



Reducing the number of children in the US foster care system

Notes from the talk by Tracey Feild from Annie E. Casey Foundation hosted by ACWA on 16 May 2011

Background

The Anne E. Casey Foundation is a US charitable organisation which works with public agencies to improve their performance in delivery of human services. The Foundation relies heavily on collating data on current practices as a way to inform future practice. The Foundation provided specialist assistance to Cuyahoga County in Ohio, USA, which helped the local programs to reduce the number of children in care from 7,000 to fewer than 2,000.

In 1997, the US Federal Government enacted *the Adoption and Safe Families Act (ASFA)*. This limits the amount of time a child or young person may spend in foster care (no more than 15 out of the previous 22 months) before the authorities develop plans for the child's adoption. The law requires child welfare agencies to identify cases where permanent separation is the best option for the safety and well-being of the child. It also imposes stricter requirements to pursue family restoration during this time. This has created a system where foster care is a temporary or interim arrangement only. Family or kinship placements are not considered foster care.

According to the most current Adoption and Foster Care Analysis and Reporting System Report, there were approximately 423,773 children in the US foster care on September 30, 2009.¹ In comparison in March 1998, four months after ASFA became law, there were 520,000 children in care.

The short term nature of foster care appears to have a positive impact on the numbers of children entering care as fewer children are entering foster care than before. Feild described the process of reducing the number of children in the foster care system as 'guarding the front door' and 'opening the back door'. This is her analogy for challenging the numbers of children who enter care and creating opportunities for children to exit care into 'real' permanent situations.

Guarding the front door

The US Care and Protection System

A US child protection agency must apply to the courts for permission to remove the child, except in an emergency when they have 72 hours to make an application.

Decisions around a child's entry into care are made by a team, including agency staff and local providers, who work together to identify opportunities to support the family. The caseworker must demonstrate to the court how the family has been engaged prior to the removal of the child.

After the initial court decision, the case must go before the court every six months to examine the continuing risk to the child and the work that has occurred with the family. Some states have nominated a review period of 3 months. Caseworkers may be questioned by the judge for not providing the family sufficient support to address the issues leading to the child entering foster care.

Concurrent planning

Where there is a risk that the intervention with the family will not successfully lead to a restoration, the caseworker will undertake concurrent planning for guardianship or adoption. The caseworker plans for both restoration and guardianship or adoption, so that if the former does not happen, the latter plan can be immediately implemented.

If a child has been in foster care for more than 15 out of the last 22 months, the caseworker will focus on guardianship or adoption as the way of exiting the child from care. Where the parent is receiving current treatment or rehabilitation, the timeframe may be extended.

Changes to federal funding

Recent changes have meant the two sources from which family support programs are funded have become uncapped. As a result, demand has increased for family support services and there has been a comparable reduction in foster care funding.

Alternative responses

In the US, the number of abuse cases is down, whereas neglect cases remain stable. Cases involving neglect due to poverty, mental health or substance abuse issues are typically case managed in a way that avoids blaming the family and keeps children with their families (except where it is absolutely necessary to remove the child).

Improved family work practices are also having an impact. Many children can be returned home within a year or two. This supports the argument that wrap-around services delivered earlier can help the family to address the safety issues and keep the child out of care.

Opening the back door

'Ageing-out' seen as a failure

'Ageing-out' is when a young person turns 18-years-of-age while still in a foster placement and then is exited from care. Over time, the community sector has come to see this as a failure. Longitudinal studies show that children who age-out of foster care have significantly poor outcomes. The sector is also concerned about children receiving care which is no better or even worse than the treatment they would have received from their birth family.

Exiting foster care

The ideal exit points for a child or young person are restoration, guardianship, or adoption. Adoptions are mainly by foster carers of a child currently in their care. Post-adoption services are provided to families.

A less desirable outcome is 'emancipation', which is freeing a minor from their parent's authority without allocating this responsibility to anyone else. This leaves the young person responsible for his or her self.

More opportunities for exiting foster care

The changes have also given children who have been in care for a long period of time opportunities to exit care. This is often due to a successful family search that will usually identify a relative who previously was overlooked, or was deemed not suitable as a placement option

but now is. This may also result in restoration to a parent where the original issues are no longer present.

Reunification is increasingly more acceptable, particularly where a young person indicates a preference to return to the family and may have a history of absconding. In this situation, caseworkers assist the young person to build skills around self help, self advocacy, and contingency planning, so the young person can take an active role in keeping themselves safe.

A significant amount of pre and post-restoration support is offered to ensure a positive transition. After-care is provided for up to six months. It is unusual for a child to re-enter foster care within 12 months of restoration. Overall, only 13 per cent of children who exit care return to care regardless of their previous exit point.

Changes to the practices and perspectives

Government and non-government agencies are widely referred to as 'child and family welfare services', rather than child safety or child protection. This positions the caseworkers as working to keep the family well and together with the child. Further, what is considered 'best' for the child has evolved. It is seen as better to work with families to address safety concerns than commit a child to long-term care.

Improvements have been made to family assessments, as better decision-making leads families to the right services. Planning is increasingly individualised as the courts are critical of caseworkers who takes a "cookie-cutter" approach. Whereas previously foster care agencies and caseworkers may have focused on meeting basic performance measures, the new legislation considers the value and benefit gained by the child or young person in key areas, such as efforts to ensure the child can continue attending their own school.

The decreasing number of children in foster care allows caseworkers to focus on helping families. Caseworkers who previously had caseloads of 30-40 files now have a maximum of 20 files, which increases their contact with children.

Better information technology has also enabled better practices. Improved recording and monitoring has meant states can appreciate tangible evidence of their performance and family searches have become more sophisticated.

Outcomes of the new system

Feild warns against assuming that this had been an easy process. Since the original amendments, it has been a slow change with an early focus on meeting the performance measures. In the first few years no state system met its outcomes.

Outcomes vary because states have developed differing approaches to meet their commitments. States that changed their out-of-home care system and family preservation services have been achieved a range of positive outcomes. This includes not only reducing the time spent in care for children and young people, but also implementing initiatives for young people exiting care and increased support for families and carers.

Changes for young people who have been in long term foster care

The *Fostering Connections to Success and Increasing Adoptions Act* was introduced in 2008. This is the most recent piece of major legislation addressing the US foster care system. Amongst other initiatives, the Act allows for foster care to be provided until a child's 21st birthday. This recognises that many young people are not ready for independence simply because of their age. Being in care, they may have missed out on the opportunity to develop the skills needed for independence.

Carers may also receive financial assistance until the young person's twenty-first birthday as they often cannot afford to cover the care needs of a young person who has a history of poor foster care. This funding contributes towards the expenses that arise from caring for a young adult who has missed out on key developmental opportunities and may be dealing with the ongoing impacts of trauma. Such items include medical and therapeutic bills, and education or training costs.

However, after exiting care there is no generally available after-care. It is uncommon for states to provide after-care except where health insurance is provided.

Impacts on carer recruitment

It takes time for carers become comfortable with the culture of providing predominantly short-term placements. Some will not continue on as carers if they cannot be given long term placements. Around 20 per cent of foster carers will adopt a child. However, the remaining carers and new carers will offer placements that accept multiple children and young people over a period of time.

Characteristics of successful agencies

Out-of-home care agencies that have managed the changes well have:

- **improved carer recruitment strategies** and a pool of carers comfortable with being in a child's life for a limited period of time. They may conduct child-specific recruitment or target people who are comfortable with adolescents.
- **wrap-around services** to the family, even where the child is in foster care. Alternatively, where services are not a one-stop-shop, they work collaboratively with other providers. Foster care agencies can also provide family work to facilitate restoration and preserve family relationships, in particular enabling sibling contact.
- **strategies to provide stable placements** for children. A US federal KPI is placement stability. Feild noted that agencies spend significantly greater effort on placement matching now because under-performance can lead to an agency losing funding.

NSW opportunities comparable to the new US system

Section 90 of the *Children and Young Persons (Care and Protection) Act 1998* allows for an application to the court to vary or rescind care orders. However magistrates often express reluctance to restore a child to their parents care after the first 24 months. Feedback from audience members at the presentation suggested this is due to the Court's beliefs around attachment and permanency.

Audience members described parents as having to overcome 'high hurdles' in order for a child to be restored to their care. Rather than confining the question to the change in circumstances and whether the reasons the child entered care still exist, the Court and Community Services often have higher expectations about parenting.

In NSW, supported or temporary care is available, as opposed to orders that extinguish the parental responsibility of the birth parent. This is a time-limited opportunity for work to occur with the family to address the child protection issues, which often involves the child being placed into a foster placement for some or all of that time.

Implications for our work

The US experience demonstrates that foster care can be refocussed to exit children and young people from care and that this can be as important as strategies to prevent them from entering care. This is particularly relevant at this time as the State Government is considering ways to reduce the number of children and young people in care in NSW.

The focus on family preservation and restoration services has been an important element in shifting the approach to foster care in the US. This may provide important lessons for the reform of out-of-home care and child protection in NSW.

Further information

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References

¹ Children's Bureau, *The AFCARS Report: Preliminary FY 2009 Estimates as of July 2010 (17)*, U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Washington, viewed 27 May 2011, <http://www.acf.hhs.gov/programs/cb/stats_research/afcars/tar/report17.htm>.