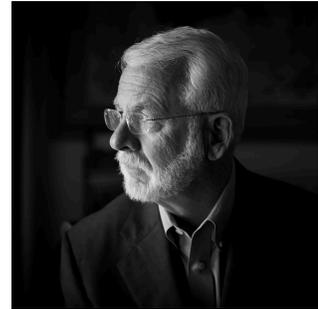


Report and Reflections from the Executive Director

I am choosing to combine the November 2022 and December 2022 Executive Director's Report. Much of the legislative activity in November centered directly or indirectly around the mid-term elections. In addition, the 117th Legislative session ends on at the beginning of the new calendar year. Nothing is being filed in December that would impact our work. There is not time for it to make its way through the legislative process.



Legislative Update:

The four bills that CORE has been tracking for over a year, all expire at the end of this session. None of the four bills and pending bill would have provided the kind of legislative changes needed to place children's homes back into the continuum of care for children from hard places. However, the absence of advancing these pieces of legislation is reflective of their being a low priority on the part of the 117th Legislative Congress. They include:

- **Medicaid Continuity for Children in Foster Care Act** (S. 2689) was filed by Sen. Richard Burr (North Carolina) on August 10, 2021.
- **Protecting Siblings Relationships In Foster Care Act** (H.R. 4378) was filed by Rep. Don Bacon on July 9, 2021.
- **Foster Care Stabilization Act** (H.R. 4299) was filed by Rep. Don Bacon on July 1, 2021.
- **Tribal Family Fairness Act** (H.R. 4348) was filed by Rep. Karen Bass on July 2, 2021.
- **Accountability for Congregate Care Act** was not filed as promised.

We live in an age where expressing one's opinion can result in negative consequences. When I was a kid growing up, my mother often told me and my two brothers: "If you can't say something nice, say nothing at all".

Recently, according to a December 14, 2022 article in The Imprint, a college dean was removed from his position at a Texas school of social work. He arguably is a proponent for eliminating the child protective service system entirely and has openly communicated his disdain for the agency.

[Reference: <https://imprintnews.org/child-welfare-2/social-work-college-dean-a-foster-care-critic-removed-from-his-post-in-texas/236734>]

The issue I want to address differs from the one sanctioned by the former college dean. My recommendation may not be favorably received either, and what I have to share is critical of the current child welfare environment.

As the 117th Legislative session comes to a close on January 2, 2023, it is on the heels of repeated shortages of placement resources for children in harm's way if left in their own homes.

Consequently, children are left to sleep in child welfare offices or hotel rooms. Children's homes continue to be considered by the Federal government as unacceptable resources and are prohibited from receiving IV-E funding for placements.

Most of the agencies in the Coalition of Residential Excellence are not interested in receiving State or Federal dollars. They use donor contributions to cover the costs for the provision of services, but the children in harm's way who could benefit from the services they provide are not a consideration for their placement. Instead, they often find themselves sleeping in a CPS worker's office or a hotel room because of the anti-congregate care bias.

Of course, it might be said that those children are the lucky ones. Sadly, in some cases, children for whom CPS has received a report of abuse/neglect are left in the same environment and subsequently don't survive the experience. It is tragic. It is criminal. It is our current sad reality.

Homeless In Foster Care

I recently came across an article on the website of the Children's Bureau entitled: "Homeless in Foster Care: What Would Really Keep Foster Youth From Sleeping In Offices." The topic was of interest and I eagerly read the article.

Inside the article was a link to a webinar provided by Fostering Media Connections hosted by John Kelly. The three people contributing to the panel discussion included Molly Tierney, Child Welfare Industry Lead - Accenture, B.J. Walker, President in the Public Way, and Gary Ivory, President, Youth Advocate Programs.

Let me add that the webinar was well done. That is not to say that I was in full agreement with some of the content, but it was thoughtfully presented. Suggestions for consideration included:

- *“Reforming mandated reporting*
- *Viewing parents as partners who want to do the work*
- *Examining the intersection between child welfare and juvenile justice*
- *Creating a flexible system that provides holistic support to families”*

According to an August 8, 2022 publication by “TexProtects - Champions for Safe Children”, during the past year, the number of children without placement in Texas [aka -CWOP], escalated 378% for children sleeping in CPS offices or other unregulated settings.

Coincidentally, Texas's waiver from the requirements of FFPSA expired on September 30, 2021. Prior to that time, there was no prohibition for IV-E funds to be used to procure placement in children's homes. Even though many agencies are providing pro-bono services, those settings are not being utilized. Since October 1, 2021 when the waiver expired, placement of children not needing treatment services is limited to foster care under provisions of FFPSA.

Following passage of FFPSA, the majority of states were granted waivers from FFPSA for a three-year period at their requests. The three-year-waivers all expired on September 30, 2021.

Historically, there have been numerous news articles across the country related to the shortages of residential resources for children resulting in children being cared for in CPS offices or hotels. Consequently, I’m making the assumption that the Texas experience is being duplicated again and again elsewhere in the country.

Children Without Placement Are Uniquely At Risk of Harm

No doubt, the absence of a licensed foster family home was a contributing factor for a 13-year-old and a 16-year-old girls in cps conservatorship in Burnet County, Texas. Instead of placing the girls in a licensed setting, a placement decision was made for two children to stay in an unlicensed home. Subsequently, the two girls placed in that home were sexually assaulted away from the home. The foster family was not the perpetrators of the abuse. Two men reportedly continue to be incarcerated over the sexual assault.

In a December 1, 2022 article entitled: “Foster Care Failed to Protect Two Texas Teens from Sexual Assault” written by Annie Sciacca with The Imprint, Brandon Logan is quoted as saying: “ As we have repeatedly seen, children without placement are uniquely at risk of harm, including assault, rape, and

death.” Brandon Logan is the executive director of One Accord for Kids, a West Texas nonprofit serving foster youth.

Referencing the assaults in October, he added: “We should be horrified but not surprised. The ill-fated plan to park children in motel rooms and offices with inadequate and untrained staff was destined to fail them.” Logan called the recent crimes “just the latest evidence that the department has been rudderless and headed over a cliff, with Texas foster children in tow.”

According to the aforementioned article, the following reference was also made: “Many of the state’s own workers have been unwilling to participate in these unlicensed housing arrangements: Approximately 2,300 Texas DFPS employees left their jobs this year, an increase of 43% since fiscal year 2021. Former staffers, social worker association heads and union officials say caring for children in improper settings is contributing to the caseworker flight.

[Reference: <https://imprintnews.org/top-stories/foster-care-failed-to-protect-two-texas-teens-from-sexual-assault/236451>]

It is my belief that when employees don’t have the tools and resources that they need to effectively conduct their work, they choose not to stay. I surmise that the Texas experience is being mirrored elsewhere across the nation. The elimination of children’s homes providing quality care and supervision for children from hard places has left a huge gap in the available resources for children.

The panel I mentioned earlier discussing the topic: “Homeless In Foster Care: What Would Really Keep Foster Youth From Sleeping In Offices”, referenced solutions that are not foolproof. One panelist suggested that the current statutes requiring reporting of suspected child abuse/neglect are too stringent. It was suggested that some level of flexibility needed to be exercised in that regard.

A panel member also suggested that parents need to be viewed as equal partners in sorting out the needed solutions. It was inferred that parents want to be good parents. From my own experience as a child protective services worker in the 1970s, I don’t disagree with that. Sometimes that is the case.

At the same time, issues like drug and alcohol addiction can override anything other than the imminent need of the moment for a quick fix leaving a parent in something other than a cognitive state where the child’s best interest is even a consideration.

According to a study by Harvard University, Psychology Today reports that 1-in-5 Children live in homes with parental substance abuse. The study reports that children whose parents use drugs and misuse alcohol are three times more likely to be physically, sexually, or emotionally abused and four times more likely to be neglected than their peers.

[Christopher Bergland - July 18, 2016 - <https://www.psychologytoday.com/us/blog/the-athletes-way/201607/harvard-study-pegs-how-parental-substance-abuse-impacts-kids>]

While I recognized that the issue related to abuse/neglect of children is a complex issue, I believe it is imperative to keep in mind that when child welfare works – Children don't die following reports and investigations concerning abuse.

A Call To Action

Despite efforts on the part of the Coalition of Residential Excellence to garner support for legislation that would place children's homes back in the continuum of care, no legislation has been filed during the 117th Legislative Congress.

It is incumbent on those serving children and families from hard places to do what we can to ensure the same is not said of the 118th Legislative Congress.

I continue to believe that two or better than one; they have a good return for their labor. Having been involved in this work for over five decades, I can truthfully say that I have not been associated with any organization of member agencies that demonstrate the level of professionalism, commitment and expertise that is true of the Coalition of Residential Excellence.

DRAFT of Legislation that could make a meaningful difference [Create Accountable Respectful Environments (CARE) for Children Act]

[Note: The Coalition of Residential Excellence needs Legislative sponsors for filing this or similar legislation in the 118th Legislative Congress – Member agencies having legislative contacts and relationships that could assist in soliciting legislator sponsorship for the legislation are needed. Please coordinate with the executive director of CORE]

A BILL

To amend part E of title IV of the Social Security Act to require States to Create Accountable Respectful Environments (CARE) for Children Act. The Act will address or assist in resolving the shortage of appropriate foster homes for children, develop resources to keep sibling groups together, include a system of check and balances to ensure a child's on-going safety and well-being, by providing for the placement of a foster child in enriched foster care, and to make such a child's placement eligible for foster care maintenance payments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the CARE for Children Act

SEC. 2. PLACEMENT OF FOSTER CHILDREN IN ENRICHED FOSTER CARE HOMES.

(a) State Plan Requirement.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)(37)) is amended by striking the phrase “is not a foster family home,” and inserting “is not a foster family home or an enriched foster care home,”;

(b) Inclusion of Enriched Foster Care Agencies as Eligible for Foster Care Maintenance Payments.—Section 472(a) of such Act (42 U.S.C. 672(a)(2)(C)), is amended by striking the phrase “in a foster family home,” and inserting “in a foster family home, an enriched foster care home,”.

(c) Definition Of Enriched Foster Care Home.—Section 472(c) of such Act (42 U.S.C. 672(c)), is amended by adding at the end the following:

“(3) Enriched Foster Care Home

A. In general

The term “enriched foster care home” means a family-like home--

(i) that is operated by a public or private child care agency that is licensed or approved by the State in which it is situated as an agency that meets the standards established for the licensing or approval--

(i) encourages and supports the child and the child’s family in maintaining a strong connection through regular contact and involvement in a plan of care (unless restricted by a court); and

(ii) is able to serve as a resource to facilitate sibling groups being placed together where daily contact and interaction strengthens family ties;

(iii) provides children a normalized home and community environment with opportunities for age-appropriate normalized extracurricular, enrichment, cultural and social activities and freedoms afforded peers living with their families;

- (IV) that has and implements a trauma-informed approach in the care of children; and
- (V) Prohibits the use of seclusion, mechanical or chemical restraints and permits only short-term physical restraint if approved in the agency's policies to prevent injury to self or others. At no time is a prone physical restraint permitted; and
- (VI) Provides a system for children to alert a staff person(s) if they have concerns or feel they have been unfairly denied their rights or are subject to the threat of mistreatment; and
- (VII) Have a continuous quality improvement methodology that regularly solicits information from children concerning their perceptions of the quality of care and identification of strengths and weakness of the program;

(ii) that is a family-like living arrangement--

- (I) that is a single-family style residence with no more than two children per bedroom unless it is in the best interest of the children; and
- (II) wherein the children are under the care of live-in home parents that use the reasonable and prudent parent standard and provide 24-hour substitute care for children placed away from their parents or other caretakers.

B.State flexibility

The State may consider and accept placement of children in an enriched foster care home in the same way and at the same level as it considers a foster family home as defined in subparagraph (1) herein. The State may engage an enriched foster care home for all the same purposes that it engages and depends on a foster family home.

C.Rule of construction

The State may construe the definition of an enriched foster care home as inclusive as it deems necessary to serve the best interest of the children and/or families in its care. The State may not implement a

construction that restricts or limits the definition and thereby exclude enriched foster care homes that meet the definition provided herein.”

(d) Exclusion of Enriched Foster Care Home from the Definition of Child-Care Institution.—Section 472(c)(2)(C) of such Act (42 U.S.C. 672(c)(2)(C)), is amended by deleting the phrase “include detention facilities,” and inserting “include an enriched foster care home as defined in 42 U.S.C. 672(c)(3), detention facilities.”.

(e) Effective Date-

1. In general. The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply to payments under part E of title IV of the Social Security Act for calendar quarters beginning on or after such date.
2. Delay permitted if state legislation required. If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under part E of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by this section, the plan shall not be regarded as failing to meet any of the additional requirements before the first day of the first calendar quarter beginning after the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the preceding sentence, if the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

One Page Summary to Share With Legislative Staff

Purpose of the Act: Creating Accountable Respectful Environments for Children

The proposed draft: “Create Accountable Respectful Environments (CARE) for Children Act is aimed at increasing capacity, keeping sibling groups together, and providing children a normalized home and community environment with opportunities for age-appropriate normalized extracurricular, enrichment, cultural and social activities and the same freedoms afforded peers living with families.

The legislation requires implementation of a trauma-informed approach in care, prohibits the use of seclusion, mechanical or chemical restraints and permits only short-term physical restraint if approved in the agency’s policies to prevent injury to self or others. At no time is a prone physical restraint permitted.

The legislation requires providers to have a system for children to alert a staff person(s) if they have concerns or feel they have been unfairly denied their rights or are subject to the threat of mistreatment.

In addition, the legislation requires a continuous quality improvement methodology that regularly solicits information from children concerning their perceptions of the quality of care and identification of strengths and weakness of the program.

Children are afforded a family-like living environment in a single-family style residence with no more than two children per bedroom unless it is in the best interest of children; and one in which children are under the care of live-in home parents (aka/ enriched foster care) that use the implement the reasonable and prudent parent standard and provide 24 hour substitute care for children placed away from their parents or caretakers.

The term “enriched foster care home” means a family-like home that is operated by a public or private child care agency that is licensed or approved by the State in which it is situated. An enriched foster home encourages and supports the child and the child’s family in maintaining a strong connection through regular contact and involvement in a plan of care (unless restricted by a court).

The Act is intend to address or assist in resolving the shortage of appropriate foster homes for children and provide an system of check and balances to ensure a child’s on-going safety and well-being, by providing for the placement of a foster child in enriched foster care, and to make such a child’s placement eligible for foster care maintenance payments.

CORE Membership Dues for 2023

Note: Invoices for Core Membership Dues will be emailed. Payment is due on or before January 31, 2023

