

AMENDED IN ASSEMBLY MAY 5, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**Assembly Joint Resolution**

**No. 10**

**Introduced by Assembly Member Chu**

*(Coauthors: Assembly Members Aghazarian, Arambula, Baca, Bass, Benoit, Berg, Bermudez, Blakeslee, Bogh, Calderon, Canciamilla, Chan, Chavez, Cogdill, Cohn, Coto, Daucher, De La Torre, DeVore, Dymally, Emmerson, Evans, Frommer, Garcia, Goldberg, Hancock, Harman, Shirley Horton, Houston, Huff, Jones, Karnette, Keene, Klehs, Koretz, La Malfa, La Suer, Laird, Leno, Lieber, Liu, Matthews, McCarthy, Montanez, Mountjoy, Mullin, Nakanishi, Nation, Nava, Negrete McLeod, Nunez, Oropeza, Parra, Pavley, Plescia, Richman, Ridley-Thomas, Ruskin, Saldana, Salinas, Spitzer, Strickland, Torrico, Tran, Umberg, Vargas, Villines, and Yee)*

March 15, 2005

---

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

LEGISLATIVE COUNSEL'S DIGEST

AJR 10, as amended, 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  
10 work to prevent child abuse, protect children within their homes,  
11 strengthen fragile families, and divert families from the foster  
12 care system; and

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

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

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

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

33 WHEREAS, The California Title IV-E Waiver Demonstration  
34 Project Application (the Title IV-E Waiver) sought by the state  
35 will allow California counties more flexibility in the use of foster  
36 care funds. Specifically, the waiver will allow social workers to

1 provide front-end services to help attend to the needs of children  
2 and families without removing the child from the home or  
3 initiating a judicial proceeding, thereby maintaining the family  
4 unit when appropriate, focusing dependency judicial and  
5 governmental interventions on children and families most at risk,  
6 and decreasing child welfare and judicial caseloads; and

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

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

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

39 WHEREAS, The 2003 federal review of California's foster  
40 care system found that California failed all seven outcome

1 measures. If the state does not improve its services, it will incur  
2 up to \$18 million in penalties; and  
3 WHEREAS, The Pew Commission on Foster Care, an  
4 independent entity chaired by the Honorable Bill Frenzel and the  
5 Honorable William Gray, recommended that federal funds for  
6 foster care be reformed to increase programmatic flexibility and  
7 reliability of federal funding. A report released by a related Pew  
8 initiative similarly found that “current federal funding  
9 mechanisms encourage an over-reliance on foster care at the  
10 expense of services that move children to permanent families and  
11 help keep families safely together”; now, therefore, be it  
12 *Resolved by the Assembly and the Senate of the State of*  
13 *California, jointly,* That the Legislature declares its strong  
14 support for, and urges federal approval of, the California Title  
15 IV-E Waiver Demonstration Project Application (the Title IV-E  
16 Waiver) submitted to the United States Department of Health and  
17 Human Services on May 24, 2004; and be it further  
18 *Resolved,* That the Legislature urges the State Department of  
19 Social Services to work with counties and others to address  
20 ongoing issues and to promptly submit a final revised Title IV-E  
21 Waiver application addressing those issues; and be it further  
22 *Resolved,* That the California State Legislature urges the  
23 United States Department of Health and Human Services to  
24 expeditiously approve the Title IV-E Waiver, thereby allowing  
25 the State of California to make changes and innovations  
26 necessary to improve outcomes and services for vulnerable  
27 at-risk, abused, and neglected children; and be it further  
28 *Resolved,* That the Legislature respectfully memorializes the  
29 Congress of the United States, and urges states and counties, to  
30 enact laws and policies that will allow for more flexible use of  
31 federal child welfare funding to support the needs of children and  
32 families at risk, even if the child is not removed from the home  
33 or formally made part of the child welfare system.