

Assembly Joint Resolution

No. 10

Introduced by Assembly Member Chu

March 15, 2005

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

LEGISLATIVE COUNSEL'S DIGEST

AJR 10, as introduced, 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.

Fiscal committee: yes.

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

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

8 WHEREAS, Under the current funding structure, a state has
9 no ability to use Title IV-E dollars to provide services that will

1 work to prevent child abuse, protect children within their homes,
2 strengthen fragile families, and divert families from the foster
3 care system; and

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

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

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

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

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

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

39 WHEREAS, States that have received waivers and thereby are
40 released from federal funding constraints have exhibited positive

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

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

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

30 WHEREAS, The Pew Commission on Foster Care, an
31 independent entity chaired by the Honorable Bill Frenzel and the
32 Honorable William Gray, recommended that federal funds for
33 foster care be reformed to increase programmatic flexibility and
34 reliability of federal funding. A report released by a related Pew
35 initiative similarly found that “current federal funding
36 mechanisms encourage an over-reliance on foster care at the
37 expense of services that move children to permanent families and
38 help keep families safely together”; now, therefore, be it

39 *Resolved by the Assembly and the Senate of the State of*
40 *California, jointly,* That the Legislature declares its strong

1 support for, and urges federal approval of, the California Title
2 IV-E Waiver Demonstration Project Application (the Title IV-E
3 Waiver) submitted to the United States Department of Health and
4 Human Services on May 24, 2004; and be it further

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

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

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