



Children's Law Center
of Los Angeles

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**STATEMENT BEFORE THE SUBCOMMITTEE ON HUMAN
RESOURCES OF THE HOUSE WAYS AND MEANS
COMMITTEE --
HEARING ON FEDERAL FOSTER CARE FINANCING**

June, 2005

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by
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The Honorable Bill Gray, former Majority Whip and Vice Chairman of the Pew Commission on Children in Foster Care, aptly observed, "Children need the grounding of a permanent home. You don't get that in foster care. You get it in a family." As a nation, however, we fail to put our money behind such sound policies.

Because Title IV-E, the largest source of federal child abuse prevention and treatment funds, can only be accessed once a child is removed from his or her biological family and brought into the foster care system, the child welfare system is left with little or no resources to provide in-home or other preventive services that could keep more families intact. Nor is there fiscal encouragement for practices that enable children to be reunified with their birth families or live permanently with other relatives.

Family maintenance and family reunification efforts are overlooked in the crafting of our budgetary priorities. The current risk-averse position of removing children from their homes provides a short-term solution, but may well engender long-term problems for the very children we are trying to protect and better. Moreover, we laud the valuable family resource represented by relatives who, although they may be reluctant to usurp the parental role, nonetheless are willing to assume legal guardianship and give children safe and lasting homes. However, we fall short of providing financial or other critical support for relative caregivers.

Regulations, driven by fiscal policy, confront social workers with an impossible dilemma. They are forced to either wait until a situation becomes serious enough to warrant removal, then place children in foster care at great expense both to the child and the community, or do nothing and risk a resulting tragedy.

Once a child is removed from his or her family, life in foster care can be a turbulent experience, characterized by movement from placement to placement, disruption of schooling, and the severing of ties with all that is familiar to the child, often including siblings and extended family. Children in foster care possess a resilience and indomitable spirit that serve them well, despite the worst that life has thrown their way, but they also pay a heavy emotional toll, often feeling that they are not good enough for their own family or any other family to want them. Their self-image declines, and prospects for building supportive relationships in the future pale.

It thus is not surprising that foster youth, too often living in chaotic circumstances, find it difficult to keep up -- 75% of children in foster care are working below grade level in school, almost half do not complete high school, and as few as 15% attend college.

Nor is it surprising that these troubled youth become troubled adults. Within two to four years after young people emancipate from foster care, 51% are unemployed, 40% are on public assistance, 25% become homeless, and one in five are incarcerated. Moreover, approximately one in three return to live with their biological families after "aging out" of foster care, even though too often none of the family's underlying problems has been addressed.

With each abandonment and each severed relationship, the child finds it more difficult to trust again, to move beyond his or her victimization, and to develop healthy relationships in the future - whether it be with a caregiver, family member, or his or her own child someday. One former foster youth observed, "Coming out of foster care, I didn't know how to have relationships with people. I always found a way to burn those bridges."

Another youth wrote the following in response to the 2005 Los Angeles Foster Care Awareness Campaign theme, *Where Have I Come From... Where Am I Going?* "As I look back, my life has been rough for the past 17 years. My mom left me and my sister crying in a bucket of tears. It was hard for me, but my sister told me to stay strong. One of these days we are going to find our own home. I told her when that day comes everything will be all right. But for right now, I am going to finish going to school during the day and write my poems during the night."

Searching for solutions and new approaches is no easy task. The Children's Law Center of Los Angeles ("CLC") is the largest representative of foster youth in California, if not the nation. CLC is committed to help devise and promote new practices in foster care on a local, state, and national level.

There are a variety of areas where we believe that new approaches to our nation's longstanding and less than successful way of doing business could enhance our ability to address the needs of abused and neglected youth in foster care. And in light of every state's failure to achieve the standards set forth in the recent federal child welfare system reviews, to date, the time is ripe for change.

First, consideration should be given to reform of the "front door" of the system and the need for more flexible funding mechanisms. Current restrictions on federal funding streams favor entry of children into foster care rather than the development of supportive prevention and diversion programs. In particular, Title IV-E -- the largest share of our federal child welfare financing system -- fails to devote adequate resources to programs and services aimed at maintaining children at risk, when appropriate, in the home.

Indeed, there is a *disincentive* to serve children within their home under existing federal funding eligibility requirements that tie monetary allocations to the placement of children in out of home care and the length of time a child spends in care. A social worker has relatively few programs or child welfare services, either long term or on an emergency basis, to provide immediate



stabilization and maintenance of a child at risk within his or her family of origin. In many instances it would be in the child's best interest to keep the family intact, with supportive services directed toward that end.

Under the current funding structure, however, the lack of resources available to children who would be best served within their existing family results in early warning signs being effectively ignored. At the time of a family's initial contact with child welfare, the risk may not be serious enough to warrant the drastic step of removing the child from his or her family home. The lack of funding for cost-effective in-home services or ongoing visitations by the social worker, coupled with long wait lists at community based agencies, ultimately places the child and family at greater risk for future abuse.

Unless they apply for a waiver of these regulations, states are barred from spending federal money to provide a full range of services that might stabilize fragile families at risk, protect children in their own homes, and divert them from the foster care system. Tellingly, states that have received waivers and thereby are released from federal-funding constraints point to positive results. Innovative programs that provide a continuum of services from prevention to treatment, to support for children once they leave the foster care system have been shown to have significant success.

Second, current federal financing laws effectively close off guardianships for many relatives by making federal financial assistance available only to relatives who either remain within the foster care system or choose to adopt. In addition, relative foster parents lose financial assistance if they become legal guardians. This makes it impossible for families who cannot afford to carry the financial burden of care on their own to pursue legal guardianship.

The number of children in long-term care declined by one third in states where Title IV-E waivers opened the door to use of federal dollars to support permanent legal guardianship by relatives, according to a national study, *Family Ties: Supporting Permanence for Children in Safe and Stable Foster Care with Relatives and Other Caregivers*. Mark Testa, Fostering Results Co-Director and author of the brief, observed: "Our research shows that foster children are safer and more secure when placed with relatives than in foster homes unknown to them."

California's experience points to the promise of this model. The state established the Kinship Guardianship Assistance Payment program, Kin-GAP, an option that allows relatives to receive a financial subsidy for the children in their care. The program has contributed to the reductions in the number of children in long-term kinship foster care in the state by 42.8 percent during its first two years.

This program enables families to receive needed support, without having unnecessary government intrusion including social worker visits and court appearances required by law when a child is in foster care. As a result, children placed with relatives have the advantage of maintaining cultural and familial connections and establishing a more normal family life.

"Kin-GAP has been good for our family," a California grandfather of four said. She explained that, prior to her exit from foster care through the Kin-GAP program, "I used to take a



day off work several times a year, so I could go to court with my grandchildren. A social worker came out to our house every month. The children were embarrassed, maybe a little ashamed, to be in foster care, and I was frightened that a judge who didn't know us was making decisions about them."

As a result of Kin-GAP, California's child welfare and court systems have benefited from decreased supervised caseloads and administrative cost savings. However, the program is funded through the state's Temporary Assistance for Needy Families program, thereby potentially limiting its future stability and coverage. Moreover, even with Kin-GAP, relatives continue to struggle based on woefully inadequate support and assistance.

In sum, federal child welfare funding can and should be restructured in a manner that would enable local jurisdictions to fully fund child welfare services, whenever and wherever those services are needed. As recommended in the report of the Pew Commission on Children in Foster Care, *FOSTERING THE FUTURE: Safety, Permanence and Well-Being for Children in Foster Care*, new approaches should be developed to release the current federal funding straitjacket and allow for use of the largest source of federal child welfare funds in a manner that better attends to the needs of children and families, without jeopardizing child safety.

A more flexible federal funding stream would allow for the creation of effective and comprehensive methods of diverting families from the foster care system, while also stimulating greater innovation aimed at supporting families. By allowing child welfare agencies to implement services aimed at serving families before tragedy strikes, the federal government will ultimately realize the ability to serve more families with greater success.

Increased flexibility in the use of resources would allow counties and states to develop and access a wide variety of community resources to respond to the safety and permanency needs of all children and families in the most timely, effective, efficient and least intrusive manner. Such a restructuring of financing for child welfare services would enable states to develop a more effective and fact-driven differential response at the front end of the foster care system, based on a rational assessment of both risk to the child and family strengths. This approach would also enable the more intensive court supervised interventions to be focused on children and families with the greatest need.

The Pew Commission recommended not simply greater leeway in the use of federal dollars, but also that states be allowed to "reinvest" federal dollars that would have been expended on foster care into other child welfare services, if those approaches safely reduce the use of foster care. States should be allowed to use federal funds proactively for services to keep children out of foster care or to leave foster care safely.

The Commission also recommended that the federal government expand and streamline the child welfare waiver program, devote resources to training, evaluation, and sharing of best practices, and provide bonuses to states that make workforce improvements and increase permanence for children in foster care. All of these approaches warrant the Committee's serious consideration.



As Pew Commissioners wrote, “[W]e believe that dissatisfaction with the failure of the current financing structure to produce better outcomes for children is sufficiently strong that leaders on both sides of the aisle are ready and willing to consider new financing proposals.” We hope this positive prognostication is accurate.

Talking about better programs for abused and neglected children is not sufficient. Our nation must start *acting* and developing a federal budget that reflects a tangible commitment to a better future for abused and neglected youth. These are the children of our community and our future. They deserve our very best efforts.

Thank you for affording me the opportunity on behalf of the Children’s Law Center and the thousands of young clients we represent to offer my perspectives in regard to ways our nation can better serve our neediest and most vulnerable children.

