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1. memo	Marina Weiss to Dani Rose re: personal information for meeting, 2p (partial)	6/29/95	P6/B6
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P1 National security classified information [(a)(1) of the PRA].
P2 Relating to appointment to Federal office [(a)(2) of the PRA].

P3 Release would violate a Federal statute [(a)(3) of the PRA].
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA].
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA].
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA].

C. Closed in accordance with restrictions contained in donor's deed of gift.

RESTRICTIONS

B1 National security classified information [(b) (1) of the FOIA].
B2 Release could disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA].
B3 Release would violate a Federal statute [(b)(3) of the FOIA].
B4 Release would disclose trade secrets or confidential commercial financial information [(b)(4) of the FOIA].
B6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA].
B7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA].
B8 Release would disclose information concerning the regulation of financial institutions [(b)(9) of the FOIA].
B9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA].

WR - Child Welfare

1995 House Version
+ HHS draft

Note:
Number should not be used

Savings/Cost

TITLE II: CHILD PROTECTION BLOCK GRANT

Repealing Title IV-E Foster Care and Adoption Assistance and Block Granting Child Protection Programs

Proposal

The bill repeals the current entitlement program for the Foster Care Program and the Adoption Assistance Program authorized under Title IV-E of the SSA. Title IV-E provides for federal participation in the costs related to placing and maintaining children in foster care, if the child would be eligible to receive AFDC payments. Under current law, a state may claim a share of the cost of placing and maintaining each eligible child. The Adoption Assistance Program provides federal participation in on-going cash assistance to persons who adopt IV-E eligible children with "special needs", such as children with special medical needs, older children, and minority children, who might not be adopted without the availability of this support.

The bill also repeals the Title IV-E Independent Living Program, which supports foster children in their transition to independent living; the Title IV-B Child Welfare Services Program, which provides funds that states can use for a wide variety of child protection activities; the recently enacted Family Preservation and Support Program, a capped entitlement that enables states to provide community-based services to children at high risk of abuse or neglect; and a number of other programs related to child protection and welfare, including the Family Unification Program, the Adoption Opportunities Program, the Abandoned Infants Assistance Program, the Crisis Nurseries Program, the McKinney Act Family Support Centers, grants for the Investigation and Prosecution of Child Abuse, Children's Advocacy Centers, and programs funded through the Child Abuse Prevention and Treatment Act. A new child protection block grant would be established in place of these programs.

Discussion

Eliminating the IV-E Foster Care and Adoption Assistance entitlements and replacing them with a capped block grant will increase risk to children and hinder reform of state child protection and child welfare systems. The amount of the block grant is set at \$4.416 billion in FY 1996 compared with \$4.713 billion that would have been available if current programs were continued. The block grant would provide \$4.681 billion in FY 1997, \$4.993 billion in FY 1998, \$5.253 billion in FY 1999, and \$5.557 billion in FY 2000. Over five years, about \$2.7 billion of federal funding to state child protection and child welfare systems will be lost.

The capped block grant jeopardizes hundreds of thousands of children. When child welfare systems have less money, more children go unprotected. State programs will be put in extra jeopardy by the repeal of the IV-E entitlement programs. It is very difficult for states to control foster care costs without risking severe harm to children. State laws appropriately require courts to place children into foster care when they will not be safe at home. The number of children who cannot be left safely in their own homes is influenced by a number of uncontrollable and unpredictable factors, such as growth in the child population, the amount of drug use by parents, levels of family violence, the number of abused and neglected children actually being identified, and increases in the number of families in poverty.

Because the Personal Responsibility Act reduces funds in AFDC, SSI and other programs that provide basic support to poor children and families, it is likely that the need for foster care and other protective services will increase even more than might otherwise have been the case. In addition, children in foster care now receiving SSI payments, instead of IV-E foster care payments, may

become ineligible for SSI under Title IV of the Personal Responsibility Act. This will result in added costs to the states that must be met through the child protection block grant.

The programs being cut serve the most vulnerable children in society, those who have been abused or neglected. In 1993, nearly 3 million children were reported as abused or neglected; this is 4 percent of all the children in the United States. Over 1,000 children die each year from abuse or neglect. Between 1988 and 1993, the national rate of reported child abuse and neglect rose by almost 25 percent. In 1993 alone, a million children were found to be neglected, physically abused, or sexually abused. During that same period, the total number of children in foster care increased from 340,000 to over 440,000; there was a fifty percent increase in the number of IV-E eligible children in foster care. Moreover, children coming to the attention of the child protection system have increasingly severe physical and emotional problems. About 25 percent of children entering foster care are under a year of age and many were exposed to drugs in utero.

The deleterious effects of poverty on children and their families is well documented, according to the National Research Council. Child maltreatment is disproportionately reported among poor families, and child neglect is found most frequently among the poorest of the poor families. Poor children are also more likely to experience severe violence.

There is unanimous agreement that state child welfare systems do not respond adequately to the needs of children. The proposals in the Personal Responsibility Act will worsen this already serious situation. First, there will be considerably less funds available to states. Second, eliminating foster care and adoption assistance payments eliminates a critical safety valve for the states.

State child welfare systems have been unable to cope with the magnitude of the problems they face. The situation is so extreme that courts in 22 states and the District of Columbia have found that the child welfare system violates state and federal laws designed to protect abused and neglected children. These courts have determined that children under agency care continue to be abused, both at home and in foster care. Twenty states have entered consent decrees, admitting major inadequacies, including the inability to even investigate many reports of child abuse, the inability to provide children with basic care, and in some instances, a failure to even provide children with a caseworker. In several states, courts have found it necessary to appoint monitors to run the system.

The difficulty states face is that the demands on the child protection system are enormous and growing. To deal with this crisis, states need adequate resources to investigate reports of abuse promptly, so that children do not remain in life-threatening situations; to provide services for parents and children, so that more children can remain safely in their own homes; to provide treatment for children in foster care, many of whom evidence substantial emotional problems and educational deficiencies and to support programs that help prevent child abuse; it is wrong to provide help to children only after they have been abused or neglected.

In many states, foster care costs are likely to consume a larger and larger share of the available child protection resources. Fewer funds would be available to support other critical activities: investigation of reports of abuse or neglect, provision of services to maintain children in their homes, subsidization of the adoption of children who need new families, and prevention activities. Moreover, the loss of money for prevention programs and community-based family support and family preservation programs would likely mean that more children will be abused or neglected, which would increase the need for foster care.

The Adoption Assistance entitlement enables states to place foster children with special needs into adoptive homes. Adoption assistance payments have increased by 254 percent nationally from 1988-1994, as states have placed more and more children in adoptive homes. It is estimated that over 100,000 families now receive these payments, and they will remain entitled to state support until their children reach age eighteen. However, eliminating the Adoption Assistance entitlement and including it in a capped block grant could lead to sharp cutbacks in efforts to place more children in adoptive homes.

Finally, the repeal of Title IV-E means that states will lose federal funds that are now available to help states develop information systems to track the services these vulnerable children receive. These funds are critical to help the states keep track of children in out-of-home placements and coordinate the multiple services abused and neglected children need. Under current law, federal funds cover 75 percent of the costs of developing information systems.

Purpose and Use of Funds; Penalties and Limitation on Enforcement

Proposal

The bill would allow states to use the funds in any manner they choose to accomplish the purposes specified in the law. These are to: (1) identify and assist families at risk of abusing or neglecting their children; (2) operate a system of receiving reports on abuse or neglect; (3) investigate families reported as abusive or neglectful; (4) provide support, treatment and family preservation services to families which are, or are at risk of, abusing or neglecting their children; (5) support children who must be removed from or cannot live with their families; (6) make timely decisions about permanent living arrangements for children; and (7) provide for ongoing evaluation and improvement of child protection laws, regulations and services. For the first two years of the block grant, states are required to maintain non-federal spending levels equal to their non-federal spending in FY 1995.

A state would be eligible for funds as long as it submits a plan to HHS with information on how it intends to use the funds to meet these purposes, including descriptions of the procedures used for: (A) receiving reports of child abuse or neglect; (B) investigating such reports; (C) protecting children in families in which child abuse or neglect is found to have occurred; (D) removing children from dangerous settings; (E) protecting children in foster care; (F) promoting timely adoptions; (G) protecting the rights of families; (H) preventing child abuse and neglect; and (I) establishing and responding to citizen review panels.

The plan must also provide certifications to HHS that procedures are in place in the state for the following: (1) reporting of abuse and neglect (including a mandatory reporting law); (2) investigating child abuse and neglect; (3) removing and placing endangered children; (4) developing, and periodically reviewing, case plans for children in foster care that will lead to permanent placements; (5) honoring existing adoption assistance agreements; (6) providing independent living services; (7) responding to reports of medical neglect of disabled infants; and (8) identifying quantitative goals for the state's child protection programs.

While states would have to make these certifications, the bill specifies that the Secretary may only determine whether a plan contains the required elements; she may not review the adequacy of the procedures described or whether the state is carrying out the activities it certified it would undertake.

The only penalties in the bill relate to illegal use of funds, failure to submit required data, failure to maintain levels of state effort for the first two years, and violating interethnic adoption provisions. If an audit finds that a state has used funds in a manner not authorized by this part of the Act, the amount of illegally spent funds may be withheld from the next year's funds, although no more than 25 percent may be withheld from each quarterly payment. Also, the annual grant would be reduced by 3 percent if a state fails to submit required data reports within 6 months (although the penalty would be rescinded if the state submitted the report before the end of the following fiscal year). A state found to violate the interethnic adoption provisions would lose all of its Title II funds for the period of the violation.

A clearinghouse and hotline on missing and runaway children (currently operated by the Department of Justice) is authorized at \$7 million per year within HHS.

Discussion

Concern that state child welfare systems were failing to protect children and to provide stable permanent homes led Congress to pass the Adoption Assistance and Child Welfare Act of 1980. There was strong bipartisan agreement on the need for a federal role in child welfare. Only two Congressmen dissented. Because of the major problems with child welfare systems, the Act was designed to ensure that there would be some federal monitoring of how states were using federal funds.

Under current law, states are required to comply with a small number of basic standards in running these systems. For example, the law requires that the state develop a case plan for each foster child, describing the reasons for placement and the plan for reuniting them with their parents or for providing them with another permanent home; that states assure that all children in foster care receive proper care; and that the status of children in foster care be reviewed periodically in state proceedings to determine that the case plan is being followed. States that fail to follow these basic procedures can be penalized.

The Personal Responsibility Act requires states to certify that they will do many of the things required by current law, but the bill eliminates any federal means of holding states accountable when they fail to perform adequately. A state neglecting its responsibilities to children would not be subject to any monitoring or penalties, except when a financial audit identified fraud or use of funds for illegitimate purposes. The federal government's role would be reduced to collecting information on state performance measures, with no authority to take any action if the data indicated that a state was performing poorly.

The bill seems to assume that HHS has been over-regulating state child welfare systems. In fact, between 1980 and 1992, HHS never issued regulations that provided states with guidance as to what requirements they were expected to meet or how they could best comply with the 1980 legislation; the only regulations adopted simply repeated the language of the statute. HHS's enforcement of the requirements established by Congress often was not rigorous and was misdirected.

There is no question that the federal role in child welfare could be substantially improved, and, since 1993, HHS has begun to work cooperatively with states to bring about compliance with the 1980 without the necessity for penalties. The new HHS process was facilitated by legislative changes Congress made last year. These changes authorize the Department to take a flexible approach in monitoring state compliance and allowing HHS to work with states to correct deficiencies, rather than rely exclusively on penalties.

Yet, despite problems in enforcement, federal requirements have led to many critical improvements in the child welfare system over the past 15 years. All state child welfare officials who testified in January before the Ways and Means Subcommittee on Oversight attested to the importance of the federal requirements. The continued failure of many states to improve their child welfare systems indicates that meaningful monitoring of these systems remains important. Without outside incentives, it is extremely doubtful that many state systems will reach a point where children are truly protected. As a result, courts will need to continue to step in to run these systems. Court oversight is a far less desirable alternative than a meaningful federal-state partnership in improving child welfare.

Citizen Review Panels

Proposal

States would be required to establish at least three citizen review panels that would review specific cases to determine state compliance with the state plan and any other standards the panel wishes to establish. While the panels would be required to make a report of their findings available to the public, they have no further powers. In its plan for the block grant each state is required to describe how it will establish and respond to these panels.

Discussion

Increasing citizen involvement in the child welfare system is a highly desirable goal. This is a central purpose of several of the programs that would be repealed by the bill. However, under the proposal, the citizen review panels would have a very limited role. It is unclear to what cases citizen panels would have access. Most importantly, the citizen review panels would not have authority to hold states accountable.

The evidence from a number of states is that the recommendations of citizen panels have been ignored by state officials. These panels are not a substitute for having some ultimate federal ability to ensure that the requirements of the law are being complied with.

Data Collection and Reporting

Proposal

Annual state data reports would be submitted to HHS. They would include aggregate state-level data, such as the number of children abused and neglected, deaths resulting from child abuse and neglect, the number of children in foster care, and the number of families who received services. These statistics could be determined through actual counts of children or could be estimated through sampling. Additional data elements would have to be approved by a majority of the states. States would also provide data indicating their progress toward achieving the goals specified in the proposal, as well as a summary response to the citizen review panels' findings and recommendations. The Secretary of HHS would issue an annual report of this data and provide it to the public.

Under the provisions of this bill, the Adoption and Foster Care Automated Reporting System (AFCARS) would be repealed. This program provides individualized data on the experiences of children in foster care and adoptive placement in all 50 states. The program is just beginning this year and will provide the first national view of the foster care population.

The proposal would provide \$6 million per year to conduct a national random-sample study of child welfare. In addition, \$10 million per year would be authorized for research and training in child welfare, to be spent at the Secretary's discretion.

Discussion

Collection of meaningful data by the states is important to improving child welfare systems. However, the aggregate data that would be reported under the proposal will not provide a clear understanding of which children the states are serving and whether the states are reaching the established goals of protecting children.

For the Congress or HHS to adequately assess and monitor state performance, analysis of individualized data such as that in AFCARS is required. Without individual-level data, it is difficult to understand whether children are being served and protected adequately within the states. Important policy and practice issues--such as how long different types of children stay in care before returning home or being adopted--cannot be addressed through aggregate reporting.

Though the bill provides some funding for child welfare research and training, the funding is well below that under current law. States are not likely to increase their own contributions to research as federal funds are cut back. Therefore, an important source of learning about the problems of these vulnerable children and the effectiveness of programs aimed at helping them could be lost.

Funding and State Allotment

Proposal

The block grant would consist of two components: most of the funding would be a five year capped entitlement to the states, while in each year \$486 million of the total would be subject to annual appropriation. Total funding would be \$4.416 billion in FY 1996, \$4.681 billion in FY 1997, \$4.993 billion in FY 1998, \$5.253 billion in FY 1999, and \$5.557 billion in FY 2000. The block grant funds would be allocated to the states based on their proportion of the higher of (1) one-third of the state's amount of federal obligations for selected child welfare programs for FY 1992 through FY 1994 or (2) the state's amount of Federal obligations for those programs for FY 1994. The proposal would provide no funds for Indian tribes. The proposal does not address how states would receive payment for legitimate entitlement claims incurred in earlier fiscal years.

States would be required to maintain their 1995 level of spending on these programs through 1997. Beginning in 1998, states would be allowed to transfer up to 30 percent of funds from this block grant to other block grants, including those created by this bill as well as Title XX and any food and nutrition block grant that may be created in the future by the 104th Congress.

Discussion

The amount of the block grant is set at \$4.416 billion in FY 1996 compared with \$4.713 billion that would have been available if current programs were continued. Over five years, \$2.7 billion of federal funding to state child protection systems will be lost. This is a reduction in federal funding of 10 percent. The ability of states to transfer funds out of this block grant increases the likelihood that state child welfare systems will lack necessary funding.

By distributing funds based on a state's recent proportion of Title IV-E obligations, the formula favors states that have placed large numbers of children in foster care or have succeeded in making large claims for child placement services and administration. Many states have high IV-E claims for child placement services and administration because they have used these funds to improve their casework systems and to provide preventive and in-home services. These states would get more money under the Title II block grant, while states that have not yet used administrative funds for system improvement would get less. For example, 41 states are just beginning to develop computer systems which would be eligible for special funding, funding that would be repealed under the proposal. As a result, states with the greatest need may have access to the least amount of funds. The current inequities among the states would be frozen in place for the next five years.

The formula would greatly disadvantage those states that, for reasons beyond their control, such as changes in population or increases in cases of serious child abuse, will need to increase the number of children placed in foster care. In addition, creating a formula based on payments to states for any one year locks in place problems created because of IV-E foster care and adoption's multi-year claiming process. Any state with many back claims in the selected year will have a disproportionately large share of funds in each of the five years of the block grant.

Historical Analysis

If a block grant had been put into effect in FY 1990, based on funding levels in FY 1988--and escalated at the same rate as the proposed block grant--states would have received 49 percent less funding in FY 1994 than they actually received. Overall, states would have lost \$1.5 billion dollars of federal funding in that year alone. Every state but one would have lost funding under such block grant. The biggest losers in dollar terms would have been California (losing \$356 million), New York (losing \$310 million), Pennsylvania (losing \$102 million), and Illinois (losing \$101 million). In percentage terms, the biggest losers would have been Massachusetts (losing 83 percent), Hawaii (losing 80 percent), Indiana (losing 72 percent), and Connecticut (losing 71 percent).

This clearly shows that a child protection block grant -- even with increasing allocations over five years -- would have the potential to dramatically cut the funding to states. A block grant cannot anticipate growth in child abuse and neglect or in the need for foster care. If states experience foster care caseload growth beyond that assumed in the capped amount over the next five years, they would lose millions of dollars in federal child welfare funding.

Medicaid

Proposal

As with other children, any foster child whose family meets those requirements for IV-A eligibility that were in effect on March 7, 1995 would be Medicaid eligible.

Discussion

The bill would require States to continue judging Medicaid eligibility on IV-A standards from March 7, 1995 even if it subsequently changed its AFDC eligibility requirements. This will potentially create a two-tiered Medicaid eligibility system in each state.

Interethnic Adoption**Proposal**

The bill repeals the Multiethnic Placement Act and substitutes replacement language. A state found to have discriminated would lose all of its Title II block grant funds for the period of time during which the violation occurred.

Discussion

The Multiethnic Placement Act provides that states or other entities that receive Federal funds shall not deny, delay or otherwise discriminate in making foster and adoptive placements on the basis of the race, color, or national origin of the prospective parents or the child. The Act further provides that a state or other entity may consider the race, ethnicity, or cultural background of a child and the capacity of prospective parents to meet the needs of a child of that background as one of a number of factors in making placement decisions, providing that it did not delay or deny placements. Finally, the Act requires that states and other entities make active efforts to recruit foster and adoptive parents capable of meeting the needs of the children needing placement. States and other entities violating the Act are subject to sanctions pursuant to Title VI of the 1964 Civil Rights Act. These penalties range from compliance actions to full termination of funding.

The proposed bill includes essentially the same prohibition as provided for by Multiethnic Placement Act. Unlike that Act, it contains no language discussing whether or how the background of the child may be considered. It also does not address recruitment issues.

Under the proposed bill a state that violates the prohibition shall remit all funds that were paid it under the Child Protection Block Grant during the period of illegal behavior. This proposed penalty would mean that a state would lose all Federal funds provided to the state for use in supporting foster care, adoption, and child protection activities based on a single act of discrimination.

WR-Child Welfare

1996 W&H Full Ctee - w.R. Bill -- (H.R. 3507)
Chairman Archer's Mark

House Personal Responsibility Act

**Title VII
Child Protection**

→ Only 1 amendment during full ctee markup: guaranteed NE medical cvg.

Subtitle A - Child Protection Block Grant Program and Foster Care, Adoption Assistance, and Independent Living Programs

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Subtitle A - Child Protection Block Grant Program and Foster Care, Adoption Assistance, and Independent Living Programs

Chapter 1 - Block Grants to States for the Protection of Children

Section 701. Establishment of Program

1. Purpose

Child Welfare Services, now provided for in Title IV-B of the Social Security Act, are designed to help States provide child welfare services, family preservation, and community-based family support services.

The proposed Child Protection Block Grant would replace current law under Title IV-B. The purpose of the Child Protection Block Grant is to: (p. 263)

- (1) identify and assist families at risk of abusing or neglecting their children;
- (2) operate a system for receiving reports of abuse or neglect of children;
- (3) improve the intake, assessment, screening, and investigation of reports of abuse and neglect;
- (4) enhance the general child protective system by improving risk and safety assessment tools and protocols;
- (5) improve legal preparation and representation, including procedures for appealing and responding to appeals of substantiated reports of abuse and neglect;
- (6) provide support, treatment, and family preservation services to families which are, or are at risk of, abusing or neglecting their children;
- (7) support children who must be removed from or

Item	Current Law	Description of Provision
		<p>who cannot live with their families; (p. 263)</p> <p>(8) make timely decisions about permanent living arrangements for children who must be removed from or who cannot live with their families;</p> <p>(9) provide for continuing evaluation and improvement of child protection laws, regulations, and services;</p> <p>(10) develop and facilitate training protocols for individuals mandated to report child abuse or neglect; and</p> <p>(11) develop and enhance the capacity of community-based programs to integrate shared leadership strategies between parents and professionals to prevent and treat child abuse and neglect at the neighborhood level. (p. 264)</p>
<p>2. <u>Eligible States</u></p> <p>a. In General</p>	<p>To be eligible for funding under Title IV-B and IV-E, States must have State plans (developed jointly with the Secretary under Title IV-B, and approved by the Secretary under Title IV-E). In addition, to receive funds under the Child Abuse Prevention and Treatment Act (CAPTA), States must comply with certain requirements including submission of a State plan.</p>	<p>An "Eligible State" is one that has submitted to the Secretary, not later than October 1, 1996 and every three years thereafter, a plan (as described below) which has been signed by the Chief Executive Officer of the State, and contains information and certifications as described below. (p. 264)</p>

Item	Current Law	Description of Provision
b. Outline of Child Protection Program	<p>States must have a child-welfare services plan developed jointly by the Secretary and the relevant State agency which provides for single agency administration and which describes services to be provided and geographic areas where services will be available, among numerous other requirements, including extensive Federal child protection requirements. The State plan also must meet many other requirements, such as setting forth a 5-year statement of goals for family preservation and family support and assuring the review of progress toward those goals. For foster care and adoption assistance, States must submit for approval a Title IV-E plan providing for a foster care and adoption assistance program and satisfying numerous requirements. The Child Abuse Prevention and Treatment Act (CAPTA) requires States to have in effect a law for reporting known and suspected child abuse and neglect as well as providing for prompt investigation of child abuse and neglect reports, among many other requirements.</p>	<p>A State plan must include information on the State's child protection program, including State activities and procedures to be used for: (p. 264)</p> <ol style="list-style-type: none"> (1) receiving and assessing reports of child abuse or neglect; (2) investigating such reports; (3) with respect to families in which abuse or neglect has been confirmed, providing services or referral for services for families and children where the State makes a determination that the child may safely remain with the family; (4) protecting children by removing them from dangerous settings and ensuring their placement in a safe environment; (5) providing training for individuals mandated to report suspected cases of child abuse or neglect; (6) protecting children in foster care; (7) promoting timely adoptions; (8) protecting the rights of families, using adult relatives as the preferred placement for children separated from their parents if such relatives meet all relevant standards; and

Item	Current Law	Description of Provision
c. Certification of State Law Requiring the Reporting of Child Abuse and Neglect	To receive funds under the Child Abuse Prevention and Treatment Act, States must have a law in effect that provides for reporting of known and suspected instances of child abuse and neglect.	(9) providing services aimed at preventing child abuse and neglect. Each State must certify it has in effect laws that require reporting of child abuse and neglect. (p. 265)
d. Certification of Procedures for Screening, Safety Assessment, and Prompt Investigation	Under CAPTA, States also must have a program to investigate allegations of abuse or neglect, must preserve confidentiality of records, and must provide that every abused or neglected child involved in a court proceeding is represented by a guardian ad litem.	Each State must certify it has in effect procedures for the immediate screening, safety assessment, and prompt investigation of child abuse or neglect reports. (p. 265)
e. Certification of State Procedures for Removal and Placement of Abused or Neglected Children	To receive funding under Title IV-B and IV-E of the Social Security Act, States must comply with certain procedures for removal of children from their families when necessary.	Each State must certify it has in effect procedures for the removal and placement of abused or neglected children. (p. 265)
f. Certification of Provisions for Immunity from Prosecution	Under CAPTA, States must have a law in effect that provides immunity from prosecution for reporters of abuse or neglect.	Each State must certify it has in effect laws requiring immunity from prosecution under State and local laws for individuals making good faith reports of suspected or known cases of child abuse or neglect. (p. 265)
g. Certification of Provisions and Procedures Relating to Appeals	No provision.	Each State must certify that no later than two years after enactment it will have in effect laws and procedures affording individuals an opportunity to appeal an official finding of abuse or neglect. (p. 265)

Item	Current Law	Description of Provision
<p>h. Certification of State Procedures for Developing and Reviewing Written Plans for Permanent Placement of Removed Children</p>	<p>To receive funding under Title IV-B and IV-E of the Social Security Act, States must develop case plans for each child that are reviewed at least every six months and contain specified information.</p>	<p>Each State must certify it has in effect procedures for developing and reviewing written plans for the permanent placement of each child removed from the family that:</p> <ul style="list-style-type: none"> (1) specifies the goal for achieving a permanent placement for the child in a timely fashion; (2) ensures that the plan is reviewed every six months; and (3) ensures that information about the child is gathered regularly and placed in the case record. (p. 266)
<p>i. Certification of State Program to Provide Independent Living Services</p>	<p>Under Title IV-E, States receive capped entitlement grants for independent living services.</p>	<p>Each State must certify it has in effect a program to provide independent living services to 16-19 year old youths (and, at State option, youths up to age 22) who are in the foster care system but have no family to support them. (Under the bill, States also will continue to receive capped entitlement grants for Independent Living services as under current law, see p. 19 of this document.) (p. 266)</p>
<p>j. Certification of State Procedures to Respond to Reporting of Medical Neglect of Disabled Infants</p>	<p>Under CAPTA, States must have procedures or programs (or both) to respond to reports of medical neglect of disabled infants.</p>	<p>Each State must certify it has in effect procedures or programs (or both) to respond to reports of medical neglect of disabled infants. (p. 267)</p>
<p>k. Identification of Child Protection Goals</p>	<p>Under Title IV-E, States must establish specific goals for the maximum number of eligible children who will remain in foster care for more than 24 months.</p>	<p>Each State must outline the quantitative goals of the State child protection program. (p. 268)</p>

Item	Current Law	Description of Provision
<p>I. Certification of Child Protection Standards</p>	<p>Under Title IV-B, for fiscal years beginning on or after April 1, 1996, State plans must provide assurances that:</p> <p>(1) the State has completed an inventory of all children who, before the inventory, had been in foster care under the responsibility of the State for six months or more, which determined: (i) the appropriateness of, and necessity for, the foster care placement; (ii) whether the child could or should be returned to the parents of the child or should be freed for adoption or other permanent placement; and (iii) the services necessary to facilitate the return of the child or the placement of the child for adoption or legal guardianship;</p> <p>(2) the State is operating to the satisfaction of the Secretary: (i) a statewide information system on children who are or have been in foster care in the last year; (ii) a case review system for each child receiving foster care under the supervision of the State; (iii) a service program designed to help children return to families from which they have been removed; or be placed for adoption; (iv) a preplacement preventive service program designed to help children at risk remain with their families; and</p> <p>(3) the State has reviewed State policies and procedures in effect for children abandoned at birth; and is implementing (or, will implement by October 31, 1996) such policies or procedures to enable permanent decisions with respect to the placement of such children to be made expeditiously. (For fiscal years</p>	<p>With respect to fiscal years beginning on or after April 1, 1996, States must certify that they have complied with the same child protection standards as under current law. Standards related to abandoned children must be met by October 1, 1997. (p. 268)</p>

Item	Current Law	Description of Provision
m. Certification of Reasonable Efforts Before Placement of Children in Foster Care	<p>beginning before April 1, 1996, these standards were incentive funding requirements that States had to meet in order to receive their full Title IV-B allotment, and were known as section 427 protections.)</p> <p>Title IV-F State plans must provide that, in every case, reasonable efforts will be made (A) prior to the placement of a child in foster care, to prevent or eliminate the need for removal of the child from her home; and (B) to make it possible for the child to return to her home.</p>	<p>Each State must certify that it will make reasonable efforts to prevent the placement of children in foster care and to make it possible for the child to return home. Each State must also certify that it provides services for children and families where maltreatment has been confirmed but the child remained with the family. (p. 269)</p>
n. Certification of Assignment to State of Child Support Payments	<p>Title IV-F State plans must provide that, where appropriate, all steps will be taken, including cooperative efforts with State AFDC and child support enforcement agencies, to secure an assignment of any rights to support of a child receiving foster care maintenance payments under Title IV-E.</p>	<p>Each State must certify it will take all appropriate steps, including cooperative efforts, to secure an assignment to the State of any rights to support on behalf of each child receiving foster care maintenance payments. (p. 269)</p>
o. Certification of Confidentiality and Requirements for Information Disclosure	<p>Under CAPTA, State plans must provide for methods to preserve confidentiality of records, and requirements for prompt disclosure of relevant information to Federal, State, or local governments or entities with a need for such information in order to protect children from abuse or neglect.</p>	<p>Each State must certify that it has in effect requirements for disclosure of records only to specified individuals and entities, and provisions that allow for public disclosure of findings or information about cases of child abuse or neglect that have resulted in a child fatality or near fatality (except that such disclosure shall not include identifying information about the individual initiating a report of suspected child abuse or neglect. (p. 270)</p>

Item	Current Law	Description of Provision
p. Determinations	State Title IV-B plans are developed jointly with the Secretary. State Title IV-E plans must be approved by the Secretary. The Secretary must approve any plan that complies with statutory provisions.	The Secretary of IHS must determine whether the State plan includes the required materials and certifications (except material related to the certification of State procedures to respond to reporting of medical neglect of disabled infants). The Secretary cannot add new elements beyond those listed above. (p. 271)
3. Grants to States for Child Protection		
a. Funding of Block Grants		
(1) Entitlement Component	Title IV-B of the Social Security Act contains both discretionary and capped entitlement funding, for helping States provide assistance to troubled families and their children. Of capped entitlement funding provided for family preservation and support, 1 percent is reserved for Indians.	Each eligible State shall be entitled to receive from the Secretary an amount equal to the State share of the Child Protection Block Grant for the fiscal year (see "child protection amount" as defined below). A set-aside is provided for Indians equal to 1 percent of the entitlement money flowing into the block grant. (p. 271)
(2) Authorization Component	Of discretionary appropriations provided for child welfare services the Secretary may provide funds directly to Indians such amounts equal to 0.36 percent of appropriations in fiscal year 1995.	Each eligible State is also given funds equal to the State share of the authorization component of the block grant that is appropriated each year. Indians are given 0.36 percent of the appropriated money flowing into the block grant. (p. 271)
b. Limitations on Authorization of Appropriations	For child welfare services under Title IV-B, \$325 million is authorized annually.	Funds for the authorization component of the block grant under this section are not to exceed \$325 million each year.(p. 272)

Item	Current Law	Description of Provision
c. Definitions		
(1) Child Protection Amount	For family preservation and support services, \$225 million is authorized in FY 1996, \$240 million in FY 1997, and \$255 million in FY 1998.	The term "child protection amount" means: \$240 million for fiscal year 1997; \$255 million for fiscal year 1998; \$262 million for fiscal year 1999; \$270 million for fiscal year 2000; \$278 million for fiscal year 2001; \$286 million for fiscal year 2002. (p. 271)
(2) State Share	State allotments for child welfare services are based on the State's child population and per capita income. State allotments for family preservation and support are based on the number of children in the State receiving Food Stamps.	The term "State share" means the qualified child protection expenses of a State divided by the sum of the qualified child protection expenses of all of the States. (p. 271)
(3) Qualified Child Protection Expenses		The term "qualified child protection expenses" means Federal grants to the State under the Child Welfare Services Grant and the Family Preservation and Support Services Grant in fiscal year 1994 or the average of 1992-94, whichever is greater. (p. 272)
d. Determination of Information		
		In determining amounts for fiscal years 1992 through 1994, the Secretary shall use information listed as actual amounts in the Justification for Estimates for Appropriation Committees of the Administration for Children and Families for fiscal years 1994 through 1996. (p. 273)

Item	Current Law	Description of Provision
e. Use of Grant	Funds must be used for "protecting and promoting the welfare of children . . . preventing unnecessary separation of children from their families . . . restoring children to their families if they have been removed . . . family preservation services . . . community-based family support services to promote the well-being of children and families and to increase parents' confidence and competence." A State to which funds are paid under this section may use such funds in any manner that the State deems appropriate to accomplish the purposes of this part.	
f. Timing of Expenditures	Provisions vary under programs to be replaced.	A State to which funds are paid under this section may use the money in any manner the State deems appropriate to accomplish the purposes of this part, but the funds must be expended not later than the end of the immediately succeeding fiscal year. (p. 273)
g. Rule of Interpretation	For-profit foster care providers are not eligible for Federal funding under Title IV-E.	For-profit, foster care facilities are eligible to receive funds from the block grant, or under Title IV-E. (p. 273).
h. Timing of Payments	Under Title IV-B, the Secretary makes payments to States periodically.	The Secretary must make payments on a quarterly basis.

Item	Current Law	Description of Provision
i. Penalties	<p>Section 1123 of the Social Security Act requires the Secretary to establish by regulation a new Federal review system for child welfare, which would allow penalties for misuse of funds. Regulations are expected to be published during the summer of 1996. (This provision would not be affected by the proposal.)</p>	<p>(1) <u>For misuse of funds.</u> If an audit determines that any amounts provided to a State have been spent in violation of this part, the Secretary must reduce the grant otherwise payable for the next fiscal year by the amount of the misspent funds, plus 5 percent of the grant. (p. 273)</p> <p>(2) <u>For failure to maintain effort.</u> If States fail to maintain State spending equal to State expenditures under Part B of Title IV in fiscal year 1994, the Secretary must reduce the grant payable under this section by an amount equal to the previous year's shortfall in maintenance of effort. A penalty of 5 percent of the State grant must also be imposed. States must maintain 100 percent of prior effort in fiscal years 1997 and 1998; and 75 percent in fiscal years 1999 through 2002. (p. 274)</p> <p>(3) <u>For failure to submit report.</u> If the Secretary determines that the State has not submitted mandatory adoption and foster care data reports within 6 months of the end of the fiscal year, the Secretary must reduce by 3 percent the amount of the State's block grant. If the report is submitted before the end of the immediately succeeding fiscal year, the Secretary shall rescind the penalty. (p. 274)</p> <p>Except in the case of failure to maintain effort, the Secretary may not impose a penalty if the determination is made that the State has reasonable cause for failing to comply with the requirement.</p>

Item	Current Law	Description of Provision
j. Treatment of Territories		Further, a State must be informed before any penalty is imposed and be given an opportunity to enter into a corrective compliance plan. The proposal includes a series of deadlines for submission of such corrective compliance plans and review by the Federal government. No quarterly payment can be reduced by more than 25 percent; penalty amounts above 25 percent must be carried forward to subsequent quarters. (p. 275)
		Each territory is entitled to receive from the Secretary for any fiscal year an amount equal to the total obligations due to the territory under the Social Security Act for fiscal year 1995, subject to the mandatory ceiling amounts in Sec. 1108 of the Social Security Act. (p. 277)
k. Limitation on Federal Authority		Except as expressly provided in this Act, the Secretary may not regulate the conduct of States under this part or enforce any provision of this Act. (p. 277)
4. <u>Data Collection and Reporting</u>		
a. National Child Abuse and Neglect Data System	CAPTA requires that the Secretary shall, through the National Center on Child Abuse and Neglect, establish a national data collection and analysis program which coordinates existing State child abuse and neglect reports, including: standardized data on substantiated, as well as false, unfounded, or unsubstantiated reports, and information on the number of deaths due to child abuse and neglect. State child abuse and reporting information must be: collected, analyzed, made public.	Same as current law, except references to the National Center on Child Abuse and Neglect are deleted. (p. 277)

Item	Current Law	Description of Provision
<p>b. Adoption and Foster Care and Analysis and Reporting System (AFCARS)</p>	<p>and integrated with foster care and adoption data.</p> <p>In 1986 Congress established the National Advisory Committee on Adoption and Foster Care Information to assist IHHS in designing a new comprehensive nationwide data collection system with full system implementation expected to be completed by October 1991. However, final regulations were not issued until December 1993 with the first transmission of data due May 1995. All States are now participating in the Adoption and Foster Care Analysis and Reporting System (AFCARS). IHHS is currently analyzing the first datasets transmitted from the States. The final rules require semi-annual reporting on all children in foster care. The data collection is child and case specific and is intended to yield a semi-annual snapshot of child welfare trends. It is also intended to yield information that will enable policymakers to "track" children in care and find out the reasons why children enter foster care, how long children stay in foster care, and what happens to children while in foster care as well as after they leave foster care.</p> <p>In 1993, Congress authorized enhanced funding of 75 percent for both the AFCARS system and for several additional functions not originally envisioned as part of AFCARS capability. These new functions included electronic data exchange within the State, automated data collection on all children in foster care, collection and management of information necessary to facilitate</p>	<p>The Committee provision leaves unaltered the current State data reporting system on child protection. The enhanced funding rate of 75 percent for the SACWIS system is extended for 1 additional year. (p. 277)</p>

Item	Current Law	Description of Provision
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delivery of child welfare services and to determine eligibility for such services, case management, case plan development and monitoring, and information security. Enhanced funding of 75 percent for this second data system, which HHS calls the Statewide Automated Child Welfare Information System (SACWIS), expires on October 1, 1996.

c. Additional Information

The Secretary may require the provision of additional information under the data collection system if such information is agreed to by a majority of the States. (p. 278)

d. Annual Report by the Secretary

The Secretary shall prepare a report based on information provided by the States no later than six months after the end of each fiscal year. (p. 278)

5. Funding for Studies of Child Welfare

a. National Random Sample Study of Child Welfare

No provision.

The Secretary is entitled to receive, for each of fiscal years 1996 through 2002, \$6 million to conduct a national study based on random samples of children who are at risk of child abuse or neglect, and \$10 million for other research. (p. 279)

b. Assessment of State Courts' Improvement in the Handling of Proceedings Relating to Foster Care and Adoption

For each of fiscal years 1996 through 1998, the Secretary is entitled to receive \$10 million for the assessment of State courts related to foster care and adoption.

Same as current law; requires that no funds be expended later than September 30, 1999. (p. 279)

Item	Current Law	Description of Provision
6. <u>Definitions</u>		
a. Administrative Reviews	The term "administrative review" means a review of a child's status open to participation by parents conducted by a panel of appropriate persons.	Same as current law. (p. 279)
b. Adoption Assistance Agreement	The term "adoption assistance agreement" means a written binding agreement between the State and the prospective adoptive parents of a minor child which specifies the nature and amount of any payments, services, and assistance to be provided under the agreement and stipulates that the agreement shall remain in effect regardless of the State in which the adoptive parents are residing at any given time.	Same as current law. (p. 279)
c. Case Plan	The term "case plan" means a written document which includes: a description of the type of home or institution in which a child is to be placed, including a discussion of the appropriateness of the placement; a description of how the agency plans to implement the voluntary placement agreement or the judicial determination made with respect to the child; and a copy of the health and education records of the child.	Same as current law. (p. 280)
d. Case Review System	The term "case review system" means a procedure for assuring that: (i) each child has a case plan designed to achieve placement in the most appropriate setting that is consistent with the best interests of the child; for a child placed at a distance from the parents, the case	Same as current law. (p. 281)

plan must explain why that is in the best interests of the child and, if the child is placed in another State, the case plan must require a caseworker from the parents' State to visit the child at least every 12 months or require a caseworker from the State in which the child has been placed to visit the child and report to the parents' State;

(ii) the status of each child is reviewed at least once every six months to determine whether the placement should continue;

(iii) a dispositional hearing must be held for each child in foster care no later than 18 months after the original placement and not less frequently than every 12 months thereafter, to determine the future status of the child; and

(iv) a child's health and education record must be reviewed and updated and supplied to the foster care provider at the time of each placement of the child.

e. Child-Care Institution

The term "child care institution" means a licensed nonprofit private or public facility which accommodates no more than 25 children. The term does not apply to detention facilities, forestry camps, training schools, or centers for delinquent children.

Same as current law, except the word "nonprofit" is deleted. (p. 282)

Item	Current Law	Description of Provision
f. Foster Care Maintenance Payments	The term "foster care maintenance payments" means: payments to cover the cost of food, clothing, shelter, daily supervision, school supplies, personal incidentals, and liability insurance for the child and travel to the child's home for visitation. In the case of institutional care, the term shall include the reasonable costs of administration and operation to provide for the child's basic needs. Special rules apply to cases in which both a parent and a child are placed in the same facility.	Same as current law. (p. 283)
g. Foster Family Home	The term "foster family home" means a home for children who must be temporarily removed from their family home which is licensed or has been approved by the appropriate State agency.	Same as current law. (p. 284)
h. Parents	The term "parents" means biological or adoptive parents or legal guardians, as determined by State law.	Same as current law. (p. 284)
i. State	The term "State" means the 50 States and the District of Columbia.	Same as current law. (p. 284)
j. Voluntary Placement	The term "voluntary placement" means that the parents or guardians of a minor child have requested the assistance of the State and have voluntarily signed an agreement allowing the child to be placed outside the home.	Same as current law. (p. 284)
k. Voluntary Placement Agreement	The term "voluntary placement agreement" means a written binding agreement between the State and parents or guardians that specifies the legal status of	Same as current law. (p. 284)

Item	Current Law	Description of Provision
	the child and the rights and obligations of the parents or guardians, the child, and the agency while the child is in placement.	
Section 702. Conforming Amendments	No provision.	This section makes a series of technical and conforming amendments to the Social Security Act and the Omnibus Budget Reconciliation Act of 1986. (p. 284)

Chapter 2 - Foster Care, Adoption Assistance, and Independent Living Programs
Subchapter A - Conforming Amendments to Part E of Title IV

Section 711. Conforming Amendments (pp. 285-301)

Note: The Committee proposal retains the policy of current law with regard to the foster care, adoption assistance, and independent living programs under Title IV-E. Thus, open-ended entitlement matching funds will continue to be available for maintenance payments, administrative and child placement costs, and training expenses for both foster care and adoption assistance. The independent living program will continue as a capped entitlement. However, the State plan required for Title IV-E under current law is consolidated into the single State plan required for the proposed Child Protection Block Grant. In addition, the proposal deletes a current law provision requiring that a single State agency administer both Title IV-B and Title IV-F. Statutory references to "State agency" are changed to "State."

Rather than making numerous technical amendments to current law, section 711 of the proposal restates the statutory provisions authorizing the foster care, adoption assistance, and independent living programs. (p. 296) These provisions establish the purpose of Title IV-E, and define eligible States as those that have submitted plans meeting the requirements of the Child Protection Block Grant. Current law provisions governing the operation of foster care, adoption assistance, and independent living, with necessary technical changes, are re-established in the bill. Definitions currently found in Title IV-E are moved to the definitions section in the Child Protection Block Grant (see above). Likewise, data collection provisions currently in Title IV-E are moved to the Child Protection Block Grant.

There are three substantive differences between current law and the proposal with regard to foster care (p. 285), adoption assistance (p. 288), and independent living. First, Title I of the proposal replaces the AFDC program with a block grant for Temporary Assistance for Needy Families, which affects eligibility for Title IV-E. Under current law, children must have been removed from AFDC-eligible families to be eligible for Title IV-E assistance. The proposal establishes that children must be removed from families that would have met eligibility standards for AFDC, as in effect on the day before enactment of these amendments and adjusted for inflation in accordance with regulations issued by the Secretary.

Second, the term "nonprofit" is deleted from references to private child care institutions, including in the definition of such institutions. This change is consistent with the rule of interpretation under the Child Protection Block Grant, which states that this part shall not be interpreted to prohibit short- and long-term foster care facilities operated for profit from receiving funds, under Part B or Part E.

Third, the proposal provides States with 1 year of enhanced funding (at 75 percent rather than 50 percent) to complete implementation of their Statewide Automated Child Welfare Information Systems (SACWIS). (p. 293)

Item	Current Law	Description of Provision
Chapter 3 - Miscellaneous		
Section 731. Secretarial Submission of Legislative Proposal for Technical and Conforming Amendments	No provision.	Not later than 90 days after the date of enactment, the Secretary of Health and Human Services must submit to Congress a legislative proposal providing for technical and conforming amendments required by the changes made in this subtitle of the bill. (p. 301)
Section 732. Sense of the Congress Regarding Timely Adoption of Children	No provision.	This section expresses the sense of the Congress that too many adoptable children are spending too much time in foster care, that States must take steps to increase the number of children who are adopted in a timely manner, and that States could achieve savings if they offered incentives for the adoption of special needs children, among other provisions. (p. 301)
Section 733. Effective Date; Transition Rules	No provision.	The changes made in this subtitle will be effective on and after October 1, 1996. Provisions that authorize and appropriate funds in fiscal year 1996 for research and court improvements, and certain technical and conforming amendments are effective upon enactment. The proposal establishes transition rules for pending claims, actions and proceedings, and closing out accounts for programs that are terminated or substantially modified. (p. 302)

Subtitle B - Child and Family Services Block Grant

The block grant and associated activities under Subtitle B are not under the jurisdiction of the Committee on Ways and Means. The Committees with jurisdiction are the House Economic and Educational Opportunities Committee and the Senate Labor and Human Resources Committee. The Child and Family Services Block Grant created by Subtitle B consolidates the following programs into a single block grant: The Child Abuse Prevention and Treatment Act, the Abandoned Infants Assistance Act, adoption opportunities under the Child Abuse Prevention and Treatment and Adoption Reform Act, the family support centers under the McKinney Homeless Assistance Act, and the Temporary Child Care and Crisis Nurseries Act. The Child and Family Services Block Grant has the same State plan and certification requirements as the Child Protection Block Grant created by Subtitle A. The two Block Grants also have the same data collection and reporting requirements for child abuse incidence data and for the implementation of foster care and adoption tracking systems. The Child and Family Services Block Grant is authorized at \$230 million for fiscal year 1996 and "such sums as may be necessary" are authorized for fiscal year 1997 through fiscal year 2002. Title II of the Child and Family Services Block Grant provides that funds be available for research, demonstrations, training and technical assistance to better protect children from maltreatment. Funds under this block grant also will establish a National Clearinghouse for Information Relating to Child Abuse, provide demonstration grants for the development of innovative programs, provide technical assistance to States to assist with child abuse investigation and the termination of parental rights proceedings, and provide training for professionals in related fields. For these Title II activities, 12 percent of the \$230 million provided for this Block Grant is authorized. The Missing Children's Assistance Act and the Victims of Child Abuse Act of 1990 are both reauthorized. (pp. 304-336)

Estimated Child Protection Block Grant Allocations Under Ways and Means Welfare Reconciliation
(Assuming Appropriation at Authorization Level for Discretionary Funds, \$ in thousands)

State	State share of historical expenditures	1997	1998	1999	2000	2001	2002
Alabama	2,000	11,229	11,526	11,665	11,823	11,982	12,140
Alaska	0,244	1,368	1,405	1,421	1,441	1,460	1,479
Arizona	1,771	9,941	10,204	10,327	10,467	10,607	10,748
Arkansas	1,173	6,587	6,761	6,842	6,935	7,028	7,121
California	11,333	63,629	65,312	66,097	66,995	67,892	68,790
Colorado	1,314	7,378	7,574	7,665	7,769	7,873	7,977
Connecticut	0,752	4,221	4,333	4,385	4,445	4,504	4,564
Delaware	0,244	1,369	1,405	1,422	1,441	1,461	1,480
District of Columbia	0,188	1,056	1,084	1,097	1,112	1,127	1,142
Florida	4,621	25,944	26,630	26,950	27,316	27,682	28,048
Georgia	2,926	16,429	16,863	17,066	17,298	17,530	17,761
Hawaii	0,410	2,301	2,362	2,391	2,423	2,455	2,488
Idaho	0,545	3,059	3,140	3,178	3,221	3,264	3,307
Illinois	4,186	23,502	24,123	24,413	24,745	25,076	25,408
Indiana	2,313	12,988	13,332	13,492	13,675	13,859	14,042
Iowa	1,144	6,423	6,593	6,673	6,763	6,854	6,944
Kansas	1,009	5,663	5,813	5,883	5,963	6,043	6,122
Kentucky	1,792	10,062	10,328	10,453	10,595	10,737	10,878
Louisiana	2,467	13,851	14,217	14,388	14,583	14,779	14,974
Maine	0,506	2,842	2,917	2,952	2,992	3,033	3,073
Maryland	1,496	8,402	8,624	8,728	8,846	8,965	9,083
Massachusetts	1,662	9,331	9,578	9,693	9,825	9,956	10,088
Michigan	3,867	21,710	22,285	22,553	22,859	23,165	23,471
Minnesota	1,685	9,459	9,710	9,826	9,960	10,093	10,227
Mississippi	1,597	8,967	9,205	9,315	9,442	9,568	9,695
Missouri	2,139	12,009	12,326	12,474	12,644	12,813	12,983
Montana	0,393	2,206	2,264	2,292	2,323	2,354	2,385
Nebraska	0,675	3,792	3,892	3,939	3,993	4,046	4,100
Nevada	0,458	2,571	2,639	2,670	2,707	2,743	2,779
New Hampshire	0,346	1,945	1,996	2,020	2,048	2,075	2,102
New Jersey	1,864	10,464	10,741	10,870	11,017	11,165	11,313
New Mexico	0,869	4,881	5,011	5,071	5,140	5,209	5,277
New York	5,716	32,089	32,938	33,334	33,787	34,240	34,692

State	State share of historical expenditures	1997	1998	1999	2000	2001	2002
North Carolina	2.718	15,765	15,666	15,851	16,069	16,285	16,500
North Dakota	0.306	1,721	1,766	1,788	1,812	1,836	1,860
Ohio	4.591	25,777	26,459	26,777	27,141	27,505	27,868
Oklahoma	1.495	8,195	8,617	8,720	8,839	8,957	9,075
Oregon	1.192	6,694	6,871	6,954	7,048	7,143	7,237
Pennsylvania	4.254	23,881	24,513	24,808	25,144	25,481	25,818
Rhode Island	0.364	2,046	2,100	2,125	2,154	2,183	2,212
South Carolina	1.687	9,469	9,719	9,836	9,970	10,104	10,237
South Dakota	0.353	1,980	2,033	2,057	2,085	2,113	2,141
Tennessee	2.210	12,406	12,734	12,887	13,062	13,237	13,412
Texas	8.552	48,014	49,284	49,877	50,554	51,232	51,909
Utah	1.105	6,203	6,367	6,444	6,532	6,619	6,707
Vermont	0.241	1,351	1,387	1,403	1,422	1,441	1,461
Virginia	2.140	12,016	12,334	12,482	12,652	12,821	12,991
Washington	1.946	10,926	11,215	11,350	11,504	11,658	11,812
West Virginia	0.897	5,034	5,167	5,229	5,300	5,371	5,442
Wisconsin	2.007	11,265	11,563	11,702	11,861	12,020	12,179
Wyoming	0.235	1,319	1,354	1,370	1,389	1,407	1,426
Indian set-aside ¹		3,570	3,720	3,790	3,870	3,950	4,030
Totals		565,000	580,000	587,000	595,000	603,000	611,000

Source: Table prepared by the Congressional Research Service (CRS) based on data in the annual Justification for Appropriations, Administration on Children and Families.

¹ The Indian set-aside would be 0.36% of funds appropriated under the discretionary authorization (the same share of child welfare funds that were paid to Indian tribes in fiscal year 1995) and 1% of entitlement funds (the same Indian set-aside percentage as in the family preservation program).

WR - Child welfare

TO: Bruce Reed
FROM: Jennifer Klein *J.K.*
DATE: 6/5/97
RE: Indiana Child Welfare Waiver

As I mentioned to Cathy, the Governor of Indiana is planning to call the President today because we have still not granted the state's child welfare waiver. I wanted to prepare you for any calls you may get.

While HHS and the state believe they have worked through all issues about the waiver, OMB remains concerned that the it does not meet statutory cost neutrality requirements. I have attached a memo from HHS describing the cost neutrality issues. My sense (from conversations with OMB staff who spoke on the condition on anonymity) is that OMB staff is fairly, though not completely, comfortable at this point, but that high level staff have not had the time to focus on the waiver.

DEPARTMENT OF HEALTH & HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES
Office of the Assistant Secretary, Suite 600
370 L'Enfant Promenade, S.W.
Washington, D.C. 20447

DATE: April 22, 1997

TO: Ken Apfel
Associate Director
Office of Management and Budget

FROM: Olivia Golden
Acting Assistant Secretary for
Children and Families

SUBJECT: Cost Neutrality Issues -- Indiana Child Welfare Waiver
Demonstration Project

The Governor of Indiana wishes to announce the State's Child Welfare Waiver Demonstration project this month (April is National Child Abuse Prevention Month). Given the long process we have engaged in with the State and our substantive excitement over the proposal, we would like to accommodate him. HHS is ready to recommend to the Secretary that she approve this demonstration. Before we do so, however, we need to reach agreement with you about how we will determine cost neutrality. This memo lays out our proposal, which we believe protects Federal interests at the same time it allows the demonstration to proceed. Career OMB staff with whom we have been working tell us that they cannot make this decision because the proposed formula would require some reliance on projections. Therefore I am asking for your concurrence in the cost neutrality arrangement outlined in this memorandum.

As we expected when we met in your office in January to resolve our differences over the Ohio Child Welfare demonstration, the Indiana demonstration presents us with even greater challenges. You will recall that in that meeting we outlined the general purposes of the Indiana Demo -- to test the programmatic and fiscal benefits of creating a greater capacity at the community level to provide services for children who must be removed from their families, or who are at risk of removal.

While there was general agreement that such a Demo could be quite attractive, we were careful to make the point, with which OMB staff concurred, that it would be difficult to devise a cost neutrality formula for this project. We have now reached the point at which the programmatic issues and the evaluation questions are all resolved with the State and, we believe, with OMB staff. We also have a proposed framework for reaching agreement with the State on a cost neutrality formula, on which we have been working diligently with OMB staff since last August.

WP Child Welfare

Olivia Golden

-2-

The formula, however, relies in part on a projection of costs over part of the five-year life of the Demo. We agreed in January that we would re-visit the Indiana cost neutrality problem once we reached this point, so I am bringing it back to you via this memo.

No doubt your staff (who have been very helpful throughout this process) have briefed you by now, so I will restrict this memo to the highlights, to let you know how much progress we have made just to get to this point of final decision-making.

Background

Indiana is proposing a demonstration strategy that enhances family preservation and family support services as it expands the uses of title IV-E funds. The project, which has a special focus on adolescents, would develop a new mix of services intended principally for a subset of children who are currently placed in residential care facilities. Indiana proposes to redirect funds currently expended for children in restrictive high-cost institutional placements (primarily out-of-State) to lower cost community-based services. Case decisions would be made collaboratively, at the local level, by the local judiciary and a community partnership council, with State guidance.

There was general agreement in our January meeting that it is desirable to learn such lessons as Indiana offers, and confirm the experience of a State which wishes to make such a serious, statewide effort. Indiana's proposal is unique: it provides our best opportunity to learn about services for adolescents, and our only opportunity to learn about the relative costs and benefits of institutional facilities, an issue of great concern to States and policy-makers. We expect to be able to test the following important propositions:

- 1.) Children and their families will be better served when children are placed in the most appropriate and least restrictive environment;
- 2.) Outcomes for children and families will be better when, providing first for the safety of each child, services are provided while the families remain together and children are maintained in their homes or returned home more quickly; and
- 3.) The State, its counties, and the federal government will derive significant economic benefit from the first two propositions. Placement of children in the most appropriate setting will mean, in Indiana, far less reliance on expensive institutional placements. Preventing the need for out-of-home care and reducing the time children spend in

-3-

care can also lead to substantial reductions in State and county expenditures. HHS would share directly in these economic benefits, because they will reduce the claiming of FFP under title IV-E. In addition, the State expects to see economic benefit from its inclusion in this project of some children in the juvenile justice system, and non-IV-E eligible children in the child welfare system. The federal government may also benefit from this aspect of the Demo through reduced charges to or better use of certain Justice Department funds, and non-IV-E HHS expenditures for mental health, child protection, and similar purposes. We will look to the cost-benefit analysis portion of the evaluation to confirm and measure such benefits.

Cost Neutrality

The challenge has been to develop a cost neutrality formula which will give us a reasonable basis for determining how much to pay the State in IV-E funds during the demonstration, despite the fact that we do not have either random assignment of cases or comparison counties available to us. The State's original proposal was that cost neutrality would be determined entirely on the basis of projections. As the result of extensive discussions with the State, and frequent consultation with OMB staff, an alternative cost neutrality framework has been developed which relies on projections only for one portion of the formula.

Indiana's proposal appears on its face to offer a plausibly cost neutral demonstration. The problem arises in analyzing the structure of the demonstration and its evaluation in order to determine how, accurately, to calculate the amount of title IV-E funding to provide the State during the course of the demonstration; that is, how much would the State have received in the absence of a child welfare waiver demonstration project? It is in constructing this payment formula that we have encountered the need to rely, to a limited extent, on projection.

The methods used in most of the other child welfare Demos to determine cost neutrality are not available to us here. Because of the nature of this project we long ago agreed with the State that random assignment of cases was not the appropriate method for evaluating this Demo. That is true for a number of reasons, chief among them the fact that assignments to placement are approved and heavily influenced by judges, (and under the Demo by judges in collaboration with some others) and removal decisions are made by judges. We do not believe we can get a random assignment design to operate in that environment, and the county judges (who have become supporters of this project) confirm that random assignment would interfere with the judicial discretion required for the child safety decisions they make. Because the State intends to conduct its demonstration project on a statewide

-4-

basis, comparison counties are not available to us, either.

The cost neutrality problem in Indiana is compounded by the fact that the State has inadequate historical data on which to base projections, and no consistent patterns emerge in the data that are available. (The new SACWIS, which is intended to change that, is about to become operational in Indiana.) However, we were able to devise a cost neutrality formula -- which HHS regards as still open to any refinement that can further improve our confidence -- which limits projections to a single element. That element was chosen in part because it can be based on State data which appear to be both reliable and consistent over the past several years.

Three elements determine a State's foster care payments under title IV-E: number of children in care (caseload); cost per child; and proportion of children who are IV-E eligible. Of these three elements, the latter two can be known in real time as the demo progresses. Indiana will determine the IV-E eligibility of every child in care, whether they're in the demo or not, and the State will derive an average cost from the actual costs of children in care who are not in the Demo (in effect making a control group for this purpose of all the other children in the State). The third element, caseload, is specifically intended to be affected by the demo, and therefore requires special treatment.

Component 2 of the formula outlined below: a.) projects the rate of growth of the foster care caseload, to determine what the State's basis would have been for IV-E claiming in the absence of the Demo; and b.) takes into account the effects on caseload by setting a floor under the caseload calculation, in acknowledgement that the caseload is expected to drop as a result of the Demo, and if it does we will only allow it to drop so far. In this way Indiana will not pay too great a financial penalty if the number of cases in care is reduced. Similarly, the third component of the formula acknowledges that as the State succeeds in reducing the proportion of children who are in expensive, high-cost residential placements, the average cost per child will drop below what the State would have been claiming in the absence of this Demo.

The formula has three components:

1. Actual average costs.

The actual average title IV-E cost per child outside of the demonstration is applied to the number of title IV-E eligible children in the demonstration. This average cost will be determined annually during the demonstration based on actual costs incurred for IV-E eligible children not

-5-

receiving services from the demonstration.

2. Caseload adjustment when caseload growth falls below a minimum growth rate.

Caseload growth has averaged around 18% each year for the past 5 years. While the reasons for this growth are several and difficult to distinguish, we believe that we can and should agree on a minimum level of caseload growth below which the State would be underpaid absent the demonstration. This is because the Demo, once it starts to operate, should be keeping children from coming into foster care at all, and returning children home faster. Either effect of the Demo would reduce the number of children for which the State would otherwise be claiming FFP, and would result in paying the State less in federal IV-E funds than would have been paid absent this demonstration. The adjustment factor would be applied only if the overall IV-E caseload in the State falls below this agreed upon minimum.

The current HHS proposal is a growth rate of 10.89%, which would in effect freeze the growth rate at FY '96 levels. Growth rates averaged 18.42% over the period FY '91 - '96, and 10.89% is the lowest annual rate in that period. However, since the growth rates are trending downward, we discussed with OMB staff an improvement in the formula that would enable us to take into consideration several more quarters of data, which would both increase our confidence in the projection and reduce the period of time over which HHS is exposed to the operation of the minimum growth rate element of the formula. We believe we could get the State to agree to a modification such as that.

3. Adjustment for demonstrated reductions in residential placements.

The formula further provides the State an adjustment to federal funding when it can demonstrate an actual reduction in the percentage of the foster care caseload being served in higher-cost residential placements. Again, this is a measure of an effect of the Demo which reduces the State's FFP below the level to which Indiana would have been entitled absent the demonstration. This percentage has been stable over the last five years and can be measured in real time.

One other serious cost neutrality issue has been solved by the State on its own initiative and using its own resources. This demonstration relies heavily on initial investments both for developing local capacity and for including in the service population children who are not IV-E eligible. Except for a

-6-

small amount of advance funding HHS will make available (a limit of 5% over cost neutrality in the early quarters) the State will provide the advance funding using local and State resources.

Precedents

ASMB staff in the Department, in reviewing this memo, have reminded us that the cost neutrality formula for every Medicaid waiver has involved projections. This is consistent with what OMB staff told us at the January meeting in your office.

Your staff have been concerned about whether the terms required to approve one State's demonstration project become a precedent for other States. This was a concern in the Ohio case, and in fact Indiana did ask to be approved for a very large amount of advance funding above cost neutrality. However, HHS negotiators declined to agree, offering only a time-limited advance in the range of the 5% approved for Ohio. It was in response to this decision that Indiana re-considered and, to the State's credit, devised a solution using State and local funds.

Of the States pending approval, we think that none will present a persuasive case for basing cost neutrality on projections. We already have agreement with California to use random assignment, we expect Georgia to use random assignment, and none of the other possible waiver States (Michigan, New York, California, Georgia) is proposing a statewide demonstration. We can therefore expect to base cost neutrality formulae on comparison counties (as in the NC, OR, and OH Demos) or on random assignment in some of the remaining States.

Decision-Making

Your staff have the complete set of Draft Terms and Conditions for Indiana. While they and HHS staff might find some marginal improvements to make in the formula, we have reached the point at which your staff need an indication from you that the approach we have laid out is acceptable at the conceptual level, in order to complete the review and comment process. We would like to resolve this matter this week. Carol Williams has been in touch with you and with your staff to alert you that we need to move fast, and to suggest that we schedule a meeting right away, if you think we will need a meeting or a conference call to resolve the issue.

FACSIMILE TRANSMISSION
Office of the Assistant Secretary
The Administration for Children and Families

DATE:

TO:

Jennifer Klein
Telephone: 456 - 2599
Fax: 456 - 2878
Number of Pages (excluding cover):

FROM: **Samara Weinstein**
*Special Assistant to the
Assistant Secretary for Children and Families*

Telephone: (202)401-6953
Fax: (202)401-4678

~~XXXXXXXXXX~~
MESSAGE

Attached please find earlier memo from Olivia to Ken on the Indiana Child Welfare waiver.

Thanks for your help!!
Samara



June 28, 1995

MEMORANDUM TO BRUCE REED

FROM: MARILYN YAGER

MEETING: Informal coalition of groups working to protect title 4b and 4e during the welfare reform debate.

DATE/TIME: Friday, June 28
10:30am

LOCATION: Room 472, OEOB

PURPOSE: To share their concerns about potential capping, block grants, and other changes to Titles 4b and 4e during the welfare reform debate. And to discuss short term and long term strategies to protect these titles.

ATTENDEES: A combination of national and local groups representing religious, county, and children's organizations. (list attached) (Marina Weiss asked for the meeting and invited the attendees). Ken Apfel and Christine Ellertson from OMB may join us for part of the meeting.

FORMAT:

Welcome/Introductions

Doris Matsui

Brief Update Overview
on Welfare Reform

Bruce Reed

Discussion

Marina Weiss

POWERS, PYLES, SUTTER & VERVILLE, P.C.
1275 Pennsylvania Avenue, N.W., Third Floor
Washington, D.C. 20004
(202) 466-6550

Facsimile: (202) 785-1756

TO: Dani Rose

COMPANY NAME: White House

COMPANY FAX NUMBER (202) 456-6218

FROM: Marina Weiss

NUMBER OF PAGES (INCLUDING COVER SHEET) 3

SENT BY: Kelley Hairston TIME: 9:45 DATE: June 29, 1995

IF YOU DO NOT RECEIVE ALL MATERIALS BEING TRANSMITTED, PLEASE CALL US AT: (202) 466-6550. THANK YOU.

Please add to the White House Child Welfare Briefing List.

Marina Weiss
Director of Public Policy and Government Relations
Powers, Pyles, Sutter & Verville, P.C.
1275 Pennsylvania Avenue, N.W.
3rd Floor
Washington, DC 20004

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THIS FORM MARKS THE FILE LOCATION OF ITEM NUMBER 1
LISTED IN THE WITHDRAWAL SHEET AT THE FRONT OF THIS FOLDER.

THE FOLLOWING PAGE HAS HAD MATERIAL REDACTED. CONSULT THE
WITHDRAWAL SHEET AT THE FRONT OF THIS FOLDER FOR FURTHER
INFORMATION.

**WHITE HOUSE CHILD WELFARE BRIEFING
FRIDAY, JUNE 30, 1995
10:30 A.M.**

**Kathy Bonk
President and CEO
Communications Consortium Media Center
1333 H Street, N.W.
Suite 700
Washington, D.C. 20005**

P6/(b)(6)

**Peter Digre
Director
Dept. of Children and Family Services
Los Angeles County
425 Shatto Place
Los Angeles, CA 90020**

P6/(b)(6)

**Ms. Judith Goodhand
Director, Cuyahoga County
Department of Children & Family Services
3955 Euclid Avenue
Cleveland, OH 44115**

P6/(b)(6)

**Maria Ibañez
Project Associate
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**Clifford Johnson
Director of Programs and Policy
Children's Defense Fund
25 E Street, N.W.
Washington, D.C.**

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**Dr. Henry Lyons
President
National Baptist Convention Inc.
Bethel Metropolitan Baptist Church
3455 26th Avenue South
St. Petersburg, FL 33712**

**Liz Meitner
Public Policy Analyst
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Deputy Director
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**Karabelle Pizzigati
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**Marilina Sanz
Associate Legislative Director
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Sheri Steisel
 Committee Director for Human Services
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Barrie Tabin
 Senior Legislative Council
 National League of Cities
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Rev. Wayne Thompson
 V.P. Administrative and Domestic Affairs
 National Baptist Convention, Inc.
 First Baptist Institutional Church
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Paul Vander Velde
 Program Associate, FFK
 W.K. Kellogg Foundation
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Mr. Paul Vincent
 Director
 Family & Children Services
 Dept. of Human Resources
 50 South Ripley Street
 Gordon Persons Bldg.
 Montgomery, AL 36130

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Valora Washington
 Vice President - Programs
 W.K. Kellogg Foundation
 One Michigan Avenue East
 Battle Creek, MI 49017

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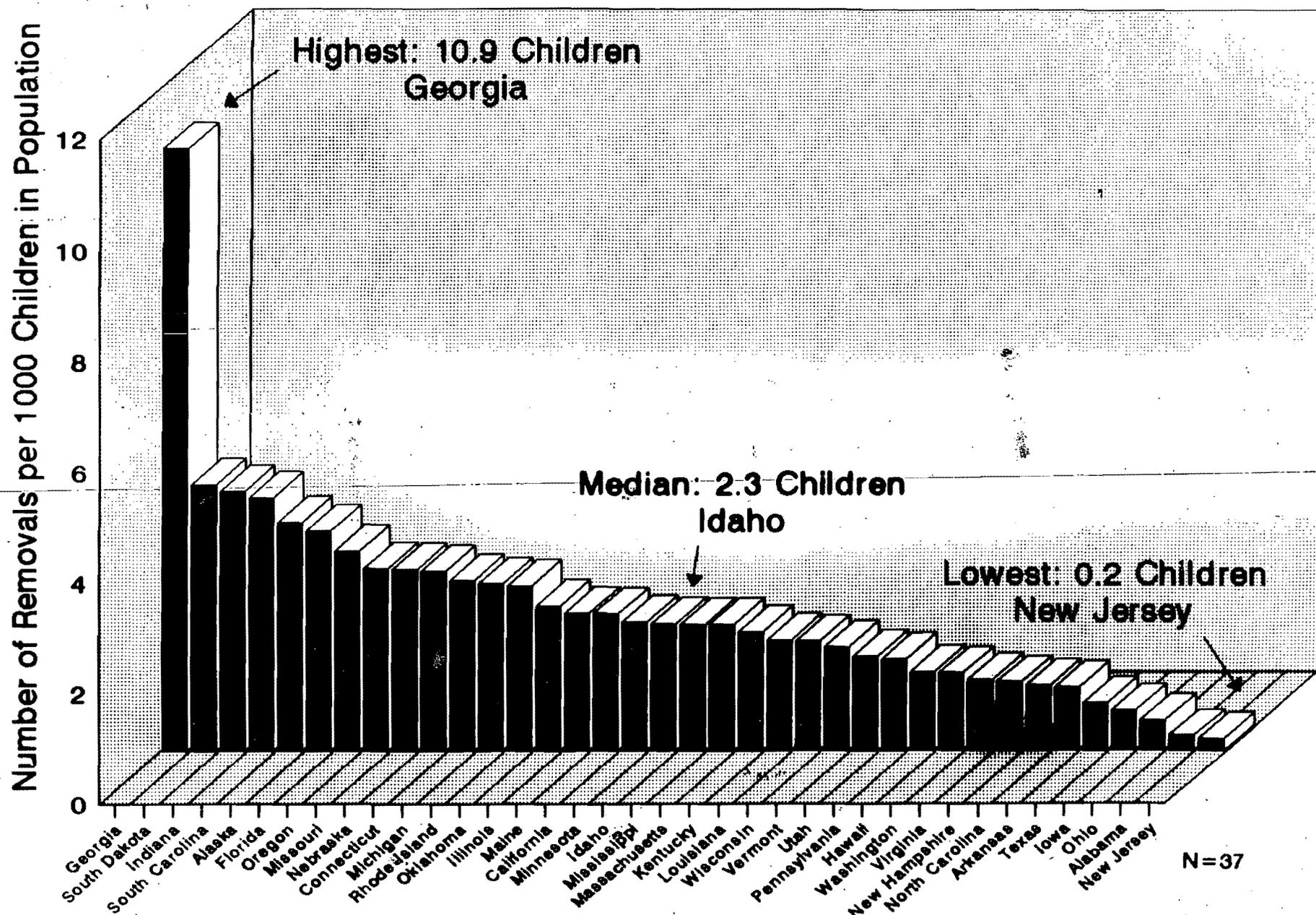
Presidential Committee for HPU

James Weill
 General Counsel
 Children's Defense Fund
 25 E Street, N.W.
 Washington, D.C.

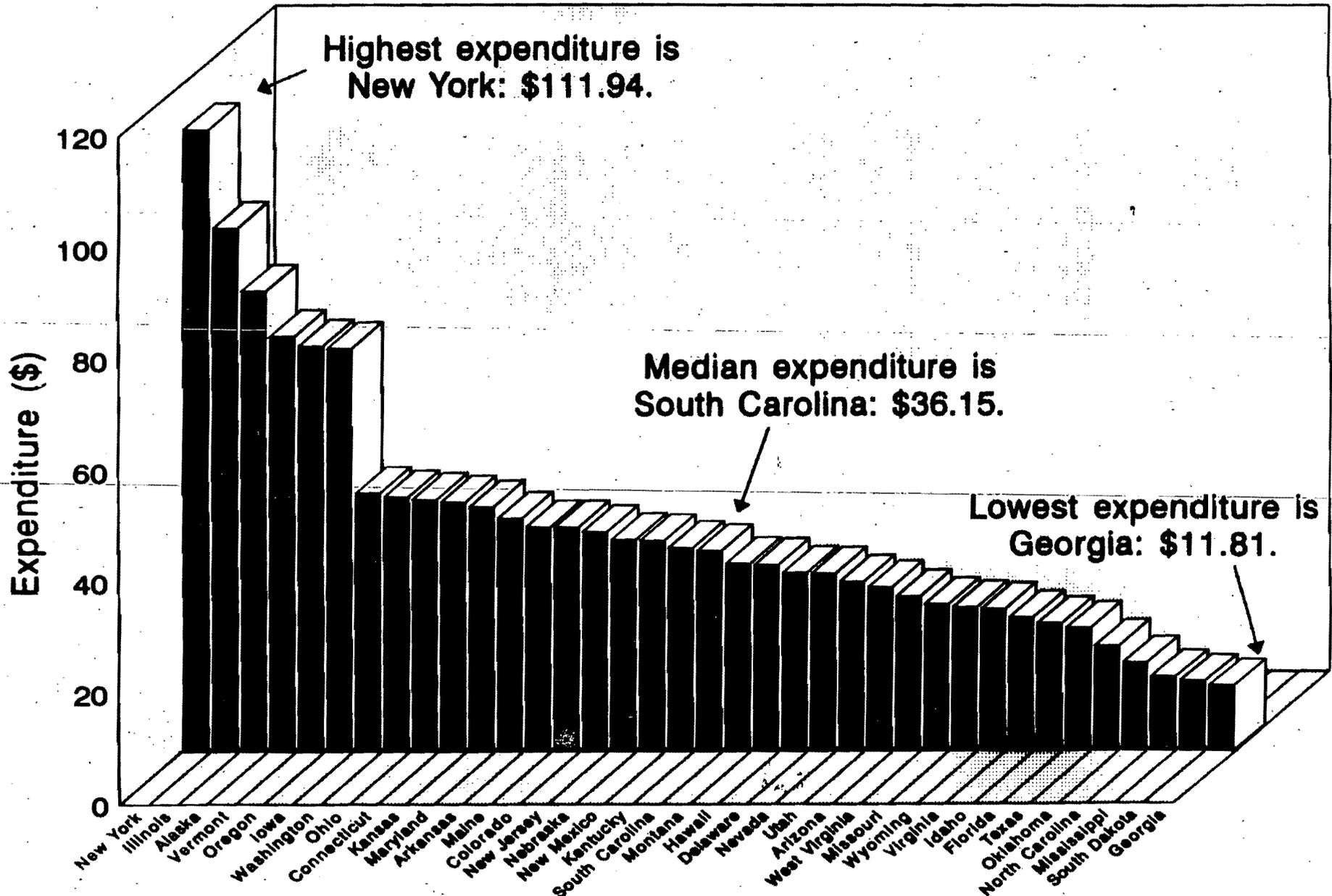
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(As of June 27, 1995)
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Numbers of Children Removed from Their Homes As a Result of a Child Protective Services Investigation: 1992



Per Capita Child Welfare Expenditures by State: 1995



Per capita expenditures for 37 States calculated by dividing the total state child welfare budget by the total state population.

Source: Child Welfare League of America, State Survey, February 1995

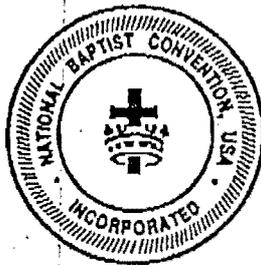
**DIFFERENCES BETWEEN THE STATES:
CHILD WELFARE INDICATORS**

DATA SET	HIGHEST/LOWEST STATES	RATE OF DIFFERENCE BETWEEN STATES
Children Reported Abused and Neglected 1992 Number of Reported CA/N per 1,000 Children	Idaho 74.1 Pennsylvania 9.1	8.2x
Children Substantiated as Abused or Neglected 1992 Number of Substantiated CA/N per 1,000 Children	Alaska 46.2 Pennsylvania 2.9	15.9x
Children Removed From Their Homes As A Result of a Child Protective Service Investigation 1992 Number Removed per 1,000 Children	Georgia 10.9 New Jersey 0.2	54.5x
Children Substantiated as Physically Abused 1992 Number of Children per 1,000 Children	Alaska 14.2 New Hampshire 0.6	23.7x
Children Substantiated as Sexually Abused 1992 Number of Children per 1,000 Children	Alaska 6.9 New Jersey 0.9	7.7x
Children Substantiated as Neglected 1992 Number of Children per 1,000 Children	Alaska 17.3 Pennsylvania 0.1	173x
Children Receiving Adoption Assistance 1992 Number of Children per 1,000 Children in Out-of-Home Care	Michigan 494.4 Wyoming 16.5	30x
Children in Out-of-Home Care 1992 Number of Children per 1,000 Children	New York 14.2 Utah 1.4	10.1x
Title IV-E Expenditures in Each State 1993 Per Capita	New York \$42.82 Alabama \$1.12	38.2x

* Source: National Center on Child Abuse and Neglect

** Source: House Ways and Means Committee, 1994 Green Book

(Membership: 8,500,000)



OFFICE OF THE PRESIDENT
DR. HENRY J. LYONS

3455 Twenty-Sixth Avenue South • St. Petersburg, Florida 33711-3550
Phone: (813) 328-1157 • Facsimile: (813) 327-0240

COVENANT FOR GOD'S CHILDREN

INTRODUCTION:

H.R. 4, the Personal Responsibility Act (**Welfare Reform**) is a direct attack on families. It undermines the preservation of the family unit when it experiences crisis. Families that are threatened weaken communities and endanger children. The time has come. The time is now for the people of God to stand up and sound the alarm that the children of God will not be sacrificed to the false gods of greed and ambition.

We ask the question of Malachi 2:10: "Have we not all one father? Hath not one God created us? Why do we deal treacherously every man against his brother, by profaning the covenant of our fathers."

We demand that the Covenant be remembered. We will not yield to government by contract. As the people of God, we offer this Covenant For God's Children:

1. Every child has the right to food, clothing, shelter, health care and education. No child should be left out regardless of the background, age or status of his or her parents.

H.R. 4 deprives six million children of basic support because of their parents' age, actions or background.

2. Parents should be empowered to accept responsibility for caring for and supporting their children. Welfare reform must provide for services that will enable parents to care for their children including medical care, child care, parenting training, mental health services, substance abuse treatment, counseling and family-based services.

H.R. 4 eliminates the federal family preservation program, cuts child care, eliminates AFDC eligibility for 6 million children and limits employment and training opportunities for parents.

3. Children need permanent homes and families. Welfare reform should increase the likelihood that children who cannot go home will be adopted. Welfare reform should include programs that reduce the financial burdens on families that adopt children who are hard to place or have special needs.

H.R. 4 eliminates the adoption assistance entitlement.

4. Children need support from their extended families. Welfare reform should provide support for grandparents and other relatives who care for abused and neglected children.

H.R. 4 eliminates the federal requirements for support for relatives who care for dependent children.

5. Churches respond to and protect poor families and dependent children. Welfare reform should encourage community leadership and assist community institutions like churches and other religious organizations to support families. It should help people move from welfare to work based on their needs not rigid regulations.

H.R. 4 eliminates the community planning and partnership requirements of the Family Preservation and Support Act.

6. Children have the right to be protected and raised in their own communities under safe, humane conditions that permit them to reach their full potential. Welfare reform proposals should not decrease the standard of care these children receive, but should guarantee that children are safe.

H.R. 4 eliminates federal standards that ensure child safety and the funding to protect children and pay for their foster care.

7. Every child is entitled to be protected from harm. Adequate funding should be available to guarantee the safety of all children.

H.R. 4 block grants federal child protection and AFDC funding. There will be no more funding even if more children need protection and help.

8. Young people leaving foster care need assistance to fulfill their potential to become responsible adults. Welfare reform should help them get jobs, housing, training and higher education.

H.R. 4 eliminates the federal independent living program for emancipating foster youth and curtails training programs for welfare recipients.

9. Abused, battered and neglected children need services in many areas including health, mental health and education. Welfare reform should encourage linkages among agencies that provide these systems.

H.R. 4 eliminates requirements for these linkages.

10. Children have the right to be supervised by competent and highly trained staff and cared for by living and knowledgeable caregivers.

H.R. 4 eliminates training programs for people who protect children.

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National Baptist Convention, USA, Inc.

INCORPORATED 1918

(Membership: 8,500,000)

**OFFICE OF THE PRESIDENT
DR. HENRY J. LYONS**

3455 Twenty-Sixth Avenue South • St. Petersburg, Florida 33711-3550
Phone: (813) 328-1157 • Facsimile: (813) 327-0240

June 5, 1995

Congress is now considering the most radical change in the nation's policy toward poor children and families in 60 years. **H.R. 4** is the proposal passed by the **U.S. House of Representatives** for changing the welfare system. It will deprive more than **5 million** American children of financial assistance by eliminating federal welfare programs and making it more difficult for children and families to qualify for state aid.

This bill would also seriously weaken the systems that protect abused and neglected children. States would get much less money from the federal government to pay for foster care or services to help families care for their children. State and counties will not be able to provide protective services to all children who need them.

H.R. 4 also would destroy important programs that have strengthened families. Services to keep families together safely, known as **Family Preservation Program**, will be cut. Funding for the **Adoption Assistance** program which provides aid for families that adopt special needs children is also threatened. Too many children grow up without families already. Eliminating these programs will deprive many more children of loving homes. In addition, as families are eliminated from welfare, many more children will enter foster care, since their families will be destitute.

As the public becomes more aware of what **H.R. 4** would do, opposition to it has increased. In response, the U.S. Senate Finance Committee produced a bill that would leave child protection programs with adequate funds to care for all children that need protection and will continue programs like Family Preservation and Adoption Assistance. The Senate bill would also eliminate some of the provisions of **H.R. 4** that deprive many children of financial benefits.

The **U.S. Senate Finance Committee** bill will be voted on by the whole Senate soon. Then it will go to the Conference Committee where the House and Senate work out their differences over specific bills. **Now is the time for our voices to be heard.** We must write and call members of Congress to say that the provisions of **H.R. 4** are not acceptable because they hurt children. We must tell President Clinton that we want him to veto any bill that hurts children and leaves them without food, shelter and capable adults to care for them. We must speak out in every way we can, on radio call-in shows, town meetings and

other public places. Our children are depending on us. We must not break faith with them!

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PROPOSED CHANGES IN CHILD WELFARE FUNDING THREATEN CHILDREN'S SAFETY

The Child Protection Block Grant proposed by the U.S. House of Representatives would change the way foster care and child welfare services are funded. Instead of guaranteeing that all abused and neglected children get appropriate care by paying a share of the cost for every eligible child, the federal government would give the states a fixed sum to pay for foster care, child protective services, family preservation and other services. That sum will not grow as the child welfare population increases, and federal controls would be removed, permitting states to use the money for other purposes if they wish.

If enacted in its present form, this legislation would:

- * Restrict access to financial benefits for millions of poor families.
- * Make it possible for states to deny services to abused and neglected children in all but the most severe cases.
- * Reduce the funds available for such essential services as food, shelter, clothing allowances and transportation.
- * Reduce the funds available for assistance to foster parents.
- * Reduce the funds available for violence prevention and family preservation programs that help troubled families to solve their problems before they reach the crisis stage.
- * Eliminate the federal Independent Living Program, which provides training and counseling for foster children who are old enough to leave the system, but lack the coping skills to care for themselves as adults.
- * Weaken court protections for children in foster care.
- * Increase the already burdensome caseloads of social workers and, with them, the likelihood that supervision will be inadequate.
- * Eliminate funds for the training of caseworkers and foster parents.

The attached materials further explain the consequences of this legislation for abused and neglected children and their caregivers.

**---REMEMBER!! CALL THE WHITE HOUSE AT (202) 225-3121; AND
THE U.S. SENATE AT (202) 224-3121---**

Honorable _____
Member, United States Senate
Washington, D.C. 20510

Dear Senator _____:

I am writing to urge you to oppose welfare reform provisions which would severely impact critical programs that protect abused and neglected children. Child protection must be viewed as totally separate from welfare. Abused and neglected children enter the child protection system, not by choice, but because all other safety nets have failed.

As you know, currently, Title IV-E of the Social Security Act guarantees protection for every abused or neglected child. Proposals in Congress, to eliminate Title IV-E and replace it with a Child Protection Block Grant, would seriously curtail funding for these services and eliminate basic protections for children.

At the same time, proposed changes in the welfare system will eliminate benefits to over 5 million children nationally. Families will be destabilized and hundreds of thousands of additional children will be forced into the child protection system, due to increases in abuse and neglect. Without adequate funding to care for these children, our child protection system will be devastated and many children will suffer.

The elimination of basic protections and curtailed funding will result in:

- more child endangerment
- the elimination of licensing requirements for caregivers
- less child visitation
- fewer adoptions
- less family preservation efforts
- less training for child protection staff and caregivers
- less preparation for youth who are emancipating from the foster care system.

Changes to welfare must be made in a deliberate and responsible fashion, without compromising the safety and care of our children. While the proposed changes represent a cost savings in the short-run, they do not account for the long-term price we will all pay for children who do not receive appropriate care. Instead, we should consider changes that make the system more efficient and improve services to children.

I am, therefore, asking you to continue your commitment to children by taking a strong stand in support of maintaining Title IV-E and opposing a Child Protection Block Grant. The lives of abused and neglected children are at stake. I am enclosing an editorial from the Los Angeles Times for your information. Thank you for your attention to this critical issue.

Sincerely,

enclosure

HOW TO ADDRESS MAIL TO YOUR ELECTED OFFICIAL:

All elected officials may be addressed "The Honorable (Insert name)."

EXAMPLE:

- The Honorable John Doe
United States Senate
Senate Office Building
Washington, D.C. 20510

Dear Senator Doe:

- The Honorable Jane Doe
Governor of California
State Capitol
Sacramento, California 95814

Dear Governor Doe:

- The Honorable John Doe
California State Assembly
P.O. Box 942849
Sacramento, California 94249-0001

Dear Assemblymember Doe:

- The Honorable Jane Doe
Supervisor, Los Angeles County
Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisor Doe:

Hon. John Doe

or

Hon. Jane Doe

or

Hon. John Doe

or

Hon. Jane Doe

or

EXCEPTION:

- **The President of the United States**
The White House
Washington, D.C. 20500

Mr. President:

During the legislative session, mail may be addressed to the following addressee:

U.S. SENATOR:

(Senator's Name)
U.S. Senate
Senate Office Building
Washington, D.C. 20510

STATE SENATOR:

(Senator's Name)
The State Capitol
P.O. Box 942848
Sacramento, California 94248-0001

MEMBER OF CONGRESS:

(Representative's Name)
U.S. House of Representative
House Office Building
Washington, D.C. 20515

ASSEMBLYMEMBER:

(Assemblymember's Name)
The State Capitol
P.O. Box 942849
Sacramento, California 94249-0001

UPDATE
APRIL, 1995



**Fair
Share
Network**

House Approves Welfare "Reform" Bill

■ *Legislation Vicious Toward Poor*

The House of Representatives passed the Republican's welfare reform bill on March 24 by a vote of 234-199. The bill would be devastating for families, children, seniors, the disabled and immigrants alike. In California alone the loss of federal funding for programs helping low-income people would total \$15.177 billion over five years. It also means that 1,261,000 children in California who are now eligible for AFDC would be denied benefits.

The legislation will affect such programs as AFDC, SSI, Food Stamps, child nutrition, child welfare and child care. Perhaps most important, it would end the federal entitlement status for many of these programs and turn them into block grants.

Putting AFDC into block grants will mean that all rules that ensure people are treated fairly will be eliminated. People applying for assistance may be put on waiting lists or denied assistance entirely. States will be free to establish their own rules and could cut people off after two years, two months, even two minutes. The bill also contained a score of other dangerous provisions, including limiting total receipt of welfare to five years, barring federal cash welfare to teenage moms and making legal immigrants ineligible for cash assistance, food stamps and Medicaid.

As grim as this looks, the vote was closer than many expected, and came down pretty much along party lines. Special thanks to all of you who worked hard to move "fence-sitting" Democrats to our side, especially in the Central Valley and in the South Bay area of Los Angeles.

The **Fair Share Network** (FSN) is a project of the California Homeless and Housing Coalition. For more information, or to order the FSN Organizer's Packet call:

Northern CA: 916-447-0390
Southern CA: 213-746-7786

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■ Senate, Here We Come!

Senate committees are already meeting to take up the issue. The Senate promises to be less extreme in its approach. For instance, a Democratic aide was quoted as saying, "the Finance committee would probably start from scratch and would probably not begin with the House bill." So now is the time to get out our message of what real welfare reform should be.

This update contains strategies for how to impact our U.S. Senators. Call the Fair Share staff if you need more information or help, and let us know what's happening in your area.

Sen. Feinstein and Boxer will be in CA

April 7 -24 is spring break for the U.S. Senate. This is when Senators go home to meet with their constituents. That means us! Now is the time to make an appointment to meet with both senators.

tips on getting a meeting

- Call the office nearest to you (see page 3) right away and request an appointment. Ask to speak to the scheduler.
- You may be told to put your request in writing. You can fax it in to get it there quicker.
- Be persistent. Keep calling and faxing. Remember, you are a constituent, too.
- Look for someone you know who is influential with the senators, such as religious or community leaders or campaign contributors.
- When these steps didn't work for folks in San Fran who wanted to meet with Sen. Feinstein, here's what they did: They demonstrated in front of her office. And guess what? It worked! They were able to arrange a conference call with Feinstein and their group, which made it easy for everyone to participate.
- Whatever you do, don't give up!**

Governor to Steal from Poor...

- - - Again!

Cuts in AFDC Grants

Governor Wilson is proposing a 7.7% reduction in AFDC. After six months on aid, a family's grant would be cut by an additional 15%. In addition, after two years, the parent's portion of the grant would be cut. The Governor's total AFDC grant cut would be approximately 43% and would bring the new maximum grant for a family of 3 (the typical AFDC Family) down to \$375/month.

Homeless Aid: Once in a Lifetime

The Governor wants to cut aid for homeless AFDC families to only once in a lifetime. Currently, homeless AFDC families can get help with temporary housing and move-in costs once every two years. With low AFDC grants, every AFDC family is on the verge of homelessness everyday of their lives, not once in a lifetime.

Cuts for Teen Parents

The Governor is proposing that teen parents under the age of 18 be required to live with an adult relative, their parents, or a legal guardian in order to receive AFDC. The only exceptions would be made after a determination by Child Protective Services that the child should be removed from the home. Minor teen parents heading AFDC households constitute 0.44% (1 in 227) of all AFDC families in California.

Cuts for Aged and Disabled on SSI

The Governor proposes major reductions in Supplemental Security Income (SSI): a single person would lose 8%. If SSI recipients had received all the cost of living adjustments due to them since 1990, the monthly SSI grant would be \$735 instead of \$614. The Governor is hoping to squeeze \$433 million out of low-income seniors and disabled people.

Cuts for Unemployed and Disabled People Surviving on GA

The Governor proposes to eliminate the counties' obligation to provide General Assistance (GA). Roughly half of all GA recipients are disabled, many are homeless.

IMPACT OF PROPOSED FEDERAL WELFARE CHANGES ON CHILD PROTECTION - EXECUTIVE SUMMARY -

This Country is faced with a legal and moral mandate to serve **ALL** children at risk of abuse or neglect. Current proposals regarding Federal funding for child protective services and changes to the welfare system will seriously impact our ability to protect children.

RECOMMENDATIONS

Given the potential harm to children, we must:

- support continuation of Title IV-E to ensure federal participation in the ultimate safety net for dependent children in a manner responsive to workload. This currently workload responsive funding source funds foster care and group home placements for children, the Independent Living Program (ILP), the Adoptions Assistance Program (AAP), children's social worker costs, and staff and foster parent training programs; and,
- support continued programs ensuring child safety, continued family preservation and support services, the development of legally permanent homes, adoptions assistance, and independent living programs for our youth.

As proposed, Federal changes to welfare are likely to result in costs being shifted to local government and a decline in the quality of care and safety provided to children in the child protective services system.

THE CURRENT SYSTEM

Funding

- The Federal government pays a proportionate share of the cost of caring for and supervising ALL children who are in need of child protective services.
- The State pays a proportionate share of the cost of child protective services based on the number of children entering the system.

Child Protection Programs

- Child protective services are required by law and must be provided to every child who needs services. The provision of these services is not discretionary, they are required by statute and ordered by Juvenile Court judges. Requirements include programs for child protection, the development of legally permanent homes, and funding for foster care payments, adoptions assistance, foster parent training, independent living programs and family preservation and support services.

If economic or social factors (i.e., crack cocaine in the 1980s) unexpectedly force more children into the child protection system without advanced warning, funding must expand to meet that need.

THE PROPOSED SYSTEM

Funding

- The Child Protection Block Grant proposed by the House of Representatives will replace workload responsive funding with capped resources. Funding will not increase as the number of children needing protection grows. Anything other than workload responsive funding will provide inadequate funding when capped resources do not keep pace with caseload growth. Additionally, certain proposals would allow a substantial portion of funding for child protection to be diverted to other purposes, creating the potential for a more significant funding shortfall.

If funding is capped and the need for required services grows, the quality of services will suffer. There will be more child endangerment, less child visitation, fewer adoptions, less family preservation efforts and less emancipation preparation for our foster youth.

- **Federal welfare reform proposals**, including changes in AFDC eligibility requirements and capped block grants will lead to rate reduction in AFDC and possibly food stamps for 5 million children receiving benefits nationwide. This will increase the number of children needing foster care due to abuse and neglect as a result of:
 - a loss of economic stability for many families which will cause a significant increase in the number of neglected children due to the parents' inability to adequately care for their children (i.e., feed, clothe, provide shelter and medical care);
 - an increased number of children reported as abused as reflected in Los Angeles County's experience with the 1992 5% AFDC cuts. Despite progress on many other fronts (e.g., declining drug use, a stronger economy, etc.), the number of children in this county needing out-of-home placement increased by 10% due to family stress which leads to physical abuse and neglect; and,
 - far less effective family preservation and/or reunification efforts, since AFDC is often the only financial support enabling families to stay together or reunite. This will lead to increased numbers of children languishing in the child protective services system at a significantly higher cost to both children and government.

Example: There are currently 622,000 children in Los Angeles County who are receiving AFDC. If benefits for half of these children are curtailed or eliminated, 311,000 children will be impacted. If only 1 out of 20 of the impacted children require protective services, we would be faced with an influx of 15,550 additional children. It would cost an additional \$185 million annually (\$12,000 per child) to provide foster care for these children. If Federal funds are capped and block granted, the cost of foster care alone, would necessitate the curtailment of most other critical services.

With inadequate resources to meet a growing need for services, the child protection system would serve only the most severely abused and neglected children, leaving many others at risk.

Child Protection Programs

- **Proposed changes will eliminate all Federal programs for child protection** as well as requirements for family preservation and support services, independent living services, the Adoptions Assistance Program, funding for protection of children, and the development of legally permanent homes. These standards provide the basis for quality care and protection for abused and neglected children.

EXAMPLE: IMPACT ON LOS ANGELES COUNTY'S CHILDREN

On an average, each month there are 60,000 abused and neglected children under the care and supervision of the Los Angeles County Department of Children and Family Services (DCFS). Block grants for child protective services which reduce overall funding for programs, will result in increased caseloads for children's social workers, thereby reducing standards of care which ensure the safety and well-being of these vulnerable children, and eliminate training for children's social workers and foster parents. This will compromise the quality of care provided to:

- 170,000 alleged victims of child abuse and neglect;
- 41,000 children currently in out-of-home care whose foster care payments may be reduced;
- 3,000 children who would not receive family preservation services which enable children to safely remain at home (a total of 5,958 children have received family preservation services since January, 1993);
- 5,938 children receiving Adoption Assistance Payments (AAP); and,
- an estimated 2,000 youth who are expected to receive Independent Living Program (ILP) services this year who might have to be emancipated without this support and risk homelessness, unemployment, etc. (1,929 youth received ILP services from October, 1993 to September, 1994).

As proposed, Federal changes to welfare are likely to result in additional costs to local government and a drastic decline in the quality of care and safety provided to children in the child protective services system.

**COMPARISON OF CURRENT FEDERAL CHILD WELFARE LAW
WITH THE CHILD PROTECTION BLOCK GRANT**

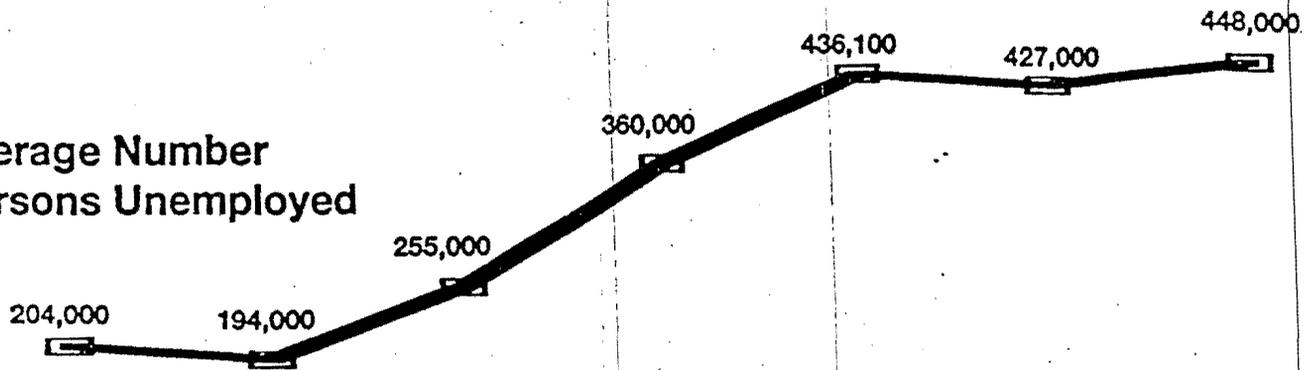
PROTECTIONS FOR CHILDREN AND FAMILIES/REQUIREMENTS OF STATE CHILD PROTECTION AGENCIES ACCEPTING FEDERAL FUNDS	CURRENT FEDERAL LAW	PROPOSED CHANGE
Reasonable efforts must be made to keep children with families when it can be done safely.	yes	REPEALED
After placed in foster care, reunification of children with families must be considered if it can be done safely.	yes	REPEALED
Children may be placed only in State licensed facilities.	yes	REPEALED
Parents' rights related to the removal of the child, change in the child's placement and determinations affecting visitation are safeguarded.	yes	REPEALED
Children removed from families must be placed in the "least restrictive setting" appropriate and in close proximity to home when possible.	yes	REPEALED
A permanent home for a child removed from family must be achieved, whether returned to home or placed in adoptive home, guardianship, or long-term foster care.	yes	REPEALED
Secretary of HHS may initiate a review of state compliance and may establish guidelines and offer technical assistance as needed.	yes	REPEALED - except for a minor involvement in data collection, HHS is expressly prohibited from evaluating state performances and establishing regulations.
Every child assured protection with access to the federal courts to ensure compliance with law.	yes	REPEALED
State courts must review the status of each child in long-term foster care.	yes	REPEALED
Fair hearings will be made available to any child or parent who is denied protection or assistance.	yes	REPEALED
Judicial and administrative reviews are open to parents of the child in foster care.	yes	REPEALED
Individuals who report instances of child abuse or neglect are immune from prosecution under State and local laws.	yes	REPEALED

PROTECTION FOR CHILDREN AND FAMILIES/REQUIREMENTS OF STATE CHILD PROTECTION AGENCIES ACCEPTING FEDERAL FUNDS	CURRENT FEDERAL LAW	PROPOSED LAW
In every case involving an abused or neglected child which results in a judicial proceeding a guardian ad litem shall be appointed to represent the child in such proceeding.	yes	REPEALED
Individual case reviews are conducted by panels of appropriate persons at least one of whom is not working directly with the child or parents.	yes	REPEALED
Information about parents and children in the child protection system is kept confidential and will be disclosed only for certain specified purposes.	yes	REPEALED
Foster care adoption subsidies are available to all children who cannot remain safely at home irrespective of the increase in numbers of children needing foster care or of the condition of state finances or national economic downturns.	yes	Individual entitlement for foster care is REPEALED
Adoption subsidy is guaranteed for "hard to place " special needs children to facilitate their adoption.	yes	Individual entitlement for adoption subsidies for children with special needs is REPEALED.
States are guaranteed federal funding to provide preventive services such as family preservation and family support to help children remain safely with their families.	yes	REPEALED
States are guaranteed federal funding to provide youths 16 to 21 years old with independent living services to ease their transition into adulthood and into the workforce.	yes	REPEALED
Foster care maintenance payments and adoption assistance payments must be periodically reviewed to assure their continuing appropriateness.	yes	REPEALED
Training plans for child protection staff, foster parents and child care staff must be developed.	yes	REPEALED

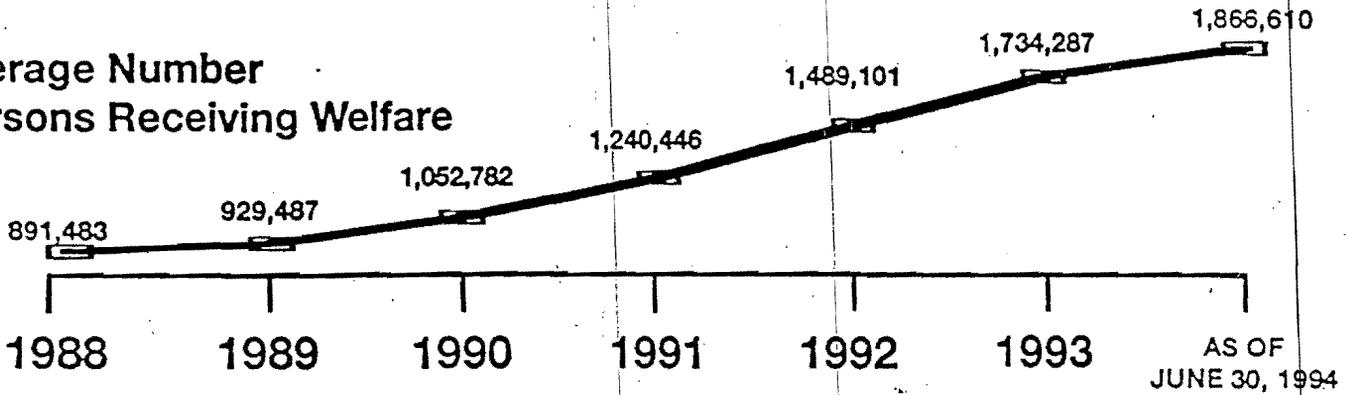
Adapted from material developed by the Child Welfare League of America (3-28-85)

Unemployment, Welfare, Infant Drug Referrals, Emergency Response Child Cases and Child Placement for Los Angeles County

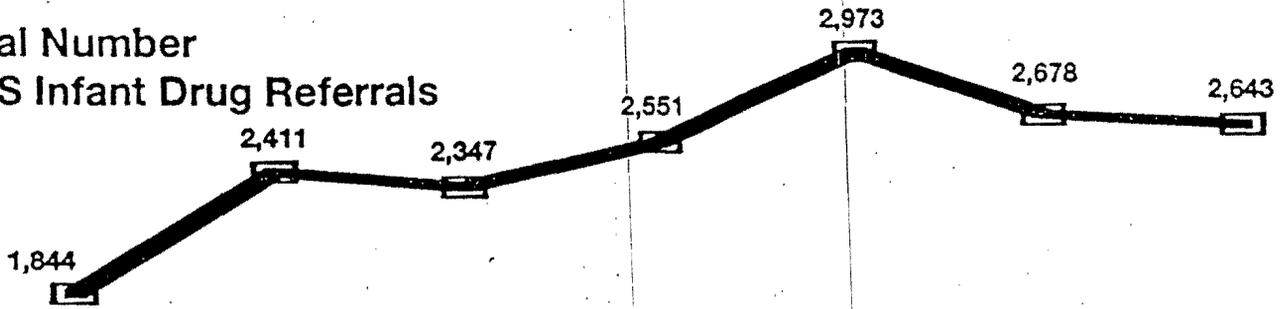
**Average Number
Persons Unemployed**



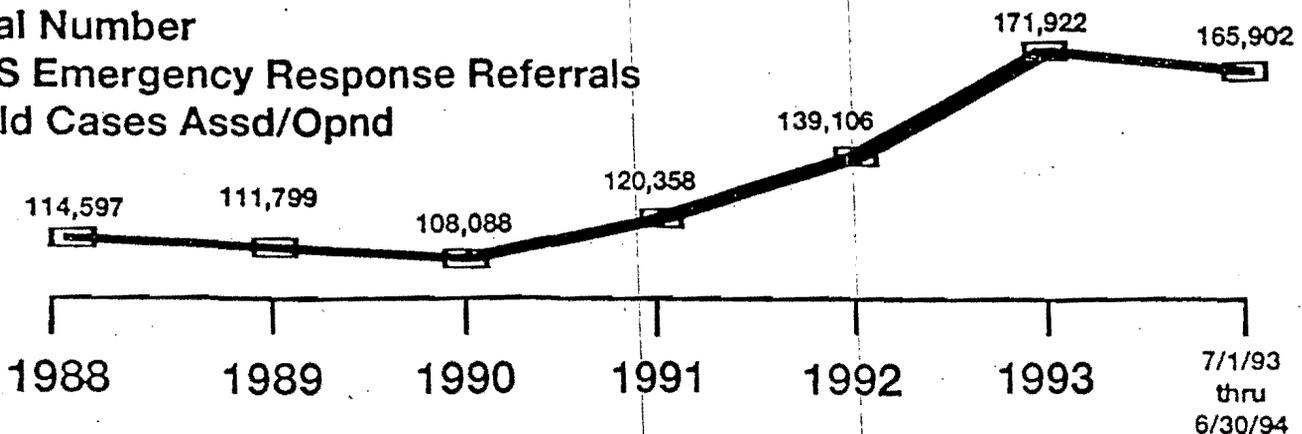
**Average Number
Persons Receiving Welfare**



**Total Number
DCS Infant Drug Referrals**



**Total Number
DCS Emergency Response Referrals
Child Cases Assd/Opnd**



Whatever It Is, It Isn't Constructive Welfare Reform

Provision in proposed act could endanger abused and neglected children

Lost in the focus on welfare reform is a shortsighted provision that would freeze funds used to protect abused and neglected children. If the Senate approves the proposed Personal Responsibility Act as written, federal aid would be capped and states would no longer receive federal dollars based on need. Demand is not static. It is rising. If current trends continue as expected, agencies would be forced to cut their staffs. Such a change is potentially life-threatening. A slow response to an emergency referral could result in a death. This is not welfare reform.

The proposed Personal Responsibility Act tackles a welfare system that is clearly broken. The massive bill approved by the House and under consideration in the Senate attempts to fix Aid to Families with Dependent Children. But the legislation also could cripple child abuse programs and foster care programs. Surely, that is an unintended consequence that the Senate Finance Committee should avert when members tackle welfare reform.

A proposed child protection block grant would replace nearly two dozen federal programs, including foster care, child abuse prevention and treatment and adoption assistance. It would cap spending and eliminate the guarantee of help for all abused or neglected children who need it. It would eliminate assistance for poor kids taken in by a caring but poor relative who otherwise could not afford to feed an extra mouth. It also would eliminate medical coverage for foster children and aid for compassionate people willing to adopt children with daunting and expensive medical needs. In these tragic cases, less government help is not better.

SAD, MAYBE DEADLY: Lawrence Townsend, Riverside County's social services director, insists he would be forced to cut staff members who conduct investigations, check on children in foster care or supervise children who remain in their own homes. "It would be sad not to respond to referrals because of a lack of staff," he said. Sad, and perhaps deadly.

The consequences in Los Angeles County, California and across the nation could be dramatic if the proposed AFDC changes were to take effect. The time limit, elimination of assistance to teen-age parents, denial to legal immigrants and changes in child disability assistance could deny aid to an estimated 4.5 million poor children nationally. That would translate to 300,000 poor children with no form of support in Los Angeles. If only one out of 20

needed foster care, according to Pete Digre, Los Angeles County children services director, the county would face a new and unreimbursable cost of \$185 million. That would force the layoff of the entire child protective staff. No staff, no response to referrals. No staff, no investigation. No staff, no supervision.

There is a high correlation between poverty and family violence. The recent recession and state cuts in welfare payments swelled foster care. The economic downturn and reductions in public aid also caused a dramatic increase in the number of children who need protection from their parents. These sorry outcomes should serve as a warning to Washington.

Hunger is also on the rise. A UC Berkeley study, commissioned by the state, has found 2 million hungry children in California, and that number is rising. An estimated 8.4 million children are at risk of hunger. They are also at risk of neglect, which is defined as parents' failure to provide adequate food, clothing and shelter. Many of these children may require protective services, but any influx would cost plenty. The consequences of rampant, unchecked and chronic hunger could cost even more in the future.

A DUBIOUS SAVING: Congress wants to save money now in this area. Digre, who often testifies in Washington, suggests a reduction in bureaucracy and paperwork. The federal government can save millions if states are no longer required to investigate whether foster children are eligible for AFDC in order to recoup federal payments. For example, in the case of some abandoned babies, the parents can't be found to determine whether they are eligible. Eligibility can be determined easily and inexpensively by a court finding that a child needs help.

Some federal requirements should be retained, however. Foster care programs sometimes attract convicted child molesters, who apply to supervise children. These applications are rejected because the federal government requires a fingerprint check by the FBI. That check should remain on the books. Strict licensing requirements, another safeguard against dangerous foster homes, should also be kept.

Child protective services is more law enforcement than welfare, more public safety than public assistance. Every child is entitled to be safe. And society at large needs this protection too.

Do It Right—Don't Hurt the Children

Avoiding disasters with much-needed welfare reform

When the House debates welfare reform today, Republicans eager to make good on their "contract with America" will emphasize increasing personal responsibility and cutting government expenses. Both goals belong high on the national agenda. Achieving these goals, however, must not risk the health of America's children.

The proposed Personal Responsibility Act would reform welfare, food stamps, child care, disability and other social programs. But in their rush to judgment, in their rush to deliver before their self-imposed April deadline, members of the House GOP may not realize the actual impact or the unintended consequences of this daunting legislation. House lawmakers need to slow down: More study is warranted before they rewrite American social policy.

Effective welfare reform would end dependency, encourage employment and eliminate teen-age pregnancy. These goals require no bipartisan debate. The question for Congress, and the nation, is how to change social policy without hurting children.

No child should be left without care because welfare reform makes a parent take a job. The work requirement is justifiable, but not without some provision for child care. An amendment by Rep. Nancy L. Johnson (R-Conn.) would provide \$750 million over five years to subsidize day care. A good start.

No child should suffer because a parent refuses to pay child support. Another Republican amendment would allow states to revoke driver's licenses and professional licenses when parents did not comply. California already uses such authority to collect money that is rightfully owed to a child, money that taxpayers should not have to spend in the form of welfare payments. President Clinton strongly supports this approach.

The Health and Human Services Department estimates that denying licenses nationally would ease delinquent child-support collections by \$24 billion and reduce welfare costs by \$4 billion over a decade.

Another amendment should restore benefits for legal immigrants. Newcomers who have played by the rules and paid taxes should not be denied in their time of need. California would be hurt disproportionately because, according to the U.S. Census, 25% of

legal immigrants nationwide are in this state. Surely, the California congressional delegation is mindful of the unfair impact that would result.

There is much room for improvement throughout the proposed Personal Responsibility Act. Keeping block grants at current levels for the next five years would leave no room for growth due to a recession or developments like the crack cocaine epidemic that has bloated foster care programs. This inflexibility would in effect impose an unfunded mandate on some state and county programs. Foster care programs, for example, legally cannot turn away abused or neglected children because funds don't keep pace.

In the nutrition programs, the obligation is not legal; it is moral. No needy youngster should be denied lunch at school or food stamps at home because his or her parents applied late in the year after the frozen allocation had been used up. Depriving youngsters of food would turn back the clock on public health.

Republicans argue that parents should take care of their children. They are right. That is the ideal. But children should not suffer because their parents cannot provide or because they do not fulfill their responsibilities. After the House acts, the Senate must review welfare reform very carefully to make sure that any new laws are tough on parents, not on children.



WELFARE WATCH

■ One in an occasional series

Senate Panel Opposes Revamping Foster Care

By STEVEN A. HOLMES

WASHINGTON, May 23 — Rebuffing changes adopted by the House, the Senate Finance Committee will vote this week to maintain Federal subsidies for foster care and adoptions as an entitlement available to all who meet certain income and other requirements, Senate aides said.

The committee will act when it votes on Thursday on its version of a bill to revamp the welfare system, the aides said. The House plan would have placed all subsidies for foster care and adoption into a block grant that would have allowed states to spend the money as they see fit on adoption and foster care.

The committee will also vote to maintain a set of Federal standards for state agencies and local agencies running foster care programs, including rules on how often social workers must check on children's status and education. The House plan would have loosened Federal oversight.

Opponents argued that the House plan for fixed grants to states could cause problems if other changes in welfare legislation resulted in more children put up for adoption or placed in foster homes.

"We truly believe that the system would be dangerous and nonfunctional within a matter of months with the combined impact of the block grant and welfare reform causing a lot of kids going into the

A House plan for block grants for child welfare meets resistance.

foster system," Peter Digre, director of the Los Angeles County Department of Children and Family Services.

The House plan, which was adopted as part of its welfare overhaul package in March, would have scrapped a system whereby any child from a low-income family who has been deemed to have been abused or neglected is automatically entitled to Federal subsidies if the child is placed with a foster family, a group home or a large state-run residence.

The House plan also removed the automatic entitlement for subsidies for any family that adopts difficult-to-place children, generally those from low-income families, youngsters with physical or emotional impairments or those with siblings.

By placing these programs, along with others like training for social workers and parents and efforts to prevent abuse before a child is removed from a family, into a block grant, House Republicans had hoped

to slow the meteoric rise of Federal spending on adoptions and foster care and give states more flexibility to administer their programs.

But child welfare advocates and administrators of some state and local welfare agencies argued that the House changes would expose Republicans to the politically explosive charge that their welfare policies would hurt children.

Several advocates said the crucial vote on the committee was that of Senator John H. Chafee, a Rhode Island Republican who informed the chairman, Bob Packwood of Oregon, that he would have difficulty voting for the entire welfare package unless the current foster care and adoption services program was retained.

With Republicans holding only a two-vote majority on the panel, a defection by Mr. Chafee would have deadlocked the committee.

"Senator Packwood was persuaded by the strength of Senator Chafee's argument that the child welfare system ought to be retained," said Josie Martin, Mr. Chafee's press secretary.

In addition to Senator Chafee's objections to the changes, other Republican Senators who are not on the Finance Committee, including Christopher S. Bond of Missouri and Arlen Specter of Pennsylvania also sent letters to Mr. Packwood urging that the present entitlement status of foster care and adoption subsidies be maintained.

Bad Bargain for Children

As Congressional Republicans shred the social safety net, gaping holes are opening in programs designed to protect the nation's most vulnerable children — the victims of abuse and neglect. As part of the assault on welfare, House Republicans want to overhaul federally funded foster care and adoption services. They would consolidate many existing programs into block grants and chop funding by nearly \$3 billion. For a system that is already overburdened and underfunded, these proposals could spell disaster.

The child welfare system is a patchwork of programs, usually run by states and counties, that protect abused and neglected children and offer services to troubled families where children are at risk. It also helps families who take responsibility for neglected and abandoned children through foster care or adoption. The system has grown as families and neighborhoods, devastated by the economy, drugs and alcohol, have disintegrated. In 1993, almost three million children were reportedly abused or neglected, an increase of 130 percent from a decade earlier. Nearly 450,000 children were in foster care.

In many states, children are victimized as much by the child welfare system as by their families. They are often left too long with abusive relatives or languish in foster care for years without reasonable plans for permanent placements.

Since 1980, Washington has tried to impose

minimal standards on states receiving Federal funds for child welfare programs. The standards require states to provide written plans for each child, with recommended services and timetables to move children into or out of foster care, help them return to their families or make them eligible for adoption or other permanent placement.

Now House Republicans seek to remove even these minimal protections, while imposing harmful budget cuts. In a plan approved by the House Ways and Means Committee, about two dozen Federal child welfare programs would be consolidated into one block grant per state, with overall funding reduced by \$2.9 billion over five years.

Proponents insist that the loss of funds will be more than offset by increased program flexibility and reduced administrative burdens. Giving states more flexibility and less paperwork is desirable. But the new plan would scrap virtually all standards and prohibit Washington from exercising any meaningful oversight.

In addition, funds to individual states would be capped, leaving state and local governments to pick up the tab if caseloads soar. For New York, where both Gov. George Pataki and Mayor Rudolph Giuliani have proposed severe cuts in child welfare, the results could be particularly damaging.

As the plan heads for a vote in the House this week, supporters may think this is a good bargain for the states. But it's a bad bargain for children.

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San Francisco

Chronicle 3/21

EDITORIALS

The Myths and Damage Of Federal Block Grants

ACCORDING TO proponents of the GOP's Contract With America, the Personal Responsibility Act that comes up for a House vote this week does nothing to diminish government commitments to feed hungry children, provide nutrition programs for poor pregnant women or supply cash assistance to single parents who are down on their luck but are willing to work.

People hit by recession would have little hope of turning to the government for food aid

Such talk is claptrap. The Republicans' version of welfare reform, if approved, would almost certainly result in deserving beneficiaries of government food stamps, school lunches or welfare being turned away for lack of sufficient state funds.

Block grants in themselves are not evil, but they are the wrong answer when they replace legitimate entitlement programs — those that properly guarantee benefits to all those who are eligible and apply for them.

Under the food block grant program being proposed, 10 food programs — including food stamps, the school lunch program and the Special Supplemental Nutrition Program for Women, Infants and Children — would be consolidated. To pay for them, states would receive a fixed amount of funds for a fiscal year plus an inflation

adjustment that, according to corrected GOP figures released last week, ranges from 2 percent to 4.2 percent over the next five years.

But the dollar amount does not take into account a projected boom in school enrollment that will increase the number of needy students. Just considering the rising cost of food and skyrocketing school enrollment, the Congressional Budget Office predicts that the amount available for food programs will be \$2.3 billion less than what would have been available under the present system over the next five years.

Furthermore, people hit by recession would have little hope of turning to the government for food assistance. When the economy suffers a downturn and unemployment increases, states will have the unhappy choice of raiding their own coffers to pay for the increased number of eligible applicants or, as seems more likely in this tight-budget era, denying assistance to these applicants.

New Deal guarantees to the needy would be further weakened with the provision in the GOP bill that allows states to divert 20 percent of the block grant money to non-food social programs.

There are alternatives to block grants that still would give flexibility to states, such as changing eligibility and benefit rules or improving alignment between benefit and jobs programs.

But a nation that cannot offer a helping hand to its deserving citizens is a nation that does not deserve to call itself America.

PETITION

We, the undersigned, pledge to support the "Covenant For God's Children." which was announced by Dr. Henry J. Lyons, President, National Baptist Convention, USA.

NAME

AFFILIATION

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FAMILIES FOR KIDS

I. Statement of Goal: To ensure permanent families for all children in foster care.

Permanent Families include living situations which are characterized by:

- a legally secure relationship
- long-term stability
- a nurturing home environment
- a meaningful adult relationship
- community support

II. Background

During the last 25 years, the child welfare systems of the United States have developed a continuum of services to meet the needs of children who are abused and neglected. The goal for children in foster care has been to place children into permanent homes as quickly as possible. In spite of continued development of programs, the number of children in care has increased, children are in care longer, and they frequently move from foster home to foster home. To accomplish the objective of securing a permanent family for every child, services need to be provided based on the individual needs of families. Also, child welfare systems need to evaluate their success through attainment of outcomes which relate to the needs of families and their children. The Families for Kids initiative is distinctive from other governmental and foundation initiatives because:

- its primary focus of concern is on children who are in foster care (substitute family care) who are not returning to their families of birth.
- reforms are measured through attainment of systemic outcomes.
- it promotes individualized community strategies for achieving outcomes.
- it promotes sustainable change through implementing an integrated action plan which includes public policy reform, continuous evaluation of progressive systemic change, and social marketing of a strategic plan.
- it is inclusive of a broad range of people in communities which work together to solve the problems of the child welfare systems, including public policy officials, parents, young people, community leaders, social workers, government workers, and people of color.

III. Approach to Problem Area

A. Assumptions Underlying the Initiative

ASSUMPTION #1: Families are the best social structure for nurturing children.

Families provide the consistency of a stable, caring relationship for a child. Other forms of long-term care, such as group homes and orphanages, typically produce institutional behaviors characterized by limited ability to form and maintain relationships. Children who have faced adversity are able to succeed in adulthood when they can form a positive relationship with an adult and develop in a family that is warm and affectionate, has high expectations, and provides structure, discipline, and clear rules.

ASSUMPTION #2: The child welfare systems of the United States must work effectively to find permanent homes for all children in foster care. The child welfare systems are the legally mandated entity for protecting children from abuse and neglect and providing for their substitute care when necessary. In the past two years, the number of children in the United States' foster care systems has increased by more than 50 percent. Many children will spend more than three years in care and not always with the same family. Foster parents, social service workers, judges, and governors agree that the "system" is not able to provide permanent families for these children.

ASSUMPTION #3: Traditional ways (in addition to adoption) for caring for children by differing cultures must be legitimized. Legalized adoption of children is inconsistent with the values of some cultures. Instead, community members provide substitute care through guardianship or informal adoption of children. Frequently, termination of parental rights is outside what is culturally acceptable. Existing child welfare systems sometimes view providing a family to a child as either having the child live with his/her biological parent or terminating parental rights and placing a child into an adoptive home. In many cultures, "informal adoption" of children takes place. These alternative forms of care need to be legitimized as providing a stable, nurturing home environment and be given the same supports as legal adoptions are given.

ASSUMPTION #4: A broad range of people in communities must work together to solve the problems facing child welfare systems. The people most effected by community and personal problems have generally been excluded from solving those problems. They need to join with government and private officials to identify and solve community problems. Public policy, as developed by government officials, is what drives our current child welfare systems. Yet, this top-down approach has not had the benefit of input from foster and adoptive parents, business and religious leaders, as well as judges, elected officials, and leaders in the child welfare industry. These people can build a consensus on how they wish to service these children and families.

ASSUMPTION #5: The current legal system must assist moving children through the system and promote the importance of child and family issues within the broader legal profession. The placement of children into substitute family care begins with a legal action by a court. Permanent substitute care is always legitimized through a judge's legal action. The legal system has a powerful influence in the community in promoting child and family issues. The lowest status job in the field of law is working in a youth or family court. This applies to both judges and attorneys. Courts have become overwhelmed with their large caseloads and are ineffective in moving children toward a permanent family. A child who does not return to his/her biological family can languish in foster care for many years.

ASSUMPTION #6: Public and private employers can be effective in stimulating people to adopt waiting children. Employers can be persuaded to assume a community responsibility for promoting family life by helping families form through adoption. In the past, many employers have discriminated against adoptive families by not providing them the same benefits as families having children through birth. This problem exists not only in private business but also in the public sector. Where employers have accommodated adoptive families, benefit costs have usually increased only slightly.

B. Strategies for Families for Kids

Strategy 1: Communicate to key audiences the Families for Kids vision for system change which seeks to realize five outcomes:

- All families in contact with child welfare systems will have available community-based support and assistance which promotes their ability to solve and/or cope with their problems of everyday family living.
- A coordinated single assessment process, which includes family members, will be used to evaluate a family's need for all levels of service.
- A family and child will be provided one caseworker or casework team throughout the implementation of their permanency plan.
- A child placed in foster care will be assured of a single, stable foster placement, within his or her own community, until a permanency outcome is achieved.
- Within one year of coming into contact with the child welfare systems, a permanency outcome will be achieved for all children, including those who are in real threat of out-of-home placement.

Strategy 2: Through grantmaking, demonstrate community-based models for achieving the Families for Kids vision of accomplishing the five outcomes.

Consistent with these unique outcomes, grantmaking will be focused in the following program categories:

- Community-based family preservation and adoption system reforms in Michigan and the United States.
- Ethnic enhancements pertaining to African Americans, Hispanics, and Native Americans.
- Legal and policy reforms.
- Promotion of public and private sector employer benefits which are supportive to adoptive families.

Strategy 3: Network key players to facilitate coordination of efforts and dissemination of accomplishments and findings in overall achievement of the vision. Key players will include persons from communities of color and represent both the public and private service sectors.

Strategy 4: Evaluate the Families for Kids community-based models in order to assess the reforms that work toward accomplishing the vision's systemic outcomes.

Strategy 5: Through social marketing, public policy networks, and communication strategies, the vision for promoting permanency and stability for children will be shared.

C. Indicators of Success

The Families for Kids initiative will measure success by the extent that communities achieve the five systemic outcomes of:

- Support services for all families
- One community assessment process
- One casework team for families
- One foster home for kids
- One year to achieve a permanent placement

IV. Accomplishments to Date

Between June 1993 to August 1994, nineteen communities engaged in a community visioning process to plan child welfare system reform strategies. In assessing the community visioning process, the following results have been achieved:

Nontraditional stakeholders in the child welfare systems have been integrated into the process for planning system reforms. Nontraditional stakeholders are foster and adoptive parents and young people, business and religious leaders, and other community people who have an interest in children and their families. In the past, these people have not been offered opportunities to design changes in the system. Some Families for Kids participants have said, "We have developed relationships (with nontraditional stakeholders) and not just made contact with them on a one-time basis."

The structure of government services planning has changed to reflect an investment in local communities. State child welfare systems usually plan services through provision of public policies issued from federal and state offices to local communities. As a result, all communities have been seen as having the same needs, and methods for meeting those needs do not reflect community differences. Families for Kids grantees have begun a process that includes community input in the shaping of public policy and implements it in a variety of ways reflecting their unique strengths and characteristics.

There has been growth in valuing ethnic diversity. The community visioning process has incorporated involvement of ethnic groups in a variety of ways reflecting community differences.

The input of young people who have "experienced the system" is now valued and systemically pursued. Seldom in the past have youth been involved in planning change in the child welfare system. Their involvement in the community visioning process has refocused service providers attention to the need to treat children in foster care with respect and courtesy. Young people want a voice in how they are treated and have begun to organize themselves so they can make their needs known.

Child welfare systems are becoming humanized. Through the community visioning process, adoption issues have been expanded to go beyond the acts of adopting and termination of parental rights to include a child's need for stability in a permanent family. For too long, the system has focused on performing procedures and completing plans. By looking at the system through the eyes of a child, children and families are seen as people and not cases or clients.

Values have become the criteria for success of technical and programmatic advancement. The community visioning process has provided participants the opportunity to plan systemic change with a unified value base. These values have given a new meaning to the concept of improvement. In the past, improvement in the system has been assessed through such measures as fewer cases and reduced costs. Families for Kids has refocused planning to the needs of people who are experiencing the system. Though the five outcomes have been viewed as exceedingly difficult to achieve, no one has disputed their value.

V. Listing of Grantees

A. Systemic Reform

- Arizona Children's Home Association, Tucson -- \$1.04 million
- Ohio Office of the Governor, Columbus -- \$1.92 million
- The Villages, Inc., Topeka, Kansas -- \$2.06 million
- Children's Services of Roxbury, Inc., Boston, Massachusetts -- \$3.63 million
- The Grand Rapids Foundation, Michigan -- \$1 million
- Mississippi Children's Home Society, Jackson -- \$2.84 million
- Montana Department of Family Services and Montana Adoption Resource Center, Helena -- \$1.37 million
- North Carolina Department of Human Resources, Raleigh -- \$3 million
- South Carolina Department of Social Services and the United Way of South Carolina, Inc., Columbia -- \$3 million
- Washington State Department of Social and Health Services and the Children's Home Society of Washington, Seattle -- \$3 million

Work continues toward development of two additional sites.

B. Ethnic Enhancement

- African-American - Children's Services of Roxbury, Inc., Boston, MA -- \$100,000
- Native American - N.A.E.S. Colleges, Chicago, IL -- \$100,000
- Hispanic - Council on Adoptable Children, New York, NY -- \$100,000

C. Legal and Policy Reforms

- University of Michigan Law School, Ann Arbor, MI -- \$1.56 million
- National Center for State Courts, Williamsburg, VA -- \$250,000

D. Employer Benefits

- National Adoption Center, Philadelphia, PA -- \$600,000

VI. Resource Materials

A. Videos

- **Families for Kids: The Challenge** (a 19-minute videotape) describes issues affecting the adoption field, and defines the goals and objectives of the Families for Kids initiative.
- **Families for Kids: First Steps** (a 20-minute videotape) introduces FFK's five defining outcomes, major perspectives on change shared by many of the initiatives' local leaders, and the community-based planning activities that drive reforms.

B. Publications

- **Families for Kids of Color: A Special Report on Challenges and Opportunities** offers new insights on barriers to adoption and strategies for overcoming them, by African-American, Hispanic/Latino, and Native American adoption experts.
- **Families for Kids Who Wait** offers a more detailed look at common themes and specific reform strategies emerging from the project sites. (Available July 1995)
- A third publication slated for release in the summer of 1995 will offer specific direction to would-be reformers about how to mobilize diverse community groups to work together to bring about change. (Available Fall 1995)

Families for Kids is an initiative sponsored by the W.K. Kellogg Foundation. The Foundation was established in 1930 "to help people help themselves through the practical application of knowledge and resources to improve their quality of life and that of future generations." As a private grantmaking organization, it provides seed money to nonprofit organizations and institutions that have identified problems and designed constructive action programs aimed at solutions.

Most Foundation grants are awarded in the areas of higher education; youth development; leadership; philanthropy and volunteerism; integrated, comprehensive health care systems; food systems; and rural development. Grants are concentrated in the United States, Latin America and the Caribbean, and southern Africa.

IMPACT OF PROPOSED FEDERAL WELFARE CHANGES ON CHILD PROTECTION - EXECUTIVE SUMMARY -

This Country is faced with a legal and moral mandate to serve **ALL** children at risk of abuse or neglect. Current proposals regarding Federal funding for child protective services and changes to the welfare system will seriously impact our ability to protect children.

RECOMMENDATIONS

Given the potential harm to children, we must:

- **support continuation of Title IV-E to ensure federal participation in the ultimate safety net for dependent children in a manner responsive to workload.** This currently workload responsive funding source funds foster care and group home placements for children, the Independent Living Program (ILP), the Adoptions Assistance Program (AAP), children's social worker costs, and staff and foster parent training programs; and,
- **support continued programs ensuring child safety, continued family preservation and support services, the development of legally permanent homes, adoptions assistance, and independent living programs for our youth.**

As proposed, Federal changes to welfare are likely to result in costs being shifted to local government and a decline in the quality of care and safety provided to children in the child protective services system.

THE CURRENT SYSTEM

Funding

- The Federal government pays a proportionate share of the cost of caring for and supervising ALL children who are in need of child protective services.
- The State pays a proportionate share of the cost of child protective services based on the number of children entering the system.

Child Protection Programs

- **Child protective services are required by law and must be provided to every child who needs services.** The provision of these services is not discretionary, they are required by statute and ordered by Juvenile Court judges. Requirements include programs for child protection, the development of legally permanent homes, and funding for foster-care payments, adoptions assistance, foster parent training, independent living programs and family preservation and support services.

If economic or social factors (i.e., crack cocaine in the 1980s) unexpectedly force more children into the child protection system without advanced warning, funding must expand to meet that need.

THE PROPOSED SYSTEM

Funding

- **The Child Protection Block Grant proposed by the House of Representatives will replace workload responsive funding with capped resources.** Funding will not increase as the number of children needing protection grows. Anything other than workload responsive funding will provide inadequate funding when capped resources do not keep pace with caseload growth. Additionally, certain proposals would allow a substantial portion of funding for child protection to be diverted to other purposes, creating the potential for a more significant funding shortfall.

If funding is capped and the need for required services grows, the quality of services will suffer. There will be more child endangerment, less child visitation, fewer adoptions, less family preservation efforts and less emancipation preparation for our foster youth.

- **Federal welfare reform proposals, including changes in AFDC eligibility requirements and capped block grants will lead to rate reduction in AFDC and possibly food stamps for 5 million children receiving benefits nationwide. This will increase the number of children needing foster care due to abuse and neglect as a result of:**
 - a loss of economic stability for many families which will cause a significant increase in the number of neglected children due to the parents' inability to adequately care for their children (i.e., feed, clothe, provide shelter and medical care);
 - an increased number of children reported as abused as reflected in Los Angeles County's experience with the 1992 5% AFDC cuts. Despite progress on many other fronts (e.g., declining drug use, a stronger economy, etc.), the number of children in this county needing out-of-home placement increased by 10% due to family stress which leads to physical abuse and neglect; and,
 - far less effective family preservation and/or reunification efforts, since AFDC is often the only financial support enabling families to stay together or reunite. This will lead to increased numbers of children languishing in the child protective services system at a significantly higher cost to both children and government.

Example: There are currently 622,000 children in Los Angeles County who are receiving AFDC. If benefits for half of these children are curtailed or eliminated, 311,000 children will be impacted. If only 1 out of 20 of the impacted children require protective services, we would be faced with an influx of 15,550 additional children. It would cost an additional \$185 million annually (\$12,000 per child) to provide foster care for these children. If Federal funds are capped and block granted, the cost of foster care alone, would necessitate the curtailment of most other critical services.

With inadequate resources to meet a growing need for services, the child protection system would serve only the most severely abused and neglected children, leaving many others at risk.

Child Protection Programs

- **Proposed changes will eliminate all Federal programs for child protection as well as requirements for family preservation and support services, independent living services, the Adoptions Assistance Program, funding for protection of children, and the development of legally permanent homes. These standards provide the basis for quality care and protection for abused and neglected children.**

EXAMPLE: IMPACT ON LOS ANGELES COUNTY'S CHILDREN

On an average, each month there are 60,000 abused and neglected children under the care and supervision of the Los Angeles County Department of Children and Family Services (DCFS). Block grants for child protective services which reduce overall funding for programs, will result in increased caseloads for children's social workers, thereby reducing standards of care which ensure the safety and well-being of these vulnerable children, and eliminate training for children's social workers and foster parents. This will compromise the quality of care provided to:

- 170,000 alleged victims of child abuse and neglect;
- 41,000 children currently in out-of-home care whose foster care payments may be reduced;
- 3,000 children who would not receive family preservation services which enable children to safely remain at home (a total of 5,958 children have received family preservation services since January, 1993);
- 5,938 children receiving Adoption Assistance Payments (AAP); and,
- an estimated 2,000 youth who are expected to receive Independent Living Program (ILP) services this year who might have to be emancipated without this support and risk homelessness, unemployment, etc. (1,929 youth received ILP services from October, 1993 to September, 1994).

As proposed, Federal changes to welfare are likely to result in additional costs to local government and a drastic decline in the quality of care and safety provided to children in the child protective services system.

**COMPARISON OF CURRENT FEDERAL CHILD WELFARE LAW
WITH THE CHILD PROTECTION BLOCK GRANT**

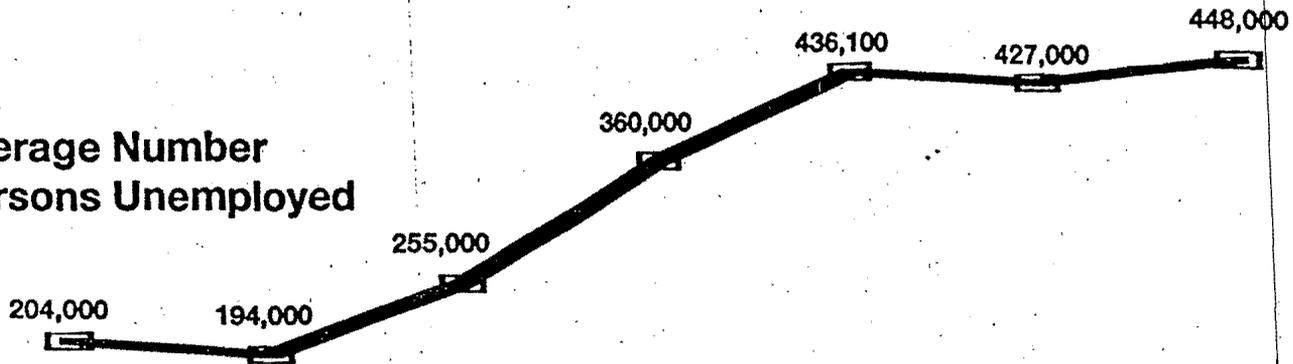
PROTECTIONS FOR CHILDREN AND FAMILIES/REQUIREMENTS OF STATE CHILD PROTECTION AGENCIES ACCEPTING FEDERAL FUNDS	CURRENT FEDERAL LAW	PROPOSED CHANGE
Reasonable efforts must be made to keep children with families when it can be done safely.	yes	REPEALED
After placed in foster care, reunification of children with families must be considered if it can be done safely.	yes	REPEALED
Children may be placed only in State licensed facilities.	yes	REPEALED
Parents' rights related to the removal of the child, change in the child's placement and determinations affecting visitation are safeguarded.	yes	REPEALED
Children removed from families must be placed in the "least restrictive setting" appropriate and in close proximity to home when possible.	yes	REPEALED
A permanent home for a child removed from family must be achieved, whether returned to home or placed in adoptive home, guardianship, or long-term foster care.	yes	REPEALED
Secretary of HHS may initiate a review of state compliance and may establish guidelines and offer technical assistance as needed.	yes	REPEALED - except for a minor involvement in data collection, HHS is expressly prohibited from evaluating state performances and establishing regulations.
Every child assured protection with access to the federal courts to ensure compliance with law.	yes	REPEALED
State courts must review the status of each child in long-term foster care.	yes	REPEALED
Fair hearings will be made available to any child or parent who is denied protection or assistance.	yes	REPEALED
Judicial and administrative reviews are open to parents of the child in foster care.	yes	REPEALED
Individuals who report instances of child abuse or neglect are immune from prosecution under State and local laws.	yes	REPEALED

PROTECTION FOR CHILDREN AND FAMILIES/REQUIREMENTS OF STATE CHILD PROTECTION AGENCIES ACCEPTING FEDERAL FUNDS	CURRENT FEDERAL LAW	PROPOSED LAW
In every case involving an abused or neglected child which results in a judicial proceeding a guardian ad litem shall be appointed to represent the child in such proceeding.	yes	REPEALED
Individual case reviews are conducted by panels of appropriate persons at least one of whom is not working directly with the child or parents.	yes	REPEALED
Information about parents and children in the child protection system is kept confidential and will be disclosed only for certain specified purposes.	yes	REPEALED
Foster care adoption subsidies are available to all children who cannot remain safely at home irrespective of the increase in numbers of children needing foster care or of the condition of state finances or national economic downturns.	yes	Individual entitlement for foster care is REPEALED
Adoption subsidy is guaranteed for "hard to place " special needs children to facilitate their adoption.	yes	Individual entitlement for adoption subsidies for children with special needs is REPEALED.
States are guaranteed federal funding to provide preventive services such as family preservation and family support to help children remain safely with their families.	yes	REPEALED
States are guaranteed federal funding to provide youths 16 to 21 years old with independent living services to ease their transition into adulthood and into the workforce.	yes	REPEALED
Foster care maintenance payments and adoption assistance payments must be periodically reviewed to assure their continuing appropriateness.	yes	REPEALED
Training plans for child protection staff, foster parents and child care staff must be developed.	yes	REPEALED

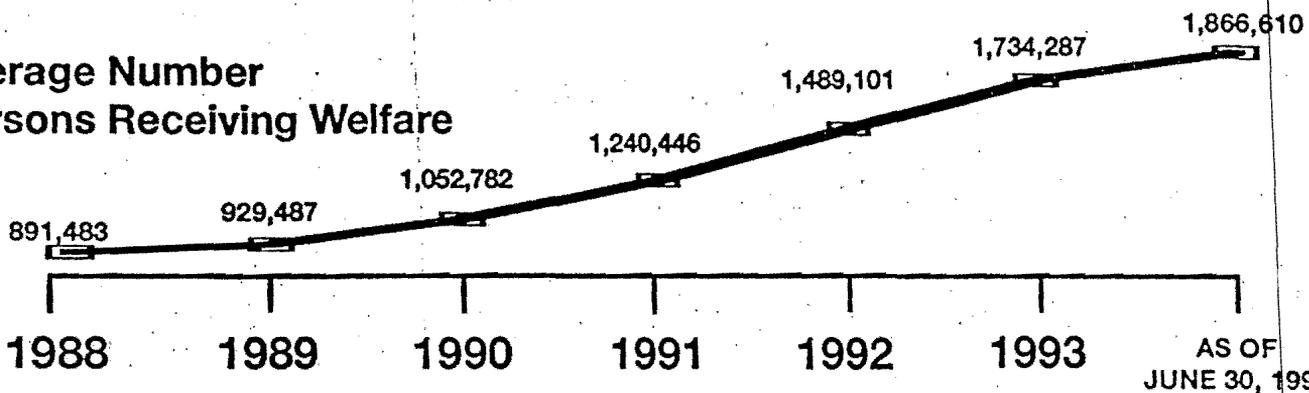
Adapted from material developed by the Child Welfare League of America (3-28-95)

Unemployment, Welfare, Infant Drug Referrals, Emergency Response Child Cases and Child Placement for Los Angeles County

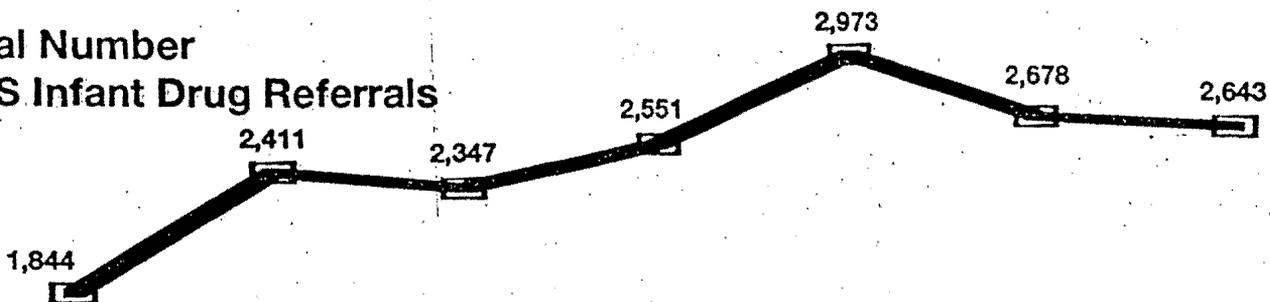
**Average Number
Persons Unemployed**



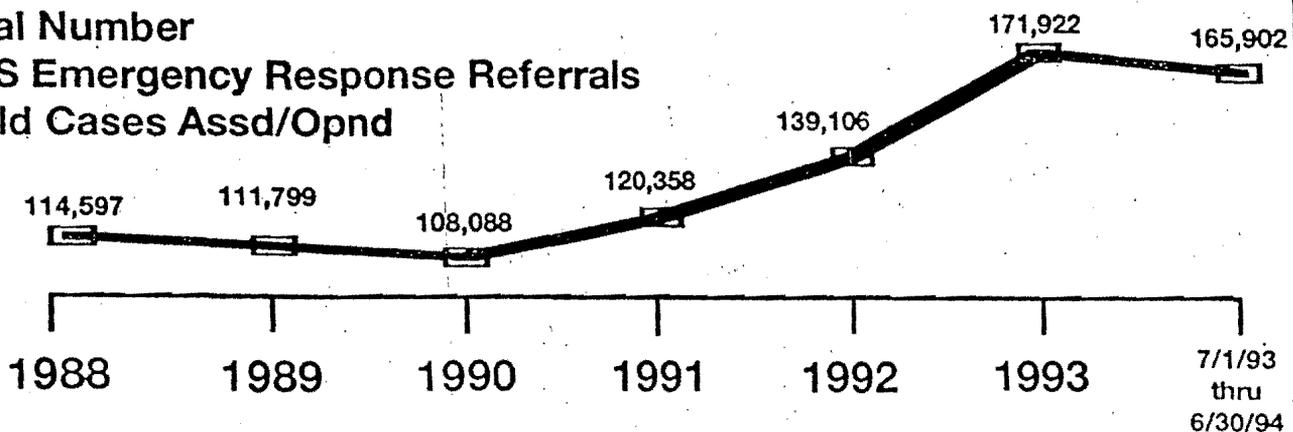
**Average Number
Persons Receiving Welfare**



**Total Number
DCS Infant Drug Referrals**



**Total Number
DCS Emergency Response Referrals
Child Cases Assd/Opnd**





**COUNTY OF LOS ANGELES
DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**425 Shatto Place - Los Angeles, California 90020
(213) 351-5602**

"NATIONAL STANDARDS AND FUNDING FOR CHILD PROTECTION"

ORAL TESTIMONY

OF

PETER DIGRE, DIRECTOR

**LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

SUBMITTED TO

**UNITED STATES SENATE
COMMITTEE ON FINANCE**

APRIL 26, 1995

Senator Packwood and members of the Committee, my name is Peter Digre and I am the Director of Los Angeles County Department of Children and Family Services, a public child protection agency which in 1994 responded to more than 165,000 reports of abused and neglected children. Thank you for giving me the opportunity to address you today on a matter that is of the utmost concern to me and to the 60,000 children in Los Angeles County for whom I am personally responsible --- the changes that you are considering in the way we protect, or fail to protect, abused and neglected children.

I have spent my entire professional life working with children and their families. I have administered child protection agencies under Governor Thompson in Illinois, Mayor Goode in Philadelphia, Governor Martinez in Florida, and, since 1991, in Los Angeles County. I have worked in both state and county-run programs under Democratic, Republican and bi-partisan administrations, such as the Board of Supervisors to which I now report. I have run non-profit agencies and am now responsible for operating the largest child protection agency in the country. Because I have worked in child protection systems both before and after Congress passed the Child Welfare and Adoption Assistance Act of 1980, I believe I know from first-hand experience, as well as anyone in the country, what the strengths and limitations of that Act have been.

As I am sure many members of this Congress remember, the Child Welfare and Adoption Assistance Act was passed in response to some very serious concerns about the treatment of this nation's abused and neglected children. In 1980, members of Congress, deeply disturbed by widespread evidence that children were entering state foster care systems unnecessarily and becoming lost within them, acted to provide the resources states needed to ensure that children and families could stay together, that those children who could not return home would find adoptive families and that all children would have the right to be protected from abuse in or out of their homes. I know that Senators Packwood, Dole, Moynihan, Chaffee, Roth and others who are still on this Committee, participated in the drafting of these amendments.

Now, some may not be aware of the important role the Act has played in improving state child protection systems over the last 15 years. They may believe that this system which was carefully and thoughtfully developed should be abandoned without any consideration, because it is "inflexible and unresponsive to the needs of local communities". I am here to say that this is far from the truth. While current federal law is not perfect, it has been the basis for major improvement in the treatment of abused and neglected children in this country. This improvement has been achieved in the face of major social crises like increases in homelessness, crime, poverty and drug addiction that have put intensive and unrelenting demands on child protection systems.

I will mention just a few accomplishments that have been made possible by the Act.

- Families have been kept together through the implementation of the family preservation program and reasonable efforts requirements of the Act. In family preservation target communities in Los Angeles County,

we have stemmed the growth of out-of-home placements without jeopardizing child safety. We find 30% fewer children going into foster care where we have Community Family Preservation Networks.

- Many systems like ours have used Federal matching funds to ensure that *all* foster parents receive in depth training and effective screening before children are placed in their care.
- Federal funds have enabled use to hire sufficiently trained staff to supervise children in care, to locate permanent homes for them and to protect them while they are in our custody.
- All states now have successful adoption subsidy programs that have increased the number of children who find permanent homes. In Los Angeles County, when we began to effectively use the adoption subsidy program, our adoptions increased from fewer than 700 to about 1,100 each year.
- Under the Act, much to the credit of Senator Moynihan who worked closely with your former colleague Senator Armstrong of Colorado, every state has been able to provide Independent Living skills training for young people who leave foster care at age 18. Instead of entering a life of homelessness and destitution, these young people now have the opportunity to begin adulthood successfully. Due to the Independent Living Program, I insist that youth have jobs or income, housing and educational opportunities before they emancipate.

All of these achievements have been possible because of the high level of flexibility already provided under current law. The Act allows agencies like mine to design our own review systems, set appropriate payment levels for foster care and adoptions assistance, target specific communities for family preservation and make many other basic decisions about how we provide services. The structure of the Act allows states to shape their own programs within basic minimal standards and to provide improved services to children and their families.

The key to this flexibility is the ability of the child protection system to respond to urgent increases in the need for child protection services. This, in turn, is based on a financing system that is responsive to the numbers of children requiring care so that resources increase with need. We in Los Angeles County have, twice in the past ten years, experienced sharp, unanticipated and unavoidable increases in the number of children entering the child protection system. The first was in the late 1980s when crack cocaine devastated many of our communities. The second was in the early 1990s when the recession combined with welfare reductions drove many families into economic crisis. In both cases, the need for services rose dramatically and only the flexible, responsive nature of federal and state funding allowed agencies like mine to protect the safety of the thousands of children who came into our care.

Workload responsive funding is particularly critical because of the potential demand for services created by reductions in AFDC benefits for millions of children across the country due to time limits and changes in eligibility requirements. The United States Department of Health and Human Services

(HHS) estimates that if H.R. 4 is fully implemented, benefits would be denied to over 5 million children nationally. Our experience with the recession and California's 1992 AFDC cuts shows that when families suffer economic stress, the number of children requiring protective services increases dramatically. When these cuts are put into effect, the nation's foster care population may well grow geometrically. Increases in the incidence of abuse and neglect and in the foster care population will result from:

- a loss of economic stability for many families which will cause a **significant increase in the number of neglected children** due to the parents' inability to adequately care for their children. In Juvenile Court statutes throughout the Country, the definition of "neglect" includes lack of food, clothing, shelter and medical care. Therefore, many of the children removed from public assistance would enter the child protection system due to the inability of their parents to provide for the basic essentials of life;
- **an increased number of children reported as abused** as reflected in Los Angeles County's experience with the 1992 5% AFDC cuts. Despite progress on many other fronts (e.g., declining drug use, a stronger economy, etc.), the number of children in Los Angeles County needing out-of-home placement increased by 10% after these cuts went into effect because economic stress on the family leads to physical abuse and neglect; and,
- **reduction in the effectiveness of family preservation and/or reunification efforts**, since AFDC often provides the financial support necessary for families to stay together or reunite. The AFDC reductions will lead to increased numbers of children languishing in the child protection system at a significantly higher cost to both children and government.

The attached chart demonstrates the intimate relationship between the economic opportunities and well-being of families, and the reporting of child abuse and neglect. Given the relationship between economic hardship and the increased entry of children into the child protection system, it is predictable that a significant proportion of children for whom assistance is terminated or curtailed will enter the child protection system.

If the Child Protection Block Grant is implemented at the same time as more children require services, the child protection system will be confronted with an open-ended mandate. Juvenile Courts will place countless numbers of new children in the foster care system, with no way to pay for their care.

To use my own county as an example, there are currently 622,000 children in Los Angeles County who are receiving AFDC. If benefits for half of these children are ultimately curtailed or eliminated as HHS predicts, 311,000 children will be impacted. If only 1 out of 20 of these children require protective services, we would be faced with an influx of 15,550 additional children. It would cost an additional \$185 million annually (\$12,000 per child) to provide foster care for these children. If Federal funds are block granted and capped, the cost of foster care alone, would necessitate the curtailment of most other critical services.

Without hyperbole, we can reasonably conclude that there would be a drastic decline in the quality of care and safety for children in the child protection system as "capped" resources are required to provide for growing numbers of children. There will be more children per caregiver, less support and less training per caregiver, less supervision and treatment for children, less preparation for independence, fewer adoptions, and fewer family preservation efforts.

My most basic responsibility is to provide for the care and support of children in the custody of my Department. This means paying for adequate food, clothing and shelter for them. My next most critical obligation is to supervise children in care. Finally, if my system has sufficient resources, I am able to provide the services and supports that allow children to achieve some permanency and stability in their lives and encourage families to stay together, like family preservation, adoption assistance and independent living. If the number of children in my system increased drastically without a corresponding increase in funds, I will be forced to reduce services to children, starting with programs that are not immediately related to their health and safety. This will quickly eliminate all of the progress that we have made in creating responsive family and child-centered services. In addition, if these services are eliminated, the foster care population will increase, because we will have no good alternatives to substitute care. This will put a further strain on capped resources and require additional reductions. The next way in which I could accomplish necessary savings will be to eliminate routine supervision of children. Children will not be visited by child protection workers and neither they nor their families will receive counseling or support. Finally, the quality of care will suffer and children will be placed in overcrowded, underqualified homes where they will stay without any agency oversight. In the end, the child protection system will be nothing but a huge, unsafe warehouse for children. I, and people like me, will be powerless to help them.

If this seems to be an unduly alarmist view of the consequences of block granting, I want to remind you that the Los Angeles Times reported extensively about the abuse of numerous children in foster care in the 1980s. Most of this abuse occurred because of the State of California and Los Angeles' failure to access the federal funds to which it was entitled. In 1991, we were able to stop this abuse by using federal funds that were available to pay for adequate supervision of children and improved training of staff and foster parents. I implore you not to take away my ability to respond to and, more importantly prevent, another similar crisis.

None of this means that I believe that current law is ideal. On the contrary, I think there are ways to make the system more efficient and cost effective without threatening the safety of children.

First, however, I would like to clearly state the ways in which the laws should *not* be changed.

- Title IV-E should remain workload responsive. Systems must have the resources they need to pay for basic supports such as food, clothing and shelter, and essential child protective supervision for children in care.

- The Adoption Assistance Program, which has been very successful in increasing permanent homes for children with complex medical and developmental problems should remain an entitlement. Children need families and many of the most loving families often cannot afford to provide for the special needs of children with serious medical or psychological problems.
- The Independent Living Program should be continued. Without this program, foster children are not, and cannot be, prepared effectively for adulthood and will fall into homelessness, prostitution and crime.
- Family Preservation, which has for the first time enabled us to stop the growth of foster care placements, must be preserved.
- Finally, federal training funds should be continued. States should be empowered and encouraged to ensure that adults who care for or supervise children, particularly children who have been victimized, are competent and knowledgeable.

That said, I would suggest the following reforms be a part of your deliberations:

- First, eligibility for federal participation in foster care payments should not be contingent on eligibility for cash payments under AFDC. Whether or not a parent meets the technical qualifications for AFDC is irrelevant to a child's need for protection from abuse. This eligibility determination is, in fact, an example of a bureaucratic procedure that wastes administrative resources. In my capacity as an administrator of this program, I am required to intercede on behalf of *any* abused or neglected child. These eligibility determinations do not enhance my ability to protect children, and merely require an expenditure of dollars that could be better used for direct services to children. State and local governments will realize substantial savings from their elimination. This change can be made cost-neutral to the federal government by changing the federal-state sharing ratio.
- Second, some of the smaller block grants should be consolidated so that states would not be required to do multiple redundant state plans. Of course, any consolidated block grant should maintain federal protections for children, continue any existing state match, and prohibit the use of funds for unrelated purposes.
- Third, state and local governments should be permitted to spend a portion of the money allocated to them to pay for out-of-home care for early intervention programs. In California, counties are permitted to reallocate placement dollars to family preservation services. This ultimately results in cost savings for all levels of government as well as improved services to children and families.
- Finally, although I know that this idea may be currently unfashionable, performance standards for child protection that relate to health and safety should be strengthened. States should be required to meet certain minimal safety and protection standards for children in their care.

The federal government should put its energy into monitoring these standards and reduce or eliminate its focus on such irrelevant factors as income eligibility or paperwork errors.

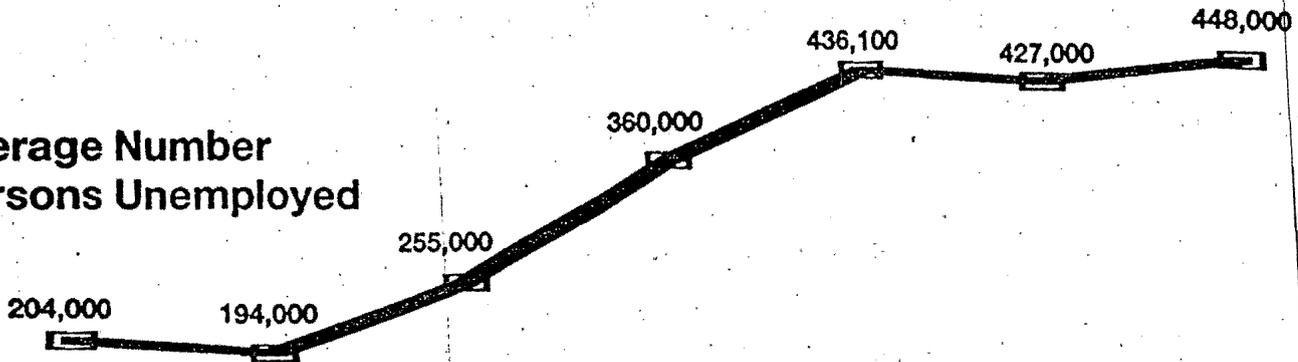
Rather than eliminating these national standards/protections, they should be enhanced by including the following requirements that are vital to the safety of every child and providing support for them:

1. We know that abused children can be injured or neglected by caregivers if they are not closely supervised. Clearly, minimal standards for supervision are a basic protection.
2. We know that children can be left in the care of child molesters when criminal and child abuse background checks are not completed. States should be required to do these checks on every caregiver.
3. We know that child protection workers who are carefully trained will make better assessments and implement services to ensure child safety. This training should be a basic protection.
4. We know that special training for caregivers will improve the quality of care provided to children in out-of-home placement. Such training should be required to obtain a foster care license in every state.

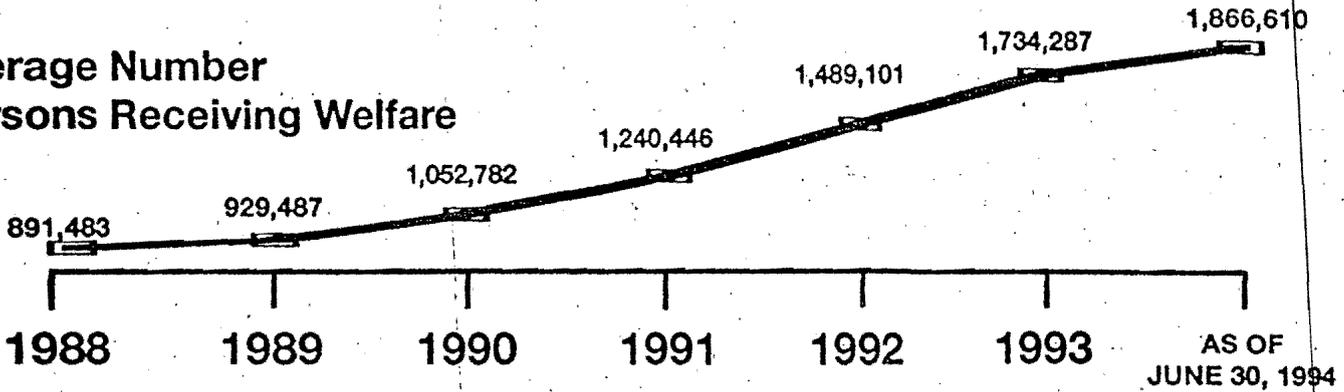
In conclusion, I want to thank you again for giving me the opportunity to speak to you on this most critical issue. You have it in your power either to strengthen our nation's ability to protect children or to eliminate that ability altogether. In 1980, many of you who are here voted for children. I hope that, now, fifteen years later, you will do so again. I am in awe of the magnitude of the decisions you must make over the next few weeks since they will affect the lives, health and safety of millions of children. These decisions will profoundly affect the ability of myself and my colleagues to carry out our responsibility to protect children from harm.

Unemployment, Welfare, Infant Drug Referrals, Emergency Response Child Cases and Child Placement for Los Angeles County

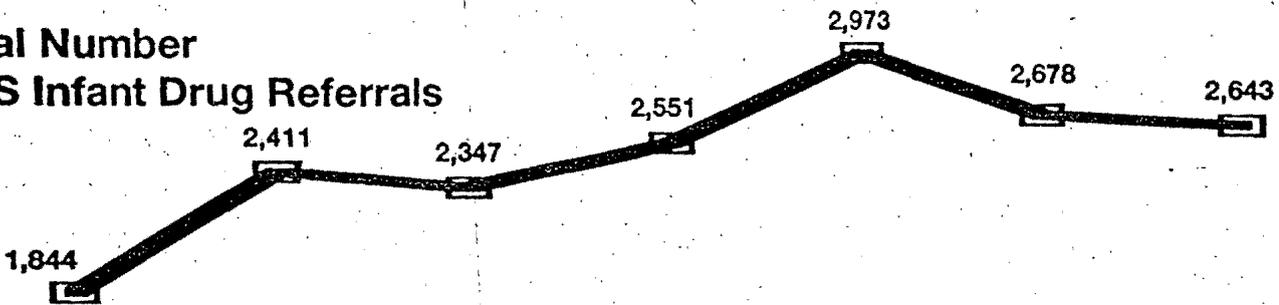
**Average Number
Persons Unemployed**



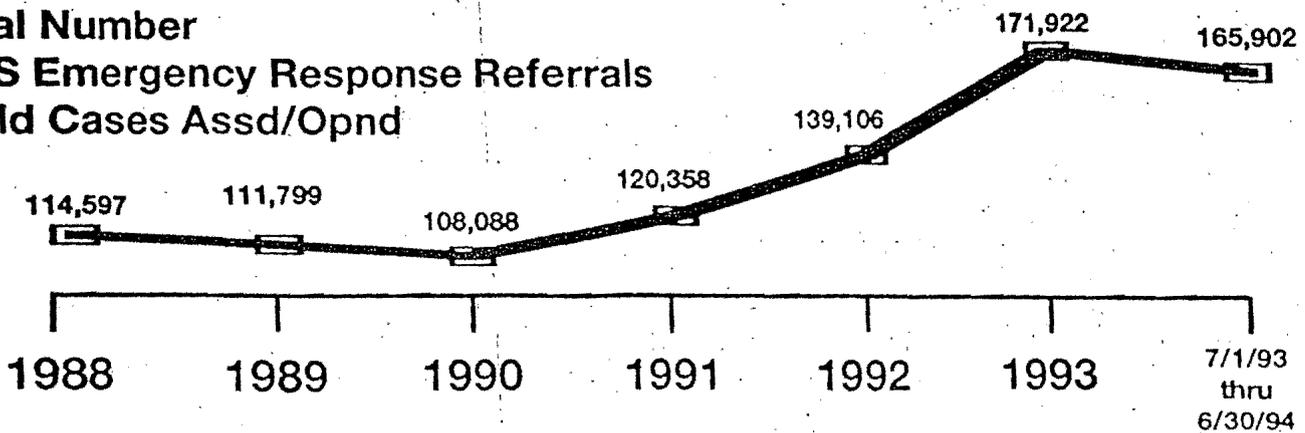
**Average Number
Persons Receiving Welfare**



**Total Number
DCS Infant Drug Referrals**



**Total Number
DCS Emergency Response Referrals
Child Cases Assd/Opnd**



**POTENTIAL SHIFT OF CHILDREN AND COSTS
FROM THE WELFARE SYSTEM TO THE CHILD PROTECTION SYSTEM
STATE BY STATE ANALYSIS**

STATE	PROJECTED NUMBER OF CHILDREN ON AFDC IN 2005 ¹	NUMBER OF CHILDREN DENIED AFDC (DUE TO PROVISIONS IN WELFARE REFORM BILL) ²	NUMBER OF ADDITIONAL CHILDREN REQUIRING PROTECTIVE SERVICES (IF ONLY 5% OF THOSE IMPACTED NEED CARE) ³	ADDITIONAL ANNUAL FOSTER CARE COSTS FOR NEW CHILDREN (\$12,000 PER CHILD/PER YEAR) ⁴	NUMBER OF CHILDREN CURRENTLY IN FOSTER CARE ⁵
ALABAMA	122,000	53,000	2,650	\$ 31.8 M	4,133
ALASKA	30,000	12,000	600	\$ 7.2 M	1,496
ARIZONA	170,000	67,000	3,350	\$ 40.2 M	3,909
ARKANSAS	63,000	29,000	1,450	\$ 17.4 M	1,981
CALIFORNIA	2,241,000	1,158,000	57,900	\$694.8 M	83,849
COLORADO	101,000	41,000	2,050	\$ 24.6 M	4,390
CONNECTICUT	136,000	59,000	2,950	\$ 35.4 M	4,252
DELAWARE	28,000	12,000	600	\$ 7.2 M	638
DISTRICT OF COLUMBIA	56,000	30,000	1,500	\$ 18.0 M	2,152
FLORIDA	605,000	233,000	11,650	\$139.8 M	9,928
GEORGIA	348,000	166,000	8,300	\$ 99.6 M	16,999
HAWAII	48,000	21,000	1,050	\$ 12.6 M	1,214

STATE	PROJECTED NUMBER OF CHILDREN ON AFDC IN 2005 ¹	NUMBER OF CHILDREN DENIED AFDC (DUE TO PROVISIONS IN WELFARE REFORM BILL) ²	NUMBER OF ADDITIONAL CHILDREN REQUIRING PROTECTIVE SERVICES (IF ONLY 5% OF THOSE IMPACTED NEED CARE) ³	ADDITIONAL ANNUAL FOSTER CARE COSTS FOR NEW CHILDREN (\$12,000 PER CHILD/PER YEAR) ⁴	NUMBER OF CHILDREN CURRENTLY IN FOSTER CARE ⁵
IDAHO	17,000	6,000	300	\$ 3.6 M	1,235
ILLINOIS	598,000	295,000	14,750	\$177.0 M	29,542
INDIANA	177,000	81,000	4050	\$ 48.6 M	8,455
IOWA	82,000	36,000	1,800	\$ 21.6 M	3,606
KANSAS	73,000	33,000	1,650	\$ 19.8 M	7,838
KENTUCKY	187,000	82,000	4,100	\$ 49.2 M	6,966
LOUISIANA	235,000	114,000	5,700	\$ 68.4 M	5,722
MAINE	55,000	27,000	1,350	\$ 16.2 M	1,944
MARYLAND	185,000	84,000	4,200	\$ 50.4 M	5,816
MASSACHUSETTS	256,000	120,000	6,000	\$ 72.0 M	13,147
MICHIGAN	553,000	302,000	15,100	\$181.2 M	11,121
MINNESOTA	155,000	73,000	3,650	\$ 43.8 M	7,895
MISSISSIPPI	153,000	75,000	3,750	\$ 45.0 M	3,169
MISSOURI	218,000	105,000	5,250	\$ 63.0 M	8,171
MONTANA	28,000	10,000	500	\$ 6.0 M	1,691
NEBRASKA	39,000	19,000	950	\$ 11.4 M	2,985

STATE	PROJECTED NUMBER OF CHILDREN ON AFDC IN 2005 ¹	NUMBER OF CHILDREN DENIED AFDC (DUE TO PROVISIONS IN WELFARE REFORM BILL) ²	NUMBER OF ADDITIONAL CHILDREN REQUIRING PROTECTIVE SERVICES (IF ONLY 5% OF THOSE IMPACTED NEED CARE) ³	ADDITIONAL ANNUAL FOSTER CARE COSTS FOR NEW CHILDREN (\$12,000 PER CHILD/PER YEAR) ⁴	NUMBER OF CHILDREN CURRENTLY IN FOSTER CARE ⁵
NEVADA	30,000	13,000	650	\$ 7.8 M	1,664
NEW HAMPSHIRE	24,000	10,000	500	\$ 6.0 M	2,630
NEW JERSEY	302,000	142,000	7,100	\$ 85.2 M	8,024
NEW MEXICO	72,000	27,000	1,350	\$ 16.2 M	2,118
NEW YORK	917,000	438,000	21,900	\$262.8 M	62,705
NORTH CAROLINA	281,000	126,000	6,300	\$ 75.6 M	10,275
NORTH DAKOTA	15,000	7,000	350	\$ 4.2 M	759
OHIO	597,000	253,000	12,650	\$151.8 M	17,099
OKLAHOMA	111,000	52,000	2,600	\$ 31.2 M	2,892
OREGON	97,000	44,000	2,200	\$ 26.4 M	4,031
PENNSYLVANIA	517,000	269,000	13,450	\$161.4 M	18,491
RHODE ISLAND	52,000	25,000	1,250	\$ 15.0 M	2,755
SOUTH CAROLINA	135,000	55,000	2,750	\$ 33.0 M	5,066
SOUTH DAKOTA	18,000	8,000	400	\$ 4.8 M	674

STATE	PROJECTED NUMBER OF CHILDREN ON AFDC IN 2005 ¹	NUMBER OF CHILDREN DENIED AFDC (DUE TO PROVISIONS IN WELFARE REFORM BILL) ²	NUMBER OF ADDITIONAL CHILDREN REQUIRING PROTECTIVE SERVICES (IF ONLY 5% OF THOSE IMPACTED NEED CARE) ³	ADDITIONAL ANNUAL FOSTER CARE COSTS FOR NEW CHILDREN (\$12,000 PER CHILD/PER YEAR) ⁴	NUMBER OF CHILDREN CURRENTLY IN FOSTER CARE ⁵
TENNESSEE	246,000	106,000	5,300	\$ 63.6 M	5,312
TEXAS	670,000	273,000	13,650	\$163.8 M	9,965
UTAH	45,000	18,000	900	\$ 10.8 M	895
VERMONT	22,000	10,000	500	\$ 6.0 M	1,162
VIRGINIA	166,000	71,000	3,550	\$ 42.6 M	6,305
WASHINGTON	237,000	107,000	5,350	\$ 64.2 M	11,327
WEST VIRGINIA	93,000	45,000	2,250	\$ 27.0 M	2,315
WISCONSIN	205,000	89,000	4,450	\$ 53.4 M	6,812
WYOMING	14,000	6000	300	\$ 3.6 M	907
TERRITORIES	173,000	64,000	3,200	\$ 38.4 M	2,885
TOTALS ⁶	12 M	5.6 M	280,000	\$ 3.36 B	441,312

- (1) Based on United States Department of Health and Human Services (HHS) data in April 7, 1995 document "H.R. 4, The Personal Responsibility Act of 1995, Preliminary Impacts, Summary and State-by-State Analysis", Table 12.
- (2) Based on HHS data in April 7, 1995 document "H.R. 4, The Personal Responsibility Act of 1995, Preliminary Impacts, Summary and State-by-State Analysis", Table 12.
- (3) Estimates based upon only 5% of those children no longer eligible for AFDC (as identified by HHS) requiring protective services as a result of increased neglect and abuse.
- (4) \$12,000 per year/per child is the average annual cost of foster care in Los Angeles County. Costs will vary by State.
- (5) Based on Fiscal Year 1992 statistics in the 1994 Green Book (Committee on Ways and Means, U.S. House of Representatives - Overview of Entitlement Programs), Table 14-16 - State Substitute Care Populations for Fiscal Years 1990, 1991, 1992, based on VCIS data.
- (6) Totals may vary slightly due to rounding of numbers.

INSTITUTE FOR HUMAN SERVICES MANAGEMENT, INC.

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NORM ZIMLICH
SENIOR ASSOCIATE
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April 25, 1995

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BETHESDA, MD 20816
301 229-8455
FAX: 301 229-0380

Mr. Peter Digre, Director
Dept. of Children's Services
425 Shatto Place - 2nd Floor
Los Angeles, CA

Dear Mr. Digre:

Attached are materials which we have developed, with the assistance of our statistician, from the Los Angeles data which you supplied.

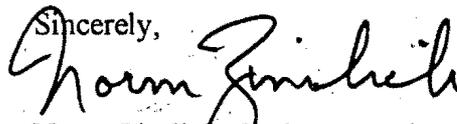
In my opinion the block grants passed by the House are the greatest threat to child welfare in the U.S. in our lifetime. Given passage of this bill, state and local child welfare agencies will simultaneously face (a) caseload increases resulting from AFDC cuts, (b) a loss of state child welfare funding because of the removal of federal matching requirements, and (c) a withdrawal of state funding from child welfare in competition with other larger human services programs in distress.

The Los Angeles data is particularly revealing with regard to the first point, that AFDC cuts bring an increase in child welfare caseloads. Of course we cannot prove "causality" with this data, but the evidence is pretty clear when relatively "modest" AFDC cuts of 2% and 5% are followed immediately by substantial increases in child abuse/neglect referrals. It is frightening to imagine what would occur with massive AFDC cut-offs to certain groups such as unwed mothers, or substantial decreases in AFDC when states pull out their share of funds, given absence of federal maintenance of effort requirements in AFDC. The materials attached attempt to succinctly make the points:

- 1) States can expect significant increases in child abuse and neglect referrals if AFDC support is substantially reduced.
- 2) Emergency Assistance has become a critical "safety-net" child welfare program for 44 states.
- 3) Child welfare, including Title IV-E and Emergency Assistance, should not be block-granted or capped at the same time as AFDC.

Please let me know if there is anything more I can do for you or with you on this issue.

Sincerely,


Norm Zimlich, Senior Associate

AFDC CUTS & CHILD WELFARE PROBLEMS

States can expect AFDC reductions to result in increased referrals for child abuse and neglect, and increased placements of children in costly foster and group care.

- Child abuse and neglect are known to be associated with poverty. Nationwide, one-half to three-quarters of such referrals are for neglect or caregiver absence. (1)
- In the District of Columbia and New York, 80% of substantiated cases are for neglect. (2) In California 75% of children in foster care placement are there because of neglect or caretaker absence. (3)
- More than half of all child abuse/neglect cases are from homes receiving public assistance. (4)
- In Los Angeles County child abuse/neglect referrals jumped 12% immediately following September 1991 AFDC grant cuts of 2.7%. (5)
- In Los Angeles County child abuse/neglect referrals jumped another 20% following October and December 1992 AFDC cuts totaling 5.8%. (5)
- In California in 1994, the average out-of-home placement for one child costs about six times as much per month as AFDC for the same child. (6)
- In California in 1994, foster family care for one child costs almost three times as much per month as AFDC. Group Home care for one child costs almost fourteen times as much per month as AFDC. (6)

**STATES SHOULD OPPOSE DECREASES IN FEDERAL
CHILD WELFARE COMMITMENTS DURING A TIME
OF AFDC CUTBACKS.**

DATA AND SOURCES

- (1) National Committee to Prevent Child Abuse, Results of 1993 Annual Fifty State Survey. June 1994, pp. 8-9.
- (2) National Committee to Prevent Child Abuse, p. 9.
- (3) California County Welfare Department Association, Permanent Placement Caseload Survey. September 1994, p. 36.
- (4) California Department of Social Services, Preplacement Preventive Services Characteristics Survey of Cases Closed in January 1993, pp. 20-22.
- (5) Los Angeles County Report "Child Welfare Services - Children Served" 1991-94.

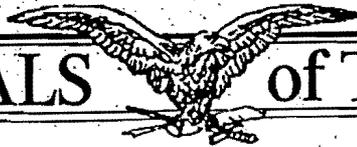
Los Angeles County Department of Public Social Services, "Statistical Report," December 1994.

Analysis by Robert E. Sherman, Ph.D., Statistician (April 5, 1994):

"A careful review of the monthly CWS referrals in the period January 1990 through December 1994 reveals a statistically significant increase of about 1200 referrals per month following the September 1991 AFDC cut, and a further increase of about 2300 per month following the AFDC cuts in October and December of 1992. These results emerge in regression analysis after a time trend and seasonal monthly effects are separated in the analysis. While this does not establish a causal linkage between the AFDC cuts and CWS referrals, it does present a strong association that deserves explanation."

- (6) California Department of Social Services, Estimates Bureau, "Public Assistance Programs, Comparison of Average Monthly Grants." (November 1994):

AFDC-FG per person/month	\$ 199.32
AFDC-FC Family Home	\$ 563.42
AFDC-Group Home	\$2755.30
AFDC-FC Average	\$1113.66


 EDITORIALS of THE TIMES

Whatever It Is, It Isn't Constructive Welfare Reform

Provision in proposed act could endanger abused and neglected children

Lost in the focus on welfare reform is a shortsighted provision that would freeze funds used to protect abused and neglected children. If the Senate approves the proposed Personal Responsibility Act as written, federal aid would be capped and states would no longer receive federal dollars based on need. Demand is not static. It is rising. If current trends continue as expected, agencies would be forced to cut their staffs. Such a change is potentially life-threatening. A slow response to an emergency referral could result in a death. *This is not welfare reform.*

The proposed Personal Responsibility Act tackles a welfare system that is clearly broken. The massive bill approved by the House and under consideration in the Senate attempts to fix Aid to Families with Dependent Children. But the legislation also could cripple child abuse programs and foster care programs. Surely, that is an unintended consequence that the Senate Finance Committee should avert when members tackle welfare reform.

A proposed child protection block grant would replace nearly two dozen federal programs, including foster care, child abuse prevention and treatment and adoption assistance. It would cap spending and eliminate the guarantee of help for all abused or neglected children who need it. It would eliminate assistance for poor kids taken in by a caring but poor relative who otherwise could not afford to feed an extra mouth. It also would eliminate medical coverage for foster children and aid for compassionate people willing to adopt children with daunting and expensive medical needs. In these tragic cases, less government help is not better.

SAD, MAYBE DEADLY: Lawrence Townsend, Riverside County's social services director, insists he would be forced to cut staff members who conduct investigations, check on children in foster care or supervise children who remain in their own homes. "It would be sad not to respond to referrals because of a lack of staff," he said. Sad, and perhaps deadly.

The consequences in Los Angeles County, California and across the nation could be dramatic if the proposed AFDC changes were to take effect. The time limit, elimination of assistance to teen-age parents, denial to legal immigrants and changes in child disability assistance could deny aid to an estimated 4.5 million poor children nationally. That would translate to 300,000 poor children with no form of support in Los Angeles. If only one out of 20

needed foster care, according to Pete Digre, Los Angeles County children services director, the county would face a new and unreimbursable cost of \$185 million. That would force the layoff of the entire child protective staff. No staff, no response to referrals. No staff, no investigation. No staff, no supervision.

There is a high correlation between poverty and family violence. The recent recession and state cuts in welfare payments swelled foster care. The economic downturn and reductions in public aid also caused a dramatic increase in the number of children who need protection from their parents. These sorry outcomes should serve as a warning to Washington.

Hunger is also on the rise. A UC Berkeley study, commissioned by the state, has found 2 million hungry children in California, and that number is rising. An estimated 8.4 million children are at risk of hunger. They are also at risk of neglect, which is defined as parents' failure to provide adequate food, clothing and shelter. Many of these children may require protective services, but any influx would cost plenty. The consequences of rampant, unchecked and chronic hunger could cost even more in the future.

A DUBIOUS SAVING: Congress wants to save money now in this area. Digre, who often testifies in Washington, suggests a reduction in bureaucracy and paperwork. The federal government can save millions if states are no longer required to investigate whether foster children are eligible for AFDC in order to recoup federal payments. For example, in the case of some abandoned babies, the parents can't be found to determine whether they are eligible. Eligibility can be determined easily and inexpensively by a court finding that a child needs help.

Some federal requirements should be retained, however. Foster care programs sometimes attract convicted child molesters, who apply to supervise children. These applications are rejected because the federal government requires a fingerprint check by the FBI. That check should remain on the books. Strict licensing requirements, another safeguard against dangerous foster homes, should also be kept.

Child protective services is more law enforcement than welfare, more public safety than public assistance. Every child is entitled to be safe. And society at large needs this protection too.

Bad Bargain for Children

As Congressional Republicans shred the social safety net, gaping holes are opening in programs designed to protect the nation's most vulnerable children — the victims of abuse and neglect. As part of the assault on welfare, House Republicans want to overhaul federally funded foster care and adoption services. They would consolidate many existing programs into block grants and chop funding by nearly \$3 billion. For a system that is already overburdened and underfunded, these proposals could spell disaster.

The child welfare system is a patchwork of programs, usually run by states and counties, that protect abused and neglected children and offer services to troubled families where children are at risk. It also helps families who take responsibility for neglected and abandoned children through foster care or adoption. The system has grown as families and neighborhoods, devastated by the economy, drugs and alcohol, have disintegrated. In 1993, almost three million children were reportedly abused or neglected, an increase of 130 percent from a decade earlier. Nearly 450,000 children were in foster care.

In many states, children are victimized as much by the child welfare system as by their families. They are often left too long with abusive relatives or languish in foster care for years without reasonable plans for permanent placements.

Since 1980, Washington has tried to impose

minimal standards on states receiving Federal funds for child welfare programs. The standards require states to provide written plans for each child, with recommended services and timetables to move children into or out of foster care, help them return to their families or make them eligible for adoption or other permanent placement.

Now House Republicans seek to remove even these minimal protections, while imposing harmful budget cuts. In a plan approved by the House Ways and Means Committee, about two dozen Federal child welfare programs would be consolidated into one block grant per state, with overall funding reduced by \$2.9 billion over five years.

Proponents insist that the loss of funds will be more than offset by increased program flexibility and reduced administrative burdens. Giving states more flexibility and less paperwork is desirable. But the new plan would scrap virtually all standards and prohibit Washington from exercising any meaningful oversight.

In addition, funds to individual states would be capped, leaving state and local governments to pick up the tab if caseloads soar. For New York, where both Gov. George Pataki and Mayor Rudolph Giuliani have proposed severe cuts in child welfare, the results could be particularly damaging.

As the plan heads for a vote in the House this week, supporters may think this is a good bargain for the states. But it's a bad bargain for children.

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Do It Right—Don't Hurt the Children

Avoiding disasters with much-needed welfare reform

When the House debates welfare reform today, Republicans eager to make good on their "contract with America" will emphasize increasing personal responsibility and cutting government expenses. Both goals belong high on the national agenda. Achieving these goals, however, must not risk the health of America's children.

The proposed Personal Responsibility Act would reform welfare, food stamps, child care, disability and other social programs. But in their rush to judgment, in their rush to deliver before their self-imposed April deadline, members of the House GOP may not realize the actual impact or the unintended consequences of this daunting legislation. House lawmakers need to slow down: More study is warranted before they rewrite American social policy.

Effective welfare reform would end dependency, encourage employment and eliminate teen-age pregnancy. These goals require no bipartisan debate. The question for Congress, and the nation, is how to change social policy without hurting children.

No child should be left without care because welfare reform makes a parent take a job. The work requirement is justifiable, but not without some provision for child care. An amendment by Rep. Nancy L. Johnson (R-Conn.) would provide \$750 million over five years to subsidize day care. A good start.

No child should suffer because a parent refuses to pay child support. Another Republican amendment would allow states to revoke driver's licenses and professional licenses when parents did not comply. California already uses such authority to collect money that is rightfully owed to a child, money that taxpayers should not have to spend in the form of welfare payments. President Clinton strongly supports this approach.

The Health and Human Services Department estimates that denying licenses nationally would ease delinquent child-support collections by \$24 billion and reduce welfare costs by \$4 billion over a decade.

Another amendment should restore benefits for legal immigrants. Newcomers who have played by the rules and paid taxes should not be denied in their time of need. California would be hurt disproportionately because, according to the U.S. Census, 25% of legal immigrants nationwide are in this state. Surely, the California congressional delegation is mindful of the unfair impact that would result.

There is much room for improvement throughout the proposed Personal Responsibility Act. Keeping block grants at current levels for the next five years would leave no room for growth due to a recession or developments like the crack cocaine epidemic that has bloated foster care programs. This inflexibility would in effect impose an unfunded mandate on some state and county programs. Foster care programs, for example, legally cannot turn away abused or neglected children because funds don't keep pace.

In the nutrition programs, the obligation is not legal; it is moral. No needy youngster should be denied lunch at school or food stamps at home because his or her parents applied late in the year after the frozen allocation had been used up. Depriving youngsters of food would turn back the clock on public health.

Republicans argue that parents should take care of their children. They are right. That is the ideal. But children should not suffer because their parents cannot provide or because they do not fulfill their responsibilities. After the House acts, the Senate must review welfare reform very carefully to make sure that any new laws are tough on parents, not on children.



WELFARE WATCH

■ One in an occasional series

METRO

SUNDAY

APRIL 2, 1995

CCT

Los Angeles Times

U.S. Welfare Cuts Seen as Big Burden for County

■ **Services:** L.A. officials say costs could soar at least \$500 million if legal immigrants are thrown off federal rolls and end up on general relief.

By JOHN L. MITCHELL
TIMES STAFF WRITER

Los Angeles County officials are nervously trying to calculate the hundreds of millions of dollars in additional costs they will have to bear if Congress approves a massive overhaul of the federal welfare system.

Officials predict that county costs will mushroom in a series of rippling reactions if the limitations on welfare approved last month by the House are approved by the Senate and President Clinton.

Among the rough estimates so far:

- The prohibition on federal welfare payments to legal immigrants who are not citizens will force a huge number of welfare recipients to apply to the county's general relief program, costing the county an extra \$507 million and doubling the number of people on general relief.

- Family strains caused by cuts in welfare payments could cause thousands of additional children to wind up in foster care, further draining the county treasury.

Legislation that limits who may apply for federal welfare payments and shifts administration of welfare to the states was approved late last month in the House. Although the Senate may soften the legislation with amendments, county officials

THE WASHINGTON AGENDA HITS HOME

One in an occasional series

say the situation appears grim—particularly for a county with a \$600-million-plus deficit looming in its budget for this fiscal year, which ends June 30.

Under the bill, Aid to Families With Dependent Children and other guaranteed benefit programs would be consolidated into a smaller number of block grants, which have dollar limits. Control would be transferred to state and local officials. Under the present entitlement status of welfare, anyone who qualifies receives benefits regardless of how much money has been budgeted.

Of major concern to the county is a provision in the proposed legislation that would bar most legal immigrants from receiving AFDC, Supplemental Security Income, food stamps, non-emergency health care, cash assistance for disabilities and other services.

County officials say that if the 275,000 legal immigrants now receiving federal AFDC and SSI payments turn instead to the county's general relief program—funded entirely by county dollars—the extra cost to the county would top \$500 million. County officials say their hands are tied by California's Welfare and Institutions Code, which requires counties to "relieve and support all incompetent, poor, indigent persons."

Supporters of the congressional welfare reform plan note that there would still be a net savings in welfare costs because individual benefits paid under the county general relief program are less than those paid under the AFDC program.

However, that perspective is of little

Please see WELFARE, B3

- CONTINUED ON REVERSE -

WELFARE: County Worried

Continued from B1
cheer to the county.

Eddy S. Tanaka, director of the county Department of Public Social Services, said in a letter to the Board of Supervisors that the county's dilemma is unfair.

"The federal government alone controls [legal immigrants'] entry into the U.S. and should be responsible for their care, not counties," Tanaka wrote.

Congress' swiftness caught the county off guard. "The freight train has moved about 150 miles down the track and there has been no time to evaluate what's going on," said Gale Swensson, the social services department's human services administrator.

Officials at the county Department of Children and Family Services expect an avalanche of children to hit the foster care system if Congress approves proposals to stiffen welfare eligibility requirements: restricting payments to five years, freezing the number of eligible children and prohibiting unmarried teen-age mothers from receiving cash assistance.

"When families are under extreme economic stress, we see more physical abuse and neglect," said Peter Digre, director of the children's department. "By definition, neglect is a lack of food, clothing and shelter."

Digre postulated that removing legal immigrants, teen-age mothers and others from AFDC rolls and forcing them into the general relief program might affect 300,000 children. If 5% of those children wound up in foster care, he said, it would cost his department \$185 million.

To pay for that increase, "I would have to lay off three-fourths of my staff," Digre said in Washington, where he was lobbying senators against the reforms.

The National Assn. of Counties' board of directors recently passed a

resolution criticizing many elements of the reform package, saying a number of the changes could "hurt vulnerable children and would shift costs to the county level."

The association called for the continuation of entitlement programs, which guarantee individual families' welfare subsidies, rather than the system of paying block grants to states. And it came out against the proposal to deny benefits to legal immigrants.

Los Angeles County, which has one of the highest concentrations of legal immigrants in the nation, could experience severe consequences, officials said.

They said the general relief population may also be increased by two other significant groups. Those suffering from alcohol and drug addictions would no longer be eligible for SSI payments under the new legislation. And teen-agers who become pregnant and cannot live with their parents may have no alternative but general relief.

County Supervisor Zev Yaroslavsky said the county has been put in a difficult situation. "Washington is trying to get the poor off its books and so is Sacramento," he said. "The poor, the people with the least political clout and the softest voices, tend to be left out."

For Republican local officials, the issue is more sensitive. The very welfare-cutting policies they support in Washington threaten to play havoc with local budgets. Supervisor Mike Antonovich, a Republican, declined to be interviewed on the subject. He issued a statement saying he backed the block-grant approach to welfare because it allows more innovation.

"That is why I'm supporting what the Republican congressional majority is attempting to do in Washington," he said. "However, this commendable effort should avoid being a cost shift from the federal government to counties."

Foster Care Regulations Would Vanish Under GOP Bill

By Martha Shirk

Of the Post-Dispatch Staff

To Republican supporters of the Contract with America, the 18-pound, 4-foot-high pile of federal regulations on abused children symbolizes what's wrong with government.

To children's advocates, the regulations symbolize the federal responsibility to protect its most vulnerable citizens.

Repeal of the regulations is at the heart of the child-protection provisions of the Republican welfare bill moving through the House.

Under current law, any poor child who is abused or neglected is entitled to protection at public expense. Protection ranges from counseling to foster care to placement with relatives or in an adoptive home.

Under the Personal Responsibility Act, the guarantee would vanish.

"This would dismantle the child welfare system," says David Liederman, executive director of the Child Welfare League of America.

"There's already a great unevenness among the states, and this is going to compound it. In the states where they have some money and they're so inclined, they will put some into child welfare. In other states, abused children will have to compete with high-

ways and schools."

The changes in the Republican bill would:

- Repeal 23 child-protection programs and replace them with a single block grant.

- Cap federal spending for foster care and adoption subsidies.

- Repeal federal regulations aimed at ensuring that foster children get adequate care, medical services and education.

Among the regulations that would go are those that require investigations of prospective foster parents, regular visits by social workers and attempts to reunify children and their families.

The proposal is the Republicans' response to what people in both political parties regard as a national crisis in foster care.

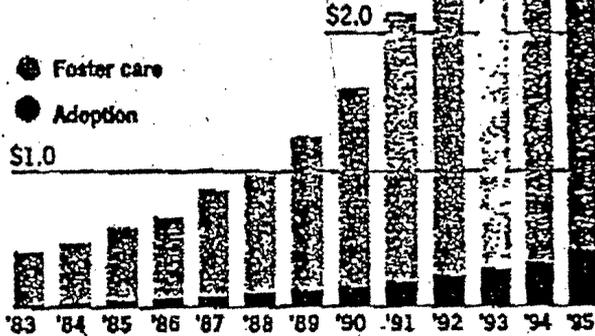
"Nobody defends the system we have now," says a spokesman for the Republicans. "It's obvious to everybody connected to it that it doesn't work."

The nation had a patchwork child-protection system until 1961, when Congress declared that abused children deserved the same level of protection wherever they lived. Congress made foster care a federal entitlement, which, in turn, spawned

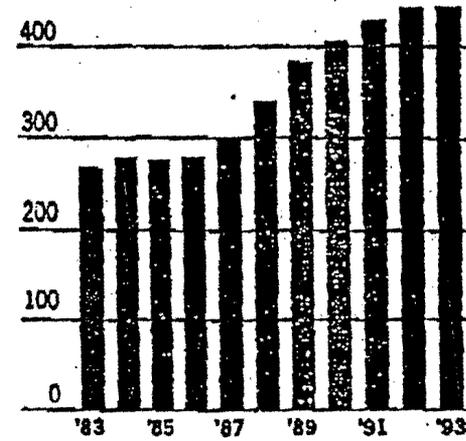
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Paying for Foster Care

Federal payments for foster care and adoption services, for fiscal years, in billions of dollars. 1995 figure is estimated.



Children receiving federal subsidies for foster care, in thousands.



Source: American Public Welfare Association

N.Y. Times News Service

thousands of regulations.

Even with federal oversight, the treatment of abused children varies greatly from state to state. Problems have led to suits against the child welfare agencies in more than 20 states, including Illinois and Jackson County, Missouri.

The cost of foster care has tripled since 1988. That's largely because of the increase in the caseload — to 425,000 children in 1993 from about 275,000 in 1986. Last year, the Congressional Budget Office projected that foster care costs would grow 22 percent to 57 percent over the next five years.

Many of the children have more serious physical injuries and psychological damage than in years past, which drives up treatment costs. The

crack cocaine epidemic is a main cause of the mistreatment, experts say.

"Some of the things that increase caseloads are way outside my control," said Gary Stangler, director of the Missouri Department of Social Services. He opposes the Republican plan. "What am I supposed to say when a judge gives the state custody of a child, and I've spent all my funds: 'Sorry, we're full?'"

Missouri has 15,020 abused or neglected children in out-of-home care, including foster homes, group homes and residential treatment centers; Illinois has 45,950.

Stangler says it would be foolhardy to cap the foster care program when welfare is also likely to be cut. "When you abolish the program, you don't abolish the people," he said. "My fear is that where we're going to rediscover their children is in the foster care system."

Nonsense, say Republicans. Ending burdensome paperwork requirements will free more money for preventive services for children, says the spokesman for the Republican proposal. "We want the states to spend more time protecting children and less time checking their paperwork," he said.

THE WASHINGTON POST

March 22, 1995

A Bad Bill in the House ...

THE HOUSE this week takes up a deeply flawed welfare reform bill. A sign of how many problems there are with this legislation is that more than 150 amendments have been proposed. Many come not from Democrats but from Republicans aware of the bill's shortcomings. Some amendments are worth passing, but they will not cure what ails this legislation. "Nothing could be more cruel to children than the current welfare system," said Majority Leader Dick Arney (R-Tex.). That's not true. This bill would make it worse.

The sponsors have used appealing arguments for decentralization and experimentation as rationales for ending welfare's "entitlement" status and turning it into a "block grant" program to be run by the states. "Entitlement" is a loaded word, but also a technical one. Because Aid to Families with Dependent Children is an entitlement, all who meet certain basic requirements can apply. Applications go up when states fall on hard economic times and drop back during recoveries. Money flows to states when they need it most.

Ending welfare's entitlement status means the program would be far less flexible and less responsive to changing economic circumstances. The bill's "rainy day fund" does not begin to make up for this loss in suppleness. States should be encouraged to experiment with better approaches to welfare. But you don't need block grants to let those experiments go forward.

The bill also presumes that a better welfare system can be built with far less money. It would be nice if

that were true, but it isn't. It is good policy to move to a system that would promote work and require it of those capable of holding a job. But that means the government would have to provide money for training, education, child care and ultimately jobs, whether in the public sector or through subsidies to employers.

This proposal, on the other hand, would reduce spending on the poor by at least \$66 billion over a five-year period. Some of these cuts come from unwise changes in the child nutrition and food stamp programs. Both these programs work quite well. Some trims might be in order, but nothing like those now being proposed.

Opponents of abortion have rightly led the charge against a provision in the bill that would simply bar children of mothers under 18 from getting any assistance. Whatever one's view on abortion, it doesn't make sense to ask a child to bear the cost of a parent's mistake. But the House rules committee last night allowed for only minor changes in this provision. Some of the amendments sent to the floor would actually make the bill worse. One amendment that would make it better provides for some more spending on child care. It's a good idea but not enough to make the work requirements in this bill plausible.

Members of Congress should improve this legislation, if only to keep as many bad ideas out of it as possible. Some Republicans were considering a challenge to the leadership that would allow more amendments to reach the floor. But ultimately the bill should be defeated and rewritten.

A Blow at Foster Care

WHEN HOUSE Speaker Newt Gingrich came under harsh attack for saying that in some circumstances some children might be better off in orphanages, the assaults seemed to us unfair. Given the state of the existing foster care system and the problems faced by children in abusive families, it's wrong to foreclose, for partisan and ideological reasons, any reasonable options that might help some kids.

Unfortunately, Mr. Gingrich and his party in the House have not translated their talk about helping society's worst-off children into protections from the freezes and reductions that their welfare bill makes in many programs for the poor. One section of the proposal that has received little notice entails a five-year reduction of more than \$2.5 billion in the growth that was projected in federal child welfare programs. In their zeal for block grants, the Republicans end the entitlement status of foster care and adoption assistance. The bill also repeals a long list of federal regulations to ensure adequate services for children in foster care.

It would, of course, be a good thing if money could be saved in all these programs by running them better. But spending on foster care and adoption has risen not because of bloated bureaucracies or grabby interest groups but because of a tragic rise in the number of abused and neglected children. The numbers went from 262,000 in 1982 to 445,000 in 1993 and continue to go up. One big

reason is the crack epidemic, for which vulnerable kids should certainly not be held responsible.

The Republicans can make a fair case that federal regulations in this area should be streamlined; some rules may force states to spend money in certain areas that might be better spent elsewhere. But on this question not many states and localities can claim bragging rights for having done a brilliant job. On the contrary, 20 states are under court orders or have been sued for failing to adhere to federal standards.

Ending the entitlement status of these programs could only make bad situations worse by foreclosing the increases in federal funding that need to come if yet more children find themselves in foster care—as seems a virtual certainty. That is why organizations sympathetic to local autonomy and state control, such as the National Association of State Legislators and the National Association of Counties, have asked that adoption and foster care be continued as entitlements and not be turned into block grants.

The foster care and adoption systems are in need of reform. Unfortunately, most reforms designed to help children in dire straits will involve more spending, not less. Mr. Gingrich, who can talk movingly about needy children, surely can do better. This provision is yet another reason why the House Republicans' welfare bill should be defeated.

San Francisco

Chronicle 3/21

EDITORIALS

The Myths and Damage Of Federal Block Grants

ACCORDING TO proponents of the GOP's Contract With America, the Personal Responsibility Act that comes up for a House vote this week does nothing to diminish government commitments to feed hungry children, provide nutrition programs for poor pregnant women or supply cash assistance to single parents who are down on their luck but are willing to work.

People hit by recession would have little hope of turning to the government for food aid

Such talk is claptrap. The Republicans' version of welfare reform, if approved, would almost certainly result in deserving beneficiaries of government food stamps, school lunches or welfare being turned away for lack of sufficient state funds.

Block grants in themselves are not evil, but they are the wrong answer when they replace legitimate entitlement programs — those that properly guarantee benefits to all those who are eligible and apply for them.

Under the food block grant program being proposed, 10 food programs — including food stamps, the school lunch program and the Special Supplemental Nutrition Program for Women, Infants and Children — would be consolidated. To pay for them, states would receive a fixed amount of funds for a fiscal year plus an inflation

adjustment that, according to corrected GOP figures released last week, ranges from 2 percent to 4.2 percent over the next five years.

But the dollar amount does not take into account a projected boom in school enrollment that will increase the number of needy students. Just considering the rising cost of food and skyrocketing school enrollment, the Congressional Budget Office predicts that the amount available for food programs will be \$2.3 billion less than what would have been available under the present system over the next five years.

Furthermore, people hit by recession would have little hope of turning to the government for food assistance. When the economy suffers a downturn and unemployment increases, states will have the unhappy choice of raiding their own coffers to pay for the increased number of eligible applicants or, as seems more likely in this tight-budget era, denying assistance to these applicants.

New Deal guarantees to the needy would be further weakened with the provision in the GOP bill that allows states to divert 20 percent of the block grant money to non-food social programs.

There are alternatives to block grants that still would give flexibility to states, such as changing eligibility and benefit rules or improving alignment between benefit and jobs programs.

But a nation that cannot offer a helping hand to its deserving citizens is a nation that does not deserve to call itself America.

The New York Times 3/20/95 The Washington Post 3/21/95 USA Today 3/23/95

First, neglect at home. Now, abuse by Congress.

Federal law guarantees protection and support to children who are abused and neglected. More than 1 million children were victims last year. Three kids die every day.

Americans believe in answering every child's call for help—to protect them, make their homes better or find them a place where they can be safe.

Now the House of Representatives is trying to repeal the law that guarantees these abused children get the help they need. It wants to eliminate the few standards currently in place to ensure children's safety and protect parental rights. It wants to stop the enforcement role of the federal government. And it wants to reduce by nearly \$3 billion the already meager federal contribution to protect children.

Just leave it up to the States, they say. But what if some States can't respond?

More children will be killed. More children will be raped. More children will go unwashed, unclothed and unfed.

This is abuse and neglect—by Congress. Don't let them do it. Contact your Representative today and say: "Strip the Child Protection Block Grant from welfare reform. Keep full funding for abused children. Preserve enforceable protections."

**Abused kids suffer
enough. Don't let
Congress make it worse.**

CWIA
Child Welfare League of America
Washington, DC 20001



Senate Panel Opposes Revamping Foster Care

By STEVEN A. HOLMES

WASHINGTON, May 23 — Rebuffing changes adopted by the House, the Senate Finance Committee will vote this week to maintain Federal subsidies for foster care and adoptions as an entitlement available to all who meet certain income and other requirements, Senate aides said.

The committee will act when it votes on Thursday on its version of a bill to revamp the welfare system, the aides said. The House plan would have placed all subsidies for foster care and adoption into a block grant that would have allowed states to spend the money as they see fit on adoption and foster care.

The committee will also vote to maintain a set of Federal standards for state agencies and local agencies running foster care programs, including rules on how often social workers must check on children's status and education. The House plan would have loosened Federal oversight.

Opponents argued that the House plan for fixed grants to states could cause problems if other changes in welfare legislation resulted in more children put up for adoption or placed in foster homes.

"We truly believe that the system would be dangerous and nonfunctional within a matter of months with the combined impact of the block grant and welfare reform causing a lot of kids going into the

A House plan for block grants for child welfare meets resistance.

foster system," Peter Digre, director of the Los Angeles County Department of Children and Family Services.

The House plan, which was adopted as part of its welfare overhaul package in March, would have scrapped a system whereby any child from a low-income family who has been deemed to have been abused or neglected is automatically entitled to Federal subsidies if the child is placed with a foster family, a group home or a large state-run residence.

The House plan also removed the automatic entitlement for subsidies for any family that adopts difficult-to-place children, generally those from low-income families, youngsters with physical or emotional impairments or those with siblings.

By placing these programs, along with others like training for social workers and parents and efforts to prevent abuse before a child is removed from a family, into a block grant, House Republicans had hoped

to slow the meteoric rise of Federal spending on adoptions and foster care and give states more flexibility to administer their programs.

But child welfare advocates and administrators of some state and local welfare agencies argued that the House changes would expose Republicans to the politically explosive charge that their welfare policies would hurt children.

Several advocates said the crucial vote on the committee was that of Senator John H. Chafee, a Rhode Island Republican who informed the chairman, Bob Packwood of Oregon, that he would have difficulty voting for the entire welfare package unless the current foster care and adoption services program was retained.

With Republicans holding only a two-vote majority on the panel, a defection by Mr. Chafee would have deadlocked the committee.

"Senator Packwood was persuaded by the strength of Senator Chafee's argument that the child welfare system ought to be retained," said Josie Martin, Mr. Chafee's press secretary.

In addition to Senator Chafee's objections to the changes, other Republican Senators who are not on the Finance Committee, including Christopher S. Bond of Missouri and Arlen Specter of Pennsylvania also sent letters to Mr. Packwood urging that the present entitlement status of foster care and adoption subsidies be maintained.

United States Senate

WASHINGTON, DC 20510

May 18, 1995

Dear Chairman Packwood,

We are writing to strongly urge you not to undercut or short-change services for abused and neglected children as part of your proposal for welfare reform.

The needs of abused and neglected children are distinct. It would be tragic to hurt them even more by including cutbacks in the funding of programs devoted to these children. We should note that the major changes you are advocating in the Aid to Families with Dependant Children (AFDC) also will have an impact on many of these children.

We believe it is essential to maintain the entitlement status of foster care and adoption assistance. It is also crucial to preserve existing federal funding levels for prevention under Title IV-B Child Welfare and the Family Preservation and Family Support program established by this committee in 1993. The basic federal guidelines regarding child abuse and neglect must be preserved for vulnerable children.

There is a fundamental difference between cash assistance to low-income families with dependent children and our moral obligation to protect vulnerable children from abuse and neglect.

The hearing you held in the Finance Committee on April 26 included expert witnesses, the majority of whom strongly supported maintaining the entitlement status of foster care and adoption assistance, including Mr. Wade Horn, former Commissioner for Children, Youth and Families in the Bush Administration. This was compelling testimony and clearly illustrated the importance of a federal role in protecting children from abuse and neglect.

We are deeply concerned that the need for the complete range of services to abused and neglected children will increase in the future based on recent trends and due to other policy changes.

Foster care placements have doubled in the decade between 1983 and 1993 from 97,370 to 232,668, and this rise is expected to continue. About 48 percent of children are currently in foster care because of neglect, which tends to increase as family poverty increases. If only five percent of the children who may be cut-off from AFDC under the House-

The Honorable Bob Packwood
 May 18, 1995
 Page 2

passed bill need protective services, an additional 280,000 children would flood the system. Such an increase would overwhelm a system that is already stretched beyond its means.

Attached is a chart illustrating the potential growth in the need for protective services prepared by Peter Digre, Director of the Los Angeles County Department of Children and Family Services, who testified before the Finance Committee.

As you know, the courts have had to intervene in foster care systems in 22 states in order to assure the basic protection of children. Given the current record of states, we believe it is essential to maintain federal support and federal standards for abused and neglected children.

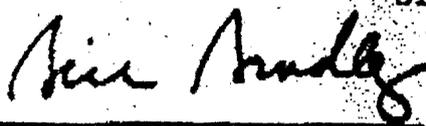
Researchers also predict that as many as 125,000 to 150,000 children will become orphans upon the death of their mothers with AIDS in the next decade. Currently, if relatives are unable to care for such children, they are temporarily placed in foster care when parents are hospitalized and unable to care for them. Upon the death of a parent, some children will have no other option than foster care.

In order to protect children, adequate funding for both prevention, protective services, and family preservation as authorized currently under Title IV-B must be maintained. It would be common sense to continue the community-based planning started under the Family Preservation provisions of 1993 and to allow the Department of Health and Human Services to push ahead with its planned 10-state demonstration for greater flexibility among child welfare services.

As states are expected to assume new responsibilities for social services to needy children and families, we believe it is essential to maintain national standards and federal funding for abused and neglected children.

Such children are vulnerable and deserve our compassion and support, and we want to work with you to maintain such fundamental safeguards for children who are at-risk of abuse and neglect.

Sincerely,


 Bill Bradley


 Joan D. Rockefeller IV

The Honorable Bob Packwood
May 18, 1995
Page 3

David Pryor
David Pryor

Bob Graham
Bob Graham

John S. Breaux
John S. Breaux

Carol Howley-Braun
Carol Howley-Braun

WR - Child Welfare

United States Senate

WASHINGTON, DC 20510-4802

February 15, 1996

Dear Mr. ~~President~~, *Mr. Haidant*

We share a deep mutual interest in protecting children, and it has been exciting to work closely with you on a range of issues for children and families. I am particularly proud of our work in 1993 to establish the Family Preservation and Family Support Programs as part of the historic deficit reduction and economic growth legislation you signed into law on August 10, 1993. As you know, this initiative is a five-year program to be closely evaluated, and an early study shows it is quite promising:

It is disturbing to see that Family Preservation and other fundamental federal efforts for abused and neglected children are jeopardized by some of the pending proposals on welfare reform. While I strongly support genuine welfare reform and have worked hard to promote action on the Daschle bill and the bipartisan Senate bill, I believe that child welfare is a separate and distinct issue. At a point when we are considering time limits for general welfare, it is essential to maintain a strong child welfare system and full entitlement to foster care as a fundamental safety net for extremely vulnerable children.

During previous Senate debates on welfare reform, I worked hard with Senator Chafee and others to protect and maintain current law on child welfare services and foster care. We worked in a bipartisan manner, and secured support from a range of Republicans.

Unfortunately, the House prevailed in conference with its block grant approach for child welfare. Now, the National Governors Association (NGA) has also endorsed block grants for child welfare programs. While the governors did endorse continued federal protections and requirements for states to have 100 percent "maintenance of effort," I see real problems with the NGA optional block grant proposal.

First, I think it would be impossible to administer a program where states could annually flip between a block grant and an entitlement. This could easily encourage states to "game" the system to draw down more federal funding and create confusion in the child welfare system which is already struggling to cope. In addition, I suspect that many of the stronger NGA provisions on protections and maintenance of effort will be whittled away during the legislative process.

The Honorable William J. Clinton
February 15, 1996
Page 2

You may be assured that I will continue to fight hard in the Senate in a bipartisan fashion to maintain strong federal programs for abused and neglected children. I am fully committed to our Family Preservation initiative, but I know it will be a real battle to prevent block grants of child welfare programs.

Your Administration has been helpful in its strong voice and leadership for the children unlucky enough to be abused, neglected, and in dire need of the help that can only be found through the child welfare system. I write to urge you to maintain a firm stand in opposing the pending proposals for block grants of child welfare programs and foster care. There is no reason to tie welfare reform to the elimination of the safeguards that the child welfare programs provide to children nationwide.

Our Family Preservation initiative deserves a chance to be implemented and studied. It is worthwhile to note that our program includes a demonstration project for 10 states to have greater flexibility between child welfare and foster care programs. This is the right way to explore innovative approaches to enhance state flexibility with careful evaluation to ensure children remain protected.

Mr. President, I will do whatever I can in the Senate to maintain the strongest possible federal commitment to programs for abused and neglected children. Your continued leadership and strong support on this specific issue will be crucial. I know we agree children must be protected, and I believe this means maintaining and strengthening our federal commitment to child welfare and foster care.

I will share these same thoughts with members of your Administration involved in the discussions aimed at reaching consensus on welfare reform, and welcome your direction on child welfare and family preservation.

As always, my warmest regards to you.

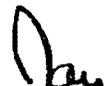
Sincerely,



John D. Rockefeller IV

The Honorable William Jefferson Clinton
President
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

*P.S. this is an area I
will always fight for.*





WR -
Child
welfare

STATE OF DELAWARE

WASHINGTON OFFICE
444 North Capitol Street, NW, Suite 230
Washington, DC 20001
Phone: 202/624 - 7724
Fax: 202/624 - 5495

Thomas R. Carper
Governor

Liz Ryan
Director

J. Jonathon Jones
Deputy Director

TO:

Bruce Reed

FROM:

Liz Ryan, Office of the Governor
State of Delaware

DATE:

6/30/95

of Pages:

5 (including cover page)

NOTE:

child welfare

letter - FYI

Please note: The pages comprising this facsimile transmission contain confidential information from the Washington Office of Governor Tom Carper. This information is intended solely for use by the individual entity names as the recipient thereof. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this transmission is prohibited. If you have received this transmission in error, please notify us by telephone immediately so we may arrange to retrieve this transmission at no cost to you.

June 30, 1995

**The Honorable Bob Dole, Senate Majority Leader
United States Senate
141 Hart Senate Office Building
Washington, D.C. 20510**

**The Honorable Thomas A. Daschle, Senate Minority Leader
United States Senate
317 Hart Senate Office Building
Washington, D.C. 20510**

Dear Senators,

As the Senate turns its attention to the important issue of Welfare Reform, we want to take this opportunity to applaud the work of the Senate Finance Committee to maintain the federal commitment to child welfare programs. As professionals who daily encounter families and children in need of child welfare services, we appreciate Senator Packwood's recognition that the needs of the child welfare system should be dealt with separately.

- * Over the next few years we anticipate a strain on the current system.**
- * Children needing services are entering the system with more serious problems than we have experienced historically.**
- * The number of adolescents in the child welfare system is increasing. Typically, this age group places the greatest demand on our services.**
- * The reform by Congress of economic benefit programs will have an impact on child welfare cases due to our expectation that additional children may require family preservation or protection services.**

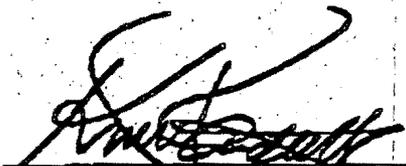
Including child welfare into the block grant reforms at this time would preclude our ability to keep children safe because of the reduction of existing and expected levels of federal support for the programs we administer. Today, child welfare services are a true federal/state partnership. We support continuation of that partnership and will continue to oppose the inclusion of these services in a block grant. We support the decision of the Senate Finance Committee to omit child welfare programs from the proposed block grants.

The Honorable Bob Dole, Senate Majority Leader
The Honorable Thomas A. Daschle, Senate Minority Leader

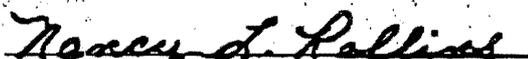
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June 30, 1995

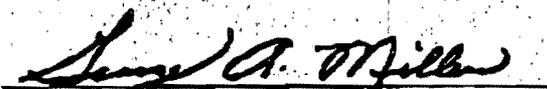
Sincerely,



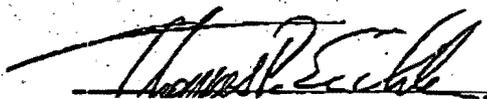
Kenneth M. Fandetti
Acting Director
Rhode Island - DCY & F



Nancy L. Rollins
Deputy Director
New Hampshire, DCY & F



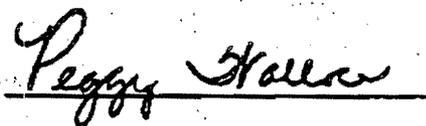
George A. Miller
Director
Oklahoma, DHS



Thomas P. Eichler
Secretary
Delaware, DSCY & F

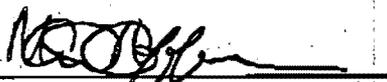


Carmen Rivera
Secretary
Puerto Rico, DSS

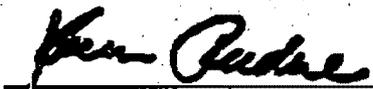


Peggy Wallace
Commissioner
Kentucky, DSS

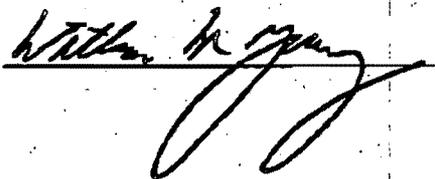
The Honorable Bob Dole, Senate Majority Leader
The Honorable Thomas A. Daschle, Senate Minority Leader
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June 30, 1995



Mart Hoffman, MSSW, MBA
Interim Executive Director
Texas, DHS



Karen Perdue
Commissioner
Alaska, DHSS



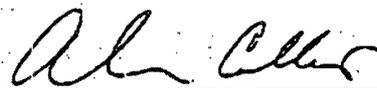
William M. Young
Commissioner
Vermont, SRS



Karen Beye
Managing Director
Colorado, DHS



Susan M. Chandler, Ph.D.
Director
Hawaii, DHS

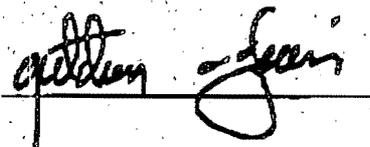


Alvin C. Collins
Secretary
Maryland, DHR

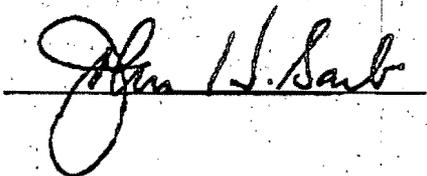
The Honorable Bob Dole, Senate Majority Leader
The Honorable Thomas A. Daschle, Senate Minority Leader
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June 30, 1995



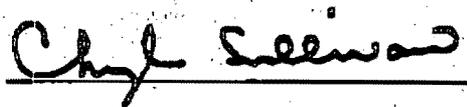
Edward A. Feaver
Acting Secretary
Florida, HRS



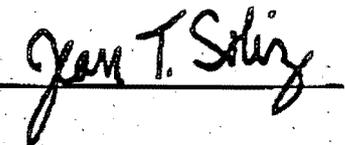
Gretchen Lewis
Secretary
West Virginia, DHHR



John H. Sarb
Administrator
Nevada, DCFS



Cheryl Sullivan
Secretary
Indiana, FSSA



Jean T. Soliz
Secretary
Washington, DSHS

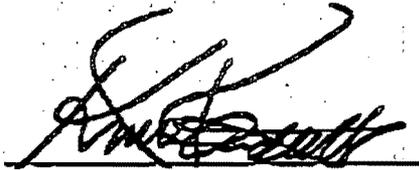


Paul Drews
Deputy Administrator
Oregon, CSD/SOSCF

cc: Members of the U.S. Senate

The Honorable Bob Dole, Senate Majority Leader
The Honorable Thomas A. Daschle, Senate Minority Leader
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June 30, 1995

Sincerely,



Kenneth M. Fandetti
Acting Director
Rhode Island - DCY & F



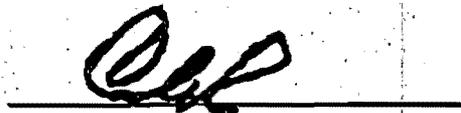
Nancy L. Rollins
Deputy Director
New Hampshire, DCY & F



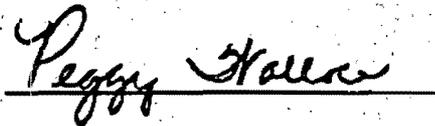
George A. Miller
Director
Oklahoma, DHS



Thomas P. Eichler
Secretary
Delaware, DSCY & F

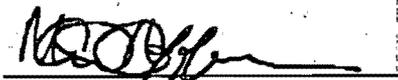


Carmen Rivera
Secretary
Puerto Rico, DSS

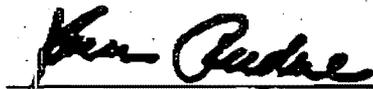


Peggy Wallace
Commissioner
Kentucky, DSS

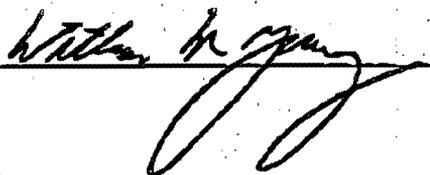
The Honorable Bob Dole, Senate Majority Leader
The Honorable Thomas A. Daschle, Senate Minority Leader
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June 30, 1995



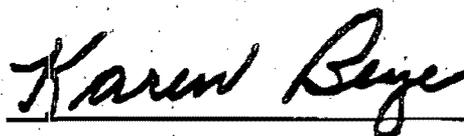
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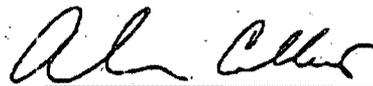
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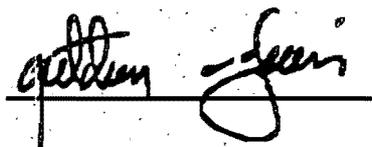


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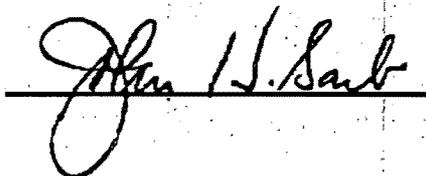
The Honorable Bob Dole, Senate Majority Leader
The Honorable Thomas A. Daschle, Senate Minority Leader
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June 30, 1995



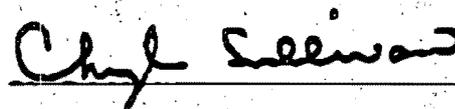
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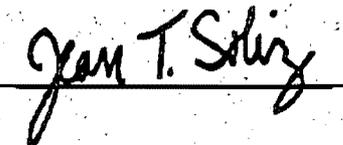
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Paul Drews
Deputy Administrator
Oregon, CSD/SOSCF

cc: Members of the U.S. Senate

WR - Child Welfare

United States Senate

WASHINGTON, DC 20510-4802

June 20, 1995

Dear ~~Leon,~~ ^{Sam,}

I am writing to ensure that you and the President are reminded of the importance of protecting federal programs for abused and neglected children during any negotiations or discussions of welfare reform. Having worked closely with HHS officials on this objective, I appreciate the Clinton Administration's efforts so far.

We achieved one victory for children when the Republican members of the Senate Finance Committee retained the current law for child welfare and family preservation in its welfare reform package, which preserved the entitlement status of foster care and adoption assistance for children with special needs. Senator Chafee and I viewed this as a priority, and this part of an otherwise seriously flawed bill would maintain at least part of the safety net for abused and neglected children.

Maintaining current law in this specific area also protects the provisions promoted by President Clinton in 1993 to make new investments in family preservation and family support through the historic budget and economic plan. This made a very important step in help to children and families and is popular among state officials and child advocates across the country.

Leon, as the process unfolds to attempt to enact effective, worthwhile welfare reform, I am writing to highlight the vital importance of sustaining these crucial programs for our most vulnerable children. This will build on President Clinton's strong record of achievement for America's children and families facing some of the toughest problems.

We must not allow anyone to use welfare reform as a vehicle to unravel our work on family preservation or as a means of eliminating the entitlement status of foster care and adoption assistance. The basic federal guidelines regarding child abuse and neglect must be preserved for vulnerable children. One point to constantly make is that there is a fundamental difference between cash assistance to low-income families with dependent children and our moral obligation to protect vulnerable children from abuse and neglect, who are unsafe in their own homes.

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June 20, 1995
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In fact, I believe that the need for the complete range of services to abused and neglected children will increase in the future for a variety of reasons, including the potential changes that welfare reform will cause for many poor households. Foster care placements have doubled in the decade between 1983 and 1993 from 97,370 to 232,668, with this rise expected to continue. About 48 percent of children are currently in foster care because of neglect, which tends to increase as family poverty increases. If only five percent of the children who may be cut-off from AFDC under the house welfare reform plan suffer from neglect, as many as an additional 280,000 children may need child protection. A significant increase would overwhelm a system that is already stretched beyond its means.

Attached is a chart illustrating the potential growth in the need for protective services prepared by Peter Digre, Director of the Los Angeles County Department of Children and Family Services, who testified before the Finance Committee.

As you know, the courts have had to intervene in foster care systems in 22 states in order to assure the basic protection of children. Given the current record of states, it is essential to maintain federal support and federal standards for abused and neglected children.

In order to fully protect children, adequate funding for both prevention, protective services, and family preservation as authorized currently under Title IV-B must be maintained. It would be common sense to continue the community-based planning started under the Family Preservation provisions of 1993 and to allow the Department of Health and Human Services to push ahead with its planned 10-state demonstration for greater flexibility among child welfare services.

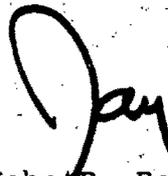
These children are vulnerable and deserve our compassion and support, and I again urge the Administration to pay special attention to this set of issues and programs when any negotiations take place with Congress on welfare reform. Funding and federal standards must be protected for child welfare programs, along with the entitlement status for foster care and adoption assistance.

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I was proud to work with President Clinton in 1993 to help abused and neglected children, and I want to work with all of you again to ensure that these distinct programs are not abandoned when we work out the course for welfare reform.

Thank you very much, and best wishes.

Sincerely,



John D. Rockefeller IV

Enclosure

The Honorable Leon E. Panetta
Chief of Staff to the President
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Leon, we need the White House
to be very firm about protecting
programs for abused and
neglected children. Please help
send a clear signal about this —
just as you have on child nutrition.

