

Building Better Outcomes for Child Welfare Systems

Policy Academy Primer

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This primer is intended to provide background and policy information to Midwestern legislators participating in the Casey and CSG Midwest convening to provide education on child welfare issues in their states. The primer covers features of a well-functioning child protection agency, the role of state legislators in providing policy direction to child welfare systems, national child welfare landscape, and a brief description of system reform efforts at the state and national levels.

Key takeaways

- Research has shown that child welfare agencies can, in most cases, keep children safe in their own homes without subjecting children to the trauma and harm associated with family separation.
- When children cannot safely remain at home, their time away from family should be kept to a minimum. Research has demonstrated that prolonged stays in foster care can be harmful to children, especially if they experience multiple placement changes.
- A well-functioning child protection agency seeks to reduce child fatalities and repeat maltreatment as well as prolonged foster care stays by employing the best evidence-based interventions in partnership with service providers and community-based agencies, among others.
- The work of child welfare agencies is largely framed by state statute. As such, the state legislature plays a crucial role in defining the broad parameters of the agency's authority, specifying the procedures and safeguards applicable to individual cases, and holding agencies accountable for results.
- At a national level and in many states, child welfare policy and practice continue to move away from investigation and child removal as the primary means of keeping children safe and toward prevention, early intervention and family strengthening.

Keeping children safe

The primary mission of child welfare is to ensure that children are safe from serious harm at the hands of their caregivers, whether such harm occurs through physical, sexual or psychological abuse or through severe neglect that poses an imminent threat to a child's health or safety.

Research studies and child development data consistently show that children achieve better outcomes with the strength of safe familial bonds that benefit a child's physical, social, emotional and intellectual needs well into adulthood. Removing a child from their family and placing them in foster care is one of the most intrusive and traumatizing actions that government can take. Policymakers should hold child protection agencies accountable for ensuring children are never removed from their families in response to non-safety related concerns. To accomplish this, a well-functioning child protection agency can use carefully researched tools and interventions to improve child safety assessment and keep families together.

When a child cannot safely remain in the home, the time he or she spends away from family should be kept to a minimum. Children in long-term foster care face elevated risks of poor educational and mental health outcomes, particularly if they have experienced numerous placement changes.

A well-functioning child protection agency

Drawing from its extensive experience conducting child welfare research, engaging in systems improvement efforts and providing technical assistance to all 50 states and the District of Columbia, Casey Family Programs published a policy paper in 2023 that identifies the outcomes a well-functioning child protection agency should seek to achieve, the values that should drive practice and the interventions and strategies an agency should employ.

1. Outcomes:
    a. Decrease in child abuse and neglect fatalities.
    b. Decrease in repeat maltreatment.
    c. Increase in the foster care exits/entries ratio (the number of children who exit foster care to permanent families and connections is greater than the number of children who enter foster care).

d. Decrease in the rate of children re-entering foster care.

e. Increase in timely permanency, especially among those who have been in foster care for longer than 24 months.

2. Values, interventions and strategies:

   a. Utilize the best evidence-based assessment tools, safety approaches, worker caseload levels and multidisciplinary teaming to assess a family's situation and identify children at imminent risk of abuse or neglect. Make timely determinations about whether and how to intervene, and apply trauma-informed expertise to ensure services to keep a family together are provided whenever that can be done safely.

   b. Value parents as the foundation of a child's well-being and engage them in a supportive manner to enhance their capacity to provide a safe and stable home. When a child cannot remain safely in the home, seek out willing relatives who know and love the child to provide temporary care.

   c. Never remove a child from home in response to non-safety related concerns or when safety concerns can be addressed through community-centered supports or services, or other less intrusive interventions.

   d. Develop and maintain collaborative relationships with service providers, other government agencies, philanthropy, faith-based organizations and the business community to actively promote the well-being of children and families. A child protection agency is an essential component of a larger family well-being system that works to ensure that all families have the capacity to care for their children and all children thrive in safe, stable, nurturing family and community environments.

Role of the state legislature

Although states must comply with federal child welfare laws, including the Indian Child Welfare Act and conditions for funding imposed by the Social Security Act, a child welfare agency's authority and responsibility derive from state law. As such, the state legislature is responsible for articulating the values and broad policy objectives that guide the day-to-day functions of the many components of the system, including the child protection agency, courts, law enforcement, foster care providers and many other individuals and agencies that play a role in supporting families and keeping children safe.

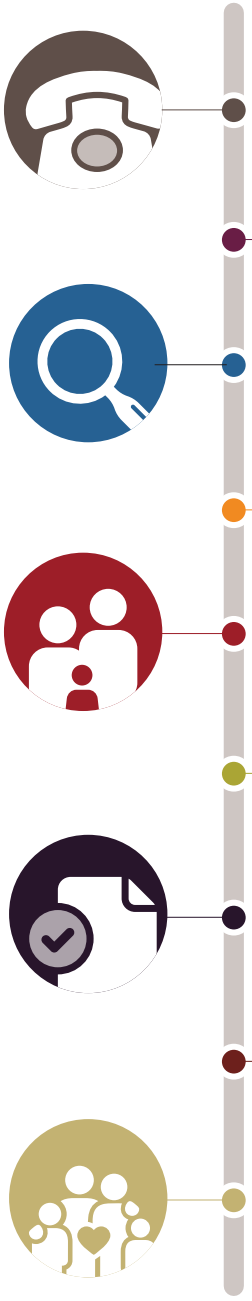
At the broad system level, state legislatures determine the structure and function of child protection agencies, create and fund programs to prevent child maltreatment and support families, improve coordination of service delivery and reduce system fragmentation, and hold agencies accountable by establishing performance measures and oversight mechanisms, among many other initiatives.

State law, in the context of applicable federal requirements, also governs all aspects of child protection case processing, including the following:

1. **"Front end" policy:**
    a. Jurisdiction: Laws that determine the types of cases over which the system has jurisdiction, including definitions of abuse and neglect and the definition of perpetrator for purposes of agency jurisdiction. Some states have refined their definitions of child neglect to ensure that only serious neglect posing an imminent risk to child safety warrants intervention.
    b. Mandatory reporters: Laws that identify and establish the duties of mandatory reporters of child maltreatment. Some states are improving reporter training while others are considering training mandatory reporters to refer families to community-based resources in lieu of the child welfare agency in cases of less serious neglect.
    c. Investigations: Laws that regulate the conduct of investigations, including response times, standards for substantiation, and use of service-oriented family assessments in lieu of investigations aimed at substantiating allegations. In recent years, states have enacted or considered laws intended to improve the quality
    of investigations through use of evidence-based assessment tools or enhanced training.
    d. Fairness and transparency: Laws that require agencies to provide parents with information about agency procedure and rights at the time of first contact. Also included are laws governing due process and legal representation of parents throughout the life of a case.
    e. Placement prevention: Laws that expand on the federal requirement that agencies make reasonable efforts, or, in the case of Indian children, active efforts, to prevent child removal, to reunify children in substitute care with their families, and to achieve timely permanency for children in care.
    f. Child removal: Laws that specify who has the authority to remove a child from home and under what circumstances, as well as laws that prescribe the duties of courts in determining whether reasonable or active efforts were made to prevent removal and whether the risk of harm to the child in the home outweighs the harm caused by removal.

Overview of child welfare case flow

This chart presents the flow of a typical child welfare case, which may vary somewhat by state. It also does not include certain procedures required by the Indian Child Welfare Act (ICWA), including notice to Tribes, active efforts, placement priority, and stricter standards for removal and termination of parental rights, among other matters governed by federal regulations.



REPORT

Report of suspected child maltreatment via local or statewide hotline

SCREENING

Screening of report by child welfare agency to determine if it meets criteria for response (falls within statutory definitions of abuse/neglect, perpetrator is a caregiver, victim is a child, etc.)

INITIAL RESPONSE

Investigation or alternative response*

OUTCOME OF RESPONSE

Unsubstantiated, possible referral to services; substantiated, assessment of child safety in the home, provision of safety services or removal of child

REMOVAL

If child removed, petition filed, court holds preliminary hearing to determine if probable cause exists to support removal; child is either returned to parent or court finds that remaining in the home is contrary to the welfare of the child**

ADJUDICATORY HEARING

Court determines if facts alleged in petition are proven (usually by preponderance of the evidence). Court makes reasonable efforts findings.

DISPOSITION HEARING

Court approves a case plan that includes child's placement, permanency goal, services to facilitate reunification, or determines that reunification services are not required and orders that the case move directly to permanency hearing for termination of parental rights (TPR), adoption or guardianship

STATUS HEARINGS

Periodic hearings to review status of case plan, efforts to finalize permanency, etc.

PERMANENCY HEARING

Court orders a permanent placement: reunification, adoption or guardianship. If adoption, court holds a TPR hearing.

* Not all states have an alternative or differential response

** Many states also require a finding at this point that reasonable efforts were made to prevent removal or that reasonable efforts were not required

2. **Out-of-home placement:**
    a. Court process: Laws that govern the schedule and content of court hearings regarding children in care, including preliminary protective hearings, adjudicatory hearings to determine facts supporting court jurisdiction, disposition hearings to approve a case plan and make initial placement decisions, periodic status review hearings, permanency hearings to determine a plan for permanent placement of a child, and termination of parental rights (TPR) hearings if adoption is determined to be the child's permanency goal.
    b. Placement preference: Laws that identify the available placement options in priority order and that require a search for relatives as the preferred placement option. In the case of an Indian child, placement preference is dictated by the federal Indian Child Welfare Act (ICWA).
    c. Out-of-home care resources: Laws governing treatment and care of children in foster care, as well as recruitment, training, licensing, reimbursement and support of foster parents and kinship care providers.
    d. Permanency goals: Laws that describe the available options for legal permanency, including reunification with parents, adoption and legal guardianship. In the case of adoption, laws describe the grounds and procedure for TPR, including when reasonable efforts to avoid family separation are not required, timelines for TPR based on a child's time in out-of-home care, and exceptions to TPR.
3. **Funding:** Child welfare services are funded with a mix of federal funds, state appropriations, and, in some states, local tax revenue. In federal fiscal year 2022, total national spending on child welfare was approximately $33 billion, with 45% funded by the federal government and the remainder funded by states and localities. The largest share of federal funding ($5.9 billion) goes to cover the cost of foster care, including maintenance payments to foster parents and administration. State and local funds are used to cover a range of items, including federal match requirements, prevention programs not covered by federal rules, and costs for children in care who are not eligible for federal foster care maintenance payments.
4. **Oversight:** State legislatures exercise oversight of the child welfare system a number of different ways, including standing committee hearings, dedicated child welfare oversight committees, constituent services, legislative ombuds offices and legislative audits. They also create time-limited task forces, commissions and similar bodies to examine child welfare issues and make recommendations for legislative reform.

National developments in practice change and system reform

While not an exhaustive list, what follows are selected examples of trends in system reform:

1. **Prevention:** States and the federal government are working to align funding and reform efforts with the goal of preventing child maltreatment and family disruption. A major step in this direction was enactment of the Family First Prevention Services Act (FFPSA), which provides open-ended entitlement funding to states for evidence-based mental health treatment, substance abuse prevention and treatment, and in-home parent skill-based services for families with children at risk of entry into foster care. Many states are using these funds in innovative ways, including “community pathways” that allow community partners such as schools, family resource centers and tribal family support programs to identify and refer families for federally funded services without the need for child welfare involvement. Minnesota, for example, allows tribal governments and nonprofits to identify FFPSA-eligible families and deliver culturally specific services.
2. **Kinship care:** Research shows that children who cannot safely remain with their parents experience better outcomes when placed with relatives. States are moving to increase the placement of children in foster care with kin, often with the same level of financial support as non-kin foster parents. They are also taking advantage of recent changes in federal policy to implement kinship-specific licensing standards. As a result of these and other policy changes, the proportion of children in kinship care continues to grow.
3. **Reducing inappropriate placements:** Research has shown that placement of children in non-family settings such as residential treatment centers with shift-based staffing or in hotels and offices poses risks to child safety and well-being. Accordingly, FFPSA has limited federal funding of congregate care placements to ensure settings are high-quality and necessary for the child's well-being. Children with serious emotional and behavioral challenges can be served in therapeutic foster homes with caregivers who receive enhanced training and support.

4. **Lived experience:** Policymakers are including the voices of parents, youth, relatives and foster parents in their system redesign efforts. In Alaska, Facing Foster Care in Alaska plays an important role in advocating for the needs of youth in care.
5. **Data and accountability:** States are modernizing their data systems to better track outcomes and improve practice. Evolving technology is enabling states to shift from compliance metrics to outcome metrics. One of the goals of the president's recent "Fostering the Future for American Children and Families" executive order is to improve the collection, publication and transparency of state-level child welfare data, including using AI for better caregiver matching, recruitment and retention. There is increasing interest in predictive analytics to identify families at risk of child maltreatment.
6. **Clarifying agency authority in neglect cases:** Some states are examining whether their child welfare agencies are intervening with the right families. Neglect is the most common type of maltreatment reported to agencies. States are clarifying the types of parental behaviors that constitute neglect warranting agency intervention, setting the appropriate level of risk that should trigger agency involvement and creating exceptions to neglect definitions such as allowing children to engage in age-appropriate independent activities and differentiating poverty from neglect.

Looking Ahead

In the area of child welfare, all states have challenges and opportunities. However, the child protection agency cannot move the system forward by itself. Progress requires the sustained and coordinated efforts of everyone who works to improve the lives of children and families.

Sources

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Casey Family Programs

Casey Family Programs is the nation's largest operating foundation focused on safely reducing the need for foster care and building Communities of Hope for children and families in the United States. By working together, we can create a nation where Communities of Hope provide the support and opportunities that children and families need to thrive. Founded in 1966, we work in all 50 states, Washington, D.C., Puerto Rico, the U.S. Virgin Islands and with tribal nations across North America to influence long-lasting improvements to the well-being of children, families and the communities where they live.

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