

IMPROVING THE CHILD WELFARE SYSTEM

HEARING
BEFORE THE
SUBCOMMITTEE ON
INCOME SECURITY AND FAMILY SUPPORT
OF THE
COMMITTEE ON WAYS AND MEANS
U.S. HOUSE OF REPRESENTATIVES
ONE HUNDRED TENTH CONGRESS
SECOND SESSION

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IMPROVING THE CHILD WELFARE SYSTEM

WEDNESDAY, FEBRUARY 27, 2008

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
SUBCOMMITTEE ON INCOME SECURITY AND
FAMILY SUPPORT,
Washington, DC.

The Subcommittee met, pursuant to notice, at 10:01 a.m., in room 1100, Longworth House Office Building, Hon. Jim McDermott (Chairman of the Subcommittee) presiding.

[The advisory announcing the hearing follows:]

ADVISORY

FROM THE COMMITTEE ON WAYS AND MEANS

SUBCOMMITTEE ON INCOME SECURITY AND FAMILY SUPPORT

FOR IMMEDIATE RELEASE
February 20, 2008
ISFS-15

CONTACT: (202) 225-1025

Jim McDermott Announces A Hearing on Improving the Child Welfare System

Congressman Jim McDermott (D-WA), Chairman of the Subcommittee on Income Security and Family Support, today announced a hearing to review legislative proposals designed to improve America's child welfare system. **The hearing will take place on Wednesday, February 27, 2008, in the main committee hearing room, 1100 Longworth House Office Building, beginning at 10:00am.**

In view of the limited time available to hear witnesses, oral testimony at this hearing will be from invited witnesses only. However, any individual or organization not scheduled for an oral appearance may submit a written statement for consideration by the Subcommittee and for inclusion in the printed record of the hearing.

BACKGROUND:

The child welfare system, which is administered by State and local agencies with Federal financial participation and oversight, is responsible for ensuring the safety and well-being of vulnerable children and families under its supervision. The system faces numerous challenges in ensuring positive outcomes for these children. Between 2001 and 2004, in its first round of Child and Family Service, Reviews, the Department of Health and Human Services found that no State achieved all of the Federal outcome measures for ensuring the safety, well-being, and permanency of children. These evaluations generally indicated that States were most adept at ensuring children were not exposed to repeated child abuse and neglect and remained in their homes whenever appropriate and possible, and that States faced the greatest difficulty in achieving permanent and stable living arrangements for children, enhancing the capacity of families to meet the needs of their children, and ensuring the provision of health care services for kids in care.

Researchers, commissions, and program administrators have identified certain features of the child welfare system that may hamper efforts to promote the well-being of at-risk children. Many have pointed to the current Federal financing structure for child welfare activities, which is progressively covering fewer children in need of foster care, while also inadequately funding family-oriented services that might reduce the need for foster care. Additionally, concerns have been raised about the child welfare system's difficulties in: recruiting and retaining a qualified workforce; providing adequate assistance to relatives caring for children removed from their homes; assisting foster children beyond the age of 18; and ensuring adequate health care and educational oversight for children in foster care.

In an effort to comprehensively address these problems, Subcommittee Chairman McDermott recently introduced the *Invest in KIDS Act* (H.R. 5466). This legislation would: (1) create a new Federal-State partnership to provide services aimed at reducing the need for foster care; (2) ensure Federal foster care assistance for every child in need of care; (3) support a qualified child welfare workforce; and (4) connect foster children to support, family, health care and school through such policies as allowing Federal foster care coverage to continue until age 21, providing Federal guardianship payments for relatives caring for children removed from their homes, and requiring improved oversight of the health care and education needs of foster

children. Additional proposals have been suggested by other Members of Congress, the Administration, national commissions, and advocacy organizations.

In announcing the hearing, Chairman McDermott stated, **“We have no greater responsibility than ensuring the well-being of America’s most vulnerable children. I want to begin addressing how we might better meet that obligation, on a comprehensive basis if possible or on an incremental basis if needed. These children are depending on us, and failure cannot be an option.”**

FOCUS OF THE HEARING:

The hearing will focus on legislative proposals designed to strengthen the child welfare system and improve the outcomes of children in care.

DETAILS FOR SUBMISSION OF WRITTEN COMMENTS:

Please Note: Any person(s) and/or organization(s) wishing to submit for the hearing record must follow the appropriate link on the hearing page of the Committee website and complete the informational forms. From the Committee homepage, <http://waysandmeans.house.gov>, select “110th Congress” from the menu entitled, “Hearing Archives” (<http://waysandmeans.house.gov/Hearings.asp?congress=18>). Select the hearing for which you would like to submit, and click on the link entitled, “Click here to provide a submission for the record.” Once you have followed the on-line instructions, completing all informational forms and clicking “submit” on the final page, an email will be sent to the address which you supply confirming your interest in providing a submission for the record. You **MUST REPLY** to the email and **ATTACH** your submission as a Word or WordPerfect document, in compliance with the formatting requirements listed below, by close of business **March 12, 2008**. Finally, please note that due to the change in House mail policy, the U.S. Capitol Police will refuse sealed-package deliveries to all House Office Buildings. For questions, or if you encounter technical problems, please call (202) 225-1721.

FORMATTING REQUIREMENTS:

The Committee relies on electronic submissions for printing the official hearing record. As always, submissions will be included in the record according to the discretion of the Committee. The Committee will not alter the content of your submission, but we reserve the right to format it according to our guidelines. Any submission provided to the Committee by a witness, any supplementary materials submitted for the printed record, and any written comments in response to a request for written comments must conform to the guidelines listed below. Any submission or supplementary item not in compliance with these guidelines will not be printed, but will be maintained in the Committee files for review and use by the Committee.

1. All submissions and supplementary materials must be provided in Word or WordPerfect format and **MUST NOT** exceed a total of 10 pages, including attachments. Witnesses and submitters are advised that the Committee relies on electronic submissions for printing the official hearing record.

2. Copies of whole documents submitted as exhibit material will not be accepted for printing. Instead, exhibit material should be referenced and quoted or paraphrased. All exhibit material not meeting these specifications will be maintained in the Committee files for review and use by the Committee.

3. All submissions must include a list of all clients, persons, and/or organizations on whose behalf the witness appears. A supplemental sheet must accompany each submission listing the name, company, address, telephone and fax numbers of each witness.

Note: All Committee advisories and news releases are available on the World Wide Web at <http://waysandmeans.house.gov>.

The Committee seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202-225-1721 or 202-226-3411 TTD/TTY in advance of the event (four business days notice is requested). Questions with regard to special accommodation needs in general (including avail-

ability of Committee materials in alternative formats) may be directed to the Committee as noted above.

Chairman MCDERMOTT. The meeting will come to order. We are here today to discuss America's child welfare system and what we can do to improve it. As a society, I believe we are judged on how we treat the least among us. Knowing what we know about the shortcomings in child welfare, let's hope that the judgment day doesn't come too soon.

It is not that well-meaning people haven't tried over the years to do some good. It is just that we have continued to build upon a paradigm that doesn't begin to address the real needs of the child welfare system in the 21st century.

Nearly 50 years ago, the State of Louisiana expelled 23,000 children from its welfare rolls because they were from "unsuitable homes," which mostly meant their mothers were unmarried. The Federal Government responded by saying assistance must continue unless the homes were truly unsafe, in which case the child would be removed. A year later, 1961, Congress enacted legislation to share in the cost of caring for children removed from their homes, and so was born the Federal foster care system.

To be sure, many valuable improvements to the child welfare system have been made over the years, but the basic underpinnings of the Federal system are still based in that history. It is why we cover only a portion of children in foster care, those coming from only the very poorest families. It is why the system still provides much more money for out-of-home care than for prevention or family support.

I believe the time has come for a new vision to ensure the protection, permanency, and well-being of America's vulnerable children. Here are a list of the issues that most demand our attention.

Forty percent of children who have been substantiated as victims or abuse or neglect currently receive no follow-up services whatsoever. Forty percent. Only 43 percent of the children removed from their homes and placed in foster care receive some Federal assistance in paying for that care, down from 54 percent a decade ago. So, actually, we are worse off today than we were 10 years ago.

The average child welfare caseworker's tenure on the job is less than 2 years, and their caseloads are more than twice the recommended level. 24,000 youngsters aged out of foster care for the last year on record with little support and guidance. Finally, the health care and educational needs of foster kids are too often an afterthought rather than a priority.

The bill that we have recently introduced, Invest in KIDS Act, H.R. 5466, to begin to address these major shortcomings is what we are here today to talk about. I present this bill not as the final word on reforming child welfare, but as a first step toward developing a vision and a consensus on how we can move forward.

The legislation is based on a few basic principles. First, the Federal Government should act as a partner with our States to improve outcomes for vulnerable children. This partnership shouldn't begin and end with placing kids in out-of-home care. That is about what the system is today. It also should extend to family support

and prevention services that might keep kids out of foster care in the first place.

Such a commitment by the Federal Government does not mean simply giving States a bag of cash and telling them to spend it. It does mean saying to States, counties, and tribes that if they are willing to invest their own money to improve outcomes for at-risk children, the Federal Government will match that investment.

This Federal match will continue only if the States' reforms produce positive results, as demonstrated by hard data. Too often we start programs, and then they go on forever and we never look to see whether they work. That shouldn't happen.

Secondly, the Federal Government has an interest in every vulnerable child, and our financing system for foster care should reflect that fact. Instead, we are now providing for fewer and fewer foster children with Federal assistance because of an outdated eligibility standard.

It is the old standard of only serving children in families eligible for welfare, but we froze the standard in 1996. A dozen years ago, it became even more restrictive, as I say, because we put rules in place that said, 1996 will be the date, and we are not going to have any increase for wages. No standard of living changes or inflation.

Third, finally, we must do a much better job of promoting the well-being of foster kids. Too often this seems to stop at ensuring their immediate physical safety. Of course, that is a paramount interest, but it can't be our only concern.

There needs to be a greater interest in the daily lives of these children, starting with health care, education, and their connection to other family members. It is time to turn another page in our efforts to ensure a better future for America's most vulnerable kids.

Given the level of need and the urgency, I would prefer immediate comprehensive reform. If that is not possible, I hope to work with my colleagues on this Subcommittee and see if we can make meaningful but incremental change. I always like to put out what I really want, and then we will talk about what we can get.

I look forward to working with all the Members of the Subcommittee, including the Ranking Member, Mr. Weller, to achieve this goal. I am reminded of something Dr. Martin Luther King said: Injustice anywhere is a threat to justice everywhere. There is injustice in the child welfare system today that does not, and cannot, fully protect innocent American children. It is up to us to make a difference.

I now yield to Mr. Weller for any opening comments that he may have.

Mr. WELLER. Well, thank you, Mr. Chairman, and good morning. Welcome to my colleagues Mr. Fattah, Mr. Davis, and Ms. Bachmann before our Subcommittee. Good to have you here, and appreciate the time you are taking as well as the witnesses that are going to participate in today's hearing.

Mr. Chairman, today's hearing provides us another opportunity to review proposals to our Nation's child welfare system. As a series of hearings in this and prior Congresses have shown, there is a lot of work to do.

Chairman McDermott recently introduced legislation we will discuss today. I first want to thank the Chairman for including sev-

eral provisions that I myself have worked on for many years. One provision tracks my legislation, H.R. 2314, to harmonize Federal reimbursement rates for training child welfare workers.

Mr. Purcell, on behalf of the Child Welfare League of America, rightly asks, "Where private, usually not-for-profit agencies are caring for the public's children, why deny them access to the training deemed necessary for all workers?" I want to thank the Child Welfare League for supporting this change and for recognizing my efforts on this.

Another provision would address concerns about child welfare services for Native American children. Our first Americans should be treated as full Americans, including in child welfare programs. Mr. Pomeroy, a Member of this Committee, and I have cosponsored legislation, H.R. 4688, along with Mr. Camp, to provide more equitable access to foster care and adoption services for Indian children in tribal areas. The bulk of this legislation is included in the Chairman's bill as well.

Finally, the Chairman's legislation builds on a resolution, H.Res. 733, the Chairman and I co-authored this past year. This resolution highlights the importance of improving the high school graduation rates of foster youth. Under the Chairman's legislation, States would be required to take action in this area.

We also know that Congress needs to reauthorize the Adoption Incentives Program, which expires this year, and is widely regarded as a bipartisan success. As these provisions reflect, there is ground here for bipartisan cooperation this year, and in a way that could be fully paid for.

Fortunately, the Chairman's bill does not stop at just these issues. For example, his legislation includes provisions that would dramatically reduce the Federal matching rate for foster care payments. Not surprisingly, States, according to the HPHSA's testimony, urged the Subcommittee to consider alternative funding solutions.

The Chairman's legislation also proposes a variety of ways to increase spending in child welfare programs without proposing ways to pay for all the additional costs. We are still waiting to hear from the Congressional Budget Office what the total cost of this proposal would be, but the likely high costs of many of the provisions in the Chairman's legislation make it probably pretty difficult to move this year.

That all suggests that we should work together. We have an opportunity, I believe, to work in a bipartisan way, Mr. Chairman, to identify provisions that not only have bipartisan support but also that we can get done this year. Like you, Mr. Chairman, I would like to get something done this year.

I look forward to working with the Chairman and other Members of this Subcommittee to move that process forward. I think we have an opportunity to work in a bipartisan way. Thank you, Mr. Chairman.

Chairman MCDERMOTT. Thank you, Mr. Weller. I will take you up on that. We are going to work on this and see what we can get done, even in an election year. It is not easy to get things through the Senate this year, but we will try.

