

Assembly Joint Resolution No. 10

RESOLUTION CHAPTER 68

Assembly Joint Resolution No. 10—Relative to foster care services.

[Filed with Secretary of State July 7, 2005.]

LEGISLATIVE COUNSEL'S DIGEST

AJR 10, Chu. Foster care services: funding: Title IV-E Waiver.

This measure would declare legislative support for, and urge federal approval of, the California Title IV-E Waiver Demonstration Project Application (the Title IV-E Waiver), submitted to the United States Department of Health and Human Services. This measure would memorialize the Congress of the United States, and would urge states and counties, to enact laws and policies to allow for more flexible use of federal child welfare funding to support the needs of children and families at risk, even if the child is not removed from the home or formally made part of the child welfare system. The measure would urge designated federal, state, and local agencies to take related actions in furtherance of the Title IV-E Waiver.

WHEREAS, Funds available under Title IV-E of the federal Social Security Act are the largest source of federal funding for our state's foster care system, accounting for over one-third of all federal foster care funding in California; and

WHEREAS, Title IV-E funds may only be accessed when a child has been removed from his or her home and placed in foster care; and

WHEREAS, Under the current funding structure, a state has no ability to use Title IV-E dollars to provide services that will work to prevent child abuse, protect children within their homes, strengthen fragile families, and divert families from the foster care system; and

WHEREAS, Existing federal funding eligibility requirements, which tie monetary allocations to the placement of children in out-of-home care and the length of time a child spends in foster care, create disincentives to service children within their homes; and

WHEREAS, There are not enough programs, either long-term or on an emergency basis, that enable social workers to provide immediate stabilization and family maintenance services to a child at risk within his or her family of origin, even when it might be safe and in the child's best interest to keep the family intact; and

WHEREAS, Current financing restrictions can leave children who are at a low level of risk for abuse unattended until the point in time when the risk to the child is so great that removal from the home is necessary; and

WHEREAS, Title IV-E funding mechanisms encourage large caseloads at the county level, leave counties without funds to provide services unless the child enters the foster care system, and cause families that could be kept together with the provision of services to instead be separated; and

WHEREAS, The California Title IV-E Waiver Demonstration Project Application (the Title IV-E Waiver) sought by the state will allow California counties more flexibility in the use of foster care funds. Specifically, the waiver will allow social workers to provide front-end services to help attend to the needs of children and families without removing the child from the home or initiating a judicial proceeding, thereby maintaining the family unit when appropriate, focusing dependency judicial and governmental interventions on children and families most at risk, and decreasing child welfare and judicial caseloads; and

WHEREAS, The Title IV-E Waiver will enable California counties to better support vulnerable children and families and will create a vehicle for providing a full range of cost-effective services, rather than limiting the use federal foster care moneys to those children who have been placed in foster care; and

WHEREAS, States that have received waivers and thereby are released from federal funding constraints have exhibited positive results and have implemented innovative programs that provide a continuum of service shown to have significant success, including the following: (a) Illinois has used its Title IV-E Waiver to improve foster care services and has dramatically decreased the number of children in foster care from over 50,000 foster youth to 19,000 in just five years. Social worker caseloads consequently dropped from an average of 45-60 cases to 14-18 cases, enabling those on the front line to focus their time and attention on children and families most in need. (b) Delaware used waiver authority to help parents overcome substance abuse problems, reducing by nearly one-third the amount of time children spent in foster care. (c) Maryland used waiver-based innovations to move more than 300 children from foster care limbo to permanent homes or guardianship. (d) Connecticut used the waiver process to develop intensive mental health services, reducing the duration and number of youth in highly restrictive settings and helping kids return to home more quickly. (e) Most recently, Ohio was granted waiver authority to enhance an array of services to help facilitate reunification and to increase prevention services; and

WHEREAS, The Counties of Alameda, Humboldt, Los Angeles, Orange, Placer, Sacramento, San Francisco, Santa Clara, and Yolo seek the opportunity to work together with the state to create improved child welfare services through the use of a Title IV-E waiver; and

WHEREAS, The 2003 federal review of California's foster care system found that California failed all seven outcome measures. If the state does not improve its services, it will incur up to \$18 million in penalties; and

WHEREAS, The Pew Commission on Foster Care, an independent entity chaired by the Honorable Bill Frenzel and the Honorable William

Gray, recommended that federal funds for foster care be reformed to increase programmatic flexibility and reliability of federal funding. A report released by a related Pew initiative similarly found that “current federal funding mechanisms encourage an over-reliance on foster care at the expense of services that move children to permanent families and help keep families safely together”; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature declares its strong support for, and urges federal approval of, the California Title IV-E Waiver Demonstration Project Application (the Title IV-E Waiver) submitted to the United States Department of Health and Human Services on May 24, 2004; and be it further

Resolved, That the Legislature urges the State Department of Social Services to work with counties and others to address ongoing issues and to promptly submit a final revised Title IV-E Waiver application addressing those issues; and be it further

Resolved, That the California State Legislature urges the United States Department of Health and Human Services to expeditiously approve the Title IV-E Waiver, thereby allowing the State of California to make changes and innovations necessary to improve outcomes and services for vulnerable at-risk, abused, and neglected children; and be it further

Resolved, That the Legislature respectfully memorializes the Congress of the United States, and urges states and counties, to enact laws and policies that will allow for more flexible use of federal child welfare funding to support the needs of children and families at risk, even if the child is not removed from the home or formally made part of the child welfare system.