

ALASKA STATE LEGISLATURE
HOUSE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE

April 5, 2018

3:09 p.m.

MEMBERS PRESENT

Representative Ivy Spohnholz, Chair
Representative Tiffany Zulkosky, Vice Chair
Representative Jennifer Johnston
Representative Colleen Sullivan-Leonard

MEMBERS ABSENT

Representative Sam Kito
Representative Geran Tarr
Representative David Eastman
Representative Matt Claman (alternate)
Representative Dan Saddler (alternate)

COMMITTEE CALENDAR

PRESENTATION: SAFE~ STRONG~ SUPPORTIVE

- HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

SUSAN ROBISON, Director
State Relations and Public Policy
Casey Family Programs
Seattle, WA

POSITION STATEMENT: Presented a PowerPoint, titled "Safe, Strong, Supportive."

NIKKI LEPROHN, Director
Data Advocacy
Casey Family Programs
Seattle, WA

POSITION STATEMENT: Testified during the PowerPoint presentation.

LYNN BIGGS

Strategic Consultant to Alaska
Casey Family Programs
Seattle, WA

POSITION STATEMENT: Testified during the PowerPoint presentation.

ANITA FEINDAY, Managing Director
Indian Child Welfare Program
Casey Family Programs
Seattle, WA

POSITION STATEMENT: Testified during the PowerPoint presentation.

THOMAS CODY, Director
Indian Child Welfare Program
Casey Family Programs
Denver, CO

POSITION STATEMENT: Testified during the PowerPoint presentation.

ACTION NARRATIVE

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CHAIR IVY SPOHNHOLZ called the House Health and Social Services Standing Committee meeting to order at 3:09 p.m. Representatives Spohnholz, Johnston, and Zulkosky were present at the call to order. Representative Sullivan-Leonard arrived as the meeting was in progress.

Presentation: Safe, Strong, Supportive

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CHAIR SPOHNHOLZ announced that the only order of business would be a presentation by the Casey Family Programs.

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SUSAN ROBISON, Director, State Relations and Public Policy, Casey Family Programs, introduced a PowerPoint, titled "Safe, Strong, Supportive." She directed attention to slide 1, "Our Mission" and paraphrased from the statement, which read:

Casey Family Programs is the nation's largest operating foundation focused on safely reducing the

need for foster care and building Communities of Hope for children and families across America. Our mission is to provide and improve – and ultimately prevent the need for – foster care.

MS. ROBISON moved on to slide 2, "2020 Goals," and stated that the Casey Family Programs had very clear goals which included: Safely reduce the number of children in foster care by 50 percent; Reinvest the savings from a reduced use and unnecessary use of foster care into building stronger more supportive communities and systems; Improve outcomes in education, employment, mental health, in support of increasing child, family, and community well-being focus. She added that the Casey Family Programs had agreements with all 50 states, the District of Columbia, Puerto Rico, and 16 tribes which were focused at improving child safety, permanency and well-being. She noted that there were also agreements with the Public Child Welfare Agency in each jurisdiction, as well as with other organizations in each state, including courts, advocacy organizations, and community organizations.

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MS. ROBISON directed attention to a handout [Included in members' packets] discussing state child welfare commissions and task forces created by legislatures for convening stakeholders and leaders from many groups and organizations who might not otherwise have the opportunity to share perspectives, study outcomes for children and families, and develop a plan. She shared the background of the program, noting that it was created by Jim Casey, the founder of UPS (United Parcel Service), in 1966. She reported that Mr. Casey was very committed to strong families and recognized that employees with strong families did better. He was also very focused on outcomes and, at company meetings, he would ask "how are the children." She spoke about slide 5, "How are the Children? What the data tells us," and reported that the program provided information based on evidence and data, with a goal to educate and be a resource for policy makers in a non-partisan format.

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NIKKI LEPROHN, Director, Data Advocacy, Casey Family Programs, said that her focus was to work with states and jurisdictions to understand the data on child welfare and the children in the programs. She directed attention to slides 6 - 8, "Safety first...." and noted that safety was paramount in importance and

their greatest concern. She noted that in Alaska, the rates of child abuse and neglect reports, investigations, and substantiated reports were all above the national rate. In FY 16, 63.9 children per 1000 were subject to a child abuse investigation (screened in report). This number had increased 57 percent since 2010. The rate of investigations for Alaska Native and American Indian youth was 153 per 1000 compared to White youth at 22.3 per 1000.

REPRESENTATIVE SULLIVAN-LEONARD asked about children of other ethnic backgrounds.

MS. LEPROHN said that although there was also this data, this comparison was for Alaska Native and white children, which had the largest discrepancies. She said that the data was sometimes grouped into broader categories and that more information was available upon request.

REPRESENTATIVE SULLIVAN-LEONARD mused that these were the highest rates in Alaska.

MS. LEPROHN offered her belief that the Alaska Native children were the highest numbers.

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REPRESENTATIVE JOHNSTON asked for a definition to the screened in report, and what qualified as a Native American Indian youth.

MS. LEPROHN explained that screened in reports were those that were reviewed to determine the need for an investigation, and she pointed out that this was different in every state. She explained that the requirements for federal reporting was set for certain categories, although the process could differ in each state. She explained that this race ethnic category, American Indian, Alaska Native, which the Casey Family programs did not define, was in both the census and the data they received.

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CHAIR SPOHNHOLZ asked if this was self-identification.

MS. LEPROHN said that it could be self-identification, identification by the parents, or it could also be identification by the worker for the case management system.

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MS. LEPROHN returned to slide 6 and noted that the screened in and investigation rates were higher for Alaska, with a large disparity between Alaska Native, American Indian youth and white youth.

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REPRESENTATIVE ZULKOSKY asked about the reasons that contributed to the disparities.

MS. LEPROHN replied that she did not want to speculate, as there could be many reasons, ranging from true differences to reporting differences as some populations were "more in the public eye." She shared slide 7, "Safety first..." which reported that the substantiation rate was high compared to the national average. She reported that substantiation indicated that there had been a finding of maltreatment, even though the definition and substantiation for maltreatment could vary across different states. She noted that the substantiation rate had increased in Alaska.

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MS. LEPROHN directed attention to slide 8, "Safety first..." and defined maltreatment recurrence as the percent of children involved in a substantiated incident of maltreatment who experience a second substantiated incident within 6 months. She pointed to the graphic which indicated that the first occurrence for many youth was not the last occurrence, and that 13 percent of youth in Alaska who experience maltreatment were involved in a second incident of maltreatment within six months of the first, a rate almost double that of the national rate of 5 percent. She said that Alaska Native youth experienced repeat maltreatment at about 17 percent, whereas white youth experienced this at about 8 percent. She reported that, despite this high level, in Alaska this rarely resulted in child fatalities.

REPRESENTATIVE JOHNSTON pointed out that the maltreatment recurrence peaked in 2014 and was currently "dropping a little bit."

MS. LEPROHN said that she did not know the details for why it was decreasing, adding that the National Child Abuse and Neglect

data set was a yearly release that would be updated in the next few months.

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MS. LEPROHN introduced slide 9, "At the front end..." and stated that maltreatment often resulted in a child's removal from their family and placement in foster care. Alaska has the 5th highest foster care entry rate of all states, with about 7 in 1000 children entering care in FY17. She noted that the rate of Alaska Native youth entry was 18.8 per thousand children, while White youth entry was 3.8 per thousand children into foster care.

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MS. LEPROHN addressed slide 10, "Entries into & Exits from Foster Care," which depicted that until very recently, more Alaska children entered care than exited, which led to a constant increase in the overall number of children in care. In the most recent period, 2017, more children exited care than entered.

REPRESENTATIVE JOHNSTON asked if this was dependent on age demographics.

MS. LEPROHN replied that the exit graph had always included children through age 24, as extended foster care could continue that long in some states. She said that although it would be necessary to review more data in detail, a change usually indicated there was a change in practice.

REPRESENTATIVE JOHNSTON pointed out that there were times of population growth to use for comparison.

CHAIR SPOHNHOLZ reported that there had been significant changes for practice into the commitment to permanency in the foster care system in Alaska. She said that this growing understanding was due in part to advocacy by foster youth that permanency was a priority over reunification and that this was a cause of the change.

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MS. LEPROHN moved on to slide 11, "...while in care..." and pointed out that the number of children in care had begun to decrease, which was part of the trend of entries versus the

exits. She noted that the (a) and (b) periods were points in time at the end of March and the end of September of the fiscal year. She pointed out that the rate in care, per one thousand children, was still high in Alaska.

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MS. LEPROHN reported that the use of congregate care for children in foster care was much lower in Alaska than in many other states, slide 12, "...while in care," and that it included group homes, institutions, and residential treatment facilities, anything that was not a family setting. She reported that nationally this was about 20 percent, while in Alaska it was only about 5 percent, pointing out that it was more difficult for children to move to permanency from congregate care because they were not used to living in a family home. She pointed out that the discrepancy for American Indian and Alaska Native youth to all other youth was not as high.

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MS. LEPROHN shared slide 13, "...Exiting to Permanency," and she noted that Alaska had a low, but improving rate of permanency within 12 months of a child's entering care. She added that permanency in Alaska for long stayers, children who had been in care for two years or longer, has been above the national average and was improving.

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MS. LEPROHN concluded her segment with slide 14, "...Child safety with permanent family," and explained that re-entry into care was measured by the total number of children who achieve timely permanency within 12 months and re-enter care within the subsequent 12 months. She reported that Alaska had the second lowest re-entry rate, 3 percent, among all the states.

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LYNN BIGGS, Strategic Consultant to Alaska, Casey Family Programs, shared slide 15, "Systems Improvement Work," and stated that the program was joining with states to improve the outcomes for children. She explained that there was a 50-state strategy which looked at data and worked with the state partners in efforts to improve the foster care system. She reported that she worked with the Office of Children's Services and her colleagues at Indian Child Welfare. She directed attention to

slide 16, "Long History of Collaboration," and spoke about the work ongoing for the past 18 years: in 2000, Casey Family Programs began work in Alaska; in 2005, Casey hosted a statewide convening on Disproportionality; in 2008, Knowing Who You Are curriculum on racial and cultural identity was introduced and embedded throughout the state.

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MS. BIGGS moved on to slide 17, "Collaborative efforts continue:" She explained some of these efforts, which included: Facing Foster Care in Alaska (FFCA) supported until non-profit status was attained; Permanency Values & Family Finding Summit, Permanency Roundtables were held; Data advocacy helped refine data indicators; and, Member of Court Improvement Project.

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CHAIR SPOHNHOLZ asked how guardianship was different than adoption for children.

MS. BIGGS explained that adoption resulted in the termination of parental rights, whereas guardianship, generally, did not. She said that a guardian could be a relative or a foster parent, and that the guardian had the legal authority for the same consents as parents.

CHAIR SPOHNHOLZ asked how functional guardianship was for pragmatic, day to day decisions.

MS. BIGGS said that guardianship was closer to adoption than it was to foster care for those rights, and that most of the decisions could be made.

REPRESENTATIVE JOHNSTON offered that it varied from state to state.

MS. BIGGS offered her belief that it was different among states. She referenced a recent nationwide study of subsidized guardianship. She opined that Alaska was not as restrictive as many states.

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MS. BIGGS shared slide 18, "Collaborative efforts continue:" and reported on these: Sponsored development of Strategic Plan to transform child welfare which was followed by signing of

Compact in 2017; Building Community of Hope Project; Support Safe Baby Court project in Palmer; Sponsored Statewide convening on Adverse Childhood Experiences hosted by First Lady Walker in March of 2018.

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ANITA FEINDAY, Managing Director, Indian Child Welfare Program, Casey Family Programs, spoke about the "Indian Child Welfare Program," and referenced the U.S. Attorney General's advisory committee on American Indian and Alaska Native children exposed to violence in 2012 - 2013. She said that this report in November 2014 focused on Alaska and made several recommendations in Chapter 5, which included compacting for child welfare services through the state, and self-governance compacts for health services. She pointed out that compacts had been signed in the past year.

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THOMAS CODY, Director, Indian Child Welfare Program, Casey Family Programs, presented slide 20, "Indian Child Welfare Program Goals" (ICWA), and reported that a lot of their work was technical assistance to tribes on financing, capacity building, and community engagement. He stated that these goals were accomplished through: Providing technical assistance and training regarding ICWA, child welfare financing, capacity development, community engagement, and intergovernmental relationships; Spreading best practices through peer to peer sharing; Gathering tribal leaders for dialogue and trainings on child welfare related topics; Working with partners to increase tribal youth engagement; Facilitating tribal-state collaboration and relationships; Influencing national efforts to focus on and achieve improved well-being of American Indian and Alaska Native children and families. He addressed slide 21, "CFP Indian Child Welfare Program 2018 Projects," and spoke about the tribe specific works, the tribal-state work, National Projects, Capacity Development & Title IV-E Summits, National ICWA Strategy, Collaboration Agreements, Philanthropic Engagement & Partnerships, and IPA/Executive Fellows.

MR. CODY addressed slides 22 - 23, "Child Welfare Initiative Agreements," a map of Alaska and a map of the western United States, with the participating tribal groups.

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REPRESENTATIVE SULLIVAN-LEONARD asked if there was any presence in Oregon, Idaho, and California.

MS. FINEDAY said that the logos were for tribes that Casey Family Programs had five-year agreements. She said that a substantial amount of work was in California, and there was some work in Idaho. She clarified that the map reflected the 16 tribes with five -year agreements.

MR. CODY listed some just completed projects with tribes in other states.

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MS. ROBISON paraphrased from slides 24 - 25, "Family First Prevention Services Act," which read:

The Family First Prevention Services Act was passed and signed into law (P.L. 115-123) as part of the Bipartisan Budget Act on February 9, 2018. Culmination of years of discussion among key Congressional leaders who share a vision and are passionate about keeping children safely with their families. - Over 500 organizations supported this Act.

New option for States and Tribes to claim Title IV-E funds for prevention activities. New policy to ensure appropriate placements for children in foster care. Reauthorization of numerous child welfare funding streams. And much more...

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MS. ROBISON continued to discuss the Family First Prevention Services Act and pointed out that Alaska was in a position for new funding for prevention activities. She said that Title IV-E of the Social Security Act now provided for primary funding for states and tribes to claim federal reimbursement for certain services to prevent the need for foster care. She discussed slides 26 - 27, "New Funding for Prevention Activities," which included: Allows states to receive open-ended entitlement (Title IV-E) funding for evidence-based prevention services; Children at imminent risk of placement in foster care and their parents or kinship caregivers, and pregnant and parenting youth in foster care are eligible; No income test for eligibility; Eligible prevention services are mental health, substance abuse treatment, and in-home parenting skills; Services are allowable

for up to 12 months, with no limit on how many times a child and family can receive prevention services if the child continues to be at risk of entry into foster care. Services must be evidence based and trauma informed. She added that: Title IV-E reimbursement for eligible prevention services begins on October 1, 2019; The new Title IV-E prevention services, as well as training and administrative costs associated with developing these services, has no income test; New federal funds for prevention services are intended to augment, not supplant, state funding for prevention services; MOE will be set at FY2014 spending for these same prevention services for candidates for foster care.

MS. ROBISON directed attention to slide 28, "New Policy to Ensure Appropriate Placements in Foster Care," and added: Provides \$8 million in FY2018 for grants to states and tribes to support the recruitment and retention of high quality foster families.

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REPRESENTATIVE SULLIVAN-LEONARD asked if the \$8 million grant required a State of Alaska match.

MS. ROBISON explained that this was \$8 million for the entire country, which would be targeted to those states and jurisdictions with lower utilization of family foster care and higher utilization of congregate care.

MS. ROBISON returned to slides 28 - 29, "New Policy to Ensure Appropriate Placements in Foster Care," and explained: Makes changes to what types of out-of-home placements would be eligible for federal Title IV-E reimbursement beginning October 1, 2019; States have the option to delay this provision for 2 years. However, delays in implementation of these provisions requires a delay in prevention provisions. She went on to explain the requirements, which included: Beginning October 1, 2019, after 2 weeks in care, Title IV-E federal support will support the following placements: Foster Family Home (defined) - no more than 6 children in foster care, with some exceptions; Facility for pregnant and parenting youth; Supervised independent living for youth 18 years and older; Specialized placements for youth who are victims of or at-risk of becoming victims of sex trafficking; Family-based residential treatment facility for substance abuse; Qualified Residential Treatment Program (QRTP) (defined) - clinically recognized treatment program; There are no time limits on how long a child or youth

can be placed in a QRTP as long as the placement continues to meet his/her needs as determined in assessment. She explained the Qualified Residential Treatment Program (QRTP), slide 30, as: Has a trauma informed treatment model and a registered or licensed nursing or other licensed clinical staff onsite, consistent with the QRTP's treatment model; Facilitates outreach and engagement of the child's family in the child's treatment plan; Provides discharge planning and family-based aftercare supports for at least 6 months; and Licensed and accredited.

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CHAIR SPOHNHOLZ asked about the way the family based residential treatment would pay for addiction treatment.

MS. ROBISON explained that Medicaid was often used to pay for the parent's residential treatment, while the children were often placed in foster care during the treatment period. She noted that evidence indicated that this created further trauma for the child. She stated that, going forward, it would be possible to use the Title IV-E treatment for the child's stay with the parent in the residential treatment facility. She added that Medicaid could be used to pay for many of the components.

CHAIR SPOHNHOLZ declared that, in addition to reducing trauma, it would improve outcomes for the parent in treatment.

MS. ROBISON shared slide 31, "New Funding to Support Keeping Families Together During Substance Use Treatment," which read:

Beginning October 1, 2018, Title IV-E foster care maintenance payments can be made on behalf of a child in foster care who is placed with their parent in a licensed residential family-based treatment facility for up to 12 months; No income test applies for these services; This opportunity exists regardless of whether a state chooses to operate a prevention program through Title IV-E.

MS. ROBISON added that this was a federal match, and that as Alaska's match rate was 50 percent, every dollar would be matched. She noted that states could claim the administrative costs and the training costs. She addressed slide 32, "Promoting Timely Permanency for Children Across State Lines," and shared that this provides \$5 million in new grants to states

to expand the development of the electronic system to expedite the interstate placement across state lines of children in foster care, guardianship or adoption; Requires that states use an electronic interstate case processing system by October 2027.

MS. ROBISON discussed slide 33, "Additional select items to promote safety, permanency, and well-being," which included: Provides Title IV-E support for evidence-based kinship navigator programs at 50 percent, beginning October 1, 2018; Requires HHS to identify model foster parent licensing standards; states have to then identify how they will implement; Requires the development of a statewide plan to prevent child abuse and neglect fatalities; Requires inclusion in the state plan of a description of activities to address developmental needs of young children; Eliminates the time limit for reunification services provided during a child's placement in foster care; and, Makes revisions to the Chafee program to emphasize more successful transitions to adulthood.

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REPRESENTATIVE JOHNSTON asked whether a waiver would be necessary.

MS. ROBISON explained that for approval of kinship families, the state could have a case by case waiver of licensing standards that were not related to safety for the licensing of kinship care givers. She noted that there was not a uniform system across the country.

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REPRESENTATIVE ZULKOSKY asked about the family residential treatment funding models. She acknowledged that there were not enough beds in either rural or urban Alaska.

MS. ROBISON said that she would help with any information, especially about programs in rural areas.

REPRESENTATIVE ZULKOSKY expressed an interest for integrating models of care with family components.

MS. ROBISON said that the opioid epidemic had been a critical factor in attempts to reduce the number of kids in foster care over the last five years.

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MS. ROBISON directed attention to slide 34, "Reauthorizing Adoption Assistance & Legal Guardianship Incentives," and spoke about reauthorization of the Adoption and Legal Guardianship Incentive Programs through FY2022. She said that the legislation delays the phase in and the expansion of the Adoption Assistance delink for children under age 2 (eligibility tied to 1996 AFDC income test) through June 30, 2024.

MS. ROBISON moved on to slide 35, "Continuing Child Welfare Funding," and explained: Reauthorizes Title IV-B programs and services until FY2021; Stephanie Tubbs Jones Child Welfare Services Program, including funding for monthly caseworker visits; Promoting Safe and Stable Families Program; Court Improvement Program; Regional Partnership Grants to Increase the Well-Being of, and to Improve the Permanency Outcomes for, Children Affected by Heroin, Opioids, or Other Substance Abuse; and Reauthorizes the John H. Chafee Foster Care Independence Program until FY2021.

MS. ROBISON briefly mentioned an older piece of legislation, slide 36 "Title IV-E Guardianship Assistance Program (GAP): Authorized in 2008 by Federal Legislation," which allows federal Title IV-E matching funds for financial supports for permanent legal kinship guardians, plus associated administrative and training costs. She spoke about guardianship in foster care: Guardian is a relative as defined by the state; Guardian has been child's licensed foster parent for at least 6 months; Reunification and adoption have been ruled out; Child 14 and older has been consulted; and, the Court has awarded permanent legal guardianship and ruled it to be in the child's best interest.

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CHAIR SPOHNHOLZ asked if there was any impact on subsidies for support of the child between guardianship and adoption.

MS. ROBISON said that it would not as the extension of the Title IV-E for guardianship made federal subsidies available for guardians who were relatives, dependent on the state definition. She explained that the guardian must be the licensed foster parent for at least six months to receive the federal reimbursement.

CHAIR SPOHNHOLZ shared an anecdotal example for the biological siblings of her daughter who were not adopted.

MS. ROBISON expressed her agreement that it was very important to provide accurate and complete information for the options. She pointed out that federal regulation required that states make diligent efforts to find and engage kin and she opined that this needed to be an on-going outreach.

CHAIR SPOHNHOLZ offered her belief that sometimes field professionals forget that lay people don't understand the details of the very complicated child welfare system.

MS. ROBISON added that the federal regulations also required that older children be consulted about the decisions, and that their wishes be considered. She pointed out that reunification and adoption must be ruled out before guardianship. She reminded that it was a possibility for the birth parent to petition the court for custody during guardianship. She noted that often guardianship petition was filed in probate court, rather than dependency courts, which could be confusing for potential guardians. She listed some of the reimbursements to costs for kin care givers and guardians. She declared that, as the licensing requirements were one of the biggest barriers for foster care, the legislation allowed, on a case by case basis, the states to waive non-safety licensing requirements. She offered to help in any way possible.

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ADJOURNMENT

There being no further business before the committee, the House Health and Social Services Standing Committee meeting was adjourned at 4:44 p.m.