

Overview of the Children's Bureau and Tribal Child Welfare Programs



**TAKING CARE OF OUR OWN: USING
FEDERAL FUNDING TO STRENGTHEN AND
SUPPORT TRIBAL CHILD WELFARE SYSTEMS**

**DIVISION OF PROGRAM IMPLEMENTATION
CHILDREN'S BUREAU**

DECEMBER 9TH, 2016

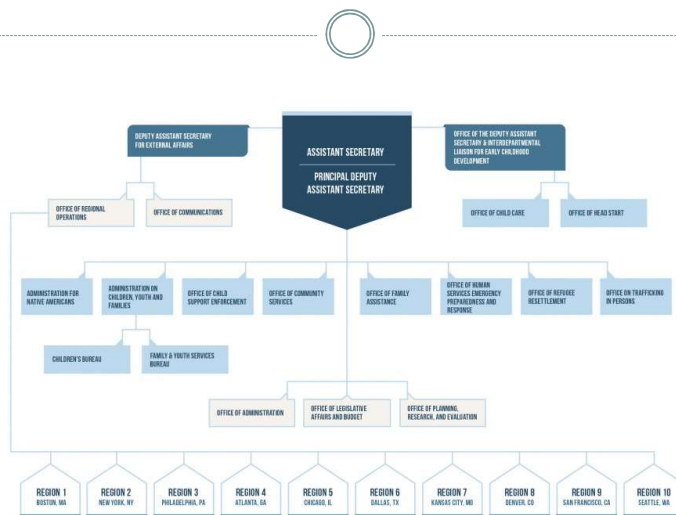


Children's Bureau Overview

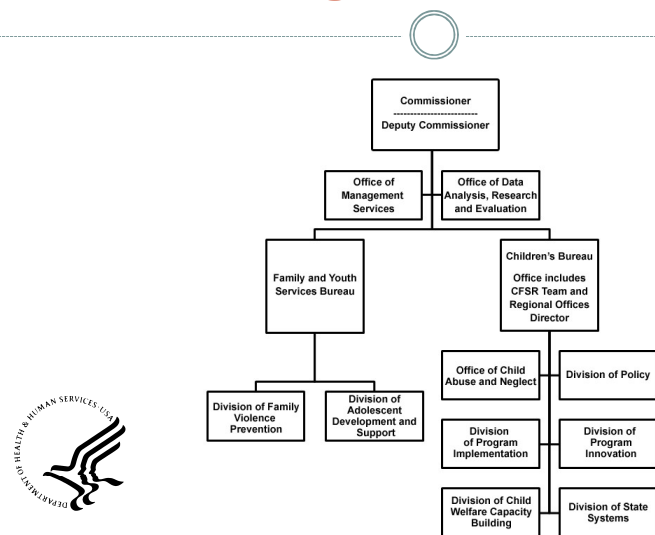


- The Children's Bureau is one of two Bureaus in the Administration on Children, Youth and Families (ACYF). Our sister bureau in ACYF is the Family and Youth Services Bureau (FYSB), which oversees programs relating to runaway and homeless youth, teen pregnancy and domestic violence.

ACF organizational Chart



ACYF Organizational Chart



Children's Bureau Overview

- The Children's Bureau administers both formula grants and discretionary (competitive) grants authorized by:
 - ❖ Social Security Act (titles IV-B and IV-E)
 - ❖ Child Abuse Prevention and Treatment Act (CAPTA)
 - ❖ Adoption Opportunities Program
 - ❖ Abandoned Infants Assistance Act
- The Children's Bureau also provides technical assistance through the Capacity Building Center for States, Tribes (Capacity Building Center for Tribes) and Courts, technical assistance contracts and the Child Welfare Information Gateway.

Tribal Child Welfare Funding Opportunities

- **Formula Grants**
 - Title IV-B, subparts 1 and 2
 - Title IV-E (foster care, adoption, guardianship assistance)
 - Chafee Foster Care Independence Program (CFCIP) and Educational Training Vouchers (ETV) Program
- **Discretionary (Competitive) Grants**
 - Title IV-E Plan Development Grants
 - Tribal Court Improvement Program (CIP)
 - Other competitive grant opportunities (also open to State, localities, non-profit organizations, etc. depending on priority areas.

Funding for Tribal Child Welfare-Title IV-B

- Social Security Act Title IV-B, Subpart 1 – Stephanie Tubbs Jones Child Welfare Services Program
- Funds under this program may be used for:
 - ❖ Protecting and promoting the welfare of all children;
 - ❖ Preventing the neglect, abuse, or exploitation of children;
 - ❖ Supporting at-risk families through services which allow children, where appropriate, to remain safely with their families or return to their families in a timely manner;
 - ❖ Promoting the safety, permanence, and well-being of children in foster care and adoptive families; and
 - ❖ Providing training, professional development and support to ensure a well-qualified child welfare workforce.

Funding for Tribal Child Welfare – Title IV-B

- Social Security Act Title IV-B, Subpart 1 – Stephanie Tubbs Jones Child Welfare Services Program
 - All Federally Recognized Tribes eligible
 - Submit five-year Child and Family Services Plan (CFSP) with Annual Progress and Services Report (APSR).
 - Tribal funding is based on population under age 21 and is taken from State allocations (no set aside in statute)
 - Grant range = approx. \$1,200 to \$802,000
- FY 2015: 184 Tribes receiving approximately \$6.6 million for title IV-B-1.

Funding for Tribal Child Welfare – Title IV-B



- Social Security Act Title IV-B, Subpart 2 – Promoting Safe and Stable Families (PSSF) Program

- Funds under this program may be used to support services in the following four areas:
 - ❖ Family preservation;
 - ❖ Family support;
 - ❖ Time-limited family reunification; and
 - ❖ Adoption promotion and support services.

Funding for Tribal Child Welfare – Title IV-B



- Social Security Act Title IV-B, Subpart 2 – Promoting Safe and Stable Families (PSSF) Program
 - ✦ All Federally Recognized Tribes eligible
 - ✦ Same requirement for submitting CFSP and APSR
 - ✦ Tribal set aside = 3% of PSSF funding
 - ✦ Formula based on population under age 21
 - ✦ Must be eligible for a minimum grant of \$10,000
 - ✦ Grant range = approx. \$10,100 to \$1,266,000

- FY 2015: 134 Tribes receiving approx. \$10.3 million under IV-B-2.

Chafee Foster Care Independence Program (CFCIP) & Education Training Vouchers (ETV)

- Funds under CFCIP are used to help youth in foster care and former foster youth ages 18-21 make a successful transition from foster care to self-sufficiency by providing educational, vocational and other services and supports.
- The ETV program provides funds for vouchers for postsecondary education and training.

Chafee Foster Care Independence Program (CFCIP) & Education Training Vouchers (ETV)

- Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351) authorized Tribes to receive direct funding under CFCIP and ETV beginning Oct.1, 2009 provided the Tribe had an approved Title IV-E Plan or a negotiated agreement with the State for Title IV-E funding.
- Previously accessed only via negotiated agreement with the State – “pass through”

Tribal Title IV-E

- Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351) authorized Tribes to receive direct funding under Title IV-E beginning Oct. 1, 2009.
- Entitlement funding for foster care and adoption assistance programs and, at tribal option, guardianship assistance programs.
- Previously, only access to “pass-through” funding was if Tribe had a negotiated Tribe-State IV-E Agreement.
- Agreements are still an option and law requires States to negotiate in good faith to establish such agreements.

What is IV-E funding? How does it work?

- ❖ Uncapped Reimbursement program based on an individual child’s eligibility. Percentage of actual expenses for eligible children are reimbursed.
- ❖ Reimbursement available for costs of room and board for individual children in foster care (foster care maintenance), adoption assistance, and an optional program of kinship guardianship assistance.
- ❖ Reimbursement for administration and case management (e.g. development of the case plan, recruitment and licensing or approval of foster family homes) and training.
 - Examples of what is not reimbursable - social services, counseling treatment, etc.

Title IV-E Fiscal Information

- Maintenance costs are based on the federal medical assistance percentage (FMAP) rate
 - Tribal FMAP rates are between 50%-83% - many Tribes qualify for 83%
- Administrative costs are reimbursed at 50%
- Allowable training costs are reimbursed at 75%:
 - Long-term training for employees and persons preparing for employment
 - Short-term training for parents, court staff and others professional partners identified in law.

Fiscal Information (con't)

- Title IV-E expenditures and matching
 - Tribes must provide match for non-federal share of expenditures
 - Tribal share of match may come from other Federal sources if permitted by law
 - Tribal share of match may be in-kind from certain 3rd party sources – limited to match for administrative and training costs

Financial Reporting Requirements

- Quarterly Report of Estimates and Actual Expenditures – CB -496 form
- Cost Allocation Methodology –
the procedures the agency will use in identifying, measuring and allocating all agency costs incurred in support of the program. (PI-10-13)

Title IV-E of the Social Security Act Requirements

- Service Area and Population Designation
 - **The Indian Tribe must serve all eligible children within its identified service and population area(s), per section 479B (c)(1)(B) of the Social Security Act (the act).**
- Foster Care Maintenance Payments Program
 - **The foster care maintenance payments program is a mandatory component of an approvable title IV-E plan, per sections 471(a)(1) of the Act.**

Title IV-E of the Social Security Act Requirements

- **Adoption Assistance Program**
 - The Adoption Assistance Payment Program is a mandatory component of an approvable title IV-E plan, per sections 471 (a)(1) of the Act.
- **Optional Guardianship Assistance Program**
 - A tribal IV-E agency may choose to operate a guardianship program as a component of the title IV-E plan per section 471(a)(28)of the Act.
- **Optional Title IV-E Extension for Youth Until Age 19, 20 or 21**
 - Beginning October 1, 2010, a IV-E Agency can opt to extend assistance to eligible title IV-E recipients, under certain conditions, up to the age of 19, 20 or 21, as described in section 475 (8) (B) of the Act

IV-E Foster Care-Maintenance Program Requirements

- **Entitlement program based on an individual child's eligibility**
- **Foster care maintenance payments for an eligible child in a licensed foster family home or child care institution**
- **Judicial requirements**

IV-E Foster Care Eligibility

“Eligible child” needs to meet certain requirements:

- AFDC linkage
- Judicial findings
- Licensing requirements

- **Fully licensed foster family home or childcare institution**
- **Safety requirements and criminal background checks met**

Foster Care Eligibility (Cont.)

- Agency must have placement and care responsibility

- Need a process to determine initial eligibility and monitor ongoing eligibility to ensure proper claiming

- Eligibility may change depending on the variables above

AFDC Linkage Requirement

In the removal month, child would have been eligible for AFDC per State AFDC plan in effect 7/16/96.

Eligibility based on:

- Removed from specified relative, and lived with such relative within 6 months of removal;
- Financial need; and
- Deprivation of parental care or support as specified in the state plan – examples include unemployment, absent from home, death, or documented physical or mental incapacity.

Judicial Requirements

- Removed from home of a parent or specified relative pursuant to a court order or Voluntary Placement Agreement (VPA)
- Court order or VPA gives agency legal responsibility for placement and care.
- Judicial determination of contrary to the welfare finding in the first removal order.
- Judicial determination within 60 days of removal that address whether agency made reasonable efforts to prevent removal.
- Judicial determination of reasonable efforts to finalize the permanency plan required within 12 months of entry into foster care and every 12 months thereafter.
- If removed by a VPA, judicial determination within 180 days of placement that continued out-of-home placement is in the best interest of the child.

Program Mandates: Case Review System

Required by both IV-B & IV-E

- Case plan, developed jointly with parents, within 60 days
- Court or administrative case reviews every 6 months
- Permanency hearings every 12 months
- Petition for TPR for children in foster care 15 of the last 22 months (subject to exceptions on a case by case basis); placement with relative maybe an exception

Program Mandates: Case Review System

Periodic case reviews:

- Held every 6 months while in FC to determine:
 - ✓ Safety
 - ✓ Case Plan
 - ✓ Progress toward mitigating necessity of placement
- Project a likely date by which the child maybe returned to and safely maintained in the home or placed for adoption or legal guardianship
- Project a likely date by which the child maybe returned to and safely maintained in the home or placed for adoption or legal guardianship

Program Mandates: Case Review System

- Permanency hearings every 12 months to determine the child's permanency plan that includes whether, and if applicable when, the child will be:
 - 1) Returned to the parent,
 - 2) Placed for adoption and the State/Tribe will file a petition for TPR,
 - 3) Referred for legal guardianship, or
 - 4) Placed in another planned permanent living arrangement, for cases where IV-B/IV-E agency has documented to the court a compelling reason
 - 5) If a child will not be returned to parent, consider placement in-State or out-of-State placement options
 - 6) In the case of a youth who has attained age 16, determine the services needed to assist the child to transition from foster care to independent living

Licensing Requirements

- Child must be placed in a foster care facility that meets the standards for full licensure or approval established by the Tribe (for homes/facilities on/near reservation), State or Tribe.
- Probationary, provisional, or interim licenses are not considered fully licensed
- May be a family foster home, group home, private childcare institution, or public child institution that accommodates 25 or fewer children
- No IV-E payments: Detention facilities, forestry camps, training schools, or other facilities for detaining children adjudicated for delinquency

Safety Requirements

- Prospective foster parents, adoptive parents and relative guardians must clear criminal background checks, including finger print based FBI checks, before IV-E can be claimed
 - No felony convictions for Child related offenses (child abuse and neglect, child pornography, sexual assault, rape, or homicide)
 - No felony conviction for physical assault, battery, or drug related offense within the past five years

Safety Requirements

- Check child abuse and neglect registries in States where the adult resided in the preceding 5 years
 - Child care institution staff
- * *Note: Federal Requirements. States or Tribes may wish to have additional requirements.*

Adoption Assistance Program

Payments up to the amount of the foster care rate are available to children who meet the definition of a child with special needs and

- In the care of a public or private child welfare agency or Indian Tribal Organization via a contrary to the welfare judicial determination; a voluntary agreement or a voluntary relinquishment OR
- Would have been AFDC eligible OR
- Is eligible for SSI OR
- Is a child of a minor parent in IV-E FC, OR
- The child was eligible in a prior adoption and is being adopted

IV-E Adoption Assistance Eligibility

Child must meet the “special needs” criteria. The child:

1. Cannot or should not return home;
2. Has a specific factor or condition (defined by State/Tribe) that makes it reasonable to conclude that the child cannot be placed without AA or Medicaid;

Note: For “applicable children” this factor is met if child meets all medical or disability requirements for Supplemental Security Income (SSI) eligibility

AND

3. The IV-E agency has made a reasonable but unsuccessful effort to place the child without AA or Medicaid, except when it would be against child’s best interest such as having a significant emotional tie with the foster/adoptive parents.

Guardianship Assistance Program (GAP)

(Optional Program)

- Must be implemented Statewide/Tribal service area-wide.
- A child is eligible if s/he was eligible for IV-E foster care for 6 consecutive months in the home of the prospective relative guardian who was a licensed foster parent, being returned home/adoption is not an option, strong attachment exists to the relative guardian and the child was consulted if over age 14
- “Relative” may be defined broadly to include kin.

GAP, continued

- Payment may not exceed the foster care maintenance rate which would have been paid
- Siblings placed with the same guardian are eligible. The sibling does not need to meet any of the eligibility criteria.
- The agency must reimburse for total nonrecurring costs up to \$2,000. The GAP agreement must be in place before the guardianship is finalized. The GAP payment continues if the child and guardian move to another state.

Allowable IV-E Administrative Costs



Case Planning and Management

- Referral to services, supervision, case planning, case reviews
- Recruitment, Licensing studies of foster homes & facilities
- Pre-placement activities

Eligibility (IV-E and AFDC) determinations

General administration – share of related agency overhead (“indirect”)

Data collection and reporting (AFCARS or SACWIS operation costs)

Data Systems Requirement



- AFCARS – Adoption and Foster Care Reporting System
 - Twice a year, electronically report data regarding children in foster care and adoption for whom the agency has responsibility for placement and care, or supervision
 - Report on certain data on all adopted children placed by agency for whom the agency is providing adoption assistance
 - 66 Foster Care Data Elements, 37 Adoption Data Elements
 - FFP at 50% (planning, implementation, operation)

AFCARS



- Mandatory case level data reporting of:
 - Children under placement and care responsibility of Tribe in foster care and adoptive placement
 - Children who are adopted with the involvement of the Tribe's title IV-E agency
- Data is electronically submitted semi-annually to the Children's Bureau
- Use of an automated information system is not required

Considerations



- Extensive staff and resources are required to administer a program
- Extensive federal policy requirements and documentation
- Tribe will have case management, planning, and decision-making responsibility for their children
- Consider the percentage of children who could be eligible in your service area
- Match funds are required

Resources



Children's Bureau Webpage: <https://www.acf.hhs.gov/cb>

Law and Policy: http://www.acf.hhs.gov/cwpm/programs/cb/laws_policies/laws/cwpm/index.jsp

Funding: <http://www.acf.hhs.gov/cb/programs/state-tribal-funding>

Tribal focus area: <http://www.acf.hhs.gov/cb/focus-areas/tribes>

Capacity Building: <https://www.acf.hhs.gov/cb/capacity/resource-centers>

Child Welfare Information Gateway: <https://www.childwelfare.gov/>

Children's Bureau Regional Offices: <https://www.acf.hhs.gov/cb/about/organization>