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New Federal Law Creates Opportunities to Improve Child Welfare Policy

By: Tom C. Rawlings, Director

We all know by now that money drives policy, even in the world of child welfare. Not that there's anything *wrong* with that, mind you. Especially when the dollars are coming from the federal government, our child-serving government agencies are going to work within the conditions they are given for accessing the various federal funds available.

Take what's commonly known as federal "IV-E" funding, for example. Under federal law, Congress appropriates these open-ended funds for the states to use to care for children in foster care, to train DFCS workers, and to promote the adoption of children with special needs through subsidies. The funds are restrictive, however, and the state can claim them only if the child was removed from a poverty-stricken home and other conditions are met.

And sometimes these conditions are viewed with suspicion by some who believe they create perverse incentives. The fact that these funds are directed toward foster care and adoption, for example, has led one friend of mine to suggest that the funding leads the state to place children in foster care or for adoption when they could be cared for by relatives.

While I don't necessarily buy that argument, I do believe we need to put policy first and let the money follow good policy. And one such policy we should promote is placing children with their relatives when that's in the child's best interest.

Fortunately, the Congress has now realized that our federal funding streams need to better match some of these good policies. Earlier this month, President Bush signed into law H.R. 6893, the "Fostering Connections to Success and Increasing Adoptions Act of 2008." Scheduled to take effect next October, this new law will help emphasize family connections in our child protective services policies.

One of H.R. 6893's major features is its scheme to allow the use of these open-ended federal "IV-E" funds to place abused and neglected children permanently with relatives when the children cannot return to their parents. Traditionally, such arrangements have been financially supported by a limited block grant called "TANF," short for "Temporary Assistance for Needy Families" or by state funds. Under the new law, the same pot of open-ended funds available to support foster and adoptive placements can be used more flexibly in support of the permanency that is best for the child, including permanent placement with appropriate relatives. The bill also requires the state to ensure that any permanent relative placements are made only where "the child demonstrates a strong attachment to the prospective relative guardian and the relative guardian has a strong commitment to caring permanently for the child."

And while we in Georgia already make an effort to search for relatives when children come into foster care, the "Fostering Connections" law strengthens that requirement. Within 30 days of the child's removal from the home, states must diligently search for all the child's adult relatives and give those relatives notice of the child's situation and of the possibility that the child could be placed with a relative under a subsidized guardianship.

Another requirement of the law is that states keep siblings in foster care together when possible. States will be required to make reasonable efforts to do so and must justify splitting sibling groups among different foster homes.

Finally, among its other outstanding provisions, the new law will expand the state's capacity to provide financial support to adoptive parents of special needs children and older foster children. And within its provisions are several excellent features that will expand services and opportunities for older foster youth.

It is likely the new law will require some changes to Georgia's state law, so over the next few months the Office of the Child Advocate will be working with the Governor's Office, the Legislature, and the Department of Human Resources to study the new legislation and determine how best to implement it. We welcome your input on these important developments.

If you'd like to learn more about the Fostering Connections to Success law, there are several excellent summaries available.

- Child Welfare League of America summary: <http://www.cwla.org/advocacy/adoptionhr6893summary.htm>
- Children's Defense Fund summary: http://www.childrensdefense.org/site/DocServer/9_16_08_FCSAIAAct_1-pager_FINAL_with_new_logo.pdf?docID=8882

The bottom line on H.R. 6893 is that it represents a modernization of our child welfare system and gives our state legislators and agency heads more tools to use in assisting abused and neglected children. As another friend of mine often says, "there is no panacea" when it comes to serving children. With this new law, however, our medicine cabinet just got a little bigger.