



May 2014

FOSTER CARE

HHS Needs to Improve Oversight of Fostering Connections Act Implementation

Why GAO Did This Study

Approximately 400,000 children were living in foster care in fiscal year 2012, according to the most recent data available. HHS oversees states' implementation of federal child welfare requirements under title IV-E of the Social Security Act. In 2008, the Fostering Connections Act amended title IV-E to improve the outcomes for children in foster care, such as maintaining family and school connections. GAO was asked to review implementation of the act.

GAO examined (1) steps states have taken to implement selected provisions of the act and challenges they have faced, and (2) the extent to which HHS has monitored states' efforts. GAO reviewed relevant federal laws, regulations, and guidance and surveyed 52 state child welfare agencies, achieving a 100 percent response rate. GAO also interviewed HHS officials and state and local child welfare and educational agency officials; caseworkers; court officials, and foster youth and parents in four states, selected to ensure variety of program characteristics and geographic dispersion.

What GAO Recommends

GAO recommends that HHS (1) provide guidance on how states could calculate savings resulting from changes to federal adoption assistance eligibility criteria, (2) systematically monitor states' implementation of the act, and (3) update data reporting requirements related to the act. HHS concurred with our recommendations. HHS also provided technical comments that were incorporated, as appropriate. The Department of Education had no comments.

View [GAO-14-347](#). For more information, contact Kay Brown at (202) 512-7215 or brownke@gao.gov.

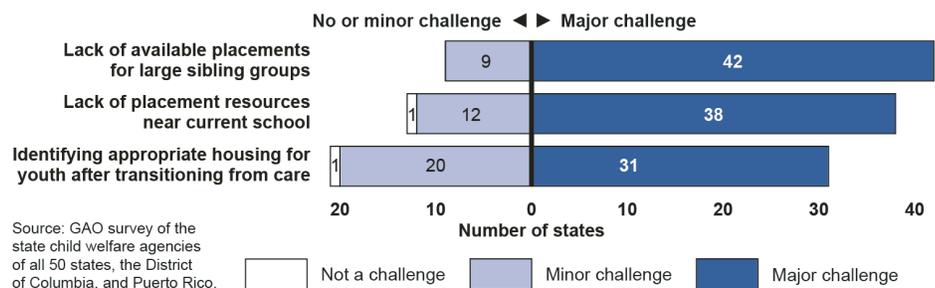
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What GAO Found

To implement the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections Act), many states GAO surveyed (which included the District of Columbia and Puerto Rico) reported requiring caseworkers to employ multiple practices to improve outcomes for children in foster care; however, states continue to face challenges that can undermine progress. Among the practices that the Department of Health and Human Services (HHS) and others suggested states use, survey respondents reported requiring caseworkers to use group decision-making to maintain family connections, consult with schools, and facilitate adult connections for older youth. At the same time, a majority of surveyed states reported facing challenges, especially related to foster placements (see fig. below).

Major Challenges Reported by States in GAO Survey Regarding Foster Placements



Note: Responses do not sum to 52 if states selected "do not know/not applicable" or did not respond.

Further, the Fostering Connections Act made additional children eligible for federal adoption assistance payments thereby potentially freeing up state funds previously used for this purpose. Although states are required to spend any resulting savings on child welfare services, only 21 states reported calculating these savings for fiscal year 2012, and 20 states reported difficulties performing the calculations. HHS has not provided states guidance in this area, and without it states may continue to struggle with the calculations, leading to potential lost program funding.

HHS approved states' plans to implement the Fostering Connections Act; however, the agency has not yet monitored states' actions. HHS regulations specify that states must undergo a complete review of child welfare programs every 5 years, yet HHS's last review cycle began in 2007—using a tool developed before the act was passed. Internal control standards emphasize using timely data for effective monitoring, but data collected by HHS do not reflect the act's provisions. In March 2014, HHS announced plans to begin a review cycle in fiscal year 2015, but details about how it would address changes from the act were unavailable. Without adequate monitoring or updated data, HHS lacks information about the implementation of the act and the effectiveness of states' actions.

Contents

Letter		1
	Background	3
	States Reported Implementing Suggested Practices but Continue to Face Challenges with Certain Requirements	9
	States Reported Receiving Useful Technical Assistance from HHS, but HHS Has Not Yet Systematically Monitored State Implementation	18
	Conclusions	25
	Recommendations for Executive Action	26
	Agency Comments and Our Evaluation	26
Appendix I	Findings on Family Connections Provisions	30
Appendix II	Findings on School Stability Provisions	38
Appendix III	Findings on Older Youth Provisions	40
Appendix IV	Scope and Methodology	44
Appendix V	Comments from the Department of Health and Human Services	47
Appendix VI	GAO Contact and Staff Acknowledgments	50
Table		
	Table 1: Selected Requirements and Options Established by the Fostering Connections Act Included in this Review	4
Figures		
	Figure 1: Top Three Practices Used by States to Implement Required Provisions Related to Family Connections	10

Figure 2: Top Three Practices Used by States to Implement Required Provisions Related to School Stability	11
Figure 3: Top Three Practices Used by States to Implement Required Provisions Related to Older Youth	12
Figure 4: States' Views on Usefulness of HHS Technical Assistance to Implement Fostering Connections Act Provisions	20

Abbreviations

ACF	Administration for Children and Families
AFCARS	Adoption and Foster Care Analysis and Reporting System
CFSR	Child and Family Services Review
GAP	Guardianship Assistance Program
HHS	Department of Health and Human Services

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May 29, 2014

Congressional Requesters:

At the end of fiscal year 2012, approximately 400,000 children were living in foster care, mostly as a result of having experienced neglect or abuse by their parents.¹ Nearly half of these children were placed in non-relative foster family homes and more than a quarter were placed in a relative's home.² Child welfare agencies generally try to place children with family members when possible; however, in many cases, agencies lack information on relatives' whereabouts. Even when relatives are available to care for the child, they may need financial help to do so. An experience in foster care may disrupt other family connections important to the child's well-being, such as ongoing relationships with siblings. Children in foster care face other challenges, such as lower academic achievement and higher dropout rates than their peers who are not in foster care. Moreover, youth who remain in foster care until adulthood are more likely to be homeless, unemployed, and incarcerated compared to the general population.

The Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections Act) made a number of changes to part E of title IV (title IV-E) of the Social Security Act, which authorizes federal support for state foster care and adoption assistance programs.³ According to its co-sponsors, the legislation was intended to address shortcomings in the existing foster care system that disconnected foster children from family and school, leaving them ill-prepared to transition out of care at age 18. The Department of Health and Human Services (HHS) is responsible for overseeing the states' implementation of federal

¹These are the most recent data available. See U.S. Department of Health and Human Services, *The AFCARS Report, Preliminary FY 2012 Estimates as of July 2013*, No. 20, HHS (Washington, D.C.: Nov. 2013).

²The remaining children and youth were in one of the following settings: pre-adoptive home; group home; institution; supervised independent living; trial home visit; or runaway.

³Pub. L. No. 110-351, 122 Stat. 3949 (codified as amended in scattered sections of 42 U.S.C.). The Fostering Connections Act also amended other parts of the Social Security Act, including part B of title IV, which authorizes federal funding for certain child welfare services. For this review, we focused primarily on title IV-E of the Social Security Act.

requirements for child welfare services, including those established by the Fostering Connections Act.

You asked us to review the implementation of the Fostering Connections Act. This report examines: (1) the actions states have taken to implement selected provisions of the Fostering Connections Act, and what challenges, if any, states face; and (2) how HHS has provided technical assistance to help states implement selected provisions of the Fostering Connections Act and the extent to which HHS has monitored implementation.

We reviewed selected provisions of the Fostering Connections Act pertaining to family connections, school stability, support for older youth, and states' savings from the change in income eligibility criteria for adoption assistance payments,⁴ and used several methodologies to address our objectives.⁵ See appendixes I-III for more information on the specific provisions in this review. First, we reviewed relevant federal laws and regulations, HHS guidance to states, and other publications. Second, to obtain information on states' implementation of the selected provisions of the Fostering Connections Act, we conducted a survey of state child welfare agencies from the 50 states, the District of Columbia, and Puerto Rico, achieving a 100 percent response rate.⁶ The survey included questions about the practices states employed to implement the provisions, challenges they faced, and their use of HHS-funded technical assistance. Third, we conducted site visits to four states and two localities in each state to obtain further information on implementation of these provisions from state and local child welfare agency officials and caseworkers, state and local educational agency officials, court officials,

⁴The Fostering Connections Act changed the eligibility criteria for federal adoption assistance for children with special needs to eliminate income requirements for the family from which the child is removed. See section 402 of the Fostering Connections Act, amending 42 U.S.C. § 673.

⁵We excluded selected provisions of the Fostering Connections Act, including those on tribal foster care and adoption assistance, as well as on health oversight and coordination plan requirements, from this review because they were already being studied in other reviews conducted by GAO or the HHS Office of Inspector General, and based on input from child welfare experts.

⁶For the purposes of this report, we refer to the survey as a state survey. However, it also includes responses from the District of Columbia and Puerto Rico. When referring to states we surveyed throughout this report, this includes the District of Columbia and Puerto Rico.

and current and former foster youth and foster parents. We selected the four states—California, Massachusetts, Texas, and Virginia—to represent a mix of factors including: type of child welfare agency (state- or county-administered); number of children in foster care; amount of federal title IV-E funds received; whether the state had implemented either of two optional provisions in the Fostering Connections Act (establishing a title IV-E guardianship assistance program or extending eligibility for title IV-E assistance beyond age 18);⁷ and geographic dispersion. The localities were a mix of large cities, smaller cities, and rural areas. The results from the site visits are not generalizable, but provide illustrative examples of how states are implementing the provisions of the Fostering Connections Act. We also interviewed officials from HHS’s Administration for Children and Families, including the four regional offices serving the states we visited, as well as selected HHS-funded technical assistance providers that have provided assistance to states to implement the Fostering Connections Act. A more detailed explanation of our methodology can be found in appendix IV.

We conducted this performance audit from April 2013 to May 2014 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

Title IV-E and the Fostering Connections Act

Title IV-E of the Social Security Act authorizes federal funding to states to help cover the costs of operating their foster care and adoption assistance programs. This funding primarily provides financial support for the care of eligible children who have been removed from their homes due to abuse or neglect, as well as to families who adopt eligible children with special needs from the foster care system. In 2008, the Fostering Connections Act was enacted, which amended title IV-E. According to

⁷Title IV-E assistance includes foster care, adoption assistance, and kinship guardianship payments.

two co-sponsors of the legislation, it was intended to address shortcomings in the existing foster care system that disconnected foster children from family and school, leaving them ill-prepared to transition out of care at age 18.⁸ These shortcomings are rooted in longstanding challenges, such as finding appropriate foster homes; coordinating between child welfare agencies, schools, and other service providers; and ensuring housing for foster youth transitioning to independence.⁹ The Fostering Connections Act established requirements for states operating title IV-E programs as well as options states may elect to pursue to improve outcomes for youth in and leaving foster care. See table 1 for a complete list of the required and optional provisions included in our review.

Table 1: Selected Requirements and Options Established by the Fostering Connections Act Included in this Review

Summary of provision	Requirement	Option
Family connections		
Requires that the state exercise due diligence to identify and notify all grandparents and other adult relatives of a child within 30 days of the child's removal from the parents' custody.	•	
Requires states to make reasonable efforts to place siblings removed from their home in the same foster care, kinship guardianship, or adoptive placement, and to provide for frequent visitation or other ongoing interaction between siblings who are not placed together, unless it would be contrary to the safety or well-being of any of the siblings to do so.	•	
Authorizes HHS to share information from the Federal Parent Locator Service with child welfare agencies for title IV-E purposes. ^a		•
Authorizes states to provide and receive federal reimbursement for some kinship guardianship assistance payments. ^b		•
Authorizes states to waive, on a case-by-case basis, non-safety licensing standards for relative foster family homes.		•
School stability		
Requires that the state's title IV-E plan provide assurances that each school-age child eligible for a payment under the title IV-E plan is attending school full-time or has completed secondary school.	•	
Requires that each placement of a child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child was enrolled at the time of placement.	•	

⁸154 Cong. Rec. 19, 459-61 (2008) (statements of Rep. McDermott and Rep. Weller).

⁹See GAO, *Child Welfare: Improving Social Service Program, Training, and Technical Assistance Information Would Help Address Long-standing Service-Level and Workforce Challenges*, [GAO-07-75](#) (Washington, D.C.: Oct. 6, 2006).

Summary of provision	Requirement	Option
Requires that the child welfare agency coordinate with appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of each placement. If remaining in that school is not in the best interests of the child, the agencies must provide immediate and appropriate enrollment in a new school, along with the child's educational records.	•	
Authorizes the use of foster care maintenance payments to cover the cost of reasonable travel for the child to remain in the school in which the child was enrolled at the time of placement.		•
Older youth		
Requires that during the 90-day period prior to a child aging out of foster care, a caseworker assists and supports the child in developing a personalized transition plan. ^c	•	
Authorizes states to provide foster care, adoption assistance, and kinship guardianship payments for eligible youth age 18 and older (up to age 21) in certain circumstances.		•
Authorizes states to extend eligibility for Chafee Foster Care Independence Program services to youth who exit foster care to adoption or kinship guardianship at age 16 or older. ^d		•
Authorizes states to extend eligibility for education and training vouchers to youth who exit foster care to kinship guardianship at age 16 or older. ^e		•

Source: GAO analysis of selected provisions of the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections Act), Pub. L. No. 110-351, 122 Stat. 3949 (codified as amended in scattered sections of 42 U.S.C.).

Note: In this table, a provision is categorized as a "requirement" if a state must adopt it in order to be eligible for federal assistance under title IV-E. States may choose to adopt the provisions categorized as "options," but are not required to in order to be eligible for federal assistance under title IV-E.

^aThe Federal Parent Locator Service is a computerized system administered by HHS's Office of Child Support Enforcement. In accordance with the Fostering Connections Act, HHS regulations permit this system to be used to locate relatives for title IV-E purposes. 45 C.F.R. § 302.35(d)(2).

^bThese payments are authorized to be made on behalf of eligible children to grandparents and other relatives who have assumed legal guardianship of the children for whom they have cared as foster parents and for whom they have committed to care on a permanent basis. Under title IV-E, legal guardianship means a judicially created relationship between child and caretaker which is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child: protection, education, care and control of the person, custody of the person, and decision-making. 42 U.S.C. § 675(7). To receive funding, the child must meet title IV-E eligibility requirements and must live with the caregiver for at least 6 months, among other requirements.

^cThe plan must include specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and workforce supports and employment services. HHS guidance also encourages the caseworker to include information in the plan relating to sexual health, services, and resources as well. The Patient Protection and Affordable Care Act added the requirement to include information in the plan about the importance of designating another individual to make health care treatment decisions on behalf of the child if the child becomes unable to participate in such decisions and the child does not have, or does not want, a relative who would otherwise be authorized under state law to make such decisions, and provides the child with the option to execute a health care power of attorney, health care proxy, or other similar document recognized under State law. Pub. L. No. 111-148, § 2955(a), 124 Stat. 119, 352 (2010).

^dUnder provisions unaffected by the Fostering Connections Act, this program may also serve youth who are likely to remain in foster care until age 18, and young adults between the ages of 18 and 21 who have "aged out" of the foster care system. These services may include help with education, employment, financial management, housing, emotional support, and connections to caring adults.

^eYouth who exited foster care to adoption at age 16 or older were already eligible for these education and training vouchers prior to the enactment of the Fostering Connections Act.

In addition, the Fostering Connections Act modified a requirement related to eligibility for adoption assistance. Specifically, the Fostering Connections Act changed the eligibility criteria for federal adoption assistance for children with special needs to eliminate income requirements for the family from which the child is removed.¹⁰ This change is being phased in over time based on the child's age at adoption (becoming applicable to children age 16 and older in fiscal year 2010, 14 and older in fiscal year 2011, 12 and older in fiscal year 2012, and so on until fiscal year 2018 when the criteria will apply to children of all ages). As a result, more children may be eligible for federal adoption assistance payments and states may no longer bear the entire cost of adoption assistance payments on behalf of eligible children with special needs removed from families that did not meet the previous income requirements. The Fostering Connections Act also required states to spend any savings in state expenditures resulting from the changes to the adoption assistance eligibility criteria on child welfare services that may be provided under title IV-E or IV-B (referred to in this report as "reinvesting savings"). As a result of a subsequent amendment, states are also required to document how such amounts are spent annually.¹¹

Oversight and Monitoring

Promoting the well-being of children and families has traditionally been understood as a primary responsibility of state governments, and state and local governments are the primary administrators of child welfare programs designed to protect children from abuse or neglect. Most states administer their child welfare programs centrally, but in some states, county agencies administer their own child welfare programs with state supervision. At the federal level, HHS's Children's Bureau within the Administration for Children and Families (ACF) is responsible for

¹⁰See section 402 of the Fostering Connections Act, amending 42 U.S.C. § 673. Children are eligible for federal adoption assistance payments if they meet the statutory definition of special needs and certain other criteria. Before the Fostering Connections Act was enacted, one of these criteria specified that, in addition to meeting other eligibility requirements, the child must have been removed from a home that met income qualifications for assistance under the Aid to Families with Dependent Children program as of July 16, 1996. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 replaced the Aid to Families with Dependent Children program with the Temporary Assistance for Needy Families program. However, this income eligibility criterion was not changed until the Fostering Connections Act eliminated it.

¹¹Child and Family Services Improvement and Innovation Act. Pub. L. No. 112-34, § 106(c). 125 Stat. 369, 377 (2011).

administering and overseeing states' implementation of title IV-E, including the provisions added by the Fostering Connections Act.¹² The ACF regional offices are responsible for reviewing and approving state title IV-E plans for states in their regions. Title IV-E plans include information on how states have implemented or plan to implement title IV-E, including the provisions of the Fostering Connections Act. In 2000, HHS issued regulations that established a systematic review process to monitor states' child welfare programs to determine whether the programs are in compliance with federal law, regulations, and the relevant approved state plan.¹³ These regulations specify that states must undergo a complete review of their child welfare programs—including title IV-E—every 5 years.¹⁴ This systematic review process, known as the Child and Family Services Review (CFSR), involves a statewide assessment, a case-file review, and stakeholder interviews. Two rounds of the CFSRs have been conducted to date—the second round started in 2007, before the enactment of the Fostering Connections Act. HHS also compiles, validates, and reports data on children in foster care and children who have been adopted from state child welfare agencies in the Adoption and Foster Care Analysis and Reporting System (AFCARS). Twice a year, states are required to submit data on the characteristics of children in foster care, foster parents, adopted children, and adoptive parents.¹⁵

¹²ACF is also responsible for administering title IV-B programs, but the focus of this report is title IV-E.

¹³Title IV-E Foster Care Eligibility Reviews and Child and Family Services State Plan Reviews, 65 Fed. Reg. 4020 (Jan. 25, 2000) (codified at 45 C.F.R. pts. 1355-57). These regulations were issued, in part, to comply with section 1123A of the Social Security Act, which requires HHS to issue regulations for the review of state child welfare programs, including those under title IV-E. The statute requires that HHS's regulations specify certain features of these reviews, such as the timetable for reviews, the federal requirements subject to review, and the criteria used to measure whether states are in substantial conformity with their plans and federal requirements. Section 1123A also requires HHS to follow certain procedures for programs found not to be in substantial conformity. 42 U.S.C. § 1320a-2a.

¹⁴45 C.F.R. § 1355.32(b) (for states found to be in substantial conformity). According to the regulations, states found not to be in substantial conformity will be required to develop a program improvement plan and begin a full review two years after approval of the program improvement plan.

¹⁵See 45 C.F.R. § 1355.40 and 45 C.F.R. pt. 1355, app. A-E for HHS's AFCARS data collection requirements.

Guidance and Technical Assistance for States

ACF is responsible for developing and distributing program guidance to all states, and issued a comprehensive Program Instruction to state child welfare agencies in July 2010, with guidance on implementing the various provisions of the Fostering Connections Act. Some of the provisions of the Fostering Connections Act are general in nature and allow states discretion in determining how to implement them. For example, one provision requires states to make reasonable efforts to place siblings who are removed from their home in the same foster care placement, but it does not define what constitutes “reasonable efforts.”¹⁶ ACF’s Program Instruction described ACF’s expectations for implementation of selected provisions and in some cases encouraged states to consider certain practices that could facilitate implementation. For example, the guidance encouraged notification of relatives via several different methods such as in writing and orally, and also explained ACF’s expectation that siblings not placed together should be in contact at least monthly. ACF issued subsequent Program Instructions on targeted issues and updated its online Child Welfare Policy Manual to provide additional guidance on implementing the act.

States receive additional training and technical assistance through regional ACF offices and the Children’s Bureau’s Training and Technical Assistance Network. This network is comprised of 28 technical assistance centers that provide training, technical assistance, research, information and referral, and consultation. Members of the network include 10 topic-oriented national resource centers; a Training and Technical Assistance Coordination Center; the Child Welfare Information Gateway, which provides information, resources, and tools covering child welfare topics; and 16 other organizations dedicated to providing states training and technical assistance. Several of these organizations, as well as other child welfare-focused organizations, have issued toolkits and other material suggesting practices for states to consider in implementing Fostering Connections Act provisions.

¹⁶See section 206 of the Fostering Connections Act, amending 42 U.S.C. § 671(a)(31).

States Reported Implementing Suggested Practices but Continue to Face Challenges with Certain Requirements

States Reported Requiring Caseworkers to Employ Multiple Practices to Implement the Fostering Connections Act

According to our survey, to implement the various provisions of the Fostering Connections Act, many states required child welfare workers to employ multiple practices suggested by HHS and other child welfare-focused organizations. In general, these practices were not specifically required by the Fostering Connections Act, but stakeholder organizations recommended states consider them to ensure the act results in better outcomes for children and youth in foster care.¹⁷ To help ensure that certain requirements were implemented, most states reported that they required case workers to document certain key efforts.

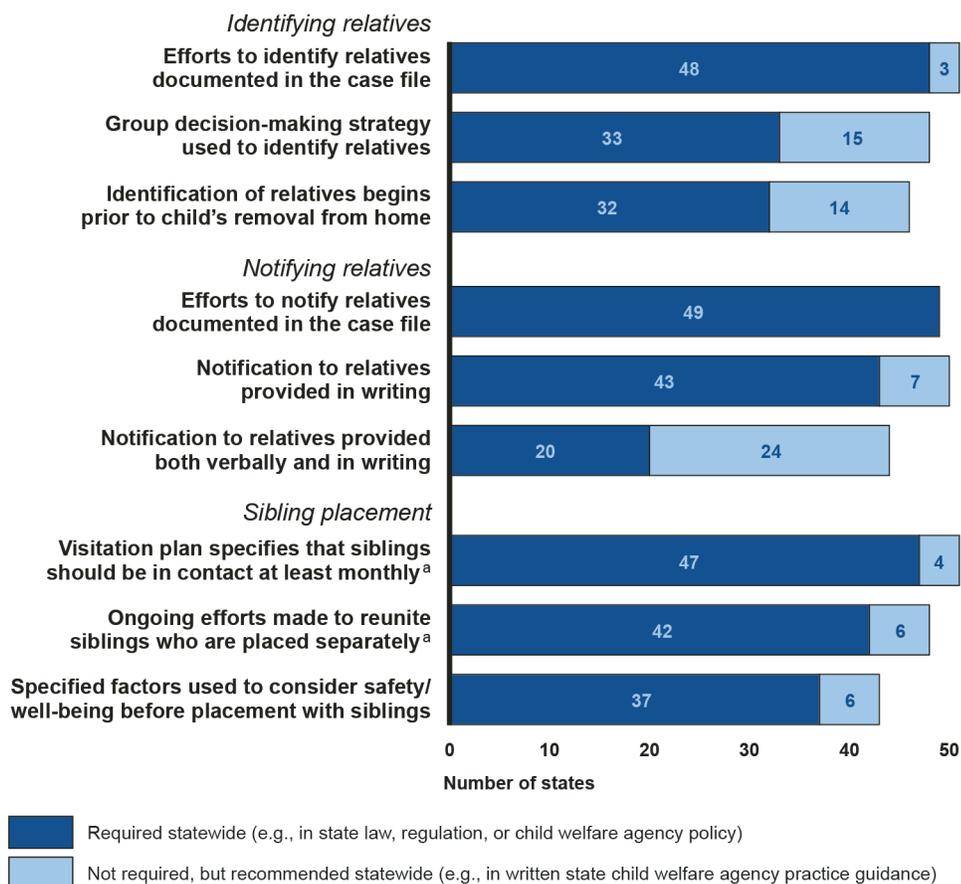
Family Connections

For the required family connections provisions, states reported formalizing prior efforts and requiring or recommending practices aimed at identifying relatives, notifying relatives of the need for foster care placement, and keeping siblings together or in contact. Figure 1 shows the top three practices states reported in our survey within each of these areas. (See app. I for additional practices.) During our visits, states reported formalizing their prior efforts to identify and notify relatives. For example, according to officials, Massachusetts began requiring notification in writing, and California added a timeframe for notification to its state law. We also learned of specific ways that states are carrying out some of these practices. For example, in Virginia, state child welfare agency policy requires that a copy of a written notice to relatives be kept in the child's case file and that the date the written notice was sent and of any relatives' response be recorded in the state's child welfare agency data system. Reasons for not notifying specific relatives—such as involvement in domestic violence—must be documented as well. To

¹⁷States reported on specific practices we asked about in our survey. States could be employing other practices for which we did not obtain information.

ensure that siblings not placed together maintain contact, Texas officials explained that if siblings are placed more than 100 miles apart, the agency must ensure that the children have access to a phone and video-conferencing. Current and former foster youth we met with in Massachusetts said the state child welfare agency created a Sibling Bill of Rights, which has helped youth advocate for their right to remain in contact with siblings.

Figure 1: Top Three Practices Used by States to Implement Required Provisions Related to Family Connections



Source: GAO survey of the state child welfare agencies of all 50 states, the District of Columbia, and Puerto Rico.

^aUnless it would be contrary to a child's safety or well-being.

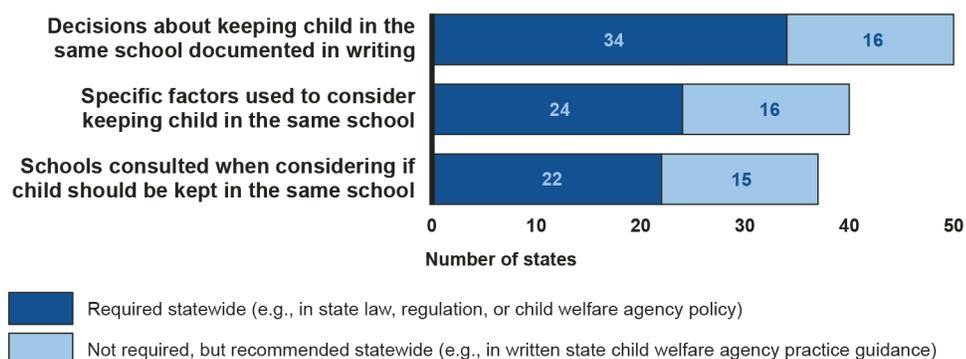
Among the optional family connections provisions, HHS data show that 32 states have been approved to operate a title IV-E guardianship assistance program. Of these states, 21 had previously operated a

guardianship assistance program using state funds or through a title IV-E waiver demonstration project. In response to our survey, 43 states reported that they now allow waivers of non-safety licensing standards for relative foster family homes, up from 33 prior to the enactment of the Fostering Connections Act. In addition, 32 states reported requiring or recommending the use of the Federal Parent Locator Service to identify adult relatives.

School Stability

States reported establishing new approaches to implement the school stability requirements. Figure 2 shows the top three practices reported in our survey. (See app. II for additional practices.) During our visits, we learned that the state child welfare and educational agencies in Virginia drafted joint guidance for localities to guide implementation of the school stability provisions. The guide identified factors to consider in determining whether the school placement is in the best interest of the child and clarified responsibilities for funding transportation. We learned of a similar effort under way in Massachusetts. In three of the four states we visited—California, Texas, and Virginia—state law or agency policy requires school districts to designate “foster care liaisons” or points of contact at the district or school level who can assist caseworkers or foster parents with issues such as immediately enrolling foster youth in a new school in the event of a school change.

Figure 2: Top Three Practices Used by States to Implement Required Provisions Related to School Stability



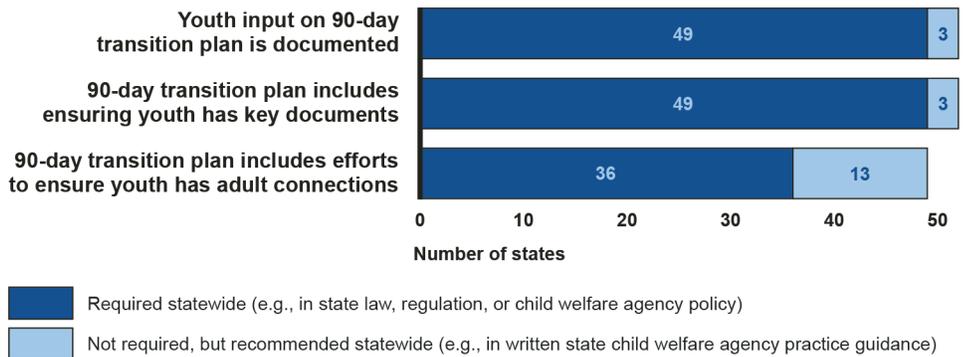
Source: GAO survey of the state child welfare agencies of all 50 states, the District of Columbia, and Puerto Rico.

In addition, 36 states reported using title IV-E foster care maintenance funds to pay for transportation so that children in foster care could remain in their schools—as authorized by the Fostering Connections Act.

Older Youth

For the provisions related to older youth, states reported adding to existing policies to incorporate requirements related to the development of a transition plan in the 90-day period prior to a youth aging out of care. Figure 3 shows the top three practices reported by states in our survey. (See app. III for additional practices.) Officials in Massachusetts reported that their existing policies already addressed many of the specific elements of transition plans required by the Fostering Connections Act. To carry out its planning practices, Texas requires in its manual for caseworkers that youth be provided a Youth Transition Portfolio at least 90 days before turning 18. The portfolio is to contain key documents such as the birth certificate, Social Security card, immunization records, education records, additional health records, and an “Almost 18?” checklist that lists the 14 required items youth should receive. Texas child welfare agency policy also requires group decision-making meetings called Circles of Support to enable youth age 16 or older to develop a transition plan and to connect with supportive and caring adults who can help the youth after they leave foster care.

Figure 3: Top Three Practices Used by States to Implement Required Provisions Related to Older Youth



Source: GAO survey of the state child welfare agencies of all 50 states, the District of Columbia, and Puerto Rico.

HHS data show that 19 states have approved plan amendments to implement the option to extend title IV-E assistance to eligible youth ages 18 to 21. Of these states, 9 had previously extended the age for foster care with other funding sources, at least under limited circumstances.

In addition to providing information on specific practices, states reported that the legislative and regulatory actions they took, if any, to implement the selected Fostering Connections Act provisions varied. For each of the

selected provisions in our review, some states reported making changes to their laws and regulations to implement the provision, while others reported that their state laws and regulations were already consistent with the act.¹⁸ For example, three of the four states we visited reported that they enacted or revised laws or regulations to implement some of the family connections provisions. State officials indicated that these laws or regulations largely made minor changes to existing child welfare policy in this area. For instance, officials in California explained that county child welfare agencies were already required by state law to look for family members and consider them for placement prior to the Fostering Connections Act, but the state amended its law to conform to the requirements of the act, such as by adding a timeframe—child welfare workers are to identify and notify relatives within 30 days of a child’s removal from the home. In addition, in response to our survey, many states indicated that their existing laws or regulations were consistent with the Fostering Connections Act and that no changes were needed.¹⁹ Some states reported that they have undertaken efforts that are reflected in agency policy or practice guidance, but did not change their laws or regulations. For example, in our survey, Massachusetts reported making no changes to laws or regulations to implement the school stability requirements, but officials we interviewed there told us about new school stability efforts reflected in joint agency guidance from the state’s child welfare and educational agencies. Similarly, Texas officials reported adding a Circles of Support transition planning meeting in the 90 days before youth turn 18 or exit care without revising state law or regulation.

¹⁸Changes to state statutes or regulations are not necessarily an indication of state compliance with the Fostering Connections Act because states generally had discretion in how to implement the provisions. While legislative and regulatory actions may provide one indication of state efforts to implement selected provisions of the Fostering Connections Act, these steps may not necessarily indicate a substantial change in state policy or practice. We did not independently review state laws and regulations or assess their compliance with federal requirements.

¹⁹The number of states reporting that existing laws and regulations were consistent with the act and no changes were needed varied by provision. Appendixes I-III contain this information for selected provisions.

States Reported Challenges, Especially Related to Lack of Available Foster Placements

Most states reported in our survey that they face major challenges, some of which are rooted in difficulties finding sufficient or appropriate living placements for foster youth or appropriate housing for youth after transitioning from foster care, along with other challenges.

Family Connections

States reported major difficulties identifying appropriate placements for sibling groups, specifically finding available placements for large sibling groups (42 states), or sibling groups with exceptional needs (30 states) or with a wide age range (18 states). Although states do not collect uniform data on sibling placement, caseworkers and youth we met with in one state and foster parents in another reported that siblings are frequently separated. One director of a local child welfare agency we interviewed explained that some foster families and treatment facilities specify an age range for children they are willing to accept, and siblings may not fall within these age ranges. A case worker in another state explained that some families do not want to take older siblings who are more likely to have a higher level of trauma than younger children. In addition, 15 states identified competing priorities—specifically the tension among the priorities to place siblings together, keep a child at their school of origin, and place a child with a family member— as a major challenge. Local child welfare agency officials in two of the localities we visited told us they tend to give higher priority to placement with a family member than to placement near the school of origin. Fewer states (no more than 15) reported major challenges related to identifying or notifying relatives within 30 days of a child’s removal. Child welfare officials we interviewed in all four of the states we visited indicated that they had prioritized identifying relatives for placements prior to enactment of the Fostering Connections Act.

School Stability

States reported that finding foster placements was a major impediment to implementing the school stability provisions as well. Specifically, finding foster placements near a student’s current school was identified as a major challenge by 38 states. Officials or child welfare workers we interviewed in six of the eight localities we visited—representing both urban and rural areas—told us that children are frequently placed in homes that are far from their current school. Child welfare workers in urban locations reported that in some cases older youth may be able to take public transportation back to their school. However, it is more difficult to transport younger children since they are more dependent on the foster parent for transportation in these cases, and foster parents may not be able to provide transportation due to their work schedules. Issues with arranging transportation back to the child’s school of origin upon

placement outside of the district—both determining what entity should be responsible for transportation costs and identifying funds for transportation—were each raised as a major challenge by 20 states. Former and current foster youth we spoke with in three different states reported frequent school changes upon placements, and discussed the detrimental effects of these changes on their academic progress and social development. For example, new schools may not recognize credits they have earned elsewhere, and it can be emotionally difficult to leave old friends behind and make new ones. Further, 19 states reported in our survey that the lack of a requirement for educational agencies to coordinate with child welfare agencies is a major challenge they face in ensuring school stability for foster youth.²⁰ In our site visits, we also heard concerns about coordination from child welfare and school officials in five of the eight localities we visited.

Older Youth

Thirty-one states reported identifying appropriate housing for youth after they transition out of foster care as a major challenge. Finding appropriate housing for older youth who remain in foster care beyond age 18 was also cited as a challenge by the two states we visited that had extended foster care. Officials from one locality noted that young adults may voluntarily leave foster care and re-enter the program, but finding housing for these youth can be a challenge. Child welfare workers in another locality explained that finding a home that welcomes older youth with behavioral problems is especially problematic. In discussions with former and current foster youth, we heard examples of youth who were homeless and living in shelters upon transitioning out of care. In addition, 21 states reported additional difficulties with transition planning; that is, with both identifying and engaging supportive adults from the youth's life in the transition planning efforts, and the same number of states reported a lack of staff training or time to effectively engage youth in their transition planning. Some case workers we interviewed also explained that sometimes youth left care unexpectedly which made it difficult to complete the 90-day transition plan.

²⁰On January 14, 2013, the President signed into law the Uninterrupted Scholars Act which, among other provisions, authorizes disclosure of education records without parental consent to child welfare agencies that have a right of access to a student's case plan and are legally responsible for the care and protection of the student. Pub.L. No. 112-278, 126 Stat. 2480 (2013) (amending 20 U.S.C. § 1232g). For more information on data sharing practices among human services programs, see GAO, *Human Services: Sustained and Coordinated Efforts Could Facilitate Data Sharing While Protecting Privacy*, [GAO-13-106](#) (Washington, D.C.: Feb. 8, 2013).

These challenges to maintaining family connections, ensuring school stability, and assisting older youth are not new; states have faced many of them since before the Fostering Connections Act was enacted. We heard examples of new approaches to try to address these challenges, such as the use of social media to locate relatives and telecommunications options to keep siblings connected. (See apps. I-III for additional examples of state practices.) However, many challenges remain unresolved, hindering states' abilities to effectively meet the needs of children in foster care.

Only Twenty-One States We Surveyed Reported Calculating Savings From Adoption Assistance Income Eligibility Changes for Fiscal Year 2012

Regarding implementation of the Fostering Connections Act provision directing states to reinvest any savings due to the elimination of income eligibility criteria for adoption assistance payments, only 21 states we surveyed reported performing calculations of these savings from this change for fiscal year 2012, and 20 states reported performing the calculations for fiscal year 2011.²¹ Three states reported they were developing a methodology to calculate the savings. States that did calculate savings reported using these funds for a range of services, including state-funded subsidy payments, post-adoption staff and services, mental health services, and other child welfare uses.

Twenty states—representing both states that did report calculating savings and those that did not—reported facing difficulties with calculating the amount of savings from the change in eligibility criteria for adoption assistance payments.²² Specifically, eight of these states reported facing challenges with identifying children who are eligible for title IV-E payments as a result of the change in income eligibility criteria. An organization that has worked with states on this calculation explained that some states do not track the reason for ineligibility, so they are unable to determine whether a currently eligible child had previously been ineligible for title IV-E payments due to their birth family's income. Six states reported challenges either calculating the savings manually or identifying

²¹Seventeen states reported they did not calculate savings from the eligibility change for 2011, eleven states responded that they did not know the amount saved and how funds were reinvested, and 4 states did not respond. For 2012, 16 states reported they did not calculate savings from the eligibility change, 11 states responded that they did not know the amount saved and how funds were reinvested, and 4 states did not respond.

²²Examples provided do not sum to 20 because some states reported more than one challenge and other states reported challenges not discussed here.

a mechanism to automate the calculations. Four states reported challenges with developing a methodology to determine savings, and three states discussed the challenge of calculating the savings given the gradual phasing-in of more eligible youth by age or other changes in the eligible population. Few states identified challenges related to reinvesting the savings. Specifically, three states reported difficulty in planning for the use of the funds given the uncertainty about how much the state will have to spend each year. Two other states reported facing challenges obtaining approval within the state for their spending plans.

HHS officials attributed the low number of states that reported calculating savings in our survey to the lack of a reporting requirement, confusion over the requirement for states to document and use any savings, and the low number of youth eligible under the new eligibility criteria to date. While the Fostering Connections Act did not specifically require states to report the amount saved as a result of the eligibility changes, the Child and Family Services Improvement and Innovation Act, enacted in 2011,²³ required states to document how any savings were spent. Further, according to the officials, the calculations are complicated—requiring states to determine which youth would have been eligible for federal adoption assistance payments under the old criteria as well as the new. Officials also suggested that states have likely seen limited savings to date due to the fact that the requirement has only applied to older children so far. The revised eligibility criteria will apply to children ages 8 and older in fiscal year 2014 and to children of all ages by fiscal year 2018. In addition, HHS officials noted that this provision is not a “maintenance of effort” requirement that would require states to spend a specified level of funding for child welfare services. Specifically, it does not address when these funds must be expended or whether they must be in addition to other state funds used for these purposes in any specific period. Therefore, it is possible for a state to document that any calculated adoption savings were used for child welfare purposes while also reducing state funding for these purposes—which would not increase total child welfare spending.

HHS has not provided specific guidance on how states should calculate the savings, even though in 2008 the Congressional Budget Office

²³Pub. L. No. 112-34, § 106(c), 125 Stat. 369, 377 (2011) (amending 42 U.S.C. § 673(a)(8)).

estimated that enacting this provision could result in savings of over \$1 billion to states from fiscal years 2009 to 2018. In its 2010 Program Instruction on implementing the Fostering Connections Act, HHS stated that title IV-E agencies have the flexibility to determine the methodology for calculating savings. HHS officials explained they have not issued further guidance to states on performing the calculations because they have tried to implement this provision in a way that is not burdensome to states. In 2013, the Office of Management and Budget did, however, issue a revision to its single audit compliance supplement that included some guidance to assist auditors in evaluating states' compliance with this requirement.²⁴ HHS officials informed us that state's assurances of these savings calculations are monitored using the single audit process, which is performed annually by state auditors. In the absence of guidance to states from HHS on how to perform these calculations, states may continue to struggle with finding ways to calculate savings resulting from increased federal reimbursement and thus may be missing an opportunity to reinvest additional funds into their child welfare programs.

States Reported
Receiving Useful
Technical Assistance
from HHS, but HHS
Has Not Yet
Systematically
Monitored State
Implementation

²⁴The Single Audit Act, as amended, requires an annual "single audit" of certain entities that expend more than a specified amount in federal awards. The Office of Management and Budget issues guidance for implementing single audit requirements as described in Circular No. A-133, *Audits of States, Local Governments, and Non-Profit Organizations*, and the Compliance Supplement. The Compliance Supplement provides auditors the information needed to understand federal programs' objectives, procedures, and compliance requirements relevant to the single audit. It also provides auditors with guidance for determining whether federal programs are compliant with these requirements (laws, regulations, and provisions of contract or grant agreements).

HHS Has Provided Broad Guidance as well as Tailored Assistance, Which Most States Found Useful

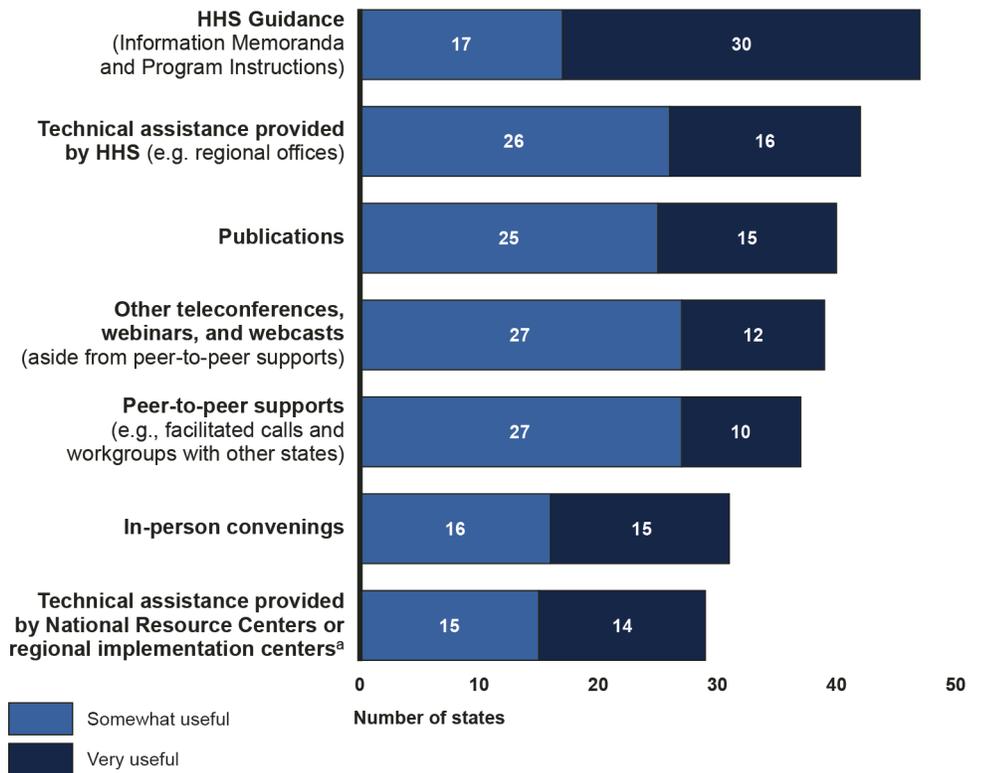
To support states in their implementation of the Fostering Connections Act, HHS provided broad guidance and technical assistance to all states, including written communications, information posted on various websites, and webinars. Written communications included Program Instructions and Information Memoranda to state agencies that clarify and explain procedures and methods for operationalizing program policies, activities, or priorities, and in some cases encouraged states to consider certain practices. In addition, the Training and Technical Assistance Coordination Center created two-page briefs for states that describe available training and technical assistance related to the key provisions of the Fostering Connections Act. As for websites, the Children's Bureau and technical assistance network organizations' websites provide comprehensive information, including toolkits and resource listings to help states review their policies and practices related to the Fostering Connections Act. For example, the Child Welfare Information Gateway website, one of the websites HHS maintains, has a specific section dedicated to the Fostering Connections Act that links to text of the legislation and other relevant resources. Lastly, according to HHS data, from 2008 to 2013, HHS conducted approximately 53 webinars to assist states in implementing the Fostering Connections Act through several national resource centers and the Child Welfare Information Gateway.

In addition to such broad guidance, HHS has also provided tailored assistance to states that requested it. According to HHS documentation, from fiscal year 2011 through March 2013, nearly all states requested tailored assistance to help them implement the Fostering Connections Act. This assistance may be in the form of consultation, problem solving, or discussions with individual states. Additionally, on some issues, the national resource centers provided assistance to multiple states at once. For example, the National Resource Center for Permanency and Family Connections worked with HHS and the Department of Education to convene a national meeting on child welfare, education, and the courts to encourage cross-system efforts to address educational stability issues and to showcase collaborative projects and initiatives at state and local levels that support educational well-being outcomes. In addition, the National Resource Center for Youth Development organized a number of efforts to help states implement the extension of foster care beyond age 18, including the development of a virtual meeting place for states that have implemented the extension to share information and ask questions.

Overall, most states found the assistance they received from HHS and its technical assistance network useful. Nearly every state reported in our survey that they found HHS's Program Instructions and Information

Memoranda (47), as well as regional office assistance (42), useful. One state official told us that the ongoing assistance via teleconferences and site visits from their regional HHS officials has been extremely helpful. In addition, a majority of states (40) reported that they found publications, such as practice briefs, toolkits, and other articles, useful. See figure 4 for state views on the usefulness of HHS technical assistance.

Figure 4: States' Views on Usefulness of HHS Technical Assistance to Implement Fostering Connections Act Provisions



Source: GAO survey of the state child welfare agencies of all 50 states, the District of Columbia, and Puerto Rico.

^aNineteen states reported in our survey that they did not use HHS technical assistance centers. According to HHS officials, however, nearly all states used the national resource centers. The officials suggested that state responses to the use of national resource centers in our survey may not reflect this because the respondent may not have been familiar with that particular aspect of the state's activities.

HHS Has Not Yet Systematically Monitored State Implementation of the Fostering Connections Act

To date, HHS's main oversight of state implementation of the Fostering Connections Act has consisted of reviewing states' title IV-E plans to ensure they comply with federal requirements; however, the agency has not yet systematically reviewed actual state implementation of the act. To review title IV-E plans, HHS staff in regional offices assess state laws, regulations, policies, and procedures for consistency with federal child welfare requirements, including those established by the Fostering Connections Act. A state's title IV-E plan must be amended or updated as necessary to comply with any new federal requirements, such as changes to the law. According to HHS, fifty states (including the District of Columbia) currently have approved title IV-E plans reflecting all mandatory provisions of the Fostering Connections Act (and other title IV-E requirements).²⁵ According to officials in HHS regional offices that we interviewed, HHS's other oversight activities include reviewing quarterly expenditure data and ongoing discussions with state child welfare officials through conference calls, site visits, technical assistance, and joint planning with state officials around their plans for delivering and improving child welfare services.²⁶ Additionally, HHS officials in one regional office told us that they may follow up on specific issues brought to their attention by advocates. While these oversight activities allow HHS to have some knowledge about state implementation of the Fostering Connections Act, at the time of our interviews, officials at all four HHS regional offices we spoke to told us that since the Fostering Connections Act was enacted, they have not comprehensively evaluated compliance with title IV-E plans within states after they have been approved.

HHS's last 5-year round of the CFSR process to comprehensively monitor state child welfare programs began in 2007, before the enactment of the Fostering Connections Act. HHS regulations provide that states must

²⁵One state (Georgia) is working with HHS to bring its title IV-E plan into compliance with all federal requirements for the program. The Commonwealth of Puerto Rico is also working with HHS to finalize its title IV-E plan.

²⁶HHS officials told us that they also review Annual Progress and Services Reports that states and tribes submit describing the progress they made in the previous year toward accomplishing the goals and objectives in their title IV-B plans. However, while these reports may include some narrative addressing aspects of the provisions covered in the Fostering Connections Act, these reviews are focused on title IV-B programs, and generally do not cover programs under title IV-E. Officials also told us that they conduct title IV-E eligibility reviews. However, the purpose of these reviews is to determine if children in foster care meet the federal eligibility requirements for foster care maintenance payments, not to monitor state implementation of other federal requirements.

undergo a complete review of child welfare programs—including title IV-E—every 5 years, and HHS implements this requirement using the CF SR process. In March 2014, HHS announced plans to conduct the next round of CF SRs beginning in fiscal year 2015. This announcement addresses process changes, such as not requiring stakeholder interviews if HHS determines that data provided by the state sufficiently demonstrate state compliance in a particular area. While the assessment instrument used by HHS for previous CF SRs may be broad enough to capture some of the new provisions of the Fostering Connections Act, such as placement with siblings or school stability, HHS has not completed the assessment instrument for the forthcoming round, so it is not clear what indicators would be used to assess compliance with these provisions. Additionally, the previous CF SR instrument does not address other provisions that involve specific deadlines, such as the requirement that child welfare agencies identify and notify relatives within 30 days after a child’s removal from his home or that youth develop a transition plan 90 days prior to aging out of foster care. HHS officials told us that they are currently revising this instrument in preparation for the next round of CF SRs and expected it to be finalized in the summer of 2014.

HHS officials told us that the next round of the CF SRs, which should have started in 2012, was delayed because the agency was considering how to best address comments they solicited in 2011 on improving the CF SR process and what changes, if any, they would need to make to the regulations to monitor implementation of the Fostering Connections Act.²⁷ In the meantime, officials in one regional office told us that with this delay in the CF SR process, there is no other mechanism in place for HHS to systematically examine actual state practices. Our previous work found that regional HHS staff considered the CF SR an important complement to a state’s planning documents—it enables HHS staff to determine both whether states are providing the services they report in their planning documents and whether those services are adequate and appropriate to meet the needs of the state’s children and families.²⁸ Officials in all four regional offices we spoke with told us that a systematic monitoring effort,

²⁷In April 2011, HHS published a request for public comment on ways to improve the CF SR process. See Federal Monitoring of Child and Family Service Programs; Request for Public Comment and Consultation Meetings, 76 Fed. Reg. 18,677 (Apr. 5, 2011).

²⁸See GAO, *Child Welfare: Enhanced Federal Oversight of Title IV-B Could Provide States Additional Information to Improve Services*, [GAO-03-956](#) (Washington, D.C.: Sept. 12, 2003).

like the CFSR, could help states improve their programs. An official in one regional office added that states can also gain the support needed to make improvements by showing results from systematic monitoring reviews.

HHS also lacks adequate data to assess if states are complying with the policies they outlined in their title IV-E plans or the effectiveness of states' actions. Internal control standards state that management should obtain data on a timely basis for effective monitoring.²⁹ Effective control structures depend on data analysis to determine whether agencies are effectively using resources and whether the agency is in compliance with applicable laws and regulations. However, HHS has not yet updated information collection requirements for case level data it collects from states on children in foster care through the Adoption and Foster Care Analysis and Reporting System (AFCARS). These data do not reflect the new provisions added by the Fostering Connections Act, such as those on sibling placement and school stability. HHS officials told us that they are beginning the process of revising AFCARS completely and plan to publish a notice of proposed rulemaking in the spring of 2014. AFCARS data are used to inform oversight activities conducted by HHS, including the CFSR process. These data will not be revised in time for the upcoming fiscal year 2015 CFSR process, which relies heavily on AFCARS for the development of statewide performance indicators. Meanwhile, officials in two states we visited told us that they were in the process of updating their state data systems and it would be helpful for them to know what kind of data HHS would like them to collect before making a costly and time-intensive investment in overhauling their system. Additionally, while some states may voluntarily collect information about the outcomes of their programs, many do not.³⁰ This lack of data further hinders HHS's ability to evaluate implementation of the Fostering Connections Act.

²⁹The five components of internal controls are (1) control environment; (2) risk assessment; (3) control activities; (4) information and communications; and (5) monitoring. See GAO, *Standards for Internal Control in the Federal Government*, [GAO/AIMD-00-21.3.1](#) (Washington, D.C.: November 1999).

³⁰For example, in response to our survey, nearly half of states reported that they do not use data to assess their state's performance related to reasonable efforts to place siblings together or federal school completion or attendance requirements. More than one half did not use data to assess their performance related to developing a personalized transition plan within 90 days before each youth ages out of foster care.

We found examples of potential uneven implementation of state policies in the four states we visited.³¹ For example, regarding the Fostering Connections Act school stability provisions, officials in one state we visited reported that while the state policy requires child welfare agencies and schools to jointly determine whether changing schools would be in a child's best interest, local agencies likely varied in the extent to which they collaborated and some may not be doing so at all. A local school official in another state observed that whether or not these best interest determinations happen may depend on individual caseworkers. Additionally, practices varied within the states we visited pertaining to the requirement that caseworkers support youth in developing a transition plan in the 90 days before they age out of care. All four of the states we visited had updated their policies to reflect the new requirement, but local officials in one office indicated that they did not always complete plans for all youth before they age out of care. Caseworkers in another state told us that while they aim to engage youth in the 90-day transition plan, the meeting held to fulfill the requirement may not include the youth in many cases.

The experiences of the 29 current and former foster youth we met with also indicate that family connections, school stability, and transitions for older youth may still be a concern for some youth.³² For example, while nine of the youth we met with reported being placed together with their siblings or were in frequent contact, five youth said they had no contact with their siblings or had only sporadic contact.³³ One young woman said that being able to see her sister was treated as a privilege rather than a right, and that the privilege was taken away, for example, when she did not perform well in school. In terms of school stability, nearly all of the youth we met with experienced multiple school changes and one youth reported missing a month of school upon entering foster care while waiting for records to be transferred to a new school. The youth we met

³¹These examples of uneven implementation are drawn from a limited number of states and cannot be generalized. Determining whether and to what extent these examples of potential uneven implementation raises concerns about compliance with the Fostering Connections Act was beyond the scope of this review.

³²We did not attempt to substantiate these examples or determine the extent to which they were indicative of broader practice.

³³At least 12 of the youth we interviewed reported being separated from some or all of their siblings upon placement. Placement with siblings also changed over the course of their experience in foster care.

with also had mixed experiences with transition planning. Ten of the youth felt they had benefitted from their transition plans and group decision-making meetings, but eight said they did not recall having a transition plan or being actively involved in developing it. A systematic monitoring effort by HHS could help identify and address some of these problems.

Conclusions

The Fostering Connections Act made changes to address shortcomings in the foster care system, and states have reported implementing numerous practices aimed at achieving improved outcomes for children and their families. More than 5 years after its enactment, however, HHS has not yet monitored states' implementation of the act in a systematic way. States reported facing major challenges with meeting requirements for sibling placement, educational stability, and several other provisions in the act. These challenges—some of them longstanding barriers—are complex, and failure to overcome them could hamper progress toward meeting the goals of the Fostering Connections Act. HHS has an important role in helping assess what states have done and what else is needed to improve outcomes for children in foster care. While HHS has plans under way to begin monitoring through a new round of CFSRs in fiscal year 2015, HHS has not specified how it will address changes made by the Fostering Connections Act. Without monitoring state implementation of these new provisions, it will be difficult for HHS to have sufficient information to determine how these approaches are working and whether changes to state or federal policies or federal guidance and assistance are needed to improve outcomes for children in foster care. At the same time, HHS has not yet updated data reporting requirements to reflect the new provisions of the Fostering Connections Act. These data are a fundamental element of the CFSR process, yet they will not be relevant to the changes made by the Fostering Connections Act for the next round of reviews. Without these data, it will be difficult for HHS to have adequate information to evaluate implementation and assess states' progress towards meeting the needs of children in and transitioning out of foster care. Additionally, for states that have already begun revamping their own state data systems, incorporating federal requirements at a later date can lead to additional delay or expense. Lastly, only 21 states reported calculating their savings from the federal adoption assistance income eligibility changes for fiscal year 2012, despite the Fostering Connections Act requirement that states spend these savings on their child welfare programs. Although states we surveyed reported challenges performing these calculations, HHS has not issued guidance to states on how to perform them. The amount states save could grow more significant as the expanded eligibility criteria are phased in to include all youth by fiscal year 2018. The state funds freed up as a result of more

children becoming eligible for federal funding could help states address the persistent challenges they face serving children in foster care. In the absence of further guidance, states may continue to struggle with calculating savings and miss an opportunity to take advantage of increased federal funds to add to limited state resources.

Recommendations for Executive Action

To ensure implementation of the Fostering Connections Act and improve outcomes for children in foster care, we recommend the Secretary of Health and Human Services take the following three actions.

To maximize the amount of funds states are reinvesting into child welfare services, the Secretary of Health and Human Services should provide guidance on how states could calculate savings from the changes to the federal adoption assistance income eligibility criteria.

To help identify areas where states may need additional support or guidance in their efforts to provide children in foster care with services and assistance under title IV-E, as amended by the Fostering Connections Act, the Secretary of Health and Human Services should proceed with and expeditiously finalize plans to:

- systematically monitor state practices for compliance with policies outlined in their title IV-E plans that cover the new provisions established by the Fostering Connections Act, and
- update AFCARS to collect relevant data from states about provisions established by the Fostering Connections Act.

Agency Comments and Our Evaluation

We provided a draft of this report to HHS and the Department of Education for review and comment. HHS provided formal comments that are reproduced in appendix V. HHS also provided technical comments that we incorporated, as appropriate. Education did not have comments.

HHS concurred with our recommendations and outlined steps it is taking to implement them. HHS stated that it is committed to continuing to support states in providing high quality child welfare services and to engaging in monitoring activities that hold the states accountable both for compliance with the law and for improved outcomes for children and families.

In response to our recommendation to provide guidance on how states could calculate savings from the changes to the federal adoption assistance income eligibility criteria, HHS said the department will gather

examples of how savings are being calculated and documented by some states and develop a document to provide as technical assistance to other states. HHS further stated that the department's implementation of this provision to date has been driven by a desire to avoid imposing an undue administrative burden on states and the challenge of specifying a methodology for calculating savings that would work in all state settings. HHS said that state officials have signed assurances as part of their title IV-E plan submissions to calculate and reinvest these savings. HHS also stated that independent auditors are responsible for identifying an appropriate finding in single audit reports for any states that have not taken steps to calculate and account for these savings. HHS said it will work to assure that all needed corrective actions are taken to resolve any such finding in a state's single audit.

In response to our recommendation to expeditiously finalize plans to systematically monitor state practices for compliance with policies outlined in their title IV-E plans that cover the new provisions established by the Fostering Connections Act, HHS stated that the CFSR process is designed to provide federal oversight of states' compliance with provisions of titles IV-B and IV-E, and the amendments made by the Fostering Connections Act to titles IV-B and IV-E will be reflected in the revised CFSR protocol. HHS said it is in the process of finalizing the instruments and measures that will be used during the round of reviews expected to begin in fiscal year 2015 and they will be shared with the public when finalized. We continue to encourage HHS to ensure that the new provisions introduced by the Fostering Connections Act are incorporated into these instruments and measures and that the department moves quickly to complete the instruments and begin the third round of CFSR reviews.

In response to our recommendation that HHS expeditiously finalize plans to update AFCARS to collect relevant data from states about provisions established by the Fostering Connections Act, HHS stated that ACF has announced its intent to begin the regulatory process to make changes to AFCARS by issuing a Notice of Proposed Rulemaking, projected to be published in the spring of 2014. HHS did not discuss how these changes would incorporate the provisions in the Fostering Connections Act nor provide an estimate as to when these changes will be completed. We encourage HHS to make every effort to expedite these changes within the rulemaking process. As it is, the next round of CFSRs will proceed without the benefit of updated data from AFCARS relevant to the amendments made by the Fostering Connections Act. Without these

data, it will be difficult for HHS to have adequate information to assess states' progress in implementing the Fostering Connections Act.

We are sending copies of this report to the Secretaries of Health and Human Services and Education, and interested congressional committees. In addition, the report is available at no charge on the GAO website at <http://www.gao.gov>.

If you or your staff members have any questions about this report, please contact me at (202) 512-7215 or brownke@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix VI.

Kay E. Brown

Kay E. Brown, Director
Education, Workforce, and Income Security Issues

List of Requesters

The Honorable Sander Levin
Ranking Member
Committee on Ways and Means
House of Representatives

The Honorable Lloyd Doggett
Ranking Member
Subcommittee on Human Resources
Committee on Ways and Means
House of Representatives

The Honorable Jim McDermott
Ranking Member
Subcommittee on Health
Committee on Ways and Means
House of Representatives



Family connections

What the act says

As amended by the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections Act), title IV-E of the Social Security Act requires that the state exercise due diligence to identify and notify all grandparents and other adult relatives of a child, subject to certain exceptions, within 30 days of the child's removal from the parents' custody and of the relatives' options to become a placement resource for the child. 42 U.S.C. § 671(a)(29).

Legislative/regulatory action

States reported taking the following legislative or regulatory action to implement the relative identification and notification requirement:

16 states enacted or revised a law: AR, CA, CO, FL, GA, HI, IN, IA, ME, MD, MN, MT, OK, TX, UT, and WI

23 states issued or revised a regulation: AL, AZ, CO, CT, ID, LA, MS, MO, NE, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PR, TN, VA, WA, and WI

13 states made no changes: (The existing law or regulation was already consistent with the federal requirement) AK, DE, DC, KS, MA, MI, NV, PA, RI, SC, SD, VT, and WY

Note: Responses sum to 52 but not all states are represented as some states reported taking both legislative and regulatory action. Because states generally had discretion in how to implement this provision, some states may have used means other than law or regulation.

Appendix I – Findings on Family Connections Provisions

Relative identification and notification

States took steps to formalize or modify prior policies, and some states experienced challenges finding relatives

Practices reported by states in a nationwide survey

Relative identification and notification practices that states reported being required or recommended statewide

Relative identification practices

Efforts to identify relatives are documented in the case file

AL AK AZ AR CO CT DE DC FL GA HI ID IA KS KY LA ME MD MA MI MN MS MO MT NE NV NH NJ NM NY NC ND OH OK OR PA PR RI SC SD TN TX UT VT VA WA WV WI WY CA IN UT **48 required** (3 recommended)

A group decision-making strategy is used to identify relatives

(e.g., team decision-making or family group decision-making)

AL AZ CO CT DE DC FL GA HI IN KY LA ME MD MA MI MO MT NV NH NJ NM NC ND OK OR SC TN TX UT VA WA WV AK ID IA KS MN MS NE OH PA PR RI SD VT WI WY **33 required** (15 recommended)

Identification of relatives begins prior to a child's removal from the home

AL AZ CT DE DC FL GA HI ID IN KS LA ME MD MA MI MN MS MO MT NE NJ NM ND OH OK OR PA SC SD TN TX AK IA KY NV NH NC PR RI UT VT WA WV WI WY **32 required** (14 recommended)

Local, state, or federal information management systems are used to identify relatives

(e.g., Statewide Automated Child Welfare Information System or Department of Motor Vehicle records)

AL AK AZ CT DE DC FL GA HI IN KS KY LA ME MD MI MN MO NH NJ ND OH OK SC SD TN TX UT VA WV WI AR CO ID MA MS MT NE NV NM NY NC OR PA VT WY **31 required** (15 recommended)

Federal Parent Locator Service is used to identify adult relatives (other than non-custodial parents)

AL AZ DC FL GA ID LA MD MI NE NM ND OK SD TX UT WA AK CA CO DE HI IN IA KS MO MT NC PA VT WI WY **17 required** (15 recommended)

Private subscription services are used (e.g., Lexis-Nexis)

AL AZ FL IN KY LA ND TX UT WA AK AR CO CT DE DC GA MD MA MN MO MT NV NH NM OK PA RI SC SD TN VT VA WI WY **10 required** (25 recommended)

Relative notification practices

Efforts to notify relatives are documented in the case file

AL AK AZ AR CA CO CT DE DC FL GA HI ID IN IA KS KY LA ME MA MI MN MO MT NE NV NH NJ NM NY NC ND OH OK OR PA PR RI SC SD TN TX UT VT VA WA WV WI WY **49 required** (0 recommended)

Notification to relatives is provided in writing

AL AK AZ AR CA CO CT DE DC FL GA HI ID IN IA KS KY ME MD MA MI MN MS NE NV NH NJ NC ND OK OR PA PR RI SC SD TN TX UT VA WA WV WI MO MT NM NY OH VT WY **43 required** (7 recommended)

Notification to relatives is provided both verbally and in writing

AL AZ CA DE FL GA KS ME MD MI MN MS NV OK PR RI SD TN UT WV AK AR CO CT DC HI ID IN IA KY MA MO NE NH NM NY NC OH OR PA SC VT VA WA **20 required** (24 recommended)

Notification to relatives is provided in languages other than English, if needed

AL AZ AR CT DE GA HI IN IA KY MI MO NJ OH OK OR PA SC TX WA AK FL ID KS MD MN MS NE NV NH NM PR RI SD TN UT VT WV WI WY **20 required** (20 recommended)

Required statewide (e.g., in state law, regulation, or child welfare agency policy)

Not required, but recommended statewide (e.g., in written state child welfare agency practice guidance)

Source: GAO survey of the state child welfare agencies of all 50 states, the District of Columbia, and Puerto Rico.

Note: The Fostering Connections Act generally does not require states to adopt particular practices. Totals may not sum to 52 if some states do not require or recommend the practice.



Family connections

Practices in selected states

States we visited reported refining their relative identification and notification practices in response to the Fostering Connections Act. For example, according to state officials, Massachusetts began requiring notification in writing, and California added a timeframe to its state law. Officials in multiple locations emphasized the importance of engaging relatives as early as possible, in some cases before a child is formally removed from the home. Three of the four states used family team meetings to discuss potential relative placement options. While all four of the states we visited used technology—such as Lexis-Nexis or the Federal Parent Locator Service—to locate relatives, caseworkers we interviewed in Texas indicated that a child’s parents remain the first and primary source of information about relatives. Caseworkers also reported using social media to locate relatives. Officials and caseworkers in three of the four states reported that they use both written notification and a telephone call to notify relatives.

Selected state challenges

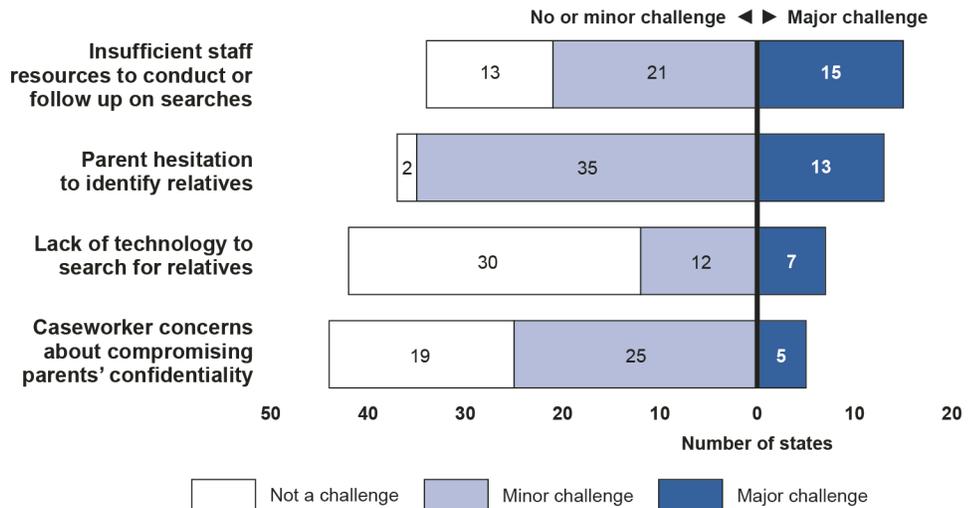
Officials and caseworkers reported that parents may not be forthcoming with information on relatives, particularly related to non-custodial fathers. One state noted that the 30-day timeframe can be challenging if a child is not already known to the agency at the time of removal. An official in one local office that serves a large immigrant community noted that identifying relatives outside of the country may take longer.

Appendix I – Findings on Family Connections Provisions

Relative identification and notification

Continued

Challenges reported by states in a nationwide survey



Source: GAO survey of the state child welfare agencies of all 50 states, the District of Columbia, and Puerto Rico.

Note: Responses do not sum to 52 if states selected “do not know / not applicable” or did not respond.

Data collection

Federal: HHS does not collect nationwide data on relative identification and notification efforts. States do report data to HHS on the percentage of children in foster care whose most recent placement is in a relative foster family home, which one state noted using as a proxy measure for relative identification and notification efforts. HHS data indicate that this figure has increased somewhat in recent years (see table below).

Percentage of children in foster care whose most recent placement setting was a relative foster family home

Fiscal year	2008	2009	2010	2011	2012
Percentage	24%	24%	26%	27%	28%

Source: HHS, Adoption and Foster Care Analysis and Reporting System (AFCARS).

State: In our survey, 23 states reported that they use quantitative indicators or data to assess their state’s performance related to the relative identification and notification requirements. Seven states indicated that they collected specific data on these requirements. Eight states indicated that their measures relate to the placement of children with relatives, as discussed above, rather than identification and notification efforts specifically, and eight states did not provide details on what they collect. Additionally, two states that captured relevant data, such as the number of relatives identified or the timeliness of relative search efforts, reported that these data are not yet regularly reviewed.



Family connections

What the act says

Requires states to make reasonable efforts to place siblings removed from their home in the same foster care, kinship guardianship, or adoptive placement, and to provide for frequent visitation or other ongoing interaction between siblings who are not placed together, unless it would be contrary to the safety or well-being of any of the siblings to do so. 42 U.S.C. § 671(a)(31).

Legislative/regulatory action

States reported taking the following legislative or regulatory action to implement the federal sibling placement requirement:

12 states enacted or revised a law: AK, FL, GA, MN, NV, NJ, ND, OK, PA, TX, VA, and WI

21 states issued or revised a regulation: AL, AZ, AR, CT, HI, ID, LA, ME, MD, MS, NE, NM, ND, OH, OK, OR, PR, RI, TN, UT, and WI

17 states made no changes: (The existing law or regulation was already consistent with the federal requirement) CA, CO, DE, DC, IN, IA, KS, MA, MO, MT, NH, NY, NC, SC, SD, WA, and WY

Note: Responses do not sum to 52 because not all states may have responded to the question, and some states may have taken both legislative and regulatory action. Because states generally had discretion in how to implement this provision, some states may have used means other than law or regulation.

Appendix I – Findings on Family Connections Provisions

Sibling Placement

States required practices aimed at keeping siblings together or in contact, but the lack of appropriate placements for sibling groups was a major challenge

Practices reported by states in a nationwide survey

Sibling placement practices that states reported being required or recommended statewide

When siblings cannot be placed together, a visitation plan is created that specifies that siblings should be in contact at least monthly^a

AL AK AZ AR CA CT DE DC FL GA HI ID IN KS KY LA ME MD MA MI MN MS MO MT NE NV NH NJ NM NY NC ND OH OK OR PA PR RI SC SD TN TX VA WA WV WI WY CO IA UT VT **47 required** (4 recommended)

Ongoing efforts are made to reunite siblings placed separately^a

AL AK AZ AR CA CO CT DE DC FL GA ID IN IA KS KY ME MD MA MI MN MS MO NE NV NJ NM NY ND OH OK PA PR RI SC SD TN TX WA WV WI WY HI LA MT NH NC UT **42 required** (6 recommended)

Child welfare staff use specified factors to consider whether placement with siblings would be contrary to a child's safety or well-being

AL AK AZ AR CA CO CT DC FL GA ID IA KY ME MD MA MN MS MO MT NE NV NH NJ NY ND OH OK PA PR SC SD TN TX WA WV WI HI KS MI RI UT WY **37 required** (6 recommended)

When siblings cannot be placed together, efforts are made to place them in close proximity to facilitate contact^a

AL AK AZ AR CT DE DC GA IA IN ME MD MI MN MS MO NE NV NJ ND OK OR PR SC SD TN TX WA WV WI WY CA CO FL HI IA KS KY LA MA MT NH NM NY NC OH PA RI UT VT VA **31 required** (20 recommended)

A group decision-making strategy is used to make sibling placement decisions (e.g., team decision-making or family group decision-making)

AL AZ CA CT FL IN KS KY LA ME MD MA MI MS MO NH NJ ND OK SC TN TX UT VA WV WY AK CO DC GA HI ID IA MN MT NE NV NM NC OH OR PA PR RI SD WA **26 required** (20 recommended)

Children placed in care are included in decisions about sibling placements when appropriate

AL AZ CA CO DC FL HI IN IA ME MD MA MI MO NV NH NJ ND OK TN TX WV WI AK AR CO GA IA KS KY LA MN MS MT NE NM NY NC OH OR PA RI SC SD UT VA WA WY **23 required** (25 recommended)

Required statewide (e.g., in state law, regulation, or child welfare agency policy)

Not required, but recommended statewide (e.g., in written state child welfare agency practice guidance)

Source: GAO survey of the state child welfare agencies of all 50 states, the District of Columbia, and Puerto Rico.

Note: The Fostering Connections Act generally does not require states to adopt particular practices. Totals may not sum to 52 if some states do not require or recommend the practice.

^aUnless it would be contrary to a child's safety or well-being

Through our survey, individual states also provided the following examples of practices that worked well in their efforts to meet the federal requirement: placement of siblings with relatives; allowing some flexibility around rules such as the number of children allowed in a foster home or sharing a bedroom; temporary use of emergency placements to maintain sibling groups until a suitable permanent placement is located; and increasing priority and awareness within the agency around sibling placement. In particular, one state noted that having youth alumni share their experiences with caseworkers has had an impact on making sibling placement a priority.



Family connections

Practices in selected states

States that we visited revised existing policies related to sibling placement. For example, officials in Massachusetts said that their sibling placement practices have been in place since the 1980s, but were put into state law in 2008. Officials in Texas said they launched a major initiative that included training staff on the importance of sibling connections. Texas officials also reported expanding the use of telecommunication options to keep siblings connected. Officials in three of the four states we visited noted that placing siblings with relatives is a key strategy that can address several challenges, such as difficulty finding placements for siblings with a wide range in age.

Selected state challenges

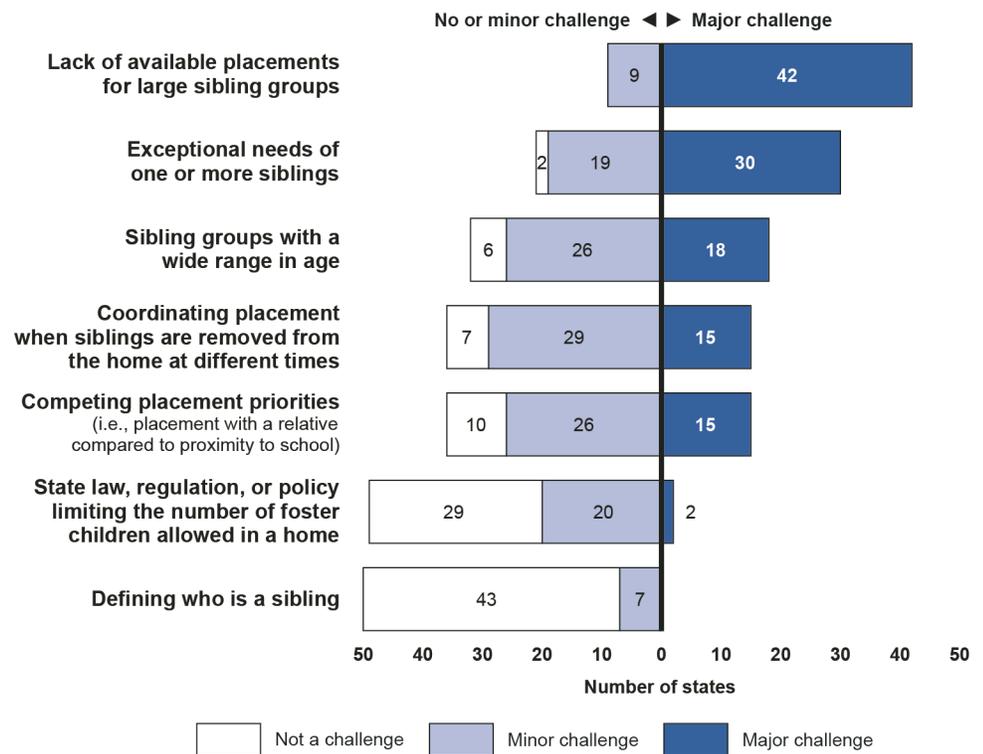
The lack of available placements for sibling groups was a challenge identified in all four states we visited. One local office noted that this can be particularly challenging in high-cost urban areas where potential resource families have limited space. Additionally, siblings may have different needs that may require separate housing, as when one sibling has severe behavioral issues that require a higher level of care. Caseworkers in two states noted that groups in which siblings have different fathers can complicate placement with relatives. One group of foster parents we interviewed reported that the child welfare agency does not do enough to facilitate visitation between separated siblings, which is left to the foster parents to arrange.

Appendix I – Findings on Family Connections Provisions

Sibling placement

Continued

Challenges reported by states in a nationwide survey



Source: GAO survey of the state child welfare agencies of all 50 states, the District of Columbia, and Puerto Rico.

Note: Responses do not sum to 52 if states selected "do not know / not applicable" or did not respond.

Data collection

Federal:

- HHS does not collect nationwide data on sibling placement or visitation.

State:

- Twenty-five states reported in our survey that they use quantitative indicators or data to assess their state's performance related to the federal sibling placement requirements. Of these, 15 indicated that their statewide data systems can track whether siblings are placed together.
- One state we visited tracks the share of sibling groups in which all siblings are placed together; some siblings are together and others are separated; and all siblings are separated. These data can be compared across regions of the state.



Family connections

What the act says

Authorizes states to waive, on a case-by-case basis, non-safety licensing standards for relative foster family homes. States have the discretion to determine what constitutes a non-safety standard. 42 U.S.C. § 671(a)(10).

Pre-existing guidance from HHS permits states to grant “variances,” alternative equivalent methods of meeting licensing standards, on a case-by-case basis. According to HHS, the legislative change encouraged more states to actively engage relatives and to increase the percentage of relative foster family homes that are licensed.

Legislative/regulatory action

States reported taking the following legislative or regulatory action to implement the option to waive non-safety licensing standards for relative foster family homes:

13 states enacted or revised a law: AR, CA, CO, DC, GA, IN, LA, ME, MN, NJ, ND, TX, and WI

18 states issued or revised a regulation: AL, AZ, CO, CT, HI, LA, MD, MS, MO, NE, NV, ND, OH, OK, OR, TN, UT, and WI

18 states made no changes:

(The existing law or regulation was already consistent with the federal requirement)
AK, DE, FL, ID, IA, KS, MA, MT, NH, NY, NC, PA, RI, SC, SD, VT, WA, and WY

Note: Responses do not sum to 52 because not all states may have responded to the question, and some states may have taken both legislative and regulatory action. Because states generally had discretion in how to implement this provision, some states may have used means other than law or regulation.

Note to table at right: The following states reported that they allow waivers of non-safety licensing standards for relative foster family homes but such standards are not defined in state law, regulations, or agency policy: Arizona, Arkansas, Hawaii, Indiana, Louisiana, Michigan, Nevada, North Carolina, Texas, Utah, Vermont, Virginia, and Washington.

Appendix I – Findings on Family Connections Provisions

Waivers of non-safety licensing standards

More states currently allow waivers for relative foster family homes compared to 2008, but some officials reported a burdensome process

States that allow waivers

In response to our survey, 43 states reported they now allow waivers of non-safety licensing standards for relative foster family homes, up from 33 prior to the enactment of the Fostering Connections Act. Of these 43 states, 19 reported allowing local or county offices to approve waivers. Most states that allow these waivers reported that they define “non-safety” or list specific standards that may be waived in state law, regulation, or agency policy.

States that reported defining “non-safety” or listing specific standards that may be waived

	In state law	In regulations	In agency policy
Alaska			●
California		●	●
Colorado		●	
Connecticut		●	●
District of Columbia		●	
Georgia			●
Idaho		●	●
Illinois			●
Iowa		●	
Kansas		●	
Maine			●
Massachusetts			●
Minnesota			●
Mississippi			●
Missouri		●	●
Montana		●	●
Nebraska			●
New Hampshire	●	●	●
New Jersey		●	●
New York			●
North Dakota			●
Ohio		●	
Oklahoma			●
Oregon		●	●
Pennsylvania		●	
Rhode Island		●	
Tennessee			●
West Virginia			●
Wisconsin	●	●	
Wyoming			●

Source: GAO survey of the state child welfare agencies of all 50 states, the District of Columbia, and Puerto Rico.



Family connections

Practices in selected states

All four of the states we visited allowed waivers of non-safety licensing standards for relative foster family homes, but use of waivers varied. Officials in Massachusetts and California noted that they had been approving waivers of non-safety standards before the Fostering Connections Act, and approve waivers, for example, related to square footage or sleeping arrangements. Officials in one California county explained that about half of the county's placements are with relatives, and that the majority of these required some kind of waiver. While waivers for relatives are allowed in Texas and Virginia, officials in those states said that they are not frequently used in part because of the lower number of relative foster family homes pursuing licensure.

Selected state challenges

Local officials or caseworkers in three of the four states we visited told us that the process for getting a waiver approved can be burdensome or lengthy. Some indicated that this can lead to not pursuing waivers in some cases. Caseworkers in one state told us that many relative homes remain unlicensed in part because of the difficult process, but that many of these families are struggling and need the financial assistance that being licensed would provide. One official in another state said that caseworkers in some local offices may not try to get relative homes licensed because of local office attitudes against families being paid to care for their relatives.

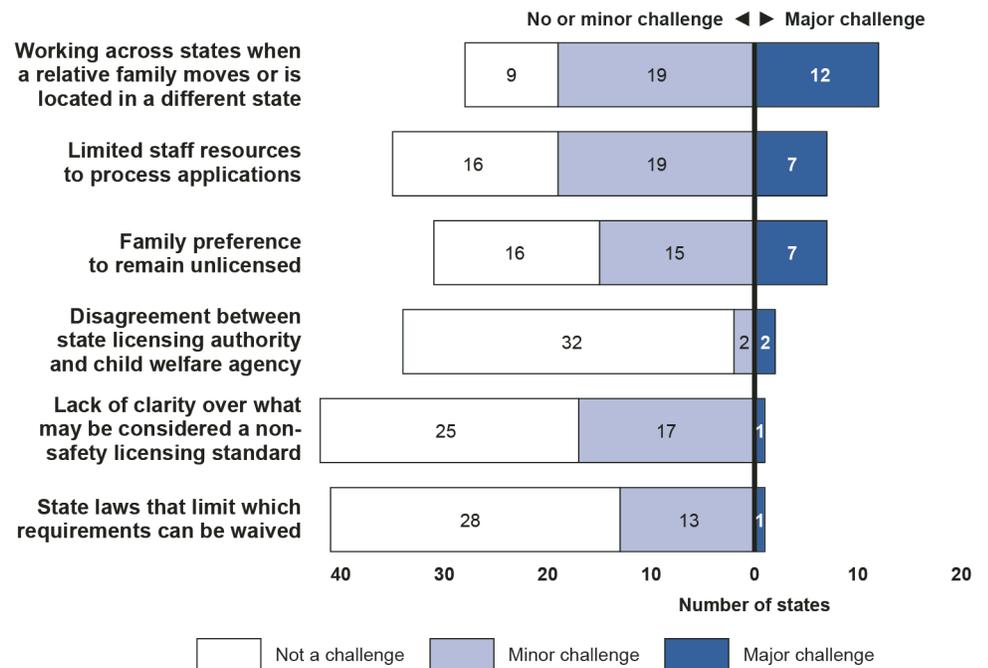
¹HHS report does not provide the number of states that allow each of these types of waivers.

Appendix I – Findings on Family Connections Provisions

Waivers of non-safety licensing standards

Continued

Challenges reported by states in a nationwide survey



Source: GAO survey of the state child welfare agencies of all 50 states, the District of Columbia, and Puerto Rico.

Note: Responses are from the 43 states that indicated that their state currently allows waivers of non-safety licensing standards for relative foster family homes. Responses do not sum to 43 if states selected "do not know / not applicable" or did not respond.

Data collection

Federal: HHS does not routinely collect nationwide data on waivers of non-safety licensing standards for relative foster family homes. In 2011, as required by the Fostering Connections Act, HHS submitted a one-time report to Congress on children placed in relative foster family homes and the use of licensing waivers. That report noted that this was the first time that states were asked to provide this information, and some states do not routinely collect these data in their automated systems. The report contained information on types of non-safety licensing standards waived:¹

- the majority of waivers approved pertained to a child's sleeping arrangements or the space requirements in the home (e.g. bedroom space, square footage);
- waivers allowed a foster family home to parent more children and children of different ages than would normally be allowable under state licensing rules;
- many waivers provided relatives with exemptions from pre-license and ongoing foster parent training requirements, or extensions to complete foster parent training.



Family connections

What the act says

Authorizes states to provide and receive federal reimbursement for some kinship guardianship assistance payments and establishes certain eligibility requirements. A child may be eligible for a payment if, among other conditions, the state agency determines that

- the child has been eligible for foster care maintenance payments while residing for at least 6 continuous months in the home of the prospective relative guardian, and
- returning home or adoption are not appropriate permanency options for the child.

42 U.S.C. §§ 671(a)(28), 673(d).

States operating programs

According to HHS, the 32 states listed below have opted to run a title IV-E guardianship assistance program (GAP) as of February 2014. Of these, 21 states ran GAP programs with state funds or through a title IV-E waiver demonstration project prior to the Fostering Connections Act.

16 states previously operated a state-funded program: AK, CA, CT, DC, HI, ID, ME, MD, MA, NE, NJ, NY, OK, PA, RI, and WA

5 states previously operated a program through a title IV-E waiver demonstration project: IL, MT, OR, TN, and WI

11 states did not previously operate a program: AL, AR, CO, IN, LA, MI, MO, SD, TX, VT, and WV

3 states indicated that they plan to implement a title IV-E GAP program in 2014: NC, SC, and UT

Appendix I – Findings on Family Connections Provisions

Title IV-E Guardianship Assistance Program

32 states operated a federally-subsidized kinship guardianship assistance program; state budget constraints were a major factor for many that did not

Practices reported by states in a nationwide survey

Practices that the 32 states operating a title IV-E guardianship assistance program (GAP) reported as being required or recommended statewide

The child welfare agency informs relative foster parents considering guardianship that financial assistance is available

AL AK AR CA CO CT DC HI ID IL IN LA ME MD MA MI MO NE NJ NY OK OR PA RI SD TN TX VT WA WI WV MT **31 required** (1 recommended)

A consistent definition of “relative” is used for both the title IV-E GAP program and for initial relative identification and notification

AL AR CT DC HI ID IL LA ME MD MA MI MO MT NJ NY OK OR PA RI SD TN TX WA WI WV CO IN VT **26 required** (3 recommended)

A group decision-making strategy is used when considering relative guardianship (e.g., team decision-making, family group decision-making)

AL CT HI IN LA ME MD MA MI MO MT NJ OK OR TN WA WV DC ID IL NE PA RI SD VT **17 required** (8 recommended)

Guardianships in place prior to the state’s implementation of a title IV-E GAP program are eligible for assistance payments

AL AK CA DC HI MD MA MO MT NE NJ PA RI TN WA IN **15 required** (1 recommended)

Relative foster parents are provided written materials describing the differences between foster care, guardianship, and adoption

AL AR CA DC HI IL ME MD MI NJ OK PA TN TX WI AK CT ID LA MO MT NY RI SD WA **15 required** (10 recommended)

- Required statewide (e.g., in state law, regulation, or child welfare agency policy)
- Not required, but recommended statewide (e.g., in written state child welfare agency practice guidance)

Source: GAO survey of the state child welfare agencies of all 50 states, the District of Columbia, and Puerto Rico.

Note: The Fostering Connections Act generally does not require states to adopt particular practices. Totals may not sum to 32 if some states do not require or recommend the practice.

Through the survey, individual states also provided the following examples of practices that worked well in their efforts to implement a title IV-E GAP program:

- providing training on program processes and the benefits to children and families;
- having a specialized staff position to support guardianship efforts;
- having a state “mailbox” for local offices to submit case-specific questions; and
- agency culture that supports relative placements and recognizes the need for ongoing assistance to ensure that relative placements remain stable.

Four states also noted that experience operating a state-funded guardianship assistance program prior to the Fostering Connections Act helped them to implement their programs.



Family connections

Practices in selected states

Two of the states we visited, California and Massachusetts, operated a state-funded guardianship assistance program prior to enactment of the Fostering Connections Act. Officials in Massachusetts reported that their program has remained largely the same. In California, officials said some changes to program rules made in response to the Act—such as reducing the number of months (from 12 to 6) a child must be placed with a relative before guardianship could be granted—have led to more children exiting foster care to guardianship. Texas implemented a guardianship assistance program for the first time in 2010, and officials reported that they have actively recruited kinship families and use specialized kinship workers to talk with families about guardianship as an option. Virginia does not operate a guardianship assistance program.

Selected state challenges

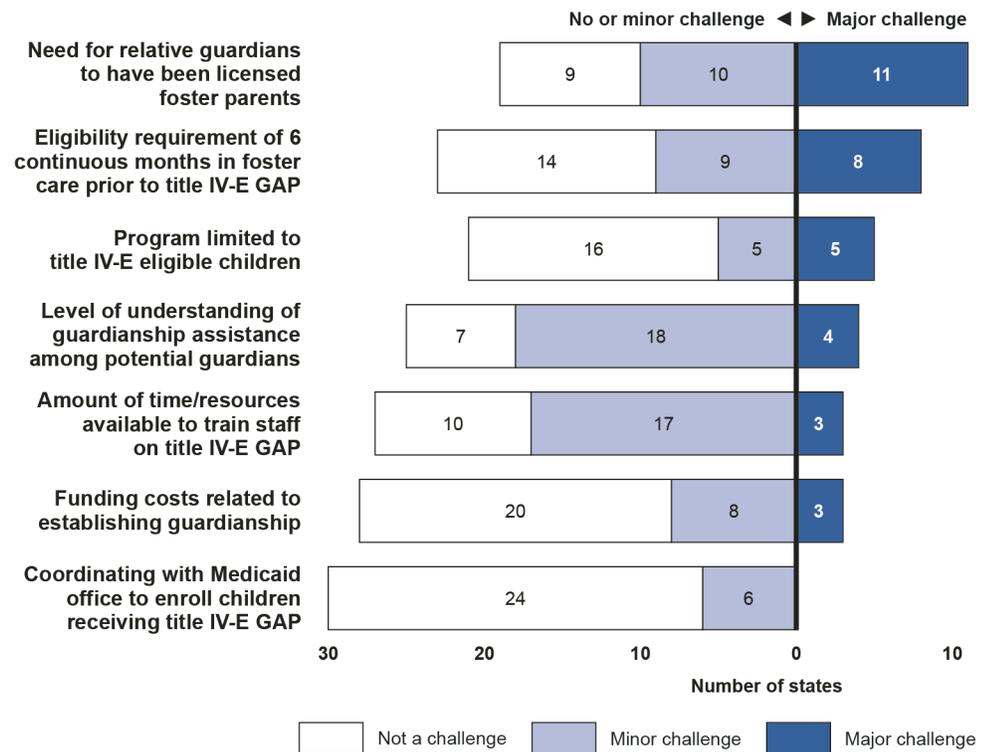
State officials in two of the states we visited that operate the program said that the requirement that relative families become licensed and that the child be eligible for foster care payments for 6 months prior to guardianship can delay or impede permanency. Officials in one state said that getting older youth to participate can be difficult in part because exiting foster care to guardianship could limit access to the services that are available to older youth who remain in care, such as education and training vouchers. Officials in Virginia and Texas said that some stakeholders in their states are not in favor of providing financial assistance to relative guardians.

Appendix I – Findings on Family Connections Provisions

Title IV-E Guardianship Assistance Program

Continued

Challenges reported by states in a nationwide survey



Source: GAO survey of the state child welfare agencies of all 50 states, the District of Columbia, and Puerto Rico.

Note: Responses are from the 32 states that operated a GAP program. Responses do not sum to 32 if states selected "do not know / not applicable" or did not respond.

In addition, 13 states reported that state budget constraints for the state match portion of payments was a major factor in their states' decision not to establish a GAP program to date.

Data collection

Federal: HHS collects data from states on the number of children served through title IV-E GAP programs as part of states' quarterly financial reporting (see table below).

Number of children served through title IV-E GAP programs

Fiscal year	2009	2010	2011	2012
Number of states claiming federal GAP reimbursement	1	4	13	27
Average monthly number of children receiving assistance under GAP	103	3,618	3,552	15,969

Source: HHS.

Note: The latest available expenditure data were for fiscal year 2012; as of 2014, 32 states had title IV-E GAP programs.



School Stability

Steps taken to implement school stability requirements increased attention to foster youth education, but placement and transportation issues remained

What the act says

Requires that (1) each foster care placement take into account the appropriateness of the educational setting and the proximity to the school in which the child is enrolled at the time of placement; and (2) the child welfare agency coordinate with local educational agencies to ensure that the child remains in that school. If remaining in that school is not in the best interests of the child, the agencies must provide immediate enrollment in a new school, along with the child's educational records. 42 U.S.C. § 675(1)(G). Requires states to provide assurances that each school-age child eligible for a IV-E payment is attending school full-time or has completed secondary school. 42 U.S.C. § 671(a)(30).

Legislative/regulatory action

States reported taking the following legislative or regulatory actions to implement 42 U.S.C. § 675(1)(G):

18 states enacted or revised a law: CA, DC, FL, GA, IN, IA, LA, MD, MI, MN, MO, NV, NJ, OK, TX, UT, VA, and WA

18 states issued or revised a regulation: AL, AZ, AR, CT, KS, LA, ME, MD, MS, NE, NM, NY, ND, OH, OK, RI, TN, and WV

15 states made no changes:
(The existing law or regulation was already consistent with the federal requirement)
AK, CO, DE, HI, MA, MT, NC, NH, OR, PA, SC, SD, VT, WI, and WY

Note: Responses do not sum to 52 because not all states may have responded to the question, and some states may have taken both legislative and regulatory action. Because states generally had discretion in how to implement this provision, some states may have used means other than law or regulation.

Practices reported by states in a nationwide survey

School stability practices that states reported being required or recommended statewide

Decision about whether remaining in the same school is in the child's best interest is documented in writing

AL AK AZ AR CA CT DE DC FL GA ID IA KS LA ME MD MI MS MO MT NH NJ NM NY ND OH OR PA RI VA WA WV WI WY CO IL IN KY MA MN NE NV NC OK PR SC SD TX UT VT **34 required** (16 recommended)

Child welfare staff use specified factors when considering whether it is in the child's best interest to change schools

AL AK AZ CA CT DE DC FL GA ID MD MI MS MO NH NJ NY ND OK RI SC TX WA WV AR CO IL IA KY LA MA MN NE NV NM OR PA PR UT VA **24 required** (16 recommended)

Child welfare staff consult with schools in considering whether it is in the child's best interest to change schools

AL AZ CA CO CT DE DC FL GA ID IA KS MD MI MO NJ NY ND RI SD UT VA WA WV AR CO IL IA KY LA MA MN NE NV NM OR VA **22 required** (15 recommended)

Child welfare staff take into account the preference of the child (when age-appropriate) in considering whether it is in the child's best interest to change schools

AL AK AZ CA CT DE FL ID ME MD MI MS NJ ND WV WI AR GA IN IA KS KY LA MA MN MO NE NH NM NY OH OK PA PR RI SC SD TN TX UT VT VA WA **16 required** (27 recommended)

Child welfare staff utilize technology such as Geographic Information Systems (GIS) to identify potential living placements close to the child's current school

AL AZ GA IN ME NH NM SC WV DE IL IA KS KY LA MI MO NE RI TN WI **9 required** (12 recommended)

Required statewide (e.g., in state law, regulation, or child welfare agency policy)
Not required, but recommended statewide (e.g., in written state child welfare agency practice guidance)

Source: GAO survey of the state child welfare agencies of all 50 states, the District of Columbia, and Puerto Rico.

Note: The Fostering Connections Act generally does not require states to adopt particular practices. Totals may not sum to 52 if some states do not require or recommend the practice.

Through the survey, individual states also provided the following examples of practices that worked well to implement federal school stability requirements: designating education and foster care liaisons who serve as a point of contact in their respective agencies and collaboration between the state-level agencies, including courts. Some of these collaborations led to inter-agency agreements or joint guidance.

In addition, 36 states reported using title IV-E foster care maintenance funds to pay for transportation for children in foster care to remain in their schools, as authorized under the Fostering Connections Act. Other funding sources used for transportation to allow students to remain in their schools included title IV-E administrative funds, state funds, and McKinney-Vento Act funds for homeless youth.¹

¹The McKinney-Vento Homeless Assistance Act of 1987 (McKinney-Vento Act) requires state and local educational agencies to address access to education for homeless children, including children awaiting foster care placement. If a child is eligible for services under the McKinney-Vento Act, local educational agencies are required to provide or arrange transportation.



School Stability

Continued

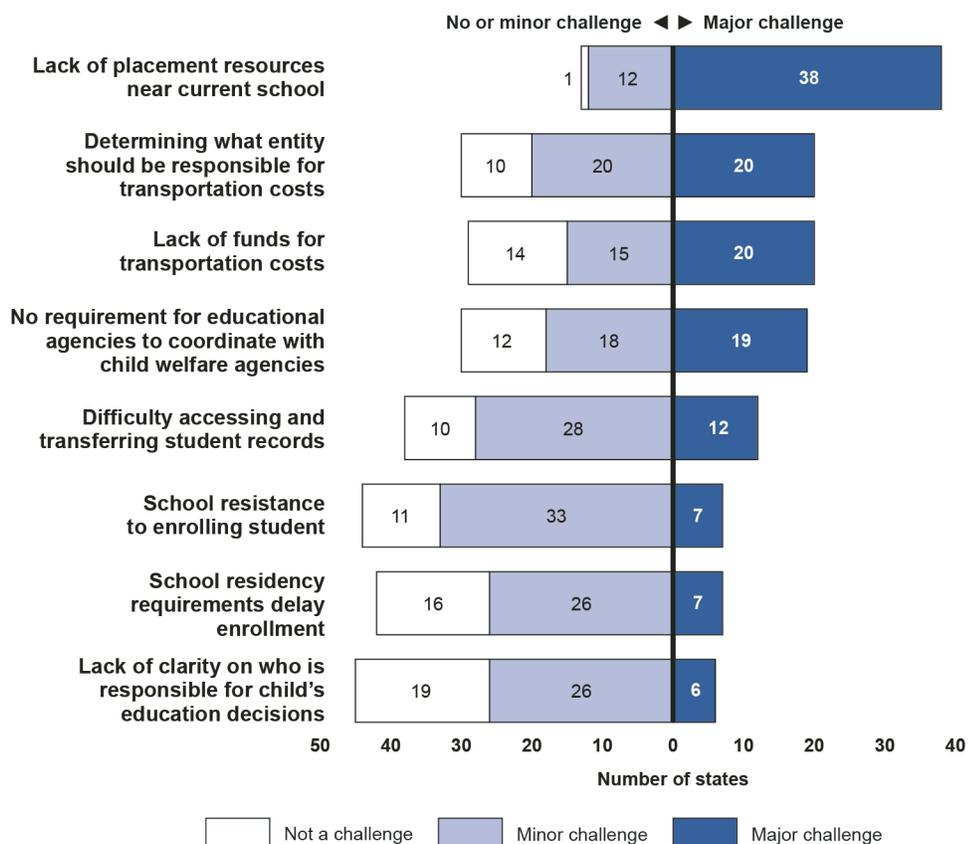
Practices in selected states

Three states that we visited engaged in new efforts to improve school stability, such as collaborations between their state child welfare and educational agencies to jointly develop policies and procedures to implement the requirements. Some of these policies called for dedicated points of contact in the respective agencies, shared decision-making to determine which school is in a child’s best interest, and timeframes and procedures for school enrollment. Officials in Virginia noted that their school stability policies for foster youth were modeled after McKinney-Vento Act policies for homeless youth. Officials across the four states we visited noted that the Fostering Connections Act has increased attention to school stability for foster youth.

Selected state challenges

The lack of placements near the school a child was attending before entering foster care or changing placements was reported to be a challenge in all four states we visited. In cases where the placement is reasonably close to the school, officials noted some financial and logistical barriers, such as reliance on taxis or caseworkers to provide transportation. Foster youth with special education needs presented particular transportation and enrollment challenges, which sometimes delayed their starting classes. In addition, interaction between child welfare and educational agencies can vary considerably at the local level, where efforts sometimes depend on the individuals involved.

Challenges reported by states in a nationwide survey



Source: GAO survey of the state child welfare agencies of all 50 states, the District of Columbia, and Puerto Rico.

Note: Responses do not sum to 52 if states selected “do not know / not applicable” or did not respond.

Data collection

Federal: HHS does not collect nationwide data on school stability or attendance.

State:

- Twelve states reported in our survey that they use quantitative indicators or data to assess their state’s performance related to federal school stability requirements. For example, one state reported tracking the distance between the removal home and the school placement. Seven states that do not currently track data on school stability reported that they are working to do so.
- Estimates of the number of youth who are able to remain in their same school when changing placements varied widely across officials, caseworkers, and youth we interviewed, but most estimated that a significant number of youth were changing schools. Caseworkers in one state reported that the default option is for youth to change schools.



Older youth

What the act says

Requires that during the 90-day period prior to a child attaining 18 years of age, or such greater age as the state may elect, up to 21 years of age (“aging out of care”), a caseworker assists and supports the child in developing a transition plan that is personalized at the direction of the child, and includes specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, work force supports, and employment services. A subsequent amendment also requires that the plan include certain information about designating a health care proxy or power of attorney. 42 U.S.C. § 675(5)(H).

Legislative/regulatory action

States reported taking the following legislative or regulatory action to implement the 90-day transition plan requirement:

13 states enacted or revised a law: CA, FL, GA, IN, KS, MN, NE, NV, OK, PA, TN, VA, and WI

27 states issued or revised a regulation: AL, AZ, AR, CO, DE, ID, IA, LA, ME, MD, MA, MS, MO, NE, NH, NM, NY, ND, OH, OK, OR, PR, RI, SC, UT, WV, and WI

11 states made no changes:
(The existing law or regulation was already consistent with the federal requirement)
AK, CT, DC, MI, MT, NJ, NC, SD, TX, WA, and WY

Note: Responses do not sum to 52 because not all states may have responded to the question, and some states may have taken both legislative and regulatory action. Because states generally had discretion in how to implement this provision, some states may have used means other than law or regulation.

Appendix III – Findings on Older Youth Provisions

90-day transition plan

States added to existing policies for ongoing planning to address new requirements, but faced challenges related to housing and engaging youth

Practices reported by states in a nationwide survey

90-day transition plan practices that states reported being required or recommended statewide

Youth input on the 90-day transition plan is documented

AL AK AZ AR CA CO CT DE DC FL GA HI ID IL IN IA KS KY LA ME MD MA MI MN MS MO MT NV NH NJ NM NY NC ND OH OK OR PA SC SD TN TX UT VT VA WA WV WI WY NE PR RI **49 required**
(3 recommended)

The 90-day transition plan includes ensuring that youth have key documents
(e.g. birth certificate, Social Security card, and immunization records)

AL AK AZ AR CO CT DE DC FL GA HI ID IL IN IA KS KY LA ME MD MA MI MN MS MO MT NE NV NH NJ NM NY NC ND OH OK OR PA RI SC SD TN TX UT VA WA WV WI WY CA PR VT **49 required**
(3 recommended)

The 90-day transition plan includes intensive efforts to ensure young people have adult connections (if not yet established)

AL AZ AR CA CO DC GA HI ID IN IA KS KY LA ME MD MA MI MS NV NH NJ NM NY ND OH OK SC SD TN TX UT VA WA WV WI WY AK CT DE FL IL MN MT NE PA PR RI VT WA **36 required** (13 recommended)

A document is developed for the 90-day transition plan that is separate from other transition planning efforts (e.g., plans developed in connection with permanency hearings)

AL AR CA CO DC FL GA HI ID IN KS KY ME MD MI MN MS MO NV NH NJ NM NY NC OK OR PR RI SD TX VT VA WA WI WY IL IA ND OH SC **35 required** (5 recommended)

A transition planning specialist or outreach worker assists youth with 90-day transition plan

AL AK AZ AR DE DC GA IN IA KS KY MD MA MI MN MS MT NE NV NJ NM NY ND OH SD TN UT WI CT HI ID IL MO NH OK PR RI SC TX VT VA WA WV WY **28 required** (16 recommended)

Required statewide (e.g., in state law, regulation, or child welfare agency policy)

Not required, but recommended statewide (e.g., in written state child welfare agency practice guidance)

Source: GAO survey of the state child welfare agencies of all 50 states, the District of Columbia, and Puerto Rico.

Note: The Fostering Connections Act generally does not require states to adopt particular practices. Totals may not sum to 52 if some states do not require or recommend the practice.

Through the survey, individual states also provided the following examples of practices that worked well in efforts to meet the federal 90-day transition plan requirement: prior transition planning efforts that lay the groundwork for the 90-day plan; Permanency Roundtables, which seek to build stronger connections with friends and family and increase older youth adoptions and reunifications; specialized units that handle older youth cases and receive training on the unique aspects of serving older youth in care; partnering with the courts to train court staff in their roles and child welfare agency practice; and a dedicated transition planning website.

90-day transition plan

Continued



Older youth

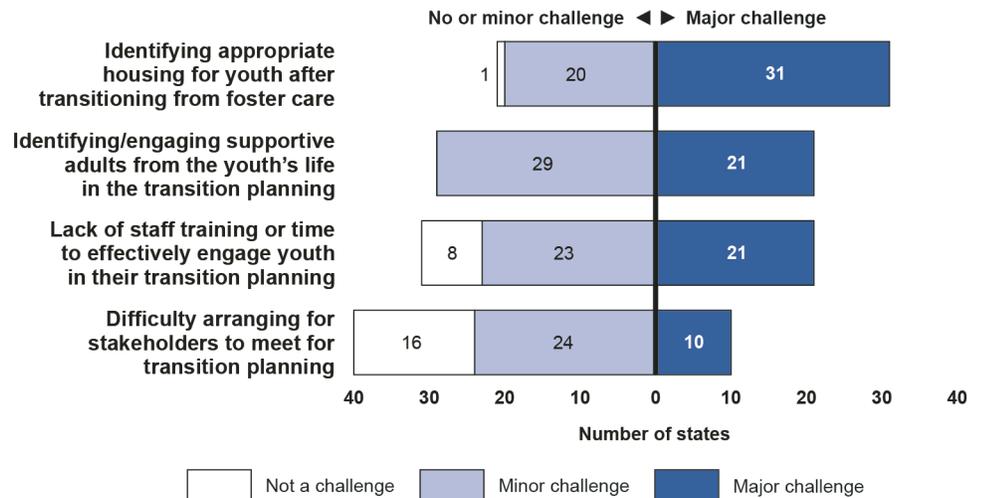
Practices in selected states

All four states we visited reported adapting their existing transition planning policies to implement the 90-day plan requirement. In all four states, transition planning begins by age 16, and in some cases as early as age 14. Officials in Massachusetts reported that their existing policies addressed many of the specific elements required by the Fostering Connections Act. One local agency director noted that the additional checkpoint 90 days before youth exit care is valuable because youth may be more focused on their future than at earlier planning stages. Examples of how agencies seek to ensure that transition plans are youth-driven included seeking youth input on the transition plan template and other written materials; encouraging youth to actively participate in their court hearings; and allowing youth to select who is included in transition planning meetings.

Selected state challenges

According to some experts, child welfare officials may think the 90-day transition plan is redundant in light of their existing transition planning efforts. Caseworkers in Virginia and Texas reported that identifying housing and lifelong connections with a supportive adult could be particularly difficult. Caseworkers in Massachusetts also reported that some youth are eager to exit care and may be more difficult to engage in planning. In addition, officials in three states said some youth exit care unexpectedly before a plan is completed.

Challenges reported by states in a nationwide survey



Source: GAO survey of the state child welfare agencies of all 50 states, the District of Columbia, and Puerto Rico.

Note: Responses do not sum to 52 if states selected "do not know / not applicable" or did not respond.

Data collection

Federal:

- HHS does not collect nationwide data on the 90-day transition plan requirement.
- In 2010, HHS began collecting information through the National Youth in Transition Database on each youth who receives independent living services.¹ States are required to collect demographic and outcome information and follow youth over time. While the database does not contain information on the 90-day transition plan, it does contain data elements on services that youth receive and their outcomes related to many of the elements that are required in the plan, such as housing, education, and employment.

State:

- Twenty states reported on our survey that they use quantitative indicators or data to assess their state's performance related to the 90-day transition plan requirement. These indicators included whether and when the transition plan was completed. For example, one state tracks the number of plans completed in each jurisdiction and the number of youth requiring the plan. Three states also generate reports of youth that have not completed plans and can alert caseworkers to do so.

¹The federal government provides funding for states to establish and implement independent living services to assist youth age 16 and older in making the transition from foster care to independent living. Allowable services include education and employment assistance, instruction in daily living skills, and other support services.



Older youth

What the act says

Authorizes states to provide foster care, adoption assistance, and kinship guardianship payments for eligible youth 18 and older (up to age 21) when certain employment, education, or training requirements are met. 42 U.S.C. §§ 675(8)(B), 672(c)(2), 673(a)(4).

Authorizes states to extend eligibility for Chafee Foster Care Independence Program services to youth who exit foster care to adoption or kinship guardianship at age 16 or older. 42 U.S.C. § 677(a)(7). Also authorizes states to extend eligibility for education and training vouchers to youth who exit foster care to kinship guardianship at age 16 or older. 42 U.S.C. § 677(i)(2).

States that extend federal foster care payments

9 states previously extended the age for foster care payments using other funding sources: AR, DC, IL, MD, MA, MN, NY, WA, and TX

States reported taking the following legislative or regulatory action to implement the option to extend the age for federal foster care payments:

11 states enacted or revised a law: CA, IN, MD, MA, MI, MN, NE, ND, TN, TX, and WA

9 states issued or revised a regulation: AL, AR, ME, MD, NE, ND, OR, WA, and WV

3 states made no changes: DC, IL, and NY

Note: Responses do not sum to 19 because some states may have taken both legislative and regulatory action. Because states generally had discretion in how to implement this option, some states may have used means other than law or regulation.

Appendix III – Findings on Older Youth Provisions

Extension of Federal Foster Care Payments Beyond Age 18

19 states extended payments to youth age 18 and older; budget constraints were a major factor for other states

Program components reported by states in nationwide survey

Program components for 19 states that have HHS-approved plans to provide federal title IV-E foster care maintenance payments for eligible youth age 18 and older

	Extend eligibility under all 5 conditions ^a	Supervised independent living options available	Youth age 18 and older may leave and re-enter care	Voluntary placement agreements are made with youth	Payments can be made directly to certain youth
Alabama	●	●	●		
Arkansas	●	●	●	●	
California	●	●	●	●	●
District of Columbia	●	●			
Illinois	●	●	●		●
Indiana	●	●	●		●
Maine	●	●	●	●	●
Maryland	●	●	●		
Massachusetts	●	●	●	●	●
Michigan	●	●	●	●	●
Minnesota	●	●	●	●	●
Nebraska	●	●	●	●	●
New York	●	●	●		
North Dakota	●		●	●	
Oregon	●				
Tennessee		●	●	●	●
Texas	●	●	●	●	
Washington		●	●	●	●
West Virginia		●	●	●	●

Sources: HHS data and GAO survey of the state child welfare agencies of all 50 states, the District of Columbia, and Puerto Rico.

^aStates may choose to extend eligibility for a youth who meets the state’s age limit and is: (1) completing secondary education or a program leading to an equivalent credential; (2) enrolled in an institution which provides post-secondary or vocational education; (3) participating in a program or activity designed to promote or remove barriers to employment; (4) employed for at least 80 hours per month; or (5) incapable of doing any of the above described activities due to a medical condition, which incapability is supported by regularly updated information in the case plan of the child. 42 U.S.C. § 675(8)(B)(iii). Tennessee does not extend eligibility to youth under conditions 3 and 4. Washington and West Virginia do not extend eligibility to youth under conditions 3, 4, or 5.

Additionally, 43 states extended eligibility for Chafee Foster Care Independent Living Program services and 47 extended eligibility for education and training vouchers.

States reported varying case review requirements for youth receiving extended care payments. According to HHS guidance, reviews could be done either by a court or a panel of appropriate persons. For example, one state reported requiring an administrative hearing and a permanency review each year, while another reported it requires only a court review.



Older youth

Practices in selected states

At the time of our site visits, two of the four states we visited provided federal title IV-E foster care maintenance payments for eligible youth who were 18 or older (California and Texas) and Massachusetts was approved to do so as of February 2014. According to state officials, Texas and Massachusetts used state funds to provide extended services to youth 18 or older prior to the enactment of the Fostering Connections Act, whereas California’s program did not begin until after the act went into effect. A large group of stakeholders including advocates, foundations, and government administrators collaborated extensively for nearly 5 years to implement extended federal foster care payments to youth up to age 21 in California. After extending care, officials in California reported that they worked closely with foster youth and advocates to develop policies and train staff in child welfare agencies on how to work with older youth.

Selected state challenges

Officials in California and Texas told us that designing a program that provided young adults autonomy while at the same time met program requirements was a challenge. For example, some youth no longer wanted to participate in court hearings. Finding appropriate housing for youth was a significant challenge in California. Additionally, states faced logistical challenges such as scheduling in-person visits with youth who no longer resided in the state.

Extension of Federal Foster Care Payments Beyond Age 18

Continued

Challenges reported by states in a nationwide survey

In response to our survey, 12 of the states that extend federal foster care payments provided comments on challenges they faced regarding extending federal foster care payments to youth beyond age 18. These challenges included

- finding appropriate housing options,
- the cost associated with providing effective supportive services,
- the additional demand on caseworker’s time, and
- developing a program that meets the specific needs of older youth.

Experts we spoke to also told us that states faced challenges marketing the program to youth and designing policies to meet the needs of older youth, such as appropriate policies that allow youth to re-enter into foster care after they have left.

Additionally, 17 states that did not extend federal foster care payments to older youth cited budget constraints as the major factor for not providing extended services. Other major factors included needing to change a state law and concerns about title IV-E administrative requirements.

Data collection

Federal: HHS collects demographic information about youth above age 18 from states that have extended care through the Adoption and Foster Care Analysis and Reporting System. According to our survey, of the 19 states that extend services beyond age 18, 13 reported using data to assess performance of extending such care. These states reported using case management data, data on enrollment and discharges, and educational status of eligible youth.

The number of older youth receiving title IV-E payments has risen since 2010 (see table below).

Youth age 18 and older receiving a monthly title IV-E foster care maintenance payment

Fiscal year	2008	2009	2010	2011	2012
Number of older youth	3,292	2,986	2,677	4,306	4,997

Source: HHS, Adoption and Foster Care Analysis and Reporting System (AFCARS). Data as of November 2013.

Note: The numbers reported here may underestimate the number of youth receiving title IV-E foster care payments, as states are currently transitioning to report this expanded population of youth receiving title IV-E to AFCARS and not all have completed needed updates to their reporting.

Appendix IV: Scope and Methodology

This report addresses (1) actions states have taken to implement selected provisions of the Fostering Connections Act and what challenges, if any, states face, and (2) how HHS has provided technical assistance to help states implement select provisions of the Fostering Connections Act and the extent to which HHS has monitored implementation. We surveyed state child welfare agencies, conducted site visits, and reviewed relevant federal laws and regulations, HHS guidance provided to states, and other research publications. We also interviewed officials from HHS's Administration for Children and Families, selected HHS-funded technical assistance providers that have provided assistance to states to implement the Fostering Connections Act, and other child welfare experts.

The provisions we selected to include in our review pertain to family connections, school stability, support for older youth, and states' calculation of savings from the changes in income eligibility for adoption assistance payments.¹ We excluded selected provisions of the Fostering Connections Act on tribal foster care and adoption assistance, as well as on health oversight and coordination plan requirements from this review because they were already being studied in other reviews conducted by GAO or the HHS Office of Inspector General, and based on input from child welfare experts.

Survey of State Child Welfare Officials

To learn about actions states have taken to implement selected provisions of the Fostering Connections Act, we conducted a web-based survey of state child welfare officials in the 50 states, the District of Columbia, and Puerto Rico. For selected provisions, we asked officials if their state required or recommended certain practices; if their state enacted or revised laws or regulations to implement the provision; the degree to which they experienced certain challenges; whether they collected data in connection with the provision; and what type of technical assistance they received from HHS.

¹Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections Act), Pub. L. No. 110-351, 122 Stat. 3949 (codified as amended in scattered sections of 42 U.S.C.). For this review, we focused primarily on selected amendments made by the Fostering Connections Act to title IV-E of the Social Security Act. See table 1 in the body of this report for the specific provisions selected.

Our survey population was state child welfare agencies. Because our survey covered a range of topics, we recognized that multiple officials within a state's child welfare agency may have needed to contribute to a state's survey response. To identify an appropriate point of contact within each state agency, we obtained a list of state child welfare directors from HHS. We contacted each director and proposed as a point of contact the individual identified by HHS as the state's foster care manager, but allowed the director to designate a different individual. We ultimately instructed respondents to consult with others who were familiar with their state's implementation of selected provisions, if doing so would provide more accurate responses.

To draft the closed-ended questions on the questionnaire, we drew from HHS guidance to states, as well as materials put forth by national resource centers in the Training and Technical Assistance Network and other organizations. After we drafted the questionnaire, we sought feedback from knowledgeable stakeholder organizations, HHS, and from an independent GAO survey professional, and made revisions based on their comments. We conducted six pretests by phone with state child welfare agency officials to check that (1) the questions were clear and unambiguous, (2) terminology was used correctly, (3) the questionnaire did not place an undue burden on agency officials, (4) the information could feasibly be obtained, and (5) the survey was comprehensive and unbiased. We selected pre-test states to ensure a mix of state- and county-based administration of the child welfare program and coverage of states that both did and did not implement two of the optional provisions of the Fostering Connections Act ((1) that authorized states to establish a title IV-E guardianship assistance program and (2) that authorized states to extend eligibility for title IV-E assistance beyond age 18).

We administered our web-based questionnaire through a secure server. When we completed the final survey questions and format, we sent an e-mail announcement of the survey to respondents on October 30, 2013. They were notified that the questionnaire was available online and were given unique passwords and usernames on November 4, 2013. We sent follow-up e-mail messages on November 14, November 22, and December 4, 2013, to those who had not yet responded. We also contacted non-respondents by telephone, starting November 18, 2013. The questionnaire was available online until the final response was submitted on January 13, 2014. Questionnaires were completed by state child welfare agency officials in all 50 states, the District of Columbia, and Puerto Rico, for a response rate of 100 percent.

Because this was not a sample survey, it has no sampling errors. However, the practical difficulties of conducting any survey may introduce errors, commonly referred to as non-sampling errors. For example, difficulties in interpreting a particular question, sources of information available to respondents, or entering data into a database or analyzing them can introduce unwanted variability into the survey results. We took steps in developing the questionnaire, collecting the data, and analyzing them to minimize such non-sampling error. In addition, for questions related to implementation of two optional provisions, title IV-E guardianship assistance program and extension of eligibility for title IV-E assistance beyond age 18, we compared survey responses to data provided by HHS on states that have been approved to implement these options. In the few cases where the data did not match, we considered HHS the definitive source and adjusted the survey data accordingly.

Site Visits to Selected States

We conducted site visits to four states to obtain information on implementation of the selected provisions from state and local child welfare agency officials, state and local educational agency officials, child welfare case workers, court officials, and current and former foster youth, and foster parents. We selected the four states—California, Massachusetts, Texas, and Virginia—to represent a mix of factors including: type of child welfare agency (state or county administered); number of children in foster care; amount of title IV-E funds received; whether the state has established a title IV-E guardianship assistance program; whether the state has extended eligibility for federal title IV-E assistance to youth beyond age 18; and geographic dispersion. We visited two localities in each state. Across the four states, we visited a mix of large cities, smaller cities, and rural areas. In all four states, we met with officials from the state child welfare agency, the state educational agency, and in three states, we met with court officials. In each of the eight localities, we met with officials in the local child welfare and educational agencies. We held discussion groups with a total of 29 current and former foster youth in three states, and in two states, we held discussion groups with a total of 11 foster parents to obtain their perspectives on implementation of the provisions. We also met with officials either in person or by phone from four regional HHS offices that oversee the states we visited to learn about implementation and to discuss oversight and any technical assistance the regional offices provided to the states. Although we cannot generalize our findings beyond these states and localities, these visits provided us with illustrative examples of how states are implementing the provisions of the Fostering Connections Act.

Appendix V: Comments from the Department of Health and Human Services



DEPARTMENT OF HEALTH & HUMAN SERVICES

OFFICE OF THE SECRETARY

Assistant Secretary for Legislation
Washington, DC 20201

MAY 15 2014

Kay E. Brown, Director
Education, Workforce and Income Security Issue
U.S. Government Accountability Office
441 G Street NW
Washington, DC 20548

Dear Ms. Brown:

Attached are comments on the U.S. Government Accountability Office's (GAO) report entitled, "Foster Care: HHS Needs to Improve Oversight of Fostering Connections Act Implementation" (GAO-14-347).

The Department appreciates the opportunity to review this report prior to publication.

Sincerely,

A handwritten signature in black ink that reads "Jim R. Esquea".

Jim R. Esquea
Assistant Secretary for Legislation

Attachment

GENERAL COMMENTS OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) ON THE GOVERNMENT ACCOUNTABILITY OFFICE'S (GAO) DRAFT REPORT ENTITLED, "FOSTER CARE: HHS NEEDS TO IMPROVE OVERSIGHT OF FOSTERING CONNECTIONS ACT IMPLEMENTATION" (GAO-14-347)

The Department appreciates the opportunity to review and comment on this draft report.

HHS is committed to continuing to support states in providing high quality child welfare services and to engaging in monitoring activities that hold states accountable both for compliance with the law and for improved outcomes for children and families.

GAO Recommendation: To maximize the amount of funds states are reinvesting into child welfare services, the Secretary of Health and Human Services should provide guidance on how states could calculate savings from the changes to the federal adoption assistance income eligibility criteria.

HHS Response: HHS's implementation of this provision has been driven by two primary factors: 1) a desire to avoid imposing an undue administrative burden on states; and 2) the diversity of state eligibility tracking, accounting and financial systems, that makes any federally imposed methodology for calculating savings unlikely to work in all state settings. We believed allowing states flexibility to develop a methodology appropriate to their individual state system would be an efficient and effective means to implement the provision. To further strengthen oversight of the provision, we also initiated the change in the OMB compliance supplement for state auditors that was referenced in GAO's report. It is the responsibility of independent auditors to identify an appropriate finding in single audit reports for any state that has not taken the necessary steps to calculate and account for any savings derived from the changes to the federal adoption income eligibility criteria. ACF will then work to assure that all needed corrective actions are taken to resolve such a finding.

As part of their title IV-E plan submissions, state officials have signed an assurance stating:

"I hereby assure that the State agency administering the title IV-E programs will spend an amount equal to the amount of savings (if any) in State expenditures under title IV-E resulting from the application of section 473(a)(2)(A)(ii) to all applicable children for a fiscal year to provide to children or families any service (including post adoption services) that may be provided under this part or part B and will document how such amounts are spent, including on post-adoption services."

We understand state feedback to GAO regarding guidance on the calculation of savings to be a request for technical assistance rather than an ACF imposed methodology. We will accommodate that request. ACF will gather examples of how savings are being calculated and documented by some states and develop a document to provide technical assistance to show other states how they can calculate these savings, in compliance with the law.

GAO Recommendation: The Secretary of Health and Human Services should proceed with and expeditiously finalize plans to systematically monitor state practices for compliance with policies outlined in their title IV-E Plans that cover the new provisions established by the Fostering Connections Act.

GENERAL COMMENTS OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) ON THE GOVERNMENT ACCOUNTABILITY OFFICE'S (GAO) DRAFT REPORT ENTITLED, "FOSTER CARE: HHS NEEDS TO IMPROVE OVERSIGHT OF FOSTERING CONNECTIONS ACT IMPLEMENTATION" (GAO-14-347)

HHS Response: As indicated in the report, in March 2014, ACF announced that we are initiating a third round of reviews under the Child and Family Services Reviews (CFSR) regulations, beginning in Federal Fiscal Year 2015. The CFSR process is designed to meet the statutory requirement to provide federal oversight of states' compliance with provisions of titles IV-B and IV-E of the Social Security Act and to strengthen child welfare programs for improved child and family outcomes. Given that Fostering Connections amended provisions of titles IV-B and IV-E of the Social Security Act, those amendments will be reflected in the revised review protocol. We are in the process of finalizing the instruments and measures that will be used during this round of reviews and as these are finalized they will be shared with the public.

GAO Recommendation: The Secretary of Health and Human Services should proceed with and expeditiously finalize plans to update AFCARS to collect relevant data from states about provisions established by the Fostering Connections Act.

HHS Response: Changes to AFCARS must be made through the regulatory process. As noted in the report, ACF has announced our intent to issue a Notice of Proposed Rulemaking (NPRM) to revise the Adoption and Foster Care Analysis and Reporting System (AFCARS). The NPRM is currently under review with the Office of Management and Budget and projected to be published in the spring of 2014.

Appendix VI: GAO Contact and Staff Acknowledgments

GAO Contact

Kay E. Brown, (202) 512-7215, brownke@gao.gov

Staff Acknowledgments

In addition to the contact named above, Sara Schibanoff Kelly (Assistant Director), Kate Blumenreich, Hedieh Fusfield, Michael Pahr, and Rosemary Torres Lerma made key contributions to this report. Also contributing to this report were James Bennett, Richard Brown, David Chrisinger, Sarah Cornetto, David Dornisch, Jennifer Gregory, and Almeta Spencer.

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