

HB

176

AMENDMENT

OFFERED IN THE HOUSE
TO: HB176

BY SPOHNHOLZ

Page 1, lines 18 - 24: OMIT and replace with the following:

(2) the Director of the Division of Family and Youth Services;

(3) three public members with a demonstrated committment in the issues of children and youth and in the community.

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BY SPOHNHOLZ

Page 2, lines 19 and 20: AMEND as follows:

(6) the grievance process [and compensation system for, and liability of, foster parents;] for foster parents concerned about decisions made regarding children in their care;

And following line 23: ADD:

(8) the compensation system for and the liability of foster parents.

HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES



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STATEMENT ON HB 176
by
Rep. Johnny Ellis

House Bill 176 "relating to an advisory council on foster care", was introduced as one of a package of measures proposed or supported by the House HESS Committee, as a result of the Committee's interim comprehensive review of the state's child protection and foster care systems. This bill responds to testimony presented at hearings in the fall of 1988 regarding the effectiveness of the state's foster care system.

It was apparent to the Committee that there is presently no way for interested parties to officially advise the state on the overall foster care program. Foster parents especially can offer valuable insight into the issues of permanency planning for children; programs for family reunification; foster parent screening, recruitment and training; compensation for foster parents; the grievance process.

This bill establishes a seven member board to address these and other issues. It will also serve as a policy coordinating tool for those state agencies involved with foster care including the Governor's Commission on Children and Youth. As proposed in its present form, the board would meet at least three times per year and would employ existing Department of Health and Social Services personnel as staff.



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
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November 15, 1988

MEMORANDUM

TO: Representative Johnny Ellis

ATTN: Jim Nordlund

FROM: Tom McKenna *TM*
Legislative Analyst

RE: Foster Child Care Advisory Boards in Other States
Research Request 89.088

You requested information on the range of approaches taken by various states regarding foster child care. Specifically, you wanted to know whether any states have independent foster care advisory boards, characterized by membership from both the state agency handling foster care and the private sector, and the authority to establish foster care policy.

To respond to your request, I contacted child welfare and foster care specialists in the Division of Family and Youth Services (DFYS) (Alaska Department of Health and Social Services) and seven national agencies: National Conference of State Legislatures (NCSL); Administration for Children, Youth and Families; U.S. Department of Health and Human Services (Region X); Children's Defense Fund; Child Welfare League of America; American Public Welfare Association; and the National Association of Child Advocacy Organizations. In addition, 13 states, selected on the basis of recommendations by these specialists, were contacted: Arizona, California, Iowa, Missouri, Massachusetts, Michigan, Minnesota, New Jersey, Ohio, Oklahoma, Oregon, South Carolina, and Texas.

In summary, I did not find any examples of an advisory board that has the authority to establish state foster care policy. The range of state provisions for interaction between state agencies and private parties, with regard to foster child care policy development, includes several patterns of organization. Four types of organizations involving private foster child care interests and state foster child care agencies, with some limited policy-making capacities, can be discerned in the surveyed states.

¹Because of its reliance on counties for administration of foster care programs, California does not have an advisory board which falls into one of these categories.

- Nonpermanent task forces or committees. Organizations created for the purpose of addressing specific issues within a limited time frame.
- General social service advisory boards. Advisory boards which provide policy recommendations for a range of social service areas, including foster child care.
- Policy-directed foster care review boards. Review boards that collect data and make recommendations for state policy, rather than review individual cases.
- Citizens' foster care advisory boards. Citizens' organizations with influence in state policy development and revision.

NONPERMANENT TASK FORCES AND COMMITTEES

One approach used by states to integrate concerned members of the public with executive agencies' roles in foster care policy development is through non-permanent task forces and committees. New Jersey and Minnesota offer examples of the task force approach. In addition, Michigan cited the development of ad hoc committees for specific problems.

New Jersey's Department of Human Services, Division of Youth and Family Services, has contracts with the New Jersey Foster Parents Association for statewide recruitment, foster family training, and various aspects of public relations. Foster Parents Association members have traditionally had advisory input through association staff in each county foster care office, advisory boards in each county, and direct advocacy at federal and state hearings. The division is now working on a "Foster Care Enhancement Project" to develop a professionalized, team approach to the relationship between parents and centralized state government officials.² The project calls for the establishment of a "Task Force for the '90's" with the following statement of purpose:

...to design, develop, and implement a centralized foster care system appropriate to the foster care needs of the future. This Task Force will include child advocates from within the Division as well as from the community. The Task Force will be charged with the responsibility

²Betsy Riegal, New Jersey Division of Youth and Family Services, personal communication, November 8, 1988.

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of assessing New Jersey's needs, evaluating programs nation-wide, assessing their implications for New Jersey; modifying program designs as necessary; developing cost projections; recommending a design for New Jersey and an implementation plan.³

The project is still in the formative stages; the membership of the Task Force and the duration and exact scope of its authority have not been established. The policy elements that it may examine have been listed and are provided in Attachment A.

The Commissioner of Minnesota's Department of Human Services, the department whose Social Service Division is responsible for foster care policy, is required by statute to request and receive consultation from a wide range of parties, including "...other state departments and agencies;...other affected political subdivisions;...persons and relatives of persons using the program governed by the rule; advocacy groups; and representatives of license holders affected by the rule." (Minnesota Statutes, Ch 245.A09, Subd. 6; Attachment B)

For the specific purpose of making regulations, as well as for broader policy advisory work, the Minnesota Social Service Division convenes two types of task forces--either a working group with a specified term or a short-term, temporary "advisory" task force.

The American Indian Advisory Task Force is an example of a working group provided for in statute. It was established for a broad assessment of Indian welfare, with placement of Indian foster care children central to its work.⁴ The Task Force's membership (which does not include state agency staff), its broad policy charge, and the duration of work are established in Minnesota Statute 257.3579 (Attachment C).

A temporary task force currently working to revise Minnesota foster care licensing includes a cross-section of community and department people. Of the thirty-member task force, five members are department employees, who represent interests in Children's Services, Long-Term Management, Long-Term Care, and Developmental Disabilities. The remainder of the advisory group is composed of various foster care community people: county foster care and licensing people, members of child placement agencies, foster care providers, Foster Care Parents Association members, and members of minority groups.⁵

³New Jersey DFYS, "Foster Care Enhancement Project: Policy, Planning, and Support," 1988, p. 8, (Attachment A.)

⁴Fran Felix, Minnesota Department of Human Services, personal communication, November 17, 1988.

⁵Muriel Sharlow, Minnesota Department of Human Services, Social Services Division, personal communication, November 10, 1988.

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The nature of these task forces' work is ultimately advisory. Although a new or revised regulation may be proposed by a task force, the changes are subject to Department approval and are formally drafted by the state Rule Making Unit. In practice, according to Muriel Sharlow of the Minnesota Social Services Division, the task force system is time-consuming but helps to limit controversy.

Michigan's approach of structuring forums for foster child care policy development is similar to that of Minnesota. Michigan's ad hoc committees are convened by the executive agency responsible for foster care to resolve specific policy issues, such as those concerning rules and rates. Michigan's Department of Social Services has traditionally received policy input from a Rate Review Committee, a Cost Review Committee, a Rate Setting Advisory Committee, and a Child Care Fund Advisory Committee.⁶

Although Michigan's Rate Review Committee is staffed from within the Department of Social Services, membership profiles of these other committees provide for foster parent and private agency input. The Child Care Fund Advisory Committee, for example, was established by a statute which mandates promulgation of rules for the services provided under this fund. This committee included two chairpeople of county committees, two probate judges, two court administrators, one foster parent, one member of the state Department of Management and Budget, and one representative of a private child placement agency. The Rate Setting Advisory Committee, staffed by one representative each from a private placement agency, the Department of Mental Health, the Department of Social Services, and two foster parents, recently revised age brackets for Michigan's rate structure. As is typical, that committee's findings were submitted to the Department of Social Services, which passed them on to the legislature for the actual establishment of rates.⁷

GENERAL SOCIAL SERVICE ADVISORY COMMITTEES

South Carolina and Ohio are states where advisory organizations, composed of state agency members and concerned citizens, function to establish generalized social service policy, which can include foster child care. South Carolina's Child Welfare Advisory Committee focuses primarily on foster child care issues, while Ohio's Social Services Advisory Committee historically has not.

⁶Scott Deaver, Michigan Department of Social Services, Office of Children and Youth Services, personal communication, November 10, 1988.

⁷Bill Fox, Michigan Department of Social Services, Office of Children and Youth Services, personal communication, November 10, 1988.

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The Child Welfare Advisory Committee in South Carolina was established in 1974 as a committee responsible to a state Social Services Board, which is composed of the Social Services Commissioner and seven legislators. The Advisory Committee was set up to examine issues in foster child care, protective services and adoption, and is prohibited from examining personnel issues and case material. The Committee exists at the discretion of the Board, and could be dissolved by that organization at any time. Committee membership is typically 18 to 21 members and excludes staff of the Department of Social Services, the executive agency responsible for foster child care. Membership is usually divided equally between sister state agency personnel and representatives of private organizations. Members, from the state agencies of Mental Health, Education, the Foster Care Review Board, and from residential group care organizations, the Foster Parents Association, the Junior League, and the League of Women Voters, meet bi-monthly.

According to Ramona Foley of South Carolina's Substitute Care Division, the Child Welfare Advisory Committee's performance and policy input have been hampered by lack of organizational independence, inconsistent attendance at infrequent meetings, agendas "stacked" in favor of agency personnel, and strong advisory input from citizens' and judicial review processes. Ms. Foley reported recent discussion about dissolution of the Committee.⁸

Ohio's Social Services Advisory Committee is comprehensive in both its membership and policy-making opportunity. Ohio statutes require a diverse composition including directors from six Ohio departments, legislative appointees, public and private social service agency representatives, citizens interested in and having knowledge of social services, consumers of social services, and members of county welfare advisory boards. The statutes provide for the Committee to advise the officers and departments handling public welfare, and for it to have "adequate opportunity to participate in policy development..."⁹

In practice, the Committee directly advises the Director of the Department of Human Services, with budget recommendations and initiatives for development of policy and procedure. Although foster child care is funded by the Human Services Department, foster care issues have not been discussed. A lack of recent foster care initiatives in the department, and a preference for department-wide concerns such as those surrounding Medicaid issues, may be responsible for this omission. It was suggested that the Committee would have future policy input with regard to foster child care.¹⁰

⁸Ramona Foley, Acting Director, Substitute Care Division, South Carolina Department of Social Services, personal communication, November 10, 1988.

⁹Ohio Revised Code, Title 51, 5101.47, (Attachment D).

¹⁰George Biggs, Chief of Bureau of Licensing, Ohio Department of Human Services, personal communication, November 10, 1988.

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POLICY-DIRECTED FOSTER CARE REVIEW BOARDS

Because of their traditional focus on specific case evaluation rather than on comprehensive policy directives, foster care review boards are generally excluded from this memorandum's treatment of independent foster care advisory boards. Arizona and South Carolina's citizen review boards, although attributed some advisory input, were not examined in detail. In contrast, the powers and duties of Iowa's State Foster Care Review Board are more comprehensive and appear to allow significant policy input.

Iowa's State Foster Care Review Board, or State Board, was created within the state's Department of Inspections and Appeals, but reports directly to the governor. It consists of seven citizens, appointed by the governor. According to statute, citizens with any of a variety of special interests in foster care are ineligible to serve:

An employee of the department of inspections and appeals, the department, an employee or board member of a child-placing agency, an employee of an agency with which the department contracts for services for children under foster care, a foster parent providing foster care, or an employee of the district court is not eligible to serve on the state board.¹¹

Although the Board is responsible to the governor, and its charge is fundamentally advisory, the scope of its duties allow for a wide range of recommendations. The Board is empowered to: 1) review the activities of the local, case-specific boards; 2) accumulate data on several aspects of the state's foster care program and develop an annual report; 3) evaluate judicial and administrative data collected on foster care; 4) disseminate the data to the governor, the supreme court, the chief judge of each judicial district, the department, and child-placing agencies; and 5) establish an extensively prescribed mandatory training program for members of the state and local review boards. Iowa statutes also empower the state board to:

. . . make recommendations to the general assembly, the department, to child placing agencies, the governor, the supreme court, the chief judge of each judicial district, and to the judicial department. The recommendations shall include, but are not limited to, necessary changes relating to the data collected and the annual report...

The major policy elements that have stemmed from the State Foster Care Review Board's work include a permanency planning manual authored by the Board and an adoption exchange (which is now mandated by law).

¹¹Code of Iowa, Vol. 1, 1987, 237.16-18, (Attachment E).

CITIZENS' FOSTER CARE ADVISORY BOARDS

Citizens' organizations with foster care advisory functions were noted at two levels: a local, de-centralized level, as well as a statewide, centralized level. Massachusetts, for example, has a citizens' advisory board in each of its 40 public health area offices.¹² Oklahoma also reported recent creation of some local citizens' advisory boards.¹³ The parochial focus of local boards limits advisory functions to service-related, rather than statewide policy concerns. In contrast, the more centralized, hierarchically-derived approaches employed in Missouri's Foster Care Advisory Board, and in Texas' Child Protective Services Advisory Committee, provide some opportunity for policy input and are discussed below. Oregon also reported a committee with foster parent representation, set up to advise its Childrens' Service Committee, and to review division policy.¹⁴

Missouri's Foster Care Advisory Board, appointed by the Division of Family Services Director, is composed of foster parent representatives from regional committees and agency social workers. The Board's charge is advisory; it makes recommendations on training, recruitment, and other related issues.¹⁵

Specific achievements of Missouri's Board span policy areas dealing with grievance procedures, and recruitment and training of foster families. The Board authored a revised, detailed policy for registering grievances within the foster care program. It has also generated pre-service training standards for foster families and is currently reviewing the restructuring of recruitment mechanisms initiated by the state Office for Childrens Services. Nancy Grant, of the Missouri Office for Childrens' Services, suggested that the creation of the Board in 1986 has provided a more cooperative tenor in the typically conflict-ridden relationship between Childrens' Services and foster parents.¹⁶

¹²Saf Lerman, Foster Care Specialist, Office of Public Affairs, Massachusetts Department of Social Services, personal communication, November 7, 1988. Massachusetts also has an Office for Children which functions as an independent state agency, and licenses all private agencies and each area office affiliated with foster care.

¹³Arlene Lotan, Foster Care Program Supervisor, Oklahoma Department of Human Services, personal communication, November 7, 1988.

¹⁴Monty McLaren, Oregon Department of Human Resources, personal communication, November 10, 1988.

¹⁵Nancy Grant, Missouri Department of Social Services, personal communication, November 10, 1988.

¹⁶Ibid., November 10, 1988.

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Foster care policy development, along with other child welfare policy development in Texas, involves a Child Protective Services (CPS) Advisory Committee, just recently established in September 1988. Foster care policies, in Texas are typically state-administered. Generated by the Department of Human Services, policies will now be subject to input and review by the CPS Advisory Committee, referred to the Department's board for approval, and depending on the nature of the issue, published for public comment. Thus, the CPS Advisory Committee, a fifteen-member body of private citizens with regional and racial representatives, offers an advisory voice to policy development at the state level. Members are selected from the Texas Council of Child Welfare Boards, the membership of which, in turn, is drawn from the representatives that 254 counties send to 10 regional councils. The Committee supercedes the Texas Council of Welfare Boards in this advisory role.¹⁷

I hope this information will be useful to you. Please contact me if I can be of further assistance.

Attachments

¹⁷Melody Flemming, Texas Department of Social Services, personal communication, November 10, 1988.



Alaska Foster Parents Association

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POSITION PAPER HB 177 PRE-EMANCIPATION SERVICES FOR MINORS

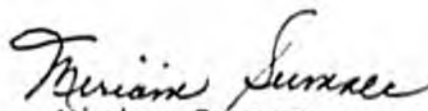
The Alaska Foster Parent Association supports the concept and intent of this legislation, which is to provide pre-emancipation services to youth in the custody of the state in order to prepare them for independent living.

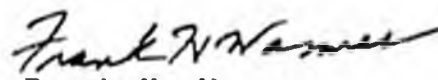
One concern is that, although some youth age 16 and above coming into care may need a specific pre-emancipation setting or supervised independent residence, all youth need to have access to pre-emancipation skill building. Youth also need a home setting in which to be nurtured. Federal laws require the least restrictive setting possible, which is usually defined as foster care. Therefore, we need to insure that this bill also provides for pre-emancipation skills to be provided in each foster home and in residential facilities providing care for youth.

During the past year several foster parents have applied for grants from the Division of Family & Youth Services to help foster parents prepare youth for independent living based on materials from Eastern Michigan University, Institute for the Study of Families and Children called "PREPARING YOUTH FOR EMANCIPATION FROM FOSTER CARE". Foster parents are the logical choice to teach youth these skills, both in specific programs and in every day living that incorporates good role modeling, gradual independence, and an opportunity to test new skills in the community in which they live.

The Alaska Foster Parent Association would support independent living residences for those youth for whom this is the only option, but would also ask for the same support and grants to enhance foster parents' ability to prepare youth for independence that would, hopefully, produce productive and healthy young adults that would not continue to be a burden on society. Grants should be awarded to foster parent groups that are willing to incorporate independent living skills as a program of foster care in their area. Specific supports and provisions within policy would also be needed to support this concept.

We must remember that each and every youth will be an independent young adult soon. We must work to prepare all of them for emancipation or we will perpetuate the cycle of welfare and dependent families.


Miriam Sumner
President


Frank H. Wasmer
Vice President