be in the child's best interest, benefits and licensure are explained, relatives sign a waiver refusing licensure, and the number of unlicensed homes does not exceed 10 percent. Figures on the current number of licensed relatives in the state is not yet available for public use. It is anticipated that all relatives will be licensed by September 30, 2010.
- **Establishes New Family Connection Grants.** Increases resources for Kinship Navigator programs, as described above. Also provides grants for Family Group Decision-making meetings, Intensive Family Finding activities, and Residential Family-Based Substance Abuse Treatment, all of which can help children stay safely with family members and out of foster care or, once in care, return safely to their parents or find permanence with other relatives. Michigan did not apply for the funding under the new Family Connections Grants due to budgetary and time constraints.

With Adoptive Families

- **Incentives for Adoption.** The federal law increases incentives to states to double their efforts to find adoptive families for children in foster care, especially those with disabilities or other special needs and older youth. In addition, the law introduced the concept of an adoption rate, which is derived from comparing current year adoptions to the number of children in care at the end of the previous year. States receive additional money if they exceed their highest foster child adoption rate for previous years back to 2002. The Adoption Incentive program gives states \$4,000 for every foster child adopted above their 2007 baseline, plus a payment of \$8,000 for every foster child age nine and older and \$4,000 for every other special needs child adopted above the respective baselines. In addition, states receive

\$1,000 for every foster child adopted over and above the level of the state's highest foster child adoption rate for previous years. In September 2009, Michigan was awarded \$856,000 adoption incentive award under the new foster connections provision. This award was based on the successful adoptions that were made during the 2008 fiscal year.

- **Adoption Assistance.** FCSA increased opportunities for more children with special needs to receive federally-supported adoption assistance without regard to the income of the birth families from whom they were originally removed. [Public Act 17 \(HB 4159\) \(Smith\)](#) was signed into law in the state of Michigan on April 9, 2009. The Act modifies the adoption support subsidy to be in compliance with federal IV-E standards, making it easier for some adoptive parents to obtain adoption subsidies. Previous policy required the conditions for eligibility to include certification to be made before the adoption petition was filed. Under the Act, certification would have to be made and the contract agreement signed by the adoptive parent or parents and the DHS before the adoption was finalized. The bill also would delete a requirement that the adoptive parent request a support subsidy not later than the date of confirmation of the adoption.

With Siblings

- **Keeping Siblings Together.** The federal act acknowledges and preserves the sibling bond for children by requiring states to make reasonable efforts to place siblings together when they must be removed from their parents' home, provided it is in the children's best interests. In the case of siblings not placed together, states must make reasonable efforts to provide for frequent visitation or other ongoing interaction, unless such interaction would be harmful to any of the siblings. In compliance with the Fostering Connections to Success and Increasing Adoptions Act of 2008, Michigan policy emphasizes the preservation of the sibling bond by requiring the state to make reasonable efforts to place siblings in the same foster home, kinship guardianship or adoptive placement. All siblings who enter placement at or near the same time shall be placed together, unless:
 - One of the siblings has exceptional needs that can be met only in a specialized program or facility.
 - Such placement is harmful to one or more of the siblings.
 - The size of the sibling group makes one placement impractical, notwithstanding diligent efforts to place the siblings within the same home.

For purposes of placement regarding the size of the sibling group, the current Michigan licensing rules still apply. If the sibling group is not placed within the same out-of-home placement, the efforts made to place the siblings together and the reason why the siblings are separated must be documented by the foster care worker in the case service plan. Reasonable efforts to place siblings together *are required* unless the placement would be contrary to the safety or well-being of any of the siblings and the reasons why must be documented in the case service plan. If reasonable efforts to place siblings together are documented but a sibling group is separated at any time, the case worker must make immediate efforts to locate or recruit a family in whose home the siblings can be reunited.

Improving Outcomes for Children and Youth in Foster Care

- **Foster Care for Older Youth.** The federal act helps youth who turn 18 in foster care without permanent families to remain in care, at state option, to age 19, 20, or 21 with continued federal support to increase their opportunities for success as they transition to adulthood. Michigan has existing policies that allow youth to stay in foster care until the age of 20.
- **Educational Stability.** Helps children and youth in foster care, guardianship and adoption
- achieve their educational goals by requiring that states ensure that they attend school and, when placed in foster care, they remain in their same school where appropriate, or, when a move is necessary, get help transferring promptly to a new school; also provides increased federal support to assist with school-related transportation costs. The state of Michigan has implemented several new policies to adhere to the FCSA:

- The Michigan Department of Human Services will place fourteen education planner throughout the state that will be designated to assist foster care youth in not only meeting their needs in the K-12 institutions, but also with their transition from high school to college. Students can be served by education planners until they reach their 20th birthdays.
 - In February 2009, the Michigan Department of Education adopted a policy that dovetails with the federal McKinney Vento Act. Under the state policy, foster care youth would be eligible for homeless youth services through the serving school district for the child's first six months of placement in a consistent setting. Students who are not experiencing a consistent placement for a period of six consecutive months would remain eligible for services. Students served under the McKinney Vento Act are provided transportation by the school district of origin.
 - [HB 5298 \(Valentine\)](#) and [HB 5299 \(Kurtz\)](#) were introduced in the Family and Children's Services Committee on September 3, 2009. The current school code requires school placement to occur in the district of residence. The bills are designed ensure that children stay in their school of origin regardless of placement change. Although foster care parents who be responsible for providing transportation to the home school, they would be reimbursed for mileage for their efforts. The bills were reported favorably out of committee on September 9, 2009. No other action has been taken on these bills.
- **Health Care Coordination.** Helps improve health care for children and youth in foster care by requiring the state child welfare agency to work with the state Medicaid agency to create a plan to better coordinate health care for these children in order to ensure appropriate screenings and assessments and follow-up treatment and to assure sharing of critical information with appropriate providers and oversight of prescription medications. In September 2009, DHS hired a medical director to oversee the implementation of health care coordination for children in the foster care system. The fiscal year 2008 DCH budget (Public Act 246) includes boilerplate language that reads, "The department shall continue a program, the primary goal of which is to enroll all children in foster care in Michigan in a Medicaid health maintenance organization." DHS and DCH are currently working on developing an evaluation plan to evaluate the effectiveness of managed care plans in health care access and to determine whether foster care children have medical homes. Health provision surveys are also being administered to foster care providers, including parents and relative caretakers, to assess how quickly children placed in foster care are receiving medical physicals.

Increasing Support for American Indian and Alaska Native Children

- **Direct Access to Federal Support for Indian Tribes.** Offers, for the first time, many American Indian and Alaska Native children federal assistance and protections through the federal foster care and adoption assistance programs that hundreds of thousands of other children are eligible for already. There are two tribal nations in Michigan that have filed for direct access to federal assistance, including the Keweenaw Bay Indian Community, and the Little Traverse Bay Band of Odawa Indians. Both of these awards are currently pending.
- **Technical Assistance and Implementation Services.** Requires HHS to provide technical assistance and implementation services dedicated to improving services and permanency outcomes for Indian children and their families. Technical assistance to Michigan tribes and to other tribal programs across the state is being provided by the Midwest Child Welfare Implementation Center, out of University of Nebraska on the Lincoln Center on Children, Families and the Law.

Improving the Quality of Staff Working with Children in the Child Welfare System

- **Extended federal support for training of staff.** Expands the availability of federal training dollars, on a phased-in basis, to reach more of those caring for and working with children in the child welfare system, including relative guardians, staff of private child welfare agencies, court personnel, attorneys, guardian ad litem, and court appointed special advocates. Title IV-E currently covers 75% of the costs for the Michigan Department of Human Services to train new hires and covers 50% of the costs

for training private agency staff through the Child Welfare Training Institute (CWTI). It also covers 50% of the cost of CWTI's development and implementation costs for offering other training, such as programs specific transfer training for those moving from one field of child welfare practice to another (foster care, child protective services, adoption) and in-service training. In addition to training public and private staff and supervisors of child welfare agencies, CWTI partners with the State Court Administrators Office to offer training to court personnel, attorneys, guardian ad litem, court appointed special advocates, and judges. Fostering connections dollars are being explored to expand CWTI training to include training for resource families, including relative caretakers, foster and adoptive parents in late 2010 or early 2011.

For more information on current advocacy efforts that impact youth in transition, visit Michigan's Children's website at <http://www.michiganschildren.org>, or contact Angeliqe Day at day.angelique@michiganschildren.org.

428 W. Lenawee, Lansing MI 48933
517.485.3500
<http://www.michiganschildren.org>