



COMMONWEALTH OF VIRGINIA

# Commission on Youth



## Virginia's Foster Care System

September 18, 2019

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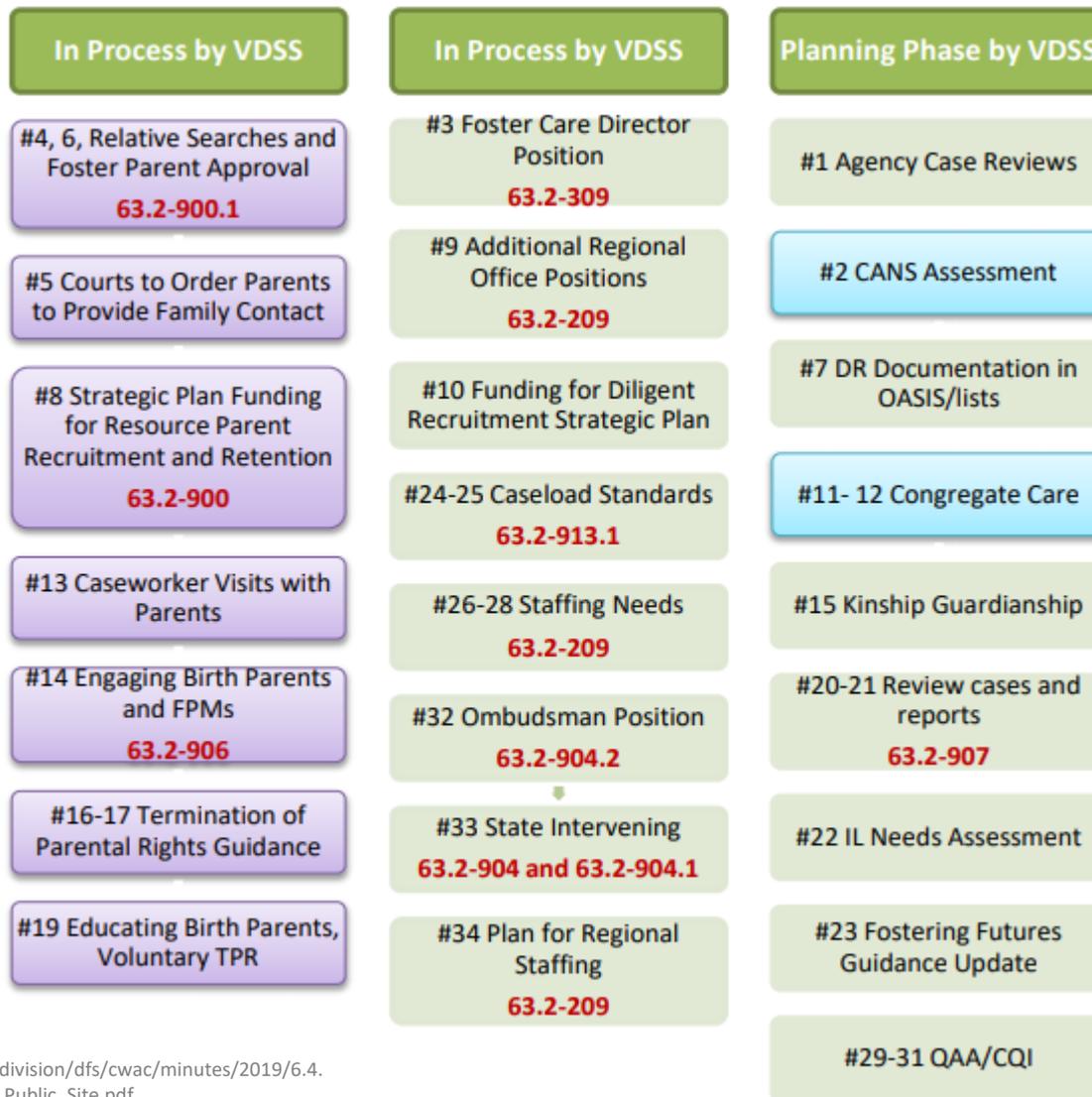


- The Family First Prevention Services Act of 2018 allows states to use Title IV-E foster care funds to provide enhanced support to at-risk children and families and prevent foster care placements.
  - States may access Title IV-E funds to deliver **approved programs** and services to families whose children are at-risk for entering the foster care system. Services are reimbursable for up to 12 months.
  - Federal reimbursement for children placed in **congregate care** for more than two weeks will no longer be permitted unless the child has a clinical need to be in a congregate care setting or meets other specified criteria.



- In 2018, JLARC published the report, “Improving Virginia’s Foster Care System.” The report had **34 recommendations** related to improving foster care in Virginia.
- Recommendation areas include:
  - Safety concerns and addressing service needs of children
  - State oversight over local agencies
  - Recruitment and retention of foster families
  - Appropriate placements and assessing use of congregate care
  - Kinship care
  - Delay in termination of parental rights and youth at-risk of aging out
  - High worker caseloads and staffing concerns
- Most of these recommendations have been addressed legislatively (Foster Care Omnibus Bill and Appropriation Act) and via administrative action by VDSS.

# JLARC Recommendations In Process



- Program Improvement Plan (PIP) strategy
- Family First strategy



- During the 2019 General Assembly Session, the first ever Foster Care Caucus was formed.
- The bipartisan Foster Care Caucus was co-chaired by Delegate Emily Brewer (R-Suffolk) and Senator Monty Mason (D-Williamsburg).
- The Foster Care Caucus met several times, heard presentations from the Virginia Department of Social Services and the Secretary of Health and Human Resources office, and held discussions with child advocacy groups.

# Foster Care Legislation 2019



The following Foster Care Legislation was signed into law in 2019:

- SB 1339 (Reeves) Foster Care Omnibus
- HB 2014 / SB 1678 and SB 1679 (Peace and Mason) - Family First Prevention Services Act
- HB 1730 / SB 1253 (Brewer and Reeves) Credit Freeze for Children in Foster Care
- HB 2108 (Bell) Dispute Resolution for Foster Parents
- HB 1728 / SB 1139 (Reid and Favola) Post-Adoption Contact & Communication Agreements
- HB 2758 / SB 1720 (Carroll-Foy and Mason) Kinship Foster Care; Notice to Relatives
- HB 2350 (Miyares) Four-year College Tuition and Fees for Foster Care Youth
- HB 1883 (Keam) Motor Vehicle Insurance Policies for Foster Parents and Children
- HB 2542 (Byron) Temporary Placement of Children
- SB 1135 (Favola) Foster Care Child With a Developmental Disability
- HB 2234 / SB 1581 (Robinson and Suetterlein) Department of Human Resource Management (DHRM) Parental Leave Benefits
- HB 2622 (Austin) Removal of a child; Names and contact information of relatives



The following items in the 2019 Appropriation Act are related to Foster Care:

- **Implementation of Foster Care Omnibus Bill (Howell)**

Matches funding to implement SB 1339. This appropriation includes \$2.8 million and adds 18 positions for improving the foster care system.

- **Funding to support Family First implementation (Howell)**

\$851,000 the second year from the general fund for training, consultation, and technical support, and licensing costs for the federal Family First Prevention Services Act.

- **Review of children in congregate care (Howell)**

VDSS to review all cases of children in congregate care without a clinical need to be there and assist local departments in finding appropriate family-based settings. The department shall certify completion of the reviews by June 30, 2020.

- **Virginia Fosters position**

New position at VDSS to support Virginia Fosters retention and recruitment of foster families.



- In response to Virginia’s increasing focus on the foster care system, and to facilitate the work of Virginia lawmakers in addressing issues affecting foster care, the Virginia Commission on Youth will host a seminar entitled “Foster Care for Legislators” at its May 6, 2019, meeting. The purpose of this seminar is to inform lawmakers about the complexities of the foster care system and to develop recommendations to improve Virginia’s foster care system.
- Develop recommendations as needed on the following topics related to foster care in Virginia:
  - Child welfare workforce concerns
  - Legislative action and resources needed to implement the Family First Prevention Services Act
  - Recruiting and retaining foster families
  - Supporting youth transitioning from foster care to adulthood
  - Kinship Care

# Foster Care for Legislators Seminar



- On May 6, 2019, the Commission on Youth held a seminar in Richmond entitled “Foster Care for Legislators.”
- Agenda:
  - Overview of Virginia’s Foster Care System from a State and Local Perspective
  - Funding of Virginia’s Foster Care System
  - Foster Care Prevention and Family First
  - Virginia’s Foster Care System, Bedford Department of Social Services Team
  - Foster Families Panel
  - Foster Youth Transition to Adulthood Panel

# Seminar Attendees



**Over 200 people attended**, including:

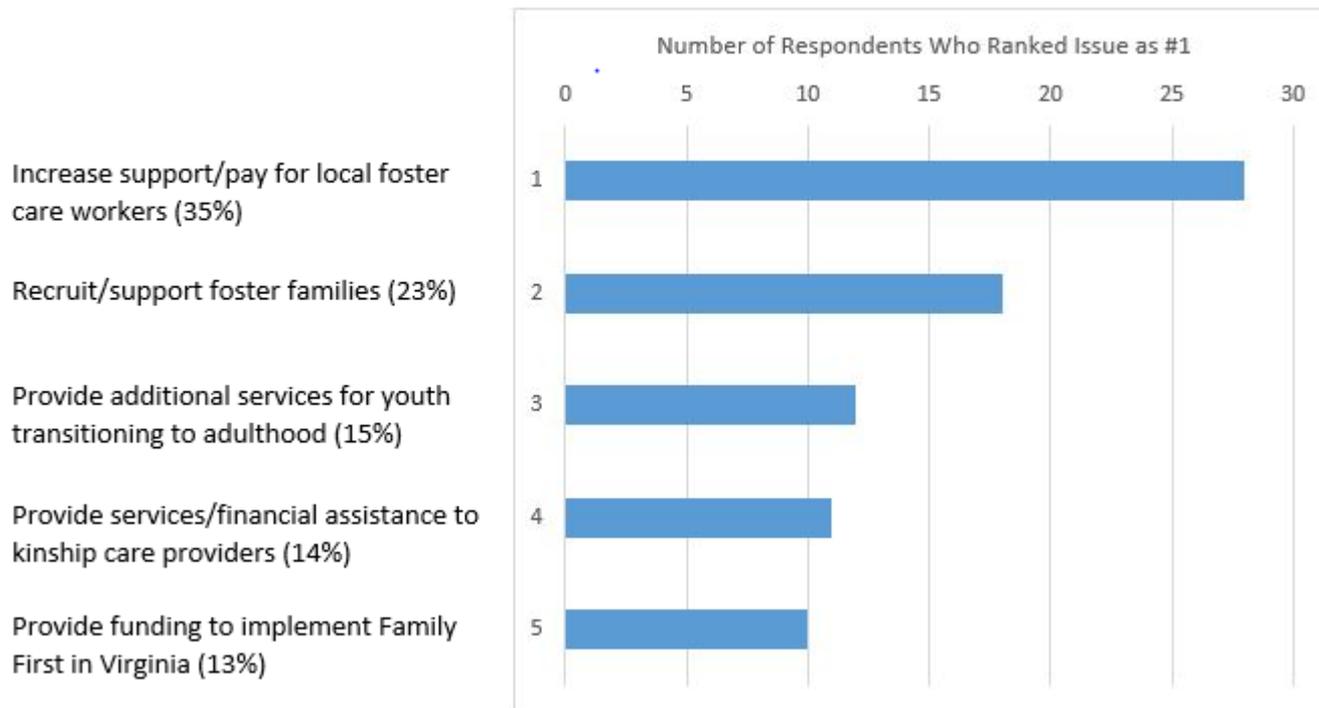
- Members of the Commission on Youth
- 7 additional Senators and Delegates
- 12 representatives sent on behalf of legislative offices
- Directors and Deputies from:
  - Court Improvement Program, Office of Executive Secretary, The Supreme Court of Virginia
  - Department of Behavioral Health and Developmental Services
  - Department of Education
  - Department of Medical Assistance Services
  - Department of Social Services
  - Office of Children's Services
  - Office of Health and Human Resources
  - Office of Secretary of Finance
- Local Departments of Social Services
- Advocacy groups
- Foster Care and Kinship Care Families
- Foster Youth and Alumni
- Other Stakeholders

# Seminar Attendee Survey



Attendees completed a survey that asked them to rank the importance of strategies to improve Virginia's foster care system. **Increasing pay and support for local foster care workers ranked #1** among survey respondents.

To improve Virginia's foster care system, which of the following is the most important (ranked #1)?



# Stakeholder Interviews



- Virginia Department of Social Services
  - Office of Children's Services
  - Office of the Governor
  - Office of the Secretary of Health and Human Resources
  - Court Improvement Program, Office of Executive Secretary, The Supreme Court of Virginia
- Virginia League of Social Services Executives
  - Child and Family Services
  - Legislative
- Advocacy Organizations
- Kinship Providers
- Licensed Child Placing Agencies
- Virginia Fosters
- Regional Directors Groups
  - Middle Peninsula/Northern Neck
  - Planning District Six
  - Eastern Region
  - Piedmont Region
  - Western Region
- Local Departments of Social Services
  - Chesterfield County
  - Fairfax County
  - City of Harrisonburg/Rockingham County
  - Henrico County
  - Hopewell County
  - James City County
  - Loudoun County
  - Mathews County
  - Roanoke County
  - Wythe County



# **WORKFORCE RECRUITMENT AND RETENTION**

# Virginia's Child Welfare Workforce



- Approximately **2500 Family Services Specialists (FSS)** work in child welfare roles in local departments of social services.
- Child Welfare Family Services Specialists (FSS) include specialists in Child Protective Services (CPS), CPS Ongoing and Prevention Services, and Foster Care and Adoption.
- Child Welfare FSS are the front-line workers serving the foster care population.
- **Child Welfare FSS work together as a team, especially in smaller, rural agencies.**



- As of July 2019, **20 percent** of all FSS positions were vacant, compared to a state job average of 13 percent.
- JLARC found that in **15 local departments**, the vacancy rate of FSS positions was **35 percent or higher**.
- **71 percent of local departments** reported substantial or moderate difficulty recruiting foster care caseworkers.
- The most common reasons for recruitment difficulties were a **lack of qualified candidates** and **inadequate compensation**.

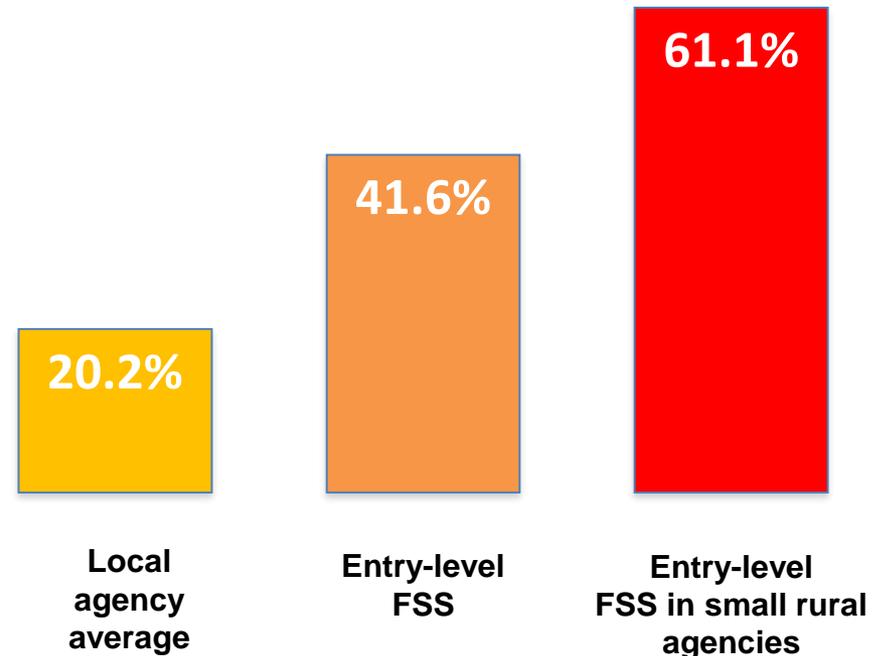


VDSS



- **More than one-fifth** of foster care workers surveyed by JLARC were **considering leaving their jobs** in the next year. Of those workers, more than half said they were “very strongly considering leaving.”
- The most common factors contributing to caseworker retention are **inadequate compensation, high caseloads,** and **the challenging nature of the work.** (JLARC, VCOY)
- VCOY also found that retention problems were **more common in small, rural agencies.**

## Turnover Rates for Entry Level Family Services Specialists (FSS I) in local agencies



Based on data provided by VDSS for CY 16-17

# What Affects Recruitment and Retention?



- Stakeholders across the state say that issues related to recruitment and retention are **negatively impacting foster children**.
- Takeaway from listening sessions: To improve Virginia's foster care system, you must **recruit and retain a skilled front-line foster care workforce**.
- VCOY has identified **four areas** that impact recruitment and retention of foster care workers:
  1. **Overburdened Workforce**
  2. **Compensation**
  3. **Training and Workforce Development**
  4. **Higher Education**





# OVERBURDENED WORKFORCE



# Overburdened Workforce



## Sample of Family Services Specialist Responsibilities and Challenges

 Mandated deadlines	 On-call for emergencies	 Assessing needs and planning	 Contacting child, family, and others	 Performing background checks
 Burnout and secondary trauma	 Attending training	 Connecting children and birth parents with needed services	 Visiting foster care settings	 Preparing for legal proceedings
 Home studies	 Carrying high caseloads	 Notifying parties of legal proceedings	 Traveling to and waiting in court	 Participating in court hearings
 Mandated assessments, meetings, and paperwork	 System delays	 Consulting others on case	 Completing required documentation and forms	 Transporting clients to appointments

# A Single Foster Care Case — 1<sup>st</sup> 30 Days



Sample of the some of the assessments, meetings, and documentation **required** in the first 30 days for **EACH** foster care case.

Place the child on the day of removal

Obtain:

Allergies information; Medications, Medicaid Card, Birth Certificate, Social Security Card, Immunization Report, and Clothing

Send out New Child in care alert to finance and Child's Services Office

Complete placement agreements, which may require:

Application

Individual Family Service Plan (IFSP)

Child and Adolescent Needs and Strengths (CANS)

Family Assessment and Planning Team (FAPT) Assessment

Therapeutic Foster Care Confirmation

Placement agreement

Virginia Enhanced Maintenance Assessment Tool (VEMAT)

Complete Individual Family Service Plan (IFSP)

Transmittal

Order/Underlying Petition

Legal Issues Supplement Order

Uniform Child Custody Jurisdiction and Enforcement Act Affidavit

Service Member Civil Relief Act/Default Judgement Affidavit

Service Plan Part A

Indian Child Welfare Affidavit

Paternity Affidavit

Copy of Pathways to Permanency

Client Health Report

Client Education Report

Copy of Transitional Living Plan

Immunization Record

Best Interest Determination Meeting for School Placement

Expedited enrollment in school within 72 hours

Title IV-E/Medicaid Application within 10 days

Family Assessment and Planning Team (FAPT) within 14 days

Child and Adolescent Needs and Strengths (CANS) Assessment

Authorization to Exchange Information

Procedural Safeguards

Home visit with prior custodian

Pathways to Permanency

Begin Full Disclosure Affidavit

Indian Child Welfare Affidavit

Paternity Affidavit

Relative Locator and Family Tree

Clear Search (family locator)

Relative Letters

Visits with family – up to 3 times a week required

Family Partnership Meeting

Casey Life Skills Assessment

Transitional Living Plan

Fatherhood Registry Search

5 day court hearing

30 day court hearing

Service plan to court

Mandated Visit with child in placement



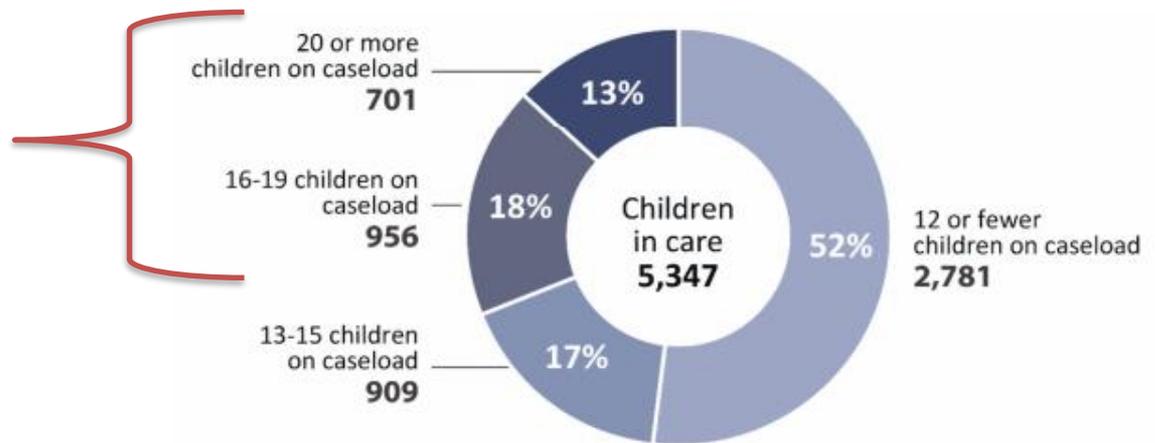
**Sample case file for one child in care**

# High Caseloads



- Most experts agree that foster care workers should carry **no more than 12-15 children** in their caseload, and that an ideal caseload is no more than 8-10 children.
- JLARC determined that **15 percent of workers**, spread over 32 localities, **carry more than 15 cases**, representing **31 percent of all foster care kids**.

**1657**  
children managed  
by workers  
carrying more  
than 15 cases



Improving Virginia's Foster Care System, JLARC, 2018



- High caseloads among front-line foster care workers are caused by recruitment problems. **Positions are available, they are just not being filled.**
- High caseloads:
  - Impact the well-being of the child (health care, visitation, service delivery, contact with birth families, etc.)
  - Impact permanency efforts
  - Cause errors
  - Cause worker burnout
  - **Are a significant factor in high turnover (retention)**

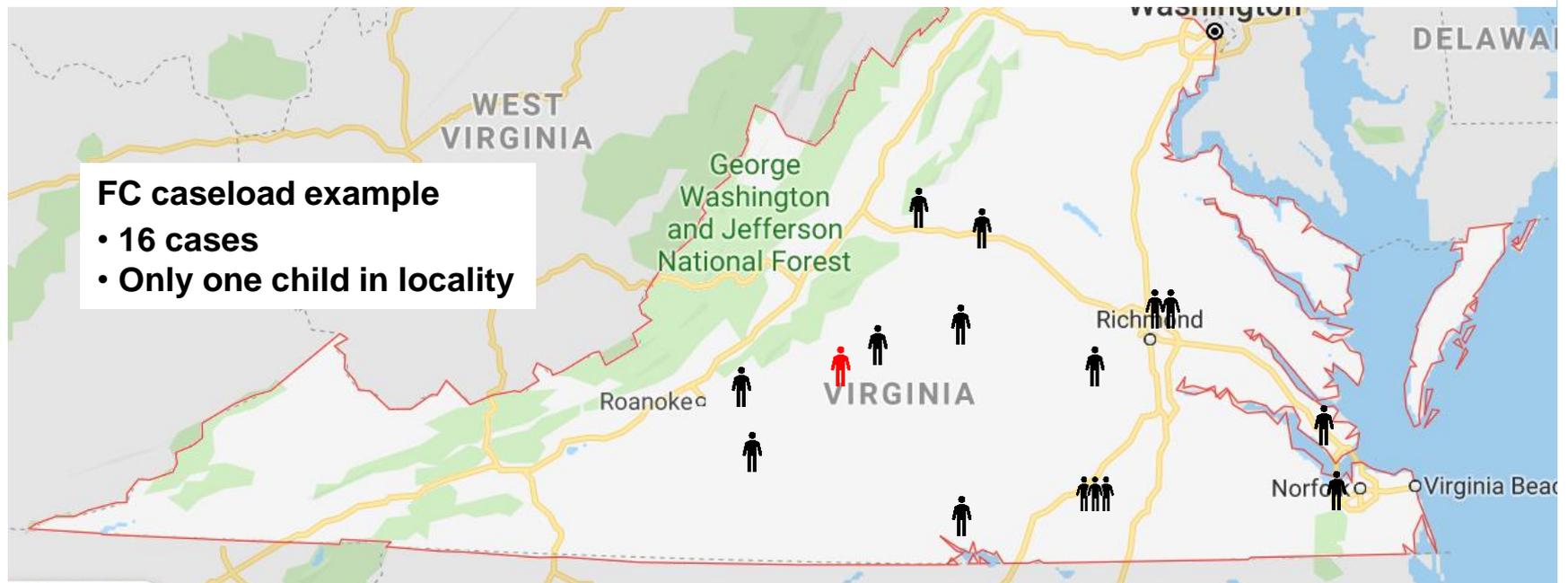
“Caseworker recruitment and retention challenges are a root cause of high caseloads in Virginia.”

– JLARC Foster Care Study

# Travel Time



- **Because of a lack of foster families** in many localities, some children must be placed in other localities throughout the state (and occasionally out of state).
- Workers are **required to travel** to visit these children each month, to facilitate visits with birth parents, and to perform other mandated face-to-face contacts.
- For example, in Bedford County, many of these visits involve driving **hundreds of miles**.





## What is a Family Assessment?

- After a valid report of suspected child abuse or neglect is made to DSS (a referral), CPS workers have **45 days to conduct a family assessment** (if there are no immediate child safety concerns or if a formal investigation is not required by law or policy).
- During a Family Assessment, a CPS worker meets with the family and completes a child safety and family needs assessment. The goal of the family assessment is for the worker to make personalized recommendations regarding what will ensure the safety and well-being of the child.
- CPS workers have 45 days to complete a family assessment. **Workers noted the difficulty in completing these assessments in 45 days under their current heavy workload.**



- Section 63.2-1506 of the Code of Virginia states that local departments shall “Complete the family assessment within 45 days and transmit a report to such effect to the Department and to the person who is the subject of the family assessment. However, upon written justification by the local department, **the family assessment may be extended, not to exceed a total of 60 days.**”
- **CPS workers often face difficulties meeting the 45 day requirement** because of high caseloads, and the time it takes to travel to many of these families. It is not unusual for workers to have families to visit upwards of 2 hours away from their localities.
- Workers must routinely request the 15 day extension by providing written justification and getting supervisor approval, **which is granted pro forma.**





- In response to new Comprehensive Child Welfare Information System (CCWIS) federal regulations, Virginia has made significant investments to modernize VDSS's Child Welfare Information Systems.
- COMPASS is VDSS's **multi-year project** (beginning in 2016) to provide staff with innovative, integrated, and web-based tools that will accelerate service delivery and improve outcomes for Virginia's children and families.
- VDSS is planning to **roll out its first mobile COMPASS application on October 7, 2019**. This tablet-based application will allow workers to connect with OASIS in the field.





- Although technology was not a topic we surveyed, **workers throughout the state noted that computer issues**, including lag time and connectivity issues, delays in procuring new or refreshed computers, and interfacing with OASIS, **hampers efficiency and productivity**.
  - For example, one problem with the current OASIS system is that it cannot be used to process Title IV-E eligibility. Virginia's Child Welfare Advisory Committee (CWAC) noted in its June 2018 meeting that the necessity **of completing Title IV-E eligibility by hand (on paper) contributes to Virginia's error rate**.
- In its *Five Year Plan for Child and Family Services (2017)*, VDSS noted that OASIS is outdated and is no longer meeting the needs of the field. The Plan asserted that **VDSS was seeking a solution for OASIS-related issues**.

## OASIS

Online Automated  
Services  
Information System

(DSS central  
database)



# COMPENSATION



# Compensation



- Minimum starting salary for an entry level Family Services Specialist is less than \$30,000, which is slightly above the 2019 Federal Poverty Level for a family of 4 (\$25,100).

Role	Total Positions	Current Vacancies	Minimum Salary	Average Salary
FSS I	310	103	\$29,930	\$38,019
FSS II	1116	253	\$29,930	\$49,188
FSS III	687	114	\$32,089	\$53,813
FSS IV	246	45	\$36,886	\$65,310
FS Supervisor	442	43	\$36,886	\$67,416
FS Manager	42	9	\$41,564	\$87,454

VDSS, 9/1/2019

- Small, rural agencies are often forced by budgetary concerns to offer the lowest starting salaries.



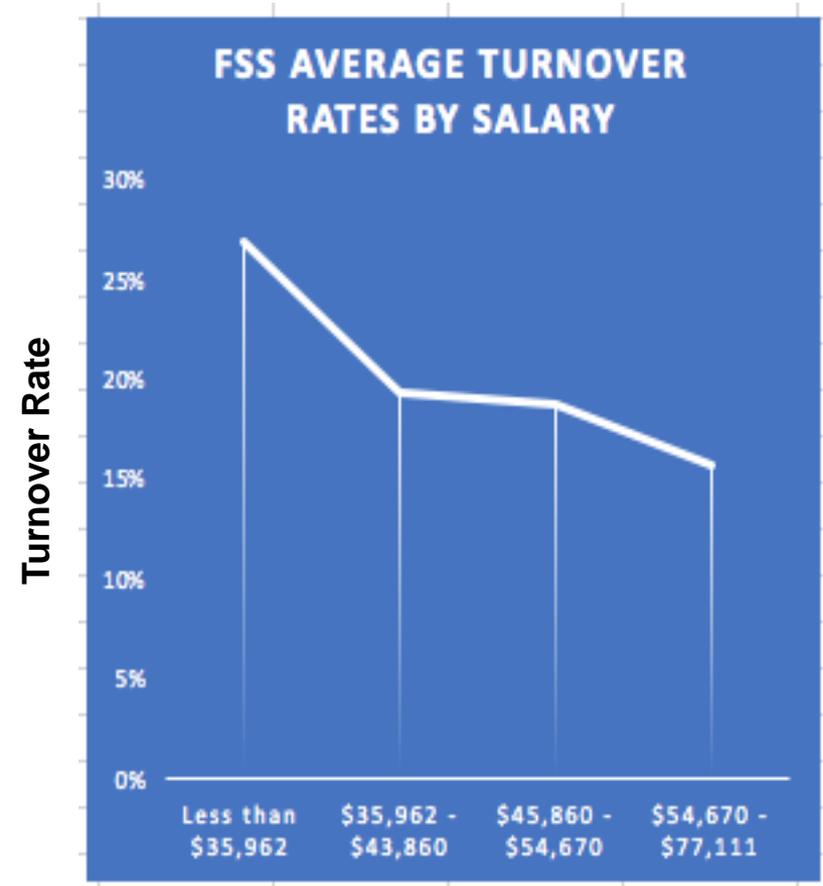
- Additional compensation factors:
  - New workers, who must have a bachelor's degree, are often **repaying student loans**.
  - Workers from small, rural agencies often cannot afford to add family members to the **health care plan** offered by their locality.
  - Many workers cannot take earned sick or vacation days because their agencies are understaffed and the children on their caseload will suffer.
  - Some FSS workers qualify for and **receive welfare benefits** to provide for their families.
  - Front-line FSS workers do not work a 9-5 job—they must work after hours to meet with families and respond to emergencies. High caseloads further erode work/life balance and lead to burnout.
- Nearly all FSS surveyed expressed frustration that they are not fairly compensated for the work that they do.

# Low Compensation = High Turnover



- Low compensation is a major factor in high turnover rates, especially in small, rural agencies, where turnover among FSS I workers has reached **61%** percent.
- According to the National Child Welfare Workforce Institute, on average, the cost for each child welfare worker leaving an agency is **\$54,000**.
- Studies have shown that high turnover affects the stability of children in care and is negatively correlated with the length of time a child remains in the child welfare system.

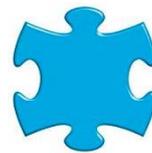
Turnover Rates Decrease as Salaries Increase



FSS Salaries CY 16-17



# TRAINING





- Mandated training for FSS must be completed within **two years** of hiring. Requirements for foster care and adoption workers are as follows:

Timeframe	# of courses
First 3 weeks	3 (online)
First 3 months	3 (classroom)
First 6 months	2 (online)
First 12 months	11 (classroom)
First 24 months	6 (classroom)
Total	25

VDSS Foster Care Manual, 17.3, July 2019

- Classroom trainings are held at 5 regional training centers across the state and are scheduled quarterly on a rotating regional schedule. Most courses are 1-2 days in length and can require travel and overnight stay.



- In August of 2017, VDSS contracted with The University of Denver, Butler Institute for Families, to assess VDSS's Family Services training model, which is currently based on a **30-year-old competency-based model** original developed in Ohio.
- Butler Study activities included:
  - Review of current training program
  - VDSS leadership self-assessment
  - Survey of 2717 staff across the state (52% response rate)
  - 13 listening sessions in five regions (147 participants)
  - National scan of child welfare training systems across the US (online survey and telephone interviews)
- In December 2017, the Butler Institute delivered their final report to VDSS.



Findings detailed in the Butler Study survey and listening sessions **concur** with VCOY's field survey. The following themes emerged:

- Initial training does not prepare workers to handle caseloads. Workers are often expected to carry caseloads before they are prepared to do so.
- Demands of caseloads and job expectations prevent workers from participating or fully engaging in training. Training time is not protected time and there is a “price to pay” (welfare of children) for attending training.
- Courses are “too redundant and time consuming.” Contain too many ice-breaker activities or partner-sharing activities, and could be condensed.
- Training is difficult to schedule and attend. Travelling to training is a barrier in some localities. Wait-listing for courses is common – workers often wait months to get into a training.
- Courses seem out-of-date and many examples (videos, etc.) are no longer relevant to field work.
- Some courses should be converted to an online or distance learning format.
- There is a disconnect between training and real-world casework. Training does not focus enough on practicing the application of skills, policy, or procedure.
- Supervisors do not have time to perform transfer of learning (TOL) activities with new workers (provided by DFS).

# Why Small, Rural Agencies Lose New Workers Before Training Is Complete



## New Worker Hired

Small, rural agencies tend to be understaffed and are often in “**emergency mode**.” They need a new worker to start doing casework as soon as possible.

New worker is asked to do too much too soon, without adequate training. Must work harder, cope with higher levels of stress, and is more vulnerable to **burnout**.

Once new worker gains experience and completes some training, he or she leaves small agency for **better working conditions/higher pay**, often before training is complete.

**New Worker Leaves**

Existing workers at small agencies must continue to carry **high caseloads**. Emergency gets worse.

Small, rural agency does not recoup training investment and **must start recruitment process again, at significant cost**.



One major recommendation of the Butler Study was for VDSS to convert its current training system to an Academy Model.

## Academy Model of Training – Butler Institute

- **New workers spend their first 16 weeks in training** (10 weeks CORE training, 6 weeks program specific training)
  - **Alternating weeks spent at central training academy** (Monday-Thursday) for face-to-face training; Friday reserved for simulation lab training (real world simulations).
  - **Alternating weeks spent at the worker's home agency**, where workers participate in transfer of learning activities with supervisors, coaches, and mentors.
- Workers do not carry a caseload until training is complete.
- Workers must demonstrate transfer of learning through a rigorous knowledge and skills evaluation.



In April, 2018, VDSS created a 25-member statewide advisory group (The Training Model Implementation Team) to assess the current training system and Butler Study findings and make decisions about the development and implementation of a new services training model. Recommendations include:

- Transform current courses to conform to 10 weeks of CORE training and 6 weeks of program specific training for new workers, to be held over 16 weeks at a central location (alternating weeks).
- Include a transfer of learning process for all foundational courses so that workers can practice what they have learned at their agencies with the help of mentors and coaches (alternating weeks).
- Create a rigorous evaluation and certification process to assure transfer of learning. Create 5 regional simulation labs for practice and testing.
- Increase the frequency and depth of ongoing and refresher training.
- Create a six month training model for supervisors and managers.

# What Agencies Said About Academy Model

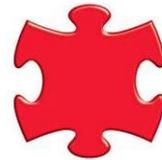


VCOY found that some workers and supervisors in LDSSs were concerned with the “Academy Model” of training for the following reasons:

- Many agencies, especially those in small, rural localities, are understaffed and in emergency mode. These agencies **cannot lose a new worker to four months of protected training time.**
- Many new workers have **young children at home.** It will not be possible for them to spend four to five days at a training center every other week.
- On their weeks at the agency, new workers will **not be able to carry a caseload or follow through with time sensitive activities** (such as meeting mandated deadlines or responding to emergencies on their cases).
- Supervisors are concerned that they will **not have time to oversee transfer of learning activities** or that these activities will interfere with casework.
- Existing staff, who are already overworked, will need to continue to carry high caseloads until new worker training is complete.



# HIGHER EDUCATION





- FSS workers must have a **minimum of a bachelor's degree** in social work (BSW).
- Social work programs now **emphasize clinical social work**, preparing social workers for roles as therapists or other clinical occupations.
- As a result, some students graduating with a BSW **have not had classes in child welfare practice**.
- The consequence is that workers who are hired right out of college often are **unable to perform the duties of their job until they complete training**.
- In Virginia, it takes **2 years** until new workers are fully trained in foster care.
- Experienced workers are forced to take on higher caseloads while new hires are being trained.

“Public child welfare agencies devote considerable resources to designing pre- and in-service training that compensate for skills they find not to be present even when hiring social work graduates.”

- Tom Morton, former president of the Child Welfare Institute.”

# Child Welfare Stipend Program



- To address the shortage of BSW and MSW graduates with experience in child welfare, Virginia created the Child Welfare Stipend Program (CWSP).
- CWSP is a partnership between VDSS and five public state universities in Virginia, **funded through Title IV-E**.
- CWSP offers a total **82 stipends** for new and returning full-time BSW and MSW students.
- Students receive **a \$10,000 stipend per year** against tuition and related expenses. Students participate in **internships** at local departments and supplement their child welfare coursework with **VDSS training**.
- In exchange, upon graduation, students commit to work at a LDSS in a foster care/adoption position, **repaying each year of stipend funding with one year of work**.
- CWSP is operating at near capacity and graduates **about 40 students each year**.

## Stipend Program Participating Universities

- Virginia Commonwealth University
- George Mason University
- Radford University
- Norfolk State University
- East Tennessee State University, Abingdon VA campus

# Stipend Program



- Because of Title IV-E funding rules, stipend program workers **must work in foster care/adoption positions** (51% or more of work is performed in foster care/adoption).
- Localities that are understaffed in child protective services positions or other critical child welfare positions cannot hire stipend program graduates.
- Because of this, **many small, rural agencies do not benefit from the stipend program.**
- Creating a **state-funded stipend program** would allow Virginia to extend eligibility to all family services positions and produce highly skilled workers who could fill needed CPS and other FSS positions in small, rural agencies.

## CWSP graduates are:

- More likely to remain employed at their agencies
- Have more effective skills, knowledge, and abilities
- Have better case outcomes in reunification and adoption



# FOSTERING FUTURES

# What is Fostering Futures?



- In 2008, Congress passed the “Fostering Connections to Success and Increasing Adoptions Act,” which amended the definition of “child” in Title IV-E of the Social Security Act to **allow states to change their definition of “child” to age 21 and receive federal IV-E matching funds** for supporting these children.
- **In 2016**, as part of a budget amendment, **the Fostering Futures program was created in Virginia**, amending the definition of “child” to be “any person who has reached the age of 18 years but has not reached the age of 21.”
- Fostering Futures is a voluntary program that **extends foster care services and support payments to youth aged 18 to 21** to support their successful transition to adulthood.
- **2019 State Budget (Ch. 854) Item 344 (Child Welfare Svcs).**

# Why Support Foster Youth Beyond 18?



- In the U.S., of the youth who “age out” of the foster care system at 18 years old:

20%

are **homeless** within 2 years

25%

become **incarcerated**

42%

**drop out of high school**

16%

are referred for **substance abuse** treatments

# Program Details and Requirements



- Eligibility Criteria
  - Youth was in foster care before age 18.
  - Youth lives in a foster home or in an independent living setting (may not be a group home or residential treatment facility).
  - Youth meets federally established eligibility requirements (education/work requirements).
- Youth enrolled in the program receive monthly maintenance payments of **\$721** for housing, education, job training, child care, or other supports.
- **Youth receives other services through CSA.**
- Youth expectations:
  - Demonstrate commitment to school, vocational training, or work in order to maintain eligibility.
  - Demonstrate willingness to work with their caseworker.
  - Participate in the development of a transition plan and make efforts to achieve their goals.
  - Complete the Voluntary Continuing Services and Support Agreement (VCSSA).
  - Attend court hearing(s), administrative review(s), and case planning meetings.

## Federally Established Eligibility Requirements

- Enrolled in secondary education
- Enrolled in post-secondary education
- Participating in a program or activity designed to promote removal of barriers to employment
- Employed at least part-time
- Medically incapable of other criteria

# Results of Surveys and Listening Sessions



- Additional **guidance** is needed for localities to implement Fostering Futures uniformly across the state.
  - Currently, implementation practices of Fostering Futures varies from locality to locality. This creates **uncertainty of a locality's ability disenroll participants** when there is knowledge of maintenance payments being used for an improper purpose (e.g., substance abuse or not following the agreement).
  - Localities have found that **required face-to-face monthly visits** with youth participants can be **difficult and impractical** when participants move away from their localities or move to other states.
- The “Fostering Futures Independent Living Arrangement Agreement” **form does not allow foster youth to choose to remain in their current foster care placement.**



# KINSHIP CARE



- § 63.2-100 of the Code of Virginia defines “Kinship care” as the full-time care, nurturing, and protection of children by relatives.
- “Kinship guardian,” “kinship guardianship,” and “kinship guardianship assistance program” are also defined in the Code.
  - “Kinship Guardianship Assistance program” means a program consistent with 42 U.S.C. § 673 that provides, subject to a kinship guardianship assistance agreement developed in accordance with § 63.2-1305, payments to eligible individuals who have received custody of a relative child of whom they had been the foster parents.
- “Fictive kin” means persons who are not related to a child by blood or adoption but have an established a relationship with the child or his family. ( § 63.2-100)

# Kinship Care Continuum



Informal Kinship Care		Formal Kinship Care	
No state involvement or funding	Family seeks state assistance  TANF-only, but no child welfare contact	Child welfare contact but child is not in DSS custody  "Facilitated care arrangements"	Child is in DSS custody = Kinship Foster Care  KinGAP possible



The General Assembly continues to recognize the importance of kinship care:

- One of the first steps in making a foster care plan is looking to a relative for placement. § 16.1-281 states that “if the department or child welfare agency concludes that it is not reasonably likely that the child can be returned to his prior family within a practicable time, consistent with the best interests of the child, the department, child welfare agency or team shall (1) include a full description of the reasons for this conclusion; (2) provide information on the opportunities for **placing the child with a relative or in an adoptive home;**”
- 2019 legislation HB 2758 Carrol-Foy and SB 1720 Mason added the requirement to § 63.2-900 that “the local board shall take all reasonable steps to provide notice to such relatives of their potential eligibility to become a kinship foster parent and explain any opportunities such relatives may have to participate in the placement and care of the child, including opportunities available through kinship foster care or kinship guardianship.”
- Pursuant to § 63.2-900.1, “searches for relatives eligible to serve as kinship foster parents shall be conducted at the time the child enters foster care, at least annually thereafter.”
  - Some local departments have a designated diversion worker who is dedicated to finding kinship family providers and getting that kinship relative licensed as a foster care provider.
  - **Virginia ranks 49th out of 50th in the country in its efforts to get kinship relatives licensed as foster care providers.**

# Benefits of Kinship Care



- Children placed with relatives or close friends:
  - are lesser impacted by trauma, and
  - are less likely to run away.
- Kin arrangements help maintain vital connections and keep sibling groups together.
- Relatives are less likely to request that children be removed if their behavior becomes difficult.





- Pennsylvania
  - Allegheny County - Caseworkers trained in family location and have access to court documentation, Department of Motor Vehicles and Department of Corrections databases, online search engines, and social media to search for connections. Now, **65% of foster care children are residing with kin.**
- 30 Days to Family Program (Ohio, Missouri, California, etc.)
  - Independent study findings: **65.2% children placed with relatives** as compared to 44.3%.
  - Children were in care **91.4 fewer days** than those not served by the intervention.
- “Extreme Recruitment” in Missouri
  - Hired private investigator to find relatives for children. St. Louis agency’s relative contact rate went from **23% to 80% upon hiring an investigator.**
  - Finding permanent families **increased from 40% to 70%.**

# Concerns About Kinship Care Diversion



- Custody transferred to a relative **without any supports or resources.**
- **Treatment needs often unaddressed.**
  - For children in foster care, the Virginia Enhanced Maintenance Assessment Tool (VEMAT) is used to assess the child's behavioral, emotional, and physical/personal care needs to determine if an enhanced maintenance payment is necessary to ensure the safety and well-being of the child. A VEMAT is not be done in diversion cases.
- **Is the parent being adequately represented?**

# Previous VDSS Recommendations



- In 2014, Senator Janet Howell requested the Department of Social Services to review current policies governing kinship care placements, propose regulations governing kinship care placements, and review the fiscal impact of the proposed regulations. (SB 284)
- VDSS had several recommendations from their report (SD No. 9 - 2016):
  - **Recommendation 1:** VDSS should develop and implement a **state supported kinship care program** that would provide appropriate financial assistance, services, safeguards, and permanency planning for children and kin caregivers. **(Not acted upon – JLARC had a similar recommendation from their study)**
  - **Recommendation 2:** VDSS should exercise the option to implement the Kinship Guardianship Assistance Program (**KinGAP**) as a permanency option for children in foster care who cannot be reunified with the family from which they were removed and when adoption has been ruled out. **(Enacted in 2018 – HB 1333 Brewer and SB 636 Dunnivant)**
  - **Recommendation 3:** VDSS supports the development of a **Kinship Navigator** program in Virginia, which will provide information, resource, and referral services to children and kin caregivers. **(Programs exist in some regions, but no statewide program)**



- **Eligibility for title IV-E prevention services funds:** A child (and his or her caregivers) who is a candidate for foster care who can remain safely at home or in a kinship home and is identified as being at imminent risk of entering foster care.
- **“Imminent risk”** means a child and family’s circumstances demand that a defined case plan is put into place within 30 days that identifies interventions, services and/or supports and absent these interventions, services and/or supports, foster care placement is the planned arrangement for the child.



- According to an Annie E. Casey analysis of data across the United States, foster care kinship placement increased by seven percentage points, from **25% to 32%** from 2007 - 2017<sup>1</sup>
- However, in Virginia, that percentage in 2017 is only **7%** of the foster care population.
- Virginia does have one of the lowest rates of numbers of children entering foster care by state<sup>2</sup> with a rate of 1.5 per 1000 children.

Rate per 1000 children	Number of states
1 – 1.9	4
2 – 2.9	8
3 – 3.9	11
4 – 4.9	11
5 – 5.9	8
6 +	9

<sup>1</sup> <https://www.aecf.org/resources/keeping-kids-in-families/>

<sup>2</sup> <https://www.acf.hhs.gov/cb/resource/trends-in-foster-care-and-adoption>



- The number of children in facilitated care arrangements in Virginia is not well known. **How many children are being diverted?**
- The 2016 Appropriation Act included language, based on a request by Del. Peace, to study how to collect this data. “The Department of Social Services shall work with local departments of social services on a pilot project in the western region of the state to evaluate the available data collected by local departments on facilitated care arrangements. The department shall, based on the findings from the pilot project, determine the most appropriate mechanism for collecting and reporting such data on a statewide basis.”<sup>1</sup>
- **There is currently no capability of entering this information on OASIS.**
- Current Census survey data shows that the three-year average from 2016 – 2018 of children in kinship care, being defined as when “a parent is not present in the household and the child is not a foster child to the householder,” is 3% in Virginia. The percentage nationwide is 4%.<sup>2</sup>

<sup>1</sup> <https://budget.lis.virginia.gov/item/2019/1/hb1700/chapter/1/341/>

<sup>2</sup> <https://datacenter.kidscount.org/data/tables/7172-children-in-kinship-care>



- Many families are prevented from being kinship care providers because of barrier crimes. § 19.2-392.02 articulates over 150 barrier crimes.
- Many of these barrier crime restrictions are in place to protect the safety of children. Exceptions are provided for some crimes once a length of time passes and the person who is applying to be a foster parent has had their rights restored.<sup>1</sup>

## Examples of Barrier Crimes

- Murder or manslaughter
- Felony possession of drugs
- Burglary
- Assault and bodily wounding
- Extorting money by threat
- Child abuse and neglect

<sup>1</sup><https://law.lis.virginia.gov/vacode/title63.2/chapter17/section63.2-1721/>

# Kinship Guardian Assistant (KinGAP) Program



- The purpose of KinGAP is to **facilitate placements with kin caregivers and ensure permanency for a child** for whom adoption or being returned home are not appropriate permanency options.
- The Fostering Connections to Success and Increasing Adoptions Act of 2008 is the federal law allowing Virginia to offer KinGAP under the federal Title IV-E Guardianship Assistance Program.
- Kinship guardianship has the following guidelines which are imposed by the Federal government:

§ 63.2-1305 outlines the following eligibility requirements:

**B.** A child is eligible for kinship guardianship assistance under the program if:

1. The child has been removed from his home pursuant to a voluntary placement agreement or as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child;
2. The child was eligible for foster care maintenance payments under 42 U.S.C. § 672 or under state law while residing for at least six consecutive months in the home of the prospective kinship guardian;



3. Being returned home or adopted is not an appropriate permanency option for the child;
4. The child demonstrates a strong attachment to the prospective kinship guardian, and the prospective kinship guardian has a strong commitment to caring permanently for the child; and
5. The child has been consulted regarding the kinship guardianship if the child is 14 years of age or older.

- There were only **3 people** in the KinGAP program last year.
- The current KinGAP program in Virginia **does not cover fictive kin foster care**. However, including this arrangement is permitted by the federal government.





## What is a kinship navigator?

- A kinship navigator “offers supports to kinship caregivers to assess needs and arrange necessary services to provide support, education, and information to caregivers to ensure that all of the kinship caregivers are aware of and have access to supportive services, such as financial benefits, therapeutic services, and training.”<sup>1</sup>
- Kinship navigators assist with the school registration process as well as supportive services such as obtaining a birth certificate, social security card, and providing clothing and hygiene supplies as necessary.



- Currently in Virginia there are **6 kinship navigators** in Virginia that serve 33% of DSS localities.
- Other Kinship Engagement Programs in Virginia:
  - Some localities have programs to meet the needs of kinship care families such as support groups. Henrico DSS has a Kinship Care Support Group.
  - Fairfax County has the Kinship Family Institute (KFI)<sup>1</sup>
    - Holds trainings and support groups
    - Respite and legal services
    - Has reached over 300 families – biggest challenge is finding families
    - Program is not currently sustainable long-term

## VA Kinship Navigators

Arlington Department of Social Services - partnering with Alexandria, Fairfax, Prince William, and Loudoun DSS

Bedford Department of Social Services - partnering with Amherst, Appomattox, Campbell, Lynchburg, and Nelson DSS

Dickenson Department of Social Services - partnering with Buchanan, Russell, Tazewell, Lee, Wise, Scott, and Norton DSS

James City County Department of Social Services - partnering with Williamsburg and York-Poquoson DSS

Virginia Department of Human Services - partnering with Chesapeake, Portsmouth, Suffolk, and Norfolk DSS

Smyth Department of Social Services - partnering with Wythe, Bland, Bristol, Carroll, Galax, Giles, Grayson, Montgomery, Pulaski, Radford, and Washington DSS

<sup>1</sup> <https://www.fairfaxcounty.gov/familyservices/children-youth/kinship-family-institute>



# **FOSTER CARE FAMILY RECRUITMENT AND RETENTION**

# Types of Foster Care Placements



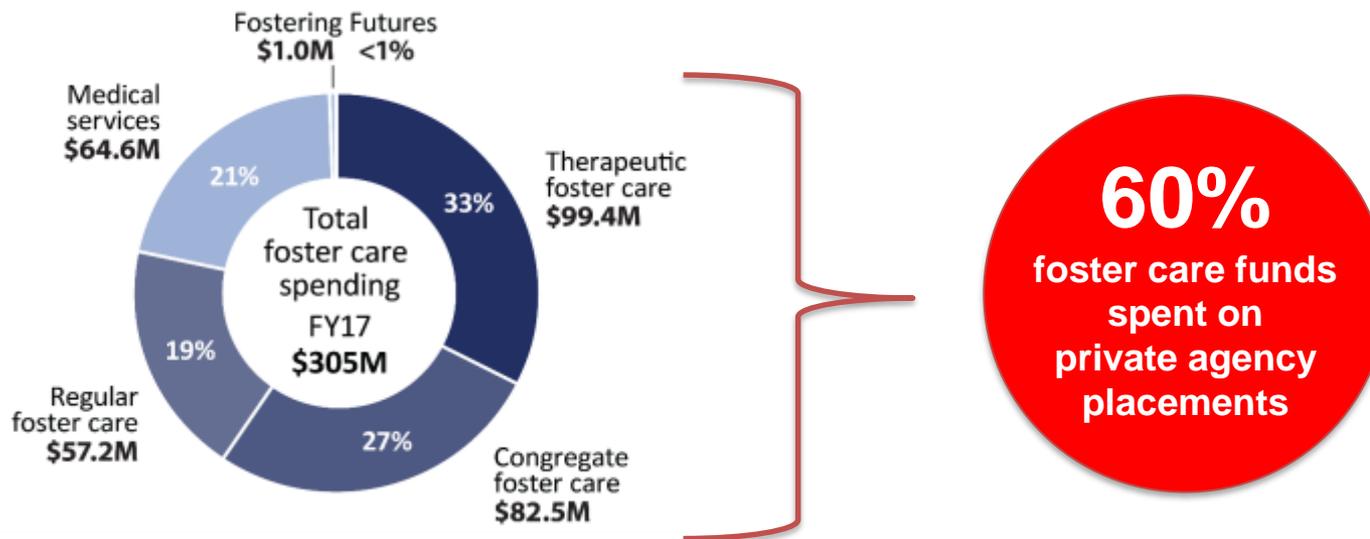
Highest  
Level of  
Care

- **Relative and non-relative foster care**—when a child is placed with foster parents who have been trained and approved by a local department
- **Therapeutic foster care**—when a child who needs a higher level of care is placed with non-relative foster parents trained by a private agency
- **Congregate care**—when a child who needs the highest level of care or supervision is placed in a group home or residential treatment facility

# Spending on Higher Levels of Care



- According to JLARC, in 2017, **60%** of foster care funds are spent on children placed in therapeutic foster care or congregate care facilities, compared to **19%** spent on relative and non-relative foster care placements.
- The average cost for a full year of therapeutic foster care for one child was **\$40,673**, and for congregate care was **\$98,750**, compared to **\$12,938** for family foster care placements.



# Overreliance on Private Agencies



- In JLARC's survey of foster care caseworkers who had children in therapeutic foster care, 70% said a few of those children, and **27% said at least a majority of those children, could be placed in a regular foster home** if one were available.
- JLARC also determined that:
  - Data indicates that in 2016, about **60%** of children who entered congregate care (short term placement) and about **23%** of children who remained in congregate care **did not have a clinical need to be there.**
  - Virginia has a higher proportion of children in congregate care settings (**17%**) than the national average (**12%**).
  - The number of **teenagers** placed in congregate care is increasing in Virginia, from 27% in 2012 to **39% in 2016.**

**23%**  
of kids in long-term congregate care do not need to be there



- Title IV-E requires that foster children are placed in the **least restrictive, most family-like setting** consistent with the best interests and needs of the child.
  - Children who are placed with therapeutic foster families or in congregate care settings can be placed **far away from their communities, schools, and families**.
  - Therapeutic foster care and congregate care settings often are **more restrictive** than regular foster families, and limit a child's ability to form healthy attachments and develop independence.
  - Placing children with families **minimizes the trauma** of removal.
  - It is well established in child welfare research that **foster children have better outcomes when placed with a family**.

# Why Do LDSS Rely on Private Agencies?



- Results of VCOY's surveys and listening sessions revealed the following:
  - There is a **substantial disparity among local agencies** in their reliance on private placements for foster children.
  - Localities that place a high proportion of children in private placement do so because there **are no foster families available** in their localities.
  - Generally, these localities **do not have a robust recruitment and retention program** in place for foster families.

**“Responsibility  
[for recruiting  
foster families]  
often is ultimately  
placed on foster  
care workers.”**

*-- Improving Virginia's Foster Care  
System, JLARC, 2018*



- As localities implement robust recruitment and retention programs, spending on private agency placement decreases.

## Sample of Annual Spending on Therapeutic Foster Care by Locality

	FY 2016	FY 2017	FY 2018	FY 2019*
Hampton	0	0	0	0
Roanoke	1,661,599	1,156,307	800,933	933,843
Albemarle	1,460,582	630,328	657,269	725,567
Bedford	887,560	808,079	748,003	967,550

Source: CSA Pool Reimbursement Request Report Comparison, [www.ocs.csa.Virginia.gov](http://www.ocs.csa.Virginia.gov)

\* Hampton, Roanoke, and Bedford as of August 31, 2019; Albemarle as of July 31, 2019.



- To discourage states from placing children in congregate care settings because less restrictive settings are not available, the Family First Prevention Services Act of 2018 states that **Federal Title IV-E reimbursement for children placed for more than two weeks in congregate care is allowed only for specified placements** (such as for children with clinical treatment needs that must be served in a congregate care setting).
- There is some urgency to recruit foster families and move eligible children out of congregate care to so as not to lose federal funding.

# Results of Surveys and Listening Sessions



- Localities **need to recruit foster families** to comply with Family First.
- Localities need to **establish ongoing support** for foster families (trauma training, parenting strategies, wraparound services, respite, etc.) to improve retention.
- Some local agencies are **not making an investment** in recruiting and retention because of a lack of funding, a lack of staff resources (time); and/or a lack of commitment to the issue.
- The overreliance on private placement is **causing children to be placed far from their localities**.
  - Children are moved away from their families, their schools, and their communities.
  - Foster care workers must travel hundreds of miles in some cases to meet with children.



Virginia especially needs foster families for:

- Teenagers (33% of foster care children in Virginia are teens)
- Children who have special needs
- Children who have emotional and behavioral issues (often related to trauma) but do not have a clinical need for a higher level of care
- Sibling groups

Virginia's retention efforts should include:

- Transparency throughout the process
- Robust training (trauma-informed; parenting strategies for challenging behaviors; mentoring for children; financial, medical, mental health supports)
- Communication before, during, and after placement
- Support networks and wraparound services



- Direct the Virginia Department of Social Services to develop and maintain a statewide strategic plan for recruiting and retaining foster families. (Recommendation 8) – **Adopted SB 1339, 2019**
- Establish six positions—five regional staff and one at the central office—at the Virginia Department of Social Services responsible for implementing the statewide strategic plan for recruiting and retaining foster families. (Recommendation 9) – **Adopted 2019 VA State Budget**
- Direct the Virginia Department of Social Services (VDSS) to (i) determine the amount of funding necessary to implement the statewide strategic plan for recruiting and retaining foster parents; and (ii) identify all possible sources of funding that could be used to support statewide recruitment and retention efforts. (Recommendation 10) – **In progress**

# Ongoing VDSS/State Efforts



- VDSS has created a diligent recruitment workgroup and is receiving technical assistance from the Center for States.
- The VDSS Workgroup with guidance from the Center for States will develop and maintain a statewide diligent recruitment strategic plan.
- Hired a director of Virginia Fosters earlier this summer.



- Virginia Fosters is a statewide initiative that empowers leaders across the Commonwealth to be the solution for children, families, and workers in Virginia's child welfare system.
- Virginia Fosters coordinates leaders in the government, faith, non-profit, business and creative communities at the grass “tops” level and engages Virginians from all walks of life at the “grassroots” level to address the challenges inherent in the child welfare system.
- Virginia Fosters estimates that at least 1000 foster families and 2500 support families (families that offer wraparound services or respite services to foster families) are needed in 2019.

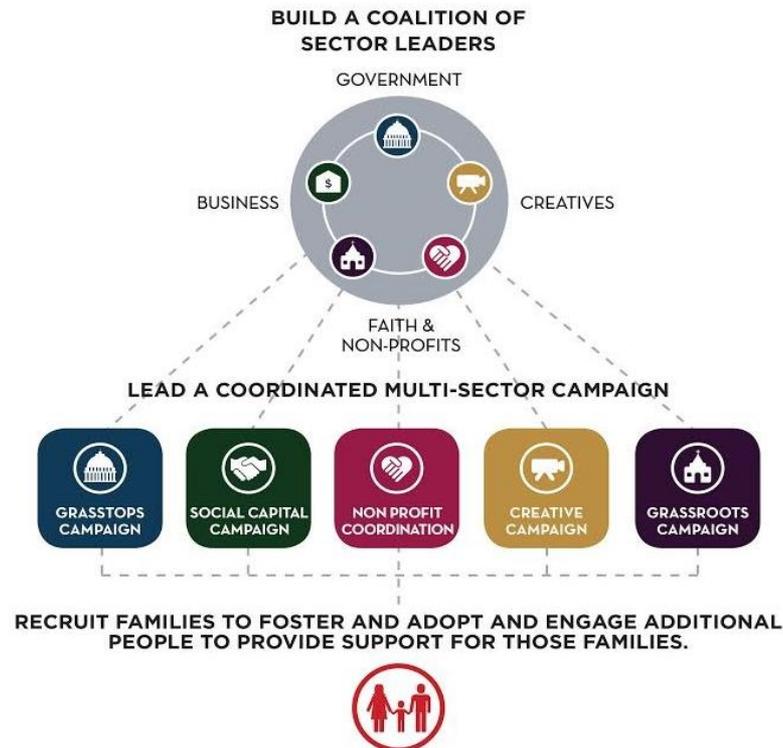


- **America's Kids Belong** mobilizes government, faith-based, business and creative leaders around the goal of permanency and belonging for every child. The organization runs innovative initiatives in states to help ensure that every child is in a loving home by:
  - Recruiting more foster and adoptive families.
  - Engaging wrap-around support for at-risk, foster & adoptive families along the way.
  - Helping youth who have aged out without a family reach their full potential.
    - **Oklahoma's Kids Belong** saw a 42% increase in Foster Families since the start of the Program.
    - **Tennessee Kids Belong** saw a 44% increase in Foster Families since the start of the Program.



- The third state effort of America Kids Belong, **Virginia's Kids Belong**, kicked off in March of 2019.
- Virginia's Kids Belong is Virginia Fosters' catalyst private partner.

## Virginia's Kids Belong Model





# **FINDINGS AND RECOMMENDATIONS**



# **WORKFORCE RECRUITMENT AND RETENTION Findings and Recommendations**



**Finding:** Local departments of social services (LDSS) staff throughout the state noted that child welfare courses 1) are difficult to attend and many could be converted to an online format; 2) contain unnecessary activities and could be condensed; and 3) seem out-of-date and/or not relevant to current field work. LDSS staff also noted that some trainers did not have current field experience or were not aware of current policy and procedures.

## **Recommendation:**

1. Provide VDSS with five additional full-time dedicated curriculum development staff (classroom and e-learning) to review, revise, and update all curricula within child welfare. Current courses should be evaluated to maximize opportunities for conversion or partial conversion to e-learning and/or distance learning/webinar formats, when appropriate. Content shall be reviewed to ensure it is current and relevant to child welfare workers. VDSS shall revise curricula and/or develop a training model with input and consideration of local agencies' needs and concerns, to include condensing courses, where appropriate. VDSS shall ensure that all trainers have current or recent field experience and/or up-to-date subject matter expertise.

# Finding: Child Welfare Stipend Program



**Finding:** Because of Title IV-E funding rules, stipend program workers must work in foster care/adoption positions (51% or more of work is performed in foster care/adoption). Localities that are understaffed in child protective services positions or other critical child welfare positions cannot hire stipend program graduates. Because of this, many small, rural agencies do not benefit from the stipend program.

## **Recommendation:**

1. Introduce a budget amendment to expand Virginia's Child Welfare Stipend Program to include stipend positions funded with state-only dollars, which will allow these stipend graduates to fulfil their stipend agreements in child welfare positions to include child protective services and ongoing/prevention services. These state-funded stipend positions will not have the federal requirement to have an employee work 51% of their job in Title IV-E.



**Finding:** Low starting salaries comparative to demanding workload is a significant factor in low recruitment and high turnover among Family Services workers, especially in small, rural agencies that have budgetary constraints that prevent them from offering competitive salaries.

**Recommendation:**

1. Increase the minimum salary for Family Services Series positions and provide a salary adjustment for current Family Services employees.



**Finding:** Workers throughout the state noted that computer issues—including lag time and connectivity issues, delays in procuring new or refreshed computers, interfacing with OASIS, and the inability to process Title IV-E eligibility electronically—hampers efficiency and productivity.

**Recommendation:**

1. Request that the Virginia Department of Social Services present to the Commission on Youth an update on the status of VDSS technology, to include Compass, OASIS, and any efforts by the Department to allow Title IV-E to be processed electronically.

# Finding: Overburdened Workforce



**Finding:** Forty-five days is insufficient time to complete a thorough and effective family assessment. Workers are currently granted a 15 day extension after providing justification.

CPS workers often face difficulties meeting the 45 day requirement because of high caseloads, and the time it takes to travel to many of these families. It is not unusual for workers to have families to visit upwards of 2 hours away from their localities. To receive the 15 day extension to complete a family assessment workers must provide written justification and get supervisor approval which is granted pro forma.

## **Recommendation:**

1. Amend § 16.1-1506 of the Code of Virginia to extend the family assessment requirement from 45 days to 60 days with no additional extension.



# **FOSTERING FUTURES**

## **Findings and Recommendations**

# Finding: Codify Fostering Futures



**Finding:** Fostering Futures was created in 2016 as an amendment to the budget. Codification is necessary to provide stability and uniformity to the program.

## **Recommendation:**

1. Amend the Code of Virginia to codify the Fostering Futures program, as currently authorized in the Virginia State Budget language, ensuring that Federal Law is properly addressed.<sup>1</sup> Include a provision allowing video conferencing as an option for monthly visits between LDSS and participants. Include enactments to require Virginia Board of Social Services to promulgate regulations for Fostering Futures programs which address the following issues:
  - Determine what services are appropriate for participants.
  - Develop requirements to be included in the Voluntary Continuing Services and Support Agreement (VCSSA). Requirements should include maintaining contact with the youth's case manager, and making rent payments on time. Case managers should tailor the VCSSA to the youths' situation and needs.
  - Allow discretion for LDSS to disenroll youth from the Fostering Futures program for substantial violation of the VCSSA.
  - Develop a budget worksheet and/or payment forms to monitor how participants are using their allotted funds and increase oversight of maintenance payments when needed.

<sup>1</sup>As guidance, use HB 203, 2016 (Lingamfelter); SB, 436, 2016 (Favola).

# Finding: Update “Independent Living Arrangement Agreement” Form



**Finding:** The “Fostering Futures Independent Living Arrangement Agreement” form does not allow foster youth to choose to remain in their current foster care placement.

## **Recommendation:**

1. Request VDSS to update the “Fostering Futures Independent Living Arrangement Agreement” form to remove “Independent Living Arrangement” from the title and add an option for foster youth to remain in their current foster care placement.



# **KINSHIP CARE**

## **Findings and Recommendations**

# Finding: Kinship Navigator



**Finding:** Kinship navigators are used in various regions throughout the state to help families involved with child welfare identify and access services as well as a resource to all kinship families.

The regional Kinship Navigator programs are currently funded through competitive federal grant funding.

Currently a couple of kinship navigator models are waiting to be evaluated by the Family First Prevention Services clearinghouse. In order to receive Family First prevention dollars a program or service must be in the clearinghouse and be deemed well-supported, supported, or promising.

## **Recommendations:**

1. Support the ongoing systemic review process being done by the Administration for Children and Families of kinship navigator programs and encourage the addition of well-supported, supported, or promising kinship navigator program to be included in the Family First Clearinghouse.
2. Support the continuation of the current federal funding for Virginia's regional kinship navigator program.

# Findings: Tracking kinship arrangements and discovering kinship connections



**Finding:** OASIS is the online Child Welfare System used by CPS and foster care workers to enter information about their on-going cases. OASIS does not provide a mechanism for keeping track of kinship diversion cases. In situations where a CPS contact has been initiated and the case ends in diversion of a youth to a family member or fictive kin, there is no place to properly enter the diversion into OASIS.

## **Recommendation:**

1. Request that VDSS add an input box to OASIS to mark when a youth is diverted to a “facilitated care arrangement.”

# Findings: Tracking kinship arrangements and discovering kinship connections



**Finding:** Diligent search tools are vital to the work of foster care services specialists. Local boards are mandated to “first seek out kinship care options to keep children out of foster care and as a placement option for those children in foster care.”<sup>1</sup> Local DSS workers rely on tools such as Google, Whitepages, and Ancestry websites to track down family members. The state also has a contract with a person locator tool that local departments can use. VDSS is currently in the process of developing a new RFP for a diligent search tool for LDSSs. Input from LDSSs would be beneficial in identifying what is needed to support them in their efforts.

## **Recommendation:**

1. Request that VDSS as part of the upcoming diligent search RFP obtain feedback from LDSSs on the strengths and weaknesses of the current system and what is needed to make a search tool successful.

<sup>1</sup> <https://law.lis.virginia.gov/vacode/title63.2/chapter9/section63.2-900/>



**Finding:** Currently fictive kin providers are not eligible for KinGAP assistance. The scope of KinGAP is limited, but could be expanded under Federal law. According to the fiscal impact statement on KinGAP when the bill was introduced, the KinGAP program is envisioned to have a total enrollment of 5-6 families a year. Last year there were 3 youth enrolled in KinGAP. Opening up KinGAP to fictive kin would assist more families who would struggle without assistance payments.

KinGAP is another permanency option that provides funding resources to a parent when adoption or being returned home are not appropriate options.

## **Recommendation:**

1. Amend § 63.2-1305 of the Code of Virginia to add fictive kin to the definition of relative for the purpose of the KinGAP program.



**Finding:** The current KinGAP program is limited in its impact because of the federal restrictions. These include requirements that the potential guardian must be a licensed foster parent for the child for six consecutive months and that reunification and adoption must be ruled out as appropriate permanency options. As noted by FSS workers and supervisors during site visits to local departments, ruling out adoption for a child under 14 is nearly impossible.

## **Recommendation:**

1. Amend § 63.2-1305 of the Code of Virginia to create a state-funded Kinship Guardianship Assistance program that waives the requirement for potential guardians to serve as a licensed foster parents for six consecutive months and limit eligibility for this program to children who are least likely to be placed in a permanent home or who have been in foster care for an extended period of time.

This recommendation was made by JLARC in their 2018 report. It was not introduced as legislation during the 2019 session.



**Finding:** The State has a General Relief program ( § 63.2-802) designed to provide monthly assistance to children that are living with unrelated adults. It is funded with General Fund dollars. General Relief has a 62.5%/37.5% state and local match. Currently 25 localities operate a General Relief program. Localities that wish to participate must be approved by VDSS. The program is currently funded in the budget at \$500,000 a year. The program has decreased in size over the years because of budget cuts last decade.

This program is appropriate for diversion cases where a youth is not in foster care.

**Recommendation:**

1. Amend the Appropriation Act to increase funding for the General Relief program.



**Finding:** Kinship caregivers and fictive kin that currently provide for family members outside of the foster care system or in facilitated care arrangements are not eligible for title IV-E foster care payments. Kinship caregivers (not fictive kin) are eligible for TANF child-only funds. These funds on average are \$140 a month.

While a kinship provider has the option to become a licensed foster care provider that is not always feasible. Some kinship providers have barrier crimes in their past or they simply desire less involvement with the state as foster parents.

Many families wish to take care of their kin without becoming foster parents, but find it difficult to do so without greater financial support than is currently available.

## **Recommendation:**

1. Direct VDSS to create a state funded program to provide facilitated care reimbursement payments to kinship and fictive kin families who have custody over kin due to the child being identified as being at imminent risk of entering foster care. Local departments shall track these families and provide case management as necessary.



**Finding:** Virginia is in the minority of states in regards to not having guardianship as a permanency option. Virginia does have standby guardianship, but that is used in only a few scenarios. Additionally, thirty-three states and D.C. have state funded guardianship assistance programs that provide support to kinship guardians raising children. Guardianship as a potential permanency option needs to be explored more fully to make specific recommendations.

## **Recommendation:**

1. Direct the Commission on Youth to study adding guardianship as a permanency option in Virginia by creating an Advisory Group to:
  - a. Look at the benefits as well as obstacles this change would create.
  - b. Determine what is the potential impact on school enrollment and medical care.
  - c. Investigate what would be the rights of the parties in such an arrangement.
  - d. Explore the possible implementation of state funded guardianship assistance.



# **FOSTER CARE FAMILY RECRUITMENT AND RETENTION Findings and Recommendations**



**Finding:** Localities that place a high proportion of children in private placement do so because there are no foster families available in their localities and no robust recruitment and retention program in place within their agencies. Investment should be made at the local level to support the recruitment and retention of foster families.

## **Recommendation:**

1. Direct VDSS and CSA to establish a grant program to incentivize the recruitment and retention of foster care families within local departments of social services. Grants will be awarded to local agencies who demonstrate a strategy to recruit families that will meet the needs of the children they serve. These families should be trained and supported by the local DSS, the community, and local service providers to provide the necessary trauma-informed services for children with emotional, medical, or behavioral needs. The grant application shall identify a targeted marketing strategy, supporting community partners, and additional supports that will be provided to foster families recruited under this grant. Local departments may contract with private providers to deliver the daily support and supervision of these families. The local agency will be exempt from paying the local match for services provided to families recruited and trained under this grant. Two or more local agencies will be permitted to form partnerships under this grant program.



**Finding:** The Foster Care Omnibus Bill directed VDSS to develop and implement a strategic plan to improve the recruitment and retention of foster parents in Virginia. VDSS has created a workgroup to develop this strategic plan.

**Recommendation:**

1. Request an update from VDSS on the recruitment and retention of foster care families by November 2020, to include an update on the creation of a stronger framework and parameters for LDSS around family supports (to include but not be limited to a provision for a dedicated recruiter and trainer; trauma training, parenting strategies, and respite care for foster care families; and social support mentors the foster children). Request VDSS to provide (i) an estimate of funding necessary to implement the statewide strategic plan for recruiting and retaining foster parents; and (ii) identify all possible sources of funding that could be used to support statewide recruitment and retention efforts.



# Public Comment

Written public comment must be  
received by 5:00 p.m.  
on November 22, 2019.

Submission instructions are available  
online (<http://vcoy.virginia.gov>)  
after the meeting  
and in the back of the room.