

**THE ANTWONE FISHER STORY AS A
CASE STUDY FOR CHILD WELFARE**

HEARING
BEFORE THE
COMMITTEE ON FINANCE
UNITED STATES SENATE
ONE HUNDRED THIRTEENTH CONGRESS
FIRST SESSION

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THE ANTWONE FISHER STORY AS A CASE STUDY FOR CHILD WELFARE

TUESDAY, APRIL 23, 2013

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC.

The hearing was convened, pursuant to notice, at 10:02 a.m., in room SD-215, Dirksen Senate Office Building, Hon. Max Baucus (chairman of the committee) presiding.

Present: Senators Rockefeller, Wyden, Schumer, Cantwell, Nelson, Carper, Cardin, Brown, Bennet, Casey, Hatch, Grassley, Thune, Isakson, and Toomey.

Also present: Democratic Staff: Amber Cottle, Staff Director; David Schwartz, Chief Health Counsel; Mac Campbell, General Counsel; Sean Neary, Communications Director; and Diedra Henry-Spires, Professional Staff Member. Republican Staff: Chris Campbell, Staff Director; Shannon Crowley, Special Assistant; and Becky Shipp, Health Policy Advisor.

OPENING STATEMENT OF HON. MAX BAUCUS, A U.S. SENATOR FROM MONTANA, CHAIRMAN, COMMITTEE ON FINANCE

The CHAIRMAN. The hearing will come to order.

Winston Churchill once said, “There is no doubt that it is around the family and the home that all the greatest virtues—the most dominating virtues of human society—are created, strengthened, and maintained.”

As the Nation and Congress debate big policies, we can never forget the impact each home has on a small child. This impact stays with a child throughout his or her life. And strong homes improve our society and our country.

The Senate Finance Committee plays a key role in strengthening the home by overseeing the Nation’s child welfare system. This is an important issue to me. Each year, close to 3,000 children in my home State of Montana enter foster care. Too often, they are the victims of abuse or neglect; just children, but forced at a young age to deal with serious family issues.

The good people at the Montana Department of Public Health and Human Services work to find safe, caring homes for all of these kids. They are restoring their hope for a better future, but it is not easy.

Today, we will discuss solutions to the challenges these kids face as we examine America’s foster system. We will discuss ways to find a loving home for every child who needs one. We will focus on the story of one child who grew up in the foster system. The story

of one child who—like so many foster kids in Montana and across America—persevered through adversity in search of his family. Today, Mr. Antwone Fisher will allow us to use his life story as a lens to view the evolution of America’s foster care system.

While there is still much work to be done, progress is being made. In 2002, more than 530,000 children lived in foster care across the Nation. By 2011, that number dropped by more than 27 percent to just over 400,000. And this committee served a key role helping more kids find permanent homes.

In the past 6 years, this committee drafted two significant pieces of legislation that strengthened the Nation’s foster care system.

In 2008, Congress passed the Fostering Connections Act. This bill extended and expanded adoption incentive programs. This legislation helped connect children with families. It offered States the option to keep kids in foster care up to the age of 21 instead of 18. And it ensured that these kids could stay in their schools. The law also required better coordination of health care services. It expanded opportunities for tribes to run child welfare systems. And it preserved family connections by keeping siblings together and promoting guardianship and adoption.

In 2011, Congress went one step further. We passed the Child and Family Services Innovation and Improvement Act. This law gave States more flexibility and the opportunity for innovation in child welfare by easing Federal restrictions. In exchange, States must improve safety standards, prevent child abuse, and reduce foster care re-entry rates.

We will hear today how Ohio, the State where Mr. Fisher was in foster care, used this authority to revamp its system. We have made great strides to improve the lives of foster kids. But more must be done.

The Child Welfare League of America reports that one quarter of former foster kids become homeless after aging out of foster care—one quarter. Some foster kids are simply dropped off at a bus stop on their 18th birthday and left to fend for themselves. The law now considers them “adults.” We must do more to prepare these kids for the reality of adulthood.

And we must do more to establish a permanent connection between foster kids and a positive role model. Nationwide more than 104,000 kids are waiting to be adopted. That is down from more than 130,000 kids in 2007. In Montana, there are 460 kids waiting to be adopted, down from 600 kids in 2007. But that is still 460 kids too many.

Federal Adoption Incentive Grants, which reward States for increasing adoption rates, can help reduce these numbers further. This committee has jurisdiction over these grants, which expire at the end of September. The grants play a vital role in connecting children with families, and we should extend them.

We also should extend the 48 Family Connections Grants that expire at the end September. These grants help children in foster care reconnect with their own family members. We know that children placed with caregivers who are family, even extended family, are far better off.

A story about a boy named Brandon from Missoula, MT illustrates this point. Brandon’s mother was a drug addict. His father

was a convicted felon. Brandon spent his childhood in and out of foster care.

At the age of 7, Brandon's mother abandoned him to his father, who was just released from prison. But Brandon's father did not want him either and tried to send him back to his mother. Feeling unwanted by both parents, Brandon left his father and lived in shelters, group homes, and eventually on the street.

A few nights before Christmas one year, Brandon spent the night out in the snow and almost froze to death. On Christmas Eve, when most families were together enjoying the holidays, Brandon was in the hospital recovering from hypothermia.

Today, thanks to the efforts of a special team in Montana dedicated to helping foster children find extended family members, Brandon has been reunited with his sister, his brother, his grandparents, his aunts, uncles, and cousins. They love Brandon and have helped put his life back on track.

As this committee continues to work on legislation to improve the child welfare system, let us never forget Brandon's story. Let us never forget the hundreds of thousands of foster children like Brandon and Mr. Fisher who, with guidance and support from a caring adult, now have every opportunity to succeed in life. And let us never forget that every child should have the opportunity to grow up, as Churchill said, around family and home. That is where virtues are created, strengthened, and maintained.

[The prepared statement of Chairman Baucus appears in the appendix.]

The CHAIRMAN. I might say as a side note, we will interrupt today's hearing to consider the nomination of Marilyn Tavenner to be the Administrator of the Centers for Medicare and Medicaid Services, otherwise known as CMS. And we anticipate voting on her nomination at about 10:30 a.m., when we have a quorum.

I thank the hearing witnesses for their indulgence as we conduct this very important piece of committee business.

Senator Hatch is not yet here. Senator Isakson, if you want to make a statement, I have to leave at this moment. And then, if you could conduct the hearing, we will proceed.

**OPENING STATEMENT OF HON. JOHNNY ISAKSON,
A U.S. SENATOR FROM GEORGIA**

Senator ISAKSON. I will, Mr. Chairman. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator ISAKSON. I will just make a brief remark. One of the leading citizens of my State is a gentleman by the name of Truett Cathy, who founded Chick-fil-A and runs WinShape Homes today, and who takes care of foster children.

He has written a book called, "It is Better to Build Boys Than Mend Men." It is one of the best books I have ever read. It talks about the importance of meeting the needs of our youth early so they have a rich and robust life and contribute to this society.

I commend the chairman on calling this hearing today, and I welcome all of our witnesses. And I will recognize them in order. I do not know which order he told you you would be speaking. Mr. Fisher, will you be first?

Mr. FISHER. Yes.

Senator ISAKSON. All right. Well, we are going to have Mr. Antwone Fisher, author, director, and film producer, from Los Angeles, CA, about whom we are going to hear a lot today; Mr. Gary Stangler, executive director of the Jim Casey Youth Opportunities Initiative in St. Louis, MO; Mr. Eric Fenner, managing director, Casey Family Programs, Westerville, OH; and Mr. Kevin Campbell, founder, Center for Family Finding and Youth Connectedness, Lakewood, WA.

Mr. Fisher, we are delighted to have you today. Try to keep your testimony to within 5 minutes if at all possible, and be sure to turn on your mic.

**STATEMENT OF ANTWONE FISHER, AUTHOR, DIRECTOR,
AND FILM PRODUCER, LOS ANGELES, CA**

Mr. FISHER. Yes, sir. My mother was a foster child herself. Her mother died when she was 13, and her father was deemed unreliable, so she was placed in foster care.

She was pregnant with me at the age of 17, and she was incarcerated at the time. My father's name was Edward Elkins. He was 23, and he was a nightclub singer and a handyman. He had a girlfriend who murdered him 2 months before I was born. I was born in the institution where my mother was incarcerated.

The State took me and immediately placed me in foster care. At first I went to an orphanage and then to a foster home. I stayed there for 2 years, where the woman—in my records it said apparently she really loved me. She would hold me close.

When she came to the office, they admonished her all the time about holding me too close. They felt that it would be too difficult for me to separate from her when my mother came to claim me.

They took me from her and put me in another foster home where I endured, along with my foster siblings, sexual abuse, verbal abuse, physical—anything you can imagine, they rained this down on us. And I endured this with my foster siblings for 12 years.

After maybe about 11 years, my foster parents were thinking of moving back to Mississippi where they had originated. And of course, I was a ward of the State of Ohio. I could not go with them, and they were trying to find a way to get rid of me.

So my foster mother precipitated a problem where I was removed, and I was placed in an orphanage called the Metzenbaum Children's Center, named for Senator Howard Metzenbaum. I stayed there for 6 months. They could not find anyone who would take a teenaged boy, so they put me in a reform school in western Pennsylvania called George Junior Republic.

I stayed there until I graduated from high school. I actually enjoyed it there. It was a lot better than where I had come from. I stayed there until I graduated high school.

I had a social worker come to pick me up, and he told me I was going to be emancipated. I did not know what being emancipated meant, and he was going to explain it to me on my way back to Ohio.

What he told me was that I would have to plan for myself from now on and that my case had been transferred when I went to

George Junior to the Juvenile Justice Department. So it appeared that I had been a troubled kid, as if I had done something wrong.

All of the certificates that were important to me, that I had earned while I was at George Junior, in auto body and food service, that I was going to use to get a job, I could not use to get a job. I could not use them because they had the Juvenile Justice Department of Mercer County on everything that I owned.

When he dropped me off, he dropped me off at a men's shelter. He gave me \$60 and told me that I would be on my own and that they were expecting me inside. I went inside to get the keys to a room that they were going to have for me. I got the keys. The guy behind the desk warned me that there were men who were raping boys there and that I should be careful.

While I was there, I saw some of the foster care kids that I had known while I was in foster care. So I got to know them, but it turned out that we were delivered into a situation where there were pimps and prostitutes who took us in and basically were making criminals out of us.

I escaped and ultimately wound up joining the Navy after 6 months. It was 2 days before Christmas. I joined the Navy, and I got a chance to get myself together.

I got out of the Navy and looked for my family. I finally found them by searching the Ohio Bell telephone book. I found my father's sister and found my family.

I have almost 17 seconds left.

Senator ISAKSON. I think everybody will be patient and give you a little longer to finish your statement, as long as you want.

Mr. FISHER. Oh, well let me back up some. [Laughter.]

Senator ISAKSON. Not that far, Antwone.

Mr. FISHER. Well, while I was on the street, they had jobs for all of us to do. It seems like they were waiting for us. They knew that every June there was going to be a group of foster children who were going to be delivered onto the streets, a fresh group of kids that had boys and girls as young as I was prostituting themselves.

Me, I was given a job watching prostitutes and holding—the guy I found protection from, holding his gun, holding his money. He told me that I was a minor, and he explained that as long as I kept my mouth closed, he would always take care of me.

Well, he gave me these cards that I was to give to people he was selling them to. They had addresses on them. One day I did not sell a card that I was supposed to, and, as it turned out, these cards, he said they were people who had extra money for an extra special time.

And he beat me up because I had this card I was supposed to sell. I was holding it for someone else. I could not understand why he got so angry, and one of the prostitutes told me that junkies, heroin addicts, were exchanging their children for heroin, and these addresses were where the kids were.

With that and all that I knew of my own life, I decided to leave that area, and I went back into the community where I had grown up as a foster kid, hoping that somebody would remember me. I did find a childhood friend who let me stay in his basement. He was killed that summer, and I was back on the street.

I could not believe all of this had happened to me. I did understand that I had to make rules for myself. I said I would never do drugs. I would never smoke. I could not stay out late. I had all of these rules which really turned out to really save me while I was living on the street.

Winter came, and I was still on the street. Two days before Christmas, I saw this sign that said, "Join the Navy and See the World." I did not have anything on my schedule, so—[Laughter.]

I went inside, and I asked the recruiter if they would take me in. They said if I came back after the holidays, they could help me, but they were going away for the holidays.

I explained my situation, and they had a little mercy on me, gave me an aptitude test and got me a room at a Holiday Inn. I had not had a bath in like 3 months, so I took the longest bath of my life. That morning, 5 a.m., a recruiter came and took me to the Federal building. I took some more tests, and that night I was in Great Lakes, IL in boot camp.

That is when my life really started. The change for me came through the Navy. It was a really structured environment, which I appreciated. I did well in the Navy, but I got the most help after seeing a Navy psychiatrist.

I explained my story to him, and he always told me that one day I should think about looking for my true family. I never wanted to accept that I had a true family. It made it easier for me to get along in the world pretending that I never came from anywhere.

I saw my foster brother and sister struggle after being rejected by their family, and I never wanted that for myself, so I made the Navy my family and I stayed for 11 years.

I got out, and I went to the Federal Law Enforcement Academy in Glynco, GA and became a Federal Corectional Enforcement Officer. I did that for 3 years, and it did not suit my personality. So I went on—Sony Pictures was hiring security guards, so I figured I would qualify for that. And I started thinking about my real family, and that is when I started looking for them and found them.

Everyone kept saying it would make for a great movie, and I kept insisting on writing it. They said because I had not had any writing experience, never went to college, I could not write it. I got some legal pads and wrote it by hand.

I gave it to a producer who thought I had writing talent. He sold it to Twentieth Century Fox. I have been a writer and producer and director and author ever since.

[The prepared statement of Mr. Fisher appears in the appendix.]

Senator ISAKSON. Thank you for being with us today.

Mr. FISHER. Thank you, sir.

Senator ISAKSON. Mr. Stangler?

STATEMENT OF GARY STANGLER, EXECUTIVE DIRECTOR, JIM CASEY YOUTH OPPORTUNITIES INITIATIVE, ST. LOUIS, MO

Mr. STANGLER. Thank you, Senator. It is both a privilege and a challenge here to follow Mr. Fisher and the impact of his kind of story.

This is my fifth time before the Senate Finance Committee. And over the past 25 to 30 years, I have had a front row seat, watched

firsthand the arc of progress of this committee in the area of child welfare.

It seems no matter the times—going back not long after Mr. Fisher emancipated in 1980, the Adoption Assistance and Child Welfare Act really began to first recognize these issues of foster care drift and the need to connect foster children with families, then up through the Family Preservation and Support Act, the Adoption and Safe Families Act, and, as the chairman started with, the Fostering Connections Act of 2008, which was a remarkable event in my experience because, the day the bill was before this committee, when this committee was working on the bill, the economy was crashing behind it.

I knew that there were other things that began to draw attention, and yet this committee stuck with it, passed the Fostering Connections Act, which I believe is a landmark piece of legislation in one important respect. A provision that was inserted in this committee was the requirement that young people like Mr. Fisher who suddenly find themselves emancipated now, 90 days before emancipation, have to have a plan in place. And, according to the law, it has to be as detailed as the youth directs.

In other words, we must give young people the opportunity and the responsibility to begin to plan their own future before they are emancipated. There are a lot of people who correctly think we should start at 15, 14, and that is all true. But, if you have ever had a teenager, known a teenager, worked with a teenager, they are not really thinking about things until you get about 3 months out before something is actually going to happen, and then they are focused.

I think this provision, while the States are still fairly slow to implement it, is going to turn out to be something with wide-ranging impact in the field. I salute the committee.

I am with the Jim Casey Youth Opportunities Initiative now, after having been a Director of Social Services in the State of Missouri for, first Governor John Ashcroft, and then Governor Mel Carnahan for 12 years. So my opportunities to work with this committee on both the public and private side, the role of philanthropy in working with the legislation and with the programs that are generated by this committee, I think are singular in my experience in human services. In the 1980s, you had the Clark and Casey Foundations first stepping forward, and now today we work with 21 different foundations.

The Jim Casey Initiative is a foundation focused exclusively on youth transitioning from foster care. I wish I could say that Mr. Fisher's story does not happen much anymore, but, in fact, it happens every day throughout this country. It is a pipeline to homelessness.

I was just in Cleveland a couple weeks ago meeting with funders who work in the area of homelessness who have realized that it is young people like Mr. Fisher who are the pipeline to homelessness. Our project in Florida was located right down the street from the Salvation Army homeless shelter, because that is where the State agency dropped the kids off on their 18th birthday and still does, with their belongings in a plastic trash bag.

We are in 16 States from Iowa to Georgia; in Atlanta, Cherokee County, and Macon in Georgia. All of our projects have youth boards, and there is a young woman from our project in Hawaii who said to me not long ago, everybody else grows up, but kids in foster care age out. It is not lost on them that they are treated differently here. Another young lady says the worst thing of all is to look up in the stands and there is nobody cheering for you at the end of this.

I think the progress we are going to make, the progress this committee started in 2008, is going to be around helping young people take charge of their lives. We do not do very well when we feel like we are not in control of things. It is the ability to have some role in the direction of your life that makes a difference, because there are many Mr. Fishers out there who have the resilience. These kids have resilience. They want to succeed just like every other kid. They want to go to college. They want to join the Navy. They want to have these opportunities to do these things.

I would make some suggestions to the committee for the future. We have an Opportunity Passport, a matched savings account. We allow young people to save for a car. If you do not have a car in the United States, especially in Georgia, especially in Iowa, you do not work, and you do not go to school.

We have had great success with this, but what we have found is, the young people not only wanted a car so they could go to work and school, they wanted to visit their siblings, they wanted to visit their families, they wanted to stay in contact with their families. I believe families are hard-wired. I think this is an area for the committee to look at as we—10 years later—in light of neuroscience and adolescent brain development research that told us what parents all ready knew, that teenagers' brains are not quite developed yet. We need to work with that and give them the opportunities, the things we are trying to do now for those young people.

I think we should take another look at Chafee 10 years later. I think we should take another look at education and training vouchers. The committee has done amazing landmark work. You do not get recognized for this, Senator. Everybody brings their problems to you in child welfare. They do not stop and understand the arc of progress of this committee, especially here in the last few years with Fostering Connections.

I would lay out that there are challenges yet, things to be done. There are still Mr. Fishers out there, but there are fewer of them, and we are learning how to help them be more like Mr. Fisher and move on with their lives and be a success as Mr. Fisher has been.

Thank you Senator.

[The prepared statement of Mr. Stangler appears in the appendix.]

Senator ISAKSON. Thank you for your testimony.

Mr. Fenner?

**STATEMENT OF ERIC FENNER, MANAGING DIRECTOR,
CASEY FAMILY PROGRAMS, WESTERVILLE, OH**

Mr. FENNER. Thank you, Senator and members of the committee, for being here today. I also want to thank you for the order, that

Mr. Stangler had to speak after Mr. Fisher, and not me. [Laughter.]

My name is Eric Fenner. I am the managing director for strategic consulting with Casey Family Programs, a national foundation committed to improving the lives of vulnerable children and families in America by building communities of hope. Casey Family Programs has been serving children in foster care for more than 45 years.

Recently I retired, after spending 32 years in public service. Over 20 of those years were spent in child welfare. I worked as a front-line worker for 10 years, investigating child abuse and neglect, placing children in foster and congregate care. I was able to rise to the rank of Executive Director, where I retired in 2011. I was the Executive Director of Franklin County Children Services, a large urban child welfare environment in a large urban community.

The transformation I have directly experienced in child welfare over the last 25 years is extraordinary. In Franklin County, we have gone from a practice that was punitive and focused exclusively on fault-finding to one that is more family-engaging and strength-based. Child welfare agencies today are less administrative and rigid and more results-oriented. We have access to research and evidence-based practices that allow us to have a better idea of what services will be most responsive to a particular set of problems experienced by the families we serve.

We have gone from a system that was isolated from the community with a child rescue mentality, with an emphasis on placing children in foster care, to a system that is more collaborative, both with other systems and the community. This did not happen overnight. It took a concerted effort on the part of key community partners and a commitment from the child welfare agency to change our practice, but the outcomes have been impressive.

In Franklin County, we believed it was important that we alter how we worked with families if we expected their responses to change and our outcomes to improve. To accomplish this required leadership, shared ownership, and commitment by our community partners, and, frankly, different thinking. Fortunately, within Ohio we operated under a child welfare demonstration project or a waiver which allowed us to repurpose Federal funds and align them with our goals.

In lieu of simply supporting foster care and removing children from their families and communities, our waiver allowed our agency the flexibility to invest Federal dollars in community-based services that provide quality alternatives to foster care. I want to thank this committee for their leadership and support in 2011 that provided an opportunity for additional States to apply for the waiver through the Child and Family Services Improvement Act.

In Franklin County, we learned that the ability to make smarter investments was important to implement what we knew was better for the children and families we served. Practice initiatives like differential response, also referred to as alternative response, allow agencies to use an alternative approach to traditional investigations. We realized that the majority of families that come to the attention of public child welfare agencies have not actually abused

their children, but are in need of supportive services aimed at strengthening their families.

Police officers do not respond to someone going 15 miles per hour over the speed limit in the same way they would an armed robber. The best child welfare systems recognize that each and every family should be assessed on an individual basis and a response identified that would be most appropriate to address their needs. Foster care should be our last resort, not our first response.

I believe what we accomplished in Franklin County was tremendous and that, for children and families in this community, practice is now aligned with the outcomes the community values. The waiver was an important tool to accomplish this. Unfortunately, not all counties have the waiver.

These counties are limited in their abilities to reinvest Federal dollars saved from the declining number of children entering foster care. As a result, they are challenged in their efforts to build capacity in their communities for services that could be used as an alternative to foster care.

It is important that we continue to strive for improvements and smarter investments in child welfare. I was certainly familiar with Mr. Fisher's story prior to meeting him today. Every time I hear it, it is disturbing. It is a constant reminder that, even though Mr. Fisher's experienced occurred some years ago, we must never forget the importance of focusing on every child, one child at a time.

This is why permanency is so important. I was quite naive when I first started in child welfare. I thought that permanency only related to either adoption or emancipation. The reality is that permanency is much broader than that.

Permanency really reflects on the relationships. For children who are exiting the child welfare system, even if they are not adopted, having those permanent relationships is what connects that child to their past and hopefully creates a much brighter future.

I thank you for the opportunity to speak here today, and I certainly would answer any questions. Thank you.

Senator ISAKSON. Thank you for your testimony.

[The prepared statement of Mr. Fenner appears in the appendix.]

Senator ISAKSON. Mr. Campbell?

STATEMENT OF KEVIN CAMPBELL, FOUNDER, CENTER FOR FAMILY FINDING AND YOUTH CONNECTEDNESS, LAKEWOOD, WA

Mr. CAMPBELL. Thank you. I want to begin by saying "thank you" to the committee and acknowledging Chairman Baucus and Ranking Member Hatch.

I want to start, though, my testimony by thanking my wife Nicole Houston, my daughters Calli, Riley, and Lilli, and my son Finn for their countless sacrifices they have made to support my passion to find and engage the parents and relatives of children in America's child welfare system.

I am humbled by the realization that I simply could not be here without the support of my family. This brings up the importance of today's hearing.

In 2013, we continue to provide services that too often have the unintended consequence of sending older youth into adulthood

without what we know to be essential to safety and health: membership in a family and a community of love and support.

The Senate showed extraordinary leadership and vision when they enacted the Fostering Connections to Success Act of 2008, requiring notification of relatives within the first 30 days of a child's removal from their home. This leadership, combined with the advent of improved technology and innovative practices, such as Seneca Search Services, can produce powerful results.

As I was preparing for today's hearing, I was able to locate 62 of Mr. Fisher's relatives within 10 minutes and at a cost of \$15. Imagine how different Mr. Fisher's childhood and transition to adulthood could have been had we been able to locate and activate his family to participate in planning and making decisions for his future. The more than 10,000 youth in foster care I have assisted through searching have provided many lessons about what is possible for families.

I have learned that, while a birth parent may struggle with challenges that make caring for or protecting their children difficult, they often have family members who could be supports. Several years ago, in fact, a relative I located for a child in care 10 years was a sitting U.S. Senator who had never before been notified by the State of the child's need.

Given the importance of the mandated notification process, the question becomes, what happens when family members and caring adults are notified and immediately respond to the urgent need of children entering care? The cutting edge practices that engage families to actively participate in the decision-making and support of their kin have dramatically improved the well-being and permanency outcomes of children who have come to the attention of child welfare services.

Efforts like those in San Francisco, Oregon, and Minnesota are leveraging Family Connections Grants to refine, measure, and test innovative, front-end practices that will help us further understand the full potential of this work to inform the field. Unfortunately, these practices are too infrequently available or unevenly implemented for families in need, thus squandering the opportunities created by the Fostering Connections to Success Act in far too many communities.

One method to bridge this gap is to change the hearts and minds of those who practice, supervise, and authorize the rigorous, challenging, and often painful work with families in distress. Families are larger than we realize and certainly have many untapped resources. Families also experience incredible grief when a child has been removed from their home and the family has been prevented from having a voice in the fate of their family member.

We need training that promotes the value and power of family and their participation in the process. This can prompt a culture change in the work environment to see family members as an essential asset in minimizing the trauma experienced by vulnerable children.

We can address this need right now by using existing title IV-E training dollars to establish a national center that systemically approaches every jurisdiction in the country to install these practices of engaging families and involving them meaningfully in these

children's lives. We need a systemic approach to encourage the States to implement these practices across the country and believe that this is an evolutionary, if not revolutionary, way of changing the nature of outcomes for children and youth in the child welfare system. At the very least, we could begin by strengthening the legislation by adding an enforcement clause and reporting requirements.

I want to thank Seneca Family of Agencies and Ken Berrick for their unwavering support and partnership. Without this support, the effort called Family Finding could not have been possible.

I would like to conclude my testimony with a brief story and a quote. I was recently training in New York City, and one of the staff from the agency walked up and said "I want to thank you." I said, "You're welcome, but why?" She said, "My husband and I had been working on adopting and were getting matched to children here in New York City. Around the same time, we received a letter in the mail from South Dakota. It turns out we had a niece and nephew in the system that we did not know about. We just finalized their adoption." Then she continued, "My husband and I are going on to adopt some children here in New York City as well." It does not get any better than that, and it points to the benefits of this landmark legislation.

Finally, in closing, Martin Luther King Jr. penned the following in *Letter from Birmingham Jail*: "Any law that uplifts human personality is just. Any law that degrades human personality is unjust." I would like to leave you with this thought as you consider the future of the Adoption Incentives Programs and the Family Connections Grants.

Meaningful, life-long connections to family are the single factor most closely associated with positive outcomes for children. We can begin today to take the next steps to ensure that Mr. Fisher's story does not happen to another child in our care. Thank you.

[The prepared statement of Mr. Campbell appears in the appendix.]

The CHAIRMAN. Thank you, Mr. Campbell, very, very much for that moving statement. I regret I was unable to hear other witnesses, including you, Mr. Fisher. We did meet out front, and I know it is a very deep, wrenching story you have, but a very inspirational story. I am sorry I was unable to hear it.

We are now going to turn to business. A quorum is now present. I thank my colleagues for their attendance. We will now interrupt the hearing to conduct an item of committee business.

[Whereupon, at 10:38 a.m., the hearing was recessed, reconvening at 10:40 a.m.]

The CHAIRMAN. I regrettably have to leave at this moment. I apologize to witnesses and ask their indulgence. I want you all to know that my absence in no way means I am not deeply involved with and care about the issues ahead of us. And we are going to have to reauthorize legislation to take care of many of the issues that have come up at this hearing. We will have to authorize sometime before September of this year. But thank you very, very much. Your testimony is going to be very, very helpful to drafting legislation.

Senator Hatch?

Senator HATCH. Mr. Chairman, I am going to have to leave too for the Judiciary Committee and its meeting. Who is next on the order?

The CHAIRMAN. Well it is usually—when I am not here, then it is you. Then we go down the Democratic side in terms of chairing. Is that your question?

Senator HATCH. No. I just need to know who is next up for questions.

The CHAIRMAN. I see. I am sorry. All right. Well, Senator Cardin is next.

Senator HATCH. I will turn to Senator Cardin.

Senator CARDIN. Well thank you, Mr. Chairman. I appreciate that very much, and I thank all of our witnesses.

Mr. Fisher, I think your story is not only inspirational, I think each one of us questions whether, if we were in the same circumstances, we would have had the courage to make the decision you did to turn away from crime, turn away from drugs, turn away from alcohol, any other way we thought would be the only way to succeed, and would have had the maturity to make the decision that you did. So your story is not only inspirational, it gives us hope that we can choose the right decisions in life.

I must tell you I came from the House of Representatives, from the Ways and Means Committee there. I was ranking Democrat on the Human Resources Committee when we passed the law that expanded services for children aging out of foster care.

You point out the three challenges we have in our child welfare system. The first challenge is how we keep families together and find permanent placements for children who are otherwise vulnerable. Your story very much points that out.

And, Mr. Campbell, I appreciate what you have done to try to bring families together, find permanent homes for children. That is clearly our first line of defense for children.

Second, to those who are in temporary placement, we have a responsibility to make sure they are safe. The system failed in your case. You were not kept safe when you were under the direction of the welfare system. They did not find the appropriate place for you. And many children in your circumstance did not survive as a result of that.

And then our third challenge is, how do we deal with children who are in a temporary situation when they age out of it? I must tell you, I relied upon my parents well beyond 18, or 21, or 25, or even 30. I must tell you they were an incredible support for me and my children so that they did not have to face the challenges that you faced in life.

So I must tell you that I have attended many hearings in my years in Congress. This one will always be remembered because of your testimony and the testimony of the witnesses here. Your story, of course, is being told, but there is nothing like the real person telling the story. I thank you for sharing this with us.

We talk about the number of children who are in vulnerable positions, but until you put a face on it, until you see the real person and see what decisions that you have made, I think sometimes we get lost in numbers. You just have motivated this Senator to do ev-

everything I can to make sure the resources are there to protect our children, our future.

The only question I have for the panel, any one of you who may want to answer, is that, if you could identify what we could do, if there is one program that we could reinforce, or change, or create, that could help vulnerable children in our child welfare system, what would you like to see that priority be? Where would you like to see us place more resources in order to help vulnerable children?

Mr. STANGLER. Senator, I would be happy to answer that. My suggestion would be to take another look at the Chafee Act of 1999 and the ETV, the education and training vouchers that were added to it in 2002.

We have learned a lot in 10 years, and, as I mentioned, the neuroscience, we have learned more about the teenage brain. And to your point, no, my kids are much older than 18 and still—they are not dependent, but in many ways I am important in their lives. So I think looking again now—and the word “family” does not appear in Chafee.

I think the Fostering Connections Act of 2008 was a landmark piece. I think we need to update Chafee now and connect it to that and do a better job of understanding, really, what it takes for a teenager to be prepared and to get out in the world, and to find ways to provide the supports that our kids take for granted from families, and how do we do that. That would be my suggestion, Senator.

Senator CARDIN. Mr. Fenner?

Mr. FENNER. Yes. I think that the waivers have been outstanding, but we need Federal child welfare finance reform. Having States and counties—I am from a county having the flexibility to do so—design services that can be tailored to the needs of our families and our communities, I think is critically important.

There will always be a need for foster care. But what we want to try to do is keep children in their own homes and in their own communities. The way to do that is to continue to provide services that are addressing the issues and needs that are bringing those children into care. Having the flexibility with Federal financing allows us to build capacity in our communities so that those children can receive service close to their own homes and those families can be maintained. Thank you.

Senator CARDIN. Mr. Campbell?

Mr. CAMPBELL. I want to acknowledge—Senator Baucus at the beginning of the hearing told a story of a young man from Montana by the name of Brandon. I led the team that found Brandon’s family. We located his grandparents 2 miles from the State capital where we were working. Ten years later—and I want to acknowledge that, not only is this a struggle for children in our system, but it is a struggle for citizens who are the parents and grandparents of these kids, when their kids are in the system and they have not been invited to the table to help—his grandparents organized a response to this boy, and today it has made an immense difference in his life.

So, if there was one recommendation at the smallest level, I would say explicitly authorize IV-E funding to conduct these searches rapidly for children and to put an enforcement provision

in the law. If you do not mind me just commenting quickly, there is an undermining of trusts between governments and citizens when the government has custody of a child and the relatives are not notified.

As I mentioned in my testimony, this happened even with a U.S. Senator several years ago who had a family member in the custody of the State for 10 years. Six weeks before her 18th birthday, being taken to a homeless shelter, the Senator's family was finally contacted. That just should not happen.

Senator CARDIN. Thank you. Thank you, Mr. Chairman.

Senator HATCH. Well, thank you, Senator. I have inserted my opening statement into the record, but I wanted to note, I am very impressed with this panel. Mr. Fisher, you in particular. I just want you to know that and how important your testimony is to this committee this day.

[The prepared statement of Senator Hatch appears in the appendix.]

Senator HATCH. Senator Isakson, we will turn to you.

Senator ISAKSON. Thank you, Mr. Chairman. Mr. Fisher, your testimony is compelling and a great story. I have a question to ask about your story. I think, after you were emancipated and went back to Ohio, you looked for your family. Is that correct?

Mr. FISHER. No, sir. I was still in "the mode." A part of the way I survived was I decided that I did not have a family. So I would never think of that. I felt that I should take care of myself and make the best choices I could for my life, because I saw my foster siblings be disappointed so many times. I did not want that.

But, as it turned out, the foster home I grew up in, my uncles lived two streets over all those years. I actually went to elementary school with my cousins, his children. I did not know that we were related, of course, until I found my family when I turned 33. And they were there at the airport to greet me. I had grown up—actually, had a lot of fights with them during the summers. But it was really a nice thing.

I walked past my grandfather's house on my way to junior high school every day. The family home where my father grew up I would, of course, pass by. They lived in a walk-up in the '50s, and that very same neighborhood was the neighborhood where all of my family lived. I knew some of them. We used the same corner grocer.

Senator ISAKSON. During that period of time, the point I was going to get to, you said you made up your mind that you did not have a family.

Mr. FISHER. Yes.

Senator ISAKSON. And you made some rules for yourself.

Mr. FISHER. Yes.

Senator ISAKSON. You have to get a good night's sleep, do not smoke, and do not drink.

Mr. FISHER. Right.

Senator ISAKSON. Did you have a mentor who led you to that, or did you just see the damage that had been done by the other kids in foster care and decide to go an opposite direction?

Mr. FISHER. I decided to go in the opposite direction. I realized in this decision that I made that I did not have a family, that nobody would come for me if I ever got in trouble. I knew that if I

got caught with drugs, or smoking cigarettes, or whatever was wrong, I could not take the chance. While some of my friends, their parents would always show up at the school when they got in trouble, my foster parents never showed up at the school when I got in trouble at school.

I learned early on that I was on my own, and I accepted it. I accepted that I was on my own. My foster siblings never accepted that they were on their own. I think that they always tried to make themselves a part of the foster family or their real family.

I think what helped me was that I decided that I was on my own and all of the decisions I had to make had to be good decisions. And whether I had to—what some people might call—suffer by not participating in things that may seem like fun, I knew that I could not do it.

Even when I was in the Navy, on my first ship they used to call me the Catholic Priest, because I would never go off the ship in some ports.

Senator ISAKSON. I know we cannot really do this, but it would be a great law to say that, upon reaching the age of 18, every foster child in America had to read your story because you are a role model and a mentor by the way you have lived your life, and you are to be commended for doing that.

Mr. FISHER. Thank you, sir. I think some of it came out of, not raw fear, but the fear of being more alone than I actually was. I felt that if I was institutionalized more than I felt like I was, that would be the worst thing that could happen.

I was a reflective kid early on, and I used my imagination to help me get past a lot of things. Some of my contemporaries wanted the real thing all of the time.

Senator ISAKSON. Well, you are a great role model, and we appreciate you testifying today. Thank you very much.

Mr. FISHER. Thank you.

Senator HATCH. Thank you, Senator.

Senator Nelson, you are next.

Senator NELSON. Mr. Fisher, what happened to the first foster mother who held you close?

Mr. FISHER. When they took me from her, of course, I never knew her. I just read about her in my childhood records. But when I was making the film *Antwone Fisher* in Cleveland, there was a woman who came up to me with a picture of her. She told me she had passed away and that, after reading my book, they recognized that she was the person I was talking about. And I had never seen her, but I got a chance to see her in her photograph.

Senator NELSON. What about your mother?

Mr. FISHER. My mother, she spent her entire life receiving county services and never really could get herself together. She had 4 other children. They all were in foster care. She passed away a couple years ago in her sleep.

There was a thing that struck me, in that they called me and told me that my mother was still at the funeral home. And this had been like a few weeks after the funeral. I did not understand why, and they said that it was my fault because I did not sign. They wanted to have her cremated and they needed my signature.

I was struck that, after all of this time and all that had happened and even though she never raised me, I still had a responsibility to her. I have really come to a place of forgiveness for everything.

I think that a part of my growth led me to true forgiveness. Even my foster parents, all of it, I just think the best way to go is to just have whatever life I have left, and to make it the best life that I can. You really have to forgive.

Senator NELSON. Amen. At what age did you see that you had a self-discipline that you could—

Mr. FISHER. This was early. This was something that I stumbled upon. My foster mother would beat me, and I learned how to take the beating and just bundle up real tight and think about something else as best I could. I could still feel it and it still hurt, but it did not hurt as much.

When she realized that she was not hurting me like she wanted to, she stopped beating me. So then I understood some things about even that, even myself, being able to guard myself from a beating by using my mind and just accepting that I was being beaten and to try to overcome that.

Senator NELSON. You are sharing about the inadequacies and the horrors of a system of foster care, and we are uncovering in my State of Florida the horrors and the beatings and potential homicides that occurred in a juvenile reform school now subsequently shut down. But I take it when you were sent to the juvenile home, the one that you mentioned in Pennsylvania, that was a positive experience. Is that correct?

Mr. FISHER. Yes.

Senator NELSON. And it was a juvenile home. Was it for boys?

Mr. FISHER. Yes, it was for boys.

Senator NELSON. Yes.

Mr. FISHER. The boys who were there, they were separated from their families, so they felt differently about being there. It was almost—they had a home to think about, parents and uncles and cousins to think about going back to. Me, this was my place, my reality, and I accepted it and did my best.

Senator NELSON. We had a place called the Marianna Boy's School in Marianna, FL where the grounds were immaculate. I have talked to boys, now old men, who, when they got there, they had this feeling, wow, this is not going to be bad at all. They were sent there for some minor infraction of the law or in some cases mistaken infractions of the law.

Then it became a hell-hole. There was a book written about it, "The White House Boys," because the place for punishment, the beatings, and the sexual abuse, was in a white-washed concrete dungeon referred to as the White House.

This is just now coming to light as we are trying to get a court order to exhume some of the graves that nobody ever knew about that are now being discovered by ground-penetrating radar. So it is a wonderful thing that you had the opposite experience.

Final question: you obviously are a walking recruiter for the United States Navy. [Laughter.]

I take it that that is in part a theme in your movie, about what the military does for a young man. Do you have any thought—this

is getting outside the jurisdiction of this committee and now over to another one of my committees, the Armed Services Committee—on resources in order to retain recruits who are having difficulty with the discipline in the military?

Mr. FISHER. I do not know. It seems that if you become too much of a problem, they will let you go. What I was delighted to see—I did the commencement speech for the recruit graduation in Great Lakes from time to time. I like to do that. A part of the curriculum for kids who are not doing well emotionally is that they—I think they started this whole program by setting them back a week and putting them through a program. A part of it is learning about my story. They watch the film, and they have to read the book.

And I was really touched by that, because it was put together based on the success that I have had after my experience with the Navy. That is something that the Navy has done as a result of the movie and the book.

Senator NELSON. Does the Navy still provide a psychiatrist to young recruits today like was provided to you?

Mr. FISHER. Well, yes, but they do not really—this particular psychiatrist was interested in helping me. I think you can go if you are having a problem. Usually, a lot of sailors use it for when they have marital problems, because sailors, they are deployed so long and then come back as young people with emotional issues from time to time. But mine were pretty severe, and I think that, if it was not for him and his compassion, they probably would have let me go.

Senator NELSON. Thank you.

Senator HATCH. Senator Casey?

Senator CASEY. Thank you very much. Mr. Fisher, I wanted to start my questioning with you and just say how remarkable your story is. It is just a stunning human story and a story we do not hear very often around here. We are grateful for that and also grateful for how triumphant you have been in the midst of all of those challenges.

I want to ask you something which I know is probably hard to answer because it is subjective, and it is hard to aggregate a lot of experiences in one answer. But, I was thinking that a lot of us take for granted—I know I do—that I was born into and raised in a family where there were two parents all the time. They were two people whom I knew—even though I probably did not think about it as a child—who loved each other and who had unconditional love for me. In my case we had seven siblings. And also that, no matter what happened to me or to my brothers and sisters, there would be someone there to break the fall, someone there to pick us up, someone there to love us no matter what.

A lot of that, most of that if not all of it, was robbed from you in one way or another. You did not have that or, if you had it, you had it only in pieces.

I know it is very difficult to answer this, but how did you get from there to here without all of those basics: the bonding and the nurturing and the basic elements that lead to a kind of a stable and positive environment? What were you able to—you obviously had a deep reservoir of personal courage and just capacity to over-

come, but is there any way to encapsulate all of that in terms of how you dealt with it?

Mr. FISHER. Well, early on, I did not trust adults at all. I did not trust teenagers either. And I thought there were not any good people in the world. But I had a teacher, her name is Mrs. Profit. I had her for the 4th, 5th, and 6th grade. So I was with her for a long time.

This was a person I felt had really come to know me. She never pressed me to tell of what was going on in my life, but she always seemed to know when something was going on with me. She seemed to care. And so this was a person whom I always focused on. After knowing her, I believed that there were other good people in the world. So, instead of looking for bad people, I started looking for good people, and I found them everywhere.

And so, when I find them, I try to keep them in my life as long as I can or in my memory to make them last longer. Mrs. Profit is actually like the grandmother to my children now. I found out, sometimes people you meet in life make better family members than the people you are born in a family with, so I did not feel that creating a family of my own from the people that I met in life—I mean, some are Polish, some are Filipino, some are black, some are Anglo-Saxon. If they were good to me and good people, I just—I think as a foster kid, we did not pick and choose a lot based on race and that kind of thing, because we were all kind of in the same boat. We had bigger issues.

I came along thinking it is the heart of people that would matter the most to me and that I had the option to choose if they would be happy to have me. So I made it through that way.

Senator CASEY. I was struck by two references, at least, in your testimony, in the written testimony, to this concept of rest. You said on page 2, talking about George Junior Republic in my home State, you said, "It was a therapeutic place for me where I had a chance to rest, a break before the more troubled days that were yet to come." And then later, when you talk about the Navy, you say "The Navy became more than a place of rest, it became a home for me where I knew my existence in the world was useful." Just an interesting way to express a part in your life where you had sanctuary and you had a sense that you were able to rest.

I think your testimony and your life story will give others some measure of rest when they need it. We are grateful you are here.

Mr. FISHER. Thank you, Senator.

Senator HATCH. Thank you, Senator.

Senator Carper?

Senator CARPER. Thanks, Mr. Chairman.

Mr. Fisher, welcome.

Mr. FISHER. Thank you.

Senator CARPER. Thanks for bringing your three amigos with you. [Laughter.]

I missed your testimony. I have read a little bit about you and look forward to seeing the film version I think you wrote the screenplay for. Last weekend I took the two kids I mentor back in Delaware—as Governor I was a big advocate of mentoring. We recruited about 10,000 mentors in our little State while I was Governor. We still have about 5,000. But the idea is, every child needs

at least one good mentor, one good role model, and the more, the merrier. So I still like to set an example and mentor.

I took them to see a movie. I took them to see a movie down on the riverfront in Wilmington, DE at our new IMAX theater complex, and we saw a movie. The name of the movie is not 22, it is not 32, it is 42. It is the Jackie Robinson story. And talk about a compelling and uplifting story about a guy who did not struggle like you did, actually got to go to college, had an intact family, put it together. But he broke the color line in baseball and went through incredible torture, really, in order to do that. It is a wonderful, wonderful story.

I worked out early this morning at the central Y in Wilmington, DE, and one of the guys who works out there is the fellow who is the principal of the Prestige Academy where my mentee goes to school. I said to him, "Jack, I saw a great movie over the weekend: 42. We have to figure out a way to show that to all the boys at Prestige Academy Charter School, all male, mostly minority, and most of them do not come from intact families, 2-parent families." I said, "42 would be a great movie for those guys to see. We have to figure out how to make that happen."

I am going to take a look at your movie and see if maybe we cannot do the same thing with your story as well. I am a Navy guy, Navy midshipman for 5 years, Navy flight officer. I served some time in Southeast Asia. I did another 18 years, retired as a Navy Captain and P-3 Mission Commander, P-3 Aircraft Mission Commander. And I loved the Navy, got to go to college. I got a scholarship.

The Navy helped to send me to school, provided a couple of jobs. But it was hugely helpful for me to go to school, and, when I finished up my active duty, the GI Bill helped, enabled me to get an MBA, move to Delaware. So the Navy has been a huge part of my life, and it sounds like it was in your life as well.

I can remember some teachers along the way. My dad was a Chief Petty Officer, tough as nails. My mom was the most loving, caring, giving person in the world. Between the two of them they did a pretty good job of raising my sister and me. But we also had enormously supportive grandparents, aunts, and uncles, some teachers along the way who were just extraordinary.

Go back in your life—a friend of mine, Chuck Welch, is a retired chief general council of the DuPont Company, and he has gone on to do extraordinary things in retirement with his life and just all kinds of good works. But he used to say—I do not know who he was quoting, but he would say, give me a child for 5 years to help mold and shape that child's life and I can give him away and that child will be set for life in spite of what follows.

Was there sometime early in your life, your first 5 or 6 years, where you had a loving, caring family as a foster child that took care of you and then sent you on your way? Did that happen?

Mr. FISHER. No. Aside from the first foster home—

Senator CARPER. Yes. Talk to us about the first foster home.

Mr. FISHER. I was sent there almost immediately after my birth, and I stayed there for 2 years, so I do not remember her. She was a single woman, but I have read the records, and it sounds like she loved me a lot.

Senator CARPER. Yes.

Mr. FISHER. And maybe those first 2 years were important, but I think I was lucky to meet Mrs. Profit.

Senator CARPER. What was she, 4th, 5th, 6th grade?

Mr. FISHER. She was 4th, 5th, and 6th grade. It was more like, when I went to school, it was like going home, and going home was like going to a place I did not want to be. Of course, I would see her every day.

Not only did she have me for those 3 years, she had all the same class. And so it was a really tight-knit group, and in fact I gave a party for all of us. I found all of them, and we all got together. Of course we were adults. It was nostalgic for me and, apparently, the rest of them did not feel the way I did.

Maybe they did not have the troubles I did, did not latch onto it the way I did. It was always good to see her, and she was the one who was like a light.

Senator CARPER. Do you have any idea if she was a person of faith?

Mr. FISHER. Yes.

Senator CARPER. Could you talk about that?

Mr. FISHER. In those days you could pray in the mornings, so she would have us—

Senator CARPER. How about before math tests? [Laughter.]

Mr. FISHER. She did have us pray in the morning. It was a quiet thing.

Senator CARPER. Yes.

Mr. FISHER. And I knew it to be true that she was proud of her last name.

Senator CARPER. Is it like that saying “a profit without honors”? She is a profit without—

Mr. FISHER. She likes to say stuff like that, but it is not true, I do not think. [Laughter.] For me, maybe.

Senator CARPER. Well, it sounds like she is a person who lived through faith.

Mr. FISHER. Yes. She is a wonderful person. When I first met her, she was 29. She had just gotten out of the Army, she and her husband who just left Vietnam. So they came to Cleveland from Louisiana, because she wanted to live near the Great Lakes.

So there she was, and I feel now that it was my great fortune to be able to have been in her class those years, because those years were really rough. And I had those days to spend in her classroom and to recuperate there during the day.

Senator CARPER. There is a scripture in the New Testament. I will not get this exactly right. I think it is in the book of James, and it says, “Show me your faith by your words. I will show you my faith by my deeds.” And it sounds like Ms. Profit was somebody who showed her faith by her deeds with you, and hopefully, and I suspect, with a whole lot of other young people.

One last thing if I could, Mr. Chairman. Our chaplain here in the Senate is an old Navy guy. He is a retired Navy Admiral. His name is Barry Black, and he is black. He is the first African American to be Chief of Chaplains for the Navy, first African American ever to be a chaplain for the U.S. Senate. He always likes to tell us Senators—talking about faith—he says the golden rule, treat other

people the way we want to be treated, is the Cliffs Notes of the New Testament.

As it turns out, it is the Cliffs Notes of every major religion on earth, and it is one that—I often thank Bob Casey down here who cohosts our weekly prayer breakfast in the U.S. Senate. But we are all reminded that, as we go about our work, we should be guided, whatever our faith, to treat other people the way we want to be treated.

And the last thing that we try to be guided by is to figure out what works and do more of that. And one of the things we need to be able to do is figure out what worked with you and to be able to do more of that, because we could use a whole lot more “Fishermen” and women. So, thank you so much.

Mr. FISHER. Thank you.

Senator HATCH. Thank you, Senator.

Senator Brown?

Senator BROWN. Thank you, Mr. Chairman and Senator Hatch. Welcome to all of you. Thank you for your advocacy for children. Especially welcome to the two Ohioans, Mr. Fenner and Mr. Fisher. Thank you.

Mr. Fenner, when you were head of Franklin County Children Services and talked about the flexibility you needed that you did not always have, could you cite for us as we move, I hope, to reauthorize this and do it better, could you cite for us two or three concrete examples of what that flexibility would have meant for you in Franklin County and then smaller counties in Ohio? Mr. Fenner comes from the second-largest county in the State. How could other counties have learned from your concrete examples, if you would give those to us?

Mr. FENNER. Well, I think what really set Franklin County apart was not just the flexibility from the waiver—which was huge—but we were also a property tax levy-supported agency. So those dollars were also flexible.

The key, Senator, quite frankly, is the collaboration between the child welfare agency and the community. When the child welfare agency has the flexibility to invest dollars in the community to build services for those families, there is a connection between that agency and that community. It also assists the community in recognizing the responsibility that they play in providing assistance to children and families who are a part of that community.

I think sometimes when the child welfare agency becomes involved, the community has the assumption that they no longer have responsibility for that child. When the agency is working with the community through investments into services tailored to that specific community, that really connects that community with the child welfare agency. And I think that is a critically important partnership.

I think what was also very impressive in Franklin County was that we had the flexibility that we could, through developing profiles of the children who were coming through our front door, tailor our services to be responsive to those families. Without the flexibility and funding, we would not have had that. If we only have access to Federal dollars to help us offset the cost of foster care, we lose the opportunity to build that relationship.

Senator BROWN. Thank you for that. This flexibility is not built into the adoption incentive grants and family connection grants. It is really built into the fact that you have a local—voted upon by the voters—funding stream that has few strings attached, correct?

Mr. FENNER. Yes. All of the dollars through the local property tax levies are flexible dollars. The only requirement is that those dollars are used for child welfare.

Senator BROWN. I have lived in Ohio my whole life, and I grew up in Mansfield, and Mansfield Children Services was pretty much always able to pass a levy because their reputation was so good. And I guess I just sort of extrapolated and thought that those discretionary dollars were available everywhere around the country. But Ohio, if not unique, is not typical in that counties can fund themselves that way?

Mr. FENNER. Yes. About half of the counties in Ohio—of the 88 counties in Ohio, about half of the counties actually have property tax levies. The other half do not. So the counties that have—

Senator BROWN. That is at the discretion of the county, but they have either failed to do it, tried and failed, or never tried?

Mr. FENNER. Correct. Either tried or never tried. In Franklin County, we had property tax levies that went back as far as the early '60s. We were fortunate in that we always passed—we had one levy fail in 1980. We did a poor job of communicating what we were trying to do. But I think what really connected us with the community was that level of accountability that the county had to the child welfare agency. Nothing speaks to accountability like dollars, and when we were in a position where we had to go back in front of the voters and ask for that levy to be passed, we had to present to that community exactly what we were doing, what was working, what was not working. That level of accountability, I think, was very important.

Senator BROWN. So it is not just that half of Ohio counties do not have levies, do not have that discretionary money, but around the country many States do not allow for that local funding mechanism, I assume.

Mr. FENNER. That is correct.

Senator BROWN. All right.

Mr. Fisher, I have a really quick question for you. Thank you for joining us and for being the role model and hero you have been to so many Clevelanders and well-beyond-Clevelanders. So we are glad to have you here, of course.

Had these grants, this emphasis on kinship connections, and other legislation been in place when you were in the foster care system, how do you think your life would have been different?

Mr. FISHER. I probably would have grown up in Chicago. [Laughter.]

Senator BROWN. That would have been one difference.

Mr. FISHER. Based on what my family told me when I found them—I found my father's family first. My uncle said, "People who grow up in Cleveland do not move too far from where they grew up. I bet I can find your mother." The following day he found her living not too far from where she grew up.

He also told me that if they had known, they would have sent me to his sister's house in Chicago, and she agreed that I would

have lived with her and her children. And they all went to college. I felt like I would have gone to college. But I teach at UCLA now anyway. [Laughter.]

Senator BROWN. Which is not a bad place. I mean, compared to Cleveland State or Case, it is not all that great, but— [Laughter.]

Thanks very much for the testimony of all four of you.

Senator HATCH. Well, thank you. I am going to thank all three of you, and especially you, Mr. Fisher. Your story is really compelling. I just want to congratulate you for being able to make so much of your life and to help so many other people as well.

I am going to get that movie. I have not seen it yet. But I told my staff they have to get that movie for me because I want to see it.

Mr. FISHER. Thank you.

Senator HATCH. Keep doing the great work you are doing.

Mr. FISHER. I will.

Senator HATCH. You can do a lot of good work out there in the film industry and change some of their wicked ways. We would love to see you do that. [Laughter.]

Mr. FISHER. Absolutely.

Senator HATCH. And you folks who work in the field of child welfare, I just want you to know this ought to inspire your work. There are people who need you so badly and who have many success stories that you can tell, success stories of people who have gone on to become really qualified and good citizens in this country. So I want to commend you for the compassion and direction that you folks have given on behalf of thousands of children and youth whom you have helped.

This has been a very good hearing, as far as I am concerned. And with that, we will recess until further notice. Thank you for being here.

Mr. FISHER. Thank you, sir.

[Whereupon, at 11:21 a.m., the hearing was concluded.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

**Hearing Statement of Senator Max Baucus (D-Mont.)
on Improving the Child Foster Care System**
As prepared for delivery

Winston Churchill once said, "There is no doubt that it is around the family and the home that all the greatest virtues — the most dominating virtues of human society — are created, strengthened and maintained."

As the nation and Congress debate big policies, we can never forget the impact each home has on a small child. This impact stays with a child throughout his or her life. And strong homes improve our society and our country.

The Senate Finance Committee plays a key role in strengthening the home by overseeing the nation's child welfare system. This is an important issue to me. Each year, close to 3,000 children in my home state of Montana enter foster care. Too often, they are the victims of abuse or neglect; just children, but forced at a young age to deal with serious family issues.

The good people at the Montana Department of Public Health and Human Services work to find safe, caring homes for all of these kids. They are restoring their hope for a better future, but it is not easy.

Today, we will discuss solutions to the challenges these kids face as we examine America's foster system. We'll discuss ways to find a loving home for every child who needs one. We will focus on the story of one child who grew up in the foster system. The story of one child who — like so many foster kids in Montana and across America — persevered through adversity in search of his family. Today, Mr. Antwone Fisher will allow us to use his life story as a lens to view the evolution of America's foster care system.

While there is still much work to be done, progress is being made. In 2002, more than 530,000 children lived in foster care across the nation. By 2011, that number dropped by more than 27 percent to just over 400,000. And this committee served a key role helping more kids find permanent homes.

In the past six years, this committee drafted two significant pieces of legislation that strengthened the nation's foster care system.

In 2008, Congress passed the Fostering Connections Act. This bill extended and expanded adoption incentive programs. This legislation helped connect children with families. It offered states the option to keep kids in foster care up to the age of 21 instead of 18. And it ensured that these kids can stay in their schools.

The law also required better coordination of health care services. It expanded opportunities for tribes to run child welfare systems. And it preserved family connections by keeping siblings together and promoting guardianship and adoption.

In 2011, Congress went one step further. We passed the Child and Family Services Innovation and Improvement Act. This law gave states more flexibility and the opportunity for innovation in child welfare by easing federal restrictions. In exchange, states must improve safety standards, prevent child abuse, and reduce foster care re-entry rates.

We will hear today how Ohio, the state where Mr. Fisher was in foster care, used this authority to revamp its system. We have made great strides to improve the lives of foster kids. But more must be done.

The Child Welfare League of America reports that one quarter of former foster kids become homeless after aging out of foster care. Some foster kids are simply dropped off at a bus stop on their 18th birthday and left to fend for themselves. The law now considers them "adults." We must do more to prepare these kids for the reality of adulthood.

And we must do more to establish a permanent connection between foster kids and a positive role model. Nationwide more than 104,000 kids are waiting to be adopted. That's down from more than 130,000 kids in 2007. In Montana, there are 460 kids waiting to be adopted, down from 600 kids in 2007. But that's still 460 kids too many.

Federal Adoption Incentive Grants, which reward states for increasing adoption rates, can help reduce these numbers further. This committee has jurisdiction over these grants, which expire at the end of September. The grants play a vital role in connecting children with families and we should extend them.

We also should extend the 48 Family Connections Grants that expire at the end September. These grants help children in foster care reconnect with their own family members. We know that children placed with caregivers who are family, even extended family, are far better off.

A story about a boy named Brandon from Missoula, Montana illustrates this point. Brandon's mother was a drug addict. His father was a convicted felon. Brandon spent his childhood in and out of foster care.

At the age of seven, Brandon's mother abandoned him to his father, who was just released from prison. But Brandon's father didn't want him either and tried to send him back to his mother. Feeling unwanted by both parents, Brandon left his father and lived in shelters, group homes and eventually on the street.

A few nights before Christmas one year, Brandon spent the night out in the snow and almost froze to death. On Christmas Eve, when most families were together enjoying the holidays, Brandon was in the hospital recovering from hypothermia.

Today, thanks to the efforts of a special team in Montana dedicated to helping foster children find extended family members, Brandon has been reunited with his sister, brother, grandparents, and aunts, uncles and cousins. They love Brandon and have helped put his life back on track.

As this committee continues to work on legislation to improve the child welfare system, let us never forget Brandon's story. Let us never forget the hundreds of thousands of foster children like Brandon and Mr. Fisher who, with guidance and support from a caring adult, now have every opportunity to succeed in life. And let us never forget that every child should have the opportunity to grow up, as Churchill said, around family and home. That is where virtues are created, strengthened and maintained.

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KEVIN A. CAMPBELL
FOUNDER, CENTER FOR FAMILY FINDING AND YOUTH CONNECTEDNESS
CUTTING EDGE PRACTICES IN FAMILY FINDING
TESTIMONY BEFORE THE U.S. SENATE FINANCE COMMITTEE
APRIL 23, 2013

Chairman Baucus, Ranking Member Hatch, and Members of the Senate Finance Committee, thank you for the invitation to appear in front of this esteemed committee. I want to start by thanking my wife Nicole Houston, daughters Calli, Riley and Lilli and son Finn Campbell for the countless sacrifices they have made to support my passion to find and engage the parents and relatives of children in America's child welfare system. I am humbled by the realization that I simply could not be here without the support of my family. This brings up the importance of today's hearing. In 2013, we continue to provide services that too often have the unintended consequence of sending older youth into adulthood without what we know to be essential to safety and health – membership in a family and a community of love and support.

The Senate showed extraordinary leadership and vision when they enacted the Fostering Connections to Success Act of 2008 requiring notification of relatives within the first 30 days of a child's removal from their home. This leadership combined with the advent of improved technology and innovative practices such as Seneca Search Services can produce powerful results. As I was preparing for today's hearing I was able to identify 62 of Mr. Fisher's relatives within 10 minutes and at a cost of \$15.00. Imagine how different Mr. Fisher's childhood and transition to adulthood could have been if we had been able to locate and activate his family to participate in planning and making decisions for his future. The more than 10,000 youth in foster care I have assisted through searching have provided many lessons about what is possible in families. I have learned that while a birth parent may struggle with challenges that make caring for and protecting their children difficult, they often have family members who could be supports. Several years ago, in fact, a relative I located for a child in care 10 years was a sitting US Senator who had never been notified by the state of the child's need.

Given the importance of the mandated notification process, the question becomes what happens to family members and caring adults who are notified and immediately respond to the urgent need of children entering care. The cutting edge practices that engage families to actively participate in the decision making and support of their kin have dramatically improved the well-being and permanency outcomes of children who have come to the attention of child welfare services. Efforts like those in San Francisco, Oregon, and Minnesota are leveraging Family Connections grants to refine, measure and test innovative, front-end practices that will help us further understand the full potential of this work to inform the field. Unfortunately, these practices are too infrequently available or unevenly implemented for families in need, thus squandering the opportunities created by The Fostering Connections to Success Act in far too many communities.

One method to bridge this gap is to change the hearts and minds of those who practice, supervise and authorize the rigorous, challenging and often painful work with families in distress. Families are larger than we realize and contain many untapped resources. Families also experience incredible grief when a child has been removed from their home and the family has been prevented from having a voice in the fate of their family member. We need training that promotes valuing the power of family and their participation in the process. This can prompt a culture change in the work environment to see family members as essential assets in minimizing the trauma experienced by vulnerable children. We can address this need right now by using existing Title IV-E training dollars to establish a national center that systemically approaches every jurisdiction in the country to install these practices of engaging families and involving them meaningfully in these children's lives. We need a systemic approach to encourage the states to implement these practices across the country and believe this is an evolutionary, if not revolutionary, way of changing the nature of outcomes for children and youth in the child welfare system. At the very least, we could begin by strengthening the legislation by adding an enforcement clause and reporting requirements.

I want to thank Seneca Family of Agencies and Ken Berrick for their unwavering support and partnership. Without this support, the effort called Family Finding would not have been possible. I would like to conclude my testimony with a brief story and a quote. I was recently training in New York City and one of the staff from the agency walked up and said "I want to thank you." I said "You're welcome, but why?" She said, "My husband and I had been working on adoption and were getting matched to children here in New York City with Children's Services. Around the same time we received a letter in the mail from South Dakota. It turns out we had a niece and nephew in the system there that we didn't know about. We just finalized their adoption!" Then she continued, "My husband and I are going on to adopt some children from New York City Children's Services as well." It does not get any better than that and points to the benefits of this landmark legislation.

Finally, in closing, Martin Luther King Jr. penned the following in "Letter from Birmingham Jail": "Any law that uplifts human personality is just. Any law that degrades human personality is unjust." I would like to leave you with this thought as you consider the future of the Adoption Incentives Programs and Family Connections Grants. Meaningful, life-long connection to family is the single factor most closely associated with positive outcomes for children. We can begin today to take the next steps to ensure Mr. Fisher's story does not happen to another child in our care.

Thank you for your time and the opportunity to speak with you today.

**Testimony of
Eric Fenner
Managing Director – Strategic Consulting
Casey Family Programs**

**U.S. Senate Committee on Finance
Hearing on the Antwone Fisher Story as a Case Study for Child Welfare
April 23, 2013**

Good morning Chairman Baucus, Ranking Member Hatch and Members of the Committee. Thank you for the invitation to join you today.

I am Eric Fenner, Managing Director for Strategic Consulting with Casey Family Programs, a national foundation committed to improving the lives of vulnerable children and families in America by building communities of hope.

Casey Family Programs has been serving children in foster care for more than 45 years. We believe that the goals of the nation around securing well-being for all children should be about both: 1) keeping children who have been abused and neglected safe from further harm; and 2) preventing abuse and neglect and the need for foster care in the first place by strengthening vulnerable families and their communities.

Recently I retired after spending 32 years in public service, over 20 of those years were spent in child welfare. I worked as a front line worker for 10 years, investigating child abuse and neglect, placing children in foster and congregate care. I retired as the Executive Director of Franklin County Children Services, serving a large urban community.

The transformation I have directly experienced in child welfare over the last 25 years is extraordinary. In Franklin County, we have gone from a practice that was punitive and focused exclusively on fault finding, to one that is more family engaging and strength-based. Child welfare agencies today are less administrative and rigid and more results oriented. We have access to research and evidence-based practices that allow us to have a better idea of what services will be most responsive to a particular set of problems experienced by the families we serve.

We have gone from a system that was isolated from the community with a child rescue mentality with an emphasis on placing children foster care to a system that is more collaborative, both with other systems and the community. This did not happen overnight – it took a concerted effort from key partners and a commitment from the child welfare agency to change our practice and work but the outcomes have been tremendous. I've seen this work in Franklin County.

In Franklin County, we believed it was important that we alter how we worked with families if we expected their response to change and our outcomes to improve. To accomplish this required leadership, a shared ownership and commitment to the vision by the community partners, and different thinking. Fortunately, within Ohio, we operated under a child welfare demonstration project, or waiver, which allowed us to repurpose federal funds and align them with our goals.

In lieu of simply supporting foster care and removing children from their families and communities, our waiver allowed our agency the flexibility to invest federal dollars in community-based services that provide quality alternatives to foster care. I want to thank this Committee for their leadership and support in 2011 that provided a pathway through the Child and Family Services Improvement Act for additional states to apply for these waivers.

In Franklin County, we learned that the ability to make smarter investments was important to implement what we knew was better for our children and families. Practice initiatives like Differential Response, also called Alternative Response in other jurisdictions, allow agencies to use an alternative approach to traditional investigations. We often think of the child welfare system as simply foster care but that is not the case. Differential Response recognizes that the majority of families that come to the attention of public child welfare agencies have not abused their children, but are in need of supportive services aimed at strengthening their families. Police officers do not respond to someone going 15 miles per hour over the speed limit in the same way they would to an armed robbery. The best child welfare systems recognize that each and every family should be assessed on an individual basis, and a response identified that addresses what would best support, stabilize and strengthen that family while assuring child safety. Foster care should be our last resort, not our first response.

I believe what we accomplished in Franklin County was tremendous and that for children and families in this community, practice is now aligned with the outcomes the community values. The waiver was a tool to support this, but unfortunately for other counties, this flexibility is not available. Unfortunately, not all counties in Ohio have the waiver. These counties are limited in their abilities to reinvest federal dollars saved from the declining number of children entering foster care. As a result, they are challenged in their efforts to build capacity in their communities for services that could be used as an alternative to foster care.

It is important that we continue to strive for improvements and smarter investments in child welfare. Mr. Fisher's story is still an important example for our work that highlights the value everyone places on support and strong relationships. Nationally, we continue to make progress toward permanency for children in foster care. The Adoption Incentives program, first authorized in the Adoption and Safe Families Act, has helped to support and incentivize more permanent placements. Today, we support more children through federal adoption assistance than we do through the federal foster care system. Given the success thus far under this program, we believe it is important to continue to incentivize permanency as the Adoption Incentives programs has done. At the same time, we must work to ensure that no child leaves foster care without a permanent connection and recognize that we can measure permanency in many ways. The Permanency Roundtable work within Casey Family Programs has helped to inform this. Our ability to achieve permanency for every child is limited only by our efforts and willingness to explore each and every avenue. We must recognize that permanent relationships, even though they may not lead to permanent placements are extremely valuable to every child.

Thank you for the invitation to appear today. I'd be happy to answer any questions.

Statement of Antwone Fisher

FORMER FOSTER CHILD FROM THE STATE OF OHIO

Finance Committee Hearing: Hearings to examine the Antwone Fisher story
as a case study for child welfare.

Tuesday, April 23, 2013

Chairman Baucus, Ranking Member Hatch, and Members of the Committee, thank you for inviting me to testify today.

My name is Antwone Fisher and I was born August 3, 1959 in an Ohio correctional facility for girls. My mother, Eva Mae Fisher, entered the State of Ohio's Cuyahoga foster care system at age thirteen after her mother's death and her father was deemed unreliable. Incarcerated and pregnant with me, my father, twenty-three year old Edward Elkins, was shot and killed two months before my birth.

Upon my birth, I was immediately placed into foster care in the home of a single, caring woman named Ms. Nelly Strange. I was to remain in this home until my mother was released from incarceration and appeared to claim me. After two years in this foster home my birth mother never appeared to claim me. The bond between my foster mother and me naturally grew. Child welfare felt that the attachment that flourished between my foster mother and me was so great that it would be far too traumatic for me if my birth mother were to appear to claim me. Thus, at age two, I was transferred to the foster home of the Reverend Connie and Queen Ester Pack. My birth mother never came to claim me.

Eventually, there were three other foster children in this home and across the twelve years I spent there we endured the harshest, physical, psychological and sexual abuse one might imagine. Though our foster parents would never describe themselves as such, they were relentlessly cruel people. At age fourteen I was removed from their home a sad, fatalistic teen who felt he could communicate his feeling best through violence; after all violence had been customary in my life and I thought it was a natural part of life.

I was placed in an orphanage and required to engage in psychological therapy. In my childhood record I was described as "a walking pressure cooker" and it was felt that I should receive therapy to help me work out my feelings, fears and concerns to avoid me exploding in an unprotected environment. I approached these therapy sessions with the bleak outlook I had of life in general; no prospect of change or hope. In fact, I was unaware that all I had endured was unusual, because it was all that I knew. After six months at the orphanage I was sent to a reform school in Western Pennsylvania called George Junior Republic, (GJR). There I stayed until I graduated High School at age seventeen. I was proud to have earned several certificates from the vocational school there at George Junior. I was sure that I would be able to use them to land a job one day. Although George Junior Republic was a reform school, I did enjoy being there because for the first

time in my life I felt safe and that I wasn't singled out for special ridicule, hatred or abuse. There was peace for me there and I've come to believe that there are some children who arrive at a place early in their childhood where they'd prefer not to live in a traditional family or group home setting. I appreciated the structure of the GJR because my life before GJR felt out of control. GJR was in a rural setting. There were animals and hiking trails. Despite it being a place to penalize errant boys, it was a therapeutic place for me where I had a chance to rest; a break before more troubled days that were yet to come.

Certainly, foster kids would not prefer a reform school, but rather the kind of place that is solely designed to offer them therapy and prepare them for life. I'm thinking of a kind of school for children who arrive at this perceptual place that I had arrived at by the time I turned ten years old, not an orphanage, but a learning and residential facility place that would prepare the young people for the hard realities of adulthood, but still allow them to flourish and enjoy their childhood.

The day after graduation, a man that I had never met came to GJR from my home state of Ohio and told me that he was and had been my social worker during the time that I was at GJR, and that he had come to drive me back to Cleveland, Ohio. I gathered my things and loaded them in his vehicle and we headed west across the Pennsylvania State line, toward my hometown of Cleveland. On the drive this social worker explained to me that I was being emancipated and that the state of Ohio was no longer going to be responsible for me. He went on to say that I had to plan for myself from now on. He reminded me that I would be turning eighteen in a matter of months and as far as the law was concerned, I would be an adult. My mind was reeling. I can't put into words in this statement the absolute despair that washed over me, and depression fell heavy as this social worker left me at a men's shelter with my belongings and a total of sixty dollars. I don't think that a child should have to spend his entire childhood in foster care just because the birth parents can't get themselves together or can't bear the shame of it being said that they gave their children away. The children should be offered the opportunity to be adopted early in life no matter how ashamed or horrified the birth parents might feel.

There on the street I ran into other foster children and orphans I had known during my time in foster care. As it turned out, we had all graduated and were turning eighteen or had already turned eighteen. There we were on the street and in the world alone wondering how we were going to fend for ourselves. I tried using the certificates of hours completed I had earned while at GJR to help gain employment, but because every certificate read that it was issued by the Juvenile Justice Department of Mercer County Pennsylvania, everyone would say that they didn't want to hire me because the certificates lead them to believe that I was a trouble maker, causing some business owners to say, "I don't need any trouble around hear." I realized that the certificates were useless in helping me gain work.

Meanwhile, I was still in an environment complete with drug dealers, drug attics, street hustlers, pimps, prostitutes and indeed, murders; all ruthless and waiting for us, the new crop of foster kids that hits the street every graduation season, having nowhere to go and no one to protect them. I found protection in a man named Butch, an unsavory fellow who procured women for sex, and sold drugs. I felt him a godsend as I watched one former foster care alumni of mine turn to prostitution, drug dealing, pickpocketing and other nefarious activities. There were lessons on an array of ways to make money- all through illegal and or immoral acts. This and more is what was taught to us, the new arrivals to this brutal street life.

I was told that I had the makings of a "world-class pimp." As shy and naïve as I was, I found it difficult even to look in the direction of the women who worked under Butch's employ. Butch hired me and I was given the easy task of keeping an eye on the women, running errands, holding large sums of his money, and from time to time he would have me carry his gun in my waist band at the small of my back. Eventually I left the area and went off on my own. I ate what I could find, and slept where I felt that I could be safe. This was the horrible summer my best and only friend at the time was murdered. There is no way that I can adequately convey the cold, desperate situation I felt and knew was my reality. I feel that the reason a great number of former foster children eventually land in prisons is because the children are not explained that they will have to plan for their adult lives ahead of time or be told of how to avoid unscrupulous situations and people who may lead them down a path of dire circumstances and consequences. Perhaps an ongoing conversation about preparing for a future much in the same way that many traditional families discuss college education for their children might help foster youth understand that there will come a time when they will be responsible for their decisions and be empowered to think about a future. Of course resources that are readily available now about that kind of preparation should be part of a foster youth "curriculum," so that the young people learn how to prepare. This information should be available as early as ten years old, possibly the age at which it begins to become more difficult to be adopted.

I remained homeless throughout the summer and beyond. Winter came and I was still out on the streets constantly searching for food and stealing it when I felt I had no choice, panhandling, running and hiding from predators, bullies, and every situation that would bring me in contact with the shady people and the police. Dehydrated, hungry, desperate and lonely, I found myself resting my eyes and muscles, never fully sleeping because I was afraid of what would happen to me if I fell asleep and left myself more vulnerable. I rested outdoors in the cold parks, corridors and allies where I felt were safe. I avoided coming in contact with other homeless people. I spent my nights napping and my days searching for something to eat.

One evening two days before Christmas, I was walking along a sidewalk that I had walked along many times before, but this time my eyes fell upon a poster that read, "Join the Navy and See the World." I walked inside the recruiters' office and said that I wanted to join the Navy. I was told that if I returned after the New Year that they would see if I qualified to join the Navy. It was two days before Christmas and most of the city was closed down. I explained to the recruiters that my situation was desperate and I was at my wits end, that I had never been in trouble with the law and I had my high school diploma with me and presented it to them, careful not to reveal the vocation certificates that I had received while at GJR.

I was given an aptitude test and with my diploma I qualified to join the Navy. With compassion for my situation, a recruiter bought me a meal and paid for a hotel room for me to spend the night. This was the first night that I felt safe enough to fall asleep, but I could not sleep. I spent that night washing months of dirt from my body, practicing how to present myself when the recruiters returned that morning to collect me. Before I knew it, there was a knock at the door, and a recruiter was there to take me to the Federal building where I would complete more tests and a physical examination, after which I was given order to report to Naval Recruit Training Station Great Lakes, Illinois. That night was the first night of eleven years of Naval service for me.

While in the Navy I filled up on self-esteem and confidence. I grew into a responsible man; one

who was depended on in the United States Navy. I benefited from the Navy's structure and the mentorship of senior members as well as my contemporaries. The Navy was a place to rest; that protected environment that social workers were concerned about when I was fourteen. After a while, the Navy became more than a place to rest; it became a home for me where I knew my existence in the world was useful. I received some long overdue psychological therapy from a Navy Psychiatrist who advised that one day I should look for my real family. The U.S. Navy is not a social service organization, but it does the nation a great social service by shaping young men and women into good and strong, patriotic citizens and then returns them to their communities, making those communities and indeed, the nation, better. I was honorably discharged and I settled in Los Angeles, California. A few years later I began thinking of my time with the Navy psychiatrist and his advice to one day look for my true family.

I ordered an Ohio Bell telephone book and after a few minutes of calculation where in the city of Cleveland, Ohio my family might be, I chose a phone number and that number happened to be the phone number of my father's sister. I learned that they all lived in the same neighborhood that I grew up in when I was in foster care. I had an uncle who lived only two streets over and I went to elementary school with his children, my cousins. My father's family expressed that if they had known that I existed they would have taken me. I returned to Los Angeles with my story and wrote a book and a screenplay about my growing up, with my time in Naval service as the story's backdrop.

**STATEMENT OF HON. ORRIN G. HATCH, RANKING MEMBER
U.S. SENATE COMMITTEE ON FINANCE HEARING OF APRIL 23, 2013
THE ANTWONE FISHER STORY AS A CASE STUDY FOR CHILD WELFARE**

WASHINGTON – U.S. Senator Orrin Hatch (R-Utah), Ranking Member of the Senate Finance Committee, today issued the following opening statement at a committee hearing examining the progress made and challenges remaining to improve the American child welfare system:

I want to welcome our very distinguished panel. Thank you for agreeing to be here today. Mr. Chairman, some in the media have characterized the Congress as dysfunctional and broken, irrevocably mired in conflict and partisanship. I disagree.

We do live in increasingly polarizing times. However, as this hearing will demonstrate, congressional efforts to increase positive outcomes for children and youth in foster care and in the child welfare system have been thoughtful, effective, and bipartisan.

Over the past seven years, the Senate Finance Committee has played a critical role in enacting three significant pieces of legislation designed to improve the child welfare system.

In 2006, the Committee developed Regional Partnership Grants to address issues associated with methamphetamine and other forms of substance abuse and addiction.

In 2008, the Committee worked to pass the Fostering Connections to Success and Increasing Adoptions Act, which was the most significant piece of child welfare legislation to be enacted in over a decade.

This legislation made it easier for families to adopt children out of foster care. It established a new pathway to permanence by giving relatives a separate legal status relative to children and youth formerly in foster care. It extended the option to states to provide foster care up to the age of 21.

The bill also updated the Adoption Incentives Program and established certain Family Connections Grants.

Both of these programs expire at the end of this fiscal year. I intend to work with you, Mr. Chairman, in our tradition of bipartisan collaboration in this area to find a way to extend these programs in a fiscally responsible manner.

Mr. Chairman, in the last session of Congress, you and I worked together to provide states with child welfare waivers so that they could develop innovative strategies to assist children and families.

I am very pleased that Utah was one of the first states to be awarded one of these waivers.

The purpose of today's hearing is to examine the experiences of Mr. Antwone Fisher who was in foster care during the 1970's. As many already know, Mr. Fisher's story was told in the movie, Antwone Fisher.

Many of the struggles Mr. Fisher endured during his time in foster care have been addressed through legislative efforts initiated by the Senate Finance Committee. Adoptions from foster care have been promoted. Family finding policies have been supported. Neglect in foster care has been addressed by policies to increase the number of caseworker visits.

But, as we will learn, Mr. Chairman, there is much the committee needs to do to build on these accomplishments.

The financing structure of our current child welfare system directs the majority of federal resources to the least desirable of outcomes: removing a child from his home and placing him with strangers.

We need to consider re-directing existing funding streams to promote policies that prevent children and youth from having to go into foster care in the first place. We also need to continue to support adoption and work to enable children and youth in foster care to establish a permanent relationship with a caring adult.

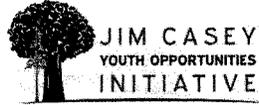
While in foster care, many children and young people are denied the opportunity to participate in athletics, drama or other school activities, attend social functions, go to camp, or even socialize with friends. In an effort to keep foster care children safe from harm, they are often denied access to healthy, age-appropriate activities and the opportunity to make and maintain meaningful connections.

A number of states are working to implement so-called normalizing policies. The federal government should work to follow the example of these states and enact normalizing policies on the federal level.

Every year 26,000 young people turn eighteen and are then emancipated from the child welfare system. In many cases this means they are told to gather their few belongings and place them in a trash bag just before a caseworker drives them to a homeless shelter. Too often these children who "age out," of foster care become homeless, incarcerated, addicted to drugs and sexually trafficked.

Mr. Chairman, we simply cannot continue sending thousands of youths out to fend for themselves on the streets. We can and we must do better by these young people. I look forward to hearing from our witnesses. Thank you, once again, Mr. Chairman for holding this hearing.

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Good morning, Chairman Baucus, Senator Hatch and members of the Committee. It is my great pleasure to be part of today's hearing. I have looked forward to hearing from Mr. Antwone Fisher, whose case study provides an opportunity to examine the ways in which the child welfare field has progressed over the years particularly the landmark laws that came from this Committee and where there are remaining challenges. In my remarks, I offer a broad historical overview of child welfare legislation, highlight legislation enacted in recent years that is having a positive impact in the lives of children and families, and offer my perspective on several remaining challenges and opportunities.

I've been involved in child welfare policy and practice for more than 30 years. For the past ten years I have served as the Executive Director of the Jim Casey Youth Opportunities Initiative. Prior to that, I served as the director of the Missouri Department of Social Services for nearly 12 years, appointed first by Governor John Ashcroft and re-appointed to office by Governor Mel Carnahan.

Over the years, I've had the honor of testifying before Congress on a number of occasions, including four times before this committee, at hearings held in 1987, 1993, 1996 and 2006. Through these opportunities, I've observed firsthand the longstanding bipartisan approach this committee has taken to addressing the often complex needs of abuse and neglected children. This same bipartisan – nonpartisan - spirit is seen today and in the legislative initiatives of recent years. Even in the midst of the American economy crashing in 2008, this committee changed the face of foster care by passing the Fostering Connections Act. I thank you Mr. Chairman and Senator Hatch for your leadership and all the committee members for their commitment and efforts.

The Jim Casey Youth Opportunities Initiative is a national foundation named in memory of Jim Casey, the founder of UPS (United Parcel Service). We are focused solely on helping states and communities assist older youth in foster care make successful transitions to adulthood. We support efforts in both rural and urban areas in 16 states, including six states represented by members on this committee: Michigan, Florida, Delaware, Iowa, North Carolina, and Georgia. We are working with young people in places as diverse as Albuquerque, New Mexico; Winston-Salem, North Carolina; Detroit and Traverse City, Michigan; Des Moines, Iowa; Atlanta and Cherokee County, Georgia; Jackson and the Delta counties of Mississippi.

Our local partners always include the child welfare agency, but also include local bankers and businesses, representatives from two- and four-year colleges, private agencies, and the young people themselves. Together we implement a set of strategies that include engaging young people; bringing together private and public partners; using data to drive decisions; and galvanizing public support in order to improve policy and practice. Our strategies focus on improving the outcomes of transitioning youth, outcomes that ultimately build into two key areas that we know will help these young adults thrive: helping them build permanent relationships in their lives and providing opportunities to achieve economic success. For example, we implement a focused financial literacy training program that offers young people the Opportunity Passport™, one of the nation's most innovative matched savings programs for youth.

We were created by the Annie E. Casey Foundation and Casey Family Programs as an independent foundation in 2001. We now have more than 20 philanthropic partners who co-invest in our work, including the W.K. Kellogg Foundation, the Kresge Foundation, and local foundations ranging from the Hawaii Community Foundation to the Sherwood Foundation in Omaha, and the Duke Endowment in North Carolina.

Mr. Chairman, I am honored to follow Mr. Fisher, and his story gets to the heart of most of what I want to say this morning. Sadly, hundreds of thousands of young people have followed along Antwone Fisher's path of aging out of foster at the very young age of 18. In fact, over the past ten years alone, more than 200,000 teenagers have aged out of foster care many without achieving permanent family connections. And without a family or other supports, many of them faced difficulties immediately upon aging out of foster care. Jim Casey Youth Opportunities Initiative will release a report in May that very conservatively estimates the cost of poor outcome for one cohort of young people aging out of foster care to be \$8 billion dollars over their lifetime. The most costly bad outcomes are a result of events, decisions and behaviors that occur within a very few years – or even days – as homelessness and dropping out of school often happens immediately after leaving foster care. Academic failure, unplanned pregnancies, and brushes with the law cluster in the late teens and early twenties.

A Jim Casey Initiative Young Fellow, Ipo from Hawaii, poignantly stated at a recent Youth Leadership Institute, "Everybody else grows up. Youth in foster care age out."

Today, thirty years after Antwone Fisher's social worker dropped him off at a shelter and said goodbye, young people aging out remain a pipeline to the homeless population, second only to veterans according to advocates for the homeless. Our youth board in Nashville organized a suitcase drive so that young people would not have to rely on plastic trash bags for their belongings. Our Tampa project picked a location near the homeless shelter because that is where social workers dropped off emancipated youth who had no place else to go. "Couch surfing" with friends, acquaintances, and relatives remains for some the only viable alternative to the streets, and it is no surprise then that young people drop out of school, pregnancies result, and brushes with the law are almost inevitable.

Yet, these young people harbor a resilience that is powerful, as powerful as their drive to connect to families. They have the same aspirations for college and success in life as any young person. They complain they leave foster care without knowing anything about money, credit, banking, because they did not have the opportunities, often because they aged out from congregate care facilities, as did Mr. Fisher. Again, as Ipo said, most kids grow up, foster kids age out. We have made great strides in helping the many versions of Antwone Fisher, but more remain.

My testimony will highlight the important role that federal legislation has played with respect to promoting the health, well-being and permanency of children in foster care. I will point out the valuable insights and knowledge we now have from research and data that can further bolster national and state efforts to promote positive outcomes for children in foster care, particularly by promoting healthy relationships. And most importantly, I will share examples from young people themselves that demonstrate their fundamental need for healthy relationships and access to the same kinds of opportunities as their peers.

Groundbreaking research in neuroscience in recent years sheds much light on the unique needs of very young children, but also on adolescents and young adults. This new knowledge should revolutionize how child welfare

systems approach the way they meet the needs of young people in foster care. In particular, we know from this science, as well as from young people themselves, that the brain's successful "rewiring" and growth of new neural connections relies most heavily on relationships. Yet many of these young people, especially young parents, are very isolated. Promotion of healthy relationships should be a top priority of federal and state policymaking.

Beamer, a young man from North Carolina, told us "without positive relationships, you lack the support and energy you need on your journey to realizing your full potential."

Historical overview of child welfare legislation

Today, a wide array of publicly funded programs support the prevention of child maltreatment, out of home care of children removed from their families, and permanent placements with adoptive families and legal guardians. This continuum of supports and services has been created through the enactment of federal legislation over many years, starting with the passage of the Child Abuse Prevention and Treatment Act of 1974 and including more recent legislative efforts such as the Adoption and Safe Families Act of 1997, the Fostering Connections Act of 2008 and the Child and Family Services Improvement and Innovation Act of 2011.

Other federal programs, not necessarily dedicated solely to child welfare service but still critically important to the continuum of services that address the needs of abuse and neglected children, include the Social Services Block Grant, Medicaid, and Temporary Assistance to Needy Families. Funds that are used for child welfare purposes are documented in a national survey conducted every two years. The survey results show the wide variation in the way states utilize the available federal funds, which underscores an important element of child welfare systems and services; there is wide variation and diversity in the way states and communities utilize and implement federal policies.

As we examine the experiences of Antwone Fisher, it is helpful to reflect on the history of child welfare legislation and policy to understand how it has evolved over the years to meet the needs of children and youth, and to point out where the gaps remain. Overall, over the course of my professional career, this committee has enacted many important legislative milestones that provide a comprehensive set of policies and address a wide range of needs. In addition to those mentioned previously, other landmark legislative efforts include:

- The Indian Child Welfare Act of 1978 which established federal standards around meeting the cultural needs of Indian Children in foster care and adoptive homes.
- The Adoption Assistance and Child Welfare Act of 1980, which required states to provide financial assistance to families adopting children from foster care who had special needs, recognizing that without such assistance the child would likely not join a permanent family.
- The Family Preservation and Support Services Program Act of 1993 (and subsequent reauthorizations), which has provided critically important funding to states to support helping and strengthening those families in need or in crisis to prevent children from needing to enter foster care.
- The Adoption and Safe Families Act of 1997 which promoted adoption and permanency for children in foster care by accelerating the processes by which state agencies and courts needed to make decisions about permanent family placements for children waiting for adoption. This Act also created the adoption incentive program, which has been important in encouraging states to focus on adoptions. The program is on track to be considered this year for reauthorization.

- The Foster Care Independence Act of 1999, which helps older youth make the transition from foster care to independence by providing states with grants to support independent living programs, education, training and employment services and financial support for foster youth living on their own.

Mr. Chairman, I would like to emphasize that the Fostering Connections Act of 2008, for the first time, required in statute that life planning be youth-directed. While the impact of this is yet to be felt, I believe it will prove to be very significant. Young people need to take the opportunity and the responsibility to plan their own lives.

Areas of progress

More recently, through comprehensive and incremental changes, this committee has advanced federal legislation that is helping to fundamentally change the landscape of child welfare at the state and local level. For example:

- **Federal legislation has put a significant focus on permanence and the role of family at all levels and this too should continue to be a priority.** Every child deserves a family and connecting each child to a permanent family should be a top priority, no matter the age of the child. In our work with young people in states, we have yet to meet a young person of any age that doesn't want or need a family and Antwone Fisher's story graphically underscores this reality. The Fostering Connection to Success and Increasing Adoptions Act of 2008:
 - Included provisions to support family connections and permanency for children of all ages. Models, such as the Dave Thomas Foundation's "Wendy's Wonderful Kids," have demonstrated how adoptions for older youth are possible when case planning is done well.
 - Recognized the importance of kinship connections to the overall well-being of children, required states to find and notify relatives when a child comes into foster care. (It would be much more likely that if Antwone Fisher was in foster care today, he would have had a different, positive experience).
 - Made federal investments in assistance for families that adoption or become permanent legal guardians for children in foster care.
 - Brought about an historic improvement by allowing Indian Tribes to directly operate Tribal child welfare systems, presenting new possibilities for Tribal children and families to receive culturally appropriate services and supports.
 - Required in statute for the first time that life planning be youth-directed.
 - Required states to make a reasonable effort to place siblings together or have regular contacts and visits. This is very significant in the lives of these young people. I believe that every one of our youth leadership boards has identified sibling visitation and contact as one of the first and most important issues that they want to address.

When talking about his sibling, Gernani from Hawaii told us, "Family, especially a sibling, is all we have and is someone who knows our situation because she or he has been through it—someone who we can relate to. They become our biggest supporter, our inspiration, and, in turn, we become theirs."

- **Recent federal legislation has made major strides in promoting services that respond to the unique developmental needs of children and youth.** We know from brain science that different age groups of children, such as infants/toddlers and teens and young adults, have fundamentally different needs due to their developmental stages. Yet we continue to have a system that works much better for toddlers than teens.
 - To address the unique needs of very young children, the Child and Family Services Improvement and Innovation Act (2011) requires states to specify in the plans they submit to the federal government how they are meeting the special developmental needs of infants and toddler and how they are reducing the length of time children under age five spend in foster care without a permanent family.
 - To address needs of older youth in foster care and those at risk of aging out, the Chafee Foster Care Independence Program (1999), and the Education and Training Voucher program (2002) expanded upon the Federal Independent Living program (1986). The Fostering Connections Act provides federal support to states that extend care to age 21. In doing so, Congress acted on a recommendation made as far back as 1981 by bipartisan National Commission on Children, which Senator Rockefeller chaired and about which this committee held hearings.

- **To address the unique developmental needs of youth and young adults, Congress, and in particular this committee since key language was inserted by the Senate, has established important federal policy around the critical role of youth engagement in decision making.** Youth engagement is at the core of our work at the Jim Casey Initiative and we applaud these efforts. As any parent of a teenager knows, the negotiations between parent and teenager can sometimes be challenging, but – as we know from neuroscience as well as from real-life parenting experience -- there is no doubt that it is healthy and normal for teenagers to be pursuing personal interests, forming new relationships (especially among peers), and beginning to establish some independence. Most parents spend time with their teenagers talking about their dreams and aspirations, and involve them in making decisions about their own lives. Without an active role in the decision making with their social worker and others, youth in foster care are denied these normal developmental experiences and opportunities to learn to make good decisions – often by making poor decisions first. After all, how does one develop good judgment? From making bad judgments.
 - Congress first legislated federal policy around youth engagement when it passed the Foster Care Independence Act of 1999. That legislation required that “adolescents participate directly in designing their own program activities that prepare them for independent living.” The law also specified that adolescents “will be required to accept personal responsibility for living up to their part of the program.”
 - Congress broadened requirements around youth engagement when it enacted the Fostering Connections Act in 2008. This law required that youth, with the assistance of their caseworker, develop a personalized transition plan during the 90 days prior to aging out of foster care (at age 18 or up to 21 as the state may elect). The law specified that the transition plan should be youth-led and personalized to the special needs of each individual young person. The plan went beyond the scope of youth-led planning in the 1999 Act, and called on youth to be involved in decisions about their housing, health insurance, education, local opportunities for mentors and continuing support services, and workforce supports and employment services.

- **Federal legislation has also been critical to data collection and accountability, which are important drivers of progress.** Another Jim Casey Initiative tenet is that we should hold ourselves accountable for the improved life outcomes of the children and youth who are in our care. Congress has put a data framework in place that, while not perfect, is critically important to ongoing efforts to improve our child welfare services.
 - Child and Family Service Reviews, since 1994, have collected data on states compliance with IV-E and IV-B. More recently, and more importantly, these reviews have focused on States' capacity to create positive outcomes for children and families.
 - Adoption and Foster Care Analysis and Reporting System, since 1999, has collected case-level data to help show state and national trends. These data have informed policy and practice improvements by, for example, tracking trends around children and youth living with families, in congregate care, and so forth.
 - The National Youth in Transition Database has very recently (2010) begun collecting services and outcome data on young people at ages 17, 19 and 21. For the first time, States are surveying young people directly to find out how they are doing related to education, employment, housing and adult connections.

Individually and together, these federal changes are changing the landscape of child welfare, steering policy and practice at the state and community level towards models that meet the many different individual needs of children and their families. We have made progress, but there is much work to be done at all levels of the system.

Remaining challenges

There are strong federal policies in place but challenges remain. If we are truly going to improve the lives of children and youth in foster care, continued work across all of the areas mentioned above is necessary. Challenges are faced as federal policy is translated into state/local policy and then into practice. We must work to ensure that the intent of the federal laws and the outcomes they are meant to improve are achieved.

For example, the Jim Casey Initiative is working in states with child welfare agencies, young people and other partners to ensure that improvements are made in the lives of older youth and young adults transitioning from foster care. We have identified a critical window of opportunity to support states in implementing Fostering Connections. Drawing on our experience, research, best practice and federal leadership (and funding), next month, we will launch our national "Success Beyond 18" campaign, which aims to significantly improve outcomes for these young people by helping states extend foster care beyond age 18 in a developmentally appropriate way, and promoting changes in casework and oversight so that fewer children reach 18 without a family. We will submit more information about this campaign for the record.

We, and many others, working in the States continue to face some key challenges that affect all aspects of child welfare.

- **Preventing and Maintaining Family Connections** - We know that family relationships are critical, yet we do too little to support families through tough times and prevent entry into foster care. The same holds true as when I testified in 1991: we know that when children run away from foster care, they run home.

Family is hard-wired into all of us. We must do all we can to prevent children from coming into foster care, and when they are in care, keep them connected with family as safely as we can.

- **Achieving Permanence** - For children who come into foster care, challenges remain in our efforts to find them a permanent family. For older youth, efforts to achieve permanence often cease as a young person approaches age 18, and rarely continue after age 18. A 20 or 21-year-old still needs a family.

Crystal, a young woman from Georgia, said it best when she said, "Every young person needs an opportunity to look up in the stands and see somebody cheering for them."

- **Building Social Capital** - We know that when we remove children from their parents, too often we also remove them from other positive relationships in their life, such as those with siblings, teachers, neighbors, extended family members, friends, and others. We know that social capital – relationships across all these domains – supports healthy development for children and youth. Rural areas face particular challenges. In all of our states, but especially in rural states such as Nebraska and Maine, we were somewhat surprised when young people who purchased a car through the Opportunity Passport™ described it as, primarily, a lifeline to family and friends. We viewed a car as an asset that would lead to education and employment – in most places around the country you cannot work or get to school (or both) without one. This has proven to be true, yet we realized that the most important thing a car provided young people with was access to people they cared about.

- **Meeting Developmental Needs** - We have much more knowledge than ever before about the developmental needs of children and the impacts of adversity, but our systems are still not geared to act on this knowledge. For example, older youth absolutely need families. But they also need more than families. We know that teenagers learn through experience. They need their first part-time job. They need to try new things and fail, and learn how to succeed. They need to make new friends. Yet too many adolescents in foster care are restricted from these normal growing up experiences, often because they are living in group homes. For children of all ages, we must acknowledge that one size does not fit all, and policies and practice will need to be different based on developmental stages.

One concrete example of the importance of meeting a unique developmental need is financial literacy – a critical skill learned during adolescence and necessary to succeed in today's society. Most teenagers have had years of practice managing money, while young people in foster care often have never even received an allowance. The Opportunity Passport™, which provides young people with opportunities to earn money and save in a matched savings account, has shown that young people can and will save money for approved assets, and that they learn financial management skills along the way. But not only has the Opportunity Passport™ worked, it has worked for young people with greater challenges such as those who are young parents or those who have been homeless. We have found that they utilize it at even a higher rate than most. Why has it worked, from Detroit to Atlanta to rural Maine and in Hawaii and Nebraska? Because it provides what most families do for their teenagers and young adults: a car to get to work and school, a deposit for an apartment or a computer for school.

- **Supporting effective casework models** - One of our greatest challenges is gearing a large system towards the needs of individual children and youth – especially older youth. The best way to do this is to ensure they have a family, yet we still cannot treat them as a merely a number while they are in care.

Effective casework is modeled after what we know about families. We know that families function well when they work as team, sitting around the dining room table to talk. Likewise, a “teaming” approach also works for children and youth in foster care. The important people in their life talk and plan for the best possible outcome, taking into account the child’s age, development, family and social connections. Yet our systems lack the capacity and training to fully implement teaming approaches, and are not structured and incentivized to do the effective social work for which their staff is trained.

- **Supporting youth engagement** - Despite federal efforts, genuine engagement of young people in their case and transition planning continues to fall short. We know that the best outcomes are achieved when parents engage their teenagers in decisions. The same is true for young people in our care. They need to have a meaningful say in the decisions being made about their experiences in foster care and about their transition to adulthood, both as part of case planning and in courts. Yet caseworkers and court personnel are not trained, or supported, to work differently with older youth and young adults. Joshua from Tennessee told us about his case planning experience:

“I wasn’t involved. People were speaking for me and were caught up in procedures and what was required of them. We would sit in meetings and go through everything on a checklist. I thought, ‘How can this seem so simplified when my life is not so simple?’ Case planning was about meeting requirements rather than personalizing the planning for me. No one turned to me and asked what I wanted. No one focused on the finer details of my personal trajectory. It is really all about getting past the whole checklist thing and emphasizing the finer details of each young person’s life.”

Although challenges remain, there are areas where ongoing federal action could address barriers and spark further progress. Mr. Chairman, this is where we need your continued leadership and your continued responsiveness to making changes – incremental and comprehensive -- based on what States and others are learning in the field. This includes:

- **Re-aligning existing policies and programs to reflect current trends and best practice.** The child welfare landscape is constantly evolving, and in some areas more quickly than others, based on insights from research, best practice and state innovation. With this in mind, some of the best federal legislative approaches may entail updates to existing legislative frameworks to reflect best practice and new trends. One good example is the Chafee Act. Permanency was not a major focus of the Act in 1999 and the importance of family is not part of the law, but we now have a clearer understanding around permanency for older youth in foster care that may merit a fresh look at the scope and focus of Chafee. Could it be better tuned to align with the more recent goals for older youth set forth in the Fostering Connections Act? Another example is Education and Training Vouchers (ETVs). Over the past decade, much has been learned about how to successfully support young people transitioning from foster care in their post-secondary education, and some very promising models have been developed, such the Seita Scholars Program at Western Michigan and the Guardian Scholars Program in California.

In particular, with the Chafee Act’s focus on postsecondary education and employment, there are no provisions for helping young people learn to manage money, or to build their “financial capability.” Our experience with the Opportunity Passport™ confirms the necessity of helping young people build assets

and have access to the means of saving money, and purchasing those “assets” that promote their development, especially buying a car, putting a deposit on an apartment, and paying school expenses.

- **Building on and deepening areas of progress.** – As mentioned earlier, from my point of view, these are critical areas where progress has been made, but work must continue to (1) focus on permanent families, (2) focus child welfare systems in responding to children’s unique developmental needs and (3) leverage data and accountability as drivers of progress.
- **Identifying barriers from state experiences in implementation.** As I mentioned above, States and other partners are actively implementing a wide range of policy improvements. States are four years into the implementation of Fostering Connections, and soon will be beginning to implement the Uninterrupted Scholars Act. Success in implementation is often uneven among and within states for a variety of reasons. While much of what is needed for successful implementation sits at the state and local level (i.e. leadership), states can encounter what appear to be seemingly small barriers but which may profoundly affect a child’s or a young person’s ability to take advantage of a policy.
- **Incentivizing systems appropriately** - As I stated in my 1996 testimony, “Human nature responds to incentives. Systems, like people, respond best to incentives as well. And the best kind of incentive is financial.” We must continue to work on incentivizing permanence *and* other life outcomes (education, health, employment) for children and youth in foster care.

As Congress prepares to reauthorize the Adoption Incentive Act and the Family Connections Grants, we have an unprecedented opportunity to retune these programs and build a better path for young people in foster care.

Thank you very much for this opportunity to address the committee.

This concludes my testimony and I welcome your questions.

COMMUNICATIONS



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May 2, 2013

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Re: Our Statement to U.S. Senate Committee on Finance
Hearing on the Antwone Fisher Story as a Case Study for Child Welfare
April 23, 2013

Hispanic Foster Children: A Comprehensive Analysis of the U.S. Foster Care System

This statement depicts the stark realities and overwhelming cost of not moving foster children out of foster care and not placing them with their own families. In addressing this problem this statement will highlight the exorbitant investment of money by the government in maintaining these children in foster care and statistics on present methods of family finding, which have only limited results for Hispanic foster children. It will offer cost-effective, proven solutions to this problem, with the goal of saving the government millions of dollars every month and achieving the outcome of placing children with their families.

Overview

Hispanic Demographic Data

- 51.9 million Hispanics in America and rising.¹ (Note: Hispanic and Latino are used interchangeably.)
- One out of 6 Americans is Hispanic.²
- The Latino population increased by 15.2 million between 2000 and 2010.³
- 63% (31.8 million) of Hispanics were classified as Mexican.⁴
- Hispanics will make up 29% of the U.S. population by 2050.⁵

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Hispanic Foster Care Demographic Data

- 400,540 children in U.S. foster care.⁶
- 84,113 (21%) of foster children were identified as Hispanic in 2011.⁷
- \$471 million (\$471,032,800): monthly average cost to support these Hispanic foster children.⁸
- 23.9 months: Average time a child spends in foster care.⁹
- **\$11.2+ billion (\$11,257,683,920): Estimated total cost to support these foster children.**¹⁰

Research reveals the majority of Latino children in U.S. foster care have adult family members, possibly including a biological parent, living in Mexico.¹¹

Fostering Connections Act of 2008

The Fostering Connections to Success and Increasing Adoptions Act of 2008 (The Fostering Connections Act of 2008) mandates that agencies have 30 days to identify, locate and notify adult family members, including those currently living in Mexico. However, research indicates that many county agencies and their contracted non-profits are breaking the law either through omission or poor due diligence by limiting their outreach only to calling their local Mexican consulate.¹² The federal government is called upon to look for ways to save money, and taxpayers want to see less waste.

For the past 20 years, the organization, Find Families In Mexico, has been successful in locating family members in Mexico and has helped foster children be reconnected with their immediate or extended families. This service can be provided at a much reduced rate compared to government spending in this area. Expanded use of this less costly service will save government hundreds of millions of dollars.

Problems Handling These Children with Present Foster Care System**Who These Children Are**

There is a false assumption that Latino children end up in foster care only because of undocumented parents. Foster children also come from families where:

- One parent is U.S.-born while the other is of Mexican birth.
- Both parents are U.S.-born with relatives in Mexico.

U.S. Process

Typically, U.S. family finding activities are based on easy access to online databases such as:

- LexisNexis
- Intelius
- U.S. Search

Family finding in the U.S. is quite successful. Results can be as high as 80% and at relatively low costs of \$25 - \$50 per search.¹³ During his statement before the Senate Finance Committee on

April 23, 2013, Kevin Campbell, Founder of the Center for Family Finding and Youth Connectedness, Lakewood, WA, commented that he was able to go online and in 10 minutes find 62 relatives for Antwone Fisher, former foster child turned Hollywood producer, at the economical cost of \$15.

Ineffectiveness of U.S. Process

However, this U.S. process is not effective for locating families in Mexico. Concerning family finding in Mexico, Campbell has written:

“Connecting individuals to their families is vital to improving safety, well-being, and permanency outcomes for our most vulnerable youth. Conducting a hopeful search for an individual in Mexico requires additional knowledge and information differing from the United States.”

Limitations to conducting successful family finding in Mexico include:

- No accessible national non-governmental databases.
- Tens of millions of Mexican citizens are beyond the reach of search engines such as Google and Bing.
- Majority of birth certificates, marriage licenses and death records are not digitized, so they cannot be searched electronically, and access to physical documents is difficult.
- Millions of church records are not accessible electronically.
- All documents are in Spanish.
- Majority of local U.S. agencies do not have staff that reads and understands Spanish, or certified bilingual staff trained to interact culturally with Mexico government agencies and family members in Mexico.

Due to these and other limitations, the cost is significantly higher to execute quality family finding that results in identifying and locating birth parents, grandparents and other adult family members in Mexico of children in U.S. foster care.

Based on more than two dozen interviews with foster care agencies, it has been shown that they traditionally handle family finding for relatives in Mexico in one of two ways:

- Talking with known relatives in the U.S.
- Calling a Mexican consulate, which generally produces limited or no results.

There is little or no training for U.S. agencies and their staff on how to do family finding internationally beyond the above two ways. With the deficiencies of these traditional methods, too many children will spend years in foster care at tremendous ongoing cost to the government.

Fiscal Challenge

Local agencies are not performing quality due diligence in large part because they believe they lack the funding to accomplish it. Government-funded studies such as the 2008 report of the Kern County KeyPOINT project highlight the savings that result from family finding.

“Over \$200,000 a month could be saved if only 37 youth were placed, resulting in millions in annual savings. The calculations provide solid cost justification for permanency programs, aside from the immeasurable benefits that come from providing youth with homes.”¹⁴

Yet until more funding is earmarked for family finding efforts outside the U.S., Hispanic foster children are at risk of remaining in public institutions or being adopted while their family members remain out of the picture.

Medical Issues

Medical history for these foster children is usually not known. If there are hereditary problems such as diabetes and heart disease that are not anticipated and addressed, this can add to the country’s overburdened health care system.

Solutions

Without financial support for a local government family-finding initiative, it’s probable that some of these children are being adopted by other U.S. families without any notification of or participation by their biological family. This is caused in large part because little or no due diligence is being performed by governmental agencies. This raises the serious issue of local government violating federal laws.

Find Families In Mexico

There is at least one reputable, private company with 20 years experience that specializes in doing family finding in Mexico. That company is Find Families In Mexico. They have a 98% success rate at identifying and locating relatives of foster children in Mexico.¹⁵ Their process is time proven and cost effective.

The cost of a family finding search by this company ranges from \$295 to \$695, with an average cost of \$545. If this company took on 1,000 cases per year, the maximum cost to local governments would be \$695,000. If they achieved their standard success rate of 98%, this would represent a \$4.8 million (\$4,793,000) savings to taxpayers. Essentially, for 12.7% or less of the cost for one month of government spending to support these foster children, Find Families In Mexico can locate the relatives of these children, allowing local agencies to begin the process of moving them out of foster care.

Bottom line: Government agencies could save \$5.6 million for every month that these children are not in foster care. This significant monthly savings can be allocated for education, budgets, salaries and other services. **Even better news:** The government doesn’t have to create a new program to address the needs of these children. Using Find Families In Mexico – a company

that has a 20-year track record of success -- can save local governments million of dollars. Their systems succeed because they are experts on working with Mexico. Additionally, agencies will then be in compliance with federal laws rather than ignoring them.

Benefits of Using Find Families In Mexico

- Agencies will meet the due diligence required by law for family members of foster children.
- Find Families In Mexico will prepare documentation on its findings that agencies can present to the courts to demonstrate adherence to the Fostering Connections Act of 2008.
- Agencies will save significant time and taxpayer dollars by not spending limited funding and time on ineffective searches that hold little hope of finding the Mexican relatives of foster children.
- Foster children will have an improved chance at “emotional permanency” by having a connection with at least one family member.
- Agencies will have a greater number of children moving toward permanency either through reunification with family members or adoption.

About Find Families In Mexico (Founder, Richard Villasana)

Find Families In Mexico believes all U.S. foster children deserve to live happy, healthy lives in a permanent home. They believe in challenging the family-finding status quo when relatives live outside the U.S. They are the catalyst to move children out of foster care by identifying and locating their family members in Mexico.

For 20 years, this organization has worked to find biological parents and other family members in Mexico with more than 6,500 families, government and social service agencies including:

- The State of Oregon, Department of Human Services
- North Carolina Department of Health and Human Services
- Department of Defense
- The Ninth Circuit Court
- Foster care agencies such as Casey Family Programs and Children’s Home Society

You can read about a few of the company’s successes at: www.FindFamiliesInMexico.com.

Closing comments

Based on the track record of years of data findings, a significant problem lies in the fact that local agencies and their contracted non-profit organizations continue to assume that their staff can perform competent family finding with no knowledge of the language or culture of Mexico. Find Families In Mexico does not want this lack of effectiveness to continue to be detrimental

to the lives of foster children, resulting in their spending additional years in foster care with no contact or relations with their family. Every child welfare official that has been interviewed is adamant about one key point: children need to form bonds with their biological family even if the child is ultimately adopted by a foster family.

The answer is simple: Government agencies can continue to spend \$5.6 million per month, every month, on care for 1,000 foster children. Or, by using Find Families In Mexico to search for relatives of the same 1,000 children, the government will spend, at most, only \$695,000. In more than 90% of these cases, the potential for reunification with biological family will exist, allowing the children to be removed from the foster care system.

Supporting and funding family finding for these children now is a wise investment that makes fiscal sense and will reap dividends in the coming years.

Thank you very much for this opportunity to provide a statement to the committee.

Richard Villasana

Richard Villasana, The Mexico Guru
Founder, Find Families In Mexico

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15. The percentage excludes cases that involved a relative with a criminal background and record of incarceration.

**Written Testimony of Generations United
1331 H St. NW, Suite 900, Washington, DC 20005**

**Senate Finance Committee Hearing:
The Antwone Fisher Story as a Case Study for Child Welfare
Tuesday, April 23, 2013**

Generations United's is the national membership organization focused on improving the lives of children, youth and older people through intergenerational strategies, programs and public policies. We act as a catalyst for stimulating collaboration among aging, children and youth organizations, providing a forum to explore common ground while celebrating the richness of each generation. Generations United's National Center on Grandfamilies works to enact policies and promote programs to help grandfamilies, families headed by grandparents or other relatives who share their homes with grandchildren, niece, nephews or other related children. This testimony will focus on Grandfamilies, or Kinship Families, and the importance of the Kinship Navigator Programs authorized as part of the Family Connections Grants through the Fostering Connections to Success and Increasing Adoptions Act of 2008.

Background on Grandfamilies/Kinship Care

Approximately 2.7 million children (4 percent of all children) in the United States are raised in grandfamilies or kinship care without the presence of their parents. This includes families where children are cared for full time by blood relatives or other adults with whom they have a family-like relationship such as godparents or close family friends.ⁱ This represents an 18 percent increase over the past decade.

Grandfamilies are found inside and outside of the child welfare system. Children who are placed with relatives in foster care account for over a quarter (26 percent) of all children in the foster care system. For every child being raised by relatives in the foster care system, nearly 25 children are being raised by relatives outside of the system with no parent present in the home. Those grandfamilies that keep children out of foster care save taxpayers more than \$6.5 billion each year.ⁱⁱ

Grandparents or other relatives often take on the care of children with little or no chance to plan in advance. Consequently, they frequently face unique challenges including arranging legal custody, addressing the children's education needs, accessing affordable housing, ensuring financial stability, and obtaining adequate health care for the children and themselves.

More than 2.7 million grandparents report they are responsible for their grandchildren's basic needs, and over one in five of these grandparents lives below the poverty line.ⁱⁱⁱ Approximately 60 percent are still in the workforce.^{iv} Adding to the stress, grandparents often care for the children for extended period of time; 36 percent report that they have been responsible for the children for more than five years.^v Research shows that, despite the need, relative caregivers are not accessing the benefits that are available to them. Less than 12% of grandfamilies

receive TANF even though nearly 100% of children in these families are eligible. Less than half (42%) of low-income grandfamilies receive Medicaid or SNAP despite food insecurity and need. Only 17% of low income working grandfamily caregivers receive child care assistance. Only 15% percent of low income grandfamily caregivers receive housing assistance.^{vi}

Despite these challenges, research shows that children placed with relatives are just as safe or safer when compared with children placed with unrelated foster families. They have more stability, experience fewer placements, are more likely to maintain sibling connections and preserve cultural heritage.^{vii}

Kinship Navigator Programs

Kinship Navigator Programs, one of the Family Connection Grant types authorized through the Fostering Connections to Success and Increasing Adoptions Act of 2008, help connect children in grandfamilies to critical supports to help them thrive. Because the vast majority of children in these families are not part of the formal foster care system, many are not connected to basic benefits and supports. An informal survey found of the most common types of services referred through navigator programs are food stamps (SNAP) and food pantry visits, child care, health care, counseling for children, clothing for children, and legal services. Programs also report frequent referrals for respite care, housing and caregiver training. Kinship Navigator Programs are family focussed and voluntary. They generally operate on a model that empowers families to identify needs, barriers and supports. Families that may view the child welfare system as a threat and hesitate to reach out for help, are more often more comfortable with navigators and willing to access them for assistance.

Evaluations of the first grants authorized in 2008 demonstrate important preliminary outcome information on child well-being and demonstrate improvements in coordination and efficiency of child welfare and other relevant services. Navigator programs have improved partnerships and collaboration between the public child welfare system and private agencies leading caseworkers to consult on a range of casework issues as a result of relationships formed through the navigator. Programs have filled in gaps in services resulting from cuts in state and local child welfare agencies operating under tight budgets. In particular navigators have helped with prevention services and in serving those families diverted from the formal child welfare system. Navigators have elevated awareness of the needs of kinship families in communities prompting agencies and communities to explore creative ways to address the challenges these families face. The evaluation requirement in the federal grant prompted the first outside evaluation for several agencies service kinship families. As a result both new and well-established programs are integrating new feedback to improve their quality and efficiency.

Preliminary child well-being indicators show that children in families who received support from the navigators experienced increased permanency and stability, demonstrating fewer days in child welfare custody and lower rates of foster care re-entry. Multiple programs reported high satisfaction with services and less intense family needs after intervention and at the point of follow up. Some demonstrated increased caregiver strengths from baseline and reduced

behavioral problems of children and youth at case closing. At least one program demonstrated improved safety.

Recommendations:

Generations United strongly recommends extending the authorization of Family Connections Grants:

Additional years of support for the Family Connection Grants will provide adequate time to secure more complete evaluation results that can be applied to existing programs for adaptation and improvement. These results will be useful in informing both programs receiving federally funds and those pieced together with other resources that have not been able to prioritize evaluation. The timing of the first grants created some challenges to sustainability since many began in the midst of the rapid economic downturn. Programs are now planning more effectively for the current economic climate with greater promise of sustainability. At the same time, federal support is vitally important during this period where many child welfare programs are facing cuts to critical services.

Lower the Floor on the Kinship Navigator Grant Amount:

Smaller communities and rural areas report difficulty meeting the matching requirement for such large grants. Many of these communities have developed proposals to effectively serve their communities with smaller grant amounts and would be able to meet matching requirements if smaller grants were available. Lowering the minimum grant amount would make these grants accessible to more rural and under-resourced communities.

Consider Allowing Universities and Other Institutions to Apply for Family Connections/Kinship Navigator Grants:

Some rural areas report lacking large enough non-profits or other institutions to support applications for the grants. Cooperative Extension Services at universities often play a critical role in these communities and would be the most effective deliverer of services but they are not eligible to apply under current law.

Encourage use of combined Family Connections Grant strategies:

Family Connections Grants offer states and communities the ability to use a combination of the four grant strategies to meet needs. Initial reports suggest Kinship Navigator Programs and other grants are especially beneficial to families when used as part of a comprehensive approach to benefit families. Future grants should promote comprehensive approaches to meeting grandfamilies needs through encouraging combined strategies of existing grant types and/or offering additional demonstration models.

Thank you for the opportunity to offer written testimony for this important hearing. Please direct questions regarding these recommendations to Jaia Peterson Lent, Generations United's Deputy Executive Director, at jlent@gu.org or 202-289-3979.

ⁱ Stepping Up for Kids: What government and communities should do to support kinship families. Annie E. Casey Foundation (2012). This data includes family where the children's parents are not present. In addition there are significant numbers of children cared for by relatives in multigenerational homes where the children's parent may live in the home, but are not providing regular care for their children for a range of reasons such as mental illness, substance abuse, or teen parenting.

ⁱⁱ Generations United calculated this figure based on the federal share of 2000 average monthly foster care maintenance payment of 1 million children. The green book of the Committee on Ways and Means, U.S. House of Representatives estimates the cost at \$545 per child. This is approximately half of the children being raised in grandfamilies outside of the formal foster care system. Half the children are used for our calculation, due to a conservative estimate that the other half already receives some type of government financial assistance, such as a Temporary Assistance for Needy Families TANF child-only grant. Consequently, the cost of one million children entering the system would represent all new financial outlays for taxpayers.

ⁱⁱⁱ Children's Defense Fund. "The State of America's Children Handbook (2012)." Accessed 20 August 2012 at < <http://www.childrensdefense.org/child-research-data-publications/data/soac-2012-handbook.pdf>>

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TESTIMONY OF THE NATIONAL INDIAN CHILD WELFARE ASSOCIATION (NICWA)

FOR THE U.S. SENATE COMMITTEE ON FINANCE

REGARDING THE ANTWONE FISHER STORY AS A CASE STUDY FOR CHILD WELFARE

Submitted by

THE NATIONAL INDIAN CHILD WELFARE ASSOCIATION

May 7, 2013

The National Indian Child Welfare Association submits this statement to the U.S. Senate Committee on Finance concerning the Antwone Fisher Story as a Case Study for Child Welfare hearing. The National Indian Child Welfare Association (NICWA) is a national American Indian/Alaska Native (AI/AN) organization with over 25 years of experience in providing leadership in support of and analysis of public policy that affects AI/AN children and families. NICWA regularly provides community and program development technical assistance to tribal communities regarding the development of effective services for this population. This statement will provide an overview of tribal child welfare, challenges that tribal child welfare programs face, and policy principles that best support tribal child welfare.

We thank this Committee for its ongoing attention to the unique needs of tribal families and children. We also commend this committee's past actions that have supported and promoted tribal self-determination and honored the federal trust responsibility this government has with tribal governments in a meaningful way.

Overview of Tribal Child Welfare

American Indian and Alaska Native (AI/AN) nations have always had systems of government that addressed internal conflict and provided for the needs of their families. Historically, these systems were informal, unwritten, and based on a holistic philosophy that sought to create and encourage a balanced way of life. These governing systems are acknowledged in the U.S. Constitution, hundreds of treaties, and some of the earliest Supreme Court cases. Over the course of time, a fundamental contract between AI/AN and the federal government has been created: AI/AN nations ceded millions of acres of land and enabled the U.S. to expand its territory, and in return AI/AN nations have been given a guarantee that their continued existence and inherent right to self-government will be protected.

Unfortunately, for the vast majority of our history this relationship was not honored by the federal government who actively worked to extinguish tribal self-governance and tribal people in some cases. It wasn't until the Indian Child Welfare Act and the Indian Self-Determination and Education Assistance Act of 1975, that the federal government formally recognized and pledged to support the inherent right of tribes to provide for, among other things, their children and families through their own child welfare programs and courts. These acts do not provide privileges or promote special treatment; they simply codify the federal-tribal relationship that respects and empowers tribal sovereignty.

This formal recognition of tribes' authority to exercise self-determination provided the space and resources necessary for tribes to exercise their self-determination and revive or establish courts and child welfare systems. Tribal child welfare programs range from those that have one ICWA specialist who works primarily with state agencies and courts to ensure ICWA compliance and provide placement resources for their member children to complex systems that provide services from prevention to child protection, in-home services, and foster care and work predominately with tribal courts. Current tribal courts that exercise jurisdiction over their reservations and members have a variety of forms including traditional systems, sometimes known as peacemaking courts, hybrid traditional/Western systems, problem solving courts, such as drug and alcohol rehabilitation court, and courts designed in accordance with the Code of Federal Regulations in a Western model.

Historically and currently, AI/AN children and families have not been treated well in state child welfare and family court systems. In 1978, nearly 25% of all AI/AN children were being removed from their homes, 80% of whom were being placed outside their families and communities. Today AI/AN children continue to be removed from their homes at three to four times the rates of other children in the child welfare system (Hill, 2008).

Because tribal child welfare systems have a deep understanding of the issues specific to AI/AN children and families, they are able to provide the most effective and appropriate care to their children and families (Bigfoot et al., 2005). The result of this is that tribal nations provide more effective and efficient child welfare services, ultimately reducing cost and increasing positive outcomes for AI/AN children and families. Furthermore, many states need assistance from tribes to effectively serve tribal children in state foster care. States see tribal governments as important resources in their efforts to find appropriate services and placements for tribal children (GAO, 2005).

Challenges Faced by Tribal Child Welfare Systems

Greater Need

The communities and families served by tribal child welfare systems are particularly vulnerable to child abuse and neglect. American Indian/Alaska Native children experience a rate of child abuse and neglect of 11.4 per 1,000 American Indian/Alaska Native children. This rate compares to 14.3 for African American children, 10.1 for children who are two or more races, and 7.9 for White children (U.S. Department of Health and Human Services, 2012). Nationally, 9.5 of every 1,000 children are victims of maltreatment. Importantly, AI/AN children are more likely than children of other races/ethnicities to be confirmed as victims of neglect (59.7 percent) and are least likely to be confirmed as victims of physical abuse (6.4) (U.S. Department of Health and Human Services, 2008), which suggests a causal link between leading risk factors (particularly poverty, which is often misidentified as neglect) and incidences of maltreatment.

National child maltreatment risk factors compiled by the Centers for Disease Control (2012) include parental risk factors (single parenthood, low family income, substance abuse and/or mental health issues in the family), family risk factors (social isolation, domestic violence) and community and structural risk factors (neighborhood disadvantage, e.g., high poverty, residential instability, high unemployment rates).

The following national statistics show that AI/AN families and communities face multiple risk factors and at higher rates than other populations:

Parental Risk Factors

- AI/AN families are more likely to be single-parent than the average family. 52 percent of AI/AN children are raised in single family households, where nationally only 34 percent of children are raised in single family households (Annie E. Casey, 2012).
- AI/AN children are more likely to live in households that are below the poverty line. 34.0 percent of AI/AN children live in households with incomes below the poverty line as compared to 20.7 percent of children nationwide (U.S. Department of Health and Human Services, 2011).
- AI/AN parents are more likely to struggle with substance abuse and mental health issues. 18.0 percent of AI/AN adults needed treatment for an alcohol or illicit drug use problem in the past year compared to the national average of 9.6 percent (Office of Applied Statistics, 2009). Among U.S. adults, AI/AN individuals had the highest rate of a serious psychological distress within the last year (25.9 percent), and the highest rate of a major depressive episode (MDE) within the last year (12.1 percent) (Urban Indian Health Institute, 2012).

Family Risk Factors

- Many AI/AN families are socially isolated. Reservation communities are located in remote and sparsely populated areas, and often the housing within those communities is spread out over a large area. Social isolation includes cultural barriers, geographic isolation, and economic isolation, all of which are barriers to care and services for AI/AN families (Office of Minority Health, 2012).
- AI/AN women are more likely than any other group to experience intimate partner violence (IPV, also known as domestic violence); 39 percent of AI/AN women report having experienced IPV at some point in their lives (Black & Breiding, 2008).

Community and Structural Risk Factors

- AI/AN families are more likely to live in communities where there is a high level of unemployment. The rate of unemployment on or near reservation communities is 49 percent (BIA, 2005).
- AI/AN families are more likely to live in areas of high poverty than the average family. 24 percent of AI/AN children live in areas of highly concentrated poverty. The national average is 11 percent (Annie E. Casey, 2012).
- AI/AN individuals are less likely than the average American to own their home, one guarantee of housing stability. Only 56 percent of American Indian and Alaska Native households were homeowners, compared with 66 percent of total households (Ogunwole, S.U., 2006).

As this data suggests, tribal child welfare systems that serve AI/AN communities are working with some of the most at-risk families in our country.

Fewer Resources

In spite of the greater need for child welfare and family support services in AI/AN communities, tribes and urban Indian programs have inadequate access to meaningful funding opportunities.

Federal funding for child welfare services in tribal communities is a patchwork of funding streams, most of which are discretionary and have very limited funding appropriated. Tribal governments are excluded from receiving direct funding from some of the largest sources of federal child welfare funding received by states such as Title XX of the Social Service Block grant and the Medicaid program. Other federal child welfare programs such as the Child Abuse Prevention and Treatment Act, Title IV-B Subparts 1 and 2, or Title IV-E, provide direct funding, but the amounts are very limited, or eligibility only extends to a limited number of tribes. This creates gaps in not only funding, but services, especially those that can help AI/AN families prevent neglect or abuse in the first place and be able to successfully address the situation that brought them to the attention of the child welfare system. These types of services are the most effective because they cause the least amount of trauma to the child or family and are much less expensive than removing children and placing them in foster care.

Additionally, urban Indian program funding for Indian child welfare services under the Bureau of Indian Affairs, which historically has helped provide needed protections and services to urban AI/AN populations, has not been appropriated monies since 1996. Although some states allow tribal governments and urban Indian programs to access some of their state's allocation for child welfare programs via agreements, these agreements are discretionary, and the amounts are typically very small. In addition, these agreements are often difficult to establish and burdensome for the state to administer.

In addition to federal funding sources, states have access to general revenues, which comprise a significant portion of state child welfare funding, but are largely unavailable to tribal child welfare programs. As a result of wide-spread poverty and limited economic development opportunities, it is not feasible to collect tax revenue in most tribal communities. States also, through the advocacy efforts of many organizations in the 1980s, have access to a national system of state children's trust funds dedicated to child abuse prevention and child welfare services. These trust funds have become one of the key funding sources for child abuse and child welfare efforts in each state. All states have established trust funds, which raise public and private prevention funding through a variety of methods including partnerships with private foundations, private donors, and state tax return donations (check-offs). Tribes do not have access to these trust fund dollars nor the resources to support their own trust accounts.

Policy Principals that Best Support Tribal Child Welfare

As the Committee studies how best to support effective practices and funding strategies and improve outcomes for children, it is important to understand how existing opportunities have helped tribal families and children. Below is an example of how one tribal government in Alaska used their federal child welfare funds to further collaboration and innovation to keep children out of the foster care system.

Tlingit & Haida Tribe's Preserving Native Families/Indian Child Welfare Act department uses Title IV-B funding blended with other programs to help families stay safe and remain together. Recently their department received a phone call from the Alaska State Office of Children's Services (OCS) regarding concerns for two children's safety and their mother's behavior. OCS was preparing to go into the home for an initial investigation. The tribal PNF/ICWA department did some research and learned that the mother was a tribal Temporary Assistance to Needy Families (TANF) client. One of the supervisors made a call to the tribal TANF program and asked if they would consider using a new assessment tool, created by the PNF department, to determine if the woman might be at risk for child maltreatment or OCS involvement. The TANF worker agreed to use the tool, and after working through the assessment with the mother found a high score. The TANF worker then immediately contacted PNF/ICWA who helped engage the mother in family preservation services quickly.

OCS, pleased that PNF/ICWA services were being offered, met with the mother who reported about the PNF services she was involved with. OCS determined that her children were safe, that the mother was actively engaging in prevention services with PNF, and that neither OCS involvement nor removal of the children was necessary.

This mother only needed someone to reach out to her; she was in need of help, but did not know how to ask. Access to, and the flexibility of, Title IV-B Subpart 2 federal program funds that the Tlingit & Haida PNF/ICWA department was able to use both to create a culturally appropriate and community specific assessment tool as well as to fund direct prevention services for families, made it possible for someone to reach out and help. This story is successful for two reasons; departments collaborated, and a tribal family remains together today.

This story highlights three important policy principles that are necessary to ensure that federal programs effectively support tribal government's responsibility to provide for their community members in a meaningful way: inclusion, flexibility, and proportionality.

Inclusion

Tribal governments' ability to keep children safely with their families and provide permanent families for children who enter the child welfare system is greatly dependent on the funding resources available to them. Integral to this effort is including tribes in all federal funding discussions and decisions.

Starting in the early 1970s, Congress embarked on child welfare reform that established a new federal policy direction. Tribal governments and organizations were, for the most part, not included in the debates that decided how federal funding would flow or how services would be designed. Because of this, a number of key programs created during the 1970s and 1980s still do not include tribes as eligible. Key among those is the Child Abuse Prevention and Treatment Act and the Social Services Block Grant. These are key programs that states greatly depend upon to support services to child welfare families that cannot be sufficiently funded through other sources.

In a 1994 report by the Department of Health and Human Services, Office of Inspector General (OIG), *Opportunities for Administration for Children and Families to Improve Child Welfare Services and Protections for Native American Families to Improve Child Welfare Services and Protections for Native American Children* found that where tribes are not specifically included in direct funding access to federal child welfare funding streams, tribes receive little funding or benefit from the program. Although progress has been made, specifically with Title IV-E and Title IV-B program access, in spite of this report and more than 30 years of education by tribes and mainstream child advocacy groups, tribes still experience significant gaps in access to federal funding for child welfare services.

Flexibility

Tribal governments' ability to keep children safely within their families and provide permanent families for children who enter the child welfare system is greatly dependent on their ability to use federal funding to provide services that address the needs of their families in a way that honors culture and the unique circumstances of their tribal community. Tribal governments' access to federal programs is greatly dependent on their ability to successfully implement the requirements attached to the funding. As NICWA has often heard from our tribal constituents, "we need funding that allows us to continue our cultural practices, the practices that are most effective with our children and families, and still remain in compliance with federal requirements."

Mainstream or one-size-fits-all approaches to child welfare often conflict with AI/AN traditional ways of helping and healing, making them less effective in tribal communities. While the federal goals for improving outcomes for all children are relevant to AI/AN children, the approaches to achieving these need to be in sync with tribal cultural values and proven methods. Successful federal child welfare funding and policy regulations must be flexible enough to allow tribal child welfare programs to use the funds to support culturally competent child welfare approaches and services. Furthermore, there is not one AI/AN tradition or culture; there are 567 different tribal communities across America and just as many cultures and traditions. Each tribal child welfare program works in a community that has a unique set of

needs and challenges based on its historic treatment by the government, its location, and its access to resources. Successful federal child welfare funding and policy regulations include measures of flexibility that allow each tribal child welfare program to provide services that address the unique circumstances of each tribal community.

Federal funding programs written for states that include extensive or onerous requirements are often inaccessible to tribes. Most, but not all, tribal child welfare programs are much smaller than their state counterparts. For this reason, tribal child welfare programs often have different capacities than state programs. Successful federal child welfare programs account for these capacity differences by including flexible provisions for tribal programs that take into account the economy of scale for many tribal programs.

Proportionality

Tribal governments' ability to keep children safely within their families and provide permanent families for children who enter the child welfare system is greatly dependent on access to resources that are proportionate to the need both in number and severity.

Tribal child welfare's two greatest challenges, as discussed above, are high need and low access to funding. Because of the great need and financial barriers, most tribes have few choices when it comes to providing services to children and families at risk of, or currently struggling with, child abuse or neglect. Often because tribes and urban Indian programs have access to fewer resources and more needy families, tribes find themselves in a situation where they can only "manage" crises as they arise and cannot respond effectively to the core issues that put children at risk of harm and families at risk of having their children removed from their care. Families with high needs require child welfare programs that do more than just crisis management; they require programs with a continuum of services that ranges from prevention, to family preservation, to permanency that are able to target, treat, and provide on-going support. Increased access to resources can also promote additional innovation and dissemination of results. A handful of tribes with higher levels of resources has been able to cut their foster care rates in half and still safely address the needs of children and their families. These approaches are founded on an engaged community and the use of various segments of the community to help develop, support, and even implement new policies and practices. Federal funds have been a part of these types of initiatives and could support similarly minded initiatives in other tribal communities with more equitable access to federal resources.

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Again, we thank this Committee for its ongoing commitment to the well-being of tribal families and children and for its support of tribal child welfare programs.

If you have questions or comments regarding this testimony, please contact NICWA Government Affairs Director David Simmons at desimmons@nicwa.org.

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**Statement for Finance Committee Hearing
The Antwone Fisher Story as a Case Study for Child Welfare
April 23, 2013**

The Fostering Connections to Success and Increasing Adoptions Act (FCSA) of 2008 has laid the groundwork for significant systemic change to public child welfare services by establishing mandatory identification and notification standards for family members of children in danger of or upon entering foster care, by requiring siblings to be placed together, supporting relative placement and relative permanency in recognizing that relatives are more likely to keep siblings together, and by creating Family Connections Grants to serve as incubators for innovative and cutting edge practice development. Not coincidentally, children in care have been reduced from 463,000 (FY 2008) to 400,540 (FY 2011)¹ since its inception. Yet 400,540 children are still far too many; children not quickly and safely reunified or adopted continue to languish in care, and their outcomes when aging out of the system are appalling.²

Family members continue to be inconsistently notified their kin have entered in the system, and far too often the voice of the family is discounted or dismissed by those holding the archaic notion that the apple does not fall far from the tree. When family are unaware of the crises occurring with their kin, they are also unable to participate in the court process, which places them in legally disadvantaged situations when determining “best interests of the child.” The dynamic of a government system that does not uphold its enacted statutory requirements or fundamental moral principles and thereby allows children to be removed from the care of their parents without notifying tribes, relatives and other caring adults not only breeds mistrust and suspicion between those who are charged to serve and those in need of service but disconnects youth from their natural support system. This initial trauma of removal establishes a path of continued losses and disconnection for youth as they are moved from place to place. Yet these same government systems are then responsible for evaluating the motivation and willingness of family members to partner with them in order for parents, tribes and family members to regain custody. ***We must remember that every single day of out of home care is a crisis in the life of that child.*** In order to reduce the number of children and the extent of such crises, minimize the trauma and loss children and youth experience when entering and remaining in the system as well as to repair and heal the distrust of families, tribes and communities towards the people and systems designed to support them in their greatest time of need, further steps can be taken to build upon the excellent foundation FCSA has established. These steps, along with concrete recommendations, are outlined below.

¹ Adoption and Foster Care Analysis and Reporting System, “The AFCARS Report #19.” Accessed, May 5, 2013. <http://www.acf.hhs.gov/sites/default/files/cb/afcarsreport19.pdf>.

² Mark Courtney et al., “Midwest Evaluation of the Adult Functioning of Former Foster Youth.” Chapin Hall, Accessed May 3, 2013. <http://www.chapinhall.org/research/report/midwest-evaluation-audit-functioning-former-foster-youth>.

Strengthening Search & Notification

One significant achievement of the Fostering Connections to Success Act is the requirement to identify, locate and notify a child's relatives and caring adults within 30 days of a child being in danger of removal from the care of his or her parents. These notifications have already made a significant impact in thousands of children's lives by bringing their urgent need for care to the attention of tribes, family members and loved ones who have intervened to prevent the need for care or reduce the length of stay for children in care. However, many sites continue to rely on antiquated or incomplete internet-based search tools that do not fully provide a robust summary of the identity and whereabouts of the child's full family. Often relatives of close degree are not contacted, yet the "family search" box is checked in the child's file by the government social worker. Relatives of greater degree are missed even more regularly. Too frequently, when family names are identified, a single letter or phone call will be made to a home without further follow-up, and a lack of motivation is ascribed to those who do not respond to the first contact without any verification they opened and received the letter, heard the message or understood its nature. Families have frequently noted that outreach from government social services is received skeptically and not well understood.

Best practices in the search and notification process, which have evolved from the establishment of FCSA, are performed in a manner that can "rebrand" the public child welfare agency from one oft-perceived as that of dividing families and communities to one of strengthening and supporting families and community. Thus, following a robust initial computer-based search process that utilizes a range of high powered databases, letters can be sent and calls made to family members identified by the searches, combined with active and relentless follow-up to ensure that every family member receives and understands the nature of the crisis at hand and has the opportunity to contribute if they would like. Such outreach takes a more respectful and caring tone determining the strengths and supports of family members when families are viewed as essential assets to the health and safety of their kin, rather than obstacles and impediments to the day-to-day operations of government social services.

Additionally, a number of effective discovery tools which engage children, youth and family members have been devised to help identify and locate family. Tools such as mobility mapping, connectedness mapping, and the tree of life, along with eco-maps, family and support trees, and safety circles are critical to expanding the worker's awareness of the child's relatives and caring adults who can significantly contribute to children and parents in need. Finally, the best discovery tool is to identify the person who knows everyone's business in their family, and to establish a positive relationship with them to learn who on the planet is related to this child, while fully listening to and comprehending the family's story. In this way, government social workers and agencies begin to build trust between those who are charged to serve and those in need of assistance.

FCSA requires, "within 30 days after the removal of a child from the custody of the parent or parents of the child, the State shall exercise due diligence to identify and provide notice to all adult grandparents and other adult relatives of the child (including any other adult relatives suggested by the parents), subject to exceptions due to family or domestic violence." The language here includes the word "shall" exercise due diligence. Courts must be asking questions and requiring evidence as to what the agency has done in order to make the finding as to whether or not the agency has exercised "due diligence." Unfortunately, across jurisdictions this occurs inconsistently at best. What if agencies were required to demonstrate who is connected at the dispositional hearing and what progress has been made to meaningfully expand the list at every subsequent hearing? This activity would create a persistent focus on who is important to the child, who has access, what they can contribute and how can they assist,

thereby reducing the disconnection the child experiences from those with whom they have established a connection, a trusting relationship and their personal identity.

Recommendations to improve the quality and consistency of the identification and notification aspect of FCSA:

- ❖ Further prescribe a robust computer base search in regulations or legislation.
- ❖ Share effective computer based search services such as Seneca Search Services.
- ❖ Require more stringent follow-up of initial search and notification efforts by the government agencies to ensure that those identified have received notification and understand the urgent need for help.
- ❖ Further define due diligence in regulations or further legislation to allow less latitude for incomplete/insufficient discovery efforts.
- ❖ Include identification and notification measures into judicial IV-E audits to further compliance with the standards set by FCSA, and to assist the courts to better oversee government agency activity.
- ❖ Provide funding and training for judiciary and legal community to better understand the nature and capacity of these tools.

Sharpen the Focus on Engagement

While it may be the intent of the FCSA to involve family members in the support and decision-making process regarding the care of their kin, there is little direction or standard setting as to how this activity should occur. Thus an unintended consequence for those who have begun to increase their outreach and have not embraced the engagement aspect is to temporarily raise the hope of family members to be an asset to the process, followed by an all too familiar letdown which further reinforces their perspective about how government systems value them, while their kin potentially remain disconnected and lonely in foster care. To ensure the notification of relatives as required under the Fostering Connections Act is *effective in increasing permanency*, legislation and funding must support search methods that not only employ the latest technology, but are also completed concurrently with consistent use of family engagement strategies across the jurisdictions.

An additional barrier to permanency is distrust of the system, which is common among many families, especially those more likely to become involved with the child welfare system. We must take strides to disconfirm the fears of the family by recognizing the importance of their involvement in the process. With a focus on engagement and increased recognition of the importance of family, we can break down the barrier of distrust and increase the opportunity to establish permanency. Engagement with the family is the true vehicle to establish permanency rather than placement.

The engagement process of family members and caring adults to create enduring connections and a cohesive team of support is a critical step to establishing permanence for children in foster care. Engagement enables family members to assist with the reunification process when it is a safe and viable option, while also participating in the development and delivery of a support plan and constructing and committing to back-up plans in the event a safe reunification cannot occur. This team of connected and caring adults can provide valuable oversight and resources prior to children's health and safety being jeopardized, thus averting a return to the child welfare system and helping to meet the requirements of concurrent planning. When families are viewed as assets capable of and responsible for the care of their kin rather than impediments or inconveniences to the system their full range of assets can more likely be accessed to support the needs of their kin.

Finally, the need for continued reform remains in the structures that allow children and youth to remain in and to languish long-term (sometimes their entire childhood) in a foster care system designed to be temporary. While the establishment of “Another Planned Permanent Living Arrangement” (APPLA) was intended to prevent children from remaining in long-term care and provide flexibility to support emotionally permanent relationships, the reality is that the term has essentially been substituted for its predecessor, “long-term foster care.”

Further instructions are needed to highlight the goal of this permanency finding, i.e. allowing youth to stay with a fit and willing relative or other important adult while at the same time seeking a more permanent goal of adoption or guardianship. Time is of the essence for youth in care and there must be greater oversight and attention provided for children who are not likely to return home. Their lives are fraught with multiple placement failures, reoccurring losses, unresolved trauma not only due to the initial removal, but resulting from the multiple losses they suffer by being disconnected from those who were most important to them in their younger years. Raising these children and youth in foster care is an expensive and unproductive solution. While there are instances of individual success stories of young people who have risen above these obstacles to succeed, we know fundamentally these are not the conditions that produce connected, healthy, strong, confident and skilled citizens into adult society. Allowing these conditions to continue circumvents the intent of the initial removal (safety concerns) and deleteriously impacts children and youth during their most vulnerable period.

Recommendations to more fully embrace the intent of the FCSA legislation and capitalize on our capacity to identify, locate and notify family members to the fullest extent:

- ❖ **Include “family finding and family engagement” in the definition of “reasonable efforts” to require the agency to initially and continuously identify, locate and engage relatives and important connections to prevent removal, and assist in reunification efforts and permanency planning.**
- ❖ **Promote more frequent judicial review (disallowing administrative reviews) for children who are in care more than one year, as the likelihood they will remain in care dramatically increases after parental reunification services cease.**
- ❖ **Further enforce the requirement that families and children or youth in care participate in the court process to promote their engagement, support and commitment.**
- ❖ **Revisit appropriateness and use of APPLA, as it has not made the desired impact to limit children entering and languishing in “long-term foster care.”**

Systemic Changes to Fully Implement Cutting-Edge Practices

Family Connections Grants and Presidential Innovations Initiatives are currently supporting the development of innovative practice models which incorporate Family Finding with trauma-informed practices, models that attend to grief and multiple losses that children experience by entering and remaining in care and other key family involvement strategies such as Family Group Decision Making and Safety Organized Practice to better serve children in foster care. These investments serve as incubators which promote innovation and are necessary to advance practice, as current funding does not allow for or support such experiments.

The Family Finding model seeks to maintain or rebuild the youth’s Lifetime Family Network for all youth who are at risk of disconnection or who are in fact disconnected through placement outside of their home and community. The process identifies relatives and other supportive adults who are currently

part of their support network as well as those estranged from or unknown to the child, especially those who are willing to become permanent connections for the child. Upon completion of the process, youth prosper from a range of commitments from adults who are able to provide permanency, sustainable relationships within a kinship system, and support during the transition to adulthood and beyond. Keeping safety at the forefront and using a family-driven process, families are empowered to formulate highly realistic and sustainable plans to meet the long-term needs of children and youth. Child outcomes may include a decrease in the number of children coming into care, including the re-entry rate due to disrupted or dissolved adoptions, increased sibling placements and connections, reunification rates, improved well-being, and placement stability, transition out of the child welfare system, decreased re-entry rates, and stronger sense of belonging for children.

The goals of the Family Finding model are to:

- Support foster youth in developing meaningful and enduring connections with adults who will support them across their lifespan.
- Ensure safe and stable family-based living arrangements for all youth with dependency needs. For youth in out-of-home care, ensure a timely and permanent exit from the formal service system through the development of a resilient and comprehensive network of supportive adults to increase their social capital, thus reducing the disproportionately high rate of homelessness and loneliness.
- Support youth in developing a healthy sense of identity and regain dignity as well as providing family members with the opportunity to meet the needs within their family system. Enable young adults emerging from care to live safely and productively within their communities.
- For individuals with lifetime care needs, increase connectedness, decrease dependence on the formal service system, and enhance family-driven decision-making.
- For all individuals, prevent recidivism within or between formal service systems, including prevention of youth “graduation” into the adult correctional system.

The essential elements of the Family Finding model include:

1. Urgency: Family Finding views meaningful, supportive, permanent relationships with loving adults to be an essential need that is closely tied to youth safety. Family Finding asks all practitioners to understand and value family involvement and to urgently pursue these relationships for lonely youth by assertively engaging family and strongly challenging the structural barriers to developing or strengthening these relationships.
2. Expanded definition of permanency: Although physical legal permanence is an explicit outcome for most cases, Family Finding defines permanency as a state of permanent belonging, including knowledge of personal history and identity, as well as a range of involved and supportive adults rather than just one legal resource.
3. Effective relative search: Family Finding employs a variety of effective and immediate techniques to first identify no fewer than 40 relatives or other meaningful connections for each youth. The number 40 serves to create a large group of people from which to form a smaller tight-knit, unconditionally committed permanency team.
4. Family-driven processes: Family Finding recognizes that families are disempowered by the placement of relative children outside of the family system, and it seeks to remediate that harm through identifying the strengths and assets of each family member and facilitating processes through which families are able to effectively support their relative children.
5. Development of multiple plans: The Family Finding process will result in not just one plan for legal permanency, but multiple plans that are each able to meet the needs of disconnected

youth. No fewer than three plans are developed and evaluated by family members to ensure that they are realistic, sustainable and safe.

6. Well-defined and tactical procedures: Family Finding begins first with careful preparation and alignment of current team members in order to pursue the six steps of the Family Finding model. While it is a strongly values-based model, it also has clear and definable goals and activities that are easily tracked with a fidelity tool. The six components include: discovery, engagement, planning, decision-making, evaluation, follow-up on supports.

Core beliefs inherent in this approach are:

- Every child has a family, and they can be found if we try.
- Loneliness can be devastating, even dangerous, and is experienced by most children in out of home care.
- A meaningful connection to family helps a child develop a sense of belonging.
- The single factor most closely associated with positive outcomes for children is meaningful, lifelong connections to family.

The California Permanency for Youth Project—a seven year project of the Public Health Institute and funded by generous grants from the Stuart Foundation, Zellerbach Foundation, and Casey Family Programs—defined permanency as both a process and a result that includes involvement of the youth as a participant or leader in finding a permanent connection with at least one committed adult who provides:

- A safe, stable and secure parenting relationship
- Love
- Unconditional commitment
- Lifelong support in the context of reunification, a legal adoption, or guardianship, where possible, offering the legal rights and social status of full family membership, in which the youth has the opportunity to maintain contacts with important persons including brothers and sisters

A broad array of individualized permanency options exist; reunification and adoption are an important two among many that may be appropriate.

Training and Implementation

Family Finding training that embraces the values and core beliefs noted above has been provided in over 200 agencies across over 40 states to provide both public and private agencies with the knowledge and skills necessary to conduct these practices. This training has been designed to create a focused environment where skills can be learned, practiced, shared and supported to build competence and confidence in the approach. Coaching and consultation is also built into the approach to support a more comprehensive intervention and systems change for organizations that have the resources to invest in a more comprehensive approach. While this training model is highly valued and rated, it is well recognized that training by itself is not as effective as training, coaching and consultation combined with an implementation plan attending to performance assessment and fidelity, worker selection, data systems that drive decisions, effective leadership and administration, and systems' interventions to promote collaboration among the court and other public, private and community partners to share the effort and responsibility for keeping their community safe.³

³ Deal L. Fixen et al., "Implementation Research: A Synthesis of the Literature." The National Implementation Research Network, Accessed May 3, 2013. <http://nirn.fpg.unc.edu/sites/nirn.fpg.unc.edu/files/resources/NIRN-MonographFull-01-2005.pdf>.

Recommendation:

- ❖ **Authorize national Family Finding/Permanency training centers to access and utilize federal Title IV-E funds to teach and instill best practices in public and private child welfare agencies concurrently with courts, which incorporate successful strategies such as coaching and support for implementation and data collection/research.**

Collaboration & Finance Reform

The court system is perhaps the most critical partner with the public child welfare agencies to establish shared goals and vision and align operations and training that ensure the most effective and efficient service to children and families. The courts are also the most effective convener of all other partners to establish a shared community vision to improve the safety, permanence and well-being of children with their families. As outlined in "Building a Better Collaboration" the National Council of Juvenile and Family Court Judges (NCJFCJ) emphasizes, "The courts' coercive power can change people's behavior." This publication further identifies that courts handling these types of cases now play a large role in achieving safety, permanency and well-being for abused and neglected children. The Adoption and Safe Family Act (ASFA) of 1997 additionally reinforces the critical need for court oversight over the child welfare agency through, among other things, the need to determine "reasonable efforts" on the part of the agency.

At the core of the NCJFCJ's philosophy is the following statement:

"Juvenile court judges, as the gatekeepers to the foster care system and guardians of the original problem solving court, must engage families, professionals, organizations and communities to effectively support child safety, permanency and well-being. Judges must encourage the court system to respond to children and their families with both a sense of urgency and dignity. These key principles provide a foundation for courts to exercise the critical duties entrusted to them by the people and the laws of the land."

Their key principles for judicial oversight include:

- **Keep Families Together**—Families are the cornerstone of our society, and children have a right to grow up with their families as long as they can be safe. Each child and family deserves to be treated fairly and holistically, regardless of how and why they enter the court system. Judges must ensure that all children and each parent are afforded their constitutional rights to due process. Judicial determinations to remove children from a parent should only be made based on legally sufficient evidence that a child cannot be safe at home. Children and families must be an integral part of the planning and problem solving process;
- **Ensure Child Safety, Permanency and Well-being**—Children should remain at home as long as they can be safe. Removal of a child from the home should occur only as a last resort. Judges are responsible for proactively monitoring the safety of children and ensuring services are provided to maintain their safety no matter where they are placed. Judges are responsible for ensuring the physical, mental, emotional, reproductive health, and educational success of all children under the supervision of the court. If a parent is a victim of violence from the other parent/spouse/friend, the Judge should sanction plans that keep the victim safe as the best way to keep a child safe. When return to a parent is inappropriate, placement with kin or a responsible person with a significant relationship with the child is the first priority. No child should exit foster care without a life-long connection to a caring and responsible adult.

- **Provide Judicial Oversight**—Judges must provide fair, equal, effective and timely justice for children and their families throughout the life of the case, continually measuring the progress toward permanency for children. The same judge should oversee all cases impacting the care, placement and custody of a child. Through frequent and thorough review, without needless delay, judges must regularly exercise their authority to set and monitor the timelines, quantity, quality, and cultural responsiveness of the services for children and families. Judges should ensure that there is communication, collaboration and cooperation among all courts handling cases involving any given family.⁴

The California Blue Ribbon Commission on Children in Foster Care articulated the following values and recommendations in 2008 to safely reduce the number of children in foster care in California. The commission's charge was to develop realistic and fiscally responsible recommendations focused on outcomes related to safety, permanency, well-being and fairness for children and their families. Within that framework, the proposals were guided by a set of values and beliefs that included:

- All children are equal and deserve safe and permanent homes.
- The need for timely court decisions to ensure quick reunification whenever possible and to deliver appropriate services to children and families.
- The importance of collaboration between the courts and the other agencies that serve vulnerable families and children in the child welfare system.
- Increased accountability on the part of the courts and partner agencies.
- The opportunity for parent, caretakers, and children to have a meaningful voice in court.
- The availability of adequate and flexible funding, even in the midst of tight fiscal times.

Recommendations and Action Plan Highlights

The commission's recommendations fall under four broad categories:

1. Reasonable Efforts to Prevent Removal and Achieve Permanency

- **Increasing the Number of Placements with Relatives (Kinship)**—that child welfare agencies engage family members as early as possible in each case and that the Judicial Council work with state and federal leaders to develop greater flexibility in approving placements with relatives when removal from the home is necessary.
- **Reducing the Disproportionate Representation of African Americans and American Indians in the Child Welfare System**—that courts and child welfare agencies reduce the disproportionate number of African-American and American Indian children who are in the child welfare system.
- **Providing Extended Support for Transitioning Youth**—that the age for children to receive foster-care assistance be extended from 18 to 21.

⁴ National Council of Juvenile and Family Court Judges. "Building a Better Collaboration: Facilitating Change in the Court and Child Welfare System." Accessed May 3, 2013. <http://www.ncjfcj.org/sites/default/files/Building%20a%20Better%20Collaboration.pdf>.

2. Court Reform

- **Reducing the Caseloads of Judicial Officers, Attorneys and Social Workers**—that the Judicial Council reduce the high caseloads of judicial officers and attorneys and work with state and county child welfare agencies to reduce the caseloads of social workers.
- **Ensuring a Voice in Court and Meaningful Hearing**—that the courts ensure that all participants in dependency proceedings, including children and parents, have an opportunity to be present and heard in court. Court-Appointed Special Advocates (CASA) programs should be expanded to make CASA volunteers available in every case.
- **Ensuring that All Attorneys, Social Workers and Court-Appointed Special Advocates (CASA) Are Adequately Trained and Resourced**—that the Judicial Council advocate for sufficient resources to implement caseload standards and that the Administrative Office of the Courts expand multidisciplinary training and opportunities.

3. Collaboration Among Courts and Child Welfare Partners

- **Facilitating Data and Information Exchange**—that the Judicial Council support the courts and all partners in the child welfare system in eliminating barriers to the exchange of essential information and data about the children and families they serve. The Judicial Council will implement court-performance measures to improve foster-care outcomes as mandated by state law.
- **Establishing Local Foster Care Commissions**—that the courts and child welfare agencies jointly convene multidisciplinary commissions at the county level to identify and resolve local child-welfare concerns and to help implement the Blue Ribbon Commission’s recommendations and related reforms.
- **Improving Indian Child Welfare**—that the courts, child welfare agencies and other partner agencies collaborate with Indian tribes and tribal courts to ensure that Indian children and families get the services for which they are eligible.

4. Resources and Funding

- **Prioritizing Foster Care**—that all agencies and the courts make children in foster care and their families a top priority when providing services and when allocating and administering public and private resources.
- **Advocating for Flexible Funding for Child-Abuse Prevention and Services**—that the Judicial Council work with state and federal leaders to allow greater flexibility in the use of funds for child-abuse prevention and to eliminate barriers to coordinating funds for child-abuse prevention and services.
- **Expanding Educational Services**—that all agencies and the courts make access to education and all of its related services a top priority when working with foster children and youth.⁵

Finance Reform

It is imperative that restrictions and siloed funding continue to be addressed to promote communities and their partners to contribute to the design and execution of strategies that will support the safety, permanence and well-being of their children and families, while maintaining the responsibility for those same outcomes. Current funding streams prohibit or limit the collaboration and partnership between

⁵ California Blue Ribbon Commission on Children in Foster Care. “Fostering a New Future for California’s Children Final Report Executive Summary.” Accessed May 3, 2013. <http://www.courts.ca.gov/documents/brc-execsummary.pdf>.

public and private entities needed to attend to the multiple challenges faced by families in distress. Increasing the ability to braid and blend funding that promotes such collaboration, along with providing incentives to encourage reinvestment of savings resulting from cutting edge practices that promote safe reunification and stable permanency are key investments that pay off five- or ten-fold when taken into the consideration of how costly and traumatic multiple placements and long-term separation and disconnection can be on children in care.

Key Recommendations:

- ❖ **Provide a thorough review of Medicaid regulations to determine which ones hinder mental health providers from addressing the mental health implications resulting from the lack of Permanency and participating as members of the family finding and engagement team. Without the mental health provider being actively involved, the mental health portions of this process from both the child's or youth's perspective as well as that of the Permanency connections that are found are not sufficiently addressed.**
- ❖ **Provide incentives for states to re-invest savings garnered through effective front-end strategies that keep families safely together without entering care, as well as for savings created by moving youth from expensive long-term care options who will likely age out of the system to permanent families via reunification, adoption and guardianship.**
- ❖ **Reauthorize full funding of Family Connection grants to continue the incubation process for innovative practice development.**
- ❖ **Continue and expand the use of Title IV-E waivers that support flexible funding to allow more multidisciplinary training and allocation of funds to both support families post-permanency as well as to provide families the needed support and services when they are in distress to avert entry into foster care.**
- ❖ **Encourage states to utilize the enhanced Title IV-E training dollars toward the use of effective models that move older children out of foster care and into a permanent family setting.**
- ❖ **Adopt permanency recommendations developed by California Permanency for Youth Project. Provide incentives to states for the reduction of youth who exit without permanent connections.**

Conclusion

The preceding recommendations are developed in the spirit of leveraging and advancing the powerful impact the Fostering Connections to Success and Increasing Adoptions Act has made on the child welfare system. Collectively, we cannot allow our children and youth to be separated unnecessarily from those who have been and can continue to be essential to their human development. Seneca Family of Agencies believes the safety, well-being and permanency of children and families can be enhanced via the adoption of these recommendations.

