



## NATIONAL CONFERENCE *of* STATE LEGISLATURES

*The Forum for America's Ideas*

**Terie T. Norelli**  
*Minority Leader  
New Hampshire House  
President, NCSL*

To: Wisconsin Special Committee on Permanency for Young  
Children in the Child Welfare System

**Patsy Spaw**  
*Secretary of the Texas Senate  
Staff Chair, NCSL*

From: Nina Williams-Mbengue, NCSL and Kate Bartell Nowak  
NCSL Intern

**William Pound**  
*Executive Director*

Date: August 27, 2012

Subject: Child Welfare Information Request

Below is information that we hope you will find useful regarding child welfare waiver information; differential response; studies on child welfare policy in Washington State and Palm Beach County, Florida; family group conferencing; mother-child residential treatment services; family drug treatment courts; Guardian Ad Litem oversight; and, outcomes for children placed with relatives.

### 1) Child Welfare Waiver Information

- a) **General Information.** Please see the attached Legislator Fact Sheet on Child Welfare Title IV-E Waiver Demonstration Projects 2012-2014. This Fact Sheet explains the history and purpose of the Waiver Demonstration projects, provides information regarding submission of waiver proposals, and explains how state legislators can get involved. In addition, to view the NCSL Webinar "*Guidance on New Title IV-E Child Welfare Demonstration Projects*," [click here](#).
- b) **State Applications.** Below, please find information on each state that has applied for a waiver, including a link to each application, and including Wisconsin's application.

[Arkansas](#) - To limit the number of children entering/re-entering care each year, Arkansas would like to use the flexible funding provided by the Title IV-E waiver demonstration project to develop a comprehensive model of practice from investigations to in-home services, including post-reunification services that are offered after court closure on cases, that bolsters safety, permanency and well-being and safely maintains children in their homes. The State will use the flexible funding to develop an in-home services program supported by evidence-based and evidence-informed practices. Arkansas' proposed waiver project will provide flexible funding to shift services from out-of-home care toward a wide array of in-home services, including support for the Differential Response population and post-reunification services, children and families involved in supportive service cases, and those children who remain in the family home following both true and unsubstantiated maltreatment findings.

[Colorado](#) – The Colorado Department of Human Services (CDHS) proposes to focus its Title IV-E waiver on the three federal goals: to increase permanency for children, to increase positive outcomes for children and families, and to prevent child abuse and neglect and re-entry to out-of-home care. To achieve these goals, CDHS will bring together four major initiatives now in the planning or early implementation stages: (1) The Colorado Practice Model; (2) Permanency by Design; (3) Differential Response; and, (4) The Trauma-Informed System of Care, which integrates child welfare and behavioral health services. With

August 24, 2012

p. 2

funding flexibility under the waiver, these initiatives will create the foundation for advancing six specific waiver interventions: family engagement, trauma- informed child assessment, trauma- focused behavioral health treatment, permanency roundtables, kinship supports, and market segmentation. Together these interventions will target the entire child welfare population, from children with screened- in reports of abuse/neglect to those in open cases (in- home or in placement), to post- permanency.

All 64 Colorado counties will participate in the waiver, with some becoming more active earlier in the waiver than others, and with each county having the option to target its waiver efforts to interventions most appropriate for its population and community environment.

[Illinois](#) - Illinois proposes to conduct a Title IV-E Waiver Demonstration project to focus on the highly vulnerable population of very young children ages 0-3. The intent is to implement an intensive, concurrent planning process to expedite permanency, and to provide developmentally targeted parent training and support, including therapeutic interventions, to address the developmental effects of maltreatment, trauma and to promote attachment with permanent caregivers. The project is built upon the idea that that for young children entering care, the length of time in care can be shortened and well-being outcomes improved through a combination of intensive concurrent planning, parent training and support, and therapeutic intervention when indicated. Specifically the proposed waiver demonstration will test the following well- built hypothesis: children aged zero to three years old who are initially placed in foster care will experience reduced trauma symptoms, increased permanency, reduced re-entry and improved child well-being if they are provided evidenced-based intensive concurrent planning and trauma informed EBIs compared to similar children who are provided IV-E services as usual.

[Michigan](#) - Michigan's proposed waiver will expand its secondary and tertiary prevention service array provided to families with young children determined by CPS to be at high and intensive risk for maltreatment. The Michigan Department of Human Services will contract with private agencies in three demonstration sites to coordinate services and engage with families in their own homes to prevent the need for removal.

[Pennsylvania](#) - Pennsylvania's proposed waiver will utilize different approaches to service delivery and financing structures in an effort to improve outcomes for children, youth and families involved in the child welfare system, focusing the waiver in five counties. **Therefore, our hypothesis will lead to a 30% reduction over 5-years for counties involved in the Demonstration Project in each of the following areas: 1) Congregate Care; Re-entry Rates; and, Days in Care.**

Through the Demonstration Project, Pennsylvania aims to address two key issues: child and family functioning, and placement decisions. These areas for improvement were identified in both the quantitative and qualitative data profile sections. By ensuring that every placement decision leads to the most appropriate placement for a child, we will not only reduce entries, re-entries and the use of congregate care, but also improve outcomes for children and youth, reduce caseloads, free up placement resources, and better align resources to meet program goals through reinvestment of funds.

[Utah](#) - Utah's proposed waiver project is designed to increase child welfare agency capacity to provide quality in-home services through implementation of an evidence-based, trauma-informed family assessment, and also through the addition of caseworker tools and training focused on understanding and treating trauma, strengthening parental protective capacities, and increasing mindfulness towards the goal of improving child and family outcomes.

[Washington](#) - Washington State proposes a waiver demonstration project that will leverage funding flexibility a Title IV-E demonstration waiver provides to reinvest Title IV-E funds into interventions that support major reform of the child welfare system. Washington State's overall statewide reform is intended to safely reduce the number of children in out-of-home placements sooner so that the system can reinvest savings into services that help to keep children safely in their own homes and improve child well-being. The waiver demonstration project will focus on the implementation of Family Assessment Response (FAR), a differential response pathway for screened-in allegations of abuse and neglect as an alternative to traditional Child Protective Services (CPS) investigations. The FAR framework will allow the Department of Social and Health Services (DSHS) to focus child welfare resources on: 1) The provision of concrete goods and services (such as housing vouchers and support services) to support families, prevent placement in out-of-home care, facilitate reunification of children with their families, and improve child and family well-being; and, 2) On the expanded use of evidence-based practices to provide targeted interventions, such expanded Intensive Family Preservation Services using the Homebuilders model.

[Wisconsin](#) - Wisconsin proposes a welfare demonstration project to reduce re-entry into the child welfare system and improve the safety and well-being of children who have reunified with their families after living temporarily in out-of-home care. Wisconsin plans to reduce re-entry by implementing a twelve-month post-reunification support period into the child welfare casework and service delivery system. To make the most effective use of demonstration waiver funds, the project will target the post-reunification support intervention to children at highest risk of re-entry and will develop a predictive risk model that identifies the family and child characteristics that are most closely related to re-entry.

## 2) Differential response

Differential response, also referred to as "dual track," "multiple track," "alternative response," or "family assessment approach" is an approach that allows child protective services to respond differently to accepted reports of child abuse and neglect, based on such factors as the type and severity of the alleged maltreatment, number and sources of previous reports, and willingness of the family to participate in services. A number of state legislatures have enacted legislation in recent years to implement or pilot test this approach.

- a) NCSL has a short magazine article from January 2010 which provides an overview and history of differential response legislation. To view the article, [click here](#).
- b) To view NCSL's Differential Response Chart of state enacted legislation [click here](#). As of February 2012, thirty three states have enacted Differential Response legislation.
- c) To view an NCSL Legislative Analysis prepared for the federal Quality Improvement Center on Differential Response [click here](#). The analysis discusses legislative intent; the development of demonstration or pilot projects; evaluation or assessment of the approach or demonstration; the nature and scope of the investigation and assessment as authorized in statute provision of services to families; specification that families that are assigned to the non-investigative pathway are not placed on the central child abuse registry; coordination with law enforcement; ability to change pathway response, should risk of harm to children increase; training; and, caseworker immunity.

## 3) Washington State Institute for Public Policy's "Return on Investments" Report

Washington State Institute for Public Policy (WSIPP) Report, *“Return on Investment: Evidence-Based Options to Improve Statewide Outcomes,”* provides a snapshot, as of April 2012, of the state’s current list of evidence-based policy options (what works) and contains recommendations on many public policy topics. Child Welfare topics begin on page 5 of the report. To view the report [click here](#). WSIPP engages in the following steps for each program it researches:

1. Systematically assesses evidence on “what works” (and what does not) to improve outcomes.
2. Calculates costs and benefits for Washington State and produces a ranking of public policy options.
3. Measures the riskiness of our conclusions by testing how bottom lines vary when estimates and assumptions change.

#### **4) University of Chicago’s evaluation of Palm Beach County, Florida’s Foster Children’s Project**

*“Expediting Permanency: Legal Representation for Foster Children in Palm Beach County,”* by Chapin Hall at the University of Chicago provides an evaluation of the Foster Children's Project (FCP) of the Legal Aid Society of Palm Beach County, Florida.

FCP is currently (as of 2008) staffed with ten attorneys, two permanency planners, and a number of other support personnel, with each attorney carrying a caseload of approximately thirty-five children. FCP serves in the capacity of an *attorney ad litem* for the children it represents, which means that FCP’s activities are governed by the “expressed interests” of their minor clients (versus an assessment of their “best interests,” as is the case with the more common *guardian ad litem*). Practically speaking, it also means that FCP assumes the role of a traditional legal advocate, for whom the provision of assertive legal representation is a matter of professional principle.

The primary purpose of this study was to examine the impact of FCP on the nature and timing of children's permanency outcomes and juvenile court milestones. The study findings suggest that FCP's efforts to individualize children's court-approved case plans served to clarify the basis of, and thus expedite, court decisions concerning parent and agency compliance with parent's case plan requirements. Children represented by FCP were found to have a significantly higher rate of exit to permanency than children not served by FCP. To view this report [click here](#).

#### **5) Family Group Conferencing**

- a) Family Group Conferencing is a family focused, culturally sensitive approach to developing permanency plans for children who are in foster care or who are at risk of entering foster care. With Family Group Decision Making, the child’s immediate and extended family begin work early with child welfare workers and a family group coordinator in developing a plan for the safety of the child, a plan for family reunification, or deciding on another permanency option, such as: relative care, guardianship or adoption. The most commonly used models of Family Group Decision Making are: Family Group Conferencing (FGC) and Family Unity Meetings (FUM). The National Resource Center on Permanency and Family Connections provides a resource center for Family Group Conferencing and Family Group Decision Making. The site contains links to additional resources on Family Group Conferencing, and provides links to guides from seven states describing how these states practice family group conferencing. To visit the resource center [click here](#).
- b) Washington State’s Institute for Public Policy’s report, *“Family Team Decision-Making:*

*Does it Reduce Racial Disproportionality in Washington's Child Welfare System?*” found that Family Team Decision making (FTDM) had no effect on out-of-home placement, time to permanency, or new referrals to CPS when they studied outcomes for the child welfare caseload statewide. However, when they examined outcomes by racial groups, they found three positive results for FTDM. 1) Latino children experienced decreased rates of placement. 2) Asian children achieved permanency more quickly than those in non-FTDM offices. 3) Black children exiting to permanency were less likely to be the alleged victims of new accepted CPS referrals. With the exception of these three favorable results, FTDM as implemented in Washington did not affect disproportionality for Indian or Black children with respect to placement in foster care or time to permanency. To view the full report, [click here](#).

## 6) Family-Focused Residential Substance Abuse Treatment

- a) Milwaukee's Families Comes First Initiative targets infants who are positive for toxic substances at birth and their mothers, as well as pregnant women who are abusing alcohol and/or drugs. In this collaboration and teaming process, the Bureau of Milwaukee Child Welfare (BMCW) and Meta House respond jointly to allegations of child maltreatment that involve substance use to identify the impact on child safety, provide a faster and family-centered response, and actively involve mothers in the safety decisions for their children while keeping them together. More information on the pilot can be found on the BMCW's New Initiatives [website](#) and the Meta House [website](#).
- b) A qualitative study published in *Child Welfare* (July/August 2010), “*A Qualitative Study of Exodus Graduates: Family-Focused Residential Substance Abuse Treatment as an Option for Mothers to Retain or Regain Custody and Sobriety in Los Angeles, California*” suggests that a program that allows children to stay with their mothers during treatment can result in better long-term outcomes for the mothers and the children. The author highlights many potential advantages to family-friendly approaches, including developmental improvements among children living with their mothers in residential substance abuse treatment and improved parenting skills among the mothers. In addition, the research shows that allowing mothers to retain custody helps them complete treatment and maintain sobriety and abstinence afterward. Allowing children to remain with their parents also would greatly reduce foster care utilization. A copy of the article is attached.
- c) The U.S. Department of Health and Human Services provides resources on residential treatment programs where children continue to live with their mothers in order to promote parental attachment and improve parenting skills. [Click here](#) to view this resource. Also, the National Center for Substance Abuse and Child Welfare provides a literature review of issues involving child welfare, substance use disorders and dependency courts. [Click here](#) to view the “*Children of Substance Abusers*” section.

## 7) Family Treatment Drug Courts

- a) Milwaukee's Family Drug Treatment Court is designed to provide intense support and accountability to help parents succeed in their recovery, improve parenting skills, achieve stability and independence and make a safe and permanent home for their child(ren). For more information [click here](#). Also, to view a *Journal Sentinel* article on Milwaukee's Family Drug Treatment Court [click here](#).

August 24, 2012

p. 6

- b) The National Center for Substance Abuse and Child Welfare provides an online resource center for Family Drug Treatment Courts including Training and Technical Assistance and publications and resources. To visit the resource center, [click here](#).
- c) A national evaluation of Family Treatment Drug Courts (FTDCs) was conducted by NPC Research and funded by the U.S. Department of Health and Human Services' Substance Abuse and Mental Health Services Administration's Center for Substance Abuse Treatment. This study, which focuses on four sites, shows evidence for the effectiveness of the FTDC program on treatment and child welfare outcomes, especially for programs adopting a more "traditional" FTDC model. This traditional model includes a focus on mothers whose children have been removed from their care, and involves frequent court appearances, timely access to quality treatment services, and a focus on longer term support for mothers as they work towards recovery. To view the full report, [click here](#).

## 8) Guardian Ad Litem Oversight

- a) Maine 2006 Guardian Ad Litem Performance Audit:  
[http://www.maine.gov/legis/opega/reports/Guardians\\_ad\\_litem/GAL%20Final%20Report.pdf](http://www.maine.gov/legis/opega/reports/Guardians_ad_litem/GAL%20Final%20Report.pdf)
- b) Maine 2012 news article on GALs in the state:  
[http://www.pressherald.com/opinion/editorials/court-holding-hearing-on-guardian-ad-litem-reform-2012-05-30.html#0\\_undefined.0](http://www.pressherald.com/opinion/editorials/court-holding-hearing-on-guardian-ad-litem-reform-2012-05-30.html#0_undefined.0)
- c) South Carolina Guardian Ad Litem Study Committee Report 2012:  
<http://www.oepp.sc.gov/gal/resources/GAL%20Study%20Committee%20Pr.%2089.137.pdf>
- d) Wisconsin 2009 Guardian Ad Litem Oversight Subcommittee resources:
  - 1) The Committee of Chief Judges and District Court Administrators convened a subcommittee to identify best practices and develop resources to assist circuit court judges as they oversee guardians ad litem appointed under the Wisconsin Children's Code (Chapter 48) or Juvenile Justice Code (Chapter 938). The issue of judicial oversight of guardian ad litem performance was raised as a result of findings from Children's Court Initiative reviews.
  - 2) The following documents were created or modified by the subcommittee and approved by the Chief Judges on November 23, 2009. Use of the following resources is voluntary and any document may be amended to reflect local practice, with the exception of the standard court forms which may not be modified.
    - Guardian ad Litem Oversight Subcommittee Recommendations Memorandum 
    - Statement of Guardian ad Litem (Chapters 48 and 938) (JD-1799): Word  | PDF 
    - Dispositional Order - Protection or Services (Chapter 48) (JC-1611): Word  | PDF 
    - Dispositional Order - Protection or Services (Chapter 938) (JD-1746): Word  | PDF 
    - Order Appointing Guardian ad Litem or Attorney (Chapters 48 and 938) (JD-1798): Word  | PDF 
    - Sample Judge's Colloquy with Guardians ad Litem 
    - Minimum Statutory Expectations for Guardians ad Litem 
    - Sample Additional Guardian ad Litem Requirements 
    - Sample Guardian ad Litem Memorandum of Understanding 
    - Sample Guardian ad Litem Evaluation for Professionals 

August 24, 2012

p. 7

- Sample Guardian ad Litem Evaluation for Parents and Caregivers 

e) 2008 Utah Audit Follow Up Report on the Guardian Ad Litem:

[http://le.utah.gov/audit/08\\_10rpt.pdf](http://le.utah.gov/audit/08_10rpt.pdf)

f) Utah 2012 power point presentation on the Guardian Ad Litem:

[http://www.utahbar.org/cle/springconvention/materials/2012/1\\_The%20Private\\_GAL\\_Program.pdf](http://www.utahbar.org/cle/springconvention/materials/2012/1_The%20Private_GAL_Program.pdf)

g) Colorado Office of the Child's Representative:

<http://coloradochildrep.org/>

## 9) Outcomes for Children Placed with Relatives

- a) [Is Kinship Care Good for Kids?](#) This brief analyzes several recent (2007) research studies (that vary in size and scope; most are smaller) which find that children in kinship care experience greater stability and children in kinship care report more positive perceptions of their placements and have fewer behavioral problems.
- b) The National Resource Center for Permanency and Family Connections provides a resource center for Kinship/Relative care. The site contains links for additional resources for Overview of Kinship Care, Legislation/ Policy, Training, Impact of Kinship Care on Children, and Tools and Resources. To visit this resource center, [click here](#).
- c) The US Department of Health and Human Services presents evaluation reports and studies of the impact of kinship care on child well-being and permanency outcomes; the impact of kinship care on birth parents and relative and kinship caregivers; and resources on the evaluation of kinship care programs. To visit this resource center, [click here](#).
- d) To view NCSL's Kinship Guardianship Assistance Provision legislation summaries, [click here](#).