

PROPOSAL FOR CONSIDERATION

by the

California Child Welfare Council

Action Item: September 10, 2014



PROPOSAL

The Child Welfare Council agrees to having the Permanency Committee and Data Integration and Information Sharing Committee consider the recommendations of the former California Blue Ribbon Commission on Children in Foster Care (BRC) that are relevant to their respective goals for incorporation into their ongoing planning and implementation efforts.

The attached recommendations were adopted by the Blue Ribbon Commission on Children in Foster Care in 2008 and 2013 and have not been fully implemented:

1. BRC Recommendation 1 (Permanency):
Reasonable efforts to prevent removal and achieve permanency (2008)
2. BRC Recommendation 1B (Permanency):
Increase family reunification outcomes through interim hearings in cases involving very young children (2013)
3. BRC Recommendation 3 (Data Sharing):
Revised to include support of the Child Welfare Council's 2012 *Statement on Information Sharing, Data Standardization and Interoperability* (2013)

The BRC sunsetted on June 30, 2014. The Child Welfare Council will be voting on whether to accept the BRC's request that the recommendations pertaining to the goals of the Permanency Committee and the Data Integration & Information Sharing Committee be considered for inclusion in their respective work plans.

Recommendation 1: Reasonable Efforts to Prevent Removal and Achieve Permanency

As the commission met during the last three years, we learned much about the various stakeholders in the child welfare system and the realities they face every day. We know that the courts and their child welfare partners are unified in a fundamental belief that all children deserve a safe, stable family in which to grow up and thrive. And there is a universal acknowledgment that interrupting a child's bond to a parent, even when necessary and temporary, is a destabilizing event.

But while child welfare agencies aspire to offer more services to prevent placement in foster care, funds to support preventive services have not been given a priority at the local, state, or federal level. A recent national study sponsored by the nonprofit organization Kids Are Waiting found that states are allowed to use only 10 percent of federal child welfare funding for prevention or reunification services. This means dependency court officials, faced with serious gaps in necessary services, are often forced to advocate for more funding for services to support vulnerable children and families.

We know that every one of the children in foster care in California has multiple hearings before a juvenile court. Yet we found that despite the efforts of judicial officers doing their best to make the right decision for each of these children, placement does not necessarily ensure an improved situation for them or for their families, even when removal is required. Far too many of these foster children experience multiple placements; changes in schools; and separation from siblings, friends, and other family members.

We found that African-American and American Indian children are disproportionately in the system. They are more likely than other children to be reported for abuse, more likely to be removed, and less likely to be reunified or adopted.

And we learned that as many as 5,000 youth in California reach the age of 18 every year without reunifying with their own families or being placed in another permanent family. National research shows that young people who "age out" of the system are more likely to drop out of school, to have serious mental health needs, to experience homelessness and unemployment, and to end up in the criminal justice system. These are the children who have all too often languished in a foster care limbo.

This first set of recommendations is the commission's road map to respond to the challenge posed by these problems.

I was in foster care for eight years. I was removed from my mother when I was ten years old I was 'placed in seven different foster homes during that first year.

When I turned 11, I was placed in a group home. When I first moved in, the director toured me around the place and said, "I'm not here to be your mother, I'm here to get you through the system."

It was a wake-up call for me to realize that in the foster care system you do not have a parent. You do not have somebody who you can count on, who is there for you when you fall off your skateboard – You know, somebody to hug you and say,

"Are you OK?"

*Tony Thompson
Former foster youth*

Recommendation 1:

Because families who need assistance should receive necessary services to keep children safely at home whenever possible, the Blue Ribbon Commission recommends that the Judicial Council, the California Department of Social Services, and local courts and child welfare agencies implement improvements to ensure immediate, continuous, and appropriate services and timely, thorough review for all families in the system.

Recommendation 1A:

Children and families need access to a range of services to prevent removal whenever possible. All reasonable efforts should be made to maintain children at home in safe and stable families. The courts should make an informed finding as to whether these efforts actually have been made.

The Blue Ribbon Commission Recommends:

The courts and partnering agencies tailor resources to make sure they have sufficient information and time to establish that all reasonable efforts have been made to prevent removal.

All children and families receive timely and appropriate mental health, health care, education, substance abuse, and other services, whether children reside with their own parents or with relatives, foster parents, guardians, or adoptive parents or are in another setting.

At the earliest possible point in their involvement with the family, child welfare agencies engage family members, including extended family wherever they may live, to support the family and children in order to prevent placement whenever possible. Child welfare systems should develop and improve internal protocols for finding family members.

The courts and partnering agencies work to reduce the disproportionate number of African-American and American Indian children in the child welfare system.

Judicial officers, attorneys, social workers, and other professionals who serve foster children and their families increase the diversity and cultural competence of the workforce.

The Judicial Council work with local, state, and federal leaders to advocate for greater flexibility in the use of federal, state, and local funding for preventive services.

Recommendation 1B:

If foster care placement is necessary, children, families, and caregivers should have access to appropriate services and timely court reviews that lead to permanency as quickly as possible. Service delivery and court review should ensure that all reasonable efforts are made to return children home, to make sure families and workers comply with case plans, and to achieve timely and stable transitions home or, if necessary, to place with relatives or in another permanent, stable family.

The Blue Ribbon Commission Recommends:

- The Judicial Council work with state and federal leaders to advocate for changes in law and practice to increase and encourage more relative placements, including:
 - Addressing funding disparities;
 - Developing greater flexibility in approving relative placements whereby relatives would not, by virtue of federal law, be held to the same standard as nonrelatives; and
 - Formulating protocols to facilitate swift home assessments and placement with family members when appropriate.
- The courts and child welfare agencies expedite services for families and ensure that foster children maintain a relationship with all family members and other important people in their lives.
- The courts ensure that children who cannot return home receive services and court reviews to enable them to successfully transition into a permanent home and into adulthood.
- This includes paying attention to each child's language, development, and cultural needs in making decisions about home and school placements, visitation, education, and mental health needs. It also means making sure they have consistent community ties and help from supportive adults, such as mentors, as they grow up.
- All court participants continuously review and make extraordinary efforts to preserve and promote sibling connections and co-placement.
- Children and families receive continuous and comprehensive services if a child enters the delinquency system from foster care.
- The Judicial Council and the state Department of Social Services work together to urge Congress, the state Legislature, and state and local agencies to ensure that THP-Plus programs for transitional housing sustain a level of funding sufficient to maintain and expand program capacity to meet the demonstrated need of youth aging out of the foster care system.
- The Judicial Council work with federal and state leaders to support or sponsor legislation to extend the age when children receive foster care assistance from age 18 to age 21. This change should apply to those children who at age 18 cannot be returned home safely, who are not in a permanent home, and who choose to remain under the jurisdiction of the court. If the court terminates jurisdiction before a youth's 21st birthday, the youth should have the right to reinstatement of jurisdiction and services.
- The Judicial Council work with local, state, and federal leaders to develop practices, protocols, and enhanced services to promote both placement and placement stability of children and youth in family-like, rather than institutional, settings.

New Permanency Recommendation (May 1, 2013)

Add to Recommendation 1B:

The courts, whenever possible, work to increase family reunification outcomes by holding interim hearings after 45 or 90 days, particularly in the case of very young children, to check on the availability of services, ensure that families and workers are complying with case plans, and review any barriers to a timely and stable transition home.

BRC Revised Data Sharing Recommendation (May 1, 2013)

Recommendation 3:

Collaboration Between Courts and Their Child Welfare Partners

In California, the courts share responsibility for the safety and well-being of children and youth in foster care with a range of agencies, including child welfare, education, alcohol and drug treatment, mental health, public health, and Indian tribal councils.

This means that families are often involved with more than one agency at a time. These agencies have independent and sometimes conflicting policies and regulations that inhibit communication and sharing of data and information. We learned that because of this problem, judges and attorneys sometimes lack full knowledge of a child's health, mental health, education, language, or citizenship. This means the courts must sometimes make decisions without a complete or accurate picture of the child and his or her family.

We found that this leads to a situation where court-ordered services to benefit families and children sometimes conflict with other court orders or mandated services from other agencies. And the courts and child welfare agencies do not always know what services exist in the community. Often there is limited availability of essential services.

The commission adopted the following recommendations to solve this problem. We believe that collaboration is a critical piece of the foster care puzzle. We know that together we can serve children and families more effectively.

Recommendation 3:

The Judicial Council, trial courts, and California Department of Social Services should work cooperatively with all departments, agencies, and other stakeholders to ensure optimal sharing of information to promote decision-making that supports the well-being of children and families in the child welfare system consistent with the California Child Welfare Council 2012 Statement on Information Sharing, Data Standardization and Interoperability.

Recommendation 3A:

The Judicial Council, trial courts, and California Department of Social Services should work cooperatively with all departments, agencies, and other stakeholders to ensure optimal sharing of information to promote decision-making that supports the well-being of children and families in the child welfare system consistent with the California Child Welfare Council 2012 Statement on Information Sharing, Data Standardization and Interoperability. Because the courts share responsibility with child welfare agencies and other partners for the well-being of children in foster care, the courts, child welfare, and other partnering agencies must work together to prioritize the needs of children and families in each system and remove barriers that keep stakeholders from working together effectively.

The Blue Ribbon Commission Recommends that:

All California courts, to the extent practicable, use the National Information Exchange Model (NIEM) and unified form to develop, disseminate, and support standards and processes in leveraging education, mental health, substance abuse, and primary healthcare data and information both to preserve existing state and local court investments in information technology and to create more flexible, adaptive systems;

All California courts, to the extent practicable, incorporate standardized and interoperable data gathering mechanisms specifically designed to allow analysis of court procedures, any court-based delays, and child and family outcomes in dependency cases consistent with national standards;

The development of dependency components within any court case management system allows for appropriate exchange of education, mental health, substance abuse, and primary healthcare data that maximizes the information available regarding how the courts and the child welfare system are serving children and families and meeting the federal outcome measures specified in the Child and Family Services Reviews and the California Child Welfare Outcomes and Accountability System; and

Courts and agencies share data and information to improve service to children and families in accordance with applicable state and federal privacy and confidentiality laws.