

SECTION 11 – CHILD WELFARE

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INTRODUCTION

Children depend on adults, usually their parents, to protect, support, and nurture them in their homes. The broadest mission of child welfare agencies is to strengthen all families in ways that ensure children can depend on their parents to protect their safety, ensure they have a stable and permanent home, and enhance their well-being. More specifically, child welfare agencies are expected to intervene and provide necessary services and support to families where children might otherwise be abused or neglected. Or, when abuse or neglect has already occurred, child welfare agencies are expected to provide whatever services are necessary – including foster care – to ensure that children do not experience further maltreatment. For children who are removed from their home, foster care is understood as a *temporary* living situation and child welfare agencies must work to establish permanent and stable living arrangements for children brought into care. Whenever it is safe, children are expected to be reunited with their parents. However, if returning home is not possible or appropriate, the child welfare agency is charged with both quickly and competently identifying another permanent home for these children – preferably via adoption, guardianship, or through a less formal kind of placement with another relative. Re-establishing or achieving safety and permanence is a critical and immediate need of children who enter foster care. Child welfare agencies act as de facto parents for these children and must also ensure their well-being, including by facilitating their access to health and education resources.

States bear the primary responsibility for ensuring the welfare of children and each State has its own legal and administrative structures. Public child welfare agencies at the State and local level work with an array of private and public entities, including social service, health, education, mental health, and law enforcement agencies, as well as courts, to serve children and their families. Although program administration is done at the State and local level, at least since enactment of legislation to create the Federal Children's Bureau in 1912, the Congress has actively sought to improve child welfare services. The Federal Government currently exercises considerable influence over State and local child welfare policy through the provision of Federal support for child welfare activities. As a condition of receiving these Federal funds dedicated to child welfare purposes, States must meet Federal requirements related to planning for and administering services to children and families and they must provide certain protections for children who are in foster care. State compliance with these requirements is subject to various Federal audits and conformity reviews, of which the most comprehensive is the Child and Family Services Review (CFSR).

Federal child welfare programs authorized under title IV-B and IV-E of the Social Security Act are administered by the Administration for Children and Families (ACF), within the U.S. Department of Health and Human Services (HHS), and are under the jurisdiction of the House Committee on Ways and Means and the Senate Finance Committee. A relatively small amount of additional dedicated child welfare funding is provided under the Child Abuse Prevention and Treatment Act (CAPTA). CAPTA is also administered by ACF but is under the jurisdiction of the

House Education and Labor Committee and the Senate Health, Education, Labor and Pensions (HELP) Committee. Other Federal child welfare programs authorized outside of the Social Security Act include primarily competitive grants to States, local governments and nongovernmental agencies for children's advocacy centers and other support for multidisciplinary responses to child abuse and neglect; services for abandoned infants and children with AIDS or other serious health issues; adoption awareness and efforts to reduce barriers to adoption of children with special needs; training to improve the practice of judicial personnel in child abuse and neglect proceedings; support for court-appointed advocates of children in abuse and neglect proceedings; and a range of federally administered research and demonstration projects related to preventing abuse and neglect and improving services to children and their families. Most of the programs authorized outside the Social Security Act, have annual funding of less than \$30 million each and are administered by ACF; a few (mostly court-related) are administered by the Office of Justice Programs within the Department of Justice. In the House, Congressional jurisdiction of these programs is spread over the Education and Labor, Judiciary, and Energy and Commerce Committees and, in the Senate, over the HELP, Judiciary, and Finance Committees.

This section will focus on programs that authorize Federal child welfare funding to all States that must be used for child welfare purposes – primarily those programs authorized under title IV-B and IV-E of the Social Security Act. These funds are provided via discretionary authorizations (for which the amount of funding available is determined through the annual appropriations process) and entitlements (under which the Federal Government has a binding obligation to make payments to any person or unit of government that meets the eligibility criteria established by law). Apart from these funds, a survey of State child welfare spending in State fiscal year 2006 found that as much as 47 percent of Federal funds expended by States for child welfare purposes were from funding streams not wholly dedicated to child welfare (DeVooght, 2008). Nearly all of this “non-dedicated” Federal funding was derived from the Social Services Block Grant (SSBG, title XX of the Social Security Act, see Section 10), the Temporary Assistance for Needy Families (TANF) block grant (title IV-A of the Social Security Act, see Section 7) and Medicaid (title XIX of the Social Security Act, see Section 15). Both SSBG and TANF are administered by ACF and are under the jurisdiction of the House Ways and Means Committee and the Senate Finance Committee. Medicaid is administered by the Centers for Medicare and Medicaid Services (CMS) within HHS and is under the jurisdiction of the House Energy and Commerce Committee and the Senate Finance Committee.

Table 11-1 lists major programs, or program components that provide dedicated child welfare funds to all States, along with their general purpose, budgetary classification and recent funding. Table 11-2 shows historical funding for major child welfare programs authorized under the Social Security Act.

TABLE 11-1 --MAJOR FEDERAL CHILD WELFARE PROGRAMS

Program (Federal funding) ¹	Major Activities Supported	Federal match (budgetary classification)
<i>Child Abuse Prevention and Treatment Act</i>		
Basic State Grants (\$27 million)	System and procedures to receive and respond to reports of child abuse and neglect.	} 100 percent Federal, total capped at State allotment (discretionary)
Community-Based Grants (\$42 million)	Continuum of community-based child abuse and neglect prevention services.	
<i>Title IV-B of the Social Security Act - Child and Family Services</i>		
Stephanie Tubbs Jones Child Welfare Services (\$282 million)	Services to ensure the safety and well-being of all children, preserve at-risk families as appropriate, and promote permanence.	} 75 percent Federal, total capped at State allotment (discretionary)
Promoting Safe and Stable Families (\$408 million)	Services for family support, family preservation, time-limited reunification, and adoption promotion and support.	
<i>Title IV-E of the Social Security Act - Foster Care, Kinship Guardianship, and Adoption Assistance</i>		
Foster care maintenance payments (\$1.573 billion)	Payment for room, board, and other defined costs on behalf of eligible children in foster care.	} Open-ended Federal match ranging from 50 percent-83 percent; equals State's Federal Medicaid match (mandatory)
Kinship guardianship assistance (available in FY2009)	Monthly subsidy on behalf of eligible children, formerly in foster care, who enter into the legal guardianship with a relative.	
Adoption assistance payments (\$1.542 billion)	Monthly subsidy on behalf of eligible children, with special needs, who are adopted.	
Child placement and administration (\$2.494 billion)	Case planning for eligible children; payment of non-recurring adoption expenses (up to \$2,000); other costs related to "proper and efficient administration" of the State foster care and adoption assistance plan.	} Open-ended Federal match of 50 percent (mandatory)
Data collection (\$151 million)	Development and operation of Statewide Automated Child Welfare Information System (SACWIS).	
Training (\$251 million)	Short and long-term training for eligible individuals carrying out the Title IV-E program.	} Open-ended Federal match of 75 percent (mandatory)
<i>Title IV-E of the Social Security Act Chafee Foster Care Independence Program</i>		
Basic Program (\$140 million)	Services to help youth in (or formerly in) foster care to transition to independent adulthood.	} 80 percent Federal, total capped at State allotment (mandatory)
Education and Training Vouchers (\$45 million)	Vouchers (worth up to \$5,000 annually) to former foster youth for the cost of attendance at college or post-secondary training.	

¹ Funding amount is based on fiscal year 2008 appropriation level, except that title IV-E foster care and adoption assistance amounts, including child placement and administration, data collection and training, are based on the Federal share of State expenditure claims for fiscal year 2007.

Source: Table prepared by the Congressional Research Service

TABLE 11-2 -- FEDERAL FUNDING FOR CHILD WELFARE ACTIVITIES UNDER TITLE IV-B AND IV-E OF THE SOCIAL SECURITY ACT, FISCAL YEARS 1995-2008

(nominal dollars in millions)

FISCAL YEAR	TITLE IV-B		TITLE IV-E										TOTAL
	Child Welfare Services (Subpart 1)	Promoting Safe and Stable Families (Subpart 2)	Federal share of State foster care claims ¹					Chafee Foster Care Independence Program ⁴	Federal share of State adoption assist. claims ¹				
			Foster Care Subtotal ²	Payments	Admin.	Training	SACWIS ³		Adoption Assistance Subtotal ²	Payments	Admin.	Training	
1995	292	150	3,067	1,600	1,213	142	113	70	411	306	91	14	3,991
1996	277	225	3,086	1,503	1,184	138	262	70	483	361	108	14	4,152
1997	292	240	3,692	1,725	1,443	177	347	70	590	429	142	19	4,884
1998	291	255	3,711	1,922	1,485	192	113	70	695	512	154	28	5,023
1999	292	275	4,012	1,946	1,752	200	97	70	842	620	188	34	5,489
2000	292	295	4,255	1,879	1,894	231	116	140	1,012	726	239	47	5,994
2001	292	305	4,395	1,922	1,970	234	122	140	1,201	902	256	43	6,333
2002	292	375	4,523	1,882	2,035	243	172	140	1,342	1,036	262	43	6,672
2003	290	404	4,485	1,690	2,248	214	125	182	1,463	1,163	264	36	6,825
2004	289	404	4,524	1,798	2,209	243	133	185	1,561	1,262	270	28	6,964
2005	290	404	4,541	1,753	2,225	236	186	187	1,703	1,388	282	32	7,123
2006	287	454 ⁵	4,439	1,608	2,323	237	151	186	1,823	1,480	315	27	7,188
2007	287	454 ⁵	4,422	1,573	2,141	226	151	186	1,920	1,542	352	25	7,269
2008	282	428 ⁵	4,451	1,510	1,961	215	124	185	2,039	1,657	357	22	7,198

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¹ Claim amounts are as submitted by States and may not reflect deferrals or disallowances taken. Beginning in fiscal year 1999, claims data include Puerto Rico.

² Beginning with fiscal year 1999 the Foster Care subtotal includes claims related to Title IV-E child welfare demonstration projects that are not shown in any of the individual categories. The Adoption Assistance subtotal also includes such claims, although generally in much smaller amounts, beginning with fiscal year 2000.

³ SACWIS stands for Statewide Automated Child Welfare Information System. Claims for both operation and development costs are shown in this column.

⁴ Beginning in fiscal year 2003, this includes funding appropriated for Education and Training Vouchers.

⁵ Includes \$20 million in mandatory funds appropriately separately for the Court Improvement Program.

Source: Table prepared by the Congressional Research Service based on data provided by the U.S. Department of Health and Human Services (HHS).

SCOPE OF CHILD WELFARE AGENCY ACTIVITIES

State child welfare agencies engage in a broad range of services and activities aimed at assuring safety and permanence for children, and the well-being of children and their families. These include efforts to educate the public on the prevention of child maltreatment and on how to report suspected maltreatment; methods to receive such reports (for example, operation of a hotline) and to screen and respond to them; provision of, or referral to, parenting education classes, counseling, material supports, respite care, mental health or substance abuse treatment, or any other activity designed to strengthen families in the community, preserve families where children might otherwise need to be removed to foster care, or permit children temporarily removed to foster care to be safely reunited with their parents. For all children who have been temporarily removed to foster care, child welfare agencies provide assessment, case planning, and review to determine what services may be provided to enable those children to be safely returned home, or, when this is not possible, to identify a new permanent family or other living arrangement for the child. Finally, for those youth in foster care who are likely to leave foster care without a permanent family (and for certain youth who were formerly in foster care), child welfare agencies offer or otherwise provide access to services and supports to help the youth transition to adulthood outside foster care custody. This subsection discusses the scope of child welfare agency activities authorized and/or required by Federal child welfare policy.

Child Abuse and Neglect: Prevention and Family Support

The Community-Based Grants to Prevent Child Abuse and Neglect (title II of CAPTA) provides funds, distributed in all States, that must be sub-granted to community-based organizations to support prevention of child abuse and neglect activities. Under title IV-B (subparts 1 and 2) States receive funds that can be used to support prevention of child abuse and neglect activities and they are expected to engage community-based agencies in the provision of these activities. The broadest Federal statutory mission for State child welfare agencies is described in the Stephanie Tubbs Jones Child Welfare Services program (title IV-B, subpart 1) as “protecting and promoting the welfare of all children” and “preventing the neglect, abuse, or exploitation of children.” While this purpose extends to *all* children, the Federal funding available for this and other programs designed to strengthen families and prevent child maltreatment is limited. Typically, States direct most of their child welfare efforts at families where the risk of maltreatment is considered elevated. The Promoting Safe and Stable Families program (title IV-B, subpart 2) provides funds to States for, among other things, the provision of community-based services “to prevent child maltreatment among families at risk through the provisions of supportive family services.” Families considered “at-risk” may be defined by income status, age of parents, or other factors. In practice, State child welfare agencies appear most likely to interact with families who have come to their attention via an allegation of abuse or neglect.

Child Abuse and Neglect: Screening, Investigation/Assessment and Findings

For purposes of receiving basic grant funding under the Child Abuse Prevention and Treatment Act (CAPTA), States must define child abuse and neglect, at a minimum, to include any “recent act, or failure to act, on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm.” States are further required under CAPTA to have a statewide law or program in effect that includes procedures for receiving and screening referrals of known or suspected child abuse and neglect, and procedures for investigating them as appropriate. In fiscal year 2006, child protective services (CPS) agencies received 3.3 million allegations of abuse concerning some 6.0 million children, as illustrated in table 11-3. More than one-third of the allegations (38 percent) were “screened out” and no investigation followed. However, investigations or assessments were conducted with regard to the majority of allegations (62 percent) received, which involved 3.6 million children. Of these children an estimated 905,000 were determined to be victims of child abuse or neglect – or roughly 12 children per 1,000 in the population. (HHS, April 2008). This rate of child abuse and neglect victims reported to CPS has remained relatively constant since the year 2000.

Any person can make a child abuse and neglect allegation to CPS and most States require certain individuals to report any instance of known or suspected child abuse or neglect. States typically operate a hotline to receive these allegations and they may have additional procedures to receive allegations of child abuse or neglect from professionals (e.g., health personnel, teachers, police officers, lawyers, and workers at social service agencies). States or localities develop their own rules for when an allegation will be “screened out,” such as when the allegation received does not meet the State’s definition of child abuse or neglect or did not include enough information to permit an investigation or assessment to occur; when the

TABLE 11-3 -- NATIONAL ESTIMATES OF CHILD POPULATION, CHILDREN SUBJECT TO INVESTIGATIONS FOR ABUSE AND NEGLECT, AND VICTIMS, 1990-2006

Year	Child Population	Children Who Were Subject of an Investigation	Number of Children Subject to Investigation (per 1,000 children in the population)	Children Found to be Victims	Number of Child Maltreatment Victims (per 1,000 children in the population)
1990	64,163,000	2,316,000	36.1	860,000	13.4
1991	65,070,000	2,486,000	38.2	911,000	14.0
1992	66,074,000	2,722,000	41.2	998,000	15.1
1993	66,962,000	2,819,000	42.1	1,025,000	15.3
1994	67,803,000	2,855,000	42.1	1,031,000	15.2
1995	68,437,000	2,888,000	42.2	1,006,000	14.7
1996	69,022,000	2,899,000	42.0	1,015,000	14.7
1997	69,528,000	2,913,000	41.9	953,000	13.7
1998	69,872,000	2,939,000	42.1	904,000	12.9

TABLE 11-3 -- NATIONAL ESTIMATES OF CHILD POPULATION,
CHILDREN SUBJECT TO INVESTIGATIONS FOR ABUSE AND
NEGLECT, AND VICTIMS, 1990-2006

Year	Child Population	Children Who Were Subject of an Investigation	Number of Children Subject to Investigation (per 1,000 children in the population)	Children Found to be Victims	Number of Child Maltreatment Victims (per 1,000 children in the population)
1999	70,199,000	2,878,000	41.0	828,000	11.8
2000	72,343,000	3,038,000	43.2	883,000	12.2
2001	72,604,000	3,136,000	43.9	905,000	12.5
2002	73,979,000	3,240,000	43.8	910,000	12.3
2003	74,144,000	3,425,000	46.2	905,000	12.2
2004	74,340,000	3,576,000	48.1	892,000	12.0
2005	74,566,000	3,594,000	48.2	900,000	12.1
2006	74,754,000	3,573,000	47.8	905,000	12.1

Notes: Estimates are for the 50 States and the District of Columbia through 2001; beginning with 2002 they also include Puerto Rico. Data were reported for the calendar year through 2002 and for the fiscal year thereafter. All estimates are shown rounded to the nearest 1,000.

Source: Table prepared by Congressional Research Service based on data from National Child Abuse and Neglect Data System (NCANDS) as shown in Table 3-3 of HHS, *Child Maltreatment 2004* (1990-2001) and Table 3-2 of HHS, *Child Maltreatment 2006* (2002-2006).

children in the referral were determined to be the responsibility of another agency or jurisdiction, (e.g., a military installation or a tribal government); or when the alleged victim was older than 18 years. There is no additional CPS action when an allegation is “screened out” although in a limited number of States information on screened-out allegations may be referred to community-based groups for possible follow-up (HHS, April 2003).

When an allegation is “screened-in” it is called a “report” and a CPS investigation or assessment follows. The primary focus of an investigation is a determination concerning the safety of a child. The CPS investigator must assess risk to the child in the home – both whether abuse or neglect has already happened and whether it *might* occur. In making these determinations, the investigator must consider how child abuse and neglect is defined in the State (many States have much more detailed definitions than the minimum definition required under CAPTA) as well as the level of evidence required by the State (NSCAW, Research Brief No. 6). In fiscal year 2006, a slim majority of States required investigators to find a “preponderance” of evidence when determining that a child had been abused or neglected, slightly fewer required simply “reasonable” or “credible evidence” that abuse or neglect occurred, while two required the most rigorous standard of “clear or convincing evidence” (HHS, April 2008).

Most children who are counted as victims of child abuse or neglect (close to 99 percent in fiscal year 2006) had an investigation finding of “substantiated.” In a few States (five in fiscal year 2006), CPS investigators also have the option of finding that abuse or neglect is “indicated.” In these situations, the investigator

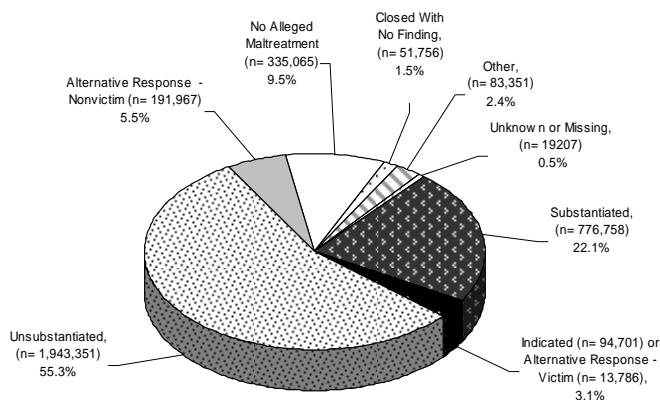
finds reason to suspect that the child may have been maltreated, or is at risk of maltreatment, but such a finding could not be “substantiated” under the rules of evidence or definition in the State. These children (nearly 95,000 in fiscal year 2006) are also counted as victims for Federal reporting purposes. Separately, some States or localities have implemented a system of “alternative” or “differential” response for reports where children are deemed to be at “lower risk.” In contrast to an investigation, an alternative response focuses on assessing family strengths and needs and on finding ways to prevent future maltreatment. While a majority of local CPS agencies have implemented some form of “alternative” or “differential” response, only about one-quarter of all States are believed to do so on a statewide basis. Further, referral to an alternative response precludes a formal determination that abuse or neglect occurred or didn’t occur in most localities. However, two States reported close to 14,000 “alternative response – victims” in fiscal year 2006 (HHS, April 2008; HHS, April 2003, HHS, July 2005).

Children who are the subject of a CPS investigation who are not determined to be a victim of abuse or neglect are counted as “non-victims.” For most “non-victims” (about 3 out of 4 in fiscal year 2006), however, the investigation concludes with a determination that abuse or neglect was *unsubstantiated*. This finding category is used by all States but is often not defined. It is commonly understood to mean that there was not sufficient evidence under State law to conclude, or suspect, that the child was maltreated or at risk of maltreatment. Several large research efforts have shown, however, that children for whom prior allegations of child abuse or neglect were investigated and determined as “unsubstantiated” are roughly as likely to be re-reported to the agency for investigation as families where an allegation was “substantiated.” This suggests the differences are more a matter of degree than of absolutes (Fluke, 2001; Drake, 2001).

More than 1 in 10 “non-victims” have a finding of “no alleged maltreatment.” This may be the result of an increasing number of States in which all children living in the home of a child for whom an abuse or neglect case is reported are viewed as subjects of the investigation. Thus, this group of non-victims are presumed to be siblings of children for whom a report of abuse or neglect was conducted and for whom a victim determination was not made. Smaller numbers of “non-victims” are in States (12 in fiscal year 2006) that report the number of children served via an alternative response who were not found to be “victims” and some have a case determination of “closed with no finding.” In fiscal year 2006, 24 States reported “non-victims” in the “closed with no finding” category. This means that for some reason, the agency could not complete the investigation, for example the family cannot be located. Finally, in a very small number of instances (less than one-half of one percent of children subject to an investigation), the allegations of abuse or neglect are found to be “intentionally false.” Chart 11-1 shows the number and share of all children who were subject of a child maltreatment investigation, by major (victim and non-victim) findings category for fiscal year 2006.

INVESTIGATION FINDINGS BY CHILD, FISCAL YEAR 2006

(Total children subject to investigation, as reported by 49 States¹, D.C. and P.R. (n=3,511,590)²)



¹ Maryland did not report these data for fiscal year 2006.

² Not shown are children for whom the investigation found the report of abuse or neglect to be "intentionally false" (n= 1,648 or 0.0 percent).

Source: Chart prepared by Congressional Research Service based on NCANDS data reported by States and provided by HHS.

Services to Children and Families

States must have a pre-placement preventive services program designed to help children at risk of foster care placement remain safely in their homes and a service program to return children, where safe and appropriate, to the families from which they have been removed. Further, States are required to make "reasonable efforts" to prevent the removal of children from their homes and, if removal does occur, to make "reasonable efforts" to reunite children with their parents. The Adoption and Safe Families Act (ASFA, P.L.105-89) clarified that these efforts to preserve or reunite a family are not necessary if the parent has acted egregiously toward the child (e.g., inflicted or conspired to inflict serious bodily injury) or toward a sibling of the child (e.g., murdered or conspired to murder a sibling); if the parent has submitted the child to aggravated circumstances (as defined by the State, and which may include abandonment, torture, chronic abuse, and sexual abuse); or if the parental rights of a child's parent have been involuntarily terminated for a sibling of the child.

States may use Federal child welfare funding to provide a wide range of services to prevent or remedy abuse, neglect, or exploitation of children, including investigation, emergency shelter or medical services, family assessment or evaluation, counseling, case planning, management and referrals to service

providers or other services designed to strengthen, preserve, or reunite families. They are required to use a part of the Federal funding to plan for and provide services to children and families, including family preservation services. Apart from services to reunite families after children have been removed to foster care, family preservation services are provided to prevent family disruption and unnecessary removal of children from their homes and may include provision of respite care and services to improve parenting skills and knowledge related to child development, family budgeting, coping with stress, health, and nutrition. In providing these services, States must assure that “the safety of children to be served shall be of paramount concern.”

Nearly all States require short-term services to be offered to a family *during* an investigation of abuse or neglect if needs are identified. Many also require workers to assist with planning of ongoing services. States may also offer post-investigation services, including foster care placement or in-home services. In recent years roughly 1 in 5 of all children found to be victims of child abuse or neglect were removed from their homes within 90 days of the investigation, about 2 in 5 received some services in their homes during that same time period and the remaining 2 (out of 5, or 40 percent) did not receive post-investigation services. A child maltreatment victim may not receive post-investigation services if the child and family’s needs were met during the investigation. Others may not be served because services are not available or the waiting list for them is very long (HHS, April 2003; HHS, April 2008).

Children who are not found to be victims of abuse or neglect may nonetheless be determined in need of post-investigation services. In recent years roughly 1 out of 4 of these “non-victims” received services in their home following an investigation and a small percentage of “non-victims” were removed from their home. Table 11-4 estimates the number of children who received post-investigation services either in or out of the home, by their status as “victim” or “non-victim.”

**TABLE 11-4 -- NATIONAL ESTIMATES OF CHILDREN SERVED
FOLLOWING AN ABUSE OR NEGLECT INVESTIGATION**
(*To be counted, the removal or in-home service must have occurred within 90 days of the investigation.*)

CHILDREN FOUND TO BE VICTIMS										
Year	All Child Victims	Removed to Foster Care			Served in Home		All Child Victims			
							<i>Served</i>		<i>Not served</i>	
2002	910,000	172,000	18.9%	363,000	39.9%	535,000	58.8%	375,000	41.2%	
2003	905,000	167,000	18.5%	358,000	39.6%	525,000	58.0%	380,000	42.0%	
2004	892,000	170,000	19.0%	359,000	40.2%	528,000	59.2%	364,000	40.8%	
2005	900,000	196,000	21.8%	346,000	38.4%	542,000	60.2%	358,000	39.8%	
2006	905,000	195,000	21.5%	338,000	37.4%	533,000	58.9%	372,000	41.1%	
CHILDREN NOT FOUND TO BE VICTIMS										

TABLE 11-4 -- NATIONAL ESTIMATES OF CHILDREN SERVED
FOLLOWING AN ABUSE OR NEGLECT INVESTIGATION

(To be counted, the removal or in-home service must have occurred within 90 days of the investigation.)

Year	All "Non-Victims"	Removed to Foster Care		Served in Home		All "Non-Victims"			
		Served	Not Served	Served	Not Served	Served	Not Served	Served	Not Served
2002	2,330,000	96,000	4.1%	620,000	26.6%	716,000	30.7%	1,614,651	69.3%
2003	2,521,000	104,000	4.1%	644,000	25.6%	748,000	29.7%	1,773,000	70.3%
2004	2,684,000	104,000	3.9%	739,000	27.5%	843,000	31.4%	1,840,801	68.6%
2005	2,694,000	121,000	4.5%	749,000	27.8%	816,000	32.3%	1,824,189	67.7%
2006	2,669,000	119,000	4.4%	690,000	25.9%	809,000	30.3%	1,860,075	69.7%

Note: Data were reported by States for the calendar year in 2002 but for the fiscal year thereafter. Not all States (defined to include the District of Columbia and Puerto Rico) reported these data. Therefore the numbers shown represent national estimates, made by CRS, which are based on the share of children receiving post-investigation follow-up services in those States (ranging from 46 to 44) that did report.

Source: Table prepared by Congressional Research Service based on NCANDS data reported by States and provided by HHS.

Placement in foster care

Federal child welfare policy is most specific with regard to procedures provided, and protections that must be offered, to children placed in foster care. The number of children served by a child welfare agency in their homes is far greater than the number who are removed from their homes (see Table 11-4). However, the child welfare agency bears a greater responsibility for children in foster care than it does for those receiving services in their own homes. For each child whose own safety or other needs (e.g., behavioral or mental health) requires his or her removal to foster care a court must grant care and placement responsibility to the State. In essence then the child welfare agency (acting in the State's behalf) must assume certain parental responsibilities for the children.

As a condition of receiving funding under the Child Welfare Services program (title IV-B, subpart 1) and the Federal foster care, kinship guardianship and adoption assistance program (title IV-E), States are required to meet a number of requirements designed to ensure the safety of children placed in foster care and to maintain, as appropriate, family and school connections for them. Many, but not all of these requirements are included in the definitions of "case plan" and "case review system." These definitions are included in title IV-E, but are made applicable in both title IV-E and IV-B. With some exceptions (as noted below), these requirements and other child protections apply to any child in foster care without regard to whether or not that child meets the requirements for Federal assistance under title IV-E. Those Federal title IV-E eligibility requirements are related to both the manner in which a child enters foster care and the income, resources and other characteristics of the family from which the child was removed. The Federal eligibility requirements and the share of eligible versus non-eligible children are discussed in greater detail later in this section.

The size of the foster care caseload is determined primarily by the number of

children entering foster care and by the number who exit foster care custody. The number of children entering foster care annually has been just above or below 300,000 for roughly a decade and these children join the roughly half million children already in care on the first day of each fiscal year. Together this means that across an entire fiscal year approximately 800,000 children spend at least 24 hours in foster care. At the same time, both the number and rate of children in care on the last day of a fiscal year, and the total number of children served during the year, have declined over much of the past decade. Preliminary data for the last day of fiscal year 2007 show the number of children in care dipping below half a million for the first time since the middle 1990s.

Table 11-5 shows the national trend in children entering, served, exiting or remaining in foster care. Readers should be aware that different reporting systems were used by HHS to generate the national estimates included in this table. Fiscal year 2001 was the first year for which all 50 States, the District of Columbia and Puerto Rico reported data for each of the given estimates. Before that year estimates were based on data reported from some States (with nearly all reporting information as of fiscal year 1998). Consequently estimates for more recent years are believed to be more reliable than estimates for the earlier years shown in the table.

TABLE 11-5 -- CHILDREN ENTERING, SERVED, EXITING OR IN FOSTER CARE, NATIONAL ESTIMATES, FISCAL YEARS 1982-2007
(Rate equals the number of children in a given category per 1,000 children in the population)

Fiscal Year	Entered Care During the Fiscal Year		Total Served During the Fiscal Year		Left Care During the Fiscal Year ¹	In Care on the Last Day of the Fiscal Year	
	Number	Rate	Number	Rate	Number	Number	Rate
1982	161,000	2.6	434,000	6.9	172,000	262,000	4.2
1983	184,000	2.9	447,000	7.1	178,000	269,000	4.3
1984	184,000	2.9	456,000	7.3	180,000	276,000	4.4
1985	190,000	3.0	460,000	7.3	184,000	276,000	4.4
1986	183,000	2.9	456,000	7.3	176,000	280,000	4.5
1987	222,000	3.5	502,000	8.0	202,000	300,000	4.8
1988	199,000	3.1	511,000	8.1	171,000	340,000	5.4
1989	222,000	3.5	569,000	9.0	182,000	387,000	6.1
1990	238,000	3.7	617,000	9.6	217,000	400,000	6.2
1991	224,000	3.4	624,000	9.6	210,000	414,000	6.4
1992	238,000	3.6	652,000	9.9	225,000	427,000	6.5
1993	230,000	3.4	657,000	9.8	212,000	445,000	6.6
1994	254,000	3.7	698,000	10.3	230,000	468,000	6.9
1995	255,000	3.7	710,000	10.4	227,000	483,000	7.0
1996	237,000	3.4	725,000	10.5	218,000	507,000	7.3
1997	251,000	3.6	758,000	10.9	231,000	537,000	7.7
1998	299,000	4.3	817,000	11.7	257,000	559,000	8.0
1999	293,000	4.2	812,000	11.6	250,000	567,000	8.1
2000	293,000	4.0	811,000	11.0	272,000	552,000	7.5

TABLE 11-5 -- CHILDREN ENTERING, SERVED, EXITING OR IN
FOSTER CARE, NATIONAL ESTIMATES, FISCAL YEARS 1982-2007
(Rate equals the number of children in a given category per 1,000 children in the population)

Fiscal Year	Entered Care During the Fiscal Year		Total Served During the Fiscal Year		Left Care During the Fiscal Year ¹	In Care on the Last Day of the Fiscal Year	
	Number	Rate	Number	Rate	Number	Number	Rate
2001	296,000	4.0	813,000	11.0	269,000	545,000	7.4
2002	295,000	4.0	800,000	10.8	278,000	523,000	7.1
2003	289,000	3.9	787,000	10.6	278,000	510,000	6.9
2004	298,000	4.0	786,000	10.6	280,000	507,000	6.8
2005	308,000	4.1	798,000	10.7	287,000	511,000	6.9
2006	303,000	4.1	799,000	10.7	290,000	510,000	6.8
2007	293,000	3.9	783,000	10.5	287,000	494,000	6.6

¹ According to HHS the number of children leaving foster care, and as shown in this table, has been under-reported in recent years. See HHS, "Trends in Foster Care and Adoption, Fiscal Year 2002-2007, Technical Discussion, based on data submitted by States as of September 1, 2008."

Source: Table prepared by Congressional Research Service. U.S. Census Bureau annual estimates of population under age 18 used to calculate rates. Population estimates include 50 States and the District of Columbia through 1999 and in subsequent years also include Puerto Rico. Foster care data as provided by the American Public Human Services Association (fiscal years 1982-1996) and HHS (fiscal years 1997-2007). Foster care data from HHS are estimates for 50 States, District of Columbia, and Puerto Rico and for more recent years, may be revised if States submit corrected data. See recent years at [http://www.acf.hhs.gov/programs/cb/stats_research/afcars/trends.htm].

In general, for the foster care caseload to decline the number of children exiting foster care must exceed the number of children entering foster care. However, since fiscal year 2000 there has been a decline in the number of children in foster care even as, the number of children exiting foster care (as reported by States via the Adoption and Foster Care Analysis and Reporting System (AFCARS)) has not exceeded the number reported as entering care in a given year. Analysts at HHS believe that this is due to both technical issues and other data quality problems that have resulted in under-reporting of exits by roughly 18,000 to 20,000 children in recent years. For fiscal years 1997 through 2007, the numbers of exits from foster care that are shown in Table 11-5 reflect data reported via AFCARS and are expected to be undercounts.

A six-state study of caseload dynamics clearly shows exits driving a downward trend in the foster care caseload (Wulczyn, 2007). However, some of the steepest numerical caseload declines in recent years came in more populous States with traditionally large foster care caseloads. While this has helped drive the national decline in children in foster care on the last day of the fiscal year, the experience at the State level is varied. Even when controlling for changes in a state child population, as many as 20 States saw an increase in their foster care caseload – when comparing the number of children in care on the last day of fiscal year 2007 to those in care on the last day of fiscal year 2001. Nineteen States saw decreases of at least that size when comparing those two years and the remaining 13 States had relatively stable foster care caseloads when comparing those two years. (For the

number and rate of children entering, served, or in care, as well as the number of children exiting foster care, by State, see Table 11-62.)

Assistance for Children in Foster Care and Other Activities on Their Behalf

Under title IV-E States are required to provide foster care maintenance payments – payment for cost of providing “room and board” on behalf of each child placed in foster care who meets the Federal eligibility criteria. Children in foster care who do not meet those requirements, may receive a wholly State-funded foster care maintenance payment or, if they are placed with a relative, a cash aid payment under the Temporary Assistance for Needy Families (TANF) block grant. Some States may also use TANF “emergency assistance” dollars to provide foster care maintenance payments to other children, on a time-limited basis (provided that they used funds for this purpose before enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193). With limited exceptions States are not permitted to use Federal funds provided under title IV-B, subpart 1 (Child Welfare Services) or SSBG to provide foster care maintenance payments for children who are not eligible for title IV-E assistance.

States are further required to ensure that all children, whether title IV-E eligible or not, are placed in safe foster care settings. Under longstanding Federal policy, States must develop and maintain licensing standards that apply to foster family homes and institutions that provide foster care and that, at a minimum, address safety, sanitation, admission policies and protection of civil rights for children in foster care. Beginning in fiscal year 1998, States were required to establish criminal background check procedures for any prospective foster or adoptive parents and to follow certain Federal policies related to approving or disapproving placement in foster or adoptive homes, unless the State chose to “opt out” of this requirement. Beginning with fiscal year 2008, however, the opt out provision was repealed and all States must have criminal background check procedures for prospective foster or adoptive parents that include fingerprint-based checks of national crime databases. Further, if a State intends to claim Federal assistance for providing foster care maintenance payments to an otherwise federally eligible child in foster care, it must place the child in a licensed setting and the child’s foster parent (as determined by the criminal background check) may not have been convicted, ever, of felony child abuse or neglect, felony spousal abuse, a felony crime against children (including child pornography), or a felony crime involving violence, including rape, sexual assault or homicide, but not including other physical assault or battery. Neither may the criminal background check reveal that the prospective foster parent committed felony physical assault, battery, or a felony drug-related offense within the past five years. Beginning with fiscal year 2007, for all children placed in foster care without regard to Federal eligibility, each State must have procedures to check any child abuse and neglect registry they maintain for information on the prospective foster or adoptive parents, as well as for information on any other adult residing in the same household with those prospective parents, and they must request to check the child abuse and neglect registry of any State in which those same adults lived in the past five years.

Apart from these primarily safety-related requirements, under the case planning and case review requirements which apply to all children placed in foster care, the State must have procedures to ensure each child is placed in the “least-restrictive (most family like)” foster care setting available and “in close proximity to the [biological] parents’ home, consistent with the best interest and special needs of the child.” The State must also document that the proximity of the school in which the child was enrolled at the time of foster care placement is taken into account and must assure that it works with local educational agencies to enable children to remain enrolled in the same school or, when this is not possible or appropriate, to be immediately enrolled in a new school. More generally, under title IV-E, it must certify that prospective foster parents will be adequately prepared with appropriate skills to provide for the needs of children placed with them.

A number of additional placement requirements are designed to ensure children placed in foster care maintain connection with immediate and extended family members whenever possible. As of October 7, 2008, States must make “reasonable efforts” to place siblings in the same home, unless they can document that this joint placement would be contrary to the safety or well-being of any of the siblings. If the siblings are not jointly placed, States must provide for frequent visits or other ongoing interactions between the siblings, unless they can document that this is contrary to the safety or well-being of any of the siblings. Since 1996, States have been required to “consider giving preference to an adult relative over a non-related caregiver when determining placement for a child, provided that the relative caregiver meets all relevant State child protection standards.” As of October 7, 2008, States are further required to “exercise due diligence” to identify all grandparents and other adult relatives of the child, subject to exceptions due to family or domestic violence, within 30 days of removing a child from the custody of his or her parents. They must provide those relatives with a notice of the recent, or pending, removal and explain the options under Federal, State or local law for the relative to participate in the child’s care and placement, including any options that may be lost by not responding to the notice. This notice must also provide information about foster family home licensing and, where appropriate, the availability of kinship guardianship assistance payments.

Additional placement requirements are designed to expand placement options and to prohibit discrimination in placements. Since 1994, States have been required to ensure that they conduct “diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of children in the State for whom foster or adoptive homes are needed.” Further, since 1996, under title IV-E, they must provide that neither they nor any other entity in the State that makes foster or adoptive placements and that receives Federal funds denies to any person the *opportunity* to become an adoptive or foster parent on the basis of race, color or national origin of that person or the child to be placed and, in addition, that no placement of a child in foster care or for adoption is delayed or denied on the basis of race, color, or national origin of the adoptive or foster parent or the child involved. In addition, since 1997, States must provide assurance that they will make “effective use of cross-jurisdictional resources” and they are not permitted to “deny

or delay the placement of a child for adoption when an approved family is available outside of the jurisdiction with responsibility” for the child. Finally, as of fiscal year 2007, States must have procedures for orderly and timely interstate foster or adoptive placements, and they must consider interstate options when developing a child’s case plan and when determining his or her permanency plan.

Case Planning and Review Requirements for Children in Foster Care

Once a child is placed in foster care, States are further required to meet a number of requirements that are designed to secure the child a permanent and safe home and to ensure the child’s well-being. For each child placed in foster care – whether the child is eligible for Federal foster care assistance or not – the State must develop a written case plan. In addition to discussing the appropriateness of the child’s foster care placement setting, the written document must include a plan that assures safe and proper care is provided to the child, addresses the needs of the child while in foster care, including the appropriateness of services provided under the plan, and assures that services are provided to the parents, child, and foster parents to improve the condition in the parents’ home and facilitate the return of the child to that home or another permanent placement.

For most children who enter foster care, the immediate plan is to reunite the child with his or her parents. Among children leaving foster care in a given fiscal year, most (between 50 and 60 percent) are reunited with their parents. States are required to use a portion of their Promoting Safe and Stable Families (title IV-B, subpart 2) funds to provide time-limited family reunification services – that is, services to reunite any child who has entered foster care in the most recent 15-month period with his or her parents – and are also required to spend a portion of funds from the same program for “family preservation services.” These services may support efforts to reunite children in foster care with their parents (but may also be used for other purposes). States may also use Child Welfare Services (title IV-B, subpart 1) funds to facilitate family reunification but they are not required to do this.

If reuniting a child with his or her parents is not appropriate, the written case plan must discuss the services that are needed to move the child out of foster care and into a permanent home, including documenting the specific efforts made to find an adoptive home for the child, to place the child with a legal guardian, a fit and willing relative, or in another planned permanent living arrangement. As of October 7, 2008, States are further required to discuss in the written case plan of any child for whom the permanent placement goal is Federal kinship guardianship assistance payments, the reasons why this is the best permanent placement setting for the child (among other items). States are required to use a portion of their Promoting Safe and Stable Families funds to provide “adoption promotion and support services.” They may also use Child Welfare Services funds to facilitate adoption or other permanent placements for a child but they are not required to do this. Children who exit foster care for adoption or to live with a relative or a legal guardian comprise roughly one-third of all children who leave foster care, for any reason, in a given year. A little more than half of these children (roughly 17 to 18 percent of all

children leaving foster care in a given year) are adopted, while some 11 to 12 percent are placed with a relative. In recent years, and before the authorization of kinship guardianship assistance payments under title IV-E (available as of October 7, 2008), as many as 4 to 5 percent of all the children who left foster care in a given year were placed with a guardian.

Regardless of its content and aim, each child's case plan must be regularly reviewed. States must have procedures to conduct a periodic administrative review of a child's status in foster care no less often than once every 6 months and a court review, or "permanency hearing," no less often than every 12 months. The 6-month periodic review, which may also be conducted by a court, must determine the safety of the child; the continuing necessity for, and appropriateness of, the child's foster care placement; the extent to which the child's case plan is being complied with, and the extent of progress made toward alleviating or mitigating the factors that necessitated the child's placement in foster care. Finally, the periodic review must project a likely date by which the child will be returned to his or her own safe home or be placed for adoption or legal guardianship.

The "permanency hearing," which must be conducted by a court of competent jurisdiction or an administrative body appointed by that court must occur within 12 months of the date a child enters foster care and no less often than every 12 months thereafter for as long as the child remains in foster care. At the permanency hearing, the court must determine the child's permanency plan, including, as applicable, when the child will be returned to his or her parents, placed for adoption (with the State filing to terminate the rights of the child's parents), or referred for legal guardianship. If the State agency can document to the court a "compelling reason" why reunification, adoption, legal guardianship, or placement with a fit and willing relative is not in the child's best interest, then the permanency plan must be "another planned permanent living arrangement."

Further, under its required case review system, and with limited and specified exceptions (described below), a State must initiate proceedings to terminate the parental rights of the parents of any child who: 1) is an abandoned infant as defined under State law and determined by a court of competent jurisdiction; 2) has been in foster care for the last 15 of 22 months; or 3) is the child of a parent for whom a court of competent jurisdiction has determined that the parent committed murder or voluntary manslaughter of another sibling of the child, aided or abetted, attempted, conspired, or solicited to commit such a murder or voluntary manslaughter, or has committed a felony assault that resulted in seriously bodily injury to the child or to another sibling of the child. Within 30 days of a court determination that reasonable efforts to reunite a child with his or her parents are not necessary, the State must hold a permanency hearing to determine the child's permanency plan and to complete whatever steps are necessary to finalize a permanent placement for that child. Concurrent with the filing for termination of parental rights, the State must also identify, recruit, process, and approve a qualified family to adopt this child.

There are three exceptions to the requirement that a State file for termination of parental rights and begin the adoption process for such a child. The State is not *required* to take these steps if: 1) a child is being cared for by a relative; 2) it can

document a compelling reason, available for court review, why filing for termination of parental rights is not in the best interest of the child; or 3) it has not provided the family of the child the services deemed necessary for the child's safe return to that family, consistent with the time frame spelled out in the plan.

Certain requirements are intended to ensure that children and other interested parties are represented and or have an opportunity to be heard in the variety of child welfare proceedings that occur. Under the State Grant program authorized by the Child Abuse Prevention and Treatment Act, States are required to appoint an appropriately trained guardian ad litem (either an attorney, or a court-appointed advocate) on behalf of any abused or neglected child whose case involves judicial proceedings. The guardian ad litem is to "obtain, first-hand a clear understanding of the situation and needs of the child" and to "make recommendations to the court concerning the best interest of the child." As part of its case review system, the State must also have procedural safeguards to assure that in any permanency hearing concerning a child in foster care the court consults with the child, in an age-appropriate manner, regarding the child's permanency plan. More generally, it must have procedures to provide notice of *any* proceeding (e.g., periodic review or permanency hearing) concerning a child in foster care to the child's foster parents, pre-adoptive parents, or relatives providing care for the child, if any. Those same individuals must also be granted a right to be heard at the foster child's proceedings, although this does not mean that those individuals must be made a formal party to the proceedings.

As of fiscal year 2008, States are also required to have standards for the frequency and content of caseworker visits to all children in foster care. At a minimum those standards must ensure monthly visits that are "well-planned" and focused on determining and/or delivering services needed to ensure the safety, permanency, and well-being, of the children.

Well-being Issues in Case Planning and Review

Under title IV-B, subpart 1, and title IV-E, States are also required to address the child's health and education needs. The written case plan of each child in foster care must include the child's medical and school records, including the most recent information available regarding the names and addresses of the child's health and education providers; the child's grade level performance; the child's school record; a record of the child's immunizations; the child's known medical problems; the child's medications; and any other relevant health and education information concerning the child that is determined appropriate by the State agency. Further, the State's required case review system must include procedures to assure that this health and education record is supplied to the foster parent, or other foster care provider, at the time of each placement of a child in foster care.

As noted earlier, at the time of a child's placement in foster care the State must document in the written case plan that the proximity of the school in which the child was enrolled at the time of foster care placement is taken into account when determining the child's placement. As of October 7, 2008, the State must assure that it works with local educational agencies to enable children to remain enrolled in this

same school, or when this is not possible or appropriate, to be immediately enrolled in a new school. Also as of that date, States are required to provide an assurance that each child receiving Federal assistance under title IV-E – whether for foster care, kinship guardianship, or adoption – is enrolled in school full-time or has completed high school.

Finally, and also as October 7, 2008, States are required to develop a coordinated strategy and oversight plan to ensure access to health care, including mental health services and dental care, for all children in foster care. This coordinated strategy and oversight plan must be a collaborative effort between the State child welfare agency and the State agency that administers Medicaid, in consultation with pediatric and other health care experts, as well as experts in, or recipients of, child welfare services. Among other things, the strategy and plan must outline: a schedule for initial and follow-up health screens; how the health needs identified by those screens will be monitored and treated; how medical information for children in care will be updated and appropriately shared; steps to ensure continuity of health care services; and oversight of prescription medicines.

Planning and services to aid transition to independent living

A primary goal of the child welfare agency is to re-establish a permanent home for children who enter foster care. Federal policy points to family reunification, adoption, legal guardianship, or placement with a fit and willing relative as permanent placement goals. However, for some children none of those permanent placements are achieved and they are released from State custody (or emancipated) upon reaching the State's legal age of majority, typically at age 18.

State child welfare agencies are required to meet certain case plan and case review requirements that are intended to help these youth transition to young adulthood outside of child welfare custody. Specifically, for any youth in foster care age 16 or older the State must, as part of the youth's written case plan, describe the programs and services that will help the youth prepare for the transition from foster care to independent living. Further, any permanency hearing held on behalf of a child age 16 or older must determine the services needed to assist the youth in making that transition. As of October 7, 2008, States are also required to ensure that every child leaving foster care due to age rather than placement with a permanent family has a transition plan created on his or her behalf. This plan must be created no earlier than 90 days before the youth's 18th birthday or whatever later age – up to age 21 – that the State chooses to end foster care assistance. The transition plan, to be created by the youth's caseworker along with the youth and any other appropriate representatives of the youth, must address specific options for the youth with regard to housing, health insurance, education, local opportunities for mentors and continuing support services, as well as workforce supports and employment.

Under the Chafee Foster Care Independence Program (section 477 of the Social Security Act) States receive funds to design and implement independent living services for youth who are expected to remain in foster care until 18 years of age, youth ages 18 through 20 who have left foster care because they reached 18 years of age, and, as of October 7, 2008, for youth who leave foster care to either

kinship guardianship or adoption after reaching their 16th birthday. States may also receive Education and Training Voucher (section 477(i) of the Social Security Act) funds to support post-secondary education for any of those youth. Beginning with fiscal year 2011, the Fostering Connections to Success and Increasing Adoptions Act (Public Law 110-351) permits States to seek additional Federal support to help older youth transition from foster care to independent living by allowing them to claim reimbursement for foster care maintenance payments made on behalf of eligible children who remain in care until their 19th, 20th or 21st (at State option) birthdays. (For more information on this option, see discussion under title IV-E foster care program.)

PRIMARY FEDERAL CHILD WELFARE PROGRAMS

Title IV-B and IV-E of the Social Security Act authorize child welfare programs across a range of services and activities. While these programs are unique, they are intended to work together and taken as a whole they create the bulk of Federal child welfare policy. The following subsection describes each of the child welfare programs that are part of the Social Security Act and under which funds are distributed to all States by formula or as reimbursement for eligible expenditures. Each program discussion includes a brief legislative history of the program, its major purposes and funding requirements, how Federal funds are distributed and selected other program issues.

STEPHANIE TUBBS JONES CHILD WELFARE SERVICES (TITLE IV-B, SUBPART 1)

The Child Welfare Services program was initially authorized in the Social Security Act of 1935 (Public Law 271) and was seen as one part of a range of “security” measures provided in that Act for children (Lenroot, 1960). The program has been amended numerous times, most notably in several laws enacted from 1957 through 1968 – when the current formula factors for distribution were established, and States were first required to provide matching funds as well as to meet certain State plan requirements. In 1980, the Adoption Assistance and Child Welfare Act of 1980 (Public Law 96-272) established a strong statutory link between the Child Welfare Services program and the newly created title IV-E foster care program by tying a State’s ability to receive certain increased Child Welfare Services funds to a State’s provision of specific protections for children in foster care, and those at risk of entering foster care. The Social Security Act Amendments of 1994 (Public Law 103-432) made provision of those protections mandatory (no later than April 1996) for receipt of any Child Welfare Services funding. The Child and Family Services Improvement Act of 2006 (Public Law 109-288) made a number of changes to the program, including restating its purposes and setting a five-year limit on the program’s funding authorization (previously funding was authorized on a permanent basis). Finally, in 2008, Public Law 110-351 made additional changes,

including renaming the program the Stephanie Tubbs Jones Child Welfare Services program.

Program purposes, funding, and allotment

The purpose of the Stephanie Tubbs Jones Child Welfare Services program is to “promote State flexibility in the development and expansion of a coordinated child and family services program” that uses community-based agencies and “ensures all children are raised in safe, loving families, by: (1) protecting and promoting the welfare of all children; (2) preventing the neglect, abuse, or exploitation of children; (3) supporting at-risk families through services which allow children, where appropriate, to remain safely with their families or return to their families in a timely manner; (4) promoting the safety, permanence, and well-being of children in foster care and adoptive families; and (5) providing training, professional development and support to ensure a well-qualified child welfare workforce.

The annual funding authorization for Child Welfare Services was set at \$325 million beginning with fiscal year 1990, and the Child and Family Services Improvement Act (Public Law 109-288) establishes that same annual funding authorization level through fiscal year 2011. Actual appropriations – the amount of money provided by the Congress – have never reached that full authorization level. The program funding level crested in fiscal year 1994 at \$295 million, declined to \$277 million for fiscal year 1996, and settled at just above or below \$290 million for most of the following decade, including \$282 million in fiscal year 2008. (See Table 11-2 for annual funding levels.) Out of the program funds appropriated, each State, including the territories, receives an allotment of \$70,000 with the remainder distributed based on a State’s under-age-21 population and its average per capita income. Indian tribes may receive an allotment amount out of the State (or States’) allotment(s) in which they are located. See Table 11-6 for allotments by State.

To receive its full allotment under the Child Welfare Services program, a State must provide no less than 25 percent in non-Federal matching funds and it must give assurance that it has met the program’s State plan requirements, several of which were recently added. In 2006 (under Public Law 109-288), Congress required each State, no later than the end of September 2007, to have procedures in place to ensure the continued availability of child and family services in the wake of a disaster, including support and services for children in care as well as others who may need child welfare assistance. Other recently added State plan requirements focus solely on children in foster care, consistent with the majority of the prior law requirements. Public Law 109-288 also required States to describe how they consult with and involve physicians in assessing the health and well-being of children in foster care and in determining appropriate medical treatment for them. In 2008, the Fostering Connections to Success and Improving Adoptions Act (Public Law 110-351) amended and broadened this provision to require States to create a coordinated strategy between the State child welfare and Medicaid agencies to ensure access to health care for all children in foster care.

TABLE 11-6 -- STEPHANIE TUBBS JONES CHILD WELFARE SERVICES
PROGRAM, FUNDING BY STATE,¹
SELECTED FISCAL YEARS 2002-2008
(nominal dollars in thousands)

STATE	2002	2006	2007	2008
Alabama	\$5,298	\$4,945	\$4,915	\$4,862
Alaska	396	288	310	270
Arizona	5,237	5,661	5,802	5,722
Arkansas	3,313	3,243	3,229	3,133
California	34,280	33,336	33,566	32,837
Colorado	3,939	4,048	4,049	3,966
Connecticut	2,078	2,032	2,024	2,079
Delaware	778	777	784	799
District of Columbia	367	314	319	325
Florida	14,402	15,704	15,931	15,259
Georgia	8,892	9,372	9,486	9,666
Hawaii	1,231	1,254	1,253	1,204
Idaho	1,778	1,721	1,723	1,711
Illinois	11,455	11,374	11,344	11,146
Indiana	6,750	6,628	6,618	6,338
Iowa	3,244	2,928	2,882	2,967
Kansas	3,030	2,842	2,800	2,765
Kentucky	4,685	4,434	4,419	4,327
Louisiana	5,748	5,325	5,231	4,788
Maine	1,361	1,245	1,227	1,184
Maryland	4,567	4,412	4,429	4,309
Massachusetts	4,592	4,114	4,094	4,222
Michigan	10,179	9,809	9,747	9,222
Minnesota	4,631	4,343	4,298	4,295
Mississippi	3,912	3,625	3,602	3,509
Missouri	6,024	5,762	5,725	5,662
Montana	851	724	707	727
Nebraska	1,910	1,777	1,763	1,749
Nevada	1,846	2,322	2,384	2,329
New Hampshire	1,169	1,111	1,106	1,077
New Jersey	5,997	5,863	5,869	5,815
New Mexico	1,935	1,708	1,690	1,718
New York	14,941	14,525	14,424	14,565
North Carolina	8,313	8,748	8,836	8,668
North Dakota	721	558	546	572
Ohio	11,768	11,187	11,085	10,799
Oklahoma	2,671	1,928	1,891	1,926
Oregon	3,452	3,438	3,420	3,334
Pennsylvania	11,450	10,801	10,721	10,544
Rhode Island	1,028	987	990	974
South Carolina	4,744	4,618	4,621	4,543
South Dakota	772	601	600	591
Tennessee	6,080	5,898	5,888	5,886

TABLE 11-6 -- STEPHANIE TUBBS JONES CHILD WELFARE SERVICES PROGRAM, FUNDING BY STATE,¹ SELECTED FISCAL YEARS 2002-2008
(nominal dollars in thousands)

STATE	2002	2006	2007	2008
Texas	24,240	24,960	25,115	25,023
Utah	3,376	3,362	3,369	3,394
Vermont	708	611	605	610
Virginia	6,583	6,487	6,541	6,395
Washington	5,563	5,307	5,314	5,319
West Virginia	2,083	1,883	1,867	1,823
Wisconsin	5,614	5,126	5,010	4,917
Wyoming	619	465	454	462
State subtotal	\$280,601	\$274,528	\$274,622	\$270,325
Indian Tribes ¹	4,444	5,675	5,669	5,521
American Samoa	182	198	198	187
Guam	326	350	349	325
Northern Mariana Islands	135	164	163	155
Puerto Rico	6,042	5,596	5,510	5,004
Virgin Islands	261	243	243	228
Tribes and Territories subtotal	\$11,390	\$12,226	\$12,132	\$11,419
TOTAL	\$291,986	\$286,754	\$286,754	\$281,744

¹ The State allotments shown in this table are actual grants to the State, and *exclude* any funds initially allotted to a state (based on its child population) subsequently allotted to a tribe within the State.

² As authorized by section 428 of the Social Security Act, HHS allocates program funds to any tribe with an approved Child Welfare Services plan. The amount of funding provided is determined in large part by number of children in the State that will be served by the tribe and it is taken out of the initial allotment provided to the State. For fiscal year 2008, approximately 146 tribal groups located in 25 states were allocated program funds.

Source: Table prepared by Congressional Research Service based on data from HHS.

Use of funds

There are no Federal income or other eligibility requirements tied to an individual's receipt of services under the Stephanie Tubbs Jones Child Welfare Services program and, with some specific exceptions (discussed below), a State may use these funds to support any child welfare activity broadly defined in the program purposes. For fiscal year 2008, States planned to spend about one-third of their Federal Child Welfare Services program dollars (32.5 percent or \$92 million) on "protective services" to "prevent or remedy the abuse, neglect or exploitation of children;" about one-quarter of those Federal program dollars (24.6 percent or about \$70 million) for "crisis intervention (family preservation);" 11.0 percent (\$31 million) on "prevention and support services (family support)" and smaller amounts, ranging from about 8 percent to less than 1 percent for administrative and other costs, foster care maintenance payments, adoption promotion and support services, time-limited family reunification, adoption subsidies, staff training, foster and adoptive parent recruitment and training, and independent living. These

national spending estimates by purpose were prepared by the Congressional Research Service based on information provided by each State, in 2007, as part of its submission of the Annual Progress and Services Review (APSR) (HHS, 2008).

To ensure planning for a continuum of child and family services, since the middle 1990s, each State has been required to submit an APSR (or, in every fifth year a Child and Family Services Plan (CFSP)) as part of its request for funding under several Federal child welfare programs, including the Stephanie Tubbs Jones Child Welfare Services and Promoting Safe and Stable Families programs. Further, beginning with the requests for fiscal year 2008 funds, HHS is required to compile, and to send to Congress, State estimated spending reports. (For more information on the CFSP and the associated APSR, see “Planning Child and Family Services,” below). Table 11-7 shows definitions used by States in reporting this estimated spending in the CFSP/APSR.

TABLE 11-7 -- SELECTED CHILD AND FAMILY SERVICES SPENDING CATEGORIES

Category	Aim/Target Population	Kinds of Services or Activities
PREVENTION AND SUPPORT SERVICES (Family Support)	Community-based services which promote the well-being of children and families and are designed to increase the strength and stability of families (including adoptive, foster, and extended families), to increase parents' confidence and competence in their parenting abilities, to afford children a stable and supportive family environment, and to enhance child development.	Includes respite care for parents and other caregivers; early developmental screening of children to assess the needs of these children and assistance in obtaining specific services to meet their needs; mentoring, tutoring, and health education for youth; a range of center-based activities (informal interactions in drop-in centers, parent support groups); services designed to increase parenting skills; and counseling and home visiting activities. ¹
PROTECTIVE SERVICES	Services designed to prevent or remedy the abuse, neglect or exploitation of children.	Includes investigation and emergency medical services, emergency shelter, legal action, developing case plans, counseling, assessment/evaluation of family circumstances, arranging alternative living arrangements, preparing for foster placement, if needed, and case management and referral to service providers.
CRISIS INTERVENTION (Family Preservation)	Services for children and families designed to help families (including adoptive and extended families) at risk or in crisis, including pre-placement services to prevent family disruption and unnecessary removal of children and reunification services to help children, where appropriate, return to families from which they have been removed or be placed for adoption or legal guardianship.	Pre-placement prevention includes intensive family preservation, post-adoptive support services, case management, counseling, day care, respite services, homemaker services, services designed to increase parenting skills, family budgeting, coping with stress, health and nutrition. Reunification includes day care services, homemaker or caretaker services, family or individual counseling for parent(s) and child, follow-up care for families to whom a child has been returned after placement and other reunification services the State identifies as necessary. ²
TIME-LIMITED FAMILY REUNIFICATION SERVICES	Services and activities that are provided to a child who has been placed in foster care, and to the parents of that child, in order to facilitate the reunification of the child safely and appropriately within a timely fashion -- but only during the 15-month period beginning on the date the child is considered to have entered foster care.	Individual, group, and family counseling; inpatient, residential, or outpatient substance abuse treatment services; mental health services; assistance to address domestic violence; services designed to provide temporary child care and therapeutic services for families, including crisis nurseries; and transportation to or from any of these services and activities.

TABLE 11-7 -- SELECTED CHILD AND FAMILY SERVICES SPENDING CATEGORIES

Category	Aim/Target Population	Kinds of Services or Activities
ADOPTION PROMOTION AND SUPPORT	Services and activities designed to encourage more adoptions out of the foster care system, when adoptions promote the best interests of children.	Includes activities such as pre- and post-adoptive services and activities designed to expedite the adoption process and support adoptive families.
FOSTER CARE MAINTENANCE PAYMENT	State expenditures for “room and board” for children and youth in foster care family home (including relative homes) and those in group/institutional care.	Foster family and relative foster care: payments to cover the cost of providing food, clothing, shelter, daily supervision, school supplies, a child’s personal incidentals, liability insurance with respect to a child, and reasonable travel to the child’s home for visitation. Group/institutional care: Also includes reasonable cost of administration and operation of institutional/group home care required to provide all of these items as well as the costs of the items themselves. ³
ADOPTION SUBSIDY	Assist in support of adoption of special needs children.	Funds provided to adoptive parents on a recurring and non-recurring basis.
STAFF TRAINING	Increase ability of staff to provide assistance and support to children and families.	Includes cost of short and long-term training (but not costs specifically related to supporting the monthly caseworker visit requirement; see definition below).
FOSTER AND ADOPTIVE PARENT RECRUITMENT AND TRAINING	Recruit and train foster and adoptive parents and increase their ability to provide assistance and support to foster and adoptive children.	Includes cost of short-term training for foster or adoptive parents and costs associated with, or resulting from, the recruitment of potential foster or adoptive parents.
MONTHLY CASEWORKER VISITS	Support monthly caseworker visits to children in foster care under the responsibility of the State.	Support for these visits with a primary emphasis on activities to improve caseworker retention, recruitment and ability to access the benefits of technology.

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¹ For purposes of the Promoting Safe and Stable Families (PSSF) the definition of family support services also includes community-based services “to strengthen parental relationships and promote healthy marriages” (section 431(2) of the Social Security Act as amended by, Public Law 107-133).

² For purposes of the PSSF program, the definition of family preservation services also includes “infant safe haven programs to provide a way for a parent to safely relinquish a newborn infant at a safe haven designated pursuant to a State law.” (section 431(1)(F) of the Social Security Act as added by Public Law 107-133).

³ Subsequent to the publication of this program instruction, the statutory definition of foster care maintenance payment was amended to include payments to cover the

TABLE 11-7 -- SELECTED CHILD AND FAMILY SERVICES SPENDING CATEGORIES

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Category	Aim/Target Population	Kinds of Services or Activities
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cost of "reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement." (section 475(4) of the Social Security Act as amended by Public Law 110-351).

Source: Table prepared by the Congressional Research Service. Based primarily on information included in Appendix C of Program Instruction (HHS, ACF, ACYF-CB-PI-07-05, issued February 28, 2007), which instructed States how to report certain estimated child welfare expenditures for fiscal year 2008.

Limitation on use of funds

In 1980, the Adoption Assistance and Child Welfare Act (Public Law 96-272) limited State use of Federal Child Welfare Services funding for foster care maintenance payments, adoption assistance payments, and employment-related child care to no more than the amount of Federal funds the State received under the program in fiscal year 1979. Total Federal program funding in that year was \$56 million. In 2006, Congress enacted legislation the Child and Family Services Improvement Act (Public Law 109-288) that, as of fiscal year 2008, prohibits the use of *any* Federal Child Welfare services funds for foster care maintenance payments, adoption assistance payments, or for child day care *unless* a State could demonstrate to HHS that it used Federal child welfare funds for at least one of these purposes in fiscal year 2005. States that were able to demonstrate this are now permitted to spend, annually, no more than the amount they spent on those three purposes in fiscal year 2005. For fiscal year 2008, 25 States planned to use a total of just under \$27 million (or 6.6 percent) of the total Federal Child Welfare Services dollars to provide foster care maintenance payments. Fewer States (11 in total) planned to use less than \$9 million (or 3.1 percent) of those program funds for adoption subsidies and just two States indicated they planned to spend about \$43,000 of these Federal program funds for work-related child day care.

For the first time, Public Law 109-288 also restricted the use of *non-Federal matching dollars* – those funds that are necessary to draw down Federal Child Welfare Service funds – to provide foster care maintenance payments *unless* the State could demonstrate it had used these matching funds for that purpose in fiscal year 2005. Any State that was able to demonstrate this is now permitted to spend no more of its Child Welfare Services matching funds on foster care maintenance payments than the amount it spent out of those funds in fiscal year 2005. (Data on State use of Child Welfare Services matching funds for these purposes is not available.)

Also with regard to spending limits, and as of fiscal year 2008, Public Law 109-288 restricted the use of Child Welfare Services funding for administrative purposes to no more than 10 percent of the *total* program funding (both Federal dollars and those non-Federal – or State/local – dollars used to match them). No previous restriction on spending for administrative purposes applied to the Child Welfare Services program. For purposes of the program, the legislation defined administrative costs as those for program-related procurement, payroll management, personnel functions (except supervision of caseworker services), management, maintenance and operation of space and property, data processing and computer services, accounting, budgeting, auditing, and certain travel expenses. Under this definition, spending on caseworker services *is not* considered an administrative cost. For fiscal year 2008, States estimated they would spend less than \$22 million (7.7 percent) of Federal Child Welfare Services funding on “administrative and other” costs.

Monthly Case Worker Visits

The Child and Family Services Improvement Act of 2006 (Public Law 109-288) also established certain State plan requirements, data reporting requirements, and funding rules under the Stephanie Tubbs Jones Child Welfare Services program that are related to caseworker visits of children in foster care. The 2006 Act also provided new funding specifically to support monthly caseworker visits, but this money was provided through the Promoting Safe and Stable Families program (title IV-B, subpart 2), and is described under that program heading below (see “Funding for targeted purposes”)

Under the Child Welfare Services program, however, States were required to develop standards to govern the frequency and content of caseworker visits with children in foster care. Further, those standards must ensure that children in foster care are visited by a caseworker no less often than once a month and that each visit is well-planned and focused on case planning and delivery of services needed to ensure the child’s safety, permanence, and well-being. Each State must also annually submit data to HHS (beginning with data for fiscal year 2007) on the percentage of children in its foster care caseload who were visited on a monthly basis by their caseworkers and the percentage of those visits that occurred in the place where the children lived.

Based on these data, the law required HHS, in consultation with the State, to outline State-specific steps (including target percentages to be reached) to ensure that, no later than October 1, 2011, at least 90 percent of the children in foster care receive a monthly visit from their caseworker, and that most of these visits occur where the child lives. Submission of the caseworker data for fiscal year 2007 was made a condition of receipt of any Child Welfare Services funding in fiscal year 2008 and, according to HHS, all States complied with this requirement. Beginning with fiscal year 2009, if HHS determines that a State has not made the requisite progress toward meeting the monthly caseworker visitation standard, then the State must spend more of its own funds under the program to receive its full Federal allotment of Child Welfare Services dollars. The minimum penalty is 1 percentage point (meaning the State would need to provide 26 percent of program funding to receive its full Federal allotment) and the maximum penalty is 5 percentage points (meaning a State would need to provide 30 percent of the program funding to receive its full Federal allotment). The exact amount of any penalty for a State is to be determined by HHS based on the State’s degree of noncompliance with its State-specific monthly casework visits targets.

**PROMOTING SAFE AND STABLE FAMILIES PROGRAM
(TITLE IV-B, SUBPART 2)**

Grants to States (including territories and tribes) for the provision of family preservation and family support services were originally authorized as a capped entitlement under subpart 2 of title IV-B, beginning in fiscal year 1994 with the Family Preservation and Support Services Program Act of 1993 (Public Law 103-66). That Act provided increased mandatory funding for the program in each of

fiscal years 1994 through 1998. It further provided that a portion of the funding must be reserved for HHS to support or conduct program-related research, evaluation and technical assistance activities and for highest State courts to assess and improve handling of child welfare cases. In regulations proposed on October 4, 1994 and made final on November 18, 1996, HHS set forth a series of child and family services “principles” that were intended to guide State implementation of the title IV-B, subpart 2 program. According to HHS, these principles emphasize the paramount importance of safety for all family members, including victims of child abuse and neglect and victims of domestic violence and their dependents. In the preamble to its regulations, HHS stated that family preservation “does NOT mean that the family must stay together or ‘be preserved’ under all circumstances.” The principles also were intended to support a family-focused approach while allowing for individual needs and a service delivery approach that stresses flexibility, accessibility, coordination, and respect for cultural and community strengths.

The Adoption and Safe Families Act of 1997 (Public Law 105-89) changed the name of the program to Promoting Safe and Stable Families (PSSF), authorized continued annual increases in the mandatory funding for the program through fiscal year 2001, and required States to support two new categories of services with the program funds – time-limited family reunification, and adoption promotion and support. The Promoting Safe and Stable Families Amendments of 2001 (Public Law 107-133) extended mandatory funding authorization for the program at the annual level of \$305 million per year and authorized an additional \$200 million per year in *discretionary* funding. The Deficit Reduction Act of 2005 (Public Law 109-171) increased the program’s annual mandatory funding authorization by \$40 million (to \$345 million). Most recently, the Child and Family Services Improvement Act of 2006 (Public Law 109-288) extended the program’s mandatory and discretionary funding authorizations through fiscal year 2011, increased program funds set-aside for Indian child and family services, required new State reporting of actual expenditures under the program, and annually targeted the use of \$40 million in mandatory program funds on two purposes: formula grants to States to support monthly caseworker visits to children in foster care and competitive grants to eligible entities to improve outcomes for children affected by their parent/caretaker’s abuse of methamphetamine or other substances.

Authorization, appropriation, and distribution of program funds

The Promoting Safe and Stable Families Program is authorized to receive \$545 million in funding annually through fiscal year 2011. Of this amount, \$345 million is provided as a mandatory funding authorization (States are entitled to an allotment of program dollars based on the full authorized amount) and \$200 million is provided as a discretionary funding authorization (States must receive an allotment out of any amount of funding Congress chooses to appropriate under this authorization). To receive its full allotment of PSSF funding a State must provide no less than 25 percent of the program funds in non-Federal matching dollars and must meet other State plan requirements. Total Federal program funding – the amount of money actually appropriated for PSSF – reached its highest level in each

of fiscal years 2006 and 2007 when it topped \$434 million. In fiscal year 2008, a drop in the amount of PSSF discretionary funding appropriated reduced the total program funding to \$408 million. (See Table 11-8).

As amended by the Child and Family Services Improvement Act (Public Law 109-288), PSSF funds are distributed as follows: from the total amount of mandatory funding provided for the program \$40 million is reserved for one or both of the two targeted purposes: 1) monthly caseworker visits and 2) grants to improve the outcome of children affected by parent/caretaker's abuse of methamphetamine or another substance. Out of the remaining \$305 million in mandatory funding, 3.0 percent is reserved each fiscal year for eligible Indian tribes to provide child and family services; \$6 million is reserved each fiscal year for use by the Secretary of HHS to fund research, training, technical assistance, and evaluation of PSSF activities; and \$10 million is reserved each fiscal year for a grant program for State courts (described below). In addition, from any discretionary funds appropriated, the following set-asides are made: 3.3 percent for evaluations, research, training, and technical assistance, 3.3 percent for State court improvement grants, and 3.0 percent for Indian tribes. After these set-asides are made, the remaining funds are allocated among the territories (based on the same formula used to distribute funds under the Stephanie Tubbs Jones Child Welfare Services Program) and finally, to each State according to its relative share of children receiving benefits under the Supplemental Nutrition Assistance Program (SNAP, formerly food stamps). States are required to provide non-Federal matching funds of 25 percent in order to receive their full PSSF allotment. Table 11-8 shows the PSSF program funding history including any amounts appropriated under mandatory and discretionary authorizations beginning with fiscal year 1994 by purpose and category of recipient. Table 11-9 shows the allocation of PSSF funds by State, in fiscal years 2006 through 2008.

TABLE 11-8 -- ANNUAL ALLOTMENT OF FUNDING FOR PSSF PROGRAM BY RECIPIENT AND PURPOSE,
FISCAL YEARS 1994-2008
(nominal dollars in millions)

FISCAL YEAR	STATES AND TERRITORIES		REGIONAL PARTNERHSIPS	TRIBES	STATE HIGHEST COURTS	HHS	ALL PURPOSES AND ENTITIES		TOTAL
	<i>For Services to Children and Families</i>	<i>Targeted for Monthly Caseworker Visits</i>	<i>Targeted to Improve Outcomes of Children Affected by Parental Substance Abuse²</i>	<i>For Services to Children and Families</i>	<i>To Assess and Improve Handling of Child Welfare Cases</i>	<i>For Research, Training, Evaluation, and Technical Assistance</i>	<i>Mandatory</i>	<i>Discretionary</i>	
1994	\$57.4			\$0.6	<i>not authorized</i>	\$2	\$60		\$60
1995	137.5			1.5	5	6	150		150
1996	206.8			2.3	10	6	225		225
1997	221.6			2.4	10	6	240		240
1998	236.5			2.6	10	6	255		255
1999	256.3			2.8	10	6	275		275
2000	276.1			3.0	10	6	295		295
2001	286.0			3.1	10	6	305		305
2002	349.9			4.5	12.3	8.3	305	70	375
2003	376.8			5.0	13.3	9.3	305	99	404
2004	376.8			5.0	13.3	9.3	305	99	404
2005	376.1			5.0	13.3	9.3	305	99	404
2006	397.4	40	<i>not authorized</i>	4.8	12.9 ³	8.9	345	89	434
2007	360.4	0	40	11.8	12.9 ³	8.9	345	89	434
2008	337.1	5	35	11.0	12.1 ³	8.1	345	63	408

¹ Funding provided for caseworker visits in fiscal year 2006 remains available for States to spend through fiscal year 2009. The statute provides continued mandatory funding for this purpose of \$10 million in fiscal year 2009 and \$20 million in each of fiscal years 2010 and 2011.

² The statute provides continued mandatory funding for this targeted purpose at \$30 million in fiscal year 2009 and \$20 million in each of fiscal years 2010 and 2011.

³ Funding amount shown does not include \$20 million in additional court funds that were separately appropriated by P.L. 109-171 for each of fiscal years 2006-2010.

Source: Table prepared by the Congressional Research Service. Parts may not sum to total due to rounding. Funding amounts shown reflect allocation of all dollars appropriated, including any that were returned to the Federal treasury in fiscal years 1997 through 2003, during which time New York State did not claim its allotment.

The Promoting Safe and Stable Families Amendments of 2001 (Public Law 107-133) permitted HHS to re-allot these funds to other States as of fiscal year 2002. However, beginning with fiscal year 2004 New York again claimed its PSSF allotment.

Program purposes and required uses of funds

The purposes of the Promoting Safe and Stable Families program are to permit States to establish and operate specific service programs that – prevent child maltreatment among at-risk families; assure children’s safety within their own homes and preserve families where children have been maltreated if the family’s problems can be effectively dealt with; address the problems of families whose children have been removed so that, as appropriate, reunification may happen in a safe and timely manner; and to support adoptive families. There are no Federal income eligibility resource or other requirements tied to an individual’s receipt of services funded by the program. To accomplish these objectives, States are required to spend a “significant portion” of their Federal PSSF funds on each of the four categories of services: family support, family preservation, time-limited family reunification, and adoption promotion and support. HHS has issued annual program instructions specifying that States must have a “strong rationale” for spending less than 20 percent of their allotments on each of the four categories. As shown in Table 11-7, the scope of these service categories varies greatly. For example, family support services target a broad population of children and their families while time-limited family reunification services are, by definition, only available for a relatively smaller population of children who have been in foster care for 15 months or less and their families. In addition, a single service or activity may be available in more than one category with the working distinction generally being whom the service is aimed at rather than what kind of service is provided.

Collectively, States reported that they spent their Federal PSSF dollars, in fiscal year 2005, as follows: more than 30 percent (\$113.4 million) for family support services; 27 percent (\$100.5 million) for family preservation services; close to 19 percent (\$70 million) for adoption promotion and support services; and just under 18 percent (\$66.1 million) for time-limited family reunification services. Additional Federal PSSF funds were spent for other service related activities, including planning (\$6.6 million, or less than 2 percent) and for program administration (\$15.9 million, or a little more than 4 percent). (These national spending estimates by purpose were prepared by the Congressional Research Service based on information provided by each State, in 2007, as part of their request for fiscal year 2008 funding (HHS, August 2008). (See Table 11-7 for definitions used by States in reporting this estimated spending.)

As part of estimating their PSSF spending for fiscal year 2008 States estimated they would spend 4.5 percent (\$18.1 million) of targeted monthly caseworker visit funding. Collectively, States expected to spend a smaller portion of their spending on family support services (21 percent) in fiscal year 2008 than they had in fiscal year 2005. At the same time they expected to maintain similar shares of the Federal PSSF funding pot for family preservation (27 percent), adoption promotion and support (19 percent) and time-limited family reunification (18 percent). States are required to limit their program administration spending to not more than 10 percent of the program funding. This limitation applies to both the Federal PSSF dollars and, as provided by the Child and Family Services Improvement Act (Public Law 109-288), the non-Federal matching dollars provided

for the program.

TABLE 11-9 -- PROMOTING SAFE AND STABLE FAMILIES FUNDING
BY STATE AND OTHER ENTITIES, FISCAL YEARS 2006-2008
(nominal dollars in thousands)

STATE or Other Entity	2006			2007	2008		
	TOTAL	Regular program	Targeted: caseworker visits	TOTAL ¹	TOTAL	Regular program	Targeted: caseworker visits
Alabama	\$8,610	\$7,769	\$841	\$7,549	\$7,204	\$7,099	\$105
Alaska	937	845	91	801	728	717	11
Arizona	9,622	8,682	940	8,472	7,985	7,868	117
Arkansas	5,661	5,108	553	5,029	4,691	4,622	69
California	44,100	39,794	4,307	37,397	34,758	34,250	508
Colorado	3,894	3,514	380	3,536	3,409	3,359	50
Connecticut	3,029	2,733	296	2,561	2,288	2,254	33
Delaware	915	826	89	854	851	839	12
Dist. of Col.	1,323	1,194	129	1,141	1,058	1,043	15
Florida	17,877	16,131	1,746	16,058	14,933	14,714	218
Georgia	14,073	12,698	1,374	12,895	12,462	12,280	182
Hawaii	1,607	1,450	157	1,211	1,043	1,028	15
Idaho	1,496	1,350	146	1,337	1,280	1,261	19
Illinois	17,489	15,781	1,708	15,736	15,218	14,995	223
Indiana	8,623	7,781	842	7,620	7,203	7,098	105
Iowa	2,737	2,470	267	2,525	2,555	2,517	37
Kansas	2,738	2,471	267	2,395	2,275	2,242	33
Kentucky	8,057	7,270	787	6,999	6,510	6,415	95
Louisiana	12,285	11,086	1,200	10,492	9,298	9,162	136
Maine	1,701	1,535	166	1,507	1,487	1,465	22
Maryland	4,432	3,999	433	3,973	3,739	3,684	55
Massachusetts	5,605	5,057	547	5,052	4,810	4,740	70
Michigan	15,491	13,979	1,513	13,530	12,965	12,775	190
Minnesota	4,153	3,747	406	3,514	3,331	3,282	49
Mississippi	6,811	6,146	665	5,814	5,473	5,393	80
Missouri	10,019	9,041	978	9,504	9,734	9,591	142
Montana	1,220	1,101	119	1,056	985	970	14
Nebraska	1,838	1,659	180	1,649	1,600	1,577	23
Nevada	2,048	1,848	200	1,760	1,597	1,574	23
New Hampshire	795	717	78	690	642	632	9
New Jersey	6,160	5,559	602	5,405	5,167	5,091	76
New Mexico	3,846	3,471	376	3,511	3,376	3,327	49
New York	23,628	21,321	2,307	20,525	19,218	18,937	281
North Carolina	12,235	11,040	1,195	11,167	11,003	10,842	161
North Dakota	700	632	68	578	521	513	8

TABLE 11-9 -- PROMOTING SAFE AND STABLE FAMILIES FUNDING
BY STATE AND OTHER ENTITIES, FISCAL YEARS 2006-2008

(nominal dollars in thousands)

STATE or Other Entity	2006			2007	2008		
	TOTAL	Regular program	Targeted: caseworker visits	TOTAL ¹	TOTAL	Regular program	Targeted: caseworker visits
Ohio	15,097	13,622	1,474	13,684	12,967	12,777	190
Oklahoma	6,573	5,931	642	5,731	5,294	5,217	77
Oregon	6,421	5,794	627	5,398	4,944	4,872	72
Pennsylvania	14,328	12,929	1,399	12,865	12,536	12,353	183
Rhode Island	1,459	1,317	142	1,149	1,005	990	15
South Carolina	8,286	7,477	809	7,306	6,727	6,629	98
South Dakota	976	881	95	824	783	771	11
Tennessee	11,645	10,508	1,137	10,505	10,069	9,922	147
Texas	40,833	36,845	3,987	37,546	36,418	35,885	533
Utah	2,153	1,942	210	1,979	1,871	1,844	27
Vermont	595	537	58	502	474	467	7
Virginia	7,052	6,363	689	6,363	6,186	6,096	90
Washington	6,447	5,818	630	5,884	5,773	5,688	84
West Virginia	3,729	3,365	364	3,177	2,896	2,854	42
Wisconsin	6,106	5,510	596	5,185	4,883	4,811	71
Wyoming	472	426	46	401	352	346	5
State subtotal	\$397,928	\$359,069	\$38,859	\$352,342	\$334,572	\$329,678	\$4,894
Tribes & Territories							
American Samoa	\$321	\$234	\$86	\$231	\$220	\$218	\$2
Guam	535	430	106	422	399	394	5
Northern Mariana Islands	272	190	82	188	180	179	2
Puerto Rico	7,947	7,172	775	6,927	6,438	6,344	94
Virgin Islands	385	292	92	288	274	271	3
All Tribes	4,832	4,832	0	11,823	11,049	11,049	0
Other							
Evaluation and Technical Assistance	\$8,879	<i>not applicable</i>		\$8,885	\$8,089	<i>not applicable</i>	
Court Improvement Program ¹	12,940	<i>not applicable</i>		12,940	12,089	<i>not applicable</i>	
Targeted: Grants related to meth or other substance abuse		<i>not authorized</i>		40,000	35,000	<i>not applicable</i>	
TOTAL¹	\$434,039	\$394,038	\$40,000	\$434,045	\$408,311	\$403,311	\$5,000

¹ No funds were set-aside for the targeted purpose of monthly caseworker visits in fiscal year 2007. Therefore all PSSF funding to States in that year was for regular program purposes.

² Funding shown in this table does not include any of the \$20 million in funds that were appropriated for each of fiscal years 2006 through 2010, by Public Law 109-171, for the Court Improvement Program (CIP). For total CIP funding see Table 11-10.

TABLE 11-9 -- PROMOTING SAFE AND STABLE FAMILIES FUNDING
BY STATE AND OTHER ENTITIES, FISCAL YEARS 2006-2008

(nominal dollars in thousands)

STATE or Other Entity	2006			2007	2008		
	TOTAL	Regular program	Targeted: caseworker visits	TOTAL ¹	TOTAL	Regular program	Targeted: caseworker visits

Source: Table prepared by the Congressional Research Service based on data provided by HHS.

Funding for targeted purposes

The Child and Family Services Improvement Act of 2006 (Public Law 109-288) reserved \$240 million in PSSF funding for fiscal years 2006 through 2011 for two purposes: 1) formula grants to States for support of monthly caseworker visits to children in foster care “with a primary emphasis on activities designed to improve caseworker retention, recruitment, training and ability to access the benefits of technology,” and 2) competitive grants to regional partnerships for services and activities designed to improve the safety, permanency, and well-being of children who are in an out-of-home placement or who are at-risk of such a placement due to a parent or caretaker’s abuse of methamphetamine or other substances.

Total funding reserved for States for support of monthly caseworker visits is \$95 million. This amount includes \$40 million for this purpose in fiscal year 2006 (which remains available for States to spend through fiscal year 2009); as well as \$5 million in fiscal year 2008, \$10 million in fiscal year 2009, and \$20 million in each of fiscal years 2010 and 2011. These funds are distributed to States on essentially the same formula basis as are overall PSSF funds (i.e., based on a State’s relative share of children receiving SNAP benefits (formerly food stamps)). States may not use these funds to supplant other Federal foster care funds available for the same purposes. Further, in each of fiscal years 2008 through 2011, a State must provide \$1 for support of caseworker visits for every \$3 in targeted Federal funds it receives for this purpose. (For additional provisions related to monthly caseworker visits, see “Monthly caseworker visits” under title IV-B, subpart 1 program description above.)

Total funding reserved for competitive grants to regional partnerships for services and activities on behalf of children affected by parental/caretaker abuse of methamphetamine or other substances is \$145 million. The annual set-aside amounts are \$40 million in fiscal year 2007, \$35 million in fiscal year 2008, \$30 million in fiscal year 2009, and \$20 million in each of fiscal years 2010 and 2011. In October 2007, HHS announced that it had awarded these funds to 53 grantees. (For more information, see discussion under Related Competitive Grant Programs, below.)

Research, Evaluation, and Technical Assistance

From the PSSF funds reserved for research, evaluation and technical assistance (see Table 11-8), HHS is required to evaluate the effectiveness of the activities carried out under subpart 2 of title IV-B in accomplishing the purposes of

the program and it may evaluate any other Federal, State or local program that is designed to achieve the same purposes. The Child and Family Services Improvement Act of 2006 (Public Law 109-288) specifically requires HHS to spend no less than \$1 million in every year for evaluation, research and technical assistance related to supporting monthly caseworker visits of children in foster care and, in addition, \$1 million to support research, evaluation, and technical assistance related to grants to improve outcomes for children affected by a parent/caretaker's methamphetamine or other substance abuse. In addition, the statute also requires HHS, to the extent funding is available, to provide technical assistance to help States and Indian tribes better identify and more effectively serve at-risk families, ensure that post-adoption services meet the needs of the individual families, and reduce the disruption rates of adoption. Beginning in 2003, HHS has been required to biennially submit a report to Congress on the status of ongoing evaluations, their funding level, findings to date and on the nature of any technical assistance provided to States with these PSSF funds.

The most recent biennial report (HHS, 2007) describes research projects and technical assistance that were funded in whole or in part with PSSF funds during fiscal years 2005 and 2006. Ongoing research and evaluations cited in that report included evaluations of a TANF and Child Welfare collaboration to improve child welfare outcomes; a multisite demonstration of collaborative efforts to address domestic violence and child maltreatment; an Early Head Start/Child Welfare Services initiative; the Court Improvement Program; and a range of family support, family preservation, reunification or adoption promotion and support programs. In addition, the report noted that PSSF research, evaluation and technical assistance funds were used to support a National Survey of Adoptive Parents; several projects to foster healthy marriages or to strengthen marriages, including the National Healthy Marriage Resource Center; a Quality Improvement Center for the Privatization of Child Welfare Services; and a follow-up study related to father's involvement in permanency planning and child welfare. Finally, this set-aside also provides some support for the Child Welfare Information Gateway, a web-based clearinghouse on a broad range of child welfare topics and for at least five of the eight national child welfare resource centers that are solely funded by HHS.

Earlier research efforts under this set-aside focused solely on program implementation and family preservation and family support services. James Bell Associates released a final report in 2003 on program implementation that looked at State and local planning efforts, the relationship of planning to service delivery, and the design of programs. The report stated that services did not fall neatly into the categories defined in the legislation, particularly for family preservation and family support, and that while initially the majority of services were more characteristic of family support programs, States appeared to be moving toward a greater balance in service provision among the four categories. This is also evidenced in the budget planning documents submitted by States to HHS, which show that funds have been shifted from family support programs to programs focusing on time-limited family reunification and adoption promotion and support.

The initial evaluation of family preservation and reunification services

(Westat, Chapin Hall Center for Children, James Bell Associates, 2002) studied programs in four States (Kentucky, New Jersey, Tennessee, and Pennsylvania); three sites used the Homebuilders model, and one used a broader, home-based model. That evaluation found no significant differences between the experimental and control groups for rates of foster care placement, days in care, case closings, or subsequent maltreatment. In two of the four States, caretakers in the experimental groups tended to report greater improvement in their lives than those in the control group. The evaluators cautioned that these results should not be taken to mean that family preservation programs serve no useful purpose, but rather that the programs may need to undergo several changes, such as providing more targeted services to various subgroups and rethinking program objectives.

The initial evaluation of family support programs (Abt Associates, 2001) provided a meta-analysis of previous research and found varied results on the effectiveness of family support programs. The evaluation found that focusing on specific at-risk groups, such as children with special needs or teenage parents with young children, and providing support services in groups managed by professional staff, rather than home visits by paraprofessionals, had positive effects on parents and children. Additionally, in order to positively affect children's cognitive development and school readiness, it found that family support services must be provided directly to children rather than through parenting education. Finally, although certain family support strategies have proven to be effective with specific populations, no single program approach was determined to be effective across all populations.

COURT IMPROVEMENT PROGRAM (SECTION 438)

The Court Improvement Program (CIP), established in the same 1993 legislation that created the PSSF program (Public Law 103-66), provides grants to highest State courts intended to help them improve their handling of child welfare cases. As currently authorized, the CIP includes three grant programs: 1) grants to assess court handling of child abuse and neglect proceedings and make needed improvements; 2) grants to train judges, legal personnel, and attorneys in handling of child welfare cases; and 3) grants to improve timeliness of decisions regarding safety, permanence, and well-being of children, (commonly referred to as "data collection" grants). Funding for grants to assess court handling of child abuse and neglect proceedings was initially made available out of PSSF funding in 1995 and has been provided as a set-aside from that program in every succeeding fiscal year. More recently, the Child and Family Services Improvement Act of 2006 (Public Law 109-288) extended this set-aside for the PSSF through fiscal year 2011. The latter two grants related to court training and data collection were established by the Deficit Reduction Act of 2005 (Public Law 109-171). That Act also appropriated funding for them for each of fiscal years 2006 through 2010. Total CIP funding for fiscal year 2008 was just above \$32 million.

Application requirements

State highest courts may apply for one or more of these grants. In addition to any information or assurances required by HHS, in its application for any of the three grant programs a State highest court must be able to demonstrate “meaningful and ongoing collaboration” between the courts, the State child welfare agency (or its contractors that administer the child welfare programs, and, where applicable, Indian tribes. HHS has instructed State courts that to meet this requirement they must establish a statewide multidisciplinary task force that includes each of these entities and that “the task force should work to develop and institutionalize the collaboration necessary to identify and address barriers to safety, permanency, and child and family well-being at the State and local level.” (HHS, ACF, ACYF-CB-PI-06-05). Further, to be eligible for any one of the CIP grants the State highest court must provide an assurance to HHS that it has in effect a rule requiring State courts to notify foster parents, pre-adoptive parents, and relative caregivers of a child in foster care of any proceedings held with respect to the child.

If a State highest court seeks funding for a data collection grant it must describe how the court and the child welfare agency (local and State level) will collaborate and jointly plan for the collection and sharing of all relevant data and information. Separately, if a State highest court wishes to receive CIP training grant funds it must demonstrate in its application that at least part of the grant will be used for cross-training initiatives jointly planned and carried out with the State child welfare agency, or an agency under contract with the State agency.

Funding authorization, appropriation, and distribution

The maximum funding authorized for the court set-aside from the PSSF program is \$16.6 million (\$10 million in mandatory funding plus 3.3 percent of the \$200 million in authorized discretionary funding). However, because Congress has never appropriated the full authorized level of PSSF discretionary funding, the actual CIP set-aside – that is money made available by Congress through the PSSF program – has never exceeded roughly \$13 million. Separately, however, Congress appropriated additional funding for the CIP in the Deficit Reduction Act of 2005 (Public Law 109-171) that equals \$20 million in each of fiscal years 2006 through 2010. This mandatory appropriation, totaling \$100 million over five years, is not a part of the basic PSSF funding authorization.

Each State highest court with an approved application is entitled to receive a minimum CIP grant of \$85,000 and a portion of any of the remaining grant funds that is equal to its share of individuals under 21 years of age (among all States with an approved application for the grant). If a State highest court successfully applies for all three CIP grants, it can receive three minimum allotments of \$85,000 (which totals \$255,000) and a share of the remaining funds for each grant program based on the size of its State’s population under 21 years of age relative to all States in which the highest courts have an approved application for the given grant. See Table 11-10 for CIP grants awarded in fiscal year 2008 by State.

TABLE 11-10 -- COURT IMPROVEMENT PROGRAM GRANTS,
FISCAL YEAR 2008
(dollars in thousands)

STATE	Basic	Data	Training	TOTAL
Alabama	\$204	\$172	169	\$545
Alaska	104	99	99	302
Arizona	252	208	204	664
Arkansas	157	138	136	432
California	1,083	818	793	2,693
Colorado	207	174	171	553
Connecticut	171	148	146	465
Delaware	107	101	100	308
District of Columbia	98	94	94	286
Florida	505	393	383	1,281
Georgia	343	274	268	885
Hawaii	116	108	107	331
Idaho	126	115	114	356
Illinois	423	333	325	1,081
Indiana	251	207	203	661
Iowa	161	141	139	442
Kansas	158	139	137	433
Kentucky	190	162	160	512
Louisiana	201	170	167	538
Maine	115	107	106	328
Maryland	228	190	187	605
Massachusetts	240	0	195	435
Michigan	346	277	270	892
Minnesota	217	182	179	579
Mississippi	165	144	142	452
Missouri	234	195	191	620
Montana	108	102	102	312
Nebraska	132	120	118	370
Nevada	149	132	131	412
New Hampshire	117	108	107	332
New Jersey	301	244	239	784
New Mexico	139	125	123	387
New York	565	438	426	1,429
North Carolina	311	251	246	808
North Dakota	101	97	96	294
Ohio	377	300	292	969
Oklahoma	179	154	152	484
Oregon	175	151	149	475
Pennsylvania	385	306	298	989

TABLE 11-10 -- COURT IMPROVEMENT PROGRAM GRANTS,
FISCAL YEAR 2008
(dollars in thousands)

STATE	Basic	Data	Training	TOTAL
Puerto Rico	192	164	161	516
Rhode Island	111	104	104	319
South Carolina	0	166	163	330
South Dakota	105	100	100	305
Tennessee	237	196	193	626
Texas	763	583	566	1,911
Utah	167	145	143	455
Vermont	100	96	96	291
Virginia	277	226	221	724
Washington	246	203	199	648
West Virginia	126	115	114	356
Wisconsin	225	188	184	596
Wyoming	98	95	94	287
TOTAL	\$12,089	\$10,000	\$10,000	\$32,089

Source: Table prepared by Congressional Research Service based on information provided by HHS.

TITLE IV-E PROGRAM

In the early 1960s, Congress authorized Federal reimbursement to States for a part of the cost of providing foster care to children from needy families. To accomplish this it allowed States to let federally subsidized cash aid – than available under the prior law title IV-A program named Aid to Families with Dependent Children (AFDC) – follow a needy child from his or her own home to a foster family home. However, these Federal funds could only follow the child if a judge had determined that the home from which the child was removed was “contrary to the welfare” of the child and if the child had been receiving federally assisted cash aid under the AFDC program in the home from which he or she was removed. (See 1961 amendments to the Aid to Dependent Children program, Public Laws 87-31 and the Public Welfare Amendments of 1962, Public Law 87-543.) Funding for foster care, which was initially authorized as an option for States, was made a required part of the State AFDC plan as of 1968. In that same year Congress expanded Federal eligibility for the foster care program to include children who *would have* been eligible for AFDC in their own homes if an aid application had been made. (See the Social Security Amendments of 1967, Public Law 90-248.)

Within a decade, concerns that some children were needlessly removed from their homes and that once in foster care, too many children stayed indefinitely, led to calls for reform. In 1980, the Adoption Assistance and Child Welfare Act (Public Law 96-272) responded by creating a new title IV-E of the Social Security Act. This new part of the law established Federal support for foster care maintenance payments that was independent of the AFDC program and it established initial

Federal support for adoption assistance payments made on behalf of children with special needs who were adopted primarily out of foster care.

Beyond encouraging permanency through this new support for adopted children, the 1980 Adoption Assistance and Child Welfare Act also placed expanded emphasis on case planning and review requirements for children entering or in foster care and it required States to make “reasonable efforts” to prevent the placement of a child in foster care, or, if the placement could not be prevented, to reunite the child, as appropriate, with his or her parents. Generally, the 1980 law applied these case planning and review protections to children in foster care who met the Federal title IV-E eligibility criteria. However, Congress also sought to encourage their broader application by separately authorizing (under title IV-B) additional incentive funds for States that provided these protections to *all* children in foster care.

In 1994, title IV-B was amended by the Social Security Act Amendments (Public Law 103-432) to require that all children in foster care – whether or not they met the title IV-E foster care eligibility criteria – received the same case planning and review protections. Further, in 1997 the Adoption and Safe Families Act (Public Law 105-89) amended title IV-E to strengthen those child protections by emphasizing the paramount importance of safety of children in all child welfare decision-making and the importance of expeditiously finding a permanent home for children. That law shortened the time frames in which States must set a permanent placement goal for a child (from 18 to 12 months) and established new rules around “reasonable efforts” to reunite a child with his or her family, including requiring that, unless a specific exemption can be documented, the State must seek termination of parental rights in the case of any child who has been in foster care for 15 of the last 22 months, or if his or her parent has committed certain egregious crimes. Finally, that law also encouraged permanency by providing incentives for adoptions out of foster care.

Although the title IV-E foster care and adoption assistance program was separated from the title IV-A (AFDC) program by Public Law 96-272, the 1980 law maintained a link between title IV-E and the AFDC program via its eligibility rules for Federal foster care maintenance and adoption assistance payments. In most cases, eligibility for title IV-E assistance continued to be limited to children who were removed from homes in which they met, or would have met, if someone had applied, the income and resources criteria for the AFDC program. The 1980 law did, however, permit children who met the eligibility requirements for Supplemental Security Income (SSI) under title XVI of the Social Security Act to be eligible for Federal adoption assistance without regard to AFDC income and resource rules. Explaining the inclusion of SSI-eligible children, in its report on legislation that became the 1980 law (H. Rept. 96-136), the House Ways and Means Committee noted the bill’s primary focus on finding permanent homes for children and cited data showing that thousands of SSI-eligible children lived away from their parents in “special living arrangements” that were not medical institutions, some but not all of these children were in foster care, and many had clear “special needs.”

In 1996, with the Personal Responsibility and Work Opportunity

Reconciliation Act (PRWORA, Public Law 104-193), Congress repealed the AFDC program and replaced it with a block grant to States called Temporary Assistance for Needy Families (TANF). PRWORA maintained the prior law requirement that all States participating in the title IV-A program (now TANF) must certify that they operate a foster care and adoption assistance program under title IV-E. In addition, the 1996 law continued to limit Federal eligibility for both foster care and (in most cases) adoption assistance to children who were removed from homes in which they were (or would have been if application had been made) eligible for cash welfare under the AFDC program as it had existed in a given State on July 16, 1996. (Under AFDC each State was free to set income and resource limits within certain Federal parameters and State income eligibility rules varied significantly.)

The Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351) authorized (as of October 7, 2008) continued Federal support for any eligible child who leaves foster care for placement with a grandparent or other relative who agrees to become the child's legal guardian. Eligibility for these title IV-E kinship guardianship assistance payments is based in part on a child's previous eligibility for title IV-E foster care maintenance payments. Thus the 2008 law, by extension, continues the link to the prior law AFDC eligibility rules for this new component of the title IV-E program. At the same time, Public Law 110-351 de-links eligibility for Federal adoption assistance under title IV-E from that repealed program over an eight-year time frame, (fiscal years 2010 to 2018). Further, for the first time, it authorizes (beginning with fiscal year 2011) Federal support for title IV-E foster care maintenance payments to an eligible youth beyond his or her 18th birthday.

To receive Federal support for any of these title IV-E program components – foster care maintenance payments, kinship guardianship assistance and adoption assistance – a State, including the District of Columbia and the territories, must have a single, approved title IV-E plan. In this plan States must provide that they will abide by specific Federal requirements, which are spelled out in 33 separate paragraphs of the law (section 471 of the Social Security Act). These requirements are generally related to organizing and administering approved activities under the title IV-E plan; collecting data and reporting that data; ensuring safe and appropriate placement options for children; and providing certain protections for each child in foster care. All States (including Puerto Rico and the District of Columbia) have an approved title IV-E plan as of fiscal year 2008. Beginning with fiscal year 2010, as provided by Public Law 110-351, an Indian tribe, tribal organization or tribal consortium may also submit a title IV-E plan for approval. The next three subsections describe the program components included in the title IV-E plan.

FOSTER CARE

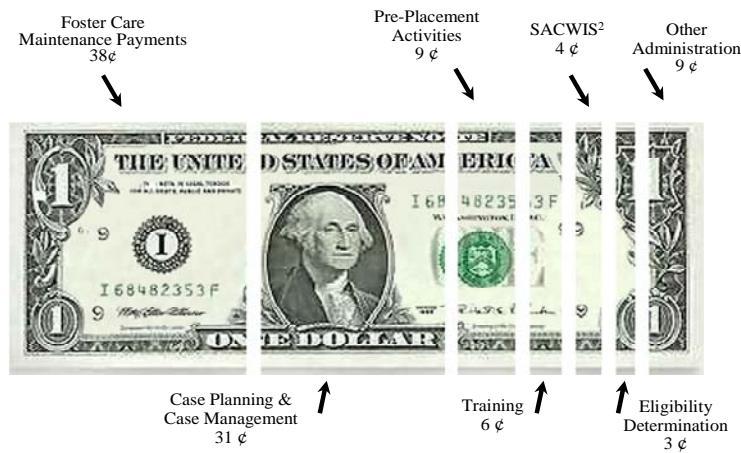
Federal support for foster care is authorized under title IV-E to provide States with partial reimbursement for the cost of providing foster care maintenance payments to eligible children who must be removed from their homes for their own

safety, or, in the case of children voluntarily placed in care, in their own best interests. States are also permitted to claim Federal reimbursement for a part of all administrative costs considered necessary to administer the title IV-E State plan on behalf of those eligible children. Reimbursement for these costs *made on behalf of eligible children* are available at the following Federal matching rates –

- Foster Care Maintenance Payments (primarily room and board): 50 percent to 83 percent (based on each State’s Federal Medical Assistance Percentage, FMAP, which is recalculated annually to ensure States with high per capita income receive lower Federal matching rates and vice versa);
- Child Placement Activities related to children in, or at imminent risk of, entering foster care (including pre-placement activities, case planning/management and case review activities) and for all other foster care program costs necessary for the “proper and efficient” administration of the IV-E plan (including eligibility determination, data collection, operation and development of a Statewide Automated Child Welfare Information System (SACWIS), licensing, and rate setting): 50 percent;
- Long or Short-Term Training provided to current or prospective public agency employees carrying out the foster care program and Short-Term Training for prospective foster parents and for staff of child care institutions caring for foster children: 75 percent
- Short-Term Training provided to State-licensed or approved *private* agency staff carrying out the foster care program and for certain court or court-related personnel: 60 percent in fiscal year 2010, then rising 5 percentage points annually until fiscal year 2013 when these eligible title IV-E training costs will also be reimbursed at 75 percent.

Federal reimbursement for these costs is authorized on a permanent and open-ended entitlement basis. States with an approved title IV-E State plan may submit foster care claims on a quarterly basis showing all eligible costs incurred and they are entitled to receive reimbursement for the Federal share of those costs. States may submit claims for Federal reimbursement any time within two years of incurring an eligible expense. There is no annual upper or lower limit on the amount of Federal funding that must be appropriated for this purpose. Instead, Congress typically appropriates, as a certain sum, the amount requested by HHS as necessary to continue the title IV-E foster care program under current law. If this amount exceeds funds eventually needed to reimburse States for eligible costs, then the additional funds lapse and are returned to the Federal treasury. If the estimate is less than what is needed, additional funds must be made available. Chart 11-2 gives a broad view of what the *Federal* title IV-E foster care dollars buy.

CHART 11-2 – THE FEDERAL TITLE IV-E FOSTER CARE DOLLAR
(Estimated FY2007 Federal expenditures - \$4.091 billion, excluding demonstration costs)¹



¹ Claims related to demonstration projects (\$331 million) may represent expenditures in any of these categories. All demonstration costs were excluded for purposes of this chart.

² SACWIS =Statewide Automated Child Welfare Information System. Amount represents operation and development costs.

Source: Chart prepared by the Congressional Research Service based on annual Title IV-E foster care expenditure claims for FY2007.

States submitted claims totaling \$8.529 billion in title IV-E foster care expenses during fiscal year 2007 and expected to receive Federal reimbursement of \$4.422 billion based on those claims. Table 11-11 provides the amount of these total claims and the expected Federal reimbursement (or Federal share) of them, by detailed claim category and by State.

TABLE 11-11 -- TOTAL AND FEDERAL SHARE OF TITLE IV-E FOSTER CARE CLAIMS, FISCAL YEAR 2007
(dollars in thousands)

STATE	TOTAL CLAIMS <i>All State and Federal IV-E Foster Care Spending</i>	FEDERAL SHARE <i>(of total claims)</i>	FEDERAL SHARE BY CLAIM CATEGORY								
			Foster Care Maintenance Payments ¹	Child Placement Services and Administration ²					SACWIS ³	Training	Demon- strations
				Subtotal	Case Planning and Case Mgmt	Pre-Placement Activities	Eligibility Determination	Other			
Alabama	\$59,011	\$31,925	\$6,697	\$17,694	\$0	\$5,680	\$263	\$11,750	\$5,783	\$1,750	\$0
Alaska	26,676	13,468	2,014	10,206	6,982	975	368	1,881	962	286	0
Arizona	127,548	77,606	43,469	23,602	19,276	0	194	4,131	621	9,191	724
Arkansas	62,519	37,153	11,490	18,549	9,654	4,856	145	3,892	422	6,692	0
California	2,411,923	1,233,233	270,005	731,504	534,319	74,776	81,843	40,565	39,553	87,651	104,521
Colorado	131,244	65,811	19,461	42,882	31,399	0	974	10,509	2,902	567	0
Connecticut	185,677	93,833	36,075	51,846	17,474	33,509	684	179	2,929	2,982	0
Delaware	10,893	5,467	1,330	3,586	1,640	0	320	1,625	490	62	0
Dist of Col	31,503	15,752	9,730	4,109	133	1,842	513	1,621	1,913	0	0
Florida ³	422,383	150,864	-1,083	-316	-41	0	0	-275	7,209	-3	145,058
Georgia	98,503	52,574	16,272	30,597	24,254	0	1,259	5,084	5,168	537	0
Hawaii	42,978	23,114	5,125	15,145	8,689	1,534	37	4,886	0	2,843	0
Idaho	13,896	8,278	3,817	3,427	2,162	0	193	1,072	358	677	0
Illinois	378,482	189,872	50,752	79,662	50,434	19,031	239	9,958	-2	1,892	57,568
Indiana	137,525	78,723	41,707	28,376	24,134	309	609	3,324	2,250	2,317	4,073
Iowa	47,869	26,573	10,386	12,138	5,301	1,216	1,401	4,220	1,482	1,241	1,327
Kansas	65,247	34,511	10,674	23,626	514	2,732	6,901	13,479	0	212	0
Kentucky	88,824	55,436	29,410	15,432	7,867	4,627	1,276	1,662	2,351	8,243	0
Louisiana	81,986	42,908	16,084	20,232	14,233	3,418	1,565	1,015	1,081	5,511	0
Maine	26,190	14,396	5,802	8,259	6,414	380	257	1,207	83	252	0
Maryland	262,361	131,978	60,811	63,199	21,290	19,996	433	21,480	5,576	2,392	0

TABLE 11-11 -- TOTAL AND FEDERAL SHARE OF TITLE IV-E FOSTER CARE CLAIMS, FISCAL YEAR 2007
(dollars in thousands)

STATE	TOTAL CLAIMS <i>All State and Federal IV-E Foster Care Spending</i>	FEDERAL SHARE <i>(of total claims)</i>	FEDERAL SHARE BY CLAIM CATEGORY								
			Foster Care Maintenance Payments ¹	Child Placement Services and Administration ²					SACWIS ³	Training	Demon- strations
				Subtotal	Case Planning and Case Mgmt	Pre-Placement Activities	Eligibility Determination	Other			
Massachusetts	131,186	65,553	25,560	39,185	18,332	16,236	749	3,868	927	-120	0
Michigan	138,352	72,499	27,446	43,289	35,921	3,922	339	3,106	1,186	547	30
Minnesota	96,349	49,766	18,272	18,452	2,524	7,460	925	7,543	5,708	4,774	2,560
Mississippi	16,070	9,826	4,858	4,568	2,292	263	438	1,575	0	400	0
Missouri	110,295	60,368	12,283	34,638	14,665	9,670	1,583	8,721	4,724	8,723	0
Montana	21,085	12,133	3,861	2,847	2,701	-66	6	206	3,715	961	750
Nebraska	42,381	24,089	6,462	11,463	8,159	1,803	508	993	222	5,944	0
Nevada	56,482	29,350	7,799	16,854	8,766	5,080	1,829	1,180	3,090	1,607	0
New Hampshire	26,383	13,537	4,599	7,428	5,165	1,929	39	295	472	1,037	1
New Jersey	118,796	60,678	19,693	29,649	20,347	2,874	1,362	5,066	7,495	3,841	0
New Mexico	46,927	25,941	3,599	16,653	7,377	4,134	254	4,889	1,550	4,139	0
New York	806,519	406,129	189,346	199,239	112,238	61,872	4,387	20,743	8,935	8,608	0
North Carolina	146,231	79,855	23,025	46,362	13,357	21,357	148	11,500	0	935	9,533
North Dakota	19,303	11,079	5,741	4,955	3,156	1,035	258	507	14	368	0
Ohio	360,287	197,515	99,299	84,107	32,366	23,708	1,618	26,416	9,894	3,757	457
Oklahoma	67,874	40,518	18,549	15,239	4,712	4,129	1,195	5,202	1,813	4,917	0
Oregon	98,717	53,612	17,276	29,782	4,948	10,255	509	14,070	1,674	1,534	3,346
Pennsylvania	467,235	250,790	159,895	80,135	58,323	3,946	915	16,951	0	10,760	0
Puerto Rico ⁴	0	366	366	0	0	0	0	0	0	0	0
Rhode Island	25,490	12,836	4,909	6,105	3,497	1,274	1,180	154	2,220	-398	0
South Carolina	37,780	21,518	6,902	11,743	6,410	4,486	14	834	805	2,068	0

TABLE 11-11 -- TOTAL AND FEDERAL SHARE OF TITLE IV-E FOSTER CARE CLAIMS, FISCAL YEAR 2007
(dollars in thousands)

STATE	TOTAL CLAIMS <i>All State and Federal IV-E Foster Care Spending</i>	FEDERAL SHARE <i>(of total claims)</i>	FEDERAL SHARE BY CLAIM CATEGORY								
			Foster Care Maintenance Payments ¹	Child Placement Services and Administration ²					SACWIS ³	Training	Demon- strations
				Subtotal	Case Planning and Case Mgmt	Pre-Placement Activities	Eligibility Determination	Other			
South Dakota	9,097	5,119	2,433	2,376	1,870	247	30	230	110	199	0
Tennessee	58,696	35,823	23,896	7,516	24	1,413	1,308	4,772	122	3,797	491
Texas	372,089	209,993	126,395	79,004	11,690	2,035	3,409	61,871	0	4,594	0
Utah	34,849	19,287	4,604	11,407	8,527	2,220	660	0	1,656	1,620	0
Vermont	18,328	10,530	7,058	2,583	1,923	0	14	646	0	889	0
Virginia	156,801	79,636	34,405	39,229	25,461	824	2,631	10,313	2,296	3,705	0
Washington	169,511	86,855	20,037	54,691	34,423	5,049	3,662	11,557	5,974	6,153	0
West Virginia	51,289	34,431	26,713	4,812	3,285	1,389	113	25	1,777	1,129	0
Wisconsin	106,501	56,865	17,353	32,137	16,200	8,756	1,167	6,013	2,793	4,101	481
Wyoming	4,379	2,206	415	1,172	745	15	169	243	341	278	0
TOTAL	\$8,528,524	\$4,422,177	\$1,573,079	\$2,141,374	\$1,255,533	\$382,195	\$130,891	\$372,755	\$150,643	\$226,160	\$330,921

¹ The Federal share of foster care maintenance payment claims shown excludes any amount reimbursed to the Federal government through child support payments.

² SACWIS = Statewide Automated Child Welfare Information System. The amounts shown include claims related to both SACWIS development and operation.

³ Florida began a five-year statewide demonstration project on October 1, 2006. Under this project, the State receives all of its Federal title IV-E foster care payment as a lump sum, except for SACWIS claims. The State's fiscal year 2007 lump sum funding under the demonstration was \$145 million and Florida reported spending more than \$422 million under its demonstration project. Because this money may be used to serve all children (not just those title IV-E eligible), Florida's total computable claims are not strictly comparable to those of other States and the proportion of Federal support for all total computable claims is less in Florida (36 percent) than for all other States (ranges between 50 percent and 60 percent in most States).

⁴ All funds paid to Puerto Rico for fiscal year 2007 were "prior quarter" adjustments. Puerto Rico has had an approved title IV-E plan since fiscal year 1999 and, since 2003, an approved title IV-E cost allocation plan (CAP), which is necessary to receive reimbursement for any title IV-E costs other than those for maintenance payments. However, it has chosen not to operate under the CAP and has therefore only ever submitted title IV-E claims for payments. Further since taking corrective actions following a title IV-E eligibility review in 2003, Puerto Rico has indicated that only a small number of the children it serves can be documented as meeting title IV-E eligibility requirements. Thus it has been largely unable to claim reimbursement for payments as well.

Source: Table prepared by Congressional Research Service based on title IV-E foster care expenditure claims submitted by States in fiscal year 2007, as compiled by HHS.

TABLE 11-11 -- TOTAL AND FEDERAL SHARE OF TITLE IV-E FOSTER CARE CLAIMS, FISCAL YEAR 2007
(dollars in thousands)

STATE	TOTAL CLAIMS <i>All State and Federal IV-E Foster Care Spending</i>	FEDERAL SHARE <i>(of total claims)</i>	FEDERAL SHARE BY CLAIM CATEGORY								
			Foster Care Maintenance Payments ¹	Child Placement Services and Administration ²					SACWIS ²	Training	Demon- strations
				Subtotal	Case Planning and Case Mgmt	Pre-Placement Activities	Eligibility Determination	Other			

These data do not reflect any disallowances or deferrals that may be taken. Any numbers shown as negative sums reflect adjustments from past quarter claims.

Eligibility criteria

In general, States may only make claims for Federal reimbursement of foster care costs that are incurred on behalf of a child who meets the title IV-E eligibility criteria. As shown in Table 11-12, to be eligible for title IV-E foster care maintenance payments the State must document that – (1) the child was removed from the home of a specified relative in which he or she would have met the income and other requirements to be a “needy” child under the State’s AFDC program as it existed on July 16, 1996; (2) the child was removed from this home via a judicial determination that remaining in the home would be contrary to the child’s welfare (or based on a voluntary placement agreement, signed by the child’s parents or guardians); (3) reasonable efforts were made to eliminate the need for removal (if determined appropriate) and, subsequently, to finalize a permanency plan for the child (within 12 months of the child’s placement in care and every 12 months thereafter while child remains in care); (4) the care and placement of the child are the responsibility of the State; (5) the child is placed in a licensed or approved foster family home or public or private child care institution; and (6) the child’s foster parent meets the Federal safety (background check) requirements.

The Deficit Reduction Act of 2005 (DRA, Public Law 109-171) restated the title IV-E foster care eligibility criteria to codify a longstanding interpretation of the statute by HHS that the home in which the child would have met the AFDC income and other criteria must be the same home from which the child is removed to foster care because of safety concerns (or, under a voluntary placement agreement). In most cases this “home of removal” is the home of the child’s biological parents. The statutory clarification included in the DRA effectively made moot a March 2003 decision in the 9th Circuit Court of Appeals (*Rosales v. Thompson*) that had interpreted the law to permit, in certain instances, determination of whether a foster child would have met the AFDC tests while living in the home of a relative caregiver who was informally caring for the child because his or her parent was unwilling or unable to do so. This 2003 reading of the law temporarily permitted expanded eligibility for Federal foster care assistance in the 9th circuit States (Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington) and all of those States had amended their title IV-E plans to incorporate this broadened eligibility criteria. In June 2006, however, following enactment of the DRA, HHS informed those States that they could no longer use this expanded eligibility definition and that they could continue to make title IV-E foster care claims for children who were federally eligible solely because of the *Rosales* decision only until the annual re-determination of that child’s title IV-E foster care eligibility.

Beginning with fiscal year 2011, the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351) establishes a definition of child (for purposes of both title IV-B and IV-E), which effectively permits youth to remain eligible for Federal title IV-E foster care maintenance payments after reaching their 18th birthday. In general, beginning with fiscal 2011 the law defines “child” as an individual *under the age of 18*, unless a State chooses to include older youth in this definition. If it does so, the State must define “child” (for purposes of

title IV-E and IV-B) to include any youth who is older than age 18 but is in foster care under the responsibility of the State, and who has not reached the age of 21 (or age 19 or age 20, if the State chooses this) provided that the youth is in school, employed for at least 80 hours a month, participating in an activity designed to remove barriers to employment, or is incapable of doing any of those activities due to a medical condition documented in the youth's written case plan. States that elect to define "child" to include these youth are effectively required to provide foster care maintenance payment to any such youth who meets all of the other title IV-E eligibility criteria. Table 11-12 outlines these criteria.

A 2007 survey of State child welfare expenditures conducted by Child Trends asked States to estimate the most common reasons children did not meet title IV-E eligibility criteria (DeVooght, 2008). Twenty-eight States estimated the percentage of children who were ineligible based on one or more reasons. Among those States, 27 cited the income of the child's parent as a factor, on average, in 46 percent of the cases. In addition 17 States reported that "other" reasons were the reason for a child's ineligibility, on average, 28 percent of the time. Some of the common responses included in this "other" category included rules related to "deprivation," removal from the home of a specified relative, and the age of the child. These rules, as well as the income eligibility criteria are part of the program link to the prior law AFDC program (see Table 11-12). Additional "common" reasons that were grouped in this "other" category and which are not related to the AFDC link include "receiving SSI" and "citizenship issues." Pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA, Public Law 104-193), a child must be a citizen or "qualified alien" to be eligible for title IV-E. States also cited: lack of foster family home or other facility license (20 States, 16 percent of cases on average), lack of necessary judicial determinations (25 States, 13 percent of cases on average), and ineligible placement types (20 States, 11 percent of cases on average).

TABLE 11-12 -- FEDERAL TITLE IV-E FOSTER CARE ELIGIBILITY CRITERIA

Judicial Determinations ¹	Requirements Linked to AFDC Rules	Age	Placement and Other Requirements
<ul style="list-style-type: none"> The home of child was “contrary to the welfare of the child;” (this finding must be part of the same court order that removes the child from the home). The State made reasonable efforts to prevent removal of the child (or those efforts were not required); (this finding must be made no later than 60 days after a child’s removal from home).¹ The State is making reasonable efforts to finalize a permanent living situation for child. (This finding must be made within 12 months of a child’s entry to foster care and every 12 months thereafter while child remains in care). 	<ul style="list-style-type: none"> The child must be “deprived” of parental support, due to at least one parent’s death, continued absence from the home, or mental incapacity or because of unemployment. The child must have been living in home of parent or other specified relative before removal to foster care. The child must meet the definition of “needy” based on the income and resources of the family he/she was removed from. The income limit is based on State “need standard” as it existed on July 16, 1996 under the AFDC program; the resource limit is \$10,000 as established by the Foster Care Independence Act of 1999 (Public Law 106-169). 	<p><i>Before October 1, 2010:</i></p> <ul style="list-style-type: none"> The child must be under the age of 18 <i>or</i> (provided the State elected this option in its AFDC plan) under the age of 19, if the child is a full-time student completing high school. <p><i>Beginning October 1, 2010:</i></p> <ul style="list-style-type: none"> The child must be under the age of 18 <i>or</i> (if State elects under its title IV-E plan) in foster care under the responsibility of the State and under the age of 19, 20 or 21 (as the State may elect); AND completing high school (or equivalent credential); enrolled in college (or equivalent level vocational education); participating in a program or activity designed to promote employment or remove barriers to it; employed for at least 80 hours per month; <i>or</i> incapable of any of these listed activities due to a medical condition (documented in the case plan of the individual and regularly updated). 	<ul style="list-style-type: none"> The child must be placed in an eligible setting (e.g., foster family homes, public institutions caring for not more than 25 children or private institutions of any size; may not include detention facilities). <i>As of October 1, 2010</i> an eligible setting may include a supervised independent living setting for individuals age 18 or older. The child must be placed in a licensed facility or with a licensed foster family home provider. Prospective foster parent(s) must undergo a background check and must not have been convicted of certain crimes within certain time frames.² The child must be in the care and placement responsibility of State or another public agency with which State has an agreement. Pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193), the child must be a U.S. citizen or a “qualified alien.”

Note: If a child’s parent voluntarily agrees to place the child in foster care, “contrary to the welfare” and reasonable efforts to prevent placement findings are not required. However, in order for title IV-E eligibility to continue a judge must, within 180 days of the child’s placement in foster care, determine that the placement is in the child’s best interest.

¹ Requirements shown are for all children whose removal occurred on or after March 27, 2000, which was the effective date of the final rule implementing ASFA (Public Law 105-89). Slightly different judicial determination rules apply for children removed before that effective date.

² The same Federal background check and approval procedures became applicable in all States no later than October 1, 2008.

Source: Table prepared by the Congressional Research Service (CRS) based on HHS, ACF, ACYF, Children’s Bureau *Title IV-E Foster Care Eligibility Review Guide* (March 2006), Public Law 110-351, and Public Law 104-193.

Federal foster care coverage rate

Based on administrative data, the estimated Federal foster care coverage rate – that is the share of all children in foster care who are eligible for title IV-E foster care maintenance payments – is believed to have grown from roughly 35 percent in the early 1980s to more than 54 percent in the middle 1990s. Since fiscal year 1998, however, it has declined in nearly every year and by fiscal year 2007 was estimated to be about 43 percent. These estimates were made by comparing the national average monthly number of children in foster care on whose behalf States sought Federal title IV-E reimbursement for foster care maintenance payments to the total estimated number of foster children who were in foster care on last day of that same fiscal year. While these two sets of numbers are not directly comparable, they have been used to provide rough estimates and they offer the longest view of the Federal foster care coverage rate.

Since fiscal year 1998 data from the Adoption and Foster Care Analysis and Reporting System (AFCARS) may also be used to examine the coverage rate. Under this reporting system, States are required to report the total number of children in foster care on the last day of a given year and, separately, whether or not a child received a foster care maintenance payment that was reimbursed under title IV-E. For most fiscal years beginning with 1998 and ending with 2007, these data also indicate a decline in Federal title IV-E foster care coverage. The AFCARS data suggests a national Federal foster care coverage rate of 52 percent for fiscal year 1998, which declined to 46 percent by fiscal year 2002 where it hovered through fiscal year 2005, before dipping to 41 percent in fiscal year 2006 and climbing back to 43 percent in fiscal year 2007.

Survey data collected from State budget officials, however, suggests a higher Federal foster care rate than these administrative data indicate. Based on information from the 36 States that estimated Federal foster care coverage for each of State fiscal years 2000, 2002, 2004 and 2006, the survey reported an estimated Federal foster care coverage rate of 68 percent in State fiscal year 2000 declining to 58 percent in State fiscal year 2006. Among 46 States that reported information on this question for State fiscal years 2004 and 2006, the national Federal foster care rate was estimated at 57 percent for both years. (DeVooght, 2008).

The discrepancy between the administrative and survey data is not easy to explain. The quality of the administrative data is one concern. Some researchers also suggest that the difference may be related to how States responding to the survey defined the population of children in foster care. There are likely other factors that require further research. At the same time, both the survey and administrative estimates indicate wide variation in the Federal foster care coverage rate by State. Table 11-13 shows Federal foster care coverage rates by States, using various estimating methods.

TABLE 11-13 -- ESTIMATED SHARE OF CHILDREN IN FOSTER CARE RECEIVING TITLE IV-E FOSTER CARE MAINTENANCE PAYMENTS, BY STATE, SELECTED YEARS 2001-2007

STATE	ESTIMATES FOR FISCAL YEARS BASED ON ADMINISTRATIVE DATA						SURVEY ESTIMATES
	Expenditures Claims Data Compared to AFCARS Data ¹			AFCARS Data Comparison Only ²			State Budget Official Estimates for State Fiscal Year ³
	2001	2004	2007	2001	2004	2007	2006
Alabama	28%	27%	28%	28%	23%	27%	37%
Alaska	20%	20%	30%	²		29%	66%
Arizona	51%	50%	40%	46%	43%	45%	51%-60%
Arkansas	93%	60%	55%	47%	54%	54%	70%
California	62%	64%	58%	59%	62%	52%	75%
Colorado	37%	31%	30%	37%	36%	32%	41%-50%
Connecticut	37%	40%	42%	87%	80%	49%	41%-50%
Delaware	40%	33%	17%	35%	29%	9%	38%
Dist. of Col.	48%	48%	40%	²	47%	41%	41%-50%
Florida	21%	31%	28%	23%	29%	40%	65%
Georgia	35%	30%	31%	30%	33%	36%	30%
Hawaii	48%	38%	50%	49%	60%	52%	61%-70%
Idaho	44%	52%	55%	43%	55%	54%	58%
Illinois	72%	101%	87%	29%	50%	43%	61%-70%
Indiana	31%	17%	24%	51%	35%	39%	50%
Iowa	44%	37%	23%	35%	37%	28%	45%
Kansas	35%	38%	27%	28%	34%	31%	41%-50%
Kentucky	53%	49%	47%	50%	52%	48%	57%
Louisiana	51%	68%	53%	53%	60%	44%	66%
Maine	77%	51%	53%	60%	34%	35%	41%-50%
Maryland	45%	36%	34%	44%	35%		51%-60%
Massachusetts	38%	40%	27%	²	22%	33%	30%
Michigan	45%	32%	21%	²	32%	23%	46%
Minnesota	47%	43%	39%	47%	37%	33%	61%
Mississippi	24%	21%	27%	44%		25%	20% and under
Missouri	43%	46%	41%	39%	28%	40%	70%
Montana	37%	46%	54%	34%	34%	39%	58%
Nebraska	19%	24%	24%	23%	22%	19%	21%-30%
Nevada	33%	32%	29%	²	38%	39%	³
New Hampshire	44%	52%	51%	39%	50%	44%	60%
New Jersey	60%	40%	37%	55%	36%	28%	21%-30%
New Mexico	73%	76%	63%	40%	65%	58%	73%
New York	67%	57%	43%	66%	60%	50%	31%-40%
North Carolina	38%	40%	44%	44%	39%	39%	52%
North Dakota	39%	38%	33%	43%	40%	35%	41%-50%

TABLE 11-13 -- ESTIMATED SHARE OF CHILDREN IN FOSTER CARE RECEIVING TITLE IV-E FOSTER CARE MAINTENANCE PAYMENTS, BY STATE, SELECTED YEARS 2001-2007

STATE	ESTIMATES FOR FISCAL YEARS BASED ON ADMINISTRATIVE DATA						SURVEY ESTIMATES
	Expenditures Claims Data Compared to AFCARS Data ¹			AFCARS Data Comparison Only ²			State Budget Official Estimates for State Fiscal Year ³
	2001	2004	2007	2001	2004	2007	2006
Ohio	22%	42%	46%	62%	64%	60%	71%-80%
Oklahoma	60%	32%	45%	47%	45%	53%	61%-70%
Oregon	39%	42%	45%	54%	57%	52%	71%-80%
Pennsylvania	53%	46%	71%	65%	55%	61%	66%
Rhode Island	31%	25%	28%	29%	17%	22%	41%-50%
South Carolina	33%	25%	20%	47%	27%	25%	31%
South Dakota	34%	28%	24%	46%	39%	32%	52%
Tennessee	63%	56%	37%	51%	45%	41%	50%
Texas	39%	45%	48%	21%	58%	54%	73%
Utah	41%	40%	34%	51%	40%	41%	41%
Vermont	72%	57%	57%	77%	53%	53%	51%
Virginia	47%	62%	47%	55%	56%	49%	54%
Washington	34%	38%	36%	31%	35%	36%	71%-80%
West Virginia	27%	20%	28%	28%	29%	34%	21%-30%
Wisconsin	45%	31%	37%	45%	33%	37%	51%-60%
Wyoming	32%	17%	11%	10%	13%	15%	³
Total ⁴	48%	47%	43%	48%	46%	43%	57%

¹ Average monthly number of children for whom States made title IV-E foster care maintenance payment claims, as reported on a form used by States to claim reimbursement of title IV-E costs compared to the number of children in foster care on last day of the given fiscal year, as reported by States via the Adoption and Foster Care Analysis and Reporting System (AFCARS).

² Number of children receiving a title IV-E payment on the last day of the fiscal year compared to number in care on the last day of the fiscal year, both as reported by States via AFCARS. Blank cell indicates that State reported 0% to less than 3% title IV-E eligibility and data are excluded.

³ State budget official calculations (rounded to nearest whole percent) provided for State fiscal year 2006 in response to question on the 2007 Casey Child Welfare Financing Survey. Blank cell indicates data not provided to survey (see DeVooght, 2008).

⁴ Total Federal foster care coverage rate estimated based on States that have data included in the table.

Source: Table prepared by Congressional Research Service.

Foster care maintenance payments

Under title IV-E States are required to provide foster care maintenance payments on behalf of every title IV-E eligible child in foster care. Federal law defines a foster care maintenance payment as “payments to cover the cost of (and the cost of providing) food, clothing, shelter, daily supervision, school supplies, a child’s personal incidentals, liability insurance with respect to a child, reasonable travel to the child’s home for visitation, and, as provided by the Fostering Connections to

Success and Increasing Adoptions Act of 2008, Public Law 110-351, reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement.” The statute also clarifies that when foster care is provided in an institutional setting, “reasonable cost of administration and operation” of the institution may be included as part of the cost of a foster care maintenance payment. Medical expenses are not an allowable maintenance payment cost. However, the statute provides that any child who is eligible for a title IV-E payment is categorically eligible for Medicaid.

There is no Federal minimum or maximum foster care maintenance payment rate. States are permitted to set these rates and are required (under title IV-E) to review them periodically to ensure their “continuing appropriateness.” The specific rate provided to a child often varies by the age of the child, the child’s placement setting, and by special needs the child may have. States also vary in the way they provide support for certain items such as clothing, school supplies, and child care. Some States may wrap this into the daily or monthly foster care maintenance payment rate while others provide discrete and separate payments. Nationally, the median monthly foster care maintenance payment was \$464 in fiscal year 2007. Some children receive much higher rates, possibly related to special needs (including institutional placement), and this produced a significantly higher average monthly foster care maintenance payment rate in that same fiscal year (\$1,560). Table 11-14 shows median and average monthly foster care maintenance payments for all children in foster care and by title IV-E eligibility status. Children who are not title IV-E eligible tend to have lower average and median monthly maintenance payments.

TABLE 11-14 -- MEDIAN AND AVERAGE MONTHLY FOSTER CARE MAINTENANCE PAYMENTS, BY TITLE IV-E ELIGIBILITY STATUS
(nominal dollars)

FISCAL YEAR	NOT TITLE IV-E ELIGIBLE		TITLE IV-E ELIGIBLE		ALL	
	Median	Average	Median	Average	Median	Average
2003	\$307	\$1,473	\$449	\$1,330	\$418	\$1,410
2004	393	1,619	535	1,601	454	1,611
2005	423	1,732	574	1,756	485	1,743
2006	390	1,626	600	1,725	467	1,666
2007	380	1,502	600	1,638	464	1,560

Source: HHS analysis of State data reported via AFCARS.

Table 11-15 shows basic foster care maintenance payments for children in foster family homes by State. Please note that a “basic rate” may be a floor. It is not necessarily a “typical” payment, nor does it represent a median or average payment. Basic payment rates are shown as compiled by the National Resource Center for Family-Centered Practice and Permanency Planning (NRCFPP). The NRCFPP, which is funded by HHS, cautions that differences in how States establish maintenance payment rates, variations in special needs payment rates, as well as variations in the cost of living across the country and in payment rates in different

regions or counties within a State, limit comparability across States. Table 11-15 also shows additional payment information when this was provided.

TABLE 11-15 – BASIC MONTHLY FOSTER CARE MAINTENANCE PAYMENT RATES, BY STATE

as compiled June 2008

State	Age 2	Age 9	Age 16	Notes ¹
Alabama	\$410	\$434	\$446	
Alaska	\$653	\$580	\$689	Rate varies by geographic location; the State applies a multiplier of up to 1.42 times the listed rate. Each village is assigned a multiplier. Additional Payment: Maximum \$300 initial clothing, based on documented need.
Arizona	\$793	\$782	\$879	Additional payments may include maximum yearly amounts as follows: \$300 emergency clothing; \$165 books and school supplies; \$165 supplemental school fees in year-round schools; \$220 graduation expenses; \$45 holidays, birthdays; \$359 day camp or combined \$550 overnight camp and day camp or family vacation.
Arkansas	\$400	\$425	\$475	
California	\$425	\$494	\$597	Rates at some age levels are slightly higher in the counties of Los Angeles, Orange, Santa Clara, and Marin.
Colorado	\$349	\$349	\$423	Additional amounts: \$20 respite allowance; the 64 counties have the authority to negotiate rates above the anchor rates and most do.
Connecticut	\$783	\$792	\$859	Additional payment: \$300 initial clothing allowance.
Delaware	\$517	\$517	\$517	
Dist. of Col.	\$827	\$827	\$899	
Florida	\$429	\$440	\$515	
Georgia	\$416	\$471	\$540	
Hawaii	\$529	\$529	\$529	
Idaho	\$274	\$300	\$431	Additional payments: Christmas gifts \$30; birthday gifts \$20; clothing and school fees “based upon the Department’s determination of each child’s needs.”
Illinois	\$369	\$410	\$445	Additional payments: Initial clothing voucher if the child’s clothing is inadequate; transportation/mileage up to \$50 per month to support sibling visits; \$25 per hour, up to \$100 to supervise sibling visits.
Indiana	Each county sets its own rates			There is no State rate. Foster parents can negotiate with their county director.
Iowa	\$454	\$474	\$525	Additional payments: \$1 per day per child when a sibling group of 3 or more is placed in the same home; \$250 initial clothing allowance; \$200 replacement clothing per year; \$50 per year school fees; \$1 per day transportation for pre-placement or family visits outside the community in which the foster family resides.
Kansas	\$568	\$568	\$568	

TABLE 11-15 – BASIC MONTHLY FOSTER CARE MAINTENANCE PAYMENT RATES, BY STATE

as compiled June 2008

State	Age 2	Age 9	Age 16	Notes ¹
Kentucky	\$599	\$599	\$660	Additional payments: Initial clothing allowance may allowed up to \$100, ages 0-1; \$120, ages 1-2; \$130, ages 3-4; \$180, ages 5-11; \$290, ages 12+; annual school clothing allowance \$50, ages 3-10; \$100 ages 11+; graduation expenses up to \$500; Christmas gifts, \$60; birthday gifts, \$25.
Louisiana	\$380	\$365	\$399	
Maine	\$502/ \$913	\$502/ \$913	\$502/ \$913	There are two regular foster care maintenance payment rates. For children with “minimal needs” the rate is \$16.50/day and for children with “mild” needs, \$30/day. Additional payments: Initial clothing allowance \$365, ages 0-11; \$618, ages 12-14; \$698, ages 15-18.
Maryland	\$735	\$735	\$750	
Massachusetts	\$520	\$546	\$565	
Michigan	\$433	\$433	\$535	
Minnesota	\$585	\$585	\$699	Additional payments: Initial clothing allowance \$389, ages 0-11; \$658, ages 12-14; \$744, ages 15-18.
Mississippi	\$325	\$355	\$400	
Missouri	\$271	\$322	\$358	Additional payments: Infant allowance: \$50, ages 0-2; annual clothing allowance: \$150, ages 0-5; \$200, ages 6-12; \$250, ages 13+.
Montana	\$450	\$450	\$542	
Nebraska	\$222	\$292	\$352	
Nevada	\$592	\$592	\$682	
New Hampshire	\$403	\$439	\$518	Additional payments: Clothing at \$0.88 a day and special occasion allowances for holiday, back to school and birthday paid 3 times a year -- \$50, ages 0-5; \$58, ages 6-10; \$67, ages 11-13; \$100, ages 14-18.
New Jersey	\$454	\$489	\$564	
New Mexico	\$483	\$516	\$542	Additional payments: Annual clothing allowance \$600; \$50 birthday; \$50 December holiday; \$50-\$100 back to school, depending on funding. Also available reimbursements, with prior approval: maximum \$500 annual for extracurriculars; maximum \$500 educational expenses; \$500 vacation.

TABLE 11-15 – BASIC MONTHLY FOSTER CARE MAINTENANCE PAYMENT RATES, BY STATE

as compiled June 2008

State	Age 2	Age 9	Age 16	Notes ¹
New York	\$504/ \$459	\$594/ \$553	\$687/ \$640	Each of 58 local districts is allowed to set its own rates. The State only determines the maximum amounts it will reimburse to the local district; there is no minimum. Maximum State aid rates for Metro/Upstate are displayed in the table. Additional payment: Maximum State aid rates for clothing allowance \$29.98, ages 0-5; \$40.52 ages 6-11; \$62.83, ages 12-15; \$76.86, ages 16+; maximum State aid rate for diaper allowance \$53 per month, ages 0-3.
North Carolina	\$390	\$440	\$490	
North Dakota	\$360	\$408	\$531	
Ohio	Each county sets its own rates			The minimum and maximum rates, per day, range from \$9 to \$118.
Oklahoma	\$365	\$430	\$498	Additional payment: Initial clothing allowance \$100, ages 0-5; \$150, ages 6-12; \$200, ages 13+.
Oregon	\$387	\$402	\$497	
Pennsylvania	NA	NA	NA	
Rhode Island	\$438	\$416	\$480	
South Carolina	\$332	\$359	\$425	
South Dakota	\$451	\$451	\$542	
Tennessee	\$627	\$627	\$737	If the child's clothing is not adequate, additional amounts: \$125, ages 0-2; \$175, ages 3-4; \$200, ages 5-12; \$250, ages 13+.
Texas	\$652	\$652	\$652	
Utah	\$456	\$456	\$517	
Vermont	\$517	\$571	\$630	
Virginia	\$368	\$431	\$546	Additional payment: annual clothing allowance \$300, ages 0-4; \$375, ages 5-12; \$450, ages 13+
Washington	\$374	\$451	\$525	
West Virginia	\$600	\$600	\$600	
Wisconsin	\$333	\$363	\$432	

TABLE 11-15 – BASIC MONTHLY FOSTER CARE MAINTENANCE PAYMENT RATES, BY STATE
as compiled June 2008

State	Age 2	Age 9	Age 16	Notes ¹
Wyoming	\$645	\$664	\$732	

¹ Additional payments are noted if the State supplied this. However, the absence of this information does not necessarily mean a State does not provide such payments.

Source: National Resource Center for Family-Centered Practice and Permanency Planning, as updated June 19, 2008. The effective date of these rates and the date they were last verified varied by state. To check for any more current version of this table see link for Foster Care Maintenance Payments” at this webpage: http://www.hunter.cuny.edu/socwork/nrcfcpp/info_services/foster-care.html

Eligible placement setting

To be eligible for a title IV-E foster care maintenance payment, children must be placed in a State-approved or State-licensed “foster family home” or “child care institution.” The Adoption Assistance and Child Welfare Act of 1980 (Public Law 96-272) stipulated that a “child care institution” does not include facilities operated primarily for the detention of delinquents, including forestry camps and training schools. The 1980 law permitted payments made for children placed in public institutions but only if they served no more than 25 children. (There is no limit on the size of private institutions.) In 1996 PRWORA (Public Law 104-193) expanded eligible placement settings to include private, for profit institutions and the Fair Access to Foster Care Act of 2005 (Public Law 109-113) also permits Federal IV-E payments to be made by for profit child placing agencies for eligible children placed in licensed foster family homes or eligible public or private child care institutions. Effective with October 1, 2010, the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351) expands the definition of child care institution – but only for youth who remain in foster care after their 18th birthday – to include supervised independent living. The law requires HHS to define the conditions of such a setting in regulation.

Licensing

A child is not eligible for title IV-E foster care maintenance payments unless he or she is placed in a licensed home or child care institution and the child’s caregiver meets the background check requirements. In regulations issued January 25, 2000, and as part of implementing the Adoption and Safe Families Act (Public Law 105-89), HHS, citing ASFA’s emphasis on children’s safety, stipulated that States must apply the same licensing standards to all foster family homes, whether the home is maintained by the child’s relative or a non-relative. A 1998-1999 survey of State licensing practices found that two States did not license relative foster family homes at all and that among the States that did issue such licenses, 33 States had different requirements for relative foster family homes as compared to non-relative foster family homes. Those differences varied by State and concerned a variety of standards, including the duration of the license as well as requirements related to training, visiting/monitoring of the home, physical space in the home and certain safety issues (Sparks, 2000). When it issued the 2000 regulations requiring uniform licensing standards for all foster family homes, HHS, however, assured States that they would still be allowed to waive non-safety related licensing standards for relative foster family homes, on a case-by-case basis. Effective October 7, 2008, the Fostering Connections to Success and Increasing Adoptions Act (Public Law 110-351) bolstered this Federal administrative guidance by providing States with the *statutory* authority to waive any licensing standard, but “only on a case-by-case basis, for non safety standards (as determined by the State) in relative foster family homes for specific children in care.”

Background checks

ASFA (Public Law 105-89) required States to establish criminal background check procedures for prospective foster and adoptive parents. The law did not specify how the checks should be conducted but it did provide certain approval procedures. These ASFA rules applied to children for whom the State intended to make title IV-E foster care maintenance or adoption assistance payments. However, ASFA permitted any State to elect to “opt out” of the requirements by sending a letter to HHS indicating this choice or by enactment of State legislation to that effect. The Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) eliminated the opt out provision for any State that had not already exercised the option and it provided that, as of October 1, 2008 all States (including the remaining eight that had previously “opted out”) must meet the Federal criminal background check and approval procedures.

As amended by the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248), States are required under title IV-E to conduct a fingerprint-based check of national crime databases (i.e., an FBI check) of a prospective foster or adoptive parent before approving the placement of *any* child, regardless of the child’s IV-E eligibility status, in the home of that individual. Further, all States, including the former “opt out” States (as of October 1, 2008), must follow the Federal approval procedures associated with these checks for any child on whose behalf it intends to seek reimbursement for payments under title IV-E. Those approval procedures remain the same as when first stipulated in ASFA and provide that the State may not approve the placement of a child in the home of any prospective foster or adoptive parent if the criminal background check reveals that the prospective foster or adoptive parent was, at any time, convicted of felony child abuse or neglect, abuse of a spouse, a crime involving children (including child pornography), or a crime involving violence (including rape, sexual assault or homicide, but not including other physical assault or battery); or if the record check shows a felony conviction for physical assault, battery or a drug-related offense that was committed in the last five years.

Many child abuse and/or neglect cases are not the subject of criminal court proceedings. Thus information on the perpetrators in such cases would not appear in a criminal records check but might be included in a State child abuse and neglect registry. Beginning with fiscal year 2008, Public Law 109-248 required all States to check any child abuse and neglect registry that is maintained by the State for information about a prospective foster or adoptive parent (and any other adult living in his or her household). The check must be made before approving placement of a foster child in the home whether the child is title IV-E eligible or not. States must also request (and all States must comply with such requests) information from the child abuse and neglect registry of any other State where the prospective foster or adoptive parent (or other adult) lived in the previous five years. The 2006 law did not stipulate how any information obtained from a registry check must be used.

Training

States are permitted to seek reimbursement for the cost of providing short-

term or long-term training to current or prospective public agency employees and short-term training to staff of child care institutions caring for foster children as well as prospective foster or adoptive parents. To be eligible for title IV-E reimbursement, the training must be related to carrying out the title IV-E program. The Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351) phased in increase Federal reimbursement rates for States that offer short-term training to workers at *private*, licensed child welfare agencies. It also permits State to claim title IV-E reimbursement for certain short-term training of current and prospective relative guardians and for court and related personnel (including attorneys) who handle child abuse and neglect cases. The 2008 Act set the matching rates for these new categories of title IV-E eligible training claims at 60 percent in fiscal year 2010, rising 5 percentage points annually until it reaches 75 percent in fiscal year 2013. (Any title IV-E training cost that was reimbursed at 75 percent before enactment of Public Law 110-351 continues to be reimbursed at that rate throughout the phase-in period and as of fiscal year 2013 all of these eligible title IV-E training costs must be reimbursed at 75 percent.)

Child placement services and other program administration costs

Under title IV-E States are permitted to claim Federal reimbursement for 50 percent of their foster care costs related to the “provision of child placement services and for the proper and efficient administration” of the title IV-E plan. These costs (excluding those related to training and operation and development of an approved Statewide Automated Child Welfare Information System, SACWIS) are commonly referred to simply as “administrative costs.” In regulation, HHS has described eligible title IV-E administration to include costs related to – determination of title IV-E eligibility, fair hearings and appeals, rate setting and “other costs directly related only to the administration of the foster care program.” The regulations also provide the following examples of activities for which reimbursement may be claimed under title IV-E – referral to services, preparation for and participation in judicial determinations; placement of the child; development of the case plan; case reviews; case management and supervision; recruitment and licensing of foster homes and institutions; data collection and reporting; rate setting; and a proportionate share of related agency overhead.

With certain exceptions (discussed below) States may only claim Federal title IV-E administrative costs on behalf of children in foster care who are eligible to receive a title IV-E foster care maintenance payment. In practice this generally means that the State may submit the portion of its eligible IV-E foster care costs that is equal to its title IV-E coverage rate, and the Federal reimbursement rate for those total claims is 50 percent. However, there are some expenses for which a larger share of the State’s total costs may be submitted. A State is permitted to claim Federal reimbursement of 50 percent for the *total* costs it incurs for eligibility determinations and redeterminations of children entering or in foster care, and, separately, for the foster-care-related costs of developing and operating an approved SACWIS. (For more information on SACWIS see State Data Collection and Reporting, later in this section.) Further, the Deficit Reduction Act of 2005 (DRA,

Public Law 109-171), established several new or revised policies regarding other instances where a State may seek title IV-E reimbursement of a program *administration* cost in support of a child but it may not seek reimbursement of any foster care maintenance payments paid on the same child's behalf.

Specifically, while States have long been permitted to make claims for reimbursement of "pre-placement" activities on behalf of children who are "candidates" for foster care, the DRA, enacted in February 2006, established in statute that "candidate" claims may only be made on behalf of children at "imminent risk" of removal from the home and may not apply to children who are already in foster care under the responsibility of the State. In addition, it stipulated that a State must re-determine, no less often than every 6 months, that a child continues to be a "candidate" for foster care. The DRA also established a limited time period during which States may claim reimbursement for all kinds of title IV-E administrative costs incurred on behalf of children in foster care who would be eligible for a title IV-E foster care maintenance payment, except for their placement in the *unlicensed* home of a relative. The DRA specified that States may only make administrative claims on behalf of otherwise eligible children placed in unlicensed relative homes for the shorter of 12 months or the average length of time it takes a State to license a foster family home. Nearly all States reported an average foster family home licensing time frame less than 12 months. Of the 48 States, including the District of Columbia and Puerto Rico, that provided information on this issue to HHS (as of spring 2008), 46 reported an average licensing time frame less than 12 months and of these, 37 States reported an average licensing time frame of 6 months or less.

Finally, the DRA also stipulated that for a limited time period, title IV-E administrative claims may be made on behalf of a child who meets all the title IV-E foster care eligibility criteria *except* for his or her temporary placement in an ineligible setting such as a juvenile detention home or certain psychiatric hospitals. The statute provides that these administrative claims may be made for one calendar month and only if the child is subsequently moved back to a setting where the child is again eligible for title IV-E foster care maintenance payments.

Trend in title IV-E foster care claims

Viewed in inflation-adjusted dollars, total Federal spending under the foster care component of the title IV-E program grew somewhat between fiscal years 1998 and 2000, remained relatively flat through fiscal year 2002 and declined in each fiscal year from 2003 to 2007 between 1 percent and 6 percent. However, spending for foster care maintenance payments began a nearly uninterrupted decline as early as fiscal year 1999, which is consistent with the decline in caseload that began in that year (see Table 11-23 for caseload decline). At the same time, Federal spending for program administration, including child placement activities, continued to grow through fiscal year 2003.

The composition of Federal spending for title IV-E foster care has changed over time. Despite the fact that Federal reimbursement for foster care maintenance payments is provided at a higher rate than for all other program costs (excluding

training), the share of all Federal title IV-E foster care spending for those *other* purposes grew from less than 10 percent in 1981 (as the title IV-E program was just getting underway) to more than 43 percent by 1990. During the middle 1990s, Federal title IV-E spending on foster care maintenance payments hovered just above or below 50 percent of the overall Federal foster care spending and beginning with fiscal year 2000 it has consistently fallen below the 50 percent mark. For fiscal year 2007, Federal reimbursement of foster care maintenance payment claims totaled less than 40 percent of all Federal title IV-E foster care spending.

TABLE 11-16 -- FEDERAL SHARE OF TITLE IV-E FOSTER CARE SPENDING, FISCAL YEARS 1997 – 2007
(inflation-adjusted (constant 2007) dollars shown in millions)

FISCAL YEAR	Maintenance Payments	Child Placement and Administration	SACWIS ¹	Training	Demonstrations	TOTAL
1997	\$2,217	\$1,855	\$446	\$227	<i>not available</i>	\$4,745
1998	2,430	1,878	143	242	<i>not available</i>	4,693
1999	2,415	2,174	120	248	\$21	4,957
2000	2,259	2,277	140	277	164	5,117
2001	2,239	2,295	142	272	172	5,120
2002	2,160	2,336	197	279	219	5,192
2003	1,896	2,521	141	240	233	5,030
2004	1,970	2,421	145	266	156	4,959
2005	1,861	2,361	197	250	150	4,818
2006	1,646	2,377	155	243	122	4,543
2007	1,573	2,141	151	226	331	4,422

Note: For Federal Title IV-E spending by these categories in unadjusted (nominal) dollars see Table 11-2.

¹ SACWIS is the acronym for Statewide Automated Child Welfare Information System. The column combines claims made for development and operation of an approved SACWIS.

Source: Table prepared by the Congressional Research Service based on State expenditure claim data compiled by HHS. Claims shown are as submitted by States in the given fiscal year and may not reflect certain deferrals or disallowances. Inflation adjustment was calculated using the CPI-U (all items).

Part of the reason for the decline in foster care maintenance spending as a share of all Federal foster care spending has been the introduction of new claim categories. In fiscal year 1994, State made the first claims for data collections systems (SACWIS) and in fiscal year 2000, HHS required States to report spending under an improved title IV-E demonstration project as a separate category. However, these claim categories typically represent a modest share of overall Federal title IV-E foster care spending. Training claims, which have been authorized since the creation of title IV-E have typically remained just above or below 5 percent of Federal title IV-E foster care spending. SACWIS claims have been authorized since fiscal year 1994 and, with the exception of some of the earliest years when enhanced federal funding was available, have averaged between

3 and 4 percent of total Federal Title IV-E foster care spending each fiscal year. Similarly, demonstration related claims, first separately tracked on a systematic basis in fiscal year 2000, have typically equaled between 3 and 4 percent of Federal title IV-E foster care spending, although this increased to 7 percent in fiscal year 2007 when Florida implemented a large, statewide project. By contrast, Federal reimbursement of claims commonly referred to as “administrative” now consume roughly half (48 percent) in fiscal year 2007 of all Federal title IV-E foster care spending. (See Table 11-17.)

TABLE 11-17 -- FEDERAL AMOUNT AND SHARE OF STATE TITLE IV-E FOSTER CARE SPENDING, BY DETAILED CLAIM CATEGORY
(nominal dollars in millions)

CATEGORY OF CLAIM	2005		2006		2007 ²	
	Dollars	Share	Dollars	Share	Dollars	Share
Foster Care Maintenance Payments	\$1,753	39%	\$1,608	36%	\$1,573	36%
Case Planning and Case Management	1,217	27%	1,348	30%	1,256	28%
Pre-placement Activities	499	11%	436	10%	382	9%
Eligibility Determination	126	3%	142	3%	131	3%
Other Administration	382	8%	397	9%	373	8%
SACWIS (development and operation)	186	4%	151	3%	151	3%
Training	236	5%	237	5%	226	5%
Demonstrations ¹	141	3%	119	3%	331	7%
TOTAL	\$4,541	100%	\$4,439	100%	\$4,422	100%

¹ Percentages for fiscal year 2007 are slightly different than those used to generate Chart 11-2 because demonstration costs are included in this table.

² Demonstration claims may only be made by States with an approved demonstration waiver. Generally these claims may represent spending in any of the given title IV-E foster care claim categories. For fiscal year 2007, \$145 million of the demonstration claims were made by Florida. In that year, Florida implemented a statewide demonstration that incorporates all title IV-E foster care spending (except SACWIS) into a single, pre-negotiated lump sum that may be spent on any child welfare purpose and on behalf of any child, whether or not he or she meets the Federal title IV-E foster care eligibility criteria.

Source: Congressional Research Service. Based on annual State expenditure claims data as compiled by HHS. Claim amounts shown are as submitted by States and may not reflect certain disallowances or deferrals.

The size and growth of title IV-E foster care “administrative claims” has been of recurring concern for policymakers (OIG 1987, OIG 1990, GAO 2006). As part of the Omnibus Reconciliation Act of 1990 (Public Law 101-508) Congress amended title IV-E to rename administrative costs “child placement services and administrative costs.” However, it made clear in conference report language that this was a name change only and did not expand the activities for which States could make claims. In addition, the Conference Report (H. Rpt. 101-964) called on HHS to establish uniform definitions for the “child placement services and administrative” costs and to require States to “account for expenditures according to these activities.”

Subsequently, HHS instructed States to separate their title IV-E administrative

and child placement costs into several different categories, including: 1) pre-placement activities on behalf of children clearly at risk of placement in foster care; 2) case plan development, review or revision and the supervision or management of cases for children in foster care; 3) determining and re-determining title IV-E eligibility for children entering or in foster care; and 4) all other program administrative activities, such as rate setting, and certain licensing or recruiting activities. The first two categories (pre-placement activities and case planning/management) represent the largest parts of title IV-E foster care administrative spending. These claim categories may be understood as “child placement services” and are provided by caseworkers (or their supervisors) on behalf of individual children, who are at-risk of entering care or who are already in care. This kind of spending is not always characterized as “administrative” in other Federal programs, including other Federal child welfare programs. By contrast, the last two categories – eligibility determination and “other” – represent more modest shares of the spending and are for purposes more often described as “administrative.”

In a 2006 report, the GAO noted that most title IV-E administrative costs were related to child placement services but it found that inconsistent methods used by States to track and report costs by detailed administrative category precluded closer analysis of the types of costs incurred by category. The GAO, as part of a review of spending between 2000 and 2004 in 11 States, also found that the methods States used to identify eligible children and related staff costs (i.e., the details of individual State title IV-E cost allocation plans) were two primary reasons for differences in Federal title IV-E spending across States. The GAO also noted the variety in State use of Federal funds, which might be available for but are not specifically limited to child welfare purposes (e.g., SSBG, TANF and Medicaid) as an issue complicating comparability of spending across States. Finally, the GAO cited a lack of oversight and inconsistent application of Federal guidance across the nine Federal regional offices that work the closest with States in administering the program (GAO, 2006).

Support for children who are not title IV-E eligible

Children in foster care who are not title IV-E eligible are supported with State and local funds and may also receive services or support via Federal programs other than title IV-E. For fiscal year 2008 States estimated they would spend roughly \$8.5 billion to provide foster care maintenance payments to both title IV-E eligible and non-eligible children. Of this amount, on a national basis, they expected less than 23 percent (roughly \$1.9 billion) to be reimbursed with Federal dedicated child welfare funds – primarily by title IV-E. The remainder, approximately \$6.6 billion, was expected to come from other sources, including significant State/local and donated funds. (National estimates prepared by the Congressional Research Service based on information provided by each State as part of its request for fiscal year 2008 service funding (HHS, August 2008)).

Many, if not all, States use TANF funds to provide monthly assistance payments to some children in foster care. Children who are placed with relatives (other than their parents) may receive a TANF child only payment (typically a

smaller amount than a foster care maintenance payment) without regard to the income of the relative's household. States may also provide TANF payments on behalf of the relative if the relative meets the income, work and other requirements (Gibbs, 2004). In addition, as created in 1996 the TANF block grant incorporated funding for the prior law "Emergency Assistance" (EA) program and States that had the authority to use EA funds for foster care maintenance payments under prior law may continue to do so, using the same parameters as in the prior law program, with TANF funds. Other Federal funding streams sometimes tapped by States for monthly room and board payments include Supplemental Security Income (SSI) and Social Security "survivors" benefits for children in foster care who meet the eligibility criteria for those Federal programs. In addition, the 2007 Casey Child Welfare Financing Survey reported that some States use Medicaid to supplement payments for children with special medical needs or those whose regular care must include medical treatment (DeVooght, 2008). States have fairly limited ability to use title IV-B, subpart 1 funds to provide foster care maintenance payments (as discussed above), and they are largely prohibited from using SSBG funds to do so.

Foster care maintenance payments, however, are only one part of child welfare agency expenditures for children in foster care, and are not necessarily the largest part. As noted earlier, all children in foster care – whether title IV-E eligible or not, must receive case planning and review services (primarily caseworker activities on a child's behalf). Although States may not use title IV-E to support these caseworker activities on behalf of non-title IV-E children, they may supplement State and local spending for these purposes with Federal funds from other sources, including title IV-B and SSBG funds. Some States have used Medicaid for certain case planning activities on behalf of children in foster care (particularly non-title IV-E eligible children). However, the DRA of 2005 (Public Law 109-171) placed certain limits on this practice in statute. Finally, States identify services that children and their families need in these case plans, such as counseling, parenting education, and in-home services. States may use title IV-B funds to provide these services but are prohibited from using title IV-E funds for this purpose on behalf of any child. However, States may again supplement State and local funding on these purposes with other Federal program funding, notably including TANF, SSBG and Medicaid.

Biennial surveys of total State child welfare expenditures begun in the middle 1990s by the Urban Institute and most recently conducted by Child Trends have consistently shown significant State use of "non-dedicated" sources of Federal funds for child welfare purposes. The most recent survey found that in State fiscal year 2006 just under one-half (48 percent) of all State spending on child welfare purposes came from Federal sources. This amount was down from a high point of roughly 51 percent in State fiscal year 2002, but above the 46 percent in Federal funds found by the survey of 1996 State fiscal year child welfare spending. Among 45 States providing significant detail in their reporting, a little over half of the funds were from either title IV-E (48 percent) or IV-B (5 percent) while the remaining Federal support for child welfare was derived from TANF (19 percent), Medicaid (13 percent), SSBG (including some TANF funds that were transferred to SSBG)

(12 percent), and the remaining 3 percent from “other” Federal programs including SSI. State use of these various programs for child welfare purposes varied greatly (Geen, 1998; Bess, 2000; Bess, 2002; Scarcella, 2004; Scarcella, 2006; DeVooght, 2008).

KINSHIP GUARDIANSHIP ASSISTANCE

The Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351) authorizes States to seek partial Federal reimbursement for kinship guardianship assistance payments made on behalf of eligible children who leave foster care for placement in a “legal guardianship” with a grandparent or other relative. Enactment of this new program component followed more than a decade of State experimentation with subsidized guardianship programs under Section 1130 waivers of title IV-E rules, as discussed below, or independently. In a 2007 report, the GAO recommended that Congress consider enacting Federal support of guardianship as a way to reduce the disproportionate representation of African American children in foster care (GAO, 2007).

Like the foster care component of the title IV-E program, this Federal support is authorized on a permanent and open-ended basis. However, Public Law 110-351 does not require States to provide this assistance to eligible children but allows them to choose to do so. As amended by ASFA (Public Law 105-89), “legal guardianship” is defined, for purposes of title IV-E and IV-B, as a “judicially created relationship between child and caretaker which is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child: protection, education, care and control of the person, custody of the person, and decision-making.” To receive Federal reimbursement for kinship guardianship assistance payments, the State must have an approved title IV-E plan in which it elects to take the kinship guardianship assistance option and it must enter into a written and binding kinship guardianship agreement with the eligible child’s prospective relative guardian.

The new provisions, which became effective October 7, 2008, entitle any State that elects to amend its title IV-E State plan for this purpose to claim the following Federal reimbursement rates for program costs made on behalf of eligible children—

- Kinship Guardianship Assistance Payments: 50 percent to 83 percent (a given State’s rate is based on its Federal Medical Assistance Percentage, FMAP);
- Costs incurred in the “proper and efficient” administration of the kinship guardianship assistance program (including payment of nonrecurring costs associated with establishing legal guardianship, child placement activities, data collection and development and operation of a SACWIS): 50 percent;
- Short or Long-Term Training of current or prospective public agency employees providing services to children receiving Kinship Guardianship Assistance: 75 percent;
- Short-Term Training provided to current or prospective relative guardians or to employees at state-approved or state-licensed private agencies

providing services to children in Kinship Guardianship Assistance: 60 percent in fiscal year 2010, rising 5 percentage points annually until fiscal year 2013 when all eligible training costs will be reimbursed at 75 percent.

Eligibility

The Fostering Connections to Success and Increasing Adoptions Act (Public Law 110-351) links eligibility for kinship guardianship assistance payments to a child's previously established eligibility to receive a title IV-E foster care maintenance payment (see Table 11-12). Specifically, a child must have been eligible to receive Federal foster care maintenance payments while living for no less than six consecutive months in the home of his or her prospective relative guardian. This eligibility criteria effectively means that the home of the prospective relative guardian must have met the licensing requirements for a foster family home and, further, that the prospective guardian met the Federal background check and approval procedures (described above). States are additionally required to have specific background check procedures for prospective relative guardians, including fingerprint-based checks of national crime databases and child abuse and neglect registry checks, and these checks must be conducted before a relative guardian may receive kinship guardianship assistance payments on behalf of an eligible child. In program guidance provided in December 2008, HHS noted that if a State had established an "appropriate timeframe" for which a background check remained valid, and that time frame had not expired when the foster parent sought to become a relative guardian, the State could consider the prospective relative guardian background check requirement as met (HHS, December 2008).

Additionally, for a child to be eligible for title IV-E kinship guardianship assistance payments, a State must determine that neither being reunited with his or her parents, nor adoption, are appropriate permanency options for the child; that the child demonstrates a strong attachment to the prospective relative guardian; that the guardian has a strong commitment to caring permanently for the child; and that if the child is age 14 or older, he or she has been consulted about the kinship guardianship arrangement. States are permitted to place a sibling(s) of an eligible child in the same kinship guardianship arrangement and to make kinship guardianship assistance payments on behalf of the sibling(s). The law ensures that any child who meets the Federal eligibility criteria to receive a title IV-E kinship guardianship assistance payment continues to be categorically eligible for Medicaid.

Kinship guardianship assistance agreement and payments

States that seek reimbursement for kinship guardianship assistance payments must enter into a written and binding kinship guardianship agreement with the prospective relative guardian. The agreement must stipulate that it will remain in effect without regard to the State in which the relative guardian lives and must include: (1) the amount of, and manner in which, the kinship guardianship assistance payments will be made on the child's behalf, including the manner in which the amount may, in consultation with the relative guardian, be adjusted

periodically based on the circumstances of the relative and the needs of the child; and (2) the additional services and assistance the child and relative will be eligible for under the agreement, including the procedure the relative guardian may use to apply for additional services as needed. However, the law also provides that a title IV-E kinship guardianship assistance payment may never be more than the amount the child would receive as a foster care maintenance payment, if he or she remained in a foster family home. Finally, the kinship guardianship assistance agreement must provide that the State will pay all non-recurring expenses associated with obtaining legal guardianship of the child, or \$2,000 of the expenses, whichever is less.

ADOPTION ASSISTANCE

Federal adoption assistance under title IV-E is authorized to provide States with partial reimbursement for the cost of providing adoption assistance payments on behalf of eligible adopted children who have special needs. A State must enter into a written adoption assistance agreement with the adoptive parent(s) of any adopted child determined to have special needs. Under that agreement, it must make payments for non-recurring adoption expenses to the adoptive parents of the special needs child and, if the child meets additional Federal eligibility criteria, it may make ongoing monthly adoption subsidies to those parents on the child's behalf. Until fiscal year 2010, these additional Federal eligibility criteria always include income and other resource limits that are linked to the prior Federal cash aid program (AFDC, as it existed on July 16, 1996) or, alternatively, to the Supplemental Security Income (SSI) program. The Fostering Connections to Success and Increasing Adoptions Act (Public Law 110-351) phases in from fiscal year 2010 to fiscal year 2018 new Federal adoption assistance eligibility rules that delink the program from all income or resource tests, whether as part of the prior law AFDC program or the current SSI program. (The phased in de-link is described in greater detail below.) Reimbursement for title IV-E adoption assistance costs made on behalf of eligible children are available at the following Federal matching rates –

- Adoption Assistance Payments (primarily room and board): 50 percent to 83 percent (State's rate is based on its Federal Medical Assistance Percentage, FMAP);
- Costs Necessary for the "Proper and Efficient" Administration of the Adoption Assistance Program (including those for non-recurring adoption expenses, child placement activities, data collection, development and operation of a SACWIS, eligibility determination, and rate setting): 50 percent;
- Long or Short-Term Training provided to current or prospective public agency employees carrying out the adoption assistance program and Short-Term Training for prospective adoptive parents and for staff of child care institutions caring for adopted children: 75 percent; and
- Short-Term Training of State-licensed or approved private agency staff providing services to carry out the adoption assistance program: 55

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percent in fiscal year 2009, rising 5 percentage points annually until fiscal year 2013 when all eligible title IV-E training costs will be reimbursed at 75 percent.

Federal reimbursement for these costs is authorized on a permanent and open-ended entitlement basis. States with an approved title IV-E plan may submit adoption assistance claims, on a quarterly basis, showing all eligible costs incurred and are entitled to reimbursement for the Federal share of those costs. States may submit these claims any time within two years of incurring an eligible expense. There is no annual upper or lower limit on the amount of Federal funding that must be appropriated. Instead, Congress typically appropriates the amount estimated by HHS as necessary to reimburse eligible State claims under the program under current law. If this estimate is above the funding actually needed, that money is returned to the Federal treasury; if it is below what is needed, Congress must appropriate additional funds to reimburse all eligible claims. Chart 11-3 shows that most Federal adoption assistance directly supports children in their adoptive families.

CHART 11-3 -- THE FEDERAL TITLE IV-E ADOPTION ASSISTANCE
DOLLAR
(Estimated FY2007 federal expenditures - \$1.920 billion)



Note: Total does not sum to 100 because of rounding.

Source: Chart prepared by the Congressional Research Service based on Title IV-E adoption assistance expenditure claim data for fiscal year 2007.

States submitted claims totaling \$3.532 billion in title IV-E adoption assistance expenses during fiscal year 2007 of which they expected Federal reimbursement of \$1.920 billion. Table 11-18 provides the amount of these total claims by State, and the expected Federal reimbursement (or Federal share) of those costs by claim category.

TABLE 11-18 -- TOTAL AND FEDERAL SHARE OF TITLE IV-E
ADOPTION ASSISTANCE CLAIMS, FISCAL YEAR 2007
(dollars in thousands)

STATE	TOTAL CLAIMS (all Federal and State title IV-E adoption assistance spending)	FEDERAL SHARE (all claims)	FEDERAL SHARE BY CLAIM CATEGORY		
			Adoption Assistance Payments	Administration	Training
Alabama	\$12,811	\$8,514	\$6,099	\$1,100	\$1,315
Alaska	14,861	7,573	6,773	798	2
Arizona	72,662	47,200	43,854	3,345	0
Arkansas	15,975	11,098	9,755	1,333	11
California	687,184	343,889	279,521	63,478	890
Colorado	40,331	20,615	15,668	3,598	1,349
Connecticut	50,392	26,246	15,938	7,159	3,149
Delaware	3,437	1,719	1,457	261	0
Dist. of Col.	23,718	11,859	9,792	2,067	0
Florida	112,423	62,299	39,859	22,004	436
Georgia	59,703	35,228	26,970	7,758	500
Hawaii	20,823	11,884	11,136	713	36
Idaho	6,035	3,914	3,002	829	84
Illinois	176,211	88,185	75,680	12,267	238
Indiana	70,991	43,800	41,233	2,567	0
Iowa	50,631	30,639	27,545	3,094	0
Kansas	22,949	13,345	10,992	2,353	0
Kentucky	43,105	29,739	28,144	791	803
Louisiana	21,084	13,813	10,608	2,383	822
Maine	19,862	12,254	9,563	1,633	1,058
Maryland	41,925	20,962	20,211	751	0
Massachusetts	71,657	35,829	25,953	9,876	0
Michigan	193,935	108,329	100,404	7,925	0
Minnesota ¹	48,109	24,609	16,139	6,377	1,665
Mississippi	6,665	4,816	4,349	467	0
Missouri	53,443	32,096	28,542	3,554	0
Montana	10,089	6,765	6,180	585	0
Nebraska	14,542	8,287	7,390	898	0
Nevada	17,175	9,206	7,023	1,863	320
New Hampshire	9,125	4,169	3,204	966	0
New Jersey	87,080	44,024	27,348	15,225	1,451
New Mexico ¹	16,037	10,998	9,773	1,777	0
New York	418,725	209,412	204,602	4,663	147
North Carolina	50,883	32,099	29,473	2,554	72
North Dakota	5,692	3,543	2,915	523	106

TABLE 11-18 -- TOTAL AND FEDERAL SHARE OF TITLE IV-E
ADOPTION ASSISTANCE CLAIMS, FISCAL YEAR 2007
(dollars in thousands)

STATE	TOTAL CLAIMS (all Federal and State title IV-E adoption assistance spending)	FEDERAL SHARE (all claims)	FEDERAL SHARE BY CLAIM CATEGORY		
			Adoption Assistance Payments	Administration	Training
Ohio	323,487	172,916	68,639	104,103	174
Oklahoma	34,735	22,046	16,184	4,837	1,025
Oregon	52,168	30,736	25,664	5,072	0
Pennsylvania	132,008	71,374	53,086	15,659	2,629
Puerto Rico	406	203	203	0	0
Rhode Island	15,639	8,227	6,635	1,277	314
South Carolina	23,057	14,802	10,879	3,272	651
South Dakota	4,607	2,833	2,581	252	0
Tennessee	51,288	32,482	27,123	2,292	3,067
Texas	98,054	59,010	56,207	2,761	42
Utah	10,787	7,257	6,206	807	244
Vermont	12,476	7,267	6,788	479	0
Virginia	31,219	15,936	12,639	2,317	980
Washington	72,831	36,510	29,170	7,267	73
West Virginia	18,338	13,078	10,786	705	1,587
Wisconsin	79,554	45,205	41,727	3,487	-9
Wyoming	1,308	690	648	41	0
Total¹	\$3,532,234	\$1,919,528	\$1,542,259	\$352,163	\$25,231

¹ Minnesota and New Mexico are the only two States that had demonstration related claims under their adoption programs. These claims (\$428,000 for Minnesota and -\$552,000 for New Mexico) are not shown in a separate column but are included in totals given for those States as well the overall total.

Source: Table prepared by the Congressional Research Service (CRS) based on title IV-E adoption assistance expenditure claims submitted by States in fiscal year 2007 as compiled by HHS. The data show claims as submitted by the States and do not reflect disallowance or deferrals that may be taken.

Definition of special needs

Only children who are determined by a State to have “special needs” may be eligible for title IV-E adoption assistance. This determination must include a findings by the State that the child cannot be returned to his/her parents and that there is a factor or condition specific to the child – such as the child’s age, membership in sibling group, race and ethnicity, medical condition, or a physical, emotional or mental disability – that makes it “reasonable to conclude” that the child will not be adopted without provision of adoption assistance or medical assistance. Finally, unless it is not in the child’s best interest (for instance, because of significant bonding with foster parents), the State must determine that reasonable, but unsuccessful, efforts to place the child have been made without such assistance.

States may choose what specific conditions or factors must be identified in a child with special needs. Information collected by the North American Council on Adoptable Children (NACAC) and available as of February 2007 showed that –

- Nearly every State uses age as a special needs condition but the specific age chosen to establish “special need” can range widely, from 1 year or older to 12 years or older. Further, some States provide different qualifying ages based on other characteristics of the child, e.g., a white child may be considered to have a special need if he or she is 10 or older and a black or mixed-race child if he or she is 6 or older;
- Most, but not all, States include a child’s race and ethnicity as part of their special needs definition, although only about half consider race and ethnicity independent of age or some other condition to be a special need;
- Every State considers membership in a sibling group to be a special need factor, but size and characteristics of the sibling group varies, e.g., in some States the group must be at least 3 siblings or one sibling must be of a particular age or have a disability;
- Every State takes into account physical, emotional or mental disabilities (these are defined differently by the States) and many States also include “high risk” for developing such a disability e.g., if child had pre-natal exposure to drugs or HIV, or there is a history of hereditary illness or disease); and,
- Some States include additional “special needs” factors such as the length of time the child has been legally available for adoption, but not placed, or the fact that the child previously experienced a disrupted or dissolved adoption.

On a national basis the share of children adopted each year who are determined to have special needs has remained relatively constant, at between 85 percent and 87 percent of all children adopted with public agency involvement for each of fiscal year 2000 though fiscal 2006. Table 11-19 shows the share of children adopted, by State, who were determined to have special needs in selected recent fiscal years.

TABLE 11-19 -- CHILDREN ADOPTED BY SPECIAL NEEDS STATUS, BY STATE, SELECTED FISCAL YEARS, 2000-2006

STATE	2000			2003			2006		
	TOTAL Children Adopted	Children Adopted With Special Needs		TOTAL Children Adopted	Children Adopted With Special Needs		TOTAL Children Adopted	Children Adopted With Special Needs	
		#	%		#	%		#	%
Alabama	202	93	46.0%	329	178	54.1%	387	251	64.9%
Alaska	202	202	100.0%	208	205	98.6%	212	208	98.1%
Arizona	853	642	75.3%	839	726	86.5%	1,400	1,238	88.4%
Arkansas	325	286	88.0%	385	364	94.5%	395	310	78.5%
California	8,818	8,601	97.5%	7,406	7,332	99.0%	7,364	7,244	98.4%
Colorado	1	1	1	1	1	1	1	1	1
Connecticut	499	0	0.0%	342	307	89.8%	649	266	41.0%
Delaware	103	76	73.8%	101	93	92.1%	94	72	76.6%
Dist. of Col.	319	298	93.4%	242	241	99.6%	179	179	100.0%

TABLE 11-19 -- CHILDREN ADOPTED BY SPECIAL NEEDS STATUS, BY STATE, SELECTED FISCAL YEARS, 2000-2006

STATE	2000			2003			2006		
	TOTAL Children Adopted	Children Adopted With Special Needs		TOTAL Children Adopted	Children Adopted With Special Needs		TOTAL Children Adopted	Children Adopted With Special Needs	
		#	%		#	%		#	%
Florida	1,629	1,622	99.6%	2,786	2,394	85.9%	3,046	2,375	78.0%
Georgia	1,091	746	68.4%	1,109	819	73.9%	1,250	474	37.9%
Hawaii	280	262	93.6%	318	300	94.3%	397	363	91.4%
Idaho	140	111	79.3%	138	126	91.3%	177	172	97.2%
Illinois	5,664	5,553	98.0%	2,707	2,329	86.0%	1,740	1,660	95.4%
Indiana	1	1	1	1	1	1	1	1	1
Iowa ¹	729	414	56.8%	1,130	522	46.2%	1	1	1
Kansas	468	323	69.0%	546	401	73.4%	524	382	72.9%
Kentucky	398	319	80.2%	612	584	95.4%	759	609	80.2%
Louisiana	476	385	80.9%	497	378	76.1%	466	334	71.7%
Maine	379	179	47.2%	287	50	17.4%	331	292	88.2%
Maryland	552	538	97.5%	742	733	98.8%	1	1	1
Massachusetts	861	851	98.8%	733	720	98.2%	874	865	99.0%
Michigan	2,804	2,357	84.1%	2,622	2,052	78.3%	2,591	1,764	68.1%
Minnesota	1	1	1	1	1	1	664	551	83.0%
Mississippi	288	254	88.2%	183	159	86.9%	248	245	98.8%
Missouri	1,265	1,054	83.3%	1,405	1,029	73.2%	1,253	899	71.7%
Montana	238	194	81.5%	224	185	82.6%	272	236	86.8%
Nebraska	293	132	45.1%	286	273	95.5%	534	373	69.9%
Nevada	231	210	90.9%	300	183	61.0%	444	424	95.5%
New	97	97	100.0%	131	131	100.0%	135	135	100.0%
New Jersey	832	717	86.2%	973	916	94.1%	1,325	1,188	89.7%
New Mexico	347	198	57.1%	220	214	97.3%	338	336	99.4%
New York	4,234	4,048	95.6%	3,874	3,685	95.1%	2,810	2,712	96.5%
North Carolina	1,337	1,179	88.2%	1,296	1,217	93.9%	1,234	1,165	94.4%
North Dakota	108	42	38.9%	120	84	70.0%	150	114	76.0%
Ohio	2,044	1,993	97.5%	2,420	2,320	95.9%	1,803	1,728	95.8%
Oklahoma	1,096	1,080	98.5%	1,153	1,012	87.8%	1,141	1,102	96.6%
Oregon	831	736	88.6%	849	752	88.6%	1,095	793	72.4%
Pennsylvania	1,712	735	42.9%	1,946	1,509	77.5%	1,926	1,704	88.5%
Rhode Island	260	134	51.5%	264	80	30.3%	258	80	31.0%
South Carolina	378	360	95.2%	281	177	63.0%	425	405	95.3%
South Dakota	94	93	98.9%	144	144	100.0%	150	150	100.0%
Tennessee	431	358	83.1%	954	792	83.0%	994	829	83.4%
Texas	2,045	1,848	90.4%	2,504	2,264	90.4%	3,409	2,996	87.9%
Utah	303	267	88.1%	311	77	24.8%	503	472	93.8%
Vermont	117	117	100.0%	167	167	100.0%	164	164	100.0%
Virginia	448	270	60.3%	487	342	70.2%	551	441	80.0%
Washington	1,141	551	48.3%	1	1	1	1	1	1

TABLE 11-19 -- CHILDREN ADOPTED BY SPECIAL NEEDS STATUS, BY STATE, SELECTED FISCAL YEARS, 2000-2006

STATE	2000			2003			2006		
	TOTAL Children Adopted	Children Adopted With Special Needs		TOTAL Children Adopted	Children Adopted With Special Needs		TOTAL Children Adopted	Children Adopted With Special Needs	
		#	%		#	%		#	%
West Virginia	¹	¹	¹	322	312	96.9%	419	418	99.8%
Wisconsin	736	719	97.7%	1,187	1,179	99.3%	885	885	100.0%
Wyoming	61	48	78.7%	58	49	84.5%	57	55	96.5%
Puerto Rico	454	142	31.3%	674	190	28.2%	236	85	36.0%
TOTAL	48,213	41,434	85.9%	46,812	40,296	86.1%	46,258	39,743	85.9%

¹ Data not shown if special needs status of 5% or more of adopted children was not reported (missing).

Source: Table prepared by Congressional Research Service based on AFCARS data reported by States as of early 2008 and provided by HHS

Federal eligibility pathways

No child may be eligible for title IV-E adoption assistance without meeting the State's definition of "special needs." However, as of fiscal year 2008, not all special needs children qualify for title IV-E adoption assistance. Instead he or she must meet the eligibility criteria of at least one of four separate Federal eligibility pathways. The most common pathway is linked to the prior law cash aid program, Aid to Families with Dependent Children (AFDC). Under this pathway the special needs child must have been removed from his or her home via a voluntary placement agreement (signed by the child's parent or legal guardian and the agency), or in accordance with a judicial determination that the child's home was "contrary to the welfare" of the child. Further, to qualify under this pathway, the State must determine that the child, while living in the home from which he or she was removed would have been considered a "needy" child under the income and other eligibility criteria of the AFDC program, as it existed in the State on July 16, 1996. Under a second pathway, any special needs child who meets the disability, income, resource, and other requirements of the Supplemental Security Income (SSI) program is considered eligible for title IV-E adoption assistance payments. Third, any special needs child whose minor parent is in foster care, and if his or her minor parent receives a title IV-E foster care maintenance payment that includes funds to cover the cost of the child, is eligible for title IV-E assistance. Finally (as added by the Adoption and Safe Families Act of 1997, any special needs child that was receiving title IV-E adoption assistance payments in an adoption that subsequently dissolves (meaning the parental rights of those adoptive parents are terminated), or if the adoptive parents die, is eligible for title IV-E adoption assistance payments in any subsequent adoption.

Revised Federal eligibility rules and phase-in period

Beginning in fiscal year 2010 and continuing to fiscal year 2018, the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public

Law 110-351) phases out all income or resource related tests that are embedded in these current Federal eligibility pathways. Notably, it eliminates the income and resource-related eligibility requirements that are tied to the AFDC eligibility pathway and makes eligible any child determined by the State to have special needs, provided the child was involuntarily removed from his or her home because a judge determined the home to be “contrary to the welfare” of the child, or who was removed via voluntary relinquishment or a voluntary placement agreement. It also eliminates all SSI-related income or resource tests. Instead, the Act provides that any child determined by the State to have “special needs” and who has a physical or medical disability that would otherwise qualify him or her for SSI is eligible for title IV-E adoption assistance.

The revised eligibility rules become effective in fiscal year 2010 but generally only for children who are age 16 or older when their adoption assistance agreement is finalized. With each new fiscal year, this age will be lowered by two years so that as of the first day of fiscal year 2018 (October 1, 2017), a child of any age who is determined by a State to have special needs may qualify for Federal adoption assistance under the revised rules. In addition, beginning in fiscal year 2010, any child determined to have special needs and who has been in foster care for at least 60 continuous months at the time an adoption assistance agreement is entered into may qualify for title IV-E adoption assistance under the revised eligibility rules, regardless of age. Also as of fiscal year 2010 any sibling of a child who is eligible under the revised rules may additionally qualify for title IV-E adoption assistance. Throughout this multi-year phase-in period, the current law eligibility criteria, including any associated income or resource tests, will continue to apply to any child who does not qualify for eligibility determination under the revised rules at the time his or her adoption assistance agreement is finalized.

Public Law 110-351 is expected to expand eligibility for title IV-E adoption assistance to virtually all children determined by a State to have special needs. Under current law, States sometimes use other State or local dollars to provide a subsidy to children with special needs who do not meet all the title IV-E adoption assistance eligibility criteria. The share of all children adopted with public child welfare agency involvement in a given fiscal year, and who receive a monthly adoption subsidy, remained between 88 percent and 90 percent from fiscal years 2000 through 2006. However, during that same time period the share of children who received a *federally* supported adoption subsidy declined from an estimated 75 percent of adoptions finalized in fiscal year 2000 to 70 percent of those finalized in fiscal year 2006. (See Table 11-20.)

TABLE 11-20 -- CHILDREN ADOPTED WITH PUBLIC CHILD WELFARE AGENCY INVOLVEMENT BY RECEIPT AND KIND OF SUBSIDY, FISCAL YEARS 2000 - 2006

FISCAL	Number of	Number of Adopted	Adopted Children	Adopted Children Receiving
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YEAR	Children Adopted	Children Receiving Any Kind of Subsidy	Receiving Any Subsidy	Federally Supported Subsidy	
			% of total adopted	% of total adopted	% of total receiving any kind of monthly subsidy
2000	51,100	44,800	88%	75%	85%
2001	50,600	44,400	88%	75%	86%
2002	52,900	46,900	89%	73%	82%
2003	50,600	44,800	89%	70%	79%
2004	52,400	47,300	90%	71%	79%
2005	51,500	46,000	89%	70%	78%
2006	50,900	45,500	89%	70%	78%

Source: Table prepared by Congressional Research Service based on AFCARS data reported by States as of early 2008 and provided by HHS.

Adoption assistance agreements

States are required to enter into an adoption assistance agreement with the adoptive parents of any child having special needs. This written agreement must be between the adoptive parents, the State title IV-E agency, and other relevant agencies specifying the nature and amount of assistance to be given and stipulating that it will remain in effect regardless of the State in which the adoptive parents are residents. Adoption assistance agreements may only be ended when: 1) the adopted child reaches his or her 18th birthday, or 21st birthday if the State determines that the child is mentally or physically disabled and continued assistance is warranted; 2) if the State determines that the parents are no longer legally responsible for the support of the child (i.e., their parental rights have been terminated, or if the child marries, enlists in the military, or become an emancipated minor); or 3) the parents are not providing any support for the child. HHS has defined “any support” broadly to include, for example, payment of tuition, or for family therapy.

Adoption assistance payments

States may provide federally subsidized monthly adoption assistance payments on behalf of eligible children as soon as an agreement is signed and the child has been placed in an adoptive home. The amount of the adoption assistance payment is to be determined through negotiation with the adoptive family and must be based on the individual needs of the child. While the income or resources of the adoptive family must not be used to determine a child’s eligibility for title IV-E adoption assistance, the amount of the monthly payment made on behalf of an eligible child must take into account the “circumstances of the adopting parents” and in no case may it exceed what the child would receive if he or she had remained in a foster family home. Payments may be adjusted periodically if circumstances change, but only with the concurrence of the adopting parents.

Not all families of adopted IV-E eligible children with special needs actually receive adoption assistance payments. The adoptive parents’ circumstances may be such that an adoption subsidy is not needed or wanted. However, having an adoption assistance agreement in place before the adoption of the child is finalized

permits payments to be established at some later date if the circumstance of the parents or needs of the child change. It also ensures the child's eligibility for Medicaid (as described below). Basic adoption assistance payment rates vary by States and all States have "specialized" rates for particular situations where a child has extraordinary needs and/or requires additional parenting skills.

Non-recurring adoption expenses

The Tax Reform Act of 1986 (Public Law 99-214) amended title IV-E to require States to provide reimbursement for "non-recurring adoption expenses" incurred by, or on behalf of, the adoptive parents of any child with special needs. The statute defines those expenses as "reasonable and necessary adoption fees, court costs, attorney fees, and other expenses which are directly related to the legal adoption of a child with special needs and which are not incurred in violation of State or Federal law." States may claim Federal reimbursement for 50 percent of the amount of the non-recurring adoption expenses that they reimburse to, or on behalf of, an adoptive parent. In regulation, HHS has provided that this Federal matching rate is available to States for a maximum of \$2,000 in reimbursed non-recurring adoption expense, per child. Table 11-21 shows basic adoption subsidy rates by State and maximum reimbursement of non-recurring adoption costs.

TABLE 11-21 – BASIC ADOPTION ASSISTANCE RATES, AND
MAXIMUM NON-RECURRING COSTS REIMBURSED, BY STATE

(Monthly Rate, compiled as of April 2007)

STATE	Basic Rates			Non-Recurring Expenses
	Age 2	Age 9	Age 16	
Alabama	\$410	\$434	\$446	\$1,000
Alaska	580 to 834	580 to 834	580 to 834	2,000
Arizona	738	738	814	2,000
Arkansas	400	425	475	1,500
California	425	494	597	400
Colorado	293	293	352	800
Connecticut	726	739	807	750
Delaware	397	397	511	2,000
District of Columbia	837	837	907	2,000
Florida	295	304	364	1,000
Georgia	388	411	433	2,000
Hawaii	529	529	529	2,000
Idaho	274	300	431	2,000
Illinois	369	410	445	1,500
Indiana	Varies by county			1,500
Iowa	428	452	505	500
Kansas	500	500	500	2,000
Kentucky	600	600	660	1,000
Louisiana	265	292	319	1,000
Maine	513	539	558	2,000
Maryland	635	635	635	2,000
Massachusetts	513	539	558	400
Michigan	444	444	547	2,000

TABLE 11-21 – BASIC ADOPTION ASSISTANCE RATES, AND
MAXIMUM NON-RECURRING COSTS REIMBURSED, BY STATE

(Monthly Rate, compiled as of April 2007)

STATE	Basic Rates			Non-Recurring Expenses
	Age 2	Age 9	Age 16	
Minnesota	247	277	337	2,000
Mississippi	325	355	400	1,000
Missouri	225	275	304	2,000
Montana	459	459	554	2,000
Nebraska	222	291	351	1,500
Nevada	592	592	682	250
New Hampshire	580	631	744	2,000
New Jersey	553	595	667	2,000
New Mexico	408	441	467	2,000
New York	460 Metro; 419 Upstate	541 Metro; 504 Upstate	626 Metro; 583 Upstate	2,000
North Carolina	390	440	490	2,000
North Dakota	351	407	531	2,000
Ohio	250	250	250	2,000
Oklahoma	284	338	392	1,200
Oregon	387	402	497	1,500
Pennsylvania	Varies by county			2,000
Rhode Island	403	382	442	400
South Carolina	432	409	474	250
South Dakota	450	450	541	1,500
Tennessee	496	496	471	1,500
Texas	400	400	545	1,500
Utah	up to 848	up to 848	up to 848	2,000
Vermont	426	472	524	2,000
Virginia	325	380	442	2,000
Washington	370	446	520	1,500
West Virginia	600	600	600	1,000
Wisconsin	317	346	411	2,000
Wyoming	399	399	399	2,000

Note. Some States reported their rates in per diem and weekly amounts. For comparison, all State data are presented in monthly rates. Rates are rounded to the nearest dollar.

Source: North American Council on Adoptable Children (NACAC). To check for any more current collected information see the chart at <http://www.nacac.org/adoptionssubsidy/stateprofiles.html>.

Individuals who adopt may also seek reimbursement for qualifying adoption costs under the Federal tax code. The Fostering Connections to Success and Increasing Adoptions Act (Public Law 110-351) requires the child welfare agency to inform prospective adoptive parents of the availability of the tax provision. As currently in effect, adoptive parents with income below a certain level and who adopt a child, other than a stepchild, may receive a tax credit to offset the cost of “qualifying adoption expenses.” The amount of the tax credit and the qualifying income level is annually adjusted for inflation. For tax year 2008, the full credit was \$11,650 and the maximum adjusted gross income a family could have and still receive that full amount was \$174,730. Further, as of tax year 2003, any family that adopts a child

with “special needs,” as defined above and determined by the State, is eligible to take the full Federal adoption tax credit without needing to show any qualifying adoption expenses. Some of the Federal Adoption Tax Credit provisions described here, including the ability of parents adopting children with special needs to claim the full credit without needing to show any qualifying expenses, are slated to expire at the conclusion of tax year 2010. (For more information, see Section 13.)

Medicaid or other health insurance

Children who are eligible for Federal title IV-E adoption assistance are categorically eligible for Medicaid (title XIX) as long as an adoption assistance agreement is in effect, regardless of whether adoption assistance payments are being made. Pursuant to the Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99-272) a child for whom an adoption assistance agreement is in effect is eligible for Medicaid from the State in which the child resides regardless of whether that State is the one with which the adoptive parents have an adoption assistance agreement.

States also have the option to provide Medicaid coverage for other special-needs children who are not eligible for title IV-E adoption assistance, but who are adopted under a State-funded adoption subsidy program. As of June 2008, the Association of Administrators of the Interstate Compact on Adoption and Medical Assistance (AAICAMA), reported that all States but one (New Mexico) had taken this option. In addition, AAICAMA reports that 44 States provide Medicaid to all or some children living in their States who have State-funded adoption assistance agreements from other States. Of those 44 States, 10 (Alabama, Florida, Kentucky, Montana, New Jersey, North Carolina, North Dakota, Rhode Island, Utah, and Virginia) provide this coverage if the adopted child’s State-funded subsidy is paid by a State that is a member of the Interstate Compact on Adoption and Medical Assistance (ICAMA), and two (Iowa and New York) provide this Medicaid coverage for adoptees receiving State-funded subsidies from another State, only if the State where the child moved from offers this same Medicaid coverage to children that move to it from Iowa or New York. As of June 2008 only two States, New York and Wyoming, were not members of ICAMA, although New York was an “associate member” and Wyoming was preparing to introduce legislation to allow it to join the compact (AAICAMA, 2008).

The Adoption and Safe Families Act (Public Law 105-89) contains additional requirements regarding health insurance coverage for special-needs adopted children who are not eligible for title IV-E adoption assistance. Specifically, the 1997 law requires States to provide health insurance coverage to non-title IV-E children for whom they have an adoption assistance agreement in effect, if the children have special needs for medical, mental health or rehabilitative care. This health coverage can be offered through Medicaid or another program, as long as benefits are comparable. In addition, the law prohibited States from receiving Adoption Incentive payments (described below), or from receiving waivers of title IV-B or IV-E provisions (also described below), unless they provided health

coverage for non-title IV-E children who are living in their State, but who are covered by an adoption assistance agreement from another State.

Trends in title IV-E adoption assistance claims

Viewed in inflation-adjusted dollars, Federal spending under the adoption assistance component of the title IV-E program rose rapidly between fiscal years 1997 and 2007, with the fastest growth – between 15 percent and 19 percent annually – occurring from fiscal years 1997 to 2001. Consistent with the rise in the number of children adopted during this time period, much of this growth is linked to increases in spending for adoption assistance payments. From fiscal years 2003

TABLE 11-22 – ESTIMATED FEDERAL SPENDING FOR TITLE IV-E
ADOPTION ASSISTANCE, FISCAL YEARS, 1997-2007
(Inflation-adjusted “constant” 2007 dollars in millions)

FISCAL YEAR	Adoption Assistance Payments	Administration	Training	TOTAL ¹
1997	\$551	\$183	\$25	\$758
1998	648	195	35	878
1999	767	232	43	1,042
2000	873	288	57	1,217
2001	1,051	299	50	1,399
2002	1,189	300	49	1,540
2003	1,304	296	40	1,641
2004	1,383	296	31	1,711
2005	1,473	299	34	1,807
2006	1,515	323	27	1,865
2007	1,542	352	25	1,920

Note: For Federal title IV-E spending by these categories in nominal dollars see Table 11-2.

¹ Total includes small amount of demonstration-related claims (\$3.7 million distributed across fiscal years 2000 through 2007), which are included in the total column but are not shown in an individual column.

Source: Table prepared by the Congressional Research Service based on State expenditure claim data compiled by HHS. Claims shown are as submitted by States in the given fiscal year and may not reflect deferrals and disallowances. Inflation-adjustment was calculated using the CPI-U (all items).

through 2007, the rate of growth in total Federal spending for adoption assistance slowed and was at 3 percent in both 2006 and 2007. For most of the entire period (fiscal years 1997-2007) growth in Federal spending for adoption assistance payments outpaced growth in Federal spending for program administration. However, in both fiscal years 2006 and 2007 Federal spending for adoption assistance administration grew at a faster pace (8 percent and 9 percent respectively) than did spending for adoption assistance payments (3 percent and 2 percent respectively), although the amount of spending for administration remained considerably less than for payments. See table 11-22 for the Federal share of State title IV-E adoption assistance claims in inflation-adjusted (constant 2007) dollars.

TRENDS IN TITLE IV-E PROGRAM RECIPIENTS AND SPENDING

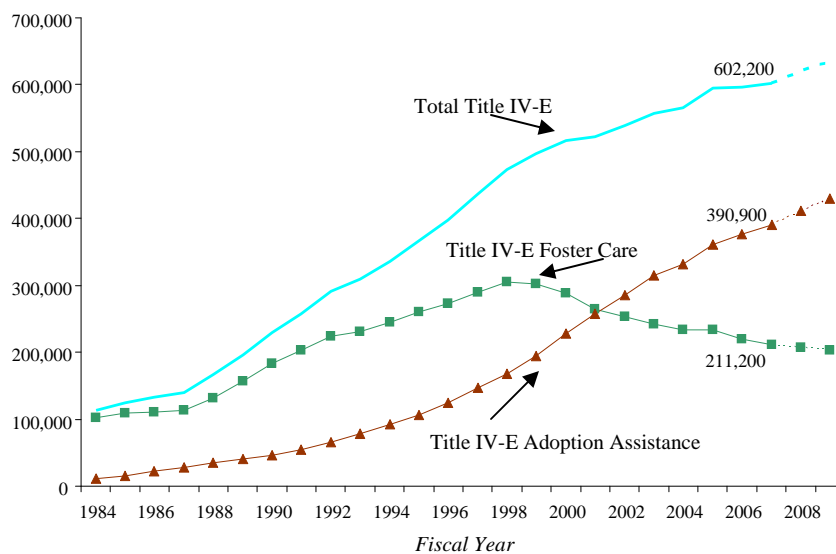
Beginning with fiscal year 2002, the number of children supported in permanent, adoptive homes with title IV-E assistance has exceeded the number of children receiving assistance in temporary foster care settings. The average monthly number of children on whose behalf States made federally subsidized foster care maintenance payments declined by close to 31 percent, from a high of more than 305,000 children in fiscal year 1998, to just over 211,000 in fiscal year 2007. Some part of this decline in the estimated title IV-E eligible foster care caseload can be attributed to a 13 percent decrease in the overall foster care caseload that occurred during roughly this same time frame. The number of children in foster care crested during fiscal year 1999, standing at 567,000 on the last day of that fiscal year, and declined to an estimated 494,000 children on the last day of fiscal year 2007. In forecasts made before enactment of the Fostering Connections to Success and Increasing Adoptions Act (Public Law 110-351), which might be expected to further decrease the number of title IV-E eligible children *in foster care*, both the Congressional Budget Office (CBO) and HHS projected continued declines in the title IV-E foster care caseload. CBO's March 2008 baseline estimated that the IV-E eligible foster care caseload would fall to 178,000, on an average monthly basis, by fiscal year 2013 and, in December 2007, HHS projected a similar decline in this caseload, to 188,000. The decline in the number of children receiving title IV-E foster care maintenance payments has also been attributed to the smaller number of children who meet the program's income eligibility requirements. Those requirements are based on the prior law AFDC program, as it existed in 1996, and because they are not indexed for inflation, effectively provide a more restrictive income test with each passing year.

By contrast, the number of children receiving adoption assistance payments under title IV-E has risen steadily since the enactment of the program. In fiscal year 1981, the first year Federal reimbursement for adoption assistance was authorized, only six States participated in the program, with payments being made for an average of 165 children per month. In fiscal year 2007, all 50 States plus the District of Columbia and Puerto Rico participated, and an average of nearly 391,000 children received assistance each month. Both CBO and HHS continue to project growth in the adoption assistance caseload. CBO's March 2008 baseline projected an average monthly number of 514,000 children receiving adoption assistance in fiscal year 2013 and, in December 2007, HHS projected a similar increase to 513,000 by that year. Again, these projections were made prior to enactment of Public Law 110-351, which phases in expanded title IV-E adoption assistance beginning with fiscal year 2010. The vigorous growth in the adoption assistance caseload – and the reduction of children receiving foster care maintenance payments – appears linked to State's increased success, beginning as early as the middle 1990s, in moving children into permanent adoptive families. Chart 11-4 graphs the changing composition of the title IV-E caseload.

CHART 11-4 – TREND IN TITLE IV-E CASELOAD, TOTAL AND

BY COMPONENT, FISCAL YEARS 1984-2008

(Average monthly caseload numbers rounded to nearest 100)



Note: Dotted trend lines represent caseload projections by HHS for fiscal years 2008 and 2009 prior to enactment of Public Law 110-351.

Source: Chart prepared by the Congressional Research Service based on title IV-E expenditure claim data.

Table 11-23 shows the average monthly number of children receiving title IV-E foster care maintenance or adoption assistance, and the incidence (or rate) of those federally subsidized payments per 1,000 children in the population.

TABLE 11-23 -- TITLE IV-E CASELOADS BY CATEGORY, NUMBER AND RATE FOR FISCAL YEARS 1984-2007

(Average monthly caseload numbers rounded to nearest 100)

FISCAL YEAR	TITLE IV-E FOSTER CARE		TITLE IV-E ADOPTION ASSISTANCE		TITLE IV-E TOTAL	
	Average Monthly Caseload	Rate (per 1,000 in child pop.)	Average Monthly Caseload	Rate (per 1,000 in child pop.)	Average Monthly Caseload	Rate (per 1,000 in child pop.)
1984	102,100	1.6	11,600	0.2	113,600	1.8
1985	109,100	1.7	16,000	0.3	125,100	2.0
1986	110,700	1.8	22,000	0.3	132,700	2.1
1987	113,000	1.8	27,600	0.4	140,600	2.2
1988	131,200	2.1	34,800	0.6	166,100	2.6
1989	156,600	2.5	40,000	0.6	196,500	3.1
1990	183,000	2.9	46,800	0.7	229,800	3.6
1991	202,700	3.1	55,300	0.8	258,000	4.0

TABLE 11-23 -- TITLE IV-E CASELOADS BY CATEGORY, NUMBER
AND RATE FOR FISCAL YEARS 1984-2007

(Average monthly caseload numbers rounded to nearest 100)

FISCAL YEAR	TITLE IV-E FOSTER CARE		TITLE IV-E ADOPTION ASSISTANCE		TITLE IV-E TOTAL	
	Average Monthly Caseload	Rate (per 1,000 in child pop.)	Average Monthly Caseload	Rate (per 1,000 in child pop.)	Average Monthly Caseload	Rate (per 1,000 in child pop.)
1992	224,500	3.4	66,500	1.0	291,000	4.4
1993	231,100	3.4	78,100	1.2	309,200	4.6
1994	244,500	3.6	91,900	1.4	336,400	5.0
1995	260,700	3.8	106,200	1.5	366,900	5.4
1996	273,600	4.0	124,700	1.8	398,300	5.8
1997	289,400	4.2	146,900	2.1	436,300	6.3
1998	305,200	4.4	168,400	2.4	473,600	6.8
1999	302,400	4.2	194,700	2.8	497,100	7.0
2000	287,800	3.9	228,300	3.2	516,100	7.1
2001	264,700	3.6	257,800	3.5	522,500	7.1
2002	254,000	3.4	285,600	3.9	539,600	7.3
2003	242,200	3.2	314,700	4.3	556,900	7.5
2004	233,100	3.2	332,000	4.5	565,100	7.7
2005	233,800	3.2	361,600	4.9	595,400	8.1
2006	219,800	3.0	376,800	5.1	596,600	8.1
2007	211,200	2.9	390,900	5.3	602,200	8.1

Note: Child population (under age 18) used to calculate incidence was based on U.S. Census Bureau annual estimates for July 1 of each year for the 50 States and D.C., only. Puerto Rico began participating in the title IV-E program in fiscal year 1999. Any title IV-E caseload data reported by Puerto Rico are included in caseload numbers shown in the table, but those data were excluded from calculation of rate.

Source: Table prepared by Congressional Research Service. Average monthly caseload numbers are based on annual expenditure claims data as compiled by HHS.

Viewed in inflation-adjusted dollars, total spending under the title IV-E program peaked in the early 2000s and began to show a decline in fiscal year 2003. This decline is driven by the program's foster care component, which began a steady decline in that same year. Although spending under the title IV-E adoption assistance program continues to grow, that growth has slowed in recent years. Table 11-24 shows total title IV-E program spending, and the Federal share of that spending in nominal and inflation-adjusted (constant 2007) dollars. Please note that the "total" amounts shown reflect only spending within the title IV-E program and do not include State spending on foster care or for adoption subsidies for children who are not title IV-E eligible. Comparable national data showing State-only (or State and other Federal funding) expenditures for foster care and adoption assistance are not available.

TABLE 11-24 -- FEDERAL AND STATE TITLE IV-E EXPENDITURES, FISCAL YEARS 1989-2007
 (Nominal and inflation-adjusted (constant 2007) dollars in millions)

FISCAL YEAR	TITLE IV-E FOSTER CARE				TITLE IV-E ADOPTION ASSISTANCE				TITLE IV-E TOTAL			
	Total Federal and State Spending		Federal Share of Spending		Total Federal and State Spending		Federal Share of Spending		Total Federal and State Spending		Federal Share of Spending	
	nominal	constant	nominal	constant	nominal	constant	nominal	constant	nominal	constant	nominal	constant
1989	\$2,248	\$3,766	\$1,174	\$1,967	\$207	\$346	\$111	\$185	\$2,455	\$4,112	\$1,285	\$2,152
1990	3,205	5,114	1,667	2,659	253	404	136	217	3,459	5,519	1,803	2,876
1991	3,804	5,777	1,985	3,015	330	501	177	269	4,134	6,279	2,162	3,284
1992	4,256	6,276	2,229	3,286	409	602	220	325	4,665	6,878	2,449	3,611
1993	4,824	6,903	2,525	3,613	504	722	272	390	5,328	7,625	2,797	4,003
1994	5,223	7,283	2,749	3,834	638	889	345	480	5,861	8,172	3,094	4,314
1995	5,748	7,796	3,067	4,160	761	1,032	411	558	6,508	8,827	3,479	4,718
1996	5,706	7,529	3,097	4,086	895	1,180	483	637	6,601	8,709	3,580	4,723
1997	6,795	8,732	3,692	4,745	1,095	1,408	590	758	7,890	10,140	4,282	5,504
1998	7,033	8,894	3,730	4,717	1,285	1,625	695	878	8,318	10,519	4,425	5,595
1999	7,585	9,411	4,012	4,977	1,557	1,931	840	1,042	9,142	11,343	4,852	6,020
2000	7,978	9,594	4,255	5,117	1,861	2,238	1,012	1,217	9,839	11,831	5,267	6,334
2001	8,311	9,683	4,395	5,120	2,210	2,575	1,201	1,399	10,522	12,257	5,596	6,519
2002	8,618	9,892	4,523	5,192	2,471	2,837	1,342	1,540	11,089	12,728	5,865	6,732
2003	8,547	9,585	4,485	5,030	2,703	3,031	1,463	1,641	11,249	12,616	5,949	6,671
2004	8,565	9,387	4,524	4,959	2,878	3,154	1,561	1,711	11,442	12,541	6,086	6,670
2005	8,599	9,125	4,541	4,818	3,126	3,317	1,703	1,807	11,725	12,442	6,244	6,625
2006	8,393	8,590	4,439	4,543	3,348	3,426	1,823	1,865	11,741	12,016	6,261	6,408
2007	8,529	8,529	4,422	4,422	3,532	3,532	1,920	1,920	12,061	12,061	6,342	6,342

11-85

Source: Table prepared by Congressional Research Service based on State expenditure claims as compiled annually by HHS. The CPI-U (all items) was used to create constant 2007 dollars.

11-91
ADOPTION INCENTIVES
(SECTION 473A)

The Adoption and Safe Families Act (ASFA) of 1997 (Public Law 105- 89) authorized discretionary funding to HHS for incentive payments to States that increase their number of children adopted out of foster care. The award payments equaled \$4,000 for each foster child whose adoption was finalized, over a State-specific baseline, and an additional \$2,000 for each special-needs child whose adoption was finalized over a State-specific baseline. For adoptions finalized in fiscal year 1998, the baseline was the State's average number of adoptions in fiscal years 1995 - 1997. For adoptions finalized in fiscal years 1999 - 2002, the State's baseline was the highest number of adoptions in any preceding year, beginning with fiscal year 1997.

The program was extended by the Adoption Promotion Act of 2003 (Public Law 108-145), which maintained those incentive amounts but reset the State-specific baselines to the highest number of a given category of adoptions finalized in a preceding fiscal year beginning with fiscal year 2002. The law also added a new bonus category for adoptions of children age 9 or older. This new incentive category responded to research showing that once a child who was in foster care and waiting to be adopted reached eight or nine years of age, he or she was more likely to continue to remain in foster care than to be adopted. Finally, the 2003 law revised the former "special needs adoptions" incentive category to include only special needs adoptions of children younger than age 9.

The Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351) again extended the program. For each previously existing award category, it reset the baselines to the number of adoptions the State finalized in each of those categories during fiscal year 2007. The 2008 law maintained the original incentive amount paid for all foster child adoptions above the baseline but doubled the incentive payment amounts for adoptions of special needs children under age 9 and for older child adoptions. The 2008 law also authorized awards for States that increase the *rate* of children adopted out of foster care provided sufficient appropriated funds remain available after awards are made to States based on any increases in the *number* of adoptions finalized. Public Law 110-351 provided that the new incentive structure applies for adoptions finalized in each of fiscal years 2008 through 2012.

Program funding authorization and appropriations

Public Law 105-89 originally authorized discretionary appropriations of \$20 million for adoption incentive payments in each of fiscal years 1998 through 2002. In addition, discretionary budget caps were adjusted to help ensure that the funds were actually appropriated for each year. However, in the earliest years of the program, States earned incentive payments that far exceeded this funding authorization level. Congress responded by appropriating funds above that amount and the Foster Care Independence Act of 1999 (Public Law 106-169) raised the program's discretionary funding authorization to \$43 million for fiscal year 2000. Although that law maintained the program's funding authorization at \$20 million

for each of fiscal years 2001-2003, Congress continued to appropriate funding at a higher level. The Adoption Promotion Act of 2003 reset the annual funding authorization for Adoption Incentives at \$43 million for fiscal years 2004 through 2008, and this same funding authorization level was extended through fiscal year 2013 by the Fostering Connections to Success and Increasing Adoptions Act. As Table 11-25 suggests, funds appropriated in a given fiscal year have sometimes been used to make awards for previous years, when the amounts earned exceeded funds appropriated, or to pay awards in subsequent years, if the amount appropriated was more than needed for the given year. The ability to carry over these appropriated funds is typically stipulated in annual appropriations acts approved by Congress, while the statutory language that authorizes the program describes the manner in which States may receive a pro-rated portion of funds in a given fiscal year if funds initially provided are not sufficient.

TABLE 11-25 -- APPROPRIATIONS AND AWARDS UNDER THE ADOPTION INCENTIVES PROGRAM

Amounts Appropriated by Public Law and (Fiscal Year Appropriations) ¹		Amounts Awarded for Adoptions Finalized in Given Fiscal Year (and Number of States Earning Award)	
Public Law 105-277 (1999)	\$20,000,000	1998 (35 States)	\$42,510,000
Public Law 106-113 (2000)	\$41,784,342	1999 (43 States and D.C.)	\$51,488,000
Public Law 106-554 (2001)	\$42,994,000	2000 (35 States and D.C.)	\$33,238,000
Public Law 107-116 (2002)	\$43,000,000	2001 (23 States and P.R.)	\$17,578,000
Public Law 108-7 (2003)	\$42,721,000	2002 (25 States and P.R.)	\$14,926,845
Public Law 108-199 (2004)	\$7,456,000	2003 (31 States and P.R.)	\$17,896,000
Public Law 108-447 (2005) ²	\$9,346,000	2004 (24 States, D.C. and P.R.)	\$14,488,000
Public Law 109-148 (2006)	\$17,820,000	2005 (21 States)	\$11,568,000
Public Law 110-7 (2007)	\$5,000,000	2006 (19 States)	\$7,354,000
Public Law 110-161(2008)	\$4,323,000	2007 (21 States)	\$11,086,000
Public Law 111-8 (2009)	\$36,500,000	2008 (38 States and D.C.)	\$37,183,000 ⁴
TOTAL	\$270,942,342³	TOTAL	\$259,315,845

¹Appropriations amounts shown reflect any across-the-board discretionary funding reductions or other rescissions affecting this program that were made in the appropriations bills cited.

²The appropriation in Public Law 108-447 was initially \$31.8 million. However, as part of the fiscal year 2006 appropriations bill (Public Law 109-149), Congress rescinded \$22.5 million of that funding. In addition, the Administration for Children and Families exercised its discretion to move 1 percent of the appropriated funds to the Refugee and Entrant Assistance program. This additionally reduced the total fiscal year 2005 funds available for Adoption Incentives to \$9 million, although the full appropriated amount is shown in the table.

³Includes about \$14 million in appropriated funds that lapsed and were returned to the Federal Treasury.

⁴This represents full amount earned by States for adoptions finalized in fiscal year 2008. However, HHS had available only about \$35 million to make these payments (because part of fiscal year 2009 appropriation was needed to complete awards for fiscal year 2007 adoptions). All states received the full award amounts earned for any increases in number of adoptions and, as provided in the law, remaining funds were used to pay incentives for increases in adoption rate. Full payment of awards earned in fiscal year 2008 *may be made to States* if sufficient appropriations are subsequently provided.

Source: Table prepared by Congressional Research Service.

On a national basis, the number of children adopted from foster care rose from about 31,000 in fiscal year 1997 to more than 50,000 by fiscal year 2000. It remained stable at between 50,000 to 52,000 annually through fiscal year 2007. In fiscal year 2008 States finalized a record number of adoptions (more than 54,000) Because Adoption Incentives awards were generally based on States' improving on their past successes, the number of incentive payments earned for adoptions finalized in fiscal year 2001 through fiscal year 2007 declined sharply from the earliest years of the program. From fiscal year 2004 through fiscal year 2008, appropriations fell well below the authorized level but in most years the amount was sufficient to pay awards earned. The appropriation level was increased for fiscal year 2009 and the increase in adoptions for fiscal year 2008 combined with changes made to the incentive structure by Public Law 110-351 allowed States to again earn more award funds in that year. Table 11-25, shows the amount of funding appropriated for Adoption Incentives and the total amount awarded to States for each year since the program has been established. Funding provided in a given fiscal year is used to provide awards for adoptions finalized in the previous fiscal year. For example, funds appropriated for fiscal year 2009 were used to make awards for adoptions finalized in fiscal year 2008. HHS typically makes these awards in the last month of the fiscal year. For example, awards for adoptions finalized in fiscal year 2008 were announced in September 2009.

Incentive structure for adoptions finalized in fiscal years 2008 through 2012

As amended by the Fostering Connections to Success and Increasing Adoptions Act (Public Law 110-351), States are eligible to earn Adoption Incentive payments if they increase the *rate* at which children are adopted out of their foster care caseload, the overall *number* of children adopted out of the foster care caseload, or the *number* of older children (age 9 years or above) who are adopted. Any increase is determined based on a State-specific baseline or rate. A State that achieves a bonus in any one of these three categories is also eligible to receive a bonus for any increase, above its State-specific baseline, in the number of children adopted who are under the age of 9 and have special needs and for whom an adoption assistance agreement is in place.

Public Law 110-351 sets a State's baseline for each category of adoptions – overall adoptions out of foster care, older child (age nine or above) adoptions and special needs adoptions of children younger than age 9 – at the number of adoptions the State finalized in that category during fiscal year 2007. For each adoption exceeding its overall baseline, a State earns \$4,000; for each adoption of a child older than age 9 that exceeds its comparable baseline, the State earns \$8,000; and for each special needs adoption of a child younger than age 9 that exceeds its comparable baseline an eligible State earns \$4,000.

Public Law 110-351 requires that any appropriated Adoption Incentive funds not needed to make awards for an increase in the number of adoptions finalized, must be paid as incentive awards for any State that increases the rate at which children are adopted from foster care. To earn this award, a State must achieve a “foster child adoption rate” that exceeds the highest foster child adoption rate it

achieved in any preceding year beginning with fiscal year 2002. The amount of the award is \$1,000 times the increased number of adoptions achieved by the State that are attributed to the increased adoption rate.

Table 11-26 shows each State's baseline and number of incentive-qualifying adoptions for fiscal years 1998, 2002, and 2008. The final column of the table shows the state's highest ever adoption rate (and the year it was achieved) for fiscal years 2002-2008. The definition of adoptions eligible or qualifying for purposes of the Adoption Incentives program is not identical to that for adoptions completed with public child welfare agency involvement. Therefore, the number of qualifying adoptions shown in Table 11-26 is not always the same as the number of adoptions in the State in which the child welfare agency was involved.

The baselines for fiscal year 1998, the initial year for which awards were made, was set at the average number of adoptions the State achieved in each of fiscal years 1995 through 1997. For fiscal years 1999 through 2002, a State's baselines were determined by the highest number of adoptions it achieved, in given award category, for any previous year beginning with fiscal year 1997. Thus, the *higher* of either the incentive qualifying adoptions shown for the award year 2002 or the baseline number for that year, represents the highest number of qualifying adoptions the State had achieved since the program's inception and until that time (see Table 11-26).

For the second phase of the program (adoptions finalized in fiscal years 2003 through 2007), the special needs category was redefined to include only children under the age of 9 and an older child award category (age 9 and above) was added. The baseline for the revised and new award categories was tied to the number of adoptions achieved in the relevant categories in fiscal year 2002 or any following year that preceded the award year.

For phase three of the program, Public Law 110-351 fixed all three baselines at the number of adoptions achieved by the State in fiscal year 2007. Therefore, the number of adoptions that is shown as the baseline for awards made for adoptions finalized in fiscal year 2008 is equal to the number of adoptions finalized by the State in fiscal year 2007. Further those numbers will continue to serve as the State-specific baselines for determining Adoption Incentive awards in each of fiscal years 2009 through 2013 (see Table 11-26).

Finally, for phase three of the program, Public Law 110-351 established a new incentive category tied to the State's rate of adoption. A State's adoption rate represents the number of children it had adopted from foster care in the given fiscal year for every 100 children who were in the state's foster care caseload on the last day of the preceding fiscal year. To earn an incentive in a given fiscal year a State must exceed the highest adoption rate it previously achieved beginning with fiscal year 2002. Therefore any State that shows 2008 as year in which it achieved its highest adoption rate ever, earned an award under that adoption incentive category for that year (see Table 11-26). Table 11-27 shows total amounts earned by each State for adoptions finalized in fiscal years 1998-2008.

TABLE 11-26 -- BASELINES AND QUALIFYING ADOPTIONS BY CATEGORY, SELECTED FISCAL YEARS 1998-2008

STATE	1998				2002				2008						Highest Ever Adoption Rate ³ (fiscal year in which that rate was achieved)
	Baseline <i>Average number of adoptions, fiscal years 1995-1997</i>		Qualifying Adoptions Finalized ¹		Baseline <i>Highest number of adoptions achieved in fiscal years 1997-2001</i>		Qualifying Adoptions Finalized ¹		Baseline <i>Number of adoptions achieved in fiscal year 2007²</i>			Qualifying Adoptions Finalized			
	Total From Foster Care	Special Needs (all ages)	Total From Foster Care	Special Needs (all ages)	Total From Foster Care	Special Needs (all ages)	Total From Foster Care	Special Needs (all ages)	Total From Foster Care	Nine Years or Older	Special Needs (under age 9)	Total From Foster Care	Nine Years or Older	Special Needs (under age 9)	
Alabama	139	41	119	23	237	79	249	103	349	115	110	402	136	118	6.5 (2004)
Alaska	108	85	95	80	278	229	192	148	244	72	127	261	87	136	12.3 (2007)
Arizona	357	277	327	0	931	643	788	482	1,565	345	1,026	1,596	388	989	16.7 (2008)
Arkansas	138	122	251	194	353	278	295	83	401	102	181	496	116	256	13.8 (2008)
California	3,287	2,414	3,958	3,030	8,852	7,502	8,647	7,596	7,622	1,646	4,921	7,777	1,734	4,884	10.5 (2008)
Colorado	417	310	560	470	711	578	835	486	1,077	236	356	995	207	96	13.2 (2007)
Connecticut	207	172	229	0	499	230	562	377	569	140	310	647	157	282	11.2 (2008)
Delaware	39	23	33	13	117	89	133	75	118	24	19	111	18	35	13.0 (2002)
Dist. Of Col.	110	37	96	96	236	129	195	69	151	63	52	111	38	38	12.2 (2004)
Florida	987	398	1,549	646	1,605	786	2,246	1,264	2,970	703	1,181	3,959	951	1,994	14.8 (2008)
Georgia	493	247	672	367	1,029	551	1,081	634	1,237	356	459	1,265	356	489	10.4 (2008)
Hawaii	85	63	297	190	297	190	349	182	242	48	170	257	66	164	14.7 (2005)
Idaho	44	36	14	0	110	92	92	74	190	56	106	229	60	147	12.2 (2008)
Illinois	2,200	1,470	4,656	3,861	7,031	6,242	3,585	3,219	1,512	336	0	1,527	358	0	12.9 (2002)
Indiana	495	322	774	660	1,143	711	881	435	1,278	383	708	1,506	458	601	13.2 (2008)
Iowa	350	298	517	359	751	491	882	459	1,060	240	399	1,038	213	424	21.0 (2003)
Kansas	349	215	229	165	558	449	501	313	777	205	396	704	214	343	12.5 (2007)
Kentucky	211	148	204	88	542	313	551	397	689	209	464	779	247	489	12.5 (2005)
Louisiana	268	220	236	171	469	346	466	336	419	96	210	587	117	299	11.0 (2008)

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TABLE 11-26 -- BASELINES AND QUALIFYING ADOPTIONS BY CATEGORY, SELECTED FISCAL YEARS 1998-2008

STATE	1998				2002				2008						Highest Ever Adoption Rate ³ (fiscal year in which that rate was achieved)
	Baseline <i>Average number of adoptions, fiscal years 1995-1997</i>		Qualifying Adoptions Finalized ¹		Baseline <i>Highest number of adoptions achieved in fiscal years 1997-2001</i>		Qualifying Adoptions Finalized ¹		Baseline <i>Number of adoptions achieved in fiscal year 2007²</i>			Qualifying Adoptions Finalized			
	Total From Foster Care	Special Needs (all ages)	Total From Foster Care	Special Needs (all ages)	Total From Foster Care	Special Needs (all ages)	Total From Foster Care	Special Needs (all ages)	Total From Foster Care	Nine Years or Older	Special Needs (under age 9)	Total From Foster Care	Nine Years or Older	Special Needs (under age 9)	
Maine	108	96	112	100	405	361	297	219	329	113	137	322	93	154	16.3 (2008)
Maryland	342	165	420	347	801	628	922	742	197	43	23	210	61	0	7.3 (2002)
Massachusetts	1,116	601	1,137	2	1,161	657	808	447	794	189	320	712	125	205	7.2 (2006)
Michigan	1,905	1,634	2,254	1,938	2,979	2,492	2,845	2,288	2,617	828	1,027	2,731	843	1,097	13.6 (2005)
Minnesota	258	176	427	349	615	530	627	547	548	153	231	768	158	323	11.4 (2008)
Mississippi	114	45	169	134	290	256	175	0	290	95	149	272	84	149	9.9 (2004)
Missouri	557	415	616	404	1,205	832	1,273	879	896	286	521	956	317	398	11.1 (2002)
Montana	115	89	144	86	264	159	244	161	245	70	142	238	61	139	13.7 (2008)
Nebraska	185	99	35	18	289	153	294	151	483	141	114	537	150	175	9.1 (2008)
Nevada	149	94	0	0	244	172	251	167	453	122	288	459	122	285	9.8 (2002)
New Hampshire	45	36	50	0	95	70	114	111	141	43	87	167	55	103	15.4 (2008)
New Jersey	621	366	755	533	1,043	806	1,370	1,118	1,561	375	885	1,255	311	242	14.5 (2007)
New Mexico	147	110	197	0	369	330	272	246	355	118	207	427	127	245	17.6 (2008)
New York	4,716	4,403	4,822	4,332	4,979	4,697	3,160	2,866	2,488	1,053	969	2,394	976	1,022	10.8 (2004)
North Carolina	467	296	303	220	1,244	961	1,324	882	1,521	376	757	1,667	438	812	15.4 (2008)
North Dakota	47	34	83	29	138	64	119	55	125	27	60	144	26	49	11.4 (2008)
Ohio	1,287	1,143	1,263	1,225	2,002	1,912	2,185	2,096	1,710	541	1,135	1,505	454	919	11.2 (2005)
Oklahoma	338	242	456	304	995	625	985	347	1,227	343	609	1,463	376	683	12.9 (2003)
Oregon	445	335	665	519	1,071	850	1,115	874	1,016	234	615	1,050	227	636	12.4 (2002)

TABLE 11-26 -- BASELINES AND QUALIFYING ADOPTIONS BY CATEGORY, SELECTED FISCAL YEARS 1998-2008

STATE	1998				2002				2008						Highest Ever Adoption Rate ³ (fiscal year in which that rate was achieved)
	Baseline Average number of adoptions, fiscal years 1995-1997		Qualifying Adoptions Finalized ¹		Baseline Highest number of adoptions achieved in fiscal years 1997-2001		Qualifying Adoptions Finalized ¹		Baseline Number of adoptions achieved in fiscal year 2007 ²			Qualifying Adoptions Finalized			
	Total From Foster Care	Special Needs (all ages)	Total From Foster Care	Special Needs (all ages)	Total From Foster Care	Special Needs (all ages)	Total From Foster Care	Special Needs (all ages)	Total From Foster Care	Nine Years or Older	Special Needs (under age 9)	Total From Foster Care	Nine Years or Older	Special Needs (under age 9)	
Pennsylvania	1,224	1,050	1,494	1,140	1,700	1,480	1,993	1,233	1,916	538	1,099	2,082	516	1,232	10.0 (2008)
Rhode Island	261	166	222	132	292	189	256	158	239	57	118	258	64	137	11.0 (2003)
South Carolina	256	146	465	260	465	311	343	210	431	113	163	525	135	198	10.2 (2008)
South Dakota	56	36	58	36	92	55	142	116	160	51	75	173	38	89	11.0 (2008)
Tennessee	328	233	295	196	555	377	758	545	1,214	524	196	1,098	435	334	14.2 (2008)
Texas	880	510	1,365	976	2,278	1,430	2,295	1,353	4,022	805	2,214	4,530	1,007	2,471	15.0 (2008)
Utah	225	130	250	89	369	174	344	166	450	80	149	541	93	229	21.6 (2006)
Vermont	75	67	116	92	138	121	133	114	195	67	85	181	50	88	15.0 (2004)
Virginia	298	190	158	109	491	333	417	307	668	215	327	595	164	309	8.7 (2007)
Washington	607	425	759	431	1,207	991	1,031	885	1,276	246	975	1,245	240	936	13.6 (2005)
West Virginia	182	80	211	86	360	227	361	234	398	105	244	513	107	252	11.6 (2008)
Wisconsin	467	379	589	455	712	641	939	766	656	219	422	624	175	402	14.3 (2004)
Wyoming	15	5	30	5	46	36	46	31	72	12	31	82	23	27	6.7 (2008)
Puerto Rico	<i>Not applicable; PR did not participate</i>				164	25	176	34	143	34	36	133	36	45	2.7 (2006)
Total	28,120	20,694	34,736	24,960	54,807	42,873	50,144	37,080	51,306	13,591	25,605	54,106	14,008	26,169	

¹ Qualifying adoptions are not necessarily the same as adoptions with public child welfare agency involvement.

² Public Law 110-351 fixed the baseline for these incentive categories for each of fiscal years 2008-2012 at the number finalized by the State in fiscal year 2007.

³ The highest ever adoption rate is equal to the number of children adopted from foster care in the State during a given fiscal year for every 100 children who were in foster care in that State on the last day of the previous fiscal year.

Source: Table prepared by CRS based on data received from U.S. Department of Health and Human Services

TABLE 11-27 -- INCENTIVE PAYMENTS EARNED FOR ADOPTIONS FINALIZED IN FISCAL YEARS 1998-2007, BY STATE

(Dollars in thousands)

STATE	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008 ^a	TOTAL
Alabama	0	108	192	186	96	376	386	0	52	0	412	1,808
Alaska	0	166	382	400	0	116	0	0	0	230	224	1,518
Arizona	0	1,326	684	384	0	280	0	1,034	2,100	1,410	533	7,751
Arkansas	596	194	206	176	0	468	0	0	156	60	846	2,702
California	3,916	11,698	12,434	4,388	0	0	0	0	0	0	1,701	34,137
Colorado	892	820	0	0	496	546	64	0	0	504	0	3,322
Connecticut	88	500	384	0	547	0	0	520	0	0	580	2,619
Delaware	0	28	336	112	64	0	0	0	0	0	0	540
Dist of Col.	0	136	346	0	0	0	1,072	0	0	0	0	1,554
Florida	2,744	0	370	0	3,520	2,544	3,486	0	0	0	10,365	23,029
Georgia	956	1,796	0	0	374	0	656	0	92	20	350	4,244
Hawaii	1,102	0	0	0	208	0	54	498	0	0	204	2,066
Idaho	0	312	0	34	0	196	296	0	68	72	362	1,340
Illinois	14,606	14,262	0	0	0	0	0	0	0	0	236	29,104
Indiana	1,792	0	1,578	0	0	0	890	416	920	782	1,744	8,122
Iowa	790	1,062	28	0	524	1,048	0	0	0	0	0	3,452
Kansas	0	842	0	0	0	440	706	32	0	962	72	3,054
Kentucky	0	630	176	796	204	452	1,074	766	0	0	764	4,862
Louisiana	0	292	662	0	0	172	0	0	0	0	1,218	2,344
Maine	24	530	1,164	0	0	424	0	0	0	0	79	2,221
Maryland	676	576	0	1,510	712	0	0	0	0	0	196	3,670
Massachusetts	84	0	0	0	0	0	16	80	258	0	0	438
Michigan	2,004	1,108	1,920	980	0	0	0	192	0	0	856	7,060
Minnesota	1,022	654	460	0	82	74	0	154	0	0	1,374	3,820
Mississippi	398	402	326	0	0	140	650	0	0	106	0	2,022
Missouri	236	1,150	2,054	0	366	494	0	0	0	0	488	4,788
Montana	116	128	258	188	0	0	0	0	138	0	16	844
Nebraska	0	56	434	28	20	0	352	50	336	420	611	2,307

TABLE 11-27 -- INCENTIVE PAYMENTS EARNED FOR ADOPTIONS FINALIZED IN FISCAL YEARS 1998-2007, BY STATE

(Dollars in thousands)

STATE	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008 ^a	TOTAL
Nevada	0	354	86	94	28	260	0	764	170	150	24	1,930
New Hampshire	20	114	160	0	158	88	0	0	28	24	298	890
New Jersey	870	0	572	1,126	1,932	0	0	512	0	0	0	5,012
New Mexico	200	440	504	176	0	0	0	192	290	68	559	2,429
New York	424	0	0	0	0	3,492	1,978	0	0	0	0	5,894
North Carolina	0	1,282	1,924	0	320	16	0	0	0	1,130	1,484	6,156
North Dakota	144	220	0	0	0	84	34	44	40	0	85	651
Ohio	0	1,136	1,146	1,500	1,100	376	0	0	0	0	0	5,258
Oklahoma	596	2,234	564	0	0	1,062	130	0	0	662	1,504	6,752
Oregon	1,248	410	514	1,362	224	0	0	0	0	0	220	3,978
Pennsylvania	1,260	0	992	0	1,172	0	0	346	0	0	1,338	5,108
Rhode Island	0	378	0	0	0	40	0	0	0	0	208	626
South Carolina	1,064	0	0	0	0	0	68	178	204	0	754	2,268
South Dakota	8	122	20	32	322	20	56	0	12	48	118	758
Tennessee	0	428	168	806	1,148	264	176	1,528	0	560	557	5,635
Texas	2,872	2,990	498	1,072	68	908	494	4,082	1,398	3,612	5,288	23,282
Utah	100	404	0	0	0	0	0	56	790	0	788	2,138
Vermont	214	146	0	0	0	150	328	0	0	12	0	850
Virginia	0	212	0	922	0	386	306	0	124	194	0	2,144
Washington	620	918	876	944	0	1,560	0	94	0	0	0	5,012
West Virginia	128	384	248	144	18	0	88	0	178	0	540	1,728
Wisconsin	640	302	562	0	1,158	1,232	210	0	0	0	0	4,104
Wyoming	60	96	10	0	0	48	32	30	0	60	135	471
Puerto Rico	0	142	0	218	66	140	886	0	0	0	52	1,504
TOTAL	\$42,510	\$51,488	\$33,238	\$17,578	\$14,927	\$17,896	\$14,488	\$11,568	\$7,354	\$11,086	\$37,183	\$259,316

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^a These amounts represent full earnings by State for adoptions finalized in fiscal year 2008. However, only about \$35 million was available to pay these awards in fiscal year 2009. Full payment of the awards *may be made* if sufficient future appropriations are provided.

Source: Table prepared by CRS based on data received from U.S. Department of Health and Human Services (HHS).

JOHN H. CHAFEE FOSTER CARE INDEPENDENCE PROGRAM
(SECTION 477)

The John H. Chafee Foster Care Independence Program (CFCIP) and the Education and Training Voucher (ETV) Program provide formula funding to States for direct services to help youth prepare for, and successfully begin, adulthood. Youth served include those who are expected to leave foster care because they have not been placed in a permanent family before reaching the State's legal age of majority; those who have recently been emancipated from care; and, as added by the Fostering Connections to Success and Increasing Adoptions Act (Public Law 110-351), those who, after reaching their 16th birthday in foster care, left care for placement in an adoptive or kinship guardianship home.

The CFCIP is the successor to earlier efforts by Congress to better support the transition of youth from foster care to successful adulthood. In 1985, Congress established the Independent Living Program (ILP), under a new section 477 of the Social Security Act, in response to several surveys showing that a significant number of individuals who used homeless shelters had been recently discharged from foster care (Public Law 99-272). The ILP awarded grants to States to provide services that would prepare youth to live outside of the child welfare system. Youth ages 16 to 18 who met the eligibility criteria of title IV-E qualified for ILP services. In 1988 (Public Law 100-647), ILP eligibility was expanded to include children ages 16 to 18 in foster care, regardless of their Federal title IV-E eligibility status. The 1988 law also permitted States to use ILP funds to serve certain youth for six months after their emancipation from foster care and in 1990, Public Law 101-508 gave States the option of providing independent living services to any youth up to age 21 who had emancipated from care. In 1993 (Public Law 103-66), Congress permanently authorized mandatory funding for the program at \$70 million annually.

GENERAL PROGRAM

Following enactment of the Independent Living Program, research concerning youth emancipating from foster care continued to demonstrate poor outcomes related to educational attainment, housing, jobs, and other measures (Cook 1990, Cook 1992, Courtney 1998). To address these concerns anew, the Foster Care Independence Act of 1999 (Public Law 106-169) rewrote section 477 to create the John H. Chafee Foster Care Independence Program. The law doubled the annual entitlement funding for the new program to \$140 million and made eligible for CFCIP services any child who is expected to remain in foster care until his or her 18th birthday (there is no Federal minimum age of eligibility) as well as youth who emancipated from foster care, up to their 21st birthday. As enacted by Public Law 106-169, the purposes of the program are to: 1) identify youth who are likely to remain in foster care until age 18, and provide them with support services to help make the transition to self sufficiency; 2) assist these youth to obtain employment and prepare for and enter college or other postsecondary training or educational institutions; 3) provide personal and emotional support to youth aging out of foster

care through mentors and other dedicated adults; 4) enhance the efforts of former foster youth ages 18 to 21 to achieve self sufficiency through supports that connect them to employment, education, housing, and other services; and 5) assure that youth receiving services recognize and accept personal responsibility for preparing for and then making the transition from adolescence to adulthood. In addition, Public Law 106-169 required HHS to develop a data collection system related to services provided under the CFCIP and outcomes of youth served. A final rule to implement the National Youth in Transition Database (NYTD) was released in February 2008. (For more information, see discussion of NYTD later in this section.) In 2002, the Promoting Safe and Stable Families Amendments (Public Law 107-133) revised the CFCIP to authorize additional, discretionary funding to provide education and training vouchers to youth who age out of foster care and youth who are adopted from care at age 16 or older. And in 2008, the Fostering Connections to Success and Increasing Adoptions Act expanded eligibility for the program by specifying as an additional program purpose that youth who are in foster care on their 16th birthday but who subsequently leave care for adoption or kinship guardianship are eligible for CFCIP services.

General program funding and distribution

Federal funding for the general CFCIP is a capped entitlement to the States, (including any territory) with an approved title IV-E foster care and adoption assistance plan. Congress appropriates \$140 million for the program annually. From these funds, the statute provides that HHS must set-aside just over \$2 million (1.5 percent) for evaluation and related activities, and that the remaining funds must be distributed among the States on the basis of their relative share of the national foster care population. However, as provided by the Foster Care Independence Act of 1999 (Public Law 106-169), no State may receive less than \$500,000 or the amount it received for the Federal Independent Living Program in fiscal year 1998. States have two years to spend the funds and must provide a 20 percent non-Federal match to receive their full allotment. States often mix their Federal CFCIP dollars with State, local, and private funding sources. Beginning with fiscal year 2010, Public Law 110-351 provides that eligible Tribes may apply for and receive an allotment of CFCIP funds directly from HHS. To be eligible, a Tribe, tribal consortium, or tribal organization must be receiving title IV-E funds to operate a foster care program under a title IV-E plan approved by HHS, or via a cooperative agreement or contract with the State. Successful tribal applicants are to receive a CFCIP allotment amount out of the State's CFCIP allotment based on the share of all children in foster care in the State under the custody of the tribal entity.

Requirements for general program funding

To receive CFCIP funds, a State must submit a five-year plan to HHS describing how it intends to design and deliver services to meet the CFCIP purposes, including how it involves the public and private sectors to do so. Among other things, a State must ensure in the plan that these CFCIP services are available statewide (although services do not have to be identical in all places), that the

program serves children of various ages and stages of achieving independence, and that it uses objective criteria to determine eligibility for, and receipt of, CFCIP services. States must also certify in their plans that no more than 30 percent of program funds are used to pay for room and board of youth ages 18 to 21 and that no Federal CFCIP dollars are used to provide room and board to youth under the age of 18. Among other required certifications, States must also indicate that they will involve youth “directly in designing their own program activities that prepare them for independent living,” coordinate services provided under the CFCIP with other Federal and State programs serving vulnerable or at-risk youth, consult with Tribes, and make efforts to coordinate the CFCIP programs to ensure that the services are available to tribal youth on the same basis as to other youth in the State. Public Law 110-351 further requires that, beginning in fiscal year 2010, a State must certify that it will negotiate in good faith with any tribal entity that does not receive a direct Federal allotment of CFCIP funds but would like to enter into an agreement with the State to receive funds for administering, supervising, or overseeing the general CFCIP and/or ETV for eligible Indian children under the tribal entity’s authority.

Services under CFCIP

State programs vary but typically include education and tutoring services, career exploration and vocational services, preventative health activities, counseling, mentoring, training in financial management, housing (on a limited basis), and other services. A 2004 study by the GAO found that at least half of all States, including the District of Columbia and Puerto Rico, extended at least one independent living service to youth younger than 16 and that most (39) provided at least a few services to emancipated youth (GAO, 2004). Some States also extend Medicaid to emancipated youth, as authorized under the Foster Care Independence Act. That 1999 law amended title XIX to permit States to make eligible for Medicaid any youth under the age of 21 who left foster care after his or her 18th birthday, or any “reasonable category” of those youth. As of December 2008, approximately 20 States had amended their Medicaid State plans to take this “Chafee option.” A 2006 survey by the American Public Human Services Association (APHSA) indicated that most of these States provide eligibility to all youth in the category, although some limit eligibility to those youth with lower income or those who are in school (APHSA, 2007). The survey also found that additional States provide Medicaid, through other eligibility pathways, to at least some youth who have emancipated from foster care.

EDUCATION AND TRAINING VOUCHERS

As mentioned above, the Education and Training Voucher Program was authorized by the Promoting Safe and Stable Families Amendments of 2001 (Public Law 107-133) for children who have emancipated from care or were adopted from care at age 16 or older. Public Law 110-351 extended the ETV program to youth who leave foster care at age 16 or older for kinship guardianship. The program authorizes vouchers worth up to \$5,000 annually for the cost of full-time or part-

time attendance at an institution of higher education, as defined by the Higher Education Act of 1965. "Cost of attendance" refers to tuition, fees, books supplies, equipment and materials, room and board, and related expenses. Students are eligible for the vouchers if they are in good academic standing and making progress toward completing their program or graduating, though States may have additional requirements. Only youth receiving a voucher at age 21 may continue to participate in the voucher program until age 23.

Congress originally authorized annual discretionary appropriations of up to \$60 million for the ETV program. Since fiscal year 2002, when funds were first appropriated, through fiscal year 2008, Congress has appropriated approximately \$45 million annually for the ETV program. Funds are distributed to all States or territories with an approved CFCIP plan on the basis of their relative share of the national foster care population. As with the CFCIP, and beginning with fiscal year 2010, tribal entities that operate a foster care program (with direct or indirect title IV-E funding, and have an approved application may receive a portion of a State's ETV allotment based generally on the tribal entity's share of the total foster care population of that State. Also, as with the general program, States have two years to spend their ETV allotment, and must provide a 20 percent non-Federal match to receive their full funding allotment. In their application for these funds, States must describe the methods they use to ensure that the total amount of education assistance provided to a youth under the CFCIP, combined with aid provided under other Federal programs, does not exceed the total cost of attendance for that youth, and further, that eligible youth do not claim the same education expenses under multiple Federal programs. Table 11-28 shows funding under the CFCIP, including general program and ETV allotments, by State.

TABLE 11-28 -- FINAL STATE ALLOCATIONS FOR THE CHAFEE
FOSTER CARE INDEPENDENCE PROGRAM, FISCAL YEARS 2006 - 2007
(Dollars in thousands)

STATE	Final FY2006 Allotments			Final FY2007 Allotments		
	General	Voucher	TOTAL	General	Voucher	TOTAL
Alabama	\$1,631	\$557	\$2,188	\$1,784	\$612	\$2,396
Alaska	500	160	660	500	159	659
Arizona	2,344	801	3,145	2,601	892	3,493
Arkansas	796	272	1,068	834	286	1,120
California	23,738	8,113	31,851	20,953	7,185	28,138
Colorado	2,107	720	2,827	2,120	727	2,847
Connecticut	1,749	598	2,347	1,815	622	2,437
Delaware	500	75	575	500	85	585
District of Columbia	1,092	229	1,321	1,092	222	1,314
Florida	7,420	2,536	9,956	7,566	2,595	10,161
Georgia	3,654	1,248	4,902	3,605	1,236	4,841
Hawaii	759	259	1,018	714	245	959
Idaho	500	123	623	500	161	661
Illinois	5,124	1,751	6,875	5,016	1,720	6,736
Indiana	2,505	856	3,361	2,906	996	3,902
Iowa	1,384	473	1,857	1,754	601	2,355

TABLE 11-28 -- FINAL STATE ALLOCATIONS FOR THE CHAFEE
FOSTER CARE INDEPENDENCE PROGRAM, FISCAL YEARS 2006 - 2007
(Dollars in thousands)

STATE	Final FY2006 Allotments			Final FY2007 Allotments		
	General	Voucher	TOTAL	General	Voucher	TOTAL
Kansas	1,558	532	2,090	1,506	516	2,022
Kentucky	1,799	615	2,414	1,881	645	2,526
Louisiana	1,358	386	1,744	1,358	428	1,786
Maine	702	240	942	596	204	800
Maryland	2,856	976	3,832	2,805	962	3,767
Massachusetts	3,230	1,103	4,333	3,161	1,084	4,245
Michigan	5,491	1,876	7,367	5,291	1,814	7,105
Minnesota	1,809	618	2,427	1,801	618	2,419
Mississippi	747	255	1,002	844	289	1,133
Missouri	3,007	1,027	4,034	2,928	1,004	3,932
Montana	522	178	700	574	197	771
Nebraska	1,617	553	2,170	1,608	552	2,160
Nevada	918	314	1,232	1,205	413	1,618
New Hampshire	500	109	609	500	104	604
New Jersey	3,426	1,171	4,597	3,108	1,066	4,174
New Mexico	596	204	800	591	203	794
New York	11,586	2,938	14,524	11,586	2,693	14,279
North Carolina	2,591	885	3,476	2,761	947	3,708
North Dakota	500	115	615	500	121	621
Ohio	4,628	1,581	6,209	4,502	1,544	6,046
Oklahoma	2,708	925	3,633	2,966	1,017	3,983
Oregon	2,595	887	3,482	2,845	976	3,821
Pennsylvania	5,641	1,928	7,569	5,599	1,920	7,519
Puerto Rico	1,820	622	2,442	1,752	601	2,353
Rhode Island	621	212	833	648	222	870
South Carolina	1,248	427	1,675	1,228	421	1,649
South Dakota	500	141	641	500	152	652
Tennessee	2,465	842	3,307	2,328	798	3,126
Texas	6,306	2,154	8,460	7,456	2,557	10,013
Utah	542	185	727	590	202	792
Vermont	500	126	626	500	127	627
Virginia	1,766	603	2,369	1,813	622	2,435
Washington	2,408	823	3,231	2,599	891	3,490
West Virginia	1,026	351	1,377	1,118	383	1,501
Wisconsin	2,008	686	2,694	2,093	718	2,811
Wyoming	500	106	606	500	112	612
State Subtotal	\$137,900	\$45,464	\$183,364	\$137,900	\$45,465	\$183,365
Evaluation and TA	2,089	683	2,772	2,051	645	2,696
TOTAL	\$139,989	\$46,147	\$186,137	\$139,951	\$46,110	\$186,061

Source: Table prepared by the Congressional Research Service based on data included in HHS, ACF, FY2008 and FY2009 *Justification of Estimates for Appropriations Committee*.

RELATED COMPETITIVE GRANTS AND OTHER ACTIVITIES

The primary child welfare programs discussed above provide funds for child welfare purposes to all States. This next subsection discusses additional child welfare programs that fund competitive grants for research, demonstration, or other projects and which are authorized under the Social Security Act. Finally, it concludes with a brief overview of grants authorized under the Child Abuse Prevention and Treatment Act (CAPTA, which is under the jurisdiction of the House Education and Labor Committee). CAPTA provides both formula grants to all States as well as competitive grants for research, demonstration and technical assistance.

Child welfare training; research and demonstration grants

Section 426 (of title IV-B, subpart 1) of the Social Security Act authorizes HHS to make grants to public or private non-profit institutions of higher education to develop and improve education and training programs, and resources, for child welfare service providers. The grants are awarded on a competitive basis and are designed to upgrade the skills and qualifications of child welfare workers through curriculum development, field placement, and child welfare traineeships, including provision of stipends to students seeking undergraduate or advanced degrees in social work. Funding for the grants is permanently authorized at “such sums as Congress may determine” and, for the past decade, the program has received between \$7.0 and \$7.5 million in appropriations each year. Section 426 also authorizes the Secretary of HHS to make grants to non-profit and public research organizations or institutions of higher learning for research and demonstration activities that show promise of making significant improvements to child welfare practice, as well as for grants to State or local public agencies to demonstrate innovative practices. Funding authorization for these grants is the same as the authority used for child welfare training. Fiscal year 1995 was the last year that funds were appropriated under this authority for research and demonstration activities.

Family Connection Grants

The Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351) established Family Connections Grants, in section 427 (under title IV-B, subpart 1) of the Social Security Act. Under this program, HHS is authorized to make grants to public child welfare agencies (State, local or Tribal), and non-profit private organizations to help children – whether they are in foster care or at-risk of entering foster care – connect or reconnect with birth parents or other extended kin. Specifically, the funds must be used to establish or support one or more of the following: 1) kinship navigator programs, which through information referral systems and other means, assist kinship caregivers in learning about, finding, and using programs and services to meet their own needs and those of the children they are raising; 2) intensive family-finding efforts that use search technology to locate the biological kin of children, and work to reestablish relationships and explore permanent family placements for the children; 3) family

group decision-making meetings that enable families to develop plans that nurture children and protect them from abuse and neglect, and, when appropriate, must safely facilitate connecting children exposed to domestic violence to relevant services and reconnecting them with the abused parent; and 4) residential family treatment centers that enable parents and children to live together in a safe environment for not less than six months and that provide, onsite or by referral, a full range of services to meet the needs of the family, including substance abuse treatment, early childhood intervention, family counseling, mental health services, medical care, and other services.

HHS is permitted to award up to 30 new Family Connection Grants each year and may not award a grant for a period of less than one year nor more than three years. Grantees are required to provide matching funds equal to no less than 25 percent of the total approved grant program costs in years one and two of a grant and no less than 50 percent in year three. Funding for these grants was appropriated by Public Law 110-351, which provided \$15 million for them in each of fiscal years 2009 through 2013. The law specifies that \$5 million of those funds must be used, annually, for grants that support kinship navigator programs.

National Survey of Child and Adolescent Well-Being

Section 429 (as redesignated by the Child and Family Services Improvement Act of 2006, Public Law 109-288) of the Social Security Act requires HHS to conduct (directly or by contract) a nationally representative study of children who are at risk of child abuse or neglect, or are determined by the State to have been abused or neglected. The law requires the study to have a longitudinal component and to permit reliable State-level data analysis to the extent determined feasible by HHS. An initial survey and four follow-up waves of data were collected (1999-2005). These data provide unique information about the broader set of children and families coming into contact with child welfare agencies. Collection of a second set of unique baseline data began in March 2008 and, as of December 2008, at least one follow-up wave of data was expected to be collected. (For some discussion of NSCAW findings see, Characteristics of Children and Families Served, below.)

The study that became NSCAW was first required by the 1996 welfare-reform legislation (Public Law 104-193), which appropriated \$6 million for the study in each of fiscal years 1997 through 2002. This funding was annually rescinded in appropriation acts for each of fiscal years 1997 through 2002; however HHS used other resources to initiate the study. Authorization of the study was continued in a series of laws that were passed to temporarily extend the TANF block grant and in fiscal year 2004, the study received its first \$6 million in funding under the appropriation included in section 429. The Deficit Reduction Act of 2005 appropriated annual funding for this research project at the fiscal year 2004 level (\$6 million) through fiscal year 2010.

Grants to Increase the Well-Being of and Improve the Permanency for Children Affected by Methamphetamine or Other Substance Abuse

Public Law 109-288 provided \$145 million, across five years (fiscal years 2007 through 2011) to support competitive grants to regional partnerships for

services and activities designed to improve the safety, permanency, and well-being of children who are in an out-of-home placement or are at-risk of such placement because of a parent or caretaker's abuse of methamphetamine or another substance. This funding is a set aside from mandatory funding provided under the Promoting Safe and Stable Families program (see PSSF discussion above). Funding for this targeted purpose is awarded to "regional partnerships" and may support family-based comprehensive long-term substance abuse treatment and replication of successful models for such treatment; early intervention and preventative services; counseling for children and families; mental health services; and parenting skills training.

In October 2007, HHS announced it had awarded all five years of funding to 53 grantees in 28 States, including six tribal or tribal-based grantees. Most of the grantees (more than 70 percent) were located in States west of the Mississippi River. Most grantees received a fixed Federal award of \$500,000 for each of five years (35 grantees each awarded total of \$2.5 million) or three year (six grantees each awarded a total of \$1.5 million). The remaining grantees received funding of \$1 million in the initial fiscal year that declined to \$500,000 over five years (nine grantees each awarded total of \$3.742 million) or \$1 million in the initial fiscal year declining to \$750,000 over three years (three grantees each awarded a total of \$2.575 million).

Mentoring Children of Prisoners

The Promoting Safe and Stable Families Amendments of 2001 (Public Law 107-133) created the Mentoring Children of Prisoners (MCP) grant program to provide one-on-one mentoring services to children of prisoners in areas where these children are concentrated. The Child and Family Services Improvement Act of 2006 (Public Law 109-288) expanded the scope of the program by authorizing HHS to operate a demonstration project that provides vouchers for mentoring services.

MCP general grants are awarded competitively to local organizations that provide direct mentoring services and the MCP demonstration grant is awarded to an organization that distributes the vouchers nationwide. HHS may provide general grant funding to local or State governments, community- and faith-based organizations, and tribes or tribal groups. These funds may be used to do outreach to and screen eligible children and adult mentors; match children and mentors; support and oversee the mentoring relationship; and establish and evaluate outcomes for mentored children. In awarding grants, HHS must consider the qualifications and capacity of the applicants to carry out a mentoring program for children of prisoners; the need for mentoring services in local areas; and evidence of consultation with existing youth and family services, among any other requirements established by HHS. The national grant supports a demonstration project to test the effectiveness of using vouchers to deliver MCP services more broadly to children who have not already been matched to a mentor through the general grant program. Public Law 109-288 specified that vouchers are to be distributed by an experienced mentoring organization to identify eligible providers, children, and quality standards for providers, and to monitor and oversee the delivery of mentoring services, in addition to other requirements. In November

2007, HHS awarded the grant to MENTOR, a national advocacy group and clearinghouse on mentoring issues, to administer the project, which is known as the Caregiver's Choice Program.

The MCP program, including the voucher component, is authorized to receive "such sums as may be necessary" for fiscal years 2007 through 2011, pursuant to Public Law 109-288. Congress has appropriated approximately \$49 million annually for the program. Funding for the general grant program is distributed on a competitive basis in amounts up to \$5 million for each grantee, though awards have ranged from \$26,000 to \$2 million. Grantees are required to provide a non-Federal share or match of at least 25 percent of the total project budget in the first and second years of the project, and 50 percent in the third year and any subsequent years. Funding for the demonstration project is triggered when \$25 million in program appropriations is first available for the general grant program. The law specifies that the project is to receive \$5 to \$15 million in each of its first three years. Individual vouchers of up to \$1,000 can be awarded on behalf of an individual child to redeem for mentoring services. Four percent of annually appropriated funds for the MCP program are reserved for research, technical assistance, and evaluations.

Timely Interstate Home Study Incentives

Responding to data showing that children adopted across State lines, on average, stayed in foster care as many as 12 months longer than those adopted in-State, the Safe and Timely Interstate Placement Act of 2006 (Public Law 109-239) sought to promote expedited interstate placement of foster children, whenever safe and appropriate. The law established a Federal 60-day deadline for completing an interstate home study (necessary to determine the suitability and safety of the home) and a 14-day deadline for a State that requests this interstate home study to act on this information. It further required States, under title IV-E, to establish timely and orderly interstate home study procedures that are consistent with those time frames.

To further encourage States' timely action, the law created Section 473B of the Social Security Act to authorize discretionary funding of \$10 million in each of fiscal years 2007 through 2010, for incentive payments to States that complete any interstate home study within 30 days. The incentive payment amount is equal to \$1,500 multiplied by the number of interstate home studies the State completed within 30 days. No funds were appropriated for these incentives through fiscal year 2008 and the incentive program has not been implemented. Public Law 109-239 provides that section 473B, which provide both program and funding authority for these incentives, is repealed as of the first day of fiscal year 2011 (October 1, 2010). However, other requirements made by Public Law 109-239, including completion of interstate home studies within 60 days, are permanent law.

Technical Assistance and Implementation Services for Tribal Programs

The Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351) will allow tribal entities with an approved plan(s) as of fiscal year 2010 to directly access Federal funding under the title IV-E foster care, adoption assistance and kinship guardianship assistance program and the title IV-E Chafee Foster Care Independence Program. The law also directs States, as of fiscal

year 2010, to negotiate in good faith with eligible tribal entities that seek access to title IV-E or CFCIP funds through an agreement with the State. To help ensure these new provisions result in improved outcomes for Indian children, the law provides a permanent annual appropriation of \$3 million, beginning with fiscal year 2009 for: 1) technical assistance to tribes and States; and 2) for implementation grants to tribes that are preparing to submit a title IV-E plan to HHS for approval. The implementation grants may be worth as much as \$300,000. A tribal entity may receive this grant only once and it must agree to submit a title IV-E plan to HHS for approval no later than 24 months after receiving the grant funding. If the plan is not submitted within 24 months the tribe must repay the entire grant amount. However, HHS must waive this repayment requirement if the tribe's failure to submit it within 24 months was a result of a "circumstances beyond the control" of the tribe.

Child Welfare Demonstration Projects

In 1994, Congress authorized HHS, under the Social Security Act Amendments of 1994 (Public Law 103-432), to grant waivers of Federal requirements under title IV-B and title IV-E to enable up to 10 States to demonstrate alternative ways to achieve Federal child welfare policy goals. This authority was established in section 1130 of the Social Security Act, which was subsequently amended in 1997 by the Adoption and Safe Families Act (ASFA, Public Law 105-89) to allow HHS to approve up to 10 demonstration projects in each of fiscal years 1998 through 2002. This authority for HHS to grant waivers initially expired on the last day of fiscal year 2002 but was subsequently reauthorized and extended in a series of public laws covering fiscal year 2003 through the second quarter of fiscal year 2006 (which ended on March 31, 2006). Those extensions of authority were typically provided as part of laws that were primarily designed to extend funding authority for the TANF block grant. However, when Congress extended TANF for five years as part of the Deficit Reduction Act of 2005 (Public Law 109-171), it did not extend authorization for section 1130 child welfare waivers.

Section 1130 enabled HHS to waive any provision of either title IV-B or title IV-E that was necessary to enable the State to carry out its demonstration project with certain specified exceptions. Those exceptions included requirements related to the operation of a case review system and a pre-placement services program, as well as data collection and reporting requirements. Section 1130 further required that each demonstration project include an evaluation component (described further below) and that it be cost-neutral, as determined by HHS, to the Federal Government. As originally enacted, demonstration projects were to last for five years only. However, ASFA permitted HHS to extend any waiver if "in the judgment of the Secretary the demonstration should be allowed to continue." ASFA also required HHS to consider certain types of proposals if an appropriate application were received. These were proposals related to – 1) identifying and addressing barriers to adoption of children from foster care; 2) identifying and addressing issues related to parental substance abuse and placement of children in foster care, including through joint placement of children and families in residential treatment facilities; and 3) addressing kinship care.

Twenty-three States have implemented one or more demonstration projects involving a waiver of title IV-E requirements but, as of early December 2008, just 11 had waivers that remained in effect. Across all 23 States, the projects related to: assisted guardianship/kinship permanence (11 States); flexible funding and capped IV-E allocations to local agencies (6 States); managed care payment systems (5 States); services for caregivers with substance use disorders (4 States); intensive service options, including expedited reunification services (3 States); enhanced training for child welfare staff (1 State); adoption and post permanency services (1 State); and tribal administration of IV-E funds (1 State). Among the 11 States with ongoing projects as of early December 2008, most were related to assisted guardianship/kinship permanence or to flexible funding/capped allocations to local agencies, and one project related to services for caregivers with substance use disorders. Table 11-29 shows the status of all waiver agreements implemented under section 1130 authority, including the evaluation design that was or is being used for the project.

TABLE 11-29 -- STATUS OF CHILD WELFARE DEMONSTRATION PROJECTS IMPLEMENTED UNDER SECTION 1130¹

(States shown in **boldface** continue to implement waiver as of early December 2008)

TYPE OF PROJECT AND GENERAL DESCRIPTION	STATE	START DATE TO END DATE (expected or actual)	STATUS OF PROJECT	EVALUATION DESIGN
<i>Assisted Guardianship/Kinship Permanence</i> States use title IV-E funds to provide relatives or other caregivers a monthly subsidy on behalf of children for whom the caregiver has assumed legal custody.	Iowa	February 1, 2007 to January, 31, 2012	Under original waiver agreement.	Random Assignment
	Tennessee	December 7, 2006 to November 30, 2011	Under original waiver agreement.	Random Assignment
	Minnesota	November 17, 2005 to October 31, 2010	Under original waiver agreement	Random Assignment
	Wisconsin	October 14, 2005 to September 30, 2010	Under original waiver agreement	Random Assignment
	Montana	June 21, 2001 to December 31, 2008	Under short-term extension.	Random Assignment
	Oregon	July 1, 1997 to January 31, 2010	Under five-year extension.	Comparison sites
	Illinois	May 1, 1997 to December 31, 2009	Under short-term extension.	Random Assignment
	New Mexico	July 1, 2000 to December 31, 2005	Completed as scheduled.	Random Assignment
	Maryland	March 1, 1998 to September 30, 2004	Completed as scheduled.	Random assignment
	North Carolina	July 1, 1997 to February 28, 2008	Five-year extension terminated early	Comparison sites
Delaware	July 1, 1996 to December 31, 2002	Completed as scheduled.	Pre-post comparison	
<i>Capped Title IV-E Allocations and</i>	California	July 1, 2007 to June 30, 2012	Under original waiver	Time series analysis

TABLE 11-29 -- STATUS OF CHILD WELFARE DEMONSTRATION
PROJECTS IMPLEMENTED UNDER SECTION 1130¹

(States shown in **boldface** continue to implement waiver as of early December 2008)

TYPE OF PROJECT AND GENERAL DESCRIPTION	STATE	START DATE TO END DATE (expected or actual)	STATUS OF PROJECT	EVALUATION DESIGN
<i>Flexibility to Local Agencies</i> States give local public or private agencies flexibility in spending title IV-E funds for new services and supports in exchange for a capped allocation of those funds.	Florida	October 1, 2006 to September 30, 2011	Under original waiver	Time series analysis
	Indiana	January 1, 1998 to June 30, 2010	Under five-year extension	Matched cases
	Ohio	October 1, 1997 to September 30, 2009	Under five-year extension	Comparison sites
	Oregon	July 1, 1997 to March 31, 2009	Under five year extension	Comparison sites
	North Carolina	July 1, 1997 to February 28, 2008	Five year extension terminated early	Comparison sites
<i>Services for Caregivers with Substance Use Disorders</i> States use title IV-E funds to offer services and supports for substance abusing caregivers.	Illinois	April 28, 2000 to December 31, 2011	Under five-year extension	Random assignment
	Maryland	October 1, 2001 to December 31, 2002	Terminated early	Random assignment
	New Hampshire	November 15, 1999 to September 30, 2005	Completed as scheduled	Random Assignment
	Delaware	July 1, 1996 to December 31, 2002	Completed as scheduled	Comparison sites
<i>Managed Care Payment Systems</i> States test alternative managed care financing mechanisms to reduce child welfare costs while improving safety, permanence and well-being outcomes for targeted families	Washington	March 27, 2002 to June 30, 2003	Terminated early	Random assignment
	Colorado	October 26, 2001 to June 30, 2003	Terminated early	Random assignment
	Maryland	January 1, 2000 to December 31, 2002	Terminated early	Random assignment
	Michigan	October 1, 1999 to September 30, 2003	Completed as scheduled	Random assignment
	Connecticut	July 9, 1999 to October 31, 2002	Terminated early	Random assignment
<i>Intensive Services Options</i> States increase the variety and intensify of services to reduce out-of-home placements and improve child outcomes.	Arizona	April 17, 2006 to October 2008	Terminated early	Random assignment
	Mississippi	April 1, 2001 to September 30, 2004	Terminated early	Random assignment
	California	December 1, 1998 to December 31, 2005	Completed as scheduled	Random assignment
<i>Post-adoption Services</i> State provided post-adoption services and	Maine	April 1, 1999 to September 30, 2004	Completed as scheduled	Random assignment

TABLE 11-29 -- STATUS OF CHILD WELFARE DEMONSTRATION
PROJECTS IMPLEMENTED UNDER SECTION 1130¹

(States shown in **boldface** continue to implement waiver as of early December 2008)

TYPE OF PROJECT AND GENERAL DESCRIPTION	STATE	START DATE TO END DATE <i>(expected or actual)</i>	STATUS OF PROJECT	EVALUATION DESIGN
related training				
<i>Tribal Administration</i> Tribes developed systems to administer title IV-E program and claim direct Title IV-E reimbursement.	New Mexico	July 1, 2000 to December 31, 2005	Completed as scheduled	Comparison site
<i>Enhanced Training for Child Welfare Staff</i> State trained public and private-sector child welfare workers.	Illinois	January 1, 2003 to June 30, 2005	Terminated early	Random assignment

¹ Some additional demonstration projects were approved by HHS but for a variety of reasons, including State budget issues, were never implemented. These include three projects that were initially approved in early 2006: Virginia (guardianship); Iowa (managed care); and Michigan (intensive service options).

Source: Table prepared by Congressional Research Service based on information included in James Bell Associates, Summary of the Title IV-E Child Welfare Waiver Demonstrations, June 2008 and additional information received from James Bell Associates in early December 2008.

The most frequently demonstrated strategies have, and continue to be, assisted guardianship and capped allocation/flexible funding and the next paragraphs provide a short discussion of some findings from those projects. Eleven States have or are implementing assisted guardianship projects, which allow them to use Federal title IV-E dollars to provide monthly subsidies to children who exited foster care to legal guardianship. Final or preliminary evidence from a number of the demonstrations showed higher net permanency (i.e. exit of foster care to reunification, guardianship or adoption) and shorter lengths of stay in care for children for whom subsidized guardianship was available compared to those for whom it was not. Further, children placed in guardianship settings were found to be at least as safe from recurrence of maltreatment or re-entry to foster care as were children not placed in guardianship. (James Bell 2005; James Bell 2008)

The Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351) amended title IV-E to permit States, as of October 7, 2008, to claim reimbursement of “kinship guardianship assistance payments” on behalf of eligible children who leave foster care for legal guardianship with a grandparent or other relative who has been their foster parent. (See discussion of Kinship Guardianship Assistance Payments, above.) Further, the law permits States who end a demonstration project related to guardianship to seek Federal title IV-E reimbursement for the cost of providing assistance or services to children who, as of September 30, 2008, were receiving them under the State’s guardianship demonstration. However, the same terms and conditions that applied for receipt of

the services and assistance under the demonstration must continue to apply. Seven States had an active assisted guardianship waiver, as of September 30, 2008. These States were Illinois, Iowa, Minnesota, Montana, Oregon, Tennessee, and Wisconsin.

The second most popular projects were those providing capped amounts of title IV-E funding to local counties or other entities and permitting them to spend that money on a broader range of activities than would otherwise be permitted, including early intervention services, expedited reunification services, crisis intervention services, single payments to meet a basic need (for instance, payment for rent or utilities), post-permanency child and family supports, substance abuse and mental health treatment, legal assistance, Family Team Meetings/Family Decision Meetings, and enhanced visitation services. Six States have implemented such a demonstration and all but one of those demonstrations was ongoing as of early December 2008. (North Carolina discontinued its waiver in February 2008 due to difficulties maintaining cost neutrality.) Findings from these waivers showed, in most States, increased access to services under the waivers. In some States, particularly during the initial five-year phase of the demonstration, availability of these services reduced placements, shortened the length of time in care, and increased exits to permanency for children with access to waiver services compared to those without. However, in one or more States the opposite was found to be the case. That is, children receiving services under the waiver were more likely to enter foster care, remained in care longer, and were less or as likely to exit foster care to permanent homes than were children receiving traditional services. In some instances, these negative outcome findings were the opposite of those found in earlier phases of the demonstration project (James Bell, 2005b, James Bell 2008b; King-Miller, 2008).

Among the lessons learned from the earliest implementation of flexible funding waivers was that simply making flexible funding available did not increase services provided or improve children's outcomes. Leadership was cited as critical to ensuring that the flexible dollars were used to provide an effective service or treatment. In addition, the cost neutrality feature of the demonstration project proved difficult for a number of the waiver States. After maintaining cost neutrality over the first 5 years of its demonstration project, North Carolina was unable to do so in the second phase and discontinued its waiver. Oregon noted that it had to limit some of the services that could be made available to maintain cost neutrality and Indiana had to limit eligibility for services to children who were already title IV-E eligible. In these States (as in Ohio), cost neutrality was based on comparison of spending at the same time in other counties or matched cases (James Bell, 2005b, James Bell 2008b). In the most recently implemented flexible funding waivers, both Florida (statewide) and California (Los Angeles and Alameda counties only) negotiated a lump sum payment as part of their waiver agreement that is based on past title IV-E expenditures and the expected trend in that spending.

Child Abuse Prevention and Treatment Act

Between 1963 and 1967, every State and the District of Columbia enacted some form of child abuse and neglect reporting law. The model reporting law

disseminated by the U.S. Children's Bureau facilitated the States' rapid adoption of these laws; after 1974 reporting laws were modified to conform to the standards established by the Child Abuse Prevention and Treatment Act of 1974 (CAPTA, Public Law 93-247). CAPTA authorizes formula grants to States to help support their child protective service systems (\$27 million in fiscal year 2008), in exchange for which States must comply with various requirements related to the reporting, investigation, and treatment of child maltreatment cases. The law also authorizes funds for Federal research and demonstration projects related to prevention and treatment of child abuse or neglect (\$37 million in fiscal year 2008, including \$10 million for a home visitation initiative), formula grants to States for community-based family resource and support services (\$42 million in fiscal year 2008), and grants to States and Tribes to improve investigation and prosecution of child maltreatment cases (funded through a \$20 million set-aside of the victims of crime fund). With the exception of the grants funded through a set-aside from the victims of crime fund, all of these CAPTA programs have discretionary funding authorizations.

Funding for CAPTA State grants is distributed to all States and may be used for a wide variety of efforts to improve State child protection systems, including support for improvements to intake, screening and investigation of reports of child maltreatment; a variety of training programs related to reporting or responding to reports of child abuse and neglect; efforts to increase use of multi-disciplinary responses and protocols to reports of abuse or neglect; public education campaigns on the role and responsibility of the child protection system and reporting of abuse or neglect, among many other statutorily described uses. Each State receives a base allotment of \$50,000 and the remainder of the State grant funds are distributed to eligible States based on their relative share of the child (under age 18) population. States are not required to provide matching funds to receive this allotment, but must meet Federal requirements concerning their child protection systems.

CAPTA research funding supports a wide range of child welfare related research and technical assistance activities, including annual publication of State child maltreatment data, support for many of the National Child Welfare Resource Centers sponsored by the Children's Bureau of HHS, funding for National Incidence Surveys (related to incidence of child maltreatment), and related field research. For fiscal year 2008, the Bush Administration requested, and Congress provided, \$10 million in funding under this CAPTA authority specifically for a "home visitation initiative." Funding provided under this authority is generally awarded by HHS via contract or grant, on a competitive basis.

CAPTA community-based grants are distributed to a lead entity in all States, which may or may not be the State child welfare agency. The lead entity is required to distribute these funds to community-based groups to support a continuum of services intended to prevent child abuse or neglect. Activities supported may range from public campaigns to prevent shaken baby syndrome, to services for families (typically those who meet some "at risk" definition, but who *are not* in contact with the child welfare agency) such as home visiting, respite care, parenting education and mutual support. After a one-percent set-aside for grants to Indian tribes, tribal

organizations, or migrant programs, 70 percent of funding under the program is awarded to States based on the relative share of the population under 18 in each State, except that, by statute, no State may receive less than \$175,000. The remaining 30 percent is allotted to States based on the amount of funding leveraged by the State from private, State, or other non-Federal sources, and that is directed through the State's lead entity (in the preceding fiscal year) to support community-based services to prevent child abuse or neglect. To receive these funds, a State is required to provide non-Federal matching funds of no less than 20% of the population-based funding allotted to it.

State grant requirements under CAPTA

To receive CAPTA State grant funds and grants funded via the victims of crime fund to support improvement of prosecution of child abuse and neglect, States must have procedures for reporting known or suspected cases of child abuse or neglect, for investigating such reports, and for taking immediate steps to protect children who might be in danger. The law requires States to provide immunity from prosecution for individuals who make good faith reports of suspected abuse or neglect, and to provide confidentiality of records. States also must have procedures for public disclosure of information about cases of abuse or neglect that result in a child's death or near-death. State CAPTA plans must provide for cooperation with law enforcement officials, courts, and human service agencies, and for expunging records in cases that are false or unsubstantiated. Further, States must appoint a guardian ad litem, who may be an attorney or court-appointed special advocate, to represent children in judicial proceedings.

The 1996 reauthorization of CAPTA (Public Law 104-235) further required States to establish citizen review panels, composed of volunteer community representatives, to evaluate State and local child protection activities. In addition, the law required States to have procedures for individuals to appeal an official finding of abuse or neglect and procedures for expedited termination of parental rights (TPR) in any case of an abandoned infant. Further, States must have procedures to ensure that efforts to reunite a child with his or her parent are not mandatory when that parent has committed or aided in the murder or voluntary manslaughter of a sibling of the child, or if the parent committed a felony assault that resulted in serious bodily injury to any of their children. In addition, States are required to provide that conviction of any of these felonies will constitute grounds for TPR. CAPTA also requires States to have procedures for responding to cases of medical neglect.

As of December 2008, CAPTA had been most recently amended and reauthorized by the Keeping Children and Families Safe Act of 2003 (Public Law 108-36). That law added a number of State requirements related to receipt of State grants. Specifically, in requesting basic CAPTA grants, States must assure they will:

- require that health care providers involved in the delivery of an infant who was prenatally exposed to an illegal drug and is affected by substance abuse report the child's birth to child protective services;

- require that a “safe plan of care” for this newborn be developed;
- have triage procedures for the appropriate referral of children who are not at risk of imminent harm to a community organization or voluntary preventive service;
- disclose confidential information to Federal, State, and local government entities or their agents if the information is needed to carry out their lawful duties to protect children;
- have provisions to ensure that alleged child maltreatment perpetrators are informed promptly of the allegations made against them;
- develop within 2 years of the law's enactment, provisions for criminal background checks of all adults in prospective adoptive and foster care homes;
- have provisions for improving the training, retention, and supervision of caseworkers;
- have provisions to address training of child protective service workers on their legal duties in order to protect the legal rights and safety of children and families; and
- develop procedures for referral of child maltreatment victims under 3 years of age to the statewide early intervention program for developmental assessment and services, which is operated under Part C of the Individuals with Disabilities Education Act (IDEA).

PLANNING, FEDERAL OVERSIGHT AND PERFORMANCE

States are required by statute and/or Federal regulation to conduct certain planning activities, which are intended to improve their overall child welfare program. Further, as a condition of receiving Federal funding under each of the major child welfare programs included in title IV-B and title IV-E, they must meet certain Federal requirements. State compliance with those child welfare requirements, and in particular their ability to achieve positive outcomes for the children and families they serve, is assessed through Federal reviews, including the Child and Family Services Review (CFSR), title IV-E Eligibility Reviews, partial reviews and other compliance activities. Finally, HHS is required to produce an annual report describing State performance in relation to certain child welfare outcome measures. The following subsection discusses Federal policy regarding State planning for child and family services, oversight of the provision of those services, primarily via the CFSR, provisions requiring specific enforcement actions related to inter-ethnic adoptions and inter-jurisdictional placements, and the required publication by HHS of annual State child welfare outcomes information.

PLANNING CHILD AND FAMILY SERVICES

The Omnibus Budget and Reconciliation Act of 1993 (Public Law 103-66) created title IV-B, subpart 2 to provide new funding for child and family services, now called the Promoting Safe and Stable Families program. It also required each

State to consult with “appropriate public and non-profit private agencies” and to jointly, with HHS, prepare a five-year plan that establishes the goals the State intends to accomplish through provision of child and family services and the way it will measure progress toward achieving those goals. The law further required each State to annually review and report on progress toward achieving these goals and to make any necessary adjustments to the plan that reflect changed circumstances. Under this law, a State must continually be engaged in this planning and review process. That is, the State must establish a new five-year plan every five years and must provide annual progress reports. Beyond these requirements, the 1993 legislation encouraged States to take planning seriously by permitting each State to use up to \$1 million of its fiscal year 1994 grant under the new funding stream for planning purposes. Under current regulation, States are permitted to use PSSF funds for planning without having that spending count towards the 10 percent limit on use of the funds for administrative purposes.

Under the policy guidance and subsequent regulations developed by HHS to implement the 1993 law, the planning requirements for most Federal child welfare programs have been consolidated into a single five-year Child and Family Services Plan (CFSP) with subsequent Annual Progress and Services Review (APSR). The CFSP/APSR must be submitted in order for a State to receive Federal allotments under five separate child welfare programs: Child Welfare Services (title IV-B, subpart 1); Promoting Safe and Stable Families (title IV-B, subpart 2), Basic State Grants (section 106 of CAPTA), the Chafee Foster Care Independence Program and the related Education and Training Vouchers (both in section 477). State assurances or certifications required in each of these programs are also incorporated in the CFSP/APSR. Further, as part of requesting Federal funding, the CFSP/APSR must include estimates of child welfare spending (Federal, State, local, and donated) across all these programs and title IV-E, for the upcoming fiscal year. States created their third five-year CFSP for fiscal years 2005 through 2009, and a fourth is expected to be due at the end of June 2009 for fiscal years 2010 through 2014.

The Child and Family Services Improvement Act of 2006 (Public Law 109-288) amended the statutory reporting requirements associated with this planning so that beginning with the request for fiscal year 2008 funding, certain parts of the CFSP/APSR must include information on States’ actual spending of child welfare funds provided under title IV-B, along with continued reporting on planned spending for a broader range of Federal child welfare programs. In addition, the law requires HHS to annually compile the actual and planned spending reports made by States and to send copies to the House Ways and Means and Senate Finance Committees. The first compilation of the spending reports was sent in August 2008.

FEDERAL CONFORMITY REVIEWS AND THEIR HISTORY

Federal child welfare law requires States to comply with a series of provisions that are primarily intended to protect children who have been placed in foster care, or who are at-risk of such placement, as a condition of receiving Federal funds under title IV-E and IV-B. Additional Federal policies stipulate for which children

Federal support is available. The manner and extent to which States are held accountable for these provisions has, and remains, an area of great interest to Congress. Under current law and policy, the Child and Family Services Review (CFSR), which must occur on a regular and recurring basis in every State, is the central and most comprehensive component of Federal efforts to determine State compliance with Federal child welfare policies. States are also held accountable through other, typically more narrowly focused, approval and compliance efforts. Federal HHS staff in Washington, D.C., or at its regional offices: 1) review and approve a State's title IV-E plan as needed, including when amendments are required by changes in the law; 2) review and approve its Child and Family Services Plan/Annual Progress and Services Reports each year; 3) conduct, along with State reviewers, title IV-E eligibility reviews regularly scheduled and recurring in each State; 4) may, on an as-needed basis initiate "partial reviews" to look at State compliance with specific provisions; 5) regularly review quarterly title IV-E claims; and 6) conduct assessments related to certain data collection efforts (described in the Data Collection subsection). States may also be subject to occasional audits by the Office of the Inspector General at HHS. This list is not necessarily exhaustive of all available Federal compliance measures.

History of review efforts

Many of the significant protections provided in Federal policy for children in foster care were established by the Adoption Assistance and Child Welfare Act of 1980 (Public Law 96-272) as *voluntary* incentives States needed to meet in order to receive their full allotment of title IV-B funds. The 1980 law included these protections in section 427 of the Social Security Act. It also established eligibility requirements for federally subsidized foster care and adoption assistance payments. Some of those eligibility criteria were and are intended to work together with the "section 427 requirements" to protect children. In response to this law, HHS developed and operated review systems for monitoring State compliance with the section 427 protections and with the Federal foster care eligibility requirements under title IV-E. However, child welfare advocates, State and Federal officials, and Members of Congress grew dissatisfied with the early review systems for both procedural and programmatic reasons.

Among the concerns raised: 1) There were no formal regulations resulting in confusion about the standards that States were expected to meet; 2) reviews did not always examine current practices; 3) final reports prepared by HHS on the reviews were sometimes seen as irrelevant by the time they were issued; 4) States argued they were held accountable for circumstances beyond their control, such as the schedule or actions of the courts; 5) State officials had limited ongoing contact with Federal regional office staff, so that formal reviews were seen as adversarial and punitive, rather than collaborative and potentially helpful; 6) the reviews focused on paper compliance with legal requirements; 7) they appeared to some to focus on isolated components of a State's child welfare system, rather than the system as a whole; and 8) when problems were identified, penalties were imposed, but little

technical assistance was provided to help States improve the quality of their child welfare programs.

In 1989, Congress imposed the first in a series of moratoriums, prohibiting HHS from collecting penalties associated with these reviews. The Social Security Act Amendments of 1994 (Public Law 103-432) mandated the development of a new system to review State conformity with Federal requirements. In another significant change made by the 1994 Act, section 427 as it existed at that time was repealed, but the “voluntary” child protections it had contained were moved into the State plan requirements for the Child Welfare Services (title IV-B, subpart 1) program. This both ensured they would be addressed in the new review system and made them mandatory for all States.

The 1994 law directed HHS to develop a review system to determine if States were in substantial conformity with the plan requirements of titles IV-B and IV-E and the Federal regulations implementing them. Responding to many of the procedural and program concerns raised by the old reviews, it required HHS to specify in regulation the Federal requirements that would be subject to review and the criteria that would be used to determine if a State was substantially meeting those requirements. HHS was also directed to formally specify a method for determining the amount of financial penalties that would be imposed if a State did not substantially conform to Federal requirements. However, the law stipulated that the penalties must be made commensurate with the level of non-conformity and that no penalties could be finally imposed until a State was given an opportunity to implement a corrective action plan. It also required HHS, to the extent feasible, to provide States developing and implementing a corrective action plan with necessary technical assistance.

After conducting pilot reviews in 13 States, HHS published proposed regulations on September 18, 1998, and issued them as final on January 25, 2000. Two primary types of reviews were established: Child and Family Services Review (CFSR) and Title IV-E Eligibility Review. Both of these reviews must occur in each State on a regular basis. In addition, the regulation described provisions related to “partial reviews” which may occur when a specific violation is brought to the attention of HHS, but which do not occur on a regular basis.

THE CHILD AND FAMILY SERVICES REVIEW (CFSR)

As required by statute, the Child and Family Services Review (CFSR) is designed to determine whether States are in “substantial conformity” with State plan requirements under title IV-B and IV-E and with Federal regulations established to implement those parts of the law. As understood by HHS, a primary focus of the CFSR is to help States achieve positive outcomes for the children and families they serve through the provision of appropriate child protective, family support, family preservation, foster care, adoption and independent living services. In its CFSR Procedures Manual, HHS has identified additional purposes, including: ensuring Federal funds are spent in accordance with Federal statute, regulation, and policy; assisting States in becoming self-evaluating over time; collecting data that

will inform national policy; providing timely and specific feedback to States that is directly related to program performance and outcomes; and linking the reviews with agency regional offices, technical assistance and program improvement processes.

Initial round of CFSR

The initial round of the CFSR was conducted in 52 jurisdictions (50 States, District of Columbia, DC and Puerto Rico, PR) from 2001 through 2004. No State, which for purposes of this discussion includes both DC and PR, was found to be in “substantial conformity” with all of the outcomes and systems. Consequently all States developed, implemented and, as of the end of 2008, had completed a Program Improvement Plan (PIP). As of December 12, 2008, HHS had determined that the PIPs were wholly successful in 39 States; it was continuing to evaluate the success of PIPs in 6 States (CO, HI, IL, MD, NJ and RI) and it had determined that PIPs were not wholly successful in 6 States (CA - \$9.0 million penalty; DC - \$135,000 penalty; FL - \$2.4 million penalty; GA - \$4.3 million penalty; MI - \$1.6 million penalty; and SC - \$1.8 million penalty). A penalty initially levied in Texas was rescinded following an appeal by the State and further review.

Status of second round of the CFSR

As of December 12, 2008, 32 States had undergone their second CFSR and a final report had been issued for half of them (AL, AZ, CA, DE, DC, GA, ID, IN, KS, MA, MN, NM, NC, OK, OR, VT). None of these 16 States were found to be in substantial conformity with all of the seven outcomes and seven system factors and, as of December 12, 2008, seven States had developed and were implementing an approved PIP based on the findings of this second CFSR, and the remaining already reviewed States were expected to do the same. Twenty States are scheduled to have an onsite review during 2009 or 2010 (CO, HI, IL, IA, LA, ME, MD, MI, MS, MO, NV, NH, NJ, PR, RI, SC, UT, VA, WA, and WI). The CFSR process is discussed in more detail below, including how “substantial conformity” is assessed and determined, the program improvement process, penalty determination and withholding; more detailed findings from the initial round of the CFSR; and certain differences between that round of reviews and the second round.

Outcomes and systems subject to review

The CFSR assesses State performance with regard to seven specific outcomes and seven discrete child welfare “systems.” Together, this assessment is intended to measure how successfully the State achieves the goals of safety and permanence for children and well-being for children and their families, as well as the capacity of its child welfare systems to achieve those outcomes. The seven outcomes are: 1) Children are first and foremost protected from abuse and neglect; 2) Children are safely maintained in their own homes whenever possible and appropriate; 3) Children have permanency and stability in their living situations; 4) Continuity of family relationships and connections is preserved for children; 5) Families have enhanced capacity to provide for their children’s needs; 6) Children receive appropriate services to meet their education needs; and 7) Children receive

appropriate services to meet their mental and physical health needs. The seven child welfare systems assessed are: 1) Statewide information system; 2) Case review system; 3) Quality assurance system; 4) Staff and provider training program; 5) Service array; 6) Agency responsiveness to the community; and 7) Foster and adoptive parent licensing, recruitment and retention.

Statewide assessment and onsite review

An individual State's CFSR begins with its own assessment of its performance with regard to the seven identified outcomes and systems. A written report of this statewide assessment provides a basis for the subsequent onsite review stage of the CFSR. The onsite review looks at these same areas of State performance. It is conducted by a team of approximately 65 people, including Federal members (HHS employees and consultants) and State members. The onsite review occurs simultaneously in three locations in the State – one of which must include the largest city or metropolitan area in the State. State performance is assessed via case reviews, stakeholder interviews, and comparison of statewide administrative data to certain national standards. The onsite review specifically seeks to assess State performance during the 12-month period that precedes the onsite visit. This is called the "period under review."

Case review: In the second round of the CFSR, a random sample of 65 cases typically is reviewed in each State. For each of these cases, two members of the review team read the written case documents and conduct interviews with the child and family being served; the caseworker(s); service providers; foster parents, as applicable; and any other relevant individuals (e.g., a court appointed special advocate). (See Table 11-30 for a list of the case review performance indicators, by outcome.)

Stakeholder interviews: Members of the review team conduct interviews with agency administrators, caseworkers, foster parents, youth and others served by the agency, foster parents, representatives of community agencies and service providers, judges, other court or related personnel, and additional "key" stakeholders, including individuals involved in developing the State's Child and Family Services Plan (CFSP). These interviews are a primary means for determining if and how well the required child welfare systems are in place. (See Table 11-32 for a list of these performance indicators, by system.)

Statewide administrative data: The review team also compares statewide administrative data for the 12-month review period to compare it to the six national standards developed to measure key safety and permanence outcomes. These measures were updated and revised for the second round of the CFSR. (See Table 11-31 for the standards used in the first CFSR and Table 11-33 for those being used in the second round).

Determination of substantial conformity

Following the onsite review, a final report is issued that details findings of the CFSR. A State is determined to be in substantial conformity with Federal policy related to a single outcome assessed in the CFSR if: 1) it achieved the desired

outcome in 95 percent of the cases reviewed (90 percent in the initial round, as provided by the regulation); 2) its statewide administrative data show that it met or exceeded each of the six national standards associated with ensuring that children are protected from abuse and neglect, and that children in foster care have permanence and stability in their lives; and 3) all seven of the child welfare systems were found to be in operation and functioning sufficiently.

A determination regarding conformity is made independently for each of the seven outcomes. A single case may be judged in conformity with Federal requirements on one or more outcomes, and out of conformity with one or more other outcomes reviewed. Only two of the CFSR outcomes have national standards associated with them and a State's conformity with those two outcomes is judged by both the relevant national standards and the case reviews. For the five remaining outcomes, the case review ratings alone are used to determine if a State is in conformity. A State is determined to be in substantial conformity with a system if the statewide assessment and subsequent onsite interviews find that the State has implemented the required system and that no more than one of the specified statutory or regulatory requirements associated with that system fails to function. This assessment is made independently for each of the seven systems.

If a State is notified that the CFSR has found it out of conformity with one or more of the 14 outcomes and child welfare systems assessed, it will also receive notice of a potential fiscal penalty. However, consistent with the statutory directive that States be given an opportunity to take corrective action, the State does not have to pay this penalty if it develops and successfully implements an HHS-approved "Program Improvement Plan" or PIP.

Program Improvement Plan (PIP)

A State typically has two years to implement its approved PIP, although in extraordinary circumstances, the regulations provide that HHS may approve an additional one-year for implementation. During the implementation period, States must report quarterly to HHS on the progress of their PIP and they must give priority attention to improving any identified child safety concerns. HHS must determine if the State is meeting the performance targets specified in the plan. A State may reach one or more of its targets during the implementation period. However, if necessary, data collected up to 12 months after the conclusion of the PIP may be examined to determine success of any outstanding performance targets. If a State meets all the performance targets in its PIP, no penalty payment is required. If a State meets only some or none of its targets, then it must pay some or all of the penalty based on the number of targets it did not meet and length of time it did not meet them. Final determinations of substantial non-conformity, and withholding or reduction of funds, may be appealed to the HHS Departmental Appeals Board within 60 days of the State receiving notice of the non-conformity. States may seek judicial review of an adverse decision by the Board in Federal district court.

Review schedule

Determination that a State met all of its PIP targets does not necessarily mean that a State successfully came into full compliance with all of the Federal policy requirements as they are assessed by the CFSR. Instead, it means that the State achieved the level of program improvement, as approved by HHS, in the initial or amended PIP. The regulation stipulates that any State required to implement a PIP – whether it is determined to have done so successfully or not – must begin the CFSR process again within two years of the initial approval of its PIP. By contrast, any State found to be in substantial conformity, does not need to undergo a full review until five years after its successful review.

Penalty Assessment

The Social Security Act Amendments of 1994 (Public Law 103-432) required HHS to specify, in regulation, how financial penalties would be determined and that they be commensurate with the level of non-conformity with Federal policy. In response, HHS established a State-specific “penalty pool” for the CFSR. The regulations provide that a certain percentage of the Federal funding in this penalty pool must be withheld from a State based on the number of outcomes or systems assessed for which the State was not in compliance and for which it did not meet its specified PIP performance targets. The penalty pool is equal to a State’s total allotments under subparts 1 and 2 of title IV-B and ten percent of its claims for Federal reimbursement of title IV-E administrative costs for the year under review and each succeeding year until compliance is reached or the PIP target is met.

The portion of this penalty pool that must be withheld from a State is one percent for each outcome or system for which it was found out of conformity and for which it did not meet its PIP target. There are a total of 14 outcomes and systems assessed so the maximum penalty for a State in the initial round of the CFSR is 14 percent of its total penalty pool. The penalty increases to two percent (up to a maximum of 28 percent of the penalty pool) in the second full review for any outcome or system for which a State in the first round had a penalty withheld and for which: 1) It continues to be found out of conformity; and 2) it is again unable to meet its PIP target for improvement. In the third or any subsequent round of the CFSR, the penalty for any continuously out of compliance system or outcome increases to 3 percent (up to a maximum of 42 percent of the State’s penalty pool).

Performance results from first round of CFSR: Outcomes

In general, during the first round of reviews both the onsite case review and the analysis of statewide data showed that States performed best with regard to safety outcomes, had greatest difficulty with permanency outcomes, and showed more mixed results in relation to the well-being outcomes. The case reviews found, as a whole, States performed most successfully in protecting children from abuse and neglect (outcome substantially achieved in 85 percent of cases nationally) and in ensuring that children receive appropriate services to meet their education needs (outcome substantially achieved in 84 percent of cases nationally). They were least successful in ensuring that families have enhanced capacity to provide for their children’s needs (outcome achieved in 55 percent of cases nationally) and in providing permanence and stability for children placed in foster care (outcome

achieved in 56 percent of cases nationally).

For each case review performance indicator, States were also given a “strength” or “area needing improvement” rating. These ratings are not used directly to determine whether a State achieved substantial conformity with a given outcome because a State must successfully perform on more than one indicator to achieve the desired outcome. However, the performance indicator ratings are discussed in the State’s final report on its CFSR and, by pointing to discrete performance areas where a State showed particular weaknesses, they may be used to better pinpoint areas to address in a State’s PIP.

In addition to these case reviews, during the first round of the CFSR, statewide administrative data were also reviewed as part of determining a State’s conformity with two of the outcomes: 1) children are first and foremost protected from abuse and neglect; and 2) children have permanency and stability in their living situations. No State met all six of the national standards used in the initial round of the CFSR. Based on these national standards, relatively more States were successful in protecting children from maltreatment while in foster care and in ensuring a low rate of children re-entering foster care, as compared to ensuring stability of placement for children in foster care and their timely adoption out of foster care.

Table 11-30 shows each outcome assessed during the CFSR, including the performance indicators (case review items) associated with that outcome; the number of States found in substantial conformity with each outcome; the aggregate performance of all States with regard to substantially achieving, partially achieving or not achieving the outcomes in these cases; and the number of States that received a “Strength” rating for each case review item associated with an outcome. Table 11-31 summarizes the national standards and level of State performance found during the initial round of the CFSR. These national standards have been revised for purposes of the second round of the CFSR. The standards in use for the second round are discussed later in the section.

Performance results from the first round of the CFSR: Systems

During the first round of the CFSR, States were more likely to be assessed as *having the capacity* to produce positive outcomes for children – that is, having the required Federal child welfare systems in place – than they were to be rated as *having achieved* those positive outcomes for children and families served. At the same time, relatively few States (13) were found to be in full compliance with the Federal case review system requirements, a central and longstanding component of Federal child welfare protections for children in foster care, and less than half of the States (23) were determined to meet the “array of services” system requirement. By contrast, most States (49) were found to have child welfare agencies that were “responsive to the community” and large majorities were also judged to be in substantial compliance with Federal requirements for a statewide information system (45) and a program of adequate recruitment, retention, and licensing for foster and adoptive parents (43).

Table 11-32 shows each of the system factors that are reviewed, and for the

initial CFSR, both the number of States that were found to be in substantial conformity with that system, as well as the number of States receiving a “strength” rating on the individual indicators assessed to make the determination related to conformity. Performance on systems factors is assessed using findings from stakeholder interviews and the statewide assessment. Therefore, a State’s rating on each of these indicators was directly related to its conformity with a system.

TABLE 11-30 -- STATE CONFORMITY WITH OUTCOMES AS DETERMINED BY CASE REVIEW, AND RATINGS FOR CASE REVIEW PERFORMANCE INDICATORS, IN THE INITIAL CFSR (based on findings from 52 jurisdictions)

OUTCOME AND ASSOCIATED PERFORMANCE INDICATORS (Items) REVIEWED	States in Substantial Conformity with Outcome	Number of Applicable Cases Reviewed				States Receiving Strength Rating for Item Associated with Outcome ²
		TOTAL	Outcome substantially achieved (%)	Outcome partially achieved (%)	Outcome not achieved/addressed (%)	
<i>Safety 1: Children are first and foremost protected from abuse and neglect¹</i>	6	2,346	1,990 (85%)	284 (12%)	72 (3%)	
Item 1: Timely investigation of maltreatment report.						21
Item 2: Recurrence of maltreatment.						17
<i>Safety 2: Children are safely maintained in their homes whenever possible and appropriate.</i>	6	2,352	1,832 (78%)	232 (10%)	288 (12%)	
Item 3: Services to protect children and prevent removal						21
Item 4: Assessment of risk of harm to child						17
<i>Permanency 1: Children have permanency and stability in their living situations¹</i>	0	1,479	822 (56%)	548 (37%)	109 (7%)	
Item 5: Foster care re-entry						24
Item 6: Stability of foster care placement						5
Item 7: Timely establishment of appropriate permanency goal						5
Item 8: Timely achievement of reunification, guardianship or kin						NA ³
Item 9: Timely achievement of adoption						6
Item 10: Appropriate use of another planned permanent living						17
<i>Permanency 2: The continuity of family relationships and connections is preserved for children.</i>	7	1,476	1,119 (76%)	326 (22%)	31 (2%)	
Item 11: Proximity of placement to parent's home						49
Item 12: Placement in foster care with siblings						36
Item 13: Frequency of visits with parents and siblings						16
Item 14: Connections with family and community preserved						21
Item 15: Use of relatives as placement resource						21
Item 16: Relationship with parents maintained						21

TABLE 11-30 -- STATE CONFORMITY WITH OUTCOMES AS DETERMINED BY CASE REVIEW, AND RATINGS FOR CASE REVIEW PERFORMANCE INDICATORS, IN THE INITIAL CFSR (based on findings from 52 jurisdictions)

OUTCOME AND ASSOCIATED PERFORMANCE INDICATORS (Items) REVIEWED	States in Substantial Conformity with Outcome	Number of Applicable Cases Reviewed				States Receiving Strength Rating for Item Associated with Outcome ²
		TOTAL	Outcome substantially achieved (%)	Outcome partially achieved (%)	Outcome not achieved/ addressed (%)	
<i>Well-being 1: Families have enhanced capacity to provide for their children's needs.</i>	0	2,571	1,426 (55%)	727 (28%)	418 (16%)	
Item 17: Assessment of needs and provision of services to child,						1
Item 18: Involvement of child and parents in case planning						5
Item 19: Frequency and quality of caseworker visits with child						13
Item 20: Frequency and quality of caseworker visits with parents.						7
<i>Well-being 2: Children receive appropriate services to meet their educational needs.</i>	16	2,012	1,691 (84%)	145 (7%)	176 (9%)	
Item 21: Educational needs of children addressed						16
<i>Well-being 3: Children receive appropriate services to meet their mental and physical health needs.</i>	1	2,441	1,713 (70%)	437 (18%)	291 (12%)	
Item 22: Physical health needs identified and addressed						20
Item 23: Emotional and mental health needs identified and addressed						4

¹ To be found in substantial conformity with Safety Outcome 1 and Permanency Outcome 1 during the initial round of the CFSR, States had to substantially achieve the outcome in 90 percent of the cases reviewed and they had to meet certain national standards, as determined by examination of Statewide administrative data. See Table 11-31 for more information regarding those measures.

² A State received a rating of "strength" or "area needing improvement" for each case review item. The rating represents the State's achievement across all cases reviewed. Because they are not case-specific ratings, they do not directly affect the determination of a State's conformity with a particular outcome. However, they are discussed in the State's final report and may be used to help understand what contributed to overall conformity findings and to help focus program improvement efforts.

³ NA = Not available. The focus of this case item was significantly changed during the initial round of the CFSR. For States reviewed during fiscal year 2001 (n=17), this item addressed appropriate provision of independent living servings; for reviews conducted in fiscal years 2002-2004 (n=35), this item addressed appropriate reunification efforts. (Out of those 35 States, four received a strength rating on the indicator.)

Source: Table prepared by the Congressional Research Service based on data included in final reports from the first round of the CFSR in all 50 states, the District of Columbia and Puerto Rico (52 jurisdictions). For more information on performance by individual States during the first round of the CFSR see CRS Report RL32968

TABLE 11-30 -- STATE CONFORMITY WITH OUTCOMES AS DETERMINED BY CASE REVIEW, AND RATINGS FOR CASE REVIEW PERFORMANCE INDICATORS, IN THE INITIAL CFSR *(based on findings from 52 jurisdictions)*

OUTCOME AND ASSOCIATED PERFORMANCE INDICATORS (Items) REVIEWED	States in Substantial Conformity with Outcome	Number of Applicable Cases Reviewed			States Receiving Strength Rating for Item Associated with Outcome ²
		TOTAL	Outcome substantially achieved (%)	Outcome partially achieved (%)	

Child Welfare: State Performance on Child and Family Services Review.

TABLE 11-31 – NATIONAL STANDARDS USED IN FIRST ROUND OF
CFSR AND STATE PERFORMANCE ON THOSE STANDARDS

(Based on findings in 52 jurisdictions.)

OUTCOME	STATEWIDE DATA INDICATOR	NATIONAL STANDARD	MEDIAN STATE PERCENT ACHIEVED	NUMBER OF STATES MEETING STANDARD
<i>Safety 1:</i> Children are first and foremost protected from abuse and neglect	<i>Recurrence of maltreatment:</i> Of all the children who were victims of child maltreatment during the first 6 month period under review, what percentage were again found to be victims of maltreatment based on a second report made within 6 months of that first report?	6.1% (or less)	7.3%	17
	<i>Maltreatment in foster care:</i> Of all the children in foster care during the period under review what percentage were found to have been maltreated at the hands of a foster parent or staff member of a foster care facility?	0.57% (or less)	0.56% ¹	28
<i>Permanency 1:</i> Children have permanence and stability in their living situations	<i>Foster Care Re-entries:</i> Of all the children who entered foster care during the year under review, what percentage were re-entering foster care within 12 months of a prior foster care episode?	8.6% (or less)	8.7%	26
	<i>Timely reunifications:</i> Of all the children who left foster care to be reunited with their parents or caretakers during the year under review, what percentage did so within 12 months of their most recent removal?	76.2% (or more)	67.1%	19
	<i>Timely adoption:</i> Of all the children who left foster care because of adoption during the year under review, what percentage did so within 24 months of their most recent removal?	32.0% (or more)	23.0%	14
	<i>Stability of placement:</i> Of all the children in care less than 12 months from the time of their latest removal (during the period under review), what percentage had no more than two placement settings.	86.7% (or more)	83.5% ²	14

¹ The final report for New York did not provide data with regard to this standard and the State was not included in this calculation.

² The final reports of New York and Nevada did not provide data with regard to this standard and these States are not included in this calculation.

Source: Table prepared by Congressional Research Service based on information in the first round CFSR final reports for the 50 States, the District of Columbia and Puerto Rico (52 jurisdictions). For more information on individual State performance see: CRS Report RL32968 Child Welfare: State Performance on Child and Family Services Review.

TABLE 11-32 -- STATE CONFORMITY WITH SYSTEM FACTORS AS DETERMINED IN INITIAL CFSR
(based on findings in 52 jurisdictions)

SYSTEM FACTOR AND ASSOCIATED PERFORMANCE INDICATOR (Items)	States in Substantial Conformity	States with Strength Rating
<i>Statewide Information System</i>	45	
Item 24: Information system can readily identify status, demographic characteristics, location and goals of children in foster care		45
<i>Case Review System (for children in foster care)</i>	13	
Item 25: Process for developing written case plan and for joint case planning with parents		6
Item 26: Process for periodic review of each child's case plans, no less often than every 6 months		42
Item 27: Process for permanency hearings for each child, no less often than every 12 months		26
Item 28: Process for seeking termination of parental rights in accordance with ASFA		22
Item 29: Process for notifying caregivers of reviews and hearings and for opportunity for them to be heard		26
<i>Quality Assurance System</i>	35	
Item 30: Standards to ensure quality services and to ensure children's safety and health		44
Item 31: Identifiable quality assurance system that evaluates the quality of service and provides feedback		31
<i>Staff and Provider Training</i>	34	
Item 32: Provision of initial staff training		34
Item 33: Provision of ongoing training		27
Item 34: Provision of training for caregivers and adoptive parents that address necessary skills and knowledge		38
<i>Service Array</i>	23	
Item 35: Availability of services to support children's safety and permanence		25
Item 36: Statewide accessibility of services		9
Item 37: Ability to individualize services to meet unique needs		30
<i>Agency Responsiveness to Community</i>	49	
Item 38: Engages in ongoing consultation with critical stakeholders (e.g., courts, tribes) in developing Child and Family Services Plan (CFSP)		46
Item 39: Develops annual progress reports in consultation with these stakeholders		40
Item 40: Coordinates services or benefits with other Federal programs serving the same population		45
<i>Foster and Adoptive Parent Licensing, Recruitment, and Retention</i>	43	
Item 41: Standards for foster family homes and child care institutions implemented and are reasonably in accord with recommended national		51
Item 42: Standards applied equally to all foster family homes or child care institutions receiving title IV-E or title IV-B funds		43
Item 43: Conducts required criminal background checks		50
Item 44: Does diligent recruitment of foster and adoptive families who reflect the ethnic and racial diversity of children needing placements		21
Item 45: Makes effective use of cross-jurisdictional resources to find placements		47

Source: Table prepared by Congressional Research Service based on information in the final reports for the first round of the CFSR in the 50 States, the District of Columbia and Puerto Rico (52 jurisdictions).

Differences between first and second round of CFSR

Each of the outcomes and systems assessed in the first round of the CFSR are also being assessed in the second round. In addition, each of the case review items and system-related items used in the first round are again being used in the second round. However, specific guidance given to reviewers regarding assessing each of these items may have been revised to incorporate new Federal requirements or emphases. One case review item associated with the Permanency Outcome 1: Children have permanency and stability in their living situations was changed during the initial review process from provision of independent living services (used during reviews in 2001) to timely achievement of reunification, guardianship, or placement with kin (used in all reviews conducted in 2002-2004). The revised indicator is also in use for the second round of reviews. At the time that HHS initially made this change, it also amended other parts of its review guide to ensure that provision of independent living services was assessed as part of other indicators when those services were relevant to a case. In the second round of the CFSR, as discussed below, the selection of cases to be reviewed has been modified so that the provision of independent living services should be relevant for at least some cases reviewed in all States, and case reviewers continue to be asked to discuss provision of independent living services in relevant cases.

Number of case reviewed and their composition

For the second round of the CFSR, HHS has changed the number of cases typically reviewed in each State and adjusted the composition of those cases to ensure adequate representation of cases in key program areas. In the initial round of the CFSR, 50 cases were typically reviewed in each State of which generally half (25) concerned children in their own homes who were receiving services and the remainder (25) concerned children in foster care. For the second round of the CFSR, HHS expects to review 65 cases in each State of which 25 cases relate to children who are receiving services in the home and 40 relate to children in foster care. (Fewer cases may be reviewed only if unusual circumstances exist and specific arrangements are made between HHS and the State to do so.)

For the in-home cases, each State is required to provide HHS with a list of cases that reflect its in-home services population, as defined in the State's Child and Family Services Plan (CFSP), during the 12-month period under review. The case must have been open for at least 60 days during the review period and no child in the family may have entered foster care for 24 hours or longer during any portion of the review period. The 40 foster care cases are identified using State AFCARS data. To ensure adequate attention is provided to different kinds of foster care cases, the process for randomly selecting these cases was stratified so that ultimately the review should include:

- 10 cases involving older children (ages 16 or 17) with any permanency goal, who entered care during or before the period under review;
- 10 cases involving children who have a permanency goal of adoption, who are under age 16 and who entered care during or before the period under review;

- 10 cases involving children with any permanency goal other than adoption, who are under the age of 16, and who entered care during or before the period under review; and
- 10 cases involving children who entered foster care before the beginning of the period under review, who are under age 16, and who have any permanency goal *except* adoption.

Finally, in the second round of the CFSR, the share of cases reviewed in which a State must have substantially achieved each of the seven outcomes assessed has increased to 95 percent (from 90 percent in the first round), as specified in the initial regulation issued to implement the review.

National standards used

During the CFSR Statewide data are compared to “national standards” as part of determining if a State has achieved Safety Outcome 1: Children are first and foremost protected from abuse and neglect; and Permanency Outcome 1: Children have permanency and stability in their living situations. The national standards used in the first round of the CFSR were based on data reported by the States through the National Child Abuse and Neglect Data System (NCANDS) and the Adoption and Foster Care Analysis and Reporting System (AFCARS). Those standards used single indicators to determine a State’s performance on a given item and they were set at the 75th percentile of overall States’ performance in all or parts of 1997 and 1998. Table 11-31 described the national standards used in the initial round of the CFSR.

The regulations implementing the CFSR (issued January 25, 2000) permit HHS to change or adjust the national standards and, for the second round of the CFSR, the national standards were updated and some were significantly revised. As finalized in 2006, the new national standards are based on data reported for 2004 and they include two single indicator measures (both associated with the safety outcome) and four “composite” indicators (all associated with the permanency outcome). The composite measures allow determination of State performance to rest on more than on measure that is relevant to a single child welfare outcome. The new national standards are described further in Table 11-33 below.

TABLE 11-33 -- NATIONAL STANDARDS FOR THE CFSR (AS DEVELOPED FOR ROUND TWO OF THE CFSR) AND STATE PERFORMANCE FOR FISCAL YEAR 2004

(Median and range based on data from 51 States unless otherwise noted.)

DATA INDICATORS BY ASSOCIATED CHILD WELFARE OUTCOME		Analysis of State-Reported Data in Fiscal Year 2004		National Standard ¹ (to be achieved in State during period under review)
		Range ¹	Median ¹	
Safety Outcome 1: Children Are, First and Foremost, Protected From Abuse and Neglect				
Repeat Maltreatment	Of all the children who were found to be victims of maltreatment during the first 6 months of the period under review, what percent were not found to be victims again within the 6 months following the initial incident? (Median and range based on data from 45 States.)	86.0% - 98.0%	93.3%	94.6% or higher
Maltreatment in Foster Care	Of all children served in foster care during the 12-month period under review, what percent were not found to be victims of maltreatment at the hand of a foster parent or facility staff member during the fiscal year? (Median and range based on data from 37 States.)	98.59% - 100%	99.52%	99.68% or higher
Permanency Outcome 1: Children Have Permanency and Stability in Their Living Situations				
Permanency Composite 1: Component A: Timeliness of Reunification and Component B: Permanency of Reunification (Based on data from 47 States)		50 – 150	113.7	122.6 or higher
	Measure 1: Of all children discharged from foster care to reunification during the 12-month period under review (and who had been in foster care for 8 days or longer), what percent were reunified in less than 12 months from the date of latest removal from the home?	44.3%-92.5%	69.9%	
	Measure 2 : Of all children who were discharged from foster care to reunification during the 12-month period under review (and who had been in foster care for 8 days or longer), what was the median length of stay in months from the date of the latest removal from home until the date of discharge to reunification?	1.1 - 13.7 months	6.5 months	
	Measure 3: Of all children who entered foster care for the first time in the 6-month period just before the period under review, (and who remained in foster care for 8 days or longer), what percent were discharged from foster care to reunification in less than 12 months from the date of the latest removal from home? (Median and range are based on data from 47 States.)	17.7% - 68.9%	39.4%	
	Measure 4: Of all the children who were discharged from foster care to reunification in the 12-month period just before the 12-month period under review, what percent re-entered foster care in less than 12 months from the date of discharge ? (Median and range are based on data from 47 States.)	1.6%-29.8%	15.0%	

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TABLE 11-33 -- NATIONAL STANDARDS FOR THE CFSR (AS DEVELOPED FOR ROUND TWO OF THE CFSR) AND STATE PERFORMANCE FOR FISCAL YEAR 2004

(Median and range based on data from 51 States unless otherwise noted.)

DATA INDICATORS BY ASSOCIATED CHILD WELFARE OUTCOME		Analysis of State-Reported Data in Fiscal Year 2004		National Standard ¹ (to be achieved in State during period under review)
		Range ¹	Median ¹	
Permanency Outcome 1: Children Have Permanency and Stability in Their Living Situations				
Permanency Composite 2 (Based on data from 47 States): Components: A: Timeliness of Adoption for Children Discharged from Foster Care; B: Progress Toward Adoption for Children in Foster Care 17 Months or Longer; and C: Progress Toward Adoption of Children who are Legally Free for Adoption		50-150	95.3	106.4 or higher
	Measure 1: Of all children who were discharged from foster care to a finalized adoption during the 12 month-period under review what percent were discharged in less than 24 months from the date of the latest removal from home?	6.4% - 74.9%	26.8%	
	Measure 2: Of all children who were discharged from foster care to a finalized adoption during the 12-month period under review, what was the median length of stay in foster care in months from the date of latest removal from the home?	16.2%-55.7%	32.4%	
	Measure 3 Of all children who were in foster care on the last day of the 12-month period under review, and who were in foster care for 17 continuous months or longer, what percent were discharged from foster care to a finalized adoption by the last day of the period under review? (Denominator excludes children who by the end of the period under review were discharged to live with a relative, reunification, or guardianship.)	2.4%-26.2%	20.2%	
	Measure 4: Of all children who were in foster care on the first day of the period under review for 17 continuous months or longer, and who were not legally free for adoption prior to that day, what percent became legally free for adoption (i.e. date parental rights were terminated for both parents) during the first 6 months of the period under review?	0.1%-17.8%	8.8%	
	Measure 5: Of all children who became legally free for adoption during the 12 months period prior to the 12-month period under review, what percent were discharged from foster care to a finalized adoption in less than 12 months of becoming legally free? (Median and range are based on data from 47 States.)	20% - 100%	45.8%	

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TABLE 11-33 -- NATIONAL STANDARDS FOR THE CFSR (AS DEVELOPED FOR ROUND TWO OF THE CFSR) AND STATE PERFORMANCE FOR FISCAL YEAR 2004

(Median and range based on data from 51 States unless otherwise noted.)

DATA INDICATORS BY ASSOCIATED CHILD WELFARE OUTCOME		Analysis of State-Reported Data in Fiscal Year 2004		National Standard ¹ (to be achieved in State during period under review)
		Range ¹	Median ¹	
Permanency Outcome 1: Children Have Permanency and Stability in Their Living Situations				
Permanency Composite 3: Components: A: Permanency for Children in Foster Care for Long Periods of Time; B: Children Growing Up in Foster Care		50-150	112.7	121.7 or higher
	Measure 1: Of all children who were in foster care for 24 months or longer on the first day of the 12-month period under review, what percent were discharged to a permanent home (i.e. discharge to reunification, adoption, guardianship or live with relative) prior to their 18 th birthday and by the end of the fiscal year?	8.1% – 35.3%	26.0%	
	Measure 2: Of all children who were discharged from foster care during the 12-month period under review and who were legally free for adoption at the time of the discharge, what percent were discharged to a permanent home (i.e. discharge to reunification, adoption, guardianship or live with other relative) before their 18 th birthday?	84.9% - 100%	96.8%	
	Measure 3: Of all children who either 1) were discharged from foster care during the 12-month period under review with a discharge reason of emancipation, or 2) reached their 18 th birthday during the 12-month period under review, what percent were in foster care for three years or longer?	15.8% - 76.9%	47.8%	
Permanency Composite 4: Placement Stability		50-150	93.3	101.5 or higher
	Measure 1: Of all children who were served in foster care during the 12-month period under review, and who were in foster care for at least 8 days but less than 12 months, what percent had two or fewer placement settings?	55.0%-99.6%	83.3%	
	Measure 2: Of all children who were served in foster care during the 12-month period under review, and who were in foster care for at least 12 months but less than 24 months, what percent had two or fewer placement settings?	27.0%-99.8%	59.9%	
	Measure 3: Of all children who were served in foster care during the 12-month period under review, and who	13.7%-98.9%	33.9%	

TABLE 11-33 -- NATIONAL STANDARDS FOR THE CFSR (AS DEVELOPED FOR ROUND TWO OF THE CFSR) AND STATE PERFORMANCE FOR FISCAL YEAR 2004

(Median and range based on data from 51 States unless otherwise noted.)

DATA INDICATORS BY ASSOCIATED CHILD WELFARE OUTCOME	Analysis of State-Reported Data in Fiscal Year 2004		National Standard ¹
	Range ¹	Median ¹	(to be achieved in State during period under review)
were in foster care for at least 24 months, what percent had two or fewer placement settings?			

¹ The medians and the national standards for the safety indicators and permanency composite data indicators are based on an adjustment to the distribution using the sampling error for each data indicator. The medians and national standards for the permanency composite data indicators are from a dataset that excluded counties in a State that did not have each data indicator. The range and medians for each individual measure reflect the distribution of all counties that had data for that particular measure, even if that county was not included in the overall composite calculation.

Source: HHS, Corrected *Federal Register* Announcement, no date. Available at http://www.acf.hhs.gov/programs/cb/cwmonitoring/legislation/fed_reg.pdf.

TITLE IV-E ELIGIBILITY REVIEWS

Like the CFSR, title IV-E eligibility reviews are conducted by a Federal-State team and include an onsite review. From AFCARS data, HHS officials select a random sample of 80 cases, plus a 10 percent “oversample” of 8 additional cases, from the pool of children eligible for federally funded foster care maintenance payments. (The review does not apply to title IV-E adoption assistance cases.) Cases from the oversample are used to replace any cases in the basic sample that are found to be invalid for some reason. The State submits to HHS the complete payment history for all cases in the sample and the oversample prior to the onsite review.

The Federal-State team reviews the sample to determine whether any cases are ineligible under title IV-E. In an initial review, a State is considered in substantial compliance with the law if no more than 8 cases (from the sample of 80) are determined to be ineligible. In a subsequent review, a State is considered in substantial compliance if no more than 4 cases (from a sample of 80) are found ineligible.

If a State is found in substantial compliance, it is not subject to another review for 3 years. If a State is not found in substantial compliance, it must develop a program improvement plan followed by a secondary review. The program improvement plan must be developed by the joint Federal-State team, identify weaknesses to be corrected and steps to correct them, and specify a timetable for achieving these steps. However, in contrast to the CFSR, the program improvement plan for a title IV-E eligibility review can last no longer than 1 year, unless enactment of State legislation is required, in which case an extension of one legislative session may be granted.

In the secondary review, HHS draws a sample of 150 cases (plus a 10 percent oversample) from AFCARS data for review by the joint Federal-State team. The team calculates for the sample both an ineligibility error rate and a dollar error rate. If neither of these error rates, or only one, is more than 10 percent, a disallowance is assessed for the ineligible cases in the sample. If both error rates exceed 10 percent, an extrapolated disallowance is assessed based on the State’s entire foster care population.

The following title IV-E State plan requirements and regulations, which relate to the eligibility of children and foster care providers, are subject to review:

- There must be a judicial finding that “reasonable efforts” were made by the State to prevent removal of the child and that remaining in the biological home would be “contrary to the welfare” of the child; or if a child was placed through a voluntary placement agreement, the agreement must meet specified criteria;
- There must be a judicial determination that reasonable efforts to finalize a permanency plan were made on behalf of the child within 12 months of the child’s removal from the home, and no less often than every 12 months thereafter which the child remains in care;

- The State agency must have responsibility for the child's placement and care;
- The child must be placed in a licensed foster family home or child care institution and criminal background check requirements in Federal law must have been met; and
- The child must meet Aid to Families with Dependent Children (AFDC) requirements, as in effect on July 16, 1996 (including rules related to the age of the child, the child's removal from the home of a "specified relative;" income of the household from which the child was removed, and the child's "deprivation" status).

INTERETHNIC AND INTERJURISDICTIONAL PROVISIONS

States are separately subject to penalties if they violate certain provisions of law that were enacted to eliminate barriers to adoption. Specifically, States may not discriminate in adoption or foster care placements on the basis of race, color or national origin, and also may not deny or delay a child's adoptive placement when an approved family is available outside of the jurisdiction that has responsibility for handling the child's case. The law establishes specific penalties for violations of these provisions.

Interethnic provisions

Regarding discrimination on the basis of race or ethnicity, Congress initially enacted the Multiethnic Placement Act (MEPA) in 1994 (Public Law 103-382), which prohibited any agency or entity that received Federal assistance from discriminating on the basis of the child's, or the potential adoptive or foster parents', race, color, or national origin. However, as enacted in 1994, MEPA originally allowed agencies to consider the child's cultural, ethnic, or racial background, and the capacity of the prospective parents to meet the child's needs, as one of the factors used to determine the child's best interest. The 1994 legislation also provided a right of action in U.S. district court for individuals who were aggrieved by a MEPA violation and deemed noncompliance with MEPA to be a violation of title VI of the Civil Rights Act. In addition, the 1994 law amended title IV-B of the Social Security Act to add, as a State plan requirement, that States must provide for the diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of children who need homes.

In 1996, Congress revised the interethnic discrimination provisions as part of the Small Business Job Protection Act (Public Law 104-188). The 1996 law repealed the prior MEPA provision that allowed consideration of a child's cultural, ethnic, or racial background in making placement decisions. Further, the law amended title IV-E of the Social Security Act to provide that neither the State nor any other entity that receives Federal funds may discriminate in adoption or foster care placements on the basis of race, color or national origin. The law specified a penalty for violations of this State plan requirement equal to 2 percent of Federal title IV-E funds for a first violation, 3 percent for a second violation, and 5 percent

for a third or subsequent violation. Private agencies that violate the interethnic provisions are required to pay back any Federal funds received. Under the current law, private individuals may continue to seek relief in U.S. district court. However, Public Law 104-188 provides that no action may be brought more than 2 years after the alleged violation occurs. None of these interethnic provisions affect the application of the Indian Child Welfare Act.

The final child welfare review regulations, published by HHS on January 25, 2000, did not establish a specific monitoring system for the anti-discrimination provisions of MEPA, as amended by the 1996 law. However, the regulations established a procedure for responding to reports of violations of these provisions, and for enforcing the law in cases where violations are found to have occurred. (In March 2003, HHS issued an information memorandum, "to reiterate support" for these antidiscrimination provisions and to note that penalties may be imposed in cases of violation.) Specifically, whenever HHS becomes aware of a possible violation, either through a child and family services review or filing of a complaint or any other mechanism, it refers the case to the Department's Office for Civil Rights (OCR) for investigation. If, on the basis of OCR's investigation, a violation actually has occurred, enforcement action will be taken, based on the nature of the violation.

If OCR or a court finds that a State has discriminated against an individual, on the basis of race, color, or national origin in the course of a foster or adoptive placement, a penalty is assessed for the quarter in which the State is notified of the violation. The penalty equals 2 percent of the State's total title IV-E funds for the quarter in the case of a first violation in a given fiscal year, and continues for subsequent quarters in that fiscal year until the State completes a corrective action plan or comes into compliance. In the case of a second violation in the same fiscal year, the penalty equals 3 percent, and 5 percent for a third or subsequent violation in a given fiscal year. Violations that remain uncorrected at the end of the fiscal year may be subject to another review and additional penalties.

If a MEPA violation results from a State's statute, regulation, policy, procedure, or practice, and no individual is directly affected, the State has 30 days to develop and submit a corrective action plan for HHS approval. If the State hasn't completed the plan and come into compliance within 6 months of HHS approving the plan, penalties are assessed. Findings of MEPA violations and related financial penalties may be appealed to the HHS Departmental Appeals Board, and States may seek judicial review of an adverse decision by the Board in Federal district court.

OCR has investigated alleged MEPA violations in a number of States and counties and these investigations usually have been resolved without fines through negotiation of corrective actions. In November 2003, however, HHS issued its first MEPA violation fines based on an OCR investigation in Hamilton County, Ohio. A \$1.8 million fine was assessed against that county and the State of Ohio based on OCR findings that the county denied or delayed adoption in 16 individual transracial cases and that it systematically applied additional requirements for parents interested in transracial placements, as well as considered the racial make-up of the neighborhoods in which prospective parents interested in transracial

adoption lived. OCR also found that the State of Ohio had violated the law when it issued certain administrative rules governing transracial adoption and foster care.

Interjurisdictional provisions

As amended in 1997 by the Adoption and Safe Families Act (Public Law 105-89), title IV-E provides that States may not deny or delay a child's placement for adoption if an approved family is available outside the jurisdiction responsible for the child's case. Further, States must provide an opportunity for a fair hearing to anyone whose allegation of a violation of this provision is denied by the State or not acted upon promptly. The law, as amended by Public Law 105-200, specifies that the same penalty structure applicable to violations of the interethnic provisions described above also applies to violations of this provision.

HHS did not specifically address enforcement of this interjurisdictional provision in the January 25, 2000 child welfare monitoring regulations. However, the Department issued a program instruction on October 7, 2002 outlining the following procedures:

- If HHS becomes aware of a potential violation of the law's interjurisdictional provisions, it will conduct a partial review giving the State an opportunity to demonstrate compliance and allow the State 6 months to complete a corrective action plan, if a violation is found.
- If the State fails to come into compliance within 6 months, then penalties will be imposed as authorized in law.
- If an individual violation is found through the fair hearing process, HHS will impose a penalty after allowing the State an opportunity to exhaust legal remedies; however, there is no provision for a corrective action plan in this case.

In 2006 under the Safe and Timely Interstate Placement of Foster Children Act (Public Law 109-239), Congress required States to establish timely interstate home study procedures and it amended case planning and review requirements to ensure consideration of interstate placements when appropriate. These provisions are separate from those enacted by ASFA and are not subject to the specific enforcement provisions included in that 1997 law. However, they may be addressed in the CFSR.

CHILD WELFARE OUTCOMES REPORT

The Adoption and Safe Families Act (Public Law 105-89) required HHS – in consultation with Governors, State legislatures, State and local public officials, and child welfare advocates – to develop a set of outcome measures that could be used to assess State performance in operating programs under title IV-B and title IV-E. The law required that these outcome measures include length of stay in foster care, number of foster care placements, and number of adoptions. The law also required that HHS develop a system for rating State performance on these outcome measures and publish an annual report on each State's performance, examining the reasons for high and low performance, and making recommendations for how State

performance could be improved. The first *Child Welfare Outcomes* report was issued for fiscal year 1998 and, as of December 2008, the most recent report issued covered fiscal years 2002-2005. The report includes state performance on a final list of child welfare outcomes and measures published in the *Federal Register* in 1999 and revised in 2002. (See the notes for Table 11-34 for details on those changes.) The most recent outcomes report included information on these earlier measures along with State performance in comparison to the national standards established for the second round of the CFSR (see Table 11-33 above). Beginning with the report issued for fiscal year 2007, the Child and Family Services Improvement Act of 2006 (Public Law 109-288) requires the report to also include information, by State, on the share of all children in foster care who are visited by their caseworker on a monthly basis and the share of those visits that occurred were the child lives.

TABLE 11-34 -- PERFORMANCE OUTCOMES AND RELATED MEASURES INCLUDED IN THE CHILD WELFARE OUTCOMES REPORT
as published in the Federal Register in 1999 and revised in 2002

Outcome	Measure
Reduce recurrence of child abuse and/or neglect	Of all children who were victims of substantiated or indicated child abuse and/or neglect during the first six months of the reporting period, what percentage had another substantiated or indicated report within a six-month period? ¹
Reduce the incidence of child abuse and/or neglect in foster care	Of all children who were in foster care during the reporting period (January 1 - September 30), what percentage was the subject of substantiated or indicated maltreatment by a foster parent or facility staff?
Increase permanency for children in foster care	For all children who exited foster care, what percentage left either to reunification, adoption, or legal guardianship? For children who exited foster care and were identified as having a diagnosed disability, what percentage left either to reunification, adoption, or legal guardianship? For children who exited foster care and were older than age 12 at the time of their most recent entry in to care, what percentage left either to reunification, adoption, or legal guardianship? ² Of all children exiting foster care to emancipation, what percentage was age 12 or younger at the time of entry into care? For all children who exited foster care, what percentage by racial/ethnic category left either to reunification, adoption, or legal guardianship?
Reduce time in foster care to reunification without increasing re-entry	Of all children who were reunified with their parents or caretakers at the time of discharge from foster care, what percentage was reunified in the following time periods: less than 12 months from the time of latest removal from home; at least 12 months, but less than 24 months; at least 24 months, but less than 36 months; at least 36 months, but less than 48 months; and 48 or more months?
Reduce time in foster care to adoption	Of all children who exited foster care to a finalized adoption, what percentage exited care in the following time periods: less than 12 months from the time of the latest removal from home; at least 12 months, but less than 24 months; at least 24 months, but less than 36 months; at least 36 months, but less than 48 months; and 48 or more months? ³
Increase placement stability	Of all children served who had been in foster care for the time periods listed below, what percentage had no more than two placement settings

TABLE 11-34 -- PERFORMANCE OUTCOMES AND RELATED MEASURES INCLUDED IN THE CHILD WELFARE OUTCOMES REPORT
as published in the Federal Register in 1999 and revised in 2002

Outcome	Measure
	during that time period: less than 12 months from the time of the latest removal from home; at least 12 months, but less than 24 months; at least 24 months, but less than 36 months; at least 36 months, but less than 48 months; and 48 or more months?
Reduce placements of young children in group homes or institutions	For all children who entered foster care during the reporting period and were age 12 or younger at the time of the most recent placement, what percentage was placed in a group home or institution?

¹ The time frame was changed from 12 months to six months (beginning with the outcome report for 1999). Research indicates that most maltreatment recurrence during the first 12 months after a substantiated maltreatment report takes place within the first six months

² The age group studied was changed from children 12 years of age and older to children older than 12 years of age, beginning with the outcome report for 1999. This change was made because, in other outcome measures, 12-year-old children were grouped with younger rather than older children.

³ An additional measure regarding time to adoption from entry into care for children aged three or older was dropped. The measure was originally included because of a research finding that children who entered foster care at ages three and older tended to spend more time in care before adoption than younger children. The measure was dropped because data from 1998 and 1999 did not replicate finding.

Source: Table prepared by the Congressional Research Service based on information received from HHS.

STATE COLLECTION AND REPORTING OF CHILD WELFARE DATA

States regularly report data regarding victims of child maltreatment, children served in foster care, and children who are adopted with public child welfare agency involvement via two Federal data collections systems: the National Child Abuse and Neglect Data System (NCANDS) and the Adoption and Foster Care Analysis and Reporting System (AFCARS). Both systems are administered by HHS. Beginning in fiscal year 2010, States will also be required to collect certain data on youth in foster care who receive independent living services, and survey data regarding outcomes of older youth who leave foster care without placement in a permanent family. These data must be collected in accordance with the rules of the newly defined National Youth in Transition Database (NYTD) and will also be reported to HHS. All three of these reporting systems – NCANDS, AFCARS, and NYTD – are expected to be part of a Statewide Automated Child Welfare Information System (SACWIS). SACWIS does not collect unique data. Instead, SACWIS is intended to establish a method of computerized data collection and storage that can permit administrators and caseworkers, in a single State, to access case level information about individual children served across a variety of child welfare and other programs. In addition, the automated case files generated by SACWIS facilitate required or voluntary State reporting of data to the Federal government. However, operation of a federally approved SACWIS is voluntary and not all States do so. NCANDS, AFCARS, NYTD, and SACWIS are described in further detail below.

NATIONAL CHILD ABUSE AND NEGLECT DATA SYSTEM

All States report data to the Federal National Child Abuse and Neglect Data System (NCANDS) on a voluntary basis. The 1988 amendments (Public Law 100-294) to the Child Abuse Prevention and Treatment Act (CAPTA) required HHS to “establish a national data collection and analysis program, which, to the extent practicable coordinates existing State child abuse and neglect reports.” The law did not specify how HHS should accomplish this task. In response to the directive HHS convened a State Advisory Group comprised of State child protective service program administrators and information systems managers to suggest data items and definitions that would best represent a national profile of child maltreatment. Out of this process the National Child Abuse and Neglect Data System was established with States first reporting data to HHS for calendar year 1990. NCANDS data are now reported annually by all 50 States, the District of Columbia, and Puerto Rico (i.e., 52 “States”) and, beginning with 2003, on a fiscal year basis.

An initial HHS report compiling and analyzing the 1990 NCANDS data was published in 1992, and HHS has published a report on NCANDS data annually since that time. Among other things, the report includes information concerning the number of abuse or neglect reports received by the child protective services agency that were investigated or assessed; the disposition or finding made following this investigation; the time it took the State to respond to the report; the size and workload of CPS staff; the number, ages, and race/ethnicity of children identified as abused or neglected; the types of abuse and/or neglect these victims were found to have experienced; the relationship of the perpetrator of abuse or neglect to children identified as victims; the number of child fatalities resulting from abuse or neglect; and the number of children receiving services, including preventive services and post-investigation services, either in-home or through removal to foster care. The “Child Maltreatment” report is typically issued in April and provides an analysis of data reported for the fiscal year two years prior to the year of release. For instance, the April 2009 report looks at data reported for fiscal year 2007.

HHS was not required to promulgate formal regulations for the implementation of NCANDS and, while all States currently submit them, reporting NCANDS data is considered voluntary. States that submit data are expected to do so using standard data elements which have been developed by HHS in consultation with the ongoing State Advisory Group. HHS continues to convene this group annually to help identify and resolve issues related to reporting of child protective services data, suggest strategies for improving the data provided by States, and to review modifications to how NCANDS data are to be submitted.

The Child Abuse Prevention and Treatment Act Amendments of 1996 (Public Law 104-235) required States, as a condition of receiving State grant funding under CAPTA, to report “to the maximum extent practicable” certain child protective services data. These “mandatory” data elements have been largely incorporated into NCANDS. However, apart from possible withholding of CAPTA funds based on a State’s failure to report these summary data to the “maximum extent practicable,” there is no specific penalty for failure to report data.

Initially, most States provided NCANDS data in a summary or (aggregate) data file. However, since at least 2000, an increasing number of States provide these data in the form of detailed case or child-level files. For 2000, 34 States submitted child-level data, up from 23 States for 1999. For fiscal year 2006, 49 States, as well as the District of Columbia and Puerto Rico, reported child level data via NCANDS. The use of data to track State performance with regard to certain safety measures (recurrence of maltreatment and incidence of maltreatment in foster care) for publication in the *Child Welfare Outcomes* book as well as for determination of compliance with Federal requirements under the Child and Family Services Review, likely prompted this change for many States. For both of these purposes, the measures developed regarding State performance cannot be calculated without child specific data. In particular, for purposes of the CFSR, even if a State does not report child-specific data via NCANDS, it must have the capacity to produce comparable data to determine if it is in compliance with Federal requirements related to child safety. In recognition of the voluntary nature of NCANDS, States are permitted to use alternative data sources to show compliance with CFSR safety measures. By contrast, as of the second round of the CFSR, States may only use AFCARS reported data to measure compliance with permanency standards.

ADOPTION AND FOSTER CARE ANALYSIS AND REPORTING SYSTEM

All States are required to report data to the Adoption and Foster Care Analysis Reporting System (AFCARS). Historically, there has been a lack of reliable data on foster care and adoption. However, Congress has for several decades sought to improve the collection and reporting of these data and over the past decade, especially, significant progress has been made.

In 1978 (Public Law 95-266), Congress required HHS (directly or by grant or contract) to establish and operate a national adoption and foster care data gathering and analysis system. In 1982, HHS entered into a contract with the American Public Welfare Association (now the American Public Health Services Association, or APHSA), to implement and operate the Voluntary Cooperative Information System (VCIS). VCIS provided some state level data on children in foster care and “special needs” adoptions but the data were reported on an aggregate basis, which made in-depth analysis impossible. Further not all States reported data and there were many inconsistencies in how the data were reported (e.g., States varied in their definition of “foster care”).

Seeking improved data collection and reporting, Congress, in the Omnibus Budget Reconciliation Act of 1986, (Public Law 99-509) required HHS to name an Advisory Committee to study and report on various methods of establishing, administering, and financing a system for the collection of adoption and foster care data. That law also laid out certain requirements for the data collection as part of a new Section 479 of the Social Security Act. Specifically it required the system to:

- Avoid unnecessary diversion of resources from agencies responsible for adoption and foster care;
- Assure that any data that are collected are reliable and consistent over time

- Provide comprehensive national information with respect to: 1) The demographic characteristics of adoptive and foster children and their biological and adoptive or foster parents; 2) the status of the foster care population, including the number of children in foster care, length of placement, type of placement, availability for adoption, and goals for ending or continuing foster care; 3) the number and characteristics of children placed in or removed from foster care, adopted (including children whose adoptions are terminated), and those placed in foster care outside the State which has the placement and care responsibility for them; and 4) the extent and nature of assistance provided by Federal, State, and local adoption and foster care programs and the characteristics of the children with respect to whom such assistance is provided; and
- Utilize appropriate requirements and incentives to ensure that the system functions reliably throughout the United States.

Final regulations to implement the Adoption and Foster Care Analysis Reporting System (AFCARS) were published in December 22, 1993. Under this rule, States are required to collect and report case-specific information on 66 different data elements for children in foster care for whom the State child welfare agency has responsibility for placement, care, or supervision, regardless of their eligibility for title IV-E. Further, States are required to collect case specific data on all adopted children who were placed by the State child welfare agency, and on all adopted children for whom the State provides adoption assistance (ongoing payments or for nonrecurring expenses), care, or services, either directly or by contract, with other private or public agencies. The adoption database contains 37 data elements. States must submit these data in electronic form at 6-month intervals. Reporting periods run from October 1 through March 31 and from April 1 through September 30 and data are to be submitted within 45 days of the end of each reporting period. In addition, the regulations provided that States were to meet certain data quality standards, such as no more than 10 percent “missing” data for any one element.

On January 11, 2008, HHS published a Notice of Proposed Rulemaking (NPRM) which seeks to revise the AFCARS data collection rule. As envisioned by HHS, the revised rules would –

- Permit greater longitudinal analysis of adoption and foster care data;
- Expand the populations reported on to include children living in guardianship, adopted children who receive Federal or State adoption assistance (currently information is available only for these children in the year in which they are adopted) and any child in out-of-home care that is under the care and placement responsibility of the State (e.g., any child in a juvenile justice facility who is also under the care and placement of the child welfare agency);
- Capture new or greater detail regarding a range of concerns or populations,

- Improve data quality by: 1) Clarifying the meaning of certain elements flagged as “problematic” by stakeholders; 2) improving assessment and identification of errors in State data submissions; and 3) implementing penalties for failure to submit data meeting specified standards; and
- Eliminate “unnecessary features” of the current system (e.g., reporting of summary adoption and foster care files).

The comment period on this NPRM was closed as of mid-March 2008. No date for a final rule is projected.

AFCARS Reporting and Penalty Assessment

Unlike NCANDS, the AFCARS reporting system is mandatory, with required data elements listed and defined in regulation. However, in the earliest years of implementation, the number of States reporting at least some of the data required under AFCARS ranged from a low of 14 for fiscal year 1995, which was the first year the system operated, to a high of 18 for fiscal year 1997. However, the AFCARS implementing regulation provided that HHS would assess penalties for States that did not submit data and/or did not meet the quality standards described in the rule beginning with data reported for fiscal year 1998. For that fiscal year the number of States reporting data jumped to 46. Beginning with fiscal year 2001, all States (including the District of Columbia and Puerto Rico) have reported on some or all AFCARS data elements in every year.

HHS suspended AFCARS penalty assessment in early 2002, following a joint administrative appeal of those penalties brought by 12 States (CA, FL, KS, MD, MN, NY, NC, OH, SD, TX, VA, WI) and a recommendation made by the presiding hearing officer in that case that the AFCARS penalties be withdrawn. Among other things, those 12 States objected to certain reporting requirements and the way the penalty amounts were determined. They also questioned the authority of HHS to impose penalties. In April 2002, HHS notified States that it would suspend all AFCARS penalty assessments (HHS, 2002). In November 2003, Congress required HHS to establish specific penalties for States that fail to meet AFCARS data requirements in the Adoption Promotion Act of 2003 (Public Law 108-145). The law provides that if HHS finds that a State has failed to submit AFCARS data as required by regulations, the Department must notify the State of its failure (within 30 days after the date the data were due) and, further, that if the State does not submit the required data within 6 months of the date they were originally due, the State will incur a Federal fiscal penalty. If at the end of that 6-month period HHS finds that the State has failed to submit the data as required, it must reduce the

Federal amount payable to the State claimed for all title IV-E administrative activities by one-sixth of 1 percent for that first six months of non-compliance, and one-fourth of 1 percent for the next and any succeeding 6-month period in which the State continues to fail to provide the required data. These fiscal penalties have not yet been implemented. In February 2004 HHS notified States (HHS, 2004) that it would not assess AFCARS penalties until a revised final AFCARS regulation was published. The January 2008 NPRM, which proposes to revise the AFCARS regulations, also seeks to implement the penalties required by Public Law 108-145.

While fiscal penalties have been on hold, HHS has continued to conduct AFCARS Assessment Reviews. In this review, which includes an on-site visit to the State by Federal staff, a State's information system is evaluated to determine its capability to collect, extract, and transmit the AFCARS data accurately to the ACF and as required by Federal regulations and policy guidance. A second focus of the AFCARS review is to assess how accurately foster care and adoption data are collected and documented at a child level. Although findings of error or compliance issues do not result in penalties, States are expected to make corrections to identified problems and information from the review is provided to other Federal reviewers, including those conducting the CFSR and SACWIS Assessment Reviews. As of the end of 2008, 31 States had undergone such an assessment.

Finally, apart from penalties, the use of AFCARS data to measure State compliance with Federal requirements under the CFSR and to determine bonus payments to States that increase adoptions provides incentive for States to accurately collect and report data under this system. Further, HHS makes other uses of the data that directly or indirectly affect States, including determining the allotment of funding under the Chafee Foster Care Independence Program (CFCIP).

NATIONAL YOUTH IN TRANSITION DATABASE

The National Youth in Transition Database (NYTD), which as of fiscal year 2011 will collect demographic and outcome information on current and former foster youth, was authorized by the Chafee Foster Care Independence Act (Public Law 106-169). That law required that HHS consult with State and local public officials responsible for administering independent living and other child welfare programs, child welfare advocates, Members of Congress, youth service providers, and researchers to: 1) "Develop outcome measures (including measures of educational attainment, high school diploma, avoidance of dependency, homelessness, non-marital childbirth, incarceration, and high-risk behaviors) that can be used to assess the performance of States in operating independent living programs;" 2) identify the data needed to track the number and characteristics of children receiving independent living services, the type and quantity of services provided, and State performance on the measures; and 3) develop and implement a plan to collect this information beginning with the second fiscal year after the passage of Public Law 106-169. In a September 2001 report to Congress, HHS outlined a plan for developing a data collection system (HHS, 2001). A notice of proposed rulemaking for the NYTD data collection system was published on July

14, 2006 and the final rule was published on February 26, 2008.

The final rule requires States to begin collecting NYTD data as of October 1, 2010 and to submit the required data to HHS every 6 months. States must collect information on “served youth” and “tracked youth.” Served youth are eligible youth who currently receive independent living services provided or funded by the State whether they continue to remain in foster care, were in foster care in another State, or received child welfare services through an Indian tribe or privately operated foster care program. Information on outcomes is to be collected for “tracked youth.” Tracked youth include current and former foster youth on or about their 17th birthdays (baseline group), those same youth two years later on or about their 19th birthdays, and again on or about their 21st birthdays (follow-up groups). These youth are to be tracked in NYTD regardless of whether they receive independent living services at ages 17, 19, and 21. States have the option of tracking a sample of youth who participated in the outcomes collection at age 17 to reduce the data collection burden.

States must collect and report to the NYTD the same type of individual-level information for both *served youth* and *tracked youth*: foster care status, basic characteristics such as the State responsible for reporting on the youth, the youth’s record number, and demographics including sex, race, and ethnicity. Additional data collection requirements apply to either served youth or tracked youth. States must report on any independent living services received by *served youth*, including those related to education, employment, budgeting, health, housing, mentoring, room and board, and financial assistance, among other types of services. The data on served youth must be submitted within 45 days of each six-month period (i.e., October 1 to March 31 and April 1 to September 30) for as long as the youth receives services. States are required to report data elements for *tracked youth* under six broad outcome categories: financial self-sufficiency, educational training, connection to adults, housing, high-risk behavior, and access to health insurance. Data on a given cohort of *tracked youth* are to be reported every two years. States must submit data within 45 days of the end of each six-month period in the applicable years. Information will be collected on a new group of foster youth who are age 17 every three years.

Consistent with the requirements of the 1999 law (Public Law 106-169), the final rule provides that HHS will penalize any State that does not meet the data collection procedures for the NYTD from 1 percent to 5 percent of its annual CFCIP allotment. However, States will have the opportunity to submit corrected data before those penalties are taken.

STATEWIDE AUTOMATED CHILD WELFARE INFORMATION SYSTEM

A Statewide Automated Child Welfare Information System (SACWIS) offers States computerized access to case level information about a particular child across more than one Federal program. A SACWIS must be designed and implemented to meet specific Federal requirements included in law and regulation. States *are not* required to implement and operate a SACWIS: however, they must do so if they

wish to be eligible for special title IV-E reimbursement rules (described in further detail below). Further, while not every State is required to have a SACWIS, all States are required to have a statewide information system that, at a minimum, enables them to readily identify the legal status, demographic characteristics, location, and goals for the placement of every child who is in foster care or was in foster care during the preceding 12 months.

State operation of a statewide information system that could provide information on children in foster care was encouraged by the Adoption Assistance and Child Welfare Act of 1980 (Public Law 96-272), which made operation of such a system a condition of receiving full funding under title IV-B, subpart 1. The operation of such a statewide information system was made mandatory by the Social Security Act Amendments of 1994 (Public Law 103-432), which made it a State plan requirement under title IV-B. *SACWIS-specific* statewide information systems grew out of changes enacted as part of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66). In that law Congress authorized an enhanced (75 percent), Federal title IV-E reimbursement rate to States for fiscal years 1994 to 1996 for the cost of planning, designing, developing and installing a statewide mechanized data collection and information retrieval system, including costs of hardware, as long as the system met certain Federal requirements. This enhanced matching rate was extended for one additional fiscal year, 1997, by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) before reverting to the regular 50 percent Federal title IV-E reimbursement rate for administrative costs. The 1993 law also provided that ongoing operational costs for this State data collection and information retrieval system would be matched at 50 percent. Finally, the law specified that States may claim reimbursement for these approved data collection systems, both development and operation costs, without regard to whether they are used for foster and adoptive children who are not eligible for title IV-E assistance.

HHS published an interim final SACWIS rule on December 22, 1993 and made them final on May 19, 1995. Under the rule, States must develop “comprehensive” child welfare data collection systems that include child welfare services, foster care and adoption assistance, family preservation and support services, and independent living. Further, a SACWIS system must, at a minimum:

- Meet the AFCARS data collection and reporting requirements;
- Unless not practicable for certain reasons, provide for intrastate electronic data exchange with data collection systems operated under TANF, Medicaid, child support enforcement, and the National Child Abuse and Neglect Data System (NCANDS);
- Provide for automated data collection on all children in foster care under the responsibility of the State child welfare agency to support implementation of statutory child protections and requirements;
- Collect and manage information necessary to facilitate delivery of child welfare services, family preservation and family support services, family reunification services, and permanent placement;
- Collect and manage information necessary to determine eligibility for the

- Monitor case plan development, payment authorization and issuance, and review and management including eligibility determinations and redeterminations; and
- Ensure confidentiality and security of information.

In addition, optional SACWIS functions could include, if cost-beneficial, resource management, tracking and maintenance of legal and court information, administration and management of staff and workloads, licensing verification, risk analysis, and interfacing with other automated information systems.

As of the end of 2008, at least 10 States had opted to implement a statewide information system that did not meet all of the SACWIS requirements. Of the remaining 41 (including the District of Columbia), 14 were in various stages of SACWIS development and 27 had an operational system (see Table 11-35).

TABLE 11-35 -- STATUS OF DEVELOPMENT OF STATEWIDE
AUTOMATED CHILD WELFARE INFORMATION SYSTEMS (SACWIS)
(as of December 2008)

Status of SACWIS	States
<i>System operating (27 States)</i>	Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Idaho, Indiana, Iowa, Kentucky, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Mexico, Oklahoma, Rhode Island, South Dakota, Texas, Utah, West Virginia, Wisconsin, Wyoming
<i>System in development (14 States)</i>	Alabama, California, Florida, Georgia, Louisiana, Maryland, Michigan, Missouri, New Jersey, Ohio, Oregon, South Carolina, Tennessee, Washington
<i>Non-SACWIS model (10 States)</i>	Hawaii, Illinois, Kansas, Mississippi, New York, North Carolina, North Dakota, Pennsylvania, Vermont, Virginia,

Source: Table prepared by the Congressional Research Service based on chart available on HHS, Children's Bureau website. See <http://www.acf.hhs.gov/programs/cb/systems/sacwis/statestatus.htm>

Once a State's SACWIS has been fully operational for about one year, HHS schedules a SACWIS Assessment Review to determine if the system meets the Federal functional requirements, including those in its previously approved Advance Planning Document (APD). The SACWIS Assessment includes an on-site visit by Federal staff who prepare a final report detailing their findings. The State must modify its system or develop an acceptable corrective action plan to resolve any non-compliance issues. The final SACWIS rule provides that States that do not substantially comply with SACWIS requirements or with the criteria and requirements of their APD may have approval of that document suspended and this may affect the State's ability to claim certain title IV-E reimbursement.

CHARACTERISTICS OF CHILDREN AND FAMILIES SERVED

The number of children and families who come into contact with public child welfare agencies is larger than simply those children who enter foster care, or even those families in which children are found to be victims of child abuse or neglect. Until recently relatively little was known about this broader set of children and families. However, the National Survey of Child and Adolescent Wellbeing (NSCAW) has provided an unprecedented window into the characteristics of this group of families and some of those findings are discussed below. In addition, this subsection relies on administrative data reported by States, via the National Child Abuse and Neglect Data System (NCANDS) and the Adoption and Foster Care Analysis and Reporting System (AFCARS), to describe certain characteristics and circumstances of children who are found to be victims of child abuse or neglect; those who enter, exit or remain in foster care (on the last day of a given fiscal year, including children who are “waiting for adoption”), and children adopted with child welfare agency involvement. Readers should be aware that both NCANDS and AFCARS data may be resubmitted by States as part of “cleaning” or improving their data submissions. Therefore, information reported in this subsection may not be identical to numbers reported in earlier published reports or in subsequent published information. This is particularly the case for reports made for the most recent fiscal years.

CHILDREN AND FAMILIES WITH CHILD WELFARE AGENCY CONTACT

The NSCAW provides information on a nationally representative sample of children ages 0-15 who were in families where a child welfare agency investigated an allegation of abuse and neglect between October 1999 and December 2000. Certain characteristics and circumstances of these children, and their families, are described below.

Age and race/ethnicity

Young children (under 3 years of age) are over-represented among the population of children in families investigated for abuse and neglect. Nineteen percent of the children in the survey sample were under age 3, while 14 percent of children in the general population are under the age of 3 (HHS, April 2005).

White children were much less likely to be among the group of children in families investigated for abuse and neglect than were African-American children. Close to one-half (47percent) of children in families investigated for child abuse or neglect were white, 28 percent were African-American, 18 percent were Hispanic and the remainder (7 percent) were grouped together as “other” (HHS, April 2005). In contrast, the 2000 Census showed that among the general population, 61 percent of children (individuals under age 18) were white, 15 percent were African American, and 17 percent were Hispanic, and the remaining children were in other racial groups. (O’Hare, 2001).

Overall service receipt, and placement

Following the investigation about 11 percent of the children in the nationally representative sample of children in families investigated for abuse or neglect were removed to out-of-home care, roughly 24 percent remained in their own home but received follow up child welfare services, and about 65 percent had their case closed with no further child welfare agency follow up. For children placed out of home, the most common setting was kinship foster care (45 percent), followed by non-kinship foster care (29 percent) and group care (9 percent) (HHS, April 2005).

Risk Factors Among Children In Families Investigated for Child Abuse or Neglect

Children in families investigated for abuse or neglect are at greater risk for certain developmental delays and behavior problems than are children in the general population. This higher risk appears to exist across the range of children in families investigated for abuse and neglect and is not necessarily limited to those families in which the allegation of abuse or neglect is “substantiated” or to those who are removed from their homes following an investigation. Among the youngest children ages 3 to 24 months, more than half (53 percent) of those in families investigated for abuse or neglect scored at high risk for developmental delay or neurological impairment; the comparable percentage among the general population is 14 percent.

Researchers also found no statistically significant difference in presence of these risks among those young children who were placed in out-of-home care following the investigation and those who remained in their own homes. Further, school-age children who were in families investigated for abuse or neglect were at least twice as likely as children in the general population to be scored as having clinical or borderline clinical levels of problem behavior on a standardized checklist. Smaller percentages of the children in families investigated for abuse or neglect displayed risk on other factors, but in all cases, this share was greater than found among children generally (NSCAW Research Brief 3). (See Table 11-36.)

TABLE 11-36 -- SELECTED DEVELOPMENTAL AND OTHER RISK FACTORS AMONG CHILD WELFARE-INVOLVED CHILDREN AND AMONG ALL CHILDREN

Based on initial NSCAW data collected in 1999-2000 and comparable general population data.

<i>Among preschool aged children¹, risk for poor scores on standardized measures related to—</i>	Children in Families Investigated for Abuse or Neglect	Children in the General Population
Neurological development or impairment	53%	14%
Cognitive development	31%	2.5%
Language skills development	14%	2.5%
Problem behavior	27%	17%
<i>Among school age children¹, percentage at risk for poor scores on standardized measures related to –</i>		
Verbal and non-verbal intelligence scores	5%	2%
Reading achievement	5%	2%
Math achievement	12%	2.5%
Problem behavior (caregiver assessment) ²	45%	17%

Social skills	38%	16%
Living skills	10%	2.5%
Depression	15%	9%

¹ Specific pre-school or school age groups studied varied by measure used but the share of general population children, that is the “normative sample” was based on a comparable age group in each case.

² Thirty-six percent of the youth in investigated families (ages 11 - 15) gave reports of their own behavior that indicated clinical or borderline problem behavior.

Source: Table prepared by Congressional Research Service based on NSCAW Research Brief 3, undated.

In a separate study of this NSCAW data, as many as 34 percent of the youngest children, those under age 2 at the initial survey, were identified as having a developmental delay that would qualify them for special education services under the eligibility criteria used in most States for the Part C program of the Individuals with Disabilities Education Act (IDEA) and an additional 1 percent would qualify under the established medical condition criteria used under that Federal program in all States. Applying broader Federal eligibility criteria, which are used in only 8 States, researchers estimated as many as 63 percent of the youngest children in families investigated for abuse or neglect would be eligible for the Part C program. By comparison, only 2 to 23 percent, depending on the study, of comparable children in the U.S. population meet these eligibility criteria. This study also found that the share of young children in families investigated for abuse or neglect who qualified for special education services – under either Part C or Part B of IDEA depending on child’s age – increased in subsequent surveys of these same families (at 18 and 36 months after the initial survey) (NSCAW Research Brief 8).

Further, the research showed that children with *unsubstantiated cases of child maltreatment* exhibited *higher* levels of developmental delay than did children with substantiated cases, but those children were less likely to receive services. The researchers comment that the degree to which the child welfare agency should play a role in service access for all children it investigates, regardless of substantiation status, is an important area for future research and policy consideration (NSCAW Research Brief 8).

About one-third (32 percent) of all children included in the NSCAW study that looked at children in families investigated for abuse or neglect were “substantiated” as victims of child abuse and neglect. This percentage is roughly consistent with levels of substantiation reported in annual administrative data. Among the relatively small group of children who were placed in out-of-home care following the investigation, the NSCAW survey showed that fully 41 percent had an *unsubstantiated* case of child abuse or neglect and, further, that among children receiving services in their own homes following the investigation, 49 percent were children with an *unsubstantiated* report of child abuse or neglect. The researchers noted that further study is needed to understand this level of services to children with “unsubstantiated” abuse or neglect findings. They suggested that determination of whether to substantiate had not yet been made in all of these cases at the time of the survey or that the allegation of abuse or neglect simply introduced a family to

the agency and brought to light other issues that the agency had a responsibility to address, (HHS, April 2005).

Family and Caregiver Risk Factors

Families, including the caregivers, of the children who come to the attention of the child welfare agency exhibit a number of risk factors as assessed by the child welfare investigative caseworker. More than one-half of all the families in the nationally representative sample of children in families investigated for abuse and neglect (51 percent) had been the subject of prior reports of abuse or neglect, one quarter had a prior incident of substantiated child abuse and neglect, and close to 30 percent had previously been served by the child welfare agency, not including investigation as a service. Further, and also as reported by the investigative caseworker, more than one-half of the families (54 percent) had only one supportive caregiver in the home, close to one-third (31 percent) were assessed as having low social support, and nearly one-quarter had trouble paying for basic necessities. Caseworkers also identified poor parenting, serious mental health problems, domestic violence, and abuse of alcohol and drugs as issues facing significant numbers of families investigated for abuse or neglect (HHS, April 2005).

High cumulative caregiver/parent risk factors predicted placement in out-of-home care or receipt of services in the home. In addition, investigative caseworkers most often cited two factors – a “reasonable level of caregiver cooperation” and “child’s inability to self protect” – as critical in their decision-making process. Caregiver cooperation was especially influential in cases where the child remained at home and, the child’s inability to self protect was most significant in decision-making with regard to younger children. For older children, however, investigative caseworkers cited the importance of the child’s special health or other needs (HHS, April 2005).

Table 11-37 shows the proportion of family or caregiver risk factors present in the nationally representative sample of children in families investigated for abuse or neglect, as those risks were assessed by the caseworker at the time of the investigation.

TABLE 11-37 -- SELECTED FAMILY AND CAREGIVER RISK FACTORS IN FAMILIES INVESTIGATED FOR CHILD ABUSE OR NEGLECT

(As assessed by the child welfare investigative caseworker in initial NSCAW data collection, 1999-2000.)

FAMILY/ PRIMARY CAREGIVER RISK FACTORS	PROPORTION OF FAMILIES /PRIMARY CAREGIVERS WITH RISK FACTOR			
	All Families Investigated	Among Families by Post-Investigation Service Receipt or Out-of-Home Placement		
		No Services	In-Home Services	Child Placed Out of Home
Prior report of maltreatment	51%	46%	57%	66%
Trouble paying for basic necessities	24%	16%	34%	47%
High stress in family	52%	43%	66%	73%
Low social support	31%	24%	39%	53%
Only one supportive caregiver in the family	54%	52%	54%	67%

TABLE 11-37 -- SELECTED FAMILY AND CAREGIVER RISK FACTORS IN FAMILIES INVESTIGATED FOR CHILD ABUSE OR NEGLECT

(As assessed by the child welfare investigative caseworker in initial NSCAW data collection, 1999-2000.)

FAMILY/ PRIMARY CAREGIVER RISK FACTORS	PROPORTION OF FAMILIES /PRIMARY CAREGIVERS WITH RISK FACTOR			
	All Families Investigated	Among Families by Post-Investigation Service Receipt or Out-of-Home Placement		
		No Services	In-Home Services	Child Placed Out of Home
Poor parenting skills	33%	20%	47%	79%
Unrealistic expectations of child	17%	9%	28%	44%
Excessive/inappropriate discipline	8%	5%	13%	19%
Serious mental health problem	15%	9%	22%	36%
Intellectual/cognitive impairment	7%	5%	9%	12%
Active drug abuse	9%	4%	12%	37%
Active alcohol abuse	8%	3%	13%	29%
Recent history of arrest	12%	8%	16%	34%
Active domestic violence (against primary caregiver)	13%	11%	15%	25%
History of domestic violence (against primary caregiver)	30%	25%	36%	44%
History of abuse or neglect (against primary caregiver)	22%	15%	32%	39%

Source: Table compiled by Congressional Research Services based on data included in Chapter 4, HHS, April 2005. Proportions shown in that publication are weighted percentages and in this table are shown rounded to nearest whole number.

CHILDREN IDENTIFIED AS VICTIMS OF ABUSE OR NEGLECT

Children counted as “victims” of child abuse and neglect are those for whom the caseworker substantiates the allegation of abuse or neglect, or, in the limited number of States that also permit reporting in these categories, those for whom the investigative caseworker determines abuse and neglect is “indicated” or where a non-investigation assessment nonetheless determines a child to have experienced abuse or neglect. These determinations are based on a given State’s definition of child abuse and neglect as well as its policy related to level of evidence necessary to substantiate an allegation of abuse or neglect. (For more on the meaning of these categories see Child Abuse and Neglect: Screening, Investigation/Assessment and Findings.) Among all the children who were the subject of a child abuse or neglect investigation or assessment in fiscal year 2006, about 30 percent were found by the investigative caseworker to be victims of maltreatment. About two-thirds of these children (66 percent) experienced neglect (including medical neglect), 16 percent physical abuse, 9 percent sexual abuse, 7 percent psychological maltreatment, and 15 percent were included in an “other” category. (The sum of these percentages equals more than 100 because children may experience more than one kind of maltreatment.) States report the highest rates of child maltreatment among very

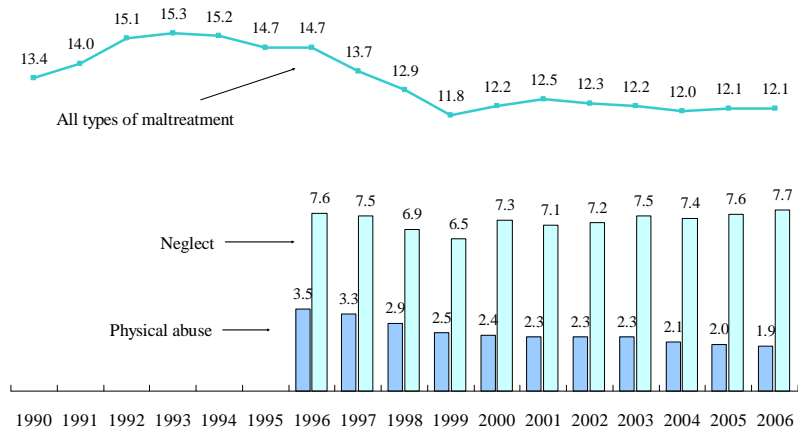
young children, and among children who are African-American, American Indian or Alaska Native, or who are reported as multi-racial.

Rates of abuse or neglect by type of maltreatment

In recent years, the rate of all maltreated children who are reported to have experienced neglect appears to be trending upward, while the rate reported by States as having experienced physical or sexual abuse has been in decline at least since the middle 1990s (Finkelhor, 2008). Although State definitions vary on the meaning of neglect, this definition generally encompasses both a failure of the child’s caregiver to provide for the child (e.g., adequate food, clothing, shelter or medical care), or a failure to supervise (e.g., leaving the child unsupervised). States typically exclude from the definition of child neglect families whose failure to provide is solely related to economic need. Chart 11-5 shows the overall rate of child maltreatment by year and, along with the rate of children experiencing neglect or physical abuse – the two most prevalent forms of child maltreatment – for the more recent years.

CHART 11-5 -- CHILD MALTREATMENT RATES, OVERALL AND BY SELECTED TYPE, 1990-2006

*Rate is number of children found to be maltreated per 1,000 children in the population.
Children may be reported as having experienced more than one maltreatment type.*



Source: Chart prepared by the Congressional Research Service based on data published by HHS.

Table 11-38 shows the number and percentage of children reported as victims of child abuse or neglect and the type of maltreatment. States may report any condition that does not fall into one of the main categories of maltreatment as “other.” For example, this category might include “abandonment,” “congenital drug addiction,” or “threats of harm to the child.” Each child may experience more than one kind of maltreatment and may be represented in more than one of the maltreatment categories. Therefore, the percentages total more than 100 across each year.

TABLE 11-38 -- SHARE OF CHILDREN REPORTED AS EXPERIENCING
MALTREATMENT, BY TYPE, 2000-2006

Children may experience more than one kind of maltreatment and some are included in more than one of the categories. Therefore the sum of the shares shown in a given year totals more than 100.

YEAR	Neglect	Physical Abuse	Sexual Abuse	Psychological Maltreatment	Other	Unknown/Missing
2000	62.7%	19.4%	10.1%	7.7%	16.6%	0.3%
2001	59.2%	18.6%	9.6%	6.8%	19.5%	0.3%
2002	60.6%	18.6%	9.9%	6.5%	18.9%	0.2%
2003	63.6%	18.4%	9.7%	6.4%	14.9%	0.2%
2004	61.1%	17.1%	9.5%	7.1%	14.4%	4.1%
2005	64.8%	16.6%	9.3%	7.1%	14.3%	1.1%
2006	66.3%	16.0%	8.8%	6.6%	15.1%	1.2%

Source: Table prepared by the Congressional Research Service based on NCANDS data as reported by States and provided by HHS.

Depending on the type of abuse or neglect, roughly two-thirds to three-fourths of all children found by States to be victims were brought to the child welfare agency's attention by professionals, including police officers, lawyers, education personnel, social service workers, or medical personnel (HHS, April 2008).

Age and race/ethnicity

With the exception of infants, the rate of State-reported maltreatment appears to have remained fairly constant by child age group from 2000 through 2006. Among infants (children under one year of age), however, the rate appears to be increasing, particularly since fiscal year 2003. In fiscal year 2006 more than 24 infants were found to be victims of child maltreatment for every 1,000 infants in the population; the comparable infant victim rate for 2000 was 21. The rate of State-reported child maltreatment declines by age, dropping sharply to roughly 14 per 1,000 children ages 1 to 2 years for 2000 through 2006, and declining more evenly to just over 8 per 1,000 children for children ages 14-17 in each of those same years. Table 11-39 shows the number, percent and rate of children reported to be victims of child abuse or neglect by age group for 2000-2006.

Across all race/ethnicities, just over 12 out of 1,000 children in the population were reported by States as victims of abuse or neglect in fiscal year 2006. However, the comparable rates for African Americans (19.8), American Indian and Alaska Native children (15.7) and children of two or more races (15.4) are higher than this overall rate. In contrast, the reported victimization rates for white (10.7) and Hispanic children (10.8) are somewhat lower and the rate for Asian children is much lower (2.9). Table 11-40 shows the number, percent and rate of children reported to be victims of child abuse or neglect by race/ethnicity for 2000-2006.

TABLE 11-39 -- NUMBER, PERCENT AND RATE OF CHILDREN FOUND TO BE VICTIMS OF MALTREATMENT,
BY AGE GROUP, 2000 - 2006

(Rate equals number of children found to be victims in given age group per 1,000 children of that age in the population
Percent equals the share of children found to be victims in given age group out of all victims.)

YEAR	All Ages	Less than 1 year			Ages 1 – 2 years			Ages 3 – 5 years			Ages 6 – 9 years			Ages 10 -13 years			Ages 14 to 17 years		
	Rate	Number	Percent	Rate	Number	Percent	Rate	Number	Percent	Rate	Number	Percent	Rate	Number	Percent	Rate	Number	Percent	Rate
2000	12.2	80,900	9.5%	21.4	104,300	12.2%	14.0	153,600	18.0%	13.4	212,200	24.9%	13.1	176,100	20.6%	10.8	126,200	20.6%	8.0
2001	12.5	85,100	9.5%	21.1	111,300	12.4%	14.5	160,600	17.9%	13.9	218,200	24.3%	13.4	189,700	21.1%	11.3	134,300	21.1%	8.3
2002	12.3	86,200	9.7%	21.6	111,800	12.5%	14.2	162,100	18.2%	14.1	207,900	23.3%	12.9	188,500	21.1%	11.1	135,100	21.1%	8.3
2003	12.2	87,900	9.9%	21.8	113,300	12.8%	14.1	163,100	18.4%	14.1	202,100	22.7%	12.7	186,100	20.9%	10.9	136,100	20.9%	8.2
2004	12.0	90,500	10.4%	22.2	112,100	12.8%	14.0	162,700	18.6%	13.8	194,100	22.2%	12.3	177,500	20.3%	10.6	136,500	20.3%	8.1
2005	12.1	96,800	11.0%	23.6	115,000	13.1%	14.1	165,600	18.8%	13.8	193,000	21.9%	12.3	171,700	19.5%	10.4	138,800	19.5%	8.1
2006	12.1	100,100	11.4%	24.4	117,900	13.4%	14.4	164,200	18.6%	13.6	194,200	22.0%	12.5	164,700	18.7%	10.1	140,800	18.7%	8.2

Note: The rate of victims for children of “all ages” shown in this table is based on total estimate of child maltreatment victims in the given year as shown in Table 11-3 and Chart 11-5. The number (rounded to nearest 100) and rate of children found to be victims in each age group shown in this table are as reported by States (including the District of Columbia, and Puerto Rico) but do not include estimates for those States that did not report data in a given year or for those child victims for whom information on “age” was missing. Therefore summing the total number of victims shown in this table by age will not equal the total estimated number of victims shown in Table 11-3.

Source: Table prepared by Congressional Research Service based on NCANDS data as reported by States and provided by HHS.

TABLE 11-40 -- NUMBER, PERCENT, AND RATE OF CHILDREN FOUND TO BE VICTIMS OF MALTREATMENT,
BY RACE/ETHNICITY, 2000 - 2006

(Rate equals number of children found to be victims in given race/ethnicity per 1,000 children of that race/ethnicity in the population
Percent equals the share of children found to be victims in given race/ethnicity group out of all victims)

YEAR	<u>All Groups</u>	<u>White¹</u>			<u>African American¹</u>			<u>Hispanic¹</u>			<u>Asian/ Native Hawaiian Pacific Islander¹</u>			<u>American Indian/ Alaska Native^{1,2}</u>			<u>Multiple Races¹</u>		
	Rate	Number	Percent	Rate	Number	Percent	Rate	Number	Percent	Rate	Number	Percent	Rate	Number	Percent	Rate	Number	Percent	Rate
2000	12.2	437,300	51.1%	10.7	214,100	25.0%	21.5	124,300	14.5%	10.2	7,200	0.8%	2.9	684,000	1.6%	20.5	10,800	1.3%	12.3
2001	12.5	452,400	50.5%	10.9	226,500	25.3%	21.8	130,300	14.6%	10.3	11,700	1.3%	4.4	681,600	2.0%	26.5	10,400	1.2%	11.1
2002	12.3	451,600	50.6%	10.9	216,800	24.3%	20.8	107,400	12.0%	8.2	10,400	1.2%	3.9	678,000	1.7%	21.8	13,700	1.5%	12.9
2003	12.2	453,300	51.0%	11.0	215,800	24.3%	20.7	137,000	15.4%	10.2	10,000	1.1%	3.6	671,800	1.6%	21.6	11,600	1.3%	12.8
2004	12.0	444,400	50.9%	10.9	209,600	24.0%	20.1	140,500	16.1%	10.1	9,700	1.1%	3.5	632,000	1.2%	16.5	13,300	1.5%	14.3
2005	12.1	437,700	49.7%	10.8	203,100	23.1%	19.5	153,200	17.4%	10.7	8,800	1.0%	3.0	661,800	1.3%	16.7	20,000	2.3%	15.0
2006	12.1	422,700	48.8%	10.7	197,500	22.8%	19.8	159,100	18.4%	10.8	8,500	1.0%	2.9	653,300	1.2%	15.9	21,200	2.4%	15.4

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Note: The rate of victims for children of all race/ethnicities that is shown in this table is based on total estimate of child maltreatment victims in the given year as shown in Table 11-3 and Chart 11-5. However, the number (rounded to nearest 100) and rate of children found to be victims in each race/ethnicity group shown here are as reported by States, including the District of Columbia, and Puerto Rico. The numbers by race/ethnicity do not include estimates for those States that did not report data in a given year or child victims for whom race/ethnicity information was not included. Therefore, summing the total number of victims shown in this table by race/ethnicity will not equal the total estimated number of victims shown in Table 11-3.

¹For this analysis Hispanic children may be of any race, and all race categories excluded children reported as of Hispanic or Latino origin.

²Viewed separately, the rate of maltreatment victims for Native Hawaiian/Pacific Islanders is above the rate for all race/ethnicities and is much higher than the reported maltreatment rate for Asian children, separately. The annual number of Native Hawaiian/ Pacific Islander children found to be victims between 2000 and 2004 ranged from 2,000 to 2,400 and the maltreatment rate in those years ranged between 18 and 22 children per 1,000 in the population. The rate declined somewhat in fiscal year 2005 and for fiscal year 2006 there were just under 1,600 Native Hawaiian/Pacific Islander child maltreatment victims reported for a rate of 14.3 children per 1,000.

Source: Table prepared by Congressional Research Service based on NCANDS data reported by States and provided by HHS.

Services to child maltreatment victims

Not all children who are found to be victims of child abuse or neglect receive child welfare services following, or within 90 days of, an investigation or assessment. Researchers have suggested this may be because services that were received during the investigation were sufficient, or because services that were needed are not available, or because there is a long waiting list for those services. Among child maltreatment victims who do receive services following an investigation, analysis of State-reported data for fiscal year 2006 found a number of statistically significant factors related to receipt of services, either in-home or in foster care, including:

- Child victims who were reported as having a disability – ranging from “behavior problem” or “emotionally disturbed” to hearing or vision impairments, physical disability, other medical conditions, or “mental retardation” – were two times more likely to receive post-investigation services as children not counted as having a disability;
- African-American child victims were 22 percent more likely, and Hispanic children were 16 percent more likely, to receive post-investigation services when compared to white children who were identified as abused or neglected; and,
- Child victims who were abused by both parents, or by their mothers along with another person, were significantly more likely to receive services than children identified as victims who were found to have been maltreated by their mothers alone (HHS, April 2008).

CHILDREN ENTERING FOSTER CARE

Most children enter foster care after experiencing abuse or neglect at the hands of their primary caregivers. Other children enter care due largely to behavior issues, and some are relinquished to State custody to ensure receipt of needed mental health or other services. Analysis of State-reported child maltreatment data for fiscal year 2006 found a number of statistically significant factors related to placement in out-of-home care among children who were identified as victims of abuse or neglect and who received some kind of post-investigation service in-home or out-of-home, including:

- Child maltreatment victims who had previously been counted as victims were 63 percent more likely to be placed in foster care than those who were not previously found to be victims;
- Compared to victims of physical abuse, victims of multiple types of abuse were 79 percent more likely to be placed in foster care and those who experienced neglect were 22 percent more likely to enter foster care;
- Children who were victimized by their fathers were 50 percent less likely to be placed in foster care than children who were victimized by their mothers; and

- Child victims who were reported as having a disability were more than two and half times as likely to enter foster care following an investigation as were children without such a reported diagnosis. (HHS, April 2008)

State-reported foster care data indicate that, at the time of their removal, neglect is the most frequent circumstance associated with the removal of children from their homes. Other circumstances cited with relative frequency include: parental drug or alcohol abuse; parental inability to cope due to a physical or emotional illness, or other disabling conditions that adversely affect the parent's ability to care for the child; child's behavior problems; and physical abuse. States are asked to report all circumstances that apply to a child's removal (using categories listed in Table 11-41 below) at the time of the removal. However, for most children for whom information regarding circumstances associated with a removal are provided (roughly 6 out of 10), a single circumstance is reported. Additional circumstances that are relevant to the child's placement in foster care may be identified once the child has entered foster care.

Table 11-41 shows for fiscal years 2002 through 2007 the reported share of children for whom specific circumstances were associated with the removal from their homes. In addition, for fiscal year 2007 only, it shows the circumstances associated with removal of those children for whom just one circumstance was reported and those for whom two or more were provided. Children with *more than one* reported circumstance of removal are more likely to have parental substance abuse, inadequate housing, parental incarceration, a clinically diagnosed disability, their own substance abuse, or a parent's death identified as an issue at the time of their removal. By contrast, children for whom a behavior problem is cited as a reason for removal are somewhat more likely to have this reported as the sole circumstance associated with their removal. Federal reporting guidelines define child behavior problems as "behavior in the school and/or community that adversely affects socialization, learning, growth, and moral development." This includes children running away from home or other placement, and may include adjudicated or non-adjudicated child behavior problems.

TABLE 11-41 -- SHARE OF CHILDREN ENTERING FOSTER CARE BY CIRCUMSTANCES ASSOCIATED WITH THEIR REMOVAL FROM HOME, FISCAL YEARS 2002-2007

(Children entering foster care for whom circumstances of removal data were unknown are excluded)

CIRCUMSTANCE	2002	2003	2004	2005	2006	2007	2007	
	<i>The sum of these percentages equals more than 100 because each child's removal may be associated with more than one circumstance.</i>						<i>Only one Reason Reported</i>	<i>More Than One Reason Reported</i>
Neglect ¹	49.5%	51.0%	51.7%	53.0%	53.3%	54.0%	40.2%	75.2%
Drug Abuse Parent	17.3%	19.0%	20.4%	22.6%	22.9%	22.6%	10.2%	58.0%
Alcohol Abuse Parent	7.4%	7.2%	6.9%	6.8%	6.5%	6.4%		
Child Behavior	20.0%	18.7%	18.8%	18.1%	17.5%	17.4%	17.4%	17.6%

TABLE 11-41 -- SHARE OF CHILDREN ENTERING FOSTER CARE BY CIRCUMSTANCES ASSOCIATED WITH THEIR REMOVAL FROM HOME, FISCAL YEARS 2002-2007

(Children entering foster care for whom circumstances of removal data were unknown are excluded)

CIRCUMSTANCE	2002	2003	2004	2005	2006	2007	2007	
	<i>The sum of these percentages equals more than 100 because each child's removal may be associated with more than one circumstance.</i>						<i>Only one Reason Reported</i>	<i>More Than One Reason Reported</i>
Problem								
Caretaker Inability to Cope	18.8%	19.1%	18.2%	16.8%	16.3%	16.6%	9.4%	27.7%
Physical Abuse ¹	17.5%	17.4%	17.0%	16.4%	16.0%	15.7%	10.9%	23.2%
Inadequate Housing	9.4%	9.5%	9.4%	9.2%	9.2%	9.5%	1.7%	21.4%
Parent Incarceration	6.2%	6.4%	6.5%	6.4%	6.4%	6.7%	2.2%	13.4%
Sexual Abuse ¹	6.4%	6.5%	6.4%	6.0%	6.0%	5.5%	3.3%	8.8%
Drug Abuse Child ²	3.7%	3.9%	4.1%	4.1%	4.2%	3.7%	0.5%	11.8%
Alcohol Abuse Child ²	1.3%	1.2%	1.1%	1.2%	1.3%	1.2%		
Abandonment	5.6%	5.4%	5.1%	4.9%	4.7%	4.8%	2.8%	8.0%
Child Disability ³	1.7%	2.4%	2.7%	3.0%	3.0%	2.8%	0.2%	6.7%
Parent Died	1.9%	1.4%	1.3%	1.3%	1.1%	1.3%	0.5%	2.7%
Relinquishment	1.1%	1.0%	1.2%	1.1%	1.0%	1.0%	0.9%	1.1%
Total children for whom circumstances were reported	275,361	272,855	282,944	294,452	284,803	274,831	166,304	108,527
Total circumstances reported	461,710	464,229	482,819	502,969	482,663	465,277	166,304	298,973

¹ Federal guidelines provide that neglect includes both alleged and substantiated maltreatment.

² Federal guidelines that define this circumstance provide that it "should include infants addicted at birth."

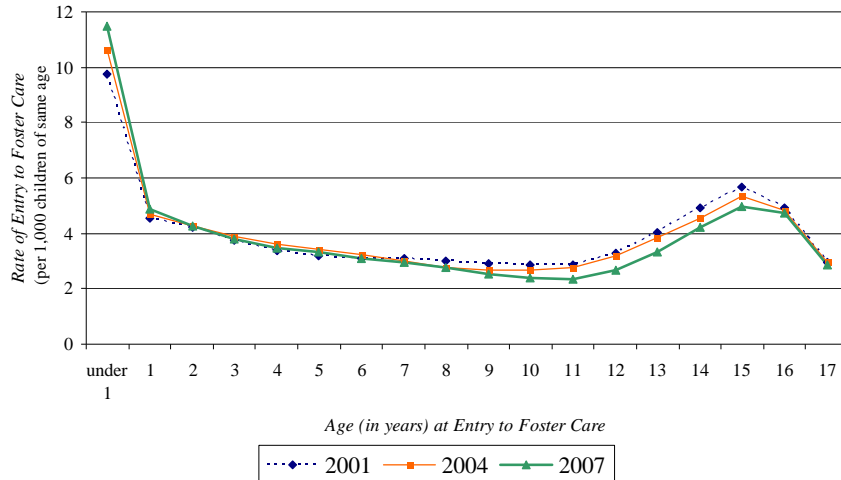
³ Federal guidelines define "child disability" as a "clinical diagnosis by a qualified professional of one or more of the following: Mental retardation; emotional disturbance; specific learning disability; hearing, speech or sight impairment; physical disability; or other clinically diagnosed handicap."

Source: Table prepared by Congressional Research Service, based on AFCARS data reported by States as of mid-January 2009 and provided by HHS.

Child's age and entries to foster care

Researchers have observed a consistent pattern of entries to foster care by the age of the child (Wulzcyn, 2005). By far, the greatest risk of entry into foster care is for children less than one year of age, although there is a somewhat elevated risk of entry for children at both ends of the childhood age spectrum, with the lowest risk of entry to care for those children in the middle of that spectrum. This pattern is apparent in the data reported by States via AFCARS for each of fiscal years 2001, 2004 and 2007, as illustrated in Chart 11-6.

CHART 11-6 -- FOSTER CARE ENTRY RATES BY AGE, SELECTED FISCAL YEARS, 2001 - 2007



Source: Chart prepared by Congressional Research Service based on AFCARS data reported by States as of mid-January 2009 and provided by USDHHS.

Table 11-42 provides further detail, showing the number, share and rate of children entering foster care for fiscal years 2001, 2004, and 2007, by a child's age.

TABLE 11-42 -- NUMBER, SHARE AND RATE OF CHILDREN ENTERING FOSTER CARE BY AGE, SELECTED FISCAL YEARS 2001-2007

AGE	2001			2004			2007		
	Number	Percent	Rate	Number	Percent	Rate	Number	Percent	Rate
under 1	39,689	13.5%	9.8	43,881	14.8%	10.7	49,272	16.9%	11.5
1 year	17,775	6.0%	4.5	19,098	6.4%	4.7	20,513	7.0%	4.9
2 years	16,245	5.5%	4.2	17,093	5.8%	4.2	17,753	6.1%	4.3
3 years	14,567	4.9%	3.8	15,787	5.3%	3.9	15,702	5.4%	3.8
4 years	13,221	4.5%	3.4	14,176	4.8%	3.6	14,163	4.8%	3.5
5 years	12,675	4.3%	3.2	13,343	4.5%	3.4	13,464	4.6%	3.3
6 years	12,647	4.3%	3.1	12,541	4.2%	3.2	12,705	4.3%	3.1
7 years	12,594	4.3%	3.1	11,689	3.9%	3.0	11,714	4.0%	2.9
8 years	12,475	4.2%	3.0	11,086	3.7%	2.8	10,890	3.7%	2.8
9 years	12,426	4.2%	2.9	10,765	3.6%	2.6	9,986	3.4%	2.5
10 years	12,393	4.2%	2.9	11,013	3.7%	2.7	9,502	3.3%	2.4
11 years	12,488	4.2%	2.9	11,532	3.9%	2.8	9,567	3.3%	2.4

TABLE 11-42 -- NUMBER, SHARE AND RATE OF CHILDREN ENTERING FOSTER CARE BY AGE, SELECTED FISCAL YEARS 2001-2007

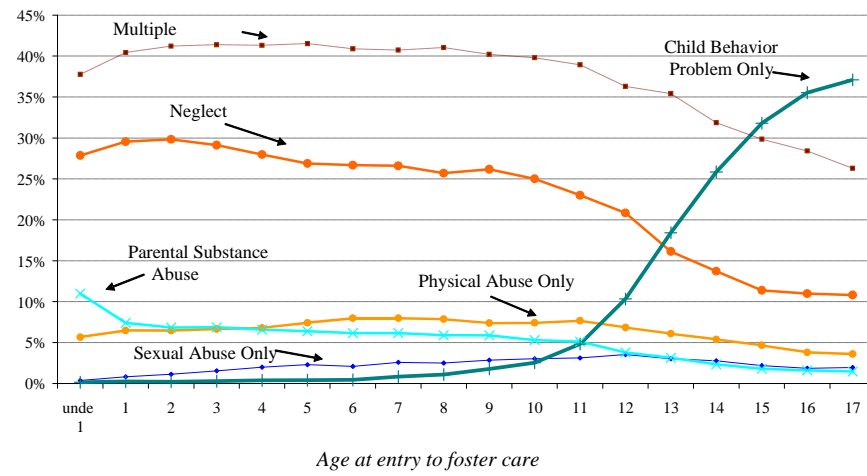
AGE	2001			2004			2007		
	Number	Percent	Rate	Number	Percent	Rate	Number	Percent	Rate
12 years	13,852	4.7%	3.3	13,559	4.6%	3.2	10,933	3.7%	2.7
13 years	16,579	5.6%	4.0	16,578	5.6%	3.8	13,721	4.7%	3.3
14 years	20,107	6.8%	4.9	19,944	6.7%	4.5	17,770	6.1%	4.2
15 years	23,204	7.9%	5.7	22,622	7.6%	5.4	21,343	7.3%	5.0
16 years	20,154	6.8%	4.9	20,116	6.8%	4.8	20,679	7.1%	4.8
17 years	11,834	4.0%	3.0	12,040	4.1%	2.9	12,664	4.3%	2.9
TOTAL entries with age data under 17	294,925	100%		296,863	100%		292,341	100%	

Note: Number and percent are based on entries reported by all 50 States, the District of Columbia and Puerto Rico. The rate calculation excludes entries from Puerto Rico

Source: Table prepared by Congressional Research Service based on Census Bureau population estimates (vintage 2007), and AFCARS data reported by States as of mid-January 2009 and provided by HHS.

The circumstances associated with a child’s entry into foster care also vary by age. In general, as children grow older neglect is associated with a declining share of removals, while children’s behavior problems become much more significant. Infants are more likely than children of other ages to be removed solely due to parental substance abuse. Chart 11-7 illustrates the share of removals that were associated with a given circumstance. Any child with more than one reported circumstance of removal is grouped in a single category “multiple reasons,” while children with a single reported removal circumstance are shown by circumstance.

CHART 11-7 SELECTED CIRCUMSTANCES ASSOCIATED WITH REMOVAL, BY AGE OF CHILD, FISCAL YEAR 2007



Source: Chart prepared by the Congressional Research Service based on AFCARS data reported by States as of mid-January 2009 and provided by HHS.

Race/ethnicity of children entering foster care

Viewed by race/ethnicity, the largest single group of children entering foster care are white (44 percent in fiscal year 2007), followed by black or African American children (26 percent) and Hispanic or Latino children (20 percent). Children of all other race/ethnicities comprise the remaining 10 percent of entries. At the same time, as illustrated by their *rates* of entry, the likelihood that a Black child or an American Indian/Alaska Native child will enter foster care is greater than for white children. In fiscal year 2007, nine American Indian or Alaska Native children entered foster care for every 1,000 American Indian or Alaska Native children in the population and seven African American or black children entered care for every 1,000 black children in the population. Those rates were close to three times, or more than double, respectively, the fiscal year 2007 entry rate of white children (3.1 for every 1,000 white children). Between fiscal years 2001 and 2007, the number of Hispanic children in the general population increased. Therefore, although the rate at which Hispanic children entered foster care remained relatively stable their share of the entry population rose from just above 15 percent in fiscal year 2001 to almost 20 percent in fiscal 2007. Table 11-43 shows, for the nation, the number, share, and rate of children entering foster care by race/ethnicity. Additional or more or less pronounced differences may exist by State or locality.

TABLE 11-43 -- NUMBER, SHARE, AND RATE OF CHILDREN ENTERING FOSTER CARE BY RACE/ETHNICITY, SELECTED FISCAL YEARS, 2001-2007
Hispanics may be of any race but here are included only in the "Hispanic (or Latino)" category.

RACE/ETHNICITY	2001			2004			2007		
	Number	Percent	Rate ¹	Number	Percent	Rate ¹	Number	Percent	Rate ¹
White	131,915	44.5%	3.0	138,681	46.6%	3.2	129,929	44.3%	3.1
Black (or African)	80,494	27.2%	7.5	79,526	26.7%	7.4	75,253	25.7%	7.0
Hispanic (or Latino)	45,715	15.4%	3.3	52,236	17.5%	3.6	58,378	19.9%	3.6
Asian	2,831	1.0%	1.1	2,403	0.8%	0.9	2,374	0.8%	0.8
American Indian/ Native Hawaiian/	7,110	2.4%	10.3	6,505	2.2%	9.7	5,945	2.0%	9.0
Two or More Races	987	0.3%	8.5	867	0.3%	7.8	739	0.3%	6.7
Unable to Determine	7,062	2.4%	4.3	10,080	3.4%	5.8	12,290	4.2%	6.5
Missing data ³	8,414	2.8%	²	6,839	2.3%	²	7,838	2.7%	²
TOTAL ⁴	11,635	3.9%	²	716	0.2%	²	580	0.2%	²
	296,163	100%	4.0	297,853	100%	4.0	293,326	100%	3.9

¹ The rate shown is equal to the number of children entering foster care in the given race/ethnicity category per every 1000 children in the population of that same race/ethnicity. Rates were calculated using child race/ethnicity population estimates prepared by Annie E. Casey and based on Census Bureau population estimates for 50 States and the District of Columbia. Data reported by Puerto Rico are shown in the number and percent columns, but were excluded for purposes of calculating rates shown here.

² Not applicable.

³ "Missing" counts children who entered care, but for whom information on race/ethnicity were not reported

TABLE 11-43 -- NUMBER, SHARE, AND RATE OF CHILDREN ENTERING FOSTER CARE BY RACE/ETHNICITY, SELECTED FISCAL YEARS, 2001-2007
Hispanics may be of any race but here are included only in the "Hispanic (or Latino)" category.

⁴ Number of children entering foster care by race/ethnicity are as reported by the 50 States, DC and PR

Source: Table prepared by Congressional Research Service based on AFCARS data reported by the States as of mid-January 2009 and provided by HHS.

CHILDREN IN FOSTER CARE

Pre-school age children and teenagers are at greater risk of being in foster care on the last day of a given fiscal year than are children ages 6 through 12. Table 11-44 shows, by age, the number of children in foster care on the last day of the fiscal years 2001, 2004, and 2007; the share of the total caseload that age group represented on those days; and the rate of children of that age in care on those days.

TABLE 11-44 -- NUMBER, SHARE AND RATE OF CHILDREN IN FOSTER CARE, BY AGE, SELECTED FISCAL YEARS 2001-2007

(Rate equals number of children in care on last day of fiscal year compared to all children of that age in the population.)

Age	2001			2004			2007		
	number	percent	rate ¹	number	percent	rate ¹	number	percent	rate ¹
under 1	23,182	4.3%	5.7	25,941	5.1%	6.3	29,169	5.9%	6.8
1 year	28,374	5.2%	7.2	30,207	5.9%	7.4	34,364	7.0%	8.2
2 years	28,469	5.2%	7.4	27,920	5.5%	6.9	30,843	6.2%	7.4
3 years	26,597	4.9%	6.9	25,789	5.1%	6.3	26,852	5.4%	6.5
4 years	24,658	4.5%	6.3	23,266	4.6%	5.9	23,996	4.9%	5.8
5 years	23,454	4.3%	5.9	21,935	4.3%	5.6	22,207	4.5%	5.4
6 years	23,520	4.3%	5.8	21,048	4.1%	5.3	21,136	4.3%	5.1
7 years	24,686	4.5%	6.0	20,145	4.0%	5.1	20,190	4.1%	5.0
8 years	25,747	4.7%	6.1	19,947	3.9%	4.9	19,333	3.9%	4.9
9 years	26,422	4.9%	6.2	20,041	3.9%	4.9	18,651	3.8%	4.7
10 years	27,475	5.0%	6.3	20,897	4.1%	5.0	18,051	3.7%	4.5
11 years	27,811	5.1%	6.3	22,855	4.5%	5.4	18,305	3.7%	4.5
12 years	28,865	5.3%	6.8	25,057	4.9%	5.8	19,759	4.0%	4.7
13 years	31,004	5.7%	7.5	29,203	5.7%	6.7	22,974	4.6%	5.5
14 years	34,282	6.3%	8.3	33,691	6.6%	7.6	28,960	5.9%	6.8
15 years	38,590	7.1%	9.4	38,696	7.6%	9.1	35,453	7.2%	8.2
16 years	39,933	7.3%	9.7	41,195	8.1%	9.8	41,537	8.4%	9.4
17 years	35,136	6.5%	8.7	37,448	7.4%	9.0	40,356	8.2%	9.1
18 years	14,987	2.8%	3.7 ²	13,474	2.7%	3.3 ²	13,214	2.7%	3.1 ²
19 & 20	10,358	1.9%	³	8,113	1.6%	³	8,301	1.7%	³
TOTAL	544,518⁴	100%	7.0⁵	507,944⁴	100%	6.5⁵	494,410⁴	100%	6.3⁵

¹ Data reported from Puerto Rico were excluded for purposes of calculating rates.

² A rate for 18 year-olds is shown. However, they are excluded from the overall rate determination because not all youth have been considered, a potential part of the reported foster care population. See HHS, *Child Welfare Policy Manual*, Section 1.3, Question 2.

³ Not applicable. States have not generally not been required to report on youth of this age in AFCARS

TABLE 11-44 -- NUMBER, SHARE AND RATE OF CHILDREN IN FOSTER CARE, BY AGE, SELECTED FISCAL YEARS 2001-2007

(Rate equals number of children in care on last day of fiscal year compared to all children of that age in the population.)

Age	2001			2004			2007		
	number	percent	rate ¹	number	percent	rate ¹	number	percent	rate ¹

and data are assumed to be inconsistent. See HHS *Child Welfare Policy Manual*, Section 1.3, Question 2.

⁴ Total includes a small number of children (less than one-half of one percent in each year shown) for whom age information was missing. Therefore numbers and percents will not sum.

⁵ This rate is based on the number of children in care who were age 17 or younger (excluding those in PR). Therefore, the total rates shown in this table may not equal the rates shown in Table 11-5.

Source: Table prepared by Congressional Research Service based on AFCARS data reported by States as of mid-January 2009 and provided by HHS. Rates based on Census Bureau population estimates for single year age categories as of July 1 of each year (vintage 2007 estimates).

Race/ethnicity of children in foster care on last day of fiscal year

The rate of African-American (or black) children in foster care declined from fiscal year 2001 through fiscal year 2007, while the rates of white, Hispanic (or Latino), American Indian and Alaska Native children in foster care remained relative stable. Despite this positive trend for African American children, they remained more than three times as likely to be in foster care on the last day of fiscal year 2007 as white children. The rate at which black children remained in foster care on the last day of a given fiscal year was a little more than 18 (per 1,000 black children in the population) for fiscal year 2001 and had declined to a little more than 14 for fiscal year 2007. The comparable rate for white children was below 5, for Hispanic children just above or below 6, and for Asian children was just above or below 1. The rate at which American Indian or Alaska Native children are represented in foster care remained relatively unchanged at between 14 and 15 from fiscal year 2001 through fiscal year 2007. This made their likelihood of being in foster care appear to be roughly comparable to that of African-American children in fiscal year 2007.

TABLE 11-45 -- NUMBER, SHARE AND RATE OF CHILDREN IN FOSTER CARE ON THE LAST DAY OF THE FISCAL YEAR BY RACE/ETHNICITY

Hispanics may be of any race but here are included only in the "Hispanic (or Latino)" category.

RACE/ETHNICITY	2001			2004			2007		
	Number	Percent	Rate ¹	Number	Percent	Rate ¹	Number	Percent	Rate ¹
White	197,774	36.3%	4.5	202,825	39.9%	4.7	197,302	39.9%	4.7
Black (or African American)	197,332	36.2%	18.3	172,364	33.9%	16.0	153,819	31.1%	14.3
Hispanic (or Latino)	86,575	15.9%	6.1	90,390	17.8%	5.9	97,170	19.7%	5.9
Asian	3,493	0.6%	1.4	3,079	0.6%	1.1	2,825	0.6%	1.0
American Indian/ Alaska Native	9,790	1.8%	14.2	10,137	2.0%	15.1	9,359	1.9%	14.2
Native Hawaiian/ Other Pacific Islander	1,330	0.2%	11.5	1,231	0.2%	11.0	998	0.2%	9.0
Two or more races	11,513	2.1%	7.1	16,310	3.2%	9.3	21,183	4.3%	11.2

TABLE 11-45 -- NUMBER, SHARE AND RATE OF CHILDREN IN FOSTER CARE ON THE LAST DAY OF THE FISCAL YEAR BY RACE/ETHNICITY

Hispanics may be of any race but here are included only in the "Hispanic (or Latino)" category.

Unable to determine	16,532	3.0%	²	11,199	2.2%	²	11,336	2.3%	²
Missing data ³	20,179	3.7%	²	409	0.1%	²	418	0.1%	²
TOTAL⁴	544,518	100.0%	7.4	507,944	100.0%	6.8	494,410	100.0%	6.6

¹The rate shown is equal to the number of children in foster care in the given race/ethnicity category per every 1000 children in the population of that same race/ethnicity. Rates were calculated using child (under age 18) race/ethnicity population estimates prepared for KidsCount project of Annie E. Casey, which were based on Census Bureau population estimates for 50 States and the District of Columbia. Data reported by Puerto Rico were excluded for purposes of calculating rates only.

²Not applicable.

³"Missing" counts children in foster care for whom information on race/ethnicity were not reported.

⁴Number of children in foster care on the last day of a given fiscal year as reported by 50 States, the District of Columbia and Puerto Rico.

Source: Table prepared by Congressional Research Service based on Census Bureau population estimates (see table notes) and on AFCARS data reported by States as of mid-January 2009 and provided by HHS.

As was the case with entries to foster care, growth in the number of Hispanic (or Latino) children in the general population appears to be the reason for an increase in the share of Hispanic children in foster care, even as their foster care rate remained relatively stable. Hispanic children made up roughly 16 percent of the children in foster care on the last day of fiscal year 2001, and this share rose to almost 20 percent of the children in care on the last day of fiscal year 2007. Table 11-45 shows, by race/ethnicity, the number, rate and share of children in foster care on the last day of selected fiscal years.

Case plan goals of children in foster care

States must establish a case plan goal for children in foster care. For just under one-half (48 percent) of all children in foster care on the last day of fiscal year 2007, reuniting with a parent(s) was the established goal. Other children had permanency goals of adoption (23 percent), guardianship (4 percent) or living with relatives (4 percent). A significant minority of children (15 percent) had an established case goal of "long-term" foster care or "emancipation" from foster care custody (presumably at State age of majority). For these children, placement with a permanent family (via reunification, adoption, guardianship, or living with relatives) has been determined to be not appropriate or not possible. Table 46 shows the share of children with a given case plan goal.

TABLE 11-46 MOST RECENT ESTABLISHED CASE PLAN GOALS OF CHILDREN IN FOSTER CARE, FISCAL YEARS 2001-2007

FISCAL YEAR	Reunite with Parent(s)	Live with Relatives	Adoption	Guardian-ship	Long-Term Foster Care	Emancipation	Not Yet Established	TOTAL ¹
2001	42.2%	5.0%	21.1%	3.1%	8.3%	6.2%	11.6%	544,518
2002	42.1%	5.3%	22.2%	4.1%	10.0%	6.6%	7.8%	522,579

TABLE 11-46 MOST RECENT ESTABLISHED CASE PLAN GOALS OF CHILDREN IN FOSTER CARE, FISCAL YEARS 2001-2007

FISCAL YEAR	Reunite with Parent(s)	Live with Relatives	Adoption	Guardian-ship	Long-Term Foster Care	Emancipation	Not Yet Established	TOTAL ¹
2003	43.2%	4.9%	22.2%	4.0%	10.0%	6.4%	7.1%	509,596
2004	43.8%	4.7%	22.5%	4.2%	9.6%	6.6%	6.7%	507,944
2005	45.0%	4.6%	22.2%	3.9%	8.7%	7.1%	6.5%	510,856
2006	46.5%	4.0%	22.7%	4.3%	8.6%	6.7%	5.2%	508,940
2007	47.5%	3.8%	23.1%	4.2%	8.3%	6.3%	5.4%	494,410

¹ The total includes a small number of children (roughly 2% in each fiscal year) for whom information about the case plan goal is missing from the data set. Therefore, the sum of percentages does not equal 100%.

Source: Table prepared by Congressional Research Service based on AFCARS data reported as of mid-January 2009 and provided by HHS.

When compared with children of any other race/ethnicity, a somewhat larger share of children (typically 60 percent or more for each of fiscal years 2002 through 2007) who are reported as from indigenous races (American Indian or Alaska Native and Native Hawaiian) have a case plan goal of reuniting with parents, living with other relatives, or guardianship. The shares of both black children and white children in foster care with those same case plans rose, over that time frame, although by fiscal year 2007 black children remained less likely to have a case plan goal of reunification, or living with other relatives, or guardianship (53 percent) than white children (58 percent). Across that same time frame (fiscal years 2002 through 2007), the share of Hispanic and Asian children with one of those three case plan goals remained relatively stable at between 51 and 52 percent and 52 and 54 percent, respectively.

A somewhat larger share of children who were reported as being of “two or more races” (27 percent) had a case plan goal of adoption, compared to children of any other race/ethnicity. Black children were the only group for whom the case plan goal of adoption declined in significance between fiscal years 2002 and 2007, although this suggests that by fiscal year 2007 they were roughly as likely to have an adoption case plan goal (23 percent) as white children (22 percent) and were a little less likely to have this goal than Hispanic children (25 percent).

In fiscal year 2007, a somewhat larger share of black children (18 percent in fiscal year 2007) had a case plan goal of long-term-foster care or emancipation from foster care, compared to children in foster care of any other race/ethnicity. Table 11-47 shows, by race/ethnicity, the most recent established case plan goals for children in foster care on the last day of fiscal years 2002 and 2007.

TABLE 11-47 -- MOST RECENT ESTABLISHED CASE PLAN GOAL BY RACE/ETHNICITY, FISCAL YEARS 2002 AND 2007

Hispanics may be of any race but here are included on in the "Hispanic (or Latino)" category.

FY2002	Reunite with Parent(s)	Live with Relatives	Guardian-ship	Adoption	Long-term Foster Care	Emanci-pation	Not Yet Established	Missing Goal Info	TOTAL
White	48.4%	3.2%	2.7%	20.1%	9.7%	5.8%	7.9%	2.1%	201,630
Black (or African American)	35.8%	7.4%	5.3%	24.7%	10.3%	8.6%	6.5%	1.4%	192,648
Hispanic (or Latino)	39.4%	6.6%	5.1%	20.7%	11.0%	4.9%	10.0%	2.4%	86,303
Asian	44.5%	3.6%	6.0%	15.3%	11.6%	5.0%	12.6%	1.4%	3,437
American Indian/ Alaska Native	51.3%	3.8%	4.8%	17.9%	10.7%	2.2%	7.3%	2.2%	9,724
Native Hawaiian/ Other Pacific Islander	56.6%	4.6%	5.5%	15.6%	9.0%	1.1%	5.1%	2.4%	1,194
Two or More Races	44.8%	3.6%	3.0%	25.7%	9.4%	2.9%	8.4%	2.1%	13,575
Unable to Determine	41.7%	1.2%	2.2%	31.9%	3.0%	10.0%	8.0%	2.0%	13,897
Missing race/ethnicity info	57.9%	6.4%	0.6%	9.4%	0.6%	1.8%	10.5%	12.9%	171
TOTAL	42.1%	5.3%	4.1%	22.2%	10.0%	6.6%	7.8%	1.9%	522,579
FY2007	Reunite with Parent(s)	Live with Relatives	Guardian-ship	Adoption	Long-term Foster Care	Emanci-pation	Not Yet Established	Missing Goal Info	TOTAL
White	52.5%	2.8%	2.9%	22.2%	8.0%	5.5%	4.6%	1.5%	197,302
Black (or African American)	42.4%	5.0%	5.8%	22.7%	9.1%	9.0%	4.8%	1.3%	153,819
Hispanic (or Latino)	43.4%	4.2%	4.4%	24.7%	8.5%	4.8%	8.4%	1.7%	97,170
Asian	45.1%	3.5%	4.7%	19.4%	11.5%	4.6%	9.8%	1.5%	2,825
American Indian/ Alaska Native	53.2%	3.1%	4.9%	19.9%	8.0%	2.5%	6.6%	1.7%	9,359
Native Hawaiian/ Other Pacific Islander	52.9%	5.4%	5.0%	19.0%	8.9%	2.1%	4.4%	2.2%	998
Two or More Races	50.2%	3.0%	2.9%	27.4%	7.5%	3.4%	4.1%	1.6%	21,183
Unable to Determine	52.7%	1.8%	2.9%	26.1%	2.8%	6.9%	4.6%	2.3%	11,336
Missing race/ethnicity info	68.9%	1.0%	0.5%	6.9%	2.6%	0.7%	6.0%	13.4%	418
TOTAL	47.5%	3.8%	4.2%	23.1%	8.3%	6.3%	5.4%	1.5%	494,410

11-163

Source: Table prepared by Congressional Research Service based on AFCARS data reported by States as of mid-January 2009 and provided by HHS.

Placement Setting of Children in Foster Care

On the last day in fiscal year 2007, more than three out of every four children in foster care (78 percent) were living in a family home. This includes children placed in relative foster family homes, non-relative foster family homes, pre-adoptive homes, and those who were on “trial home visits.” Children placed in congregate settings, including group homes and institutions, represented a little more than 16 percent of the foster care caseload and children who had “runaway” from their placement represented about 2 percent of children in foster care. These shares have remained relatively stable across fiscal years 2001 through 2007, although there may be a trend toward fewer residential placements and more family home placements. Table 11-48 shows the share of children in a given foster care placement setting on the last day of fiscal years 2001 through 2007.

TABLE 11-48 -- CURRENT PLACEMENT SETTING OF CHILDREN IN FOSTER CARE ON THE LAST DAY FISCAL YEARS 2001 - 2007

FISCAL YEAR	Family Home				Congregate		Other		TOTAL ¹
	Pre-adoptive home	Relative foster family home	Non-relative foster family home	Trial home visit	Group Home	Institution	Supervised Independent Living	Run-away	
2001	3.7%	23.9%	45.9%	3.3%	7.6%	9.9%	0.9%	1.5%	544,518
2002	4.5%	22.3%	45.4%	4.1%	6.8%	10.5%	1.1%	2.0%	522,579
2003	4.4%	22.1%	46.2%	4.1%	7.0%	10.4%	1.0%	2.1%	509,596
2004	3.7%	22.0%	46.0%	4.4%	7.2%	10.3%	1.1%	2.2%	507,944
2005	3.4%	22.9%	45.3%	4.7%	6.9%	10.0%	1.1%	2.3%	510,856
2006	3.3%	24.1%	45.5%	4.3%	6.6%	9.8%	1.1%	1.8%	508,940
2007	3.4%	24.9%	45.6%	4.4%	6.4%	9.7%	1.1%	1.8%	494,410

¹ The total includes small numbers of children for whom current placement setting data were not reported or for whom it was reported as “not applicable.” Therefore, the sum of the percentages will not equal 100. Source: Table prepared by Congressional Research Service based on AFCARS data reported by States as of mid-January 2009 and provided by HHS.

Number of Placements While in Foster Care

Most children who are in foster care have been in two or fewer foster care placements (59 percent on the last day of fiscal year 2007). A sizeable minority however, have experienced three or more placements (41 percent). Children in care for one year or more are at far greater risk for experiencing three or more foster care placements. Among this group of children who were in foster care on the last day of fiscal year 2007, 81 percent had been in three or more foster care placements. Table 11-49 shows the number of placement settings for children who have been in care for less than 12 months or for 12 months or more, for fiscal years 2001, 2004 and 2007.

TABLE 11-49 -- NUMBER OF PLACEMENTS FOR CHILDREN IN

FOSTER CARE LESS THAN 12 MONTHS OR 12 MONTHS OR MORE,
SELECTED FISCAL YEARS, 2001 - 2007

FISCAL YEAR	Children with One or Two Placements			Children with Three or More Placements			Percent of All Children with One or Two Placements	Percent of All Children with Three or More Placements
	<i>In care less than 12 months</i>	<i>In care 12 months or more</i>	Subtotal	<i>In care less than 12 months</i>	<i>In care 12 months or more</i>	Subtotal		
2001	48.0%	52.0%	327,515	18.6%	81.4%	213,959	60.5%	39.5%
2004	55.3%	44.7%	292,437	19.3%	80.7%	212,656	57.9%	42.1%
2007	57.3%	42.7%	290,887	18.7%	81.3%	202,317	59.0%	41.0%

Source: Table prepared by the Congressional Research Service based on AFCARS data reported by States as of mid-January 2009 and provided by HHS. Subtotals exclude children for whom data on current placement setting were not reported.

Length of Stay in Foster Care

In general, the length of time children spend in foster care has been in decline. The median lengths of stay for children in foster care on the last day of the fiscal year declined in nearly every year from fiscal year 2000, when it was close to 20 months, to fiscal year 2007, when it was 15.6 months. The average length of stay for children in foster care on the last day of the fiscal year also declined over this time period -- from a little more than 32 months on the last day of fiscal year 2000 to a little less than 28 months on the last day of fiscal year 2007. The average length of stay in foster care for children in care on the last day of the given fiscal year is longer than the median because, while many children enter and leave foster care in 12 months or less (driving the median down), some children have much longer stays (driving the average length of stay up).

Table 11-50 shows the share of children who have been in care for a given period of time on the last day of each of fiscal years 2000 through 2007. The share of children who had been in foster care for 3 years or more declined from close to one-third (31 percent) of all children in care on the last day of fiscal year 2000 to less than one-quarter (23 percent) of those in care on the last day of fiscal year 2007. At the same time, the share of children who were in foster care on the last day of the fiscal year who had been in care for less than 12 months stood at 35 percent for fiscal year 2001 compared to 41 percent for fiscal year 2007.

TABLE 11-50 -- LENGTH OF STAY FOR CHILDREN IN FOSTER CARE
AS OF LAST DAY OF FISCAL YEARS 2000 - 2007

FISCAL YEAR	less than 1 month	1 to 5 months	6 to 11 months	12 to 17 months	18 to 23 months	24 to 29 months	30 to 35 months	3 to 4 years	5+ years	TOTAL ¹
2000	4.1%	15.9%	15.2%	11.7%	8.6%	7.3%	5.9%	14.7%	16.5%	544,303
2001	4.1%	16.9%	15.4%	11.4%	8.5%	7.1%	5.3%	14.4%	16.8%	544,518
2002	4.2%	17.7%	15.9%	11.7%	8.5%	6.8%	5.1%	13.3%	16.6%	522,579
2003	4.3%	18.1%	16.1%	12.2%	8.7%	6.8%	5.1%	12.4%	16.1%	509,596
2004	4.6%	18.3%	17.1%	12.4%	8.6%	6.9%	5.0%	11.8%	15.0%	507,944

TABLE 11-50 -- LENGTH OF STAY FOR CHILDREN IN FOSTER CARE
AS OF LAST DAY OF FISCAL YEARS 2000 - 2007

FISCAL YEAR	less than 1 month	1 to 5 months	6 to 11 months	12 to 17 months	18 to 23 months	24 to 29 months	30 to 35 months	3 to 4 years	5+ years	TOTAL ¹
2005	4.9%	19.5%	17.3%	12.4%	8.9%	6.8%	4.7%	11.3%	14.0%	510,856
2006	4.7%	19.2%	17.8%	13.3%	9.1%	6.9%	4.9%	10.9%	13.1%	508,940
2007	4.3%	19.1%	18.0%	13.3%	9.4%	7.3%	5.1%	11.1%	12.2%	494,410

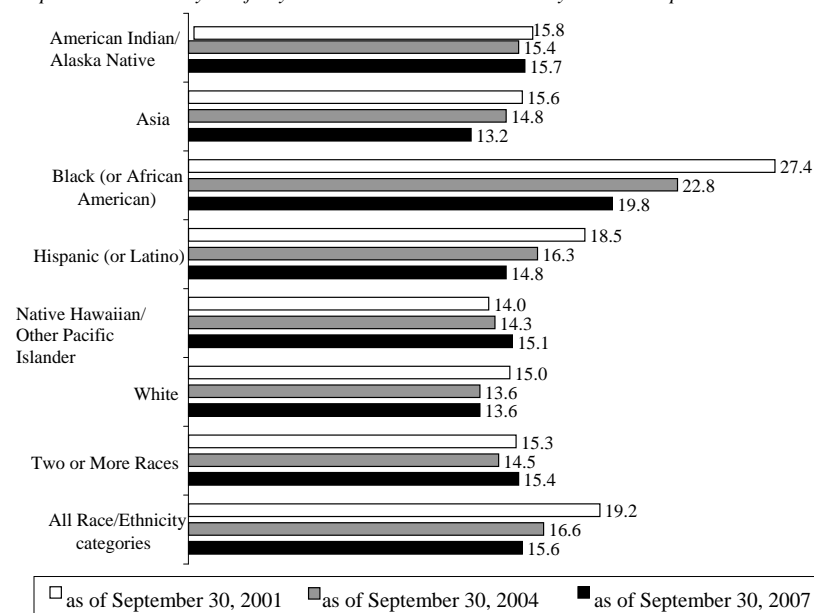
¹ Total includes all children in foster care on last day of the fiscal year, including a small number (0.2% or less in each year) for whom data needed to calculate length of stay were missing. Therefore, the sum of percentages shown may be less than 100.

Source: Table prepared by Congressional Research Service based on AFCARS data reported by States as of mid-January 2009 and provided by HHS.

Children's length of stay in foster care varies by their race/ethnicity. A decline in the length of stay for black children, and to a lesser extent Hispanic and Asian children, appears to have driven an overall decline in length of stay for children in foster care. Even still, black children continue to have the longest average and median lengths of stay in care. Chart 11-8 shows median lengths of stay for children in care, by race/ethnicity, as of the last days of fiscal years, 2001, 2004, and 2007.

CHART 11-8 -- MEDIAN NUMBER OF MONTHS IN CARE, BY RACE/ETHNICITY, SELECTED YEARS 2001-2007

Hispanic children may be of any race but are included here only in the "Hispanic or Latino" category.



Source: Chart prepared by Congressional Research Service based on AFCARS data reported by States as of mid-January 2009 and provided by USDHHS. Excludes median length of stay data for children whose race/ethnicity was reported as "unknown/unable to determine" and those for whom race/ethnicity information was not reported.

Circumstances of foster children at one year after entry

A 1999-2000 survey of a nationally representative sample of some 700 children who had been in foster care for one year or more (HHS, November 2003) found that the majority of children at one year after entry into foster care were 6 years old or older (32 percent were between ages 6 and 10, and 27 percent were 11 or older), 24 percent were between 1 and 2 years old, and 17 percent were between the ages of 3 and 5. The single largest group of children were African-American (45 percent); 31 percent were white; and 17 percent were identified as Hispanic.

Neglect was identified as the most serious form of maltreatment for 60 percent of the children in this study. Physical abuse was identified as the most serious form of maltreatment for 10 percent of the children; sexual abuse for 8 percent; emotional, moral/legal, or education abuse, or abandonment for 14 percent of the children; and 8 percent entered foster care for reasons other than abuse or neglect, such as domestic violence, or access to mental health services.

At one year in foster care, 44 percent of the children were in non-relative foster homes, and 24 percent were in kinship foster care. Another 7 percent were in group homes or residential placements, and about a quarter of the children had returned home by the time of their interview. Researchers attributed this last result to the likelihood of a timely one-year permanency review that resulted in reunification.

Caregivers reported that more than a quarter of the children had lasting or recurring physical or mental health problems, and assessments of the children's developmental functioning showed scores marginally below the norm on almost all measures. Children generally showed low social skills, low daily living skills, and a high degree of behavior problems. Almost a quarter of the children had received some type of "specialty" mental health service during their year in foster care, with children in group care and white children more likely to receive such services. About a third (36 percent) of children with clinical or borderline test scores on at least one standardized test received special education, although most of these children (92 percent) received special education or supplementary services, such as assessment, tutoring or counseling.

The majority of caregivers (62 percent) were age 40 or older, with kinship caregivers more likely to be 60 or older and caregivers in group homes more likely to be under 40. Racially, caregivers generally matched the children; 42 percent were African-American, 36 percent were white, and 15 percent were Hispanic. Somewhat less than one-half (45 percent) of caregivers were single and somewhat more than one-half (53 percent) were married, and more than one-half (56 percent) had no education beyond high school. A little over a third (36 percent) did not work, while the remainder worked full or part-time. Almost one-half had fewer than three years experience as a foster parent, although non-relative caregivers had more experience than kin.

At one year after entry into foster care, children age 6 or older generally reported that they liked the people they were living with (90 percent) and felt like part of the family (92 percent), though about 11 percent had attempted to run away. Half the children wanted their current placement to become their permanent home;

however, 58 percent believed they would live with their parents again and more than one-half of the children wanted to see their parents more often. Children in group homes were less happy with their placements than children in family foster care, and children in kinship care reported more contact with their parents and were less likely to have attempted to run away.

Child welfare workers reported the most common risk factor at the time of placement in foster care was the lack of a second supportive caregiver in the family. Other frequently identified risk factors included low social support, monetary problems, prior reports of maltreatment, and caregiver's own previous experience of abuse. The researchers found no statistically significant difference in these risk factors by the children's race/ethnicity, most serious type of maltreatment experienced before entry to foster care, or their out-of-home placement setting. However they noted some significant differences in prevalence of family or caregiver risk factors related to the child's age, including findings that families with children 1 to 2 years old appear more likely to have had low social support at the time the child was removed and young children (ages 1 to 5 years) also appear more likely than older children to have been removed from caregivers with a history of abuse. Because child welfare workers identified these risk factors approximately one year after the removal had occurred, the researchers caution that the findings should be treated as preliminary and not as comprehensive as the data concerning family and caregiver risk factors in a related survey of all families investigated for abuse or neglect. (See Table 11-37 for those data.)

Of the children in foster care for one year, about a quarter had a permanency plan of family reunification, while another quarter had already returned home. The remainder did not have a permanency goal of reunification. However the vast majority of children for whom reunification was no longer their permanency goal had at least some reunification efforts made on their behalf during their year long stay in foster care and only about 8 percent of them had never had a permanency goal of reunification. Children whose most serious type of maltreatment was "failure to supervise" were more likely to have a current reunification goal than children who had suffered from "failure to provide." Among children who had not yet gone home, children in group care were more likely to have reunification plans than children in kinship foster care. In addition, most foster parents (68 percent) had considered adopting their foster child, assuming adoption became an option for the child.

Unlike caregivers, child welfare workers in this survey were relatively young, with more than one-half under age 40. Almost one-half (46 percent) were white, 32 percent were black, 11 percent were Hispanic, and 12 percent identified themselves as "other." About 60 percent of workers had a bachelor's degree, with 40 percent of those in social work. Another 20 percent had a master's degree in social work, and 16 percent had a master's in another field of study.

Children waiting for adoption

A little more than one in every four children who were in foster care on the last day of fiscal year 2007 were waiting to be adopted. This share of children in foster care who are waiting for adoption has remained fairly constant from fiscal year 2001 through fiscal year 2007. There is no Federal definition of children

“waiting for adoption.” For purposes of analysis, HHS defines this group to include any child in foster care with a permanency goal of adoption and/or any child in foster care for whom the parental rights of both parents have been terminated. There is one exception to this definition: Any child who is 16 years of age or older, for whom parental rights have been terminated, and who has a permanency goal of “emancipation” is not included in the count of children waiting to be adopted.

Overall the population of children who are waiting to be adopted has grown younger. The average age of children counted as waiting for adoption has been stable at just above 8 years on the last day of fiscal years 2001 through fiscal year 2007. At the same time, the median age – that is the age at which half of all children who are waiting for adoption are younger and half are older – has declined in recent years to 7.6 years. (See Table 11-51).

TABLE 11-51 -- NUMBER AND AGE OF CHILDREN WAITING FOR ADOPTION ON THE LAST DAY OF FISCAL YEARS 2001-2007

FISCAL YEAR	TOTAL Number	As a Percent of All Children in Foster Care	As a Percent of Children Waiting for Adoption		Average Age	Median Age
			Less than 9 years of age	More than 9 years of age		
2001	130,115	23.9%	55.2%	44.8%	8.2	8.2
2002	133,894	25.6%	54.3%	45.7%	8.3	8.3
2003	130,640	25.6%	53.9%	46.1%	8.4	8.3
2004	130,816	25.8%	55.1%	44.9%	8.3	8.0
2005	130,472	25.5%	55.4%	44.6%	8.3	7.9
2006	132,207	26.0%	57.1%	42.9%	8.2	7.6
2007	130,887	26.5%	57.5%	42.5%	8.2	7.6

Source: Table prepared by Congressional Research Service based on AFCARS data reported by States as of mid-January 2009 and provided by HHS.

Number of Children with Termination of Parental Rights (TPR)

The number of children in foster care who are under the age of 18, and for whom the parental rights of both parents had been terminated, rose from more than 77,000 on the last day of fiscal year 2002 to more than 86,000 on the last day of fiscal year 2007. (Please note: These numbers include children for whom termination of parental rights occurred in any year prior to or including the year cited.) Children for whom the parental rights of both parents have been terminated are sometimes referred to as “legally free” for adoption given that, in most jurisdictions, the child’s legal adoption can not be accomplished until the termination of the parental rights of the child’s biological parents has occurred.

The number of children in foster care who were under 3 years of age and who were legally free for adoption increased by 45 percent from the last day of fiscal year 2002 to the last day of fiscal year 2007. And, at the other end of the age spectrum, the number of children who were age 16 or 17 and who were legally free for adoption on the last day of the fiscal year increased by 57 percent across the same time frame. By contrast, there was a decline in children aged 9 to 12 years

who were legally free for adoption and the number for all other age groups remained relatively stable. (See Table 11-52).

TABLE 11-52 -- CHILDREN IN FOSTER CARE WITH TERMINATION OF PARENTAL RIGHTS (TPR) COMPLETED, BY THEIR AGE ON LAST DAY OF SELECTED FISCAL YEARS 2001-2007

Age on Last Day of the Fiscal Year	2002		2005		2007		Percent Change 2002 to 2007
	Number	Percent	Number	Percent	Number	Percent	
2 years or younger	9,850	13%	11,831	14%	14,251	17%	45%
3 – 5 years	13,616	18%	14,158	17%	15,969	19%	17%
6 – 8 years	12,659	16%	12,028	15%	13,024	15%	3%
9 – 12 years	19,669	25%	17,103	21%	16,197	19%	-18%
13 – 15 years	14,034	18%	16,266	20%	15,037	17%	7%
16 – 17 years	7,443	10%	10,658	13%	11,719	14%	57%
TOTAL ¹	77,310	100%	82,106	100%	86,271	100%	12%

¹ A small number of children for whom age data were not reported are included in this total but are not shown in any preceding row. Therefore, the numbers will not sum to the total number shown.

Source: Table prepared by the Congressional Research Service based on AFCARS data reported by States as of mid-January 2009 and provided by HHS.

Age at which Termination of Parental Rights (TPR) occurred for older children in care

Among the more than 11,700 children who were age 16 or 17 and for whom termination of parental rights had occurred sometime before the last day of fiscal year 2007, close to one-quarter (24 percent) had become legally free for adoption (meaning TPR was completed) sometime after their fifth but before their tenth birthday. An additional 27 percent of those youth had seen all parental rights terminated at ages 10, 11 or 12 and 34 percent at ages 13 through 15. The remainder were either less than 5 years of age when the parental rights of their parents were terminated (3 percent) or were age 16 or 17 (10 percent) when that occurred. (For comparable information for earlier fiscal years see Table 11-53.)

TABLE 11-53 -- YOUTH AGES 16 OR 17 FOR WHOM TPR WAS COMPLETED DURING OR BEFORE FISCAL YEARS 2002-2007, BY AGE AT TIME OF TPR

Age of Youth When TPR Was Completed ¹	2002		2004		2006		2007	
	Number and Percentage of Youth, Age 16 or 17 for whom TPR was Completed as of the Last Day of the Fiscal Year.							
4 years or younger	228	3.1%	324	3.5%	354	3.2%	360	3.1%
5 – 9 years	1,370	18.4%	1,816	19.6%	2,578	23.5%	2,790	23.8%
10 – 12 years	2,226	29.9%	3,135	33.8%	3,273	29.8%	3,216	27.4%
13 – 15 years	2,987	40.1%	3,237	34.9%	3,712	33.8%	4,033	34.4%
16 – 17 years	632	8.5%	768	8.3%	1,056	9.6%	1,320	11.3%

¹ This age is based on the child's age on the last day of the fiscal year in which the TPR was completed.

Source: Table prepared by Congressional Research Service based on AFCARS data reported by States as of mid-January 2009 and provided by HHS.

CHILDREN LEAVING FOSTER CARE

Most children who leave foster care in a given fiscal year do so to live with a permanent family. Of the children who exited foster care in fiscal year 2007, 86 percent left to live with a permanent family, including 62 percent who were reunited with their parent(s) or went to live with another relative, 18 percent who were adopted and 6 percent who entered guardianship. Of the remaining 14 percent of children leaving care, and for whom the location of a permanent home was not the reason for leaving foster care, most “emancipated from care,” or “aged out” of foster care, although some of those children were transferred to another agency’s responsibility, ran away from their foster care placement, or died. Both the share and number of children who aged out of foster care increased from fiscal year 2001, when less than 7 percent of children exited foster care to emancipation, to fiscal year 2007 when just under 10 percent did so. (See Table 11-54.)

TABLE 11-54 -- CHILDREN EXITING FOSTER CARE IN FISCAL YEARS 2001-2007 BY REASON FOR THE EXIT

EXIT OUTCOME	2001	2002	2003	2004	2005	2006	2007
<i>Reunite with Parent(s) or Primary Caretaker(s)</i>	55.2%	54.0%	53.3%	52.0%	52.5%	52.2%	52.4%
<i>Living with Other Relative(s)</i>	9.5%	10.0%	10.6%	11.2%	10.8%	10.4%	9.3%
<i>Adoption</i>	16.7%	17.6%	17.6%	18.0%	17.7%	17.1%	17.7%
<i>Guardianship</i>	3.0%	3.7%	4.2%	4.9%	4.9%	5.2%	5.9%
<i>Emancipation</i>	6.8%	7.0%	7.8%	8.1%	8.5%	9.3%	9.5%
<i>Transfer To Another Agency</i>	2.8%	2.5%	2.3%	2.2%	2.3%	2.2%	2.0%
<i>Runaway</i>	1.9%	1.9%	1.7%	1.7%	1.8%	1.7%	1.5%
<i>Death</i>	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%
<i>Missing</i>	3.9%	3.1%	2.2%	1.7%	1.3%	1.7%	1.5%
TOTAL¹	269,172	278,454	278,415	279,483	286,617	291,425	289,770

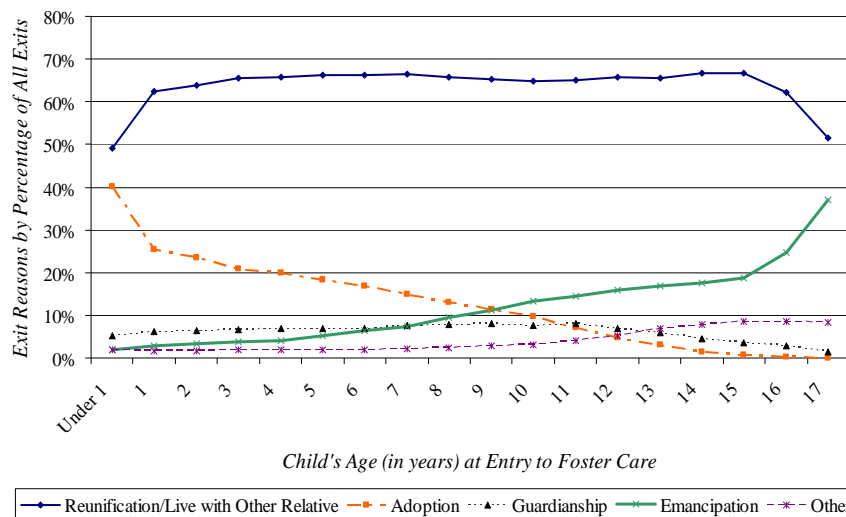
¹Data analysts at the Children’s Bureau, HHS, have identified several reasons why the number of children exiting foster care is underreported in AFCARS. Therefore, these reported total numbers of children exiting care should be viewed as conservative estimates. For more information see technical discussion in HHS, September 2008.

Source: Table prepared by the Congressional Research Service based on AFCARS data reported by States as of mid-January 2009 and provided by HHS.

A child’s age affects the kind of exit from foster care he or she experiences. In general, children who leave foster care at a younger age are more likely to exit foster care to a permanent family than are older children and, conversely, those who leave care at an older age are more likely to do so to emancipation or other non-family settings (Wulczyn, 2005). Chart 11-9 tracks children’s reason for exiting foster care in fiscal year 2007 by age *at the time they were first removed to foster care*. With the exception of the children who were first removed to foster care when they were under one year of age or at age 17, sixty percent or more of the children who left foster care in fiscal year 2007 did so to be reunited with their parents or to live with other relatives. By contrast, the percentage of children who exited foster care in fiscal year 2007 to adoption shows a sharp drop between children who were

first removed when they were under the age of one and those removed at age one and it continued a steady decline from that age through age 17. (For exit reason by age at time of exit, see State Foster Care Data Tables.)

CHART 11-9 -- REASON FOR EXITING FOSTER CARE IN FISCAL YEAR 2007, BY AGE AT FIRST REMOVAL



Source: Chart prepared by Congressional Research Service based on AFCARS data reported by States as of mid-January 2009 and provided by HHS.

Table 11-55 shows exit outcomes for children leaving foster care in fiscal years 2001, 2004 and 2007 by race/ethnicity.

TABLE 11-55 -- EXIT OUTCOMES FOR CHILDREN LEAVING FOSTER CARE BY RACE/ETHNICITY,
SELECTED FISCAL YEARS

Hispanics may be of any race but here are included only in the "Hispanic (or Latino)" category.

EXIT OUTCOME	American Indian/ Alaska Native	Asian	Black (or African American)	Native Hawaiian/ Other Pacific Islander	Hispanic (or Latino)	White	Unable to Determine	Two or More Races	TOTAL ¹
<i>Children Exiting Foster Care in Fiscal Year 2001</i>									
Reunite with parent(s)	59.7%	70.6%	47.5%	59.1%	57.8%	58.7%	59.2%	55.2%	55.2%
Live with other relative	6.3%	3.3%	12.7%	2.4%	6.4%	9.4%	8.7%	9.6%	9.5%
Adoption	11.6%	9.7%	19.7%	16.1%	17.5%	14.3%	17.6%	20.8%	16.7%
Guardianship	5.2%	3.0%	2.9%	10.2%	3.3%	2.8%	1.5%	3.8%	3.0%
Emancipation	3.9%	6.6%	8.2%	6.9%	5.8%	6.8%	4.7%	4.4%	6.8%
Transfer to another agency	7.7%	1.7%	3.0%	2.6%	2.5%	2.3%	2.4%	2.4%	2.8%
Runaway	1.9%	2.8%	2.0%	0.6%	2.3%	1.4%	1.9%	0.7%	1.9%
Death	0.2%	0.2%	0.2%	0.3%	0.2%	0.1%	0.2%	0.2%	0.2%
Missing exit information	3.5%	2.2%	3.8%	1.8%	4.2%	4.2%	4.0%	2.9%	3.9%
TOTAL	6,355	2,601	78,590	976	39,906	115,930	9,343	6,156	269,172
<i>Children Exiting Foster Care in Fiscal Year 2004</i>									
Reunite with parent(s)	54.0%	67.2%	44.9%	58.5%	56.7%	54.2%	53.4%	51.7%	52.0%
Live with other relative	6.4%	2.8%	13.6%	3.0%	8.3%	11.6%	8.8%	8.2%	11.2%
Adoption	12.7%	10.9%	19.8%	15.0%	17.3%	16.9%	21.3%	23.8%	18.0%
Guardianship	9.9%	4.8%	5.4%	9.2%	4.5%	4.6%	2.6%	6.4%	4.9%
Emancipation	6.0%	8.7%	10.0%	8.7%	6.2%	8.0%	7.2%	5.7%	8.1%
Transfer to another agency	7.3%	2.2%	2.3%	3.0%	2.4%	1.9%	2.9%	1.8%	2.2%
Runaway	1.6%	2.3%	2.0%	1.7%	2.7%	1.1%	1.9%	1.0%	1.7%
Death	0.1%	0.2%	0.2%	0.2%	0.2%	0.1%	0.2%	0.2%	0.2%
Missing exit information	2.0%	0.9%	1.8%	0.8%	1.7%	1.6%	1.7%	1.3%	1.7%
TOTAL	5,728	2,400	81,439	906	47,031	126,168	6,652	8,603	279,483

TABLE 11-55 -- EXIT OUTCOMES FOR CHILDREN LEAVING FOSTER CARE BY RACE/ETHNICITY,
SELECTED FISCAL YEARS

Hispanics may be of any race but here are included only in the "Hispanic (or Latino)" category.

EXIT OUTCOME	American Indian/ Alaska Native	Asian	Black (or African American)	Native Hawaiian/ Other Pacific Islander	Hispanic (or Latino)	White	Unable to Determine	Two or More Races	TOTAL ¹
<i>Children Exiting Care in Fiscal Year 2007</i>									
Reunite with parent(s)	52.3%	67.0%	46.9%	63.6%	56.8%	53.1%	56.8%	53.8%	52.4%
Live with other relative	4.9%	2.2%	10.9%	2.1%	7.2%	9.9%	7.3%	8.0%	9.3%
Adoption	13.3%	11.9%	16.5%	14.8%	19.1%	17.7%	18.4%	21.9%	17.7%
Guardianship	9.7%	5.1%	6.6%	6.5%	4.4%	6.1%	3.7%	6.1%	5.9%
Emancipation	8.1%	9.6%	12.4%	9.5%	7.4%	9.2%	7.1%	6.6%	9.5%
Transfer to another agency	8.7%	1.4%	2.3%	1.7%	1.8%	1.7%	2.9%	1.8%	2.0%
Runaway	1.4%	1.6%	2.1%	0.5%	2.1%	0.9%	1.7%	0.7%	1.5%
Death	0.2%	0.1%	0.2%	0.0%	0.2%	0.1%	0.1%	0.1%	0.2%
Missing exit information	1.5%	1.0%	2.0%	1.2%	1.0%	1.4%	2.0%	1.1%	1.5%
TOTAL	5,825	2,312	77,334	751	54,343	130,220	6,985	11,626	289,770

¹ The total (percentages and number) includes some children for whom information on race/ethnicity was missing.

Source: Table prepared by Congressional Research Service based on AFCARS data reported by States as of mid-January 2009 and provided by HHS.

CHILDREN WHO ARE ADOPTED

The number of children adopted with public child welfare agency involvement increased from less than 26,000 children in fiscal year 1995 to nearly 53,000 in fiscal year 2002. Since then the number of children adopted with public child welfare agency involvement has remained relatively stable at around 51,000 or 52,000 children each fiscal year. As shown in Table 11-56, the estimated “rate of adoption” – that is, the number of children who are adopted with public child welfare agency involvement for every 100 children who were in foster care on the last day of the previous year – rose from less than 6 in fiscal year 1995 to close to 10 by fiscal year 2002, and it has remained just above or below that mark through fiscal year 2006.

TABLE 11-56 -- ESTIMATED NUMBER AND RATE OF CHILDREN ADOPTED WITH PUBLIC CHILD WELFARE AGENCY INVOLVEMENT

FISCAL YEAR	TOTAL FOSTER CARE CASELOAD ¹	TOTAL ADOPTIONS ²	ADOPTION RATE
			<i>Estimated number of children adopted during the fiscal year for every 100 children in foster care on the last day of the previous fiscal year</i>
1994	468,000		
1995	483,000	25,693	5.5
1996	507,000	27,761	5.7
1997	537,000	31,030	6.1
1998	559,000	38,000 ²	7.1
1999	567,000	46,870	8.4
2000	552,000	51,050	9.0
2001	545,000	50,599	9.2
2002	523,000	52,881	9.7
2003	510,000	50,584	9.7
2004	508,000	52,371	10.3
2005	511,000	51,485	10.1
2006	509,000	50,941	10.0

¹ Total estimated foster care caseload data are shown rounded to nearest one thousand but were calculated using more exact numbers when available.

² Total adoptions are as reported by HHS, except for fiscal year 1998. In that year three States did not supply data useable for purpose of estimating adoptions. Therefore the national estimate for that year (as shown in this table) was estimated by CRS based on prior year adoption data from the non-reporting States. See table at http://www.acf.hhs.gov/programs/cb/stats_research/afcars/adoptchild06.htm for adoptions are reported.

Source: Table prepared by Congressional Research Service.

Age at which children are adopted

The average age at which a child’s adoption is finalized by the public child welfare agency remained just at or below 7 years in fiscal years 2000 through 2004 and then declined to a little over 6 and one-half years (6.6) by fiscal year 2006. The

median age of children adopted with public child welfare agency involvement ranged from just above 6 years in fiscal year 2000 to just below five and one-half years (5.4) in fiscal year 2006. Table 11- 57 shows age in relation to adoption in two ways. First, it shows the age of the children when their adoption was finalized and second, it shows the age of the children who were adopted at the time they were first removed to foster care (without regard to their age at the time of adoption). Most children who are adopted with public child welfare agency involvement are from one to thirteen years of age at the time of the adoption, with the age at finalization shifting somewhat toward younger children across fiscal years 2000 through 2006. Over those same years, the age at which children first entered foster care who were later adopted was relatively unchanged, with 60 percent or more having entered care before their third birthdays.

TABLE 11-57 -- CHILDREN ADOPTED WITH PUBLIC CHILD WELFARE AGENCY INVOLEMENT, BY AGE AT FINALIZATION AND BY AGE AT TIME OF REMOVAL TO CARE, FISCAL YEARS 2000-2006

FISCAL YEAR	<i>ADOPTED CHILD'S AGE AT THE TIME THE ADOPTION WAS FINALIZED</i>						
	<i>Under 1 year</i>	<i>1 - 2 years</i>	<i>3 - 5 years</i>	<i>6 - 8 years</i>	<i>9 - 13 years</i>	<i>14 - 17 years</i>	<i>TOTAL¹</i>
2000	1.8%	17.2%	28.1%	22.5%	24.2%	5.7%	51,050
2001	1.9%	18.2%	27.7%	21.4%	24.2%	6.2%	50,599
2002	1.9%	19.2%	26.9%	20.1%	24.8%	6.8%	52,881
2003	1.8%	20.1%	27.0%	19.2%	24.0%	7.4%	50,584
2004	1.8%	21.0%	27.7%	18.5%	23.0%	7.7%	52,371
2005	2.2%	23.0%	27.5%	18.5%	20.9%	7.6%	51,485
2006	2.2%	24.1%	27.9%	18.3%	19.6%	7.7%	50,941
FISCAL YEAR	<i>ADOPTED CHILD'S AGE AT THE TIME OF REMOVAL TO FOSTER CARE</i>						
	<i>Under 1 year</i>	<i>1 - 2 years</i>	<i>3 - 5 years</i>	<i>6 - 8 years</i>	<i>9 - 13 years</i>	<i>14 - 17 years</i>	<i>Total²</i>
2000	41.3%	19.7%	18.3%	10.1%	5.5%	0.5%	44,403
2001	40.0%	19.5%	18.1%	10.6%	6.0%	0.5%	44,984
2002	40.6%	20.0%	18.5%	11.3%	7.0%	0.6%	48,990
2003	40.1%	20.3%	18.2%	11.6%	7.4%	0.6%	49,098
2004	40.8%	20.1%	18.4%	11.2%	7.9%	0.7%	50,279
2005	41.8%	20.3%	18.1%	11.0%	7.8%	0.7%	50,721
2006	41.7%	20.5%	18.1%	10.9%	7.8%	0.8%	49,907

¹ This total includes a very small number of children who were reported as adopted at ages 18-20 (less than one-half of one percent in each year), as well as a small number of children for whom some data were missing. Therefore, the sum of the row percentages may not equal 100.

² The total number of adoptions shown is less than the total number of adoptions finalized by public child welfare agency.

Source: Table prepared by the Congressional Research Service based on AFCARS data reported by States as of early 2008 and provided by HHS.

Race/ethnicity of adopted children

The share of children adopted with public child welfare agency involvement who are black has declined from 38 percent in fiscal year 2000 to 27 percent in fiscal year 2006, while the share of white children who are adopted grew from 38 percent in fiscal year 2000 to 45 percent in fiscal year 2006. Hispanic children and those reported as of “two or more races” also saw an increase in their share of children adopted with public child welfare agency involvement. (See Table 11-58). At least some of this shift in composition of adopted children may reflect changes in the race/ethnicity composition of the foster care caseload. (See Table 11-63.)

TABLE 11-58 -- RACE/ETHNICITY OF CHILDREN ADOPTED WITH PUBLIC CHILD WELFARE AGENCY INVOLVEMENT, FISCAL YEARS 2000 - 2006

FISCAL YEAR	American Indian/ Alaska Native	Asian	Black (or African American)	Native Hawaiian/ Other Pacific Islander	Hispanic (or Latino)	White	Unknown / Unable to Determine	Two or more races	TOTAL
2000	1.3%	0.6%	38.4%	0.4%	14.6%	38.2%	4.8%	1.9%	51,050
2001	1.4%	0.5%	35.0%	0.3%	16.6%	38.0%	5.1%	3.0%	50,599
2002	1.3%	0.6%	35.5%	0.3%	16.2%	39.3%	3.3%	3.4%	52,881
2003	1.4%	0.6%	32.9%	0.3%	16.2%	41.5%	2.7%	4.4%	50,584
2004	1.3%	0.5%	32.4%	0.2%	16.6%	41.9%	2.6%	4.4%	52,371
2005	1.4%	0.7%	29.9%	0.3%	17.6%	43.3%	2.2%	4.8%	51,485
2006	1.4%	0.6%	27.0%	0.2%	18.8%	45.1%	2.1%	4.9%	50,941

Source: Table prepared by Congressional Research Service based on AFCARS data reported by States as of early 2008 and provided by HHS.

Length of Time to Adoption

Among children who were adopted, the average length of time from a child’s removal and placement in foster care to finalized adoption declined by more than nine months, from close to 46 months in fiscal year 2000 to just under 37 months in fiscal year 2006. The median length of time to adoption dropped by a similar amount (8.3 months). The reduction in time from removal to finalized adoption appears to have been achieved primarily by the quicker accomplishment of termination of parental rights (TPR). Among children who were subsequently adopted, the time from removal to the legal completion of TPR declined, on average, by a little more than nine months from fiscal year 2000 through fiscal year 2006, while the average number of months from completed TPR to finalized adoption held relatively steady at roughly 15 or 16 months. Table 11-59 shows the average and median months from removal to adoption overall, as well as the average and median months from removal to TPR, and from TPR to finalized adoption.

TABLE 11-59 -- AVERAGE AND MEDIAN LENGTH OF TIME TO FINALIZED ADOPTION, IN MONTHS, FISCAL YEARS 2000 - 2006

FISCAL YEAR	Months from Removal to Termination of Parental Rights ¹		Months from Termination of Parental Rights to Adoption		TOTAL TIME TO FINALIZE ADOPTION <i>Months from Removal to Adoption</i>	
	Average	Median	Average	Median	Average	Median
2000	32.3	26.0	15.9	12.0	45.9	39.3
2001	29.7	23.5	16.0	11.8	44.0	37.5
2002	27.8	21.5	16.1	12.0	42.9	35.9
2003	26.1	20.1	16.2	12.0	41.8	34.9
2004	25.2	19.6	15.8	11.3	40.3	33.5
2005	24.1	19.1	15.0	10.7	38.4	32.0
2006	23.1	18.6	14.6	10.5	36.8	31.0

¹ For purposes of this table, the analysis shows length of time from removal to TPR for children who were subsequently adopted.

Source: Table prepared by the Congressional Research Service based on AFCARS data reported by States as of early 2008 and provided by HHS.

Prior Relationship of Adoptive Parents to Child

More than half of the children who are adopted with public child welfare agency involvement were previously in their adoptive home as a foster child. Since fiscal year 2000 the reported share of children adopted out of foster care by their relatives has increased from less than 1 in 5 (19 percent in fiscal year 2000) to close to 1 in 4 (24 percent in fiscal year 2006). Due to the relatively large amount of missing data (see Table 11-60) some or all of these percentages may be higher.

TABLE 11-60 -- PRIOR RELATIONSHIP OF ADOPTIVE PARENTS TO CHILD ADOPTED WITH PUBLIC CHILD WELFARE AGENCY INVOLVEMENT, FISCAL YEARS 2000 - 2006

FISCAL YEAR	Pre-Adoptive Parent Only	Foster Parent	Relative	Missing Prior Relationship Data	TOTAL
2000	16.2%	53.6%	18.7%	11.5%	51,050
2001	15.2%	52.4%	21.2%	11.2%	50,599
2002	12.7%	51.9%	20.2%	15.1%	52,880
2003	12.0%	51.2%	19.2%	17.6%	50,584
2004	13.5%	52.9%	21.5%	12.1%	52,371
2005	13.2%	54.1%	22.6%	10.0%	51,485
2006	13.8%	54.0%	24.0%	8.3%	50,941

Source: Table prepared by the Congressional Research Service based on AFCARS data reported by States as of early 2008 and provided by HHS.

Adoptive Family Structure

Most children who are adopted with public child welfare agency involvement have a married couple as their adoptive parents. The percentage of those children whose adoptive parents were a married couple increased somewhat from fiscal year 2000 through fiscal year 2006, while the percentage of those children who were adopted by single female parents declined somewhat over that same time frame. Readers should note that because of relatively high missing data (see Table 11-61) some or all of these percentages may be higher.

TABLE 11-61 -- STRUCTURE OF FAMILIES ADOPTING CHILDREN WITH PUBLIC CHILD WELFARE AGENCY INVOLVEMENT, FISCAL YEARS 2000 - 2006

FISCAL YEAR	Married Couple	Unmarried Couple	Single Female	Single Male	Missing Family Structure Data	TOTAL
2000	59.5%	0.8%	28.4%	1.9%	9.4%	51,050
2001	60.5%	1.2%	26.9%	2.2%	9.2%	50,599
2002	60.1%	1.5%	27.1%	2.2%	9.2%	52,881
2003	61.3%	1.4%	25.8%	2.6%	8.9%	50,584
2004	61.7%	1.3%	24.8%	2.6%	9.6%	52,371
2005	62.8%	1.4%	24.9%	2.7%	8.2%	51,485
2006	64.3%	1.6%	24.4%	2.7%	7.1%	50,941

Source: Table prepared by Congressional Research Service based on AFCARS data reported by States as of early 2008 and provided by HHS.

STATE FOSTER CARE AND ADOPTION DATA TABLES

With the exception of Table 11-63, this subsection includes only tables showing foster care and adoption data by State. These data are reported to HHS via AFCARS. Please be aware that these data may be updated and revised. Therefore they may not agree with data previously or subsequently published. Revisions are especially expected for the most recent years of data shown in the tables.

TABLE 11-62 -- NUMBER AND RATE OF CHILDREN ENTERING, SERVED OR IN FOSTER CARE, BY STATE, FISCAL YEARS 2001 AND 2007¹

(Rate equals number of children who entered, were in care, or were served in foster care compared to every 1,000 children (individuals under age 18) in the population.)²

STATE	Entered at anytime during fiscal year				In Care on last day of fiscal year				Served (at least 24 hours) during fiscal year			
	2001		2007		2001		2007		2001		2007	
	Number	Rate	Number	Rate	Number	Rate	Number	Rate	Number	Rate	Number	Rate
Alabama	2,672	2.4	3,942	3.5	5,859	5.2	7,263	6.5	8,130	7.3	10,904	9.7
Alaska	999	5.3	897	4.9	1,993	10.6	2,191	12.0	2,989	15.9	2,947	16.2

TABLE 11-62 -- NUMBER AND RATE OF CHILDREN ENTERING, SERVED
OR IN FOSTER CARE, BY STATE, FISCAL YEARS 2001 AND 2007¹

(Rate equals number of children who entered, were in care, or were served in foster care compared to every 1,000 children (individuals under age 18) in the population.)²

STATE	Entered at anytime during fiscal year		In Care on last day of fiscal year		Served (at least 24 hours) during fiscal year							
	2001	2007	2001	2007	2001	2007						
	Number Rate	Number Rate	Number Rate	Number Rate	Number Rate	Number Rate						
Arizona	4,515	3.2	7,460	4.5	6,050	4.3	9,569	5.7	10,779	7.7	16,953	10.2
Arkansas	3,347	4.9	4,086	5.8	2,959	4.4	3,616	5.2	6,203	9.1	7,404	10.6
California	45,176	4.8	41,392	4.4	107,168	11.5	76,129	8.1	151,264	16.2	116,033	12.4
Colorado	7,007	6.2	6,431	5.4	7,138	6.3	7,777	6.5	12,338	10.9	14,362	12.0
Connecticut	2,713	3.2	2,681	3.3	7,440	8.8	5,784	7.1	9,348	11.1	8,934	10.9
Delaware	939	4.8	1,110	5.4	1,023	5.2	1,157	5.6	1,939	9.9	2,095	10.2
Dist. of Col.	822	7.1	586	5.2	3,339	28.8	2,197	19.3	3,729	32.2	2,943	25.9
Florida	18,673	5.0	18,949	4.7	32,477	8.7	26,363	6.5	49,538	13.3	47,329	11.7
Georgia	9,065	4.1	9,057	3.6	13,175	5.9	12,236	4.8	20,428	9.2	21,842	8.6
Hawaii	2,105	7.3	1,447	5.1	2,488	8.6	1,940	6.8	4,404	15.2	3,725	13.0
Idaho	1,209	3.2	1,560	3.8	1,114	3.0	1,870	4.6	2,198	5.9	3,354	8.2
Illinois	6,350	2.0	5,004	1.6	28,202	8.7	17,875	5.6	36,552	11.3	23,787	7.4
Indiana	5,399	3.4	7,712	4.9	8,383	5.3	11,372	7.2	13,122	8.3	18,799	11.8
Iowa	5,829	8.0	5,149	7.2	5,202	7.2	8,240	11.6	10,914	15.0	13,619	19.1
Kansas	2,834	4.0	4,075	5.9	6,409	9.0	6,631	9.5	8,210	11.6	10,214	14.7
Kentucky	4,590	4.6	5,795	5.8	6,165	6.2	7,555	7.5	10,394	10.5	12,968	12.9
Louisiana	3,014	2.5	3,633	3.4	5,024	4.2	5,333	4.9	8,208	6.8	8,641	8.0
Maine	1,047	3.5	843	3.0	3,226	10.8	1,970	7.0	3,941	13.2	2,899	10.4
Maryland	3,662	2.7	2,840	2.1	12,564	9.2	9,973	7.3	15,628	11.5	12,811	9.4
Massachusetts	7,174	4.8	6,413	4.5	11,568	7.7	10,497	7.3	18,204	12.1	16,699	11.7
Michigan	12,283	4.7	9,114	3.7	20,896	8.1	20,830	8.5	29,208	11.3	29,374	12.0
Minnesota	10,012	7.8	7,740	6.1	8,167	6.3	6,756	5.4	17,436	13.5	14,236	11.3
Mississippi	2,094	2.7	2,283	3.0	3,443	4.5	3,328	4.3	5,135	6.7	5,371	7.0
Missouri	7,392	5.2	5,338	3.7	13,394	9.4	9,846	6.9	19,097	13.4	15,014	10.5
Montana	1,506	6.6	1,075	4.9	2,008	8.9	1,737	7.9	3,505	15.5	2,960	13.5
Nebraska	3,350	7.5	3,575	8.0	6,254	14.0	5,875	13.2	8,890	19.9	9,579	21.5
Nevada	3,338	6.2	3,700	5.6	2,959	5.5	5,067	7.7	6,012	11.2	8,706	13.2
New Hampshire	534	1.7	585	2.0	1,288	4.1	1,084	3.6	1,756	5.6	1,675	5.6
New Jersey	5,433	2.6	5,702	2.8	10,666	5.1	9,011	4.4	15,268	7.3	16,075	7.8
New Mexico	1,887	3.8	2,268	4.5	1,757	3.5	2,423	4.8	3,500	7.0	4,576	9.1
New York	15,135	3.3	13,225	3.0	43,365	9.3	30,072	6.8	62,067	13.3	43,036	9.8
North Carolina	5,301	2.6	6,021	2.7	10,130	5.1	10,827	4.9	15,369	7.7	16,612	7.5

TABLE 11-62 -- NUMBER AND RATE OF CHILDREN ENTERING, SERVED
OR IN FOSTER CARE, BY STATE, FISCAL YEARS 2001 AND 2007¹

(Rate equals number of children who entered, were in care, or were served in foster care compared to every 1,000 children (individuals under age 18) in the population.)²

STATE	Entered at anytime during fiscal year		In Care on last day of fiscal year		Served (at least 24 hours) during fiscal year	
	2001	2007	2001	2007	2001	2007
	Number Rate	Number Rate	Number Rate	Number Rate	Number Rate	Number Rate
North Dakota	1,013 6.5	901 6.3	1,167 7.5	1,263 8.8	1,995 12.8	2,154 15.1
Ohio	16,157 5.6	11,746 4.3	21,584 7.5	17,016 6.2	35,720 12.4	28,027 10.2
Oklahoma	6,487 7.3	6,768 7.5	8,674 9.8	11,783 13.1	14,538 16.5	18,400 20.5
Oregon	4,537 5.3	4,604 5.3	8,966 10.6	9,562 11.1	13,553 16.0	14,989 17.4
Pennsylvania	13,509 4.7	14,318 5.1	21,319 7.4	20,858 7.5	33,661 11.6	34,028 12.2
Rhode Island	1,493 6.0	1,744 7.5	2,414 9.7	2,722 11.7	3,615 14.6	4,452 19.1
South Carolina	3,405 3.4	3,773 3.6	4,774 4.7	5,127 4.8	7,881 7.8	8,541 8.1
South Dakota	1,357 6.8	1,392 7.1	1,367 6.8	1,566 8.0	2,539 12.7	2,973 15.1
Tennessee	5,667 4.0	6,411 4.4	9,679 6.9	7,751 5.3	14,768 10.5	14,720 10.0
Texas	10,680 1.8	15,222 2.3	19,739 3.3	30,137 4.6	28,594 4.8	45,984 6.9
Utah	2,006 2.8	2,111 2.6	1,957 2.7	2,739 3.4	3,966 5.4	4,507 5.5
Vermont	727 5.0	618 4.7	1,382 9.5	1,309 10.0	1,947 13.4	1,967 15.0
Virginia	2,904 1.7	3,472 1.9	6,866 3.9	7,480 4.1	8,959 5.1	10,336 5.7
Washington	7,273 4.8	6,998 4.6	9,101 6.0	11,107 7.2	15,539 10.2	17,357 11.3
West Virginia	2,234 5.7	3,069 7.9	3,298 8.4	4,410 11.4	5,638 14.3	6,959 18.0
Wisconsin	5,158 3.8	5,232 4.0	9,497 7.0	7,446 5.6	13,547 9.9	11,988 9.1
Wyoming	896 7.1	1,061 8.5	965 7.7	1,231 9.8	1,654 13.2	2,274 18.1
Puerto Rico	3,254 3.0	2,198 2.2	8,476 7.9	6,509 6.5	9,449 8.8	7,979 8.0
TOTAL	296,163 4.0	293,326 3.9	544,518 7.4	494,410 6.6	813,266 11.0	784,111 10.5

¹These State-reported data may be subject to change as States may submit revised data. Fiscal year 2007 data are most likely to change because they are more recently reported.

²All rates were calculated based on estimated State population under the age of 18. A relatively small number of children counted in State foster care caseload numbers, as shown in this table (and used to calculate rate) may be age 18 or older.

Source: Table prepared by the Congressional Research Service. Foster care data are from AFCARS as reported by States by mid-January 2009 and provided by HHS. State population used to calculate rates shown were from the Census Bureau's annual (as of July 1) population estimates (Vintage 2007) for individuals under the age of 18.

TABLE 11-63 -- NUMBER, SHARE AND RATE OF CHILDREN ENTERING, EXITING AND IN CARE, BY RACE/ETHNICITY, FISCAL YEARS 2001, 2004 and 2007

Hispanics may be of any race but here are included only in the "Hispanic (or Latino)" category.

RACE/ETHNICITY	Entered Care At Any Time During the Fiscal Year			In Care On the Last Day of the Fiscal Year			Exited Care At Any Time During the Fiscal Year		
	Number ¹	Percent	Rate ²	Number ¹	Percent	Rate ²	Number ¹	Percent	Rate ²
Fiscal Year 2001									
White	131,915	44.5%	3.0	197,774	36.3%	4.5	115,930	43.1%	2.6
Black(or African American)	80,494	27.2%	7.5	197,332	36.2%	18.3	78,590	29.2%	7.3
Hispanic (or Latino)	45,715	15.4%	3.3	86,575	15.9%	6.1	39,906	14.8%	3.0
Asian	2,831	1.0%	1.1	3,493	0.6%	1.4	2,601	1.0%	1.0
American Indian/Alaska Native	7,110	2.4%	10.3	9,790	1.8%	14.2	6,355	2.4%	9.2
Native Hawaiian/Other Pacific Islander	987	0.3%	8.5	1,330	0.2%	11.5	976	0.4%	8.6
Two or More Races	7,062	2.4%	4.3	11,513	2.1%	7.1	6,156	2.3%	3.8
Unable to Determine	8,414	2.8%	³	16,532	3.0%	³	9,343	3.5%	³
Missing race/ethnicity data	11,635	3.9%	³	20,179	3.7%	³	9,315	3.5%	³
TOTAL Fiscal Year 2001	296,163	100%	4.0	544,518	100%	7.4	269,172	100%	3.7
Fiscal Year 2004									
White	138,681	46.6%	3.2	202,825	39.9%	4.7	126,168	45.1%	2.9
Black (or African American)	79,526	26.7%	7.4	172,364	33.9%	16.0	81,439	29.1%	7.5
Hispanic (or Latino)	52,236	17.5%	3.6	90,390	17.8%	5.9	47,031	16.8%	3.2
Asian	2,403	0.8%	0.9	3,079	0.6%	1.1	2,400	0.9%	0.9
American Indian/Alaska Native	6,505	2.2%	9.7	10,137	2.0%	15.1	5,728	2.0%	8.5
Native Hawaiian/Other Pacific Islander	867	0.3%	7.8	1,231	0.2%	11.0	906	0.3%	8.1
Two or More Races	10,080	3.4%	5.8	16,310	3.2%	9.3	8,603	3.1%	4.9
Unable to Determine	6,839	2.3%	³	11,199	2.2%	³	6,652	2.4%	³
Missing race/ethnicity information	716	0.2%	³	409	0.1%	³	556	0.2%	³

TABLE 11-63 -- NUMBER, SHARE AND RATE OF CHILDREN ENTERING, EXITING AND IN CARE, BY RACE/ETHNICITY, FISCAL YEARS 2001, 2004 and 2007

Hispanics may be of any race but here are included only in the "Hispanic (or Latino)" category.

RACE/ETHNICITY	Entered Care At Any Time During the Fiscal Year			In Care On the Last Day of the Fiscal Year			Exited Care At Any Time During the Fiscal Year		
	Number ¹	Percent	Rate ²	Number ¹	Percent	Rate ²	Number ¹	Percent	Rate ²
TOTAL Fiscal Year 2004	297,853	100%	4.0	507,944	100%	6.8	279,483	100%	3.8
<i>Fiscal Year 2007</i>									
White	129,929	44.3%	3.1	197,302	39.9%	4.7	130,220	44.9%	3.1
Black (or African American)	75,253	25.7%	7.0	153,819	31.1%	14.3	77,334	26.7%	7.2
Hispanic (or Latino)	58,378	19.9%	3.6	97,170	19.7%	5.9	54,343	18.8%	3.4
Asian	2,374	0.8%	0.8	2,825	0.6%	1.0	2,312	0.8%	0.8
American Indian/ Alaska Native	5,945	2.0%	9.0	9,359	1.9%	14.2	5,825	2.0%	8.8
Native Hawaiian/ Other Pacific Islander	739	0.3%	6.7	998	0.2%	9.0	751	0.3%	6.8
Two or More Races	12,290	4.2%	6.5	21,183	4.3%	11.2	11,626	4.0%	6.2
Unable to Determine	7,838	2.7%	³	11,336	2.3%	³	6,985	2.4%	³
Missing race/ethnicity data	580	0.2%	³	418	0.1%	³	374	0.1%	³
TOTAL Fiscal year 2007	293,326	100%	3.9	494,410	100%	6.6	289,770	100%	3.9

¹ Number children entering foster care, in care, or exiting care by race/ethnicity are as reported via AFCARS by 52 jurisdictions (50 States, DC and PR) as of January 2009. Because States may resubmit "cleaned" data, these numbers, especially those for most recent years, may subsequently change. Data reported by PR are shown in the number and percent columns but were excluded for purposes of calculating rates shown here.

² The rate shown is equal to number of children entering foster care, in care, or exiting care in the given race/ethnicity category per every 1000 children in the population of that same race/ethnicity. Rates were calculated using child race/ethnicity population estimates prepared by Annie E. Casey based on Census Bureau population estimates for 50 States and the District of Columbia. Data reported by Puerto Rico are shown in the number and percent columns but were excluded for purposes of calculating rates shown here.

³ Not applicable.

Source: Table prepared by Congressional Research Service based on AFCARS data reported by States as of mid-January 2009 and provided by HHS.

TABLE 11-64 -- NUMBER OF CHILDREN ENTERING FOSTER CARE BY STATE, FISCAL YEARS 2001-2007¹

STATE	2001	2002	2003	2004	2005	2006	2007
Alabama	2,672	3,125	3,246	3,598	3,844	3,791	3,942
Alaska	999	1,068	943	665	940	920	897
Arizona	4,515	5,049	6,208	7,173	7,546	7,425	7,460
Arkansas	3,347	3,350	3,561	3,486	3,615	3,924	4,086
California	45,176	39,425	39,919	39,366	41,075	41,297	41,392
Colorado	7,007	7,738	7,613	7,782	7,651	7,059	6,431
Connecticut	2,713	2,763	3,130	2,922	2,964	3,246	2,681
Delaware	939	918	861	880	925	1,021	1,110
Dist. of Col.	822	812	719	777	919	668	586
Florida	18,673	20,800	20,549	19,932	22,147	21,999	18,949
Georgia	9,065	9,766	10,568	11,699	10,887	9,764	9,057
Hawaii	2,105	2,231	2,349	2,259	1,893	1,673	1,447
Idaho	1,209	1,213	1,292	1,557	1,722	1,552	1,560
Illinois	6,350	5,973	5,794	5,669	5,718	4,976	5,004
Indiana	5,399	5,676	6,084	7,026	7,541	7,379	7,712
Iowa	5,829	5,821	5,736	5,962	6,781	5,591	5,149
Kansas	2,834	2,766	2,677	3,038	3,117	3,506	4,075
Kentucky	4,590	5,250	5,476	5,561	5,950	6,315	5,795
Louisiana	3,014	2,974	2,809	2,754	3,371	3,965	3,633
Maine	1,047	850	904	819	716	740	843
Maryland	3,662	3,563	3,470	3,564	3,353	3,522	2,840
Massachusetts	7,174	6,555	6,507	6,616	6,252	6,377	6,413
Michigan	12,283	10,019	9,650	9,741	9,296	9,005	9,114
Minnesota	10,012	10,317	8,080	7,806	8,166	8,017	7,740
Mississippi	2,094	1,582	1,570	1,852	2,048	1,950	2,283
Missouri	7,392	7,139	6,342	6,618	6,451	5,657	5,338
Montana	1,506	1,306	1,175	1,228	1,432	1,153	1,075
Nebraska	3,350	3,351	2,907	4,155	3,942	3,799	3,575
Nevada	3,338	3,239	3,202	3,495	3,648	3,956	3,700
New Hampshire	534	563	578	560	548	557	585
New Jersey	5,433	6,052	6,994	6,660	5,811	6,279	5,702
New Mexico	1,887	1,968	1,941	2,243	2,241	2,121	2,268
New York	15,135	15,432	13,598	12,705	11,283	13,353	13,225
North Carolina	5,301	5,615	5,461	6,089	6,529	6,413	6,021
North Dakota	1,013	1,044	1,050	1,048	1,098	948	901
Ohio	16,157	14,982	13,997	13,152	12,311	12,016	11,746
Oklahoma	6,487	6,923	6,713	6,802	7,103	6,818	6,768

TABLE 11-64 -- NUMBER OF CHILDREN ENTERING FOSTER CARE BY STATE, FISCAL YEARS 2001-2007¹

STATE	2001	2002	2003	2004	2005	2006	2007
Oregon	4,537	5,095	4,976	5,544	6,197	5,294	4,604
Pennsylvania	13,509	13,684	13,039	14,574	14,658	14,209	14,318
Rhode Island	1,493	1,582	1,567	1,649	1,561	2,024	1,744
South Carolina	3,405	3,537	3,416	3,108	3,234	3,485	3,773
South Dakota	1,357	1,348	1,375	1,274	1,368	1,356	1,392
Tennessee	5,667	6,047	6,305	6,715	7,056	6,612	6,411
Texas	10,680	11,766	11,513	13,613	16,933	16,928	15,222
Utah	2,006	2,177	1,928	1,954	2,215	2,173	2,111
Vermont	727	832	725	840	770	701	618
Virginia	2,904	3,274	3,351	3,418	3,518	3,936	3,472
Washington	7,273	6,704	6,196	6,554	7,004	6,738	6,998
West Virginia	2,234	2,358	2,347	2,402	2,846	2,814	3,069
Wisconsin	5,158	5,054	5,010	5,643	6,099	5,375	5,232
Wyoming	896	819	1,029	1,168	1,208	1,187	1,061
Puerto Rico	3,254	3,483	2,652	2,138	1,936	1,877	2,198
TOTAL	296,163	294,978	289,102	297,853	307,437	303,461	293,326

¹ Based on AFCARS data reported by States as of mid- January 2009.

Source: HHS.

TABLE 11-65 -- SHARE OF CHILDREN ENTERING FOSTER CARE DURING FISCAL YEAR 2007, BY AGE AND BY STATE

STATE	Under 1 Year	1-2 Years	3-5 Years	6-9 Years	10-13 Years	14-17 Years	TOTAL ¹
Alabama	18.7%	12.7%	14.7%	16.2%	15.9%	21.9%	3,930
Alaska	18.2%	16.2%	18.6%	24.2%	13.1%	9.7%	896
Arizona	18.3%	13.9%	15.7%	16.1%	14.3%	21.8%	7,438
Arkansas	14.2%	14.9%	17.3%	16.9%	14.9%	21.7%	4,084
California	17.3%	12.6%	14.8%	15.7%	15.7%	23.8%	41,352
Colorado	13.9%	12.2%	12.8%	14.0%	13.6%	33.6%	6,333
Connecticut	17.8%	12.1%	13.0%	14.6%	16.1%	26.4%	2,670
Delaware	9.9%	8.0%	10.2%	11.1%	13.0%	47.8%	1,090
Dist. of Col.	14.3%	11.2%	12.9%	17.6%	18.3%	25.7%	580
Florida	19.0%	16.0%	17.9%	18.3%	14.2%	14.6%	18,937
Georgia	17.8%	13.8%	16.2%	17.2%	14.9%	20.0%	9,055
Hawaii	14.7%	11.8%	16.6%	15.5%	17.6%	23.7%	1,445
Idaho	16.0%	13.5%	17.6%	19.8%	15.3%	17.8%	1,560
Illinois	24.0%	15.9%	15.8%	15.9%	13.5%	15.0%	4,996
Indiana	16.6%	13.9%	17.3%	16.7%	16.0%	19.4%	7,708
Iowa	13.1%	11.9%	13.8%	12.8%	14.2%	34.3%	5,141
Kansas	14.0%	12.5%	14.2%	15.1%	15.6%	28.6%	4,074

TABLE 11-65 -- SHARE OF CHILDREN ENTERING FOSTER CARE
DURING FISCAL YEAR 2007, BY AGE AND BY STATE

STATE	Under 1 Year	1-2 Years	3-5 Years	6-9 Years	10-13 Years	14-17 Years	TOTAL ¹
Kentucky	15.2%	11.6%	12.9%	14.3%	15.0%	31.0%	5,769
Louisiana	17.1%	15.6%	17.5%	16.1%	15.7%	17.9%	3,633
Maine	21.6%	15.3%	17.0%	16.3%	12.5%	17.4%	843
Maryland	17.6%	11.7%	12.3%	15.3%	17.5%	25.6%	2,795
Massachusetts	14.0%	9.4%	11.1%	11.6%	16.8%	36.9%	6,413
Michigan	17.7%	12.4%	14.1%	16.5%	16.3%	23.1%	9,103
Minnesota	10.7%	9.6%	11.4%	11.8%	15.1%	41.3%	7,703
Mississippi	16.7%	12.7%	16.4%	18.1%	16.8%	19.3%	2,281
Missouri	17.4%	14.1%	16.4%	17.3%	15.2%	19.7%	5,324
Montana	16.7%	18.5%	19.0%	16.7%	14.9%	14.2%	1,074
Nebraska	11.4%	11.0%	12.7%	14.1%	14.7%	36.2%	3,537
Nevada	20.8%	15.7%	17.9%	18.2%	14.1%	13.3%	3,699
New Hampshire	11.7%	11.4%	12.9%	14.6%	17.7%	31.7%	581
New Jersey	22.0%	12.1%	13.9%	14.3%	14.4%	23.3%	5,651
New Mexico	14.3%	15.7%	20.1%	20.0%	16.0%	13.9%	2,268
New York	14.2%	10.1%	11.9%	14.6%	16.5%	32.7%	13,190
North Carolina	18.8%	14.7%	15.8%	16.6%	14.3%	19.9%	5,960
North Dakota	15.6%	10.2%	10.8%	11.8%	14.4%	37.2%	900
Ohio	18.1%	12.9%	14.6%	14.5%	14.1%	25.8%	11,729
Oklahoma	21.3%	16.9%	19.7%	17.6%	12.5%	12.1%	6,759
Oregon	19.7%	17.2%	18.6%	17.8%	14.8%	11.9%	4,600
Pennsylvania	13.2%	9.2%	10.1%	10.7%	14.4%	42.3%	14,169
Rhode Island	14.4%	9.3%	8.8%	9.8%	16.2%	41.6%	1,725
South Carolina	17.2%	14.1%	15.3%	19.1%	15.8%	18.5%	3,772
South Dakota	16.5%	20.4%	19.8%	19.3%	14.0%	9.9%	1,391
Tennessee	11.3%	9.4%	9.6%	11.4%	13.5%	44.9%	6,385
Texas	22.8%	18.2%	19.5%	18.4%	12.2%	8.9%	15,220
Utah	15.0%	14.8%	15.3%	14.6%	15.0%	25.3%	2,109
Vermont	12.6%	8.9%	10.0%	11.8%	16.7%	39.9%	617
Virginia	12.7%	10.2%	12.9%	14.1%	17.8%	32.3%	3,470
Washington	21.1%	13.3%	14.0%	14.7%	14.6%	22.3%	6,983
West Virginia	11.8%	10.0%	12.8%	12.4%	14.5%	38.6%	3,032
Wisconsin	13.5%	12.9%	12.8%	14.0%	15.8%	31.0%	5,228
Wyoming	6.9%	9.9%	11.1%	11.4%	14.8%	45.8%	1,051
Puerto Rico	13.6%	12.0%	16.9%	20.5%	19.4%	17.5%	2,088

¹ Total does not include children, in some States, for whom age data were not reported. Therefore the totals shown in this table are not identical to those shown in Table 11-64.

Source: Table prepared by Congressional Research Service based on AFCARS data reported by States as of mid-January 2009 and provided by HHS. Data are preliminary and subject to change.

TABLE 11-66 -- SHARE OF CHILDREN WHO ENTERED FOSTER CARE IN FISCAL YEAR 2007, BY RACE/ETHNICITY AND BY STATE

Hispanics may be of any race but here are included in the "Hispanic or Latino" column only.

STATE	American Indian/Alaska Native	Asian	Black or African American	Native Hawaiian/Other Pacific Islander	Hispanic or Latino	White	Unable to Determine	Two or More Races	TOTAL ¹
Alabama	0.2%	0.2%	39.7%	0.0%	4.4%	53.5%	0.3%	1.6%	3,942
Alaska	52.5%	0.4%	7.0%	1.9%	4.0%	27.9%	1.2%	4.6%	897
Arizona	3.9%	0.2%	8.6%	0.2%	39.8%	39.9%	3.5%	3.9%	7,460
Arkansas	0.1%	0.2%	26.2%	0.1%	5.6%	60.7%	0.4%	6.6%	4,086
California	0.7%	2.3%	17.5%	0.4%	51.3%	23.2%	0.7%	4.0%	41,392
Colorado	0.8%	0.6%	11.4%	0.2%	37.9%	45.6%	0.0%	3.5%	6,431
Connecticut	0.0%	0.4%	26.2%	0.0%	32.7%	33.3%	1.4%	5.9%	2,681
Delaware	0.1%	0.3%	56.9%	0.0%	9.9%	30.9%	0.1%	1.8%	1,110
Dist. of Col.	0.0%	0.0%	85.5%	0.2%	6.0%	1.2%	0.0%	4.3%	586
Florida	0.2%	0.2%	35.7%	0.1%	11.9%	49.2%	0.3%	2.3%	18,949
Georgia	0.1%	0.3%	45.2%	0.0%	7.4%	43.3%	0.5%	3.3%	9,057
Hawaii	0.1%	11.0%	1.3%	20.7%	3.7%	16.7%	4.4%	39.5%	1,447
Idaho	5.6%	0.6%	2.1%	0.1%	13.4%	74.2%	0.2%	3.9%	1,560
Illinois	0.3%	0.2%	46.4%	0.0%	6.5%	44.9%	1.7%	0.0%	5,004
Indiana	0.1%	0.2%	23.3%	0.0%	7.7%	62.5%	0.2%	5.8%	7,712
Iowa	1.7%	0.7%	13.2%	0.2%	7.6%	65.7%	8.3%	1.7%	5,149
Kansas	0.7%	0.6%	16.3%	0.0%	8.7%	69.3%	1.1%	3.3%	4,075
Kentucky	0.0%	0.1%	14.9%	0.1%	3.3%	75.1%	2.8%	3.7%	5,795
Louisiana	0.1%	0.1%	47.1%	0.1%	1.9%	47.5%	1.9%	1.3%	3,633
Maine	1.3%	0.1%	3.2%	0.0%	4.3%	80.8%	3.8%	6.4%	843
Maryland	0.2%	0.3%	60.6%	0.0%	3.7%	31.9%	3.3%	0.0%	2,840
Massachusetts	0.1%	2.1%	14.9%	0.1%	25.0%	49.2%	4.3%	3.6%	6,413
Michigan	1.3%	0.3%	39.5%	0.2%	5.4%	48.7%	0.2%	4.5%	9,114
Minnesota	10.0%	2.9%	20.4%	0.1%	9.0%	46.2%	4.1%	7.1%	7,740
Mississippi	0.1%	0.0%	47.4%	0.0%	1.8%	48.3%	0.7%	1.5%	2,283
Missouri	0.7%	0.4%	23.6%	0.1%	4.0%	69.7%	0.9%	0.8%	5,338
Montana	33.2%	0.5%	0.8%	0.4%	5.7%	51.3%	3.9%	4.1%	1,075
Nebraska	8.7%	0.5%	14.6%	0.0%	11.3%	60.4%	3.5%	1.0%	3,575
Nevada	0.6%	1.2%	22.9%	0.5%	25.3%	43.0%	0.1%	6.5%	3,700
New Hampshire	0.2%	0.9%	3.8%	0.0%	6.2%	76.8%	8.7%	3.4%	585
New Jersey	0.2%	0.5%	40.7%	0.0%	8.5%	29.6%	19.0%	1.5%	5,702
New Mexico	9.7%	0.0%	3.0%	0.1%	52.8%	26.5%	1.9%	3.2%	2,268

TABLE 11-66 -- SHARE OF CHILDREN WHO ENTERED FOSTER CARE IN FISCAL YEAR 2007, BY RACE/ETHNICITY AND BY STATE

Hispanics may be of any race but here are included in the "Hispanic or Latino" column only.

STATE	American Indian/Alaska Native	Asian	Black or African American	Native Hawaiian/Other Pacific Islander	Hispanic or Latino	White	Unable to Determine	Two or More Races	TOTAL ¹
New York	0.3%	0.4%	41.0%	0.0%	21.2%	22.2%	12.4%	2.5%	13,225
North Carolina	1.6%	0.1%	34.7%	0.3%	9.4%	48.4%	0.8%	4.6%	6,021
North Dakota	24.4%	0.9%	3.7%	0.0%	5.1%	58.3%	0.1%	7.5%	901
Ohio	0.1%	0.2%	35.9%	0.0%	3.3%	55.2%	1.8%	2.4%	11,746
Oklahoma	8.6%	0.2%	14.8%	0.1%	14.7%	41.3%	0.0%	20.2%	6,768
Oregon	2.0%	0.2%	1.7%	0.4%	12.4%	57.4%	12.1%	13.9%	4,604
Pennsylvania	0.1%	0.4%	42.2%	0.0%	9.1%	42.5%	5.2%	0.5%	14,318
Rhode Island	0.6%	2.3%	16.3%	0.1%	25.2%	48.1%	2.5%	4.9%	1,744
South Carolina	0.3%	0.2%	40.9%	0.0%	5.0%	47.5%	1.2%	4.8%	3,773
South Dakota	54.3%	0.4%	4.2%	0.0%	6.8%	28.3%	0.0%	5.7%	1,392
Tennessee	0.1%	0.3%	26.5%	0.1%	4.4%	64.0%	2.3%	2.4%	6,411
Texas	0.2%	0.2%	21.1%	0.1%	41.8%	31.0%	2.0%	3.7%	15,222
Utah	3.9%	0.4%	3.8%	0.7%	27.0%	60.0%	0.9%	3.3%	2,111
Vermont	0.0%	0.0%	2.6%	0.0%	1.6%	94.0%	1.0%	0.0%	618
Virginia	0.1%	0.5%	36.1%	0.1%	7.5%	48.8%	1.4%	5.6%	3,472
Washington	6.7%	1.6%	7.0%	0.6%	16.6%	55.0%	1.4%	9.1%	6,998
West Virginia	0.0%	0.1%	5.8%	0.1%	1.3%	86.4%	0.3%	5.5%	3,069
Wisconsin	4.4%	1.4%	27.1%	0.1%	9.2%	51.0%	1.1%	4.7%	5,232
Wyoming	1.7%	0.2%	3.2%	0.1%	13.9%	72.7%	7.4%	0.8%	1,061
Puerto Rico	0.0%	0.0%	0.0%	0.0%	98.9%	0.6%	0.5%	0.0%	2,198

¹ Total number includes a small number of children, in some States, for whom race/ethnicity data were not reported. Therefore the sum of the percentages may not equal 100.

Source: Table prepared by Congressional Research Service based on AFCARS data reported by States as of mid-January 2009 and provided by HHS. Data are preliminary and subject to change.

TABLE 11-67 -- NUMBER OF CHILDREN IN FOSTER CARE ON THE
LAST DAY OF FISCAL YEARS 2001-2007, BY STATE¹

STATE	2001	2002	2003	2004	2005	2006	2007
Alabama	5,859	5,883	6,079	5,934	6,913	7,157	7,263
Alaska	1,993	2,072	2,040	1,825	1,789	1,993	2,191
Arizona	6,050	6,173	7,469	9,194	9,685	9,767	9,569
Arkansas	2,959	2,971	3,014	3,124	3,238	3,434	3,616
California	107,168	90,692	87,278	82,641	80,247	78,533	76,129
Colorado	7,138	9,209	8,754	8,196	8,213	8,139	7,777
Connecticut	7,440	6,007	6,742	6,803	6,249	6,365	5,784
Delaware	1,023	886	814	849	962	1,074	1,157
Dist. of Col.	3,339	3,321	3,092	2,641	2,519	2,378	2,197
Florida	32,477	31,963	30,677	28,864	29,312	29,229	26,363
Georgia	13,175	13,149	13,578	14,216	13,965	13,175	12,236
Hawaii	2,488	2,655	2,915	2,939	2,743	2,357	1,940
Idaho	1,114	1,246	1,401	1,565	1,818	1,850	1,870
Illinois	28,202	24,344	21,608	19,931	19,431	18,814	17,875
Indiana	8,383	8,478	8,815	9,778	11,243	11,401	11,372
Iowa	5,202	5,238	5,011	5,384	6,794	9,040	8,240
Kansas	6,409	6,190	5,781	6,060	5,833	6,237	6,631
Kentucky	6,165	6,814	6,888	6,998	7,220	7,606	7,555
Louisiana	5,024	4,829	4,541	4,397	4,833	5,213	5,333
Maine	3,226	3,084	2,760	2,589	2,339	2,076	1,970
Maryland	12,564	12,026	11,521	11,111	10,867	10,500	9,973
Massachusetts	11,568	12,510	12,608	12,562	12,197	11,499	10,497
Michigan	20,896	21,251	21,376	21,173	20,498	20,142	20,830
Minnesota	8,167	8,052	6,770	6,540	6,978	7,156	6,756
Mississippi	3,443	2,686	2,721	2,989	3,269	3,126	3,328
Missouri	13,394	13,029	11,900	11,778	11,433	10,181	9,846
Montana	2,008	1,912	1,866	2,030	2,222	1,909	1,737
Nebraska	6,254	5,724	5,148	6,292	6,231	6,187	5,875
Nevada	2,959	3,027	3,605	4,037	4,656	5,068	5,067
New Hampshire	1,288	1,291	1,217	1,236	1,178	1,146	1,084
New Jersey	10,666	11,442	12,816	12,282	11,205	10,731	9,011
New Mexico	1,757	1,885	2,122	2,157	2,316	2,357	2,423
New York	43,365	40,753	37,067	33,445	30,458	29,973	30,072
North Carolina	10,130	9,527	9,534	10,077	10,698	11,115	10,827
North Dakota	1,167	1,197	1,238	1,314	1,370	1,331	1,263
Ohio	21,584	21,038	19,323	18,004	17,446	16,631	17,016
Oklahoma	8,674	8,812	9,252	11,821	11,328	11,733	11,783

TABLE 11-67 -- NUMBER OF CHILDREN IN FOSTER CARE ON THE
LAST DAY OF FISCAL YEARS 2001-2007, BY STATE¹

STATE	2001	2002	2003	2004	2005	2006	2007
Oregon	8,966	9,101	9,117	10,048	11,020	10,661	9,562
Pennsylvania	21,319	21,410	20,845	21,944	21,691	21,135	20,858
Rhode Island	2,414	2,383	2,357	2,414	2,509	2,842	2,722
South Carolina	4,774	4,818	4,801	4,635	4,757	4,920	5,127
South Dakota	1,367	1,396	1,537	1,582	1,704	1,648	1,566
Tennessee	9,679	9,359	9,487	9,590	9,017	8,618	7,751
Texas	19,739	21,353	21,880	24,529	28,883	30,848	30,137
Utah	1,957	2,025	2,033	2,108	2,285	2,427	2,739
Vermont	1,382	1,526	1,409	1,432	1,436	1,379	1,309
Virginia	6,866	7,109	7,046	6,869	7,022	7,843	7,480
Washington	9,101	9,669	9,213	9,368	10,068	10,457	11,107
West Virginia	3,298	3,220	4,069	3,990	4,629	4,018	4,410
Wisconsin	9,497	8,744	7,824	7,812	8,109	7,556	7,446
Wyoming	965	921	1,052	1,184	1,244	1,304	1,231
Puerto Rico	8,476	8,179	7,585	7,663	6,786	6,661	6,509
TOTAL	544,518	522,579	509,596	507,944	510,856	508,940	494,410

¹ Based on AFCARS data reported by States as of mid- January 2009.

Source: HHS.

TABLE 11-68 -- SHARE OF CHILDREN IN FOSTER CARE ON THE LAST
DAY OF FISCAL YEAR 2007, BY AGE AND BY STATE

STATE	under 1 year	1 - 2 years	3 - 5 years	6 - 9 years	10 - 13 years	14 - 17 years	18 - 20 years	TOTAL ¹
Alabama	5.9%	11.1%	13.3%	15.6%	16.4%	28.6%	9.1%	7,263
Alaska	4.6%	14.6%	17.7%	22.9%	17.5%	19.4%	3.3%	2,191
Arizona	7.3%	16.4%	15.9%	17.1%	14.2%	24.3%	4.8%	9,569
Arkansas	6.5%	14.8%	18.0%	16.8%	16.8%	26.9%	0.3%	3,616
California	5.6%	11.8%	13.1%	15.2%	17.8%	32.4%	4.1%	76,129
Colorado	5.6%	10.7%	10.9%	12.5%	13.6%	35.6%	10.9%	7,777
Connecticut	4.9%	11.6%	11.7%	14.0%	17.2%	40.0%	0.6%	5,784
Delaware	5.4%	11.1%	12.7%	13.7%	16.8%	37.1%	3.2%	1,157
Dist. of Col.	2.4%	7.1%	9.1%	11.3%	16.2%	31.5%	22.3%	2,197
Florida	8.0%	17.7%	18.2%	18.3%	15.4%	22.2%	0.2%	26,363
Georgia	6.7%	15.3%	16.2%	18.2%	15.9%	27.6%	0.1%	12,236
Hawaii	5.9%	13.6%	16.3%	17.3%	19.5%	27.0%	0.5%	1,940
Idaho	7.0%	17.0%	18.7%	19.8%	15.7%	21.9%	0.0%	1,870
Illinois	4.4%	12.6%	15.7%	15.7%	14.0%	20.9%	14.9%	17,875
Indiana	6.3%	14.5%	17.2%	18.0%	16.3%	24.2%	3.2%	11,372
Iowa	4.7%	12.9%	14.1%	14.1%	14.2%	38.5%	1.5%	8,240
Kansas	5.6%	13.0%	14.8%	16.2%	16.5%	33.0%	0.9%	6,631
Kentucky	6.0%	11.5%	12.0%	13.3%	14.5%	37.2%	5.4%	7,555

TABLE 11-68 -- SHARE OF CHILDREN IN FOSTER CARE ON THE LAST DAY OF FISCAL YEAR 2007, BY AGE AND BY STATE

STATE	under 1 year	1 - 2 years	3 - 5 years	6 - 9 years	10 - 13 years	14 - 17 years	18 - 20 years	TOTAL ¹
Louisiana	6.7%	15.7%	18.3%	16.7%	16.1%	26.5%	0.0%	5,333
Maine	5.7%	13.9%	14.4%	14.8%	16.2%	34.6%	0.3%	1,970
Maryland	3.3%	9.4%	11.0%	13.3%	16.4%	30.9%	15.4%	9,973
Massachusetts	5.3%	10.1%	11.6%	13.2%	17.3%	42.4%	0.1%	10,497
Michigan	5.5%	12.6%	14.3%	15.4%	15.1%	31.3%	5.8%	20,830
Minnesota	5.8%	10.8%	12.6%	11.6%	15.2%	43.1%	0.8%	6,756
Mississippi	6.6%	12.4%	16.5%	18.9%	16.0%	24.9%	4.6%	3,328
Missouri	5.6%	12.2%	13.8%	16.0%	15.5%	28.6%	8.2%	9,846
Montana	5.6%	15.5%	18.5%	18.9%	16.5%	23.8%	1.2%	1,737
Nebraska	4.0%	11.4%	13.5%	15.3%	14.1%	35.7%	6.1%	5,875
Nevada	9.1%	19.0%	19.6%	19.3%	15.5%	17.2%	0.3%	5,067
New Hampshire	3.3%	11.9%	11.5%	15.3%	16.9%	34.4%	6.4%	1,084
New Jersey	8.8%	17.2%	15.4%	16.0%	16.4%	25.8%	0.5%	9,011
New Mexico	5.7%	17.1%	19.3%	22.0%	16.3%	19.6%	0.1%	2,423
New York	3.8%	10.1%	12.7%	15.0%	15.3%	31.1%	11.8%	30,072
North Carolina	6.4%	15.1%	15.9%	17.8%	15.8%	26.5%	2.4%	10,827
North Dakota	6.0%	9.2%	12.5%	16.1%	15.3%	39.0%	2.0%	1,263
Ohio	7.3%	12.7%	13.4%	13.7%	14.6%	32.2%	5.1%	17,016
Oklahoma	7.7%	17.5%	22.4%	20.6%	14.6%	17.0%	0.2%	11,783
Oregon	6.0%	15.6%	18.1%	19.2%	16.5%	20.4%	4.1%	9,562
Pennsylvania	5.3%	11.5%	13.0%	13.5%	15.2%	35.2%	6.2%	20,858
Rhode Island	5.6%	10.5%	10.1%	12.9%	14.6%	36.0%	10.1%	2,722
South Carolina	6.5%	14.0%	15.2%	16.2%	16.3%	31.7%	0.0%	5,127
South Dakota	5.9%	15.8%	17.6%	20.2%	17.4%	22.3%	0.8%	1,566
Tennessee	4.9%	10.9%	11.5%	13.1%	13.3%	43.4%	2.9%	7,751
Texas	7.6%	17.0%	18.8%	19.6%	16.3%	20.7%	0.0%	30,137
Utah	6.3%	10.4%	11.7%	12.6%	15.7%	37.4%	6.0%	2,739
Vermont	3.9%	7.9%	9.7%	11.2%	14.5%	48.3%	4.5%	1,309
Virginia	3.5%	9.2%	11.9%	14.5%	16.4%	42.6%	1.9%	7,480
Washington	8.1%	18.6%	18.7%	18.7%	15.6%	19.3%	0.9%	11,107
West Virginia	5.5%	12.5%	13.3%	14.4%	14.3%	35.7%	4.2%	4,410
Wisconsin	5.5%	12.5%	15.1%	15.4%	16.0%	33.2%	2.2%	7,446
Wyoming	2.8%	9.8%	13.9%	13.6%	14.5%	41.5%	3.2%	1,231
Puerto Rico	3.4%	6.9%	12.3%	20.3%	25.2%	30.4%	0.0%	6,509
TOTAL	5.9%	13.2%	14.8%	16.0%	16.0%	29.6%	4.4%	494,410

¹ Total number includes a small number of children, in some States, for whom age data were not reported. Therefore the sum of the percentages may not total 100.

Source: Table prepared by the Congressional Research Service based on AFCARS data reported by States as of mid-January 2009 and provided to by HHS. Data are preliminary and subject to change.

TABLE 11-69 -- SHARE OF CHILDREN IN FOSTER CARE ON THE LAST DAY OF FISCAL YEAR 2007, BY RACE/ETHNICITY AND STATE

Hispanics may be of any race but here are included in the "Hispanic or Latino" column only.

STATE	American Indian/Alaska Native	Asian	Black or African American	Native Hawaiian/Other Pacific Islander	Hispanic or Latino	White	Unable to Determine	Two or More Races	TOTAL ¹
Alabama	0.2%	0.1%	44.9%	0.0%	3.1%	49.7%	0.2%	1.8%	7,263
Alaska	53.8%	0.5%	5.5%	1.3%	4.3%	26.1%	0.4%	7.9%	2,191
Arizona	2.9%	0.1%	8.3%	0.2%	40.0%	42.0%	2.2%	4.3%	9,569
Arkansas	0.2%	0.2%	29.3%	0.0%	5.2%	57.0%	0.2%	7.9%	3,616
California	0.8%	1.6%	24.0%	0.3%	47.0%	21.8%	0.3%	4.2%	76,129
Colorado	0.9%	0.3%	12.8%	0.3%	36.6%	45.4%	0.1%	3.6%	7,777
Connecticut	0.1%	0.3%	29.3%	0.0%	32.0%	31.9%	0.9%	5.5%	5,784
Delaware	0.0%	0.0%	57.2%	0.0%	9.1%	31.8%	0.0%	1.9%	1,157
Dist. of Col.	0.0%	0.1%	89.3%	0.0%	4.6%	0.6%	0.1%	4.9%	2,197
Florida	0.2%	0.2%	38.7%	0.0%	11.4%	46.7%	0.3%	2.6%	26,363
Georgia	0.0%	0.2%	47.5%	0.0%	5.7%	42.7%	0.3%	3.5%	12,236
Hawaii	0.2%	9.6%	0.8%	21.2%	4.2%	11.3%	3.5%	47.8%	1,940
Idaho	5.6%	0.4%	1.2%	0.1%	16.2%	71.8%	0.1%	4.6%	1,870
Illinois	0.2%	0.2%	60.9%	0.0%	6.1%	30.7%	1.8%	0.1%	17,875
Indiana	0.1%	0.1%	29.4%	0.0%	7.3%	57.1%	0.2%	5.8%	11,372
Iowa	1.9%	0.6%	14.5%	0.3%	6.5%	67.8%	6.0%	1.7%	8,240
Kansas	0.7%	0.4%	19.6%	0.0%	8.0%	66.7%	1.0%	3.4%	6,631
Kentucky	0.1%	0.1%	18.1%	0.2%	3.4%	71.1%	2.0%	5.1%	7,555
Louisiana	0.2%	0.1%	48.7%	0.1%	1.4%	47.3%	1.1%	1.2%	5,333
Maine	1.1%	0.5%	2.3%	0.0%	3.3%	84.9%	2.8%	5.2%	1,970
Maryland	0.3%	0.4%	73.1%	0.0%	2.2%	22.3%	1.7%	0.0%	9,973
Massachusetts	0.1%	1.5%	16.0%	0.1%	26.0%	48.3%	3.8%	4.1%	10,497
Michigan	1.0%	0.2%	47.5%	0.1%	4.7%	42.0%	0.2%	4.2%	20,830
Minnesota	12.6%	1.6%	21.6%	0.0%	8.2%	45.4%	2.1%	8.2%	6,756
Mississippi	0.0%	0.0%	51.2%	0.1%	1.9%	44.1%	0.4%	2.3%	3,328
Missouri	0.6%	0.2%	30.3%	0.1%	2.9%	64.6%	0.6%	0.7%	9,846
Montana	33.8%	0.1%	0.7%	0.1%	5.6%	52.4%	2.5%	4.8%	1,737
Nebraska	8.9%	0.4%	16.5%	0.0%	9.8%	60.2%	3.2%	1.1%	5,875
Nevada	0.6%	0.9%	23.8%	0.6%	22.8%	44.6%	0.1%	6.7%	5,067
New Hampshire	0.1%	0.6%	4.1%	0.1%	6.2%	80.0%	5.8%	3.2%	1,084
New Jersey	0.1%	0.2%	50.5%	0.0%	7.2%	25.7%	14.4%	1.7%	9,011
New Mexico	8.0%	0.1%	3.7%	0.0%	57.7%	26.2%	0.3%	3.5%	2,423
New York	0.2%	0.4%	46.2%	0.0%	20.8%	17.7%	12.5%	2.3%	30,072
North Carolina	1.4%	0.1%	39.9%	0.3%	7.9%	45.6%	0.6%	4.1%	10,827
North Dakota	25.3%	1.3%	2.4%	0.0%	6.4%	56.7%	0.1%	7.8%	1,263
Ohio	0.1%	0.2%	39.4%	0.0%	3.0%	52.8%	1.3%	2.5%	17,016
Oklahoma	8.9%	0.1%	16.3%	0.0%	14.7%	38.2%	0.0%	21.8%	11,783
Oregon	3.8%	0.3%	2.2%	0.2%	9.9%	58.5%	10.9%	14.2%	9,562
Pennsylvania	0.2%	0.4%	46.0%	0.0%	8.7%	39.7%	4.5%	0.5%	20,858

TABLE 11-69 -- SHARE OF CHILDREN IN FOSTER CARE ON THE LAST DAY OF FISCAL YEAR 2007, BY RACE/ETHNICITY AND STATE

Hispanics may be of any race but here are included in the "Hispanic or Latino" column only.

STATE	American Indian/Alaska Native	Asian	Black or African American	Native Hawaiian/Other Pacific Islander	Hispanic or Latino	White	Unable to Determine	Two or More Races	TOTAL ¹
Rhode Island	1.1%	1.8%	19.3%	0.1%	23.2%	47.6%	1.9%	5.1%	2,722
South Carolina	0.1%	0.1%	45.2%	0.0%	3.9%	44.6%	0.5%	5.6%	5,127
South Dakota	52.7%	0.1%	3.3%	0.0%	6.4%	30.1%	0.0%	7.3%	1,566
Tennessee	0.1%	0.2%	29.3%	0.0%	4.2%	61.4%	2.0%	2.8%	7,751
Texas	0.1%	0.3%	23.5%	0.0%	40.6%	30.5%	1.4%	3.6%	30,137
Utah	4.3%	0.5%	4.1%	0.6%	24.0%	62.9%	0.6%	3.0%	2,739
Vermont	0.0%	0.1%	3.2%	0.0%	1.0%	94.0%	0.8%	0.0%	1,309
Virginia	0.1%	0.4%	41.0%	0.0%	7.1%	44.6%	0.8%	6.0%	7,480
Washington	8.2%	1.0%	9.9%	0.4%	15.7%	53.2%	0.8%	9.8%	11,107
West Virginia	0.0%	0.0%	5.6%	0.1%	1.7%	85.9%	0.1%	6.5%	4,410
Wisconsin	3.8%	1.0%	37.0%	0.1%	8.3%	43.7%	0.8%	4.8%	7,446
Wyoming	1.5%	0.2%	3.0%	0.1%	12.2%	76.7%	5.2%	1.1%	1,231
Puerto Rico	0.0%	0.0%	0.1%	0.0%	98.9%	0.8%	0.2%	0.0%	6,509
TOTAL	1.9%	0.6%	31.1%	0.2%	19.7%	39.9%	2.3%	4.3%	494,410

¹ Total number includes a small number of children, in some States, for whom race/ethnicity data were not reported. Therefore, the sum of the percentages may not equal 100.

Source: Table prepared by the Congressional Research Service based on AFCARS data reported by States as of mid-January 2009 and provided by HHS. Data are preliminary and subject to change

TABLE 11-70 -- SHARE OF CHILDREN IN FOSTER CARE ON THE LAST DAY OF FISCAL YEAR 2007, BY MOST RECENT ESTABLISHED CASE PLAN GOAL AND STATE

STATE	Reunite with Parent(s)	Live with Relatives	Adoption	Long-Term Foster Care	Emancipation	Guardianship	Not Yet Established	TOTAL ¹
Alabama	41.2%	13.2%	20.6%	23.9%	0.0%	0.0%	1.2%	7,263
Alaska	47.5%	0.4%	32.6%	2.4%	2.6%	6.3%	8.0%	2,191
Arizona	50.6%	2.9%	23.2%	3.9%	12.8%	0.6%	6.0%	9,569
Arkansas	65.0%	4.1%	17.6%	0.0%	9.0%	0.2%	2.3%	3,616
California	29.4%	5.5%	21.8%	15.2%	2.4%	11.1%	14.7%	76,129
Colorado	52.7%	6.0%	18.7%	8.3%	11.4%	0.6%	0.3%	7,777
Connecticut	26.0%	8.6%	21.6%	0.0%	28.6%	0.7%	0.0%	5,784
Delaware	43.6%	2.2%	22.3%	25.3%	0.0%	2.3%	3.7%	1,157
Dist. of Col.	19.0%	0.4%	25.3%	36.9%	1.0%	12.7%	0.8%	2,197
Florida	55.6%	1.6%	27.0%	7.8%	0.0%	4.5%	3.5%	26,363
Georgia	66.3%	6.6%	15.9%	5.1%	5.7%	0.1%	0.3%	12,236
Hawaii	56.5%	3.9%	20.1%	8.1%	0.1%	5.1%	0.5%	1,940
Idaho	52.3%	2.5%	28.9%	1.0%	4.5%	0.8%	8.2%	1,870
Illinois	25.7%	0.0%	21.1%	2.6%	28.5%	10.1%	12.0%	17,875
Indiana	51.7%	1.6%	25.9%	10.6%	0.0%	2.1%	8.0%	11,372

TABLE 11-70 -- SHARE OF CHILDREN IN FOSTER CARE ON THE LAST DAY OF FISCAL YEAR 2007, BY MOST RECENT ESTABLISHED CASE PLAN GOAL AND STATE

STATE	Reunite with Parent(s)	Live with Relatives	Adoption	Long-Term Foster Care	Emancipation	Guardianship	Not Yet Established	TOTAL ¹
Iowa	52.7%	3.8%	12.9%	14.2%	0.0%	1.2%	5.2%	8,240
Kansas	63.4%	0.0%	25.7%	0.0%	6.9%	4.0%	0.0%	6,631
Kentucky	52.2%	2.1%	24.7%	5.6%	7.0%	0.3%	8.1%	7,555
Louisiana	74.5%	1.2%	15.9%	7.6%	0.5%	0.3%	0.0%	5,333
Maine	31.5%	3.0%	27.2%	4.2%	12.6%	2.7%	4.9%	1,970
Maryland	27.9%	7.8%	16.9%	17.0%	10.4%	11.9%	2.2%	9,973
Massachusetts	46.5%	0.0%	24.6%	11.9%	10.5%	4.6%	0.8%	10,497
Michigan	53.4%	4.7%	24.6%	7.0%	9.6%	0.8%	0.0%	20,830
Minnesota	74.4%	2.6%	9.6%	9.9%	0.4%	0.2%	2.1%	6,756
Mississippi	51.6%	6.6%	26.2%	1.7%	6.8%	6.8%	0.0%	3,328
Missouri	52.9%	1.0%	23.3%	0.0%	16.5%	4.8%	0.7%	9,846
Montana	59.6%	2.7%	20.6%	11.9%	0.3%	3.9%	1.0%	1,737
Nebraska	67.2%	0.0%	11.5%	0.0%	5.9%	6.6%	4.7%	5,875
Nevada	45.1%	7.4%	35.9%	3.4%	6.9%	0.6%	0.4%	5,067
New Hampshire	40.2%	1.9%	22.1%	15.8%	0.0%	2.6%	17.3%	1,084
New Jersey	46.4%	5.0%	33.5%	5.4%	3.5%	3.4%	0.8%	9,011
New Mexico	49.3%	0.6%	39.0%	2.3%	4.2%	0.8%	3.1%	2,423
New York	53.2%	2.3%	25.1%	0.0%	11.0%	3.7%	4.2%	30,072
North Carolina	58.9%	3.9%	26.8%	0.0%	1.9%	7.0%	0.9%	10,827
North Dakota	50.4%	3.9%	24.3%	11.1%	1.3%	3.1%	1.7%	1,263
Ohio	50.0%	0.0%	18.4%	8.8%	5.7%	0.0%	14.6%	17,016
Oklahoma	53.4%	2.2%	31.0%	2.2%	3.5%	0.6%	5.2%	11,783
Oregon	53.2%	0.2%	22.9%	20.5%	1.3%	1.9%	0.0%	9,562
Pennsylvania	66.3%	2.7%	15.3%	5.0%	8.2%	2.2%	0.4%	20,858
Rhode Island	51.8%	2.4%	12.9%	10.6%	9.2%	0.3%	5.3%	2,722
South Carolina	47.2%	2.4%	31.9%	8.7%	9.1%	0.7%	0.0%	5,127
South Dakota	35.3%	3.5%	20.2%	15.5%	0.7%	2.2%	22.6%	1,566
Tennessee	65.5%	9.3%	18.6%	0.9%	0.0%	0.4%	4.1%	7,751
Texas	30.9%	4.8%	37.0%	9.7%	4.8%	1.0%	5.2%	30,137
Utah	48.6%	3.1%	18.0%	26.6%	0.3%	1.8%	1.7%	2,739
Vermont	68.4%	0.2%	16.8%	7.6%	4.0%	0.2%	2.6%	1,309
Virginia	36.9%	7.1%	21.4%	15.9%	12.7%	0.0%	4.7%	7,480
Washington	67.1%	1.9%	22.0%	2.7%	0.6%	4.9%	0.8%	11,107
West Virginia	59.1%	4.2%	22.1%	0.4%	7.2%	6.6%	0.0%	4,410
Wisconsin	53.5%	4.6%	14.2%	10.8%	1.9%	4.7%	4.7%	7,446
Wyoming	67.7%	1.2%	10.6%	3.8%	2.8%	4.1%	5.3%	1,231
Puerto Rico	45.0%	14.4%	19.0%	10.7%	6.0%	0.5%	4.4%	6,509

¹ Total number includes children, in some States, for whom the most recent case plan goal information was not reported. Therefore, the sum of the percentages may not equal 100 in all States.

Source: Table prepared by the Congressional Research Service based on AFCARS data reported by States as of mid-January 2009 and provided by HHS. Data are preliminary and subject to change.

TABLE 11-71 -- SHARE OF CHILDREN IN CARE ON LAST DAY OF FISCAL YEAR 2007,
BY PLACEMENT SETTING AND STATE

STATE	Pre-Adoptive Homes	Foster Family Home		Group Home	Institution	Supervised Independent Living	Runaway	Trial Home Visit	Not Applicable ¹	TOTAL ²
		Relative	Non-Relative							
Alabama	3.2%	11.0%	52.9%	2.6%	14.3%	0.4%	1.7%	3.6%	8.7%	7,263
Alaska	2.5%	29.4%	42.2%	0.0%	9.4%	0.2%	1.0%	10.3%	4.9%	2,191
Arizona	0.5%	32.1%	43.4%	11.2%	6.2%	3.4%	2.4%	0.3%	0.0%	9,569
Arkansas	4.1%	10.6%	59.0%	6.0%	12.8%	0.2%	1.5%	4.3%	1.4%	3,616
California	3.4%	29.9%	43.4%	6.7%	4.9%	0.3%	4.0%	1.2%	6.3%	76,129
Colorado	3.9%	14.8%	45.3%	4.3%	25.9%	1.4%	2.3%	0.5%	0.5%	7,777
Connecticut	9.2%	16.5%	41.9%	8.1%	17.2%	0.2%	0.6%	3.2%	0.0%	5,784
Delaware	3.9%	10.0%	60.0%	7.3%	13.5%	0.0%	0.5%	4.6%	0.1%	1,157
Dist. of Col.	10.4%	14.4%	45.5%	7.3%	8.6%	8.2%	2.9%	0.0%	0.5%	2,197
Florida	1.6%	43.2%	39.7%	4.1%	9.2%	0.1%	1.5%	0.0%	0.4%	26,363
Georgia	2.5%	18.0%	58.0%	9.0%	9.1%	0.0%	0.8%	1.4%	1.2%	12,236
Hawaii	1.3%	41.1%	47.0%	1.2%	5.1%	0.0%	2.9%	0.0%	0.6%	1,940
Idaho	6.0%	18.4%	53.9%	2.9%	7.5%	0.0%	0.2%	11.0%	0.1%	1,870
Illinois	4.1%	33.7%	41.5%	1.8%	8.4%	8.4%	1.2%	0.7%	0.2%	17,875
Indiana	0.0%	15.2%	65.8%	3.0%	14.1%	0.5%	0.5%	0.1%	0.8%	11,372
Iowa	3.3%	20.6%	33.6%	15.1%	5.0%	0.8%	1.1%	19.6%	1.1%	8,240
Kansas	4.8%	21.3%	47.4%	2.1%	5.3%	0.4%	1.3%	9.5%	7.7%	6,631
Kentucky	1.6%	8.5%	59.9%	0.5%	26.8%	1.7%	0.0%	0.0%	1.0%	7,555
Louisiana	4.1%	22.7%	51.8%	5.0%	9.9%	0.2%	1.3%	4.3%	0.4%	5,333
Maine	6.6%	18.2%	46.1%	14.1%	2.4%	0.9%	1.3%	6.2%	0.4%	1,970
Maryland	2.6%	30.2%	37.3%	17.5%	2.2%	2.9%	1.1%	3.0%	0.4%	9,973

TABLE 11-71 -- SHARE OF CHILDREN IN CARE ON LAST DAY OF FISCAL YEAR 2007,
BY PLACEMENT SETTING AND STATE

STATE	Pre-Adoptive Homes	Foster Family Home		Group Home	Institution	Supervised Independent Living	Runaway	Trial Home Visit	Not Applicable ¹	TOTAL ²
		Relative	Non-Relative							
Massachusetts	3.9%	18.4%	43.6%	10.9%	8.4%	0.3%	2.2%	11.8%	0.4%	10,497
Michigan	2.3%	36.2%	33.3%	0.2%	14.1%	3.2%	1.6%	7.7%	1.4%	20,830
Minnesota	11.1%	18.2%	39.6%	9.0%	15.4%	0.1%	2.6%	3.9%	0.0%	6,756
Mississippi	1.1%	32.1%	35.6%	12.9%	5.5%	0.2%	1.4%	9.1%	1.6%	3,328
Missouri	5.2%	20.4%	40.5%	0.9%	15.5%	3.5%	1.0%	3.0%	9.9%	9,846
Montana	0.5%	28.8%	50.2%	12.2%	1.7%	0.3%	0.5%	5.7%	0.1%	1,737
Nebraska	1.5%	19.8%	40.0%	11.9%	8.9%	1.1%	2.0%	14.2%	0.5%	5,875
Nevada	0.8%	30.8%	41.3%	2.9%	5.5%	0.8%	2.1%	15.0%	0.5%	5,067
New Hampshire	0.0%	14.7%	59.8%	21.7%	2.0%	0.4%	0.0%	0.0%	1.5%	1,084
New Jersey	0.7%	35.1%	41.3%	8.6%	9.8%	0.7%	0.1%	0.0%	2.9%	9,011
New Mexico	9.7%	19.4%	54.5%	3.5%	2.6%	1.7%	2.0%	6.5%	0.2%	2,423
New York	6.3%	18.7%	44.3%	5.5%	14.9%	0.0%	2.4%	6.8%	1.0%	30,072
North Carolina	4.6%	23.2%	50.9%	7.2%	5.6%	0.1%	1.1%	6.1%	0.4%	10,827
North Dakota	10.2%	16.7%	38.2%	3.8%	21.5%	0.0%	0.3%	7.9%	0.6%	1,263
Ohio	3.6%	14.7%	60.6%	5.4%	10.9%	0.9%	1.5%	0.8%	0.6%	17,016
Oklahoma	5.2%	29.0%	42.6%	3.8%	4.2%	0.1%	0.9%	13.9%	0.4%	11,783
Oregon	5.1%	19.1%	52.6%	1.3%	5.7%	0.3%	2.1%	13.8%	0.1%	9,562
Pennsylvania	3.0%	22.5%	45.6%	10.4%	14.3%	1.6%	0.4%	1.1%	1.1%	20,858
Rhode Island	0.8%	26.3%	32.5%	36.8%	1.7%	0.0%	1.4%	0.0%	0.6%	2,722
South Carolina	6.1%	7.9%	60.5%	4.0%	19.2%	0.4%	1.7%	0.0%	0.3%	5,127

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TABLE 11-71 -- SHARE OF CHILDREN IN CARE ON LAST DAY OF FISCAL YEAR 2007,
BY PLACEMENT SETTING AND STATE

STATE	Pre-Adoptive Homes	Foster Family Home		Group Home	Institution	Supervised Independent Living	Runaway	Trial Home Visit	Not Applicable ¹	TOTAL ²
		Relative	Non-Relative							
South Dakota	4.0%	18.3%	47.2%	0.0%	20.2%	0.3%	0.2%	9.1%	0.6%	1,566
Tennessee	1.5%	10.8%	57.6%	6.7%	11.7%	0.1%	2.7%	8.1%	0.8%	7,751
Texas	2.9%	28.9%	39.6%	8.3%	10.7%	0.4%	1.5%	6.1%	0.8%	30,137
Utah	3.9%	11.7%	56.6%	3.0%	14.3%	2.8%	1.5%	5.1%	1.0%	2,739
Vermont	3.1%	12.1%	52.6%	17.9%	2.2%	1.7%	0.3%	10.1%	0.0%	1,309
Virginia	3.7%	5.2%	51.5%	6.1%	13.3%	1.1%	1.1%	2.4%	14.9%	7,480
Washington	1.0%	35.5%	49.1%	3.9%	1.0%	0.1%	1.3%	7.5%	0.6%	11,107
West Virginia	5.9%	10.2%	42.1%	18.9%	3.9%	1.0%	0.9%	5.6%	10.8%	4,410
Wisconsin	1.7%	30.5%	51.4%	7.5%	7.5%	0.0%	1.0%	0.2%	0.0%	7,446
Wyoming	1.1%	18.8%	33.0%	9.8%	25.4%	0.6%	0.7%	10.6%	0.0%	1,231
Puerto Rico	2.2%	30.5%	50.1%	1.5%	7.4%	0.4%	1.5%	5.7%	0.7%	6,509

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¹ Not applicable refers to children for whom, because of reporting time frames and creation of an annual AFCARS file, placement setting information reported is available only for a time that is later than the last day of the fiscal year for which data are being analyzed .

² Total number includes children, in some States, for whom placement setting on the last day of the fiscal year was not reported. Therefore, the sum of the percentages may not equal 100 in all States.

Source: Table prepared by the Congressional Research Service based on AFCARS data reported by States as of mid-January 2009 and provided by HHS. Data are preliminary and subject to change

TABLE 11-72 -- LENGTH OF STAY FOR CHILDREN IN FOSTER CARE ON THE
LAST DAY OF FISCAL YEAR 2007, BY STATE

STATE	Less Than 1 Month	1 to 5 Months	6 to 11 Months	12 to 17 Months	18 to 23 Months	24 to 29 Months	30 to 35 Months	3 to 4 Years	5 or more Years	TOTAL ¹	MONTHS IN CARE FOR ALL CHILDREN	
											Average	Median
Alabama	4.1%	17.9%	15.3%	10.7%	8.0%	7.7%	5.9%	13.9%	16.6%	7,263	32.8	19.2
Alaska	3.5%	17.0%	15.3%	14.6%	10.4%	9.3%	6.0%	17.0%	6.8%	2,191	24.3	17.8
Arizona	5.0%	21.5%	20.6%	15.3%	10.0%	8.0%	5.2%	9.2%	5.2%	9,569	20.1	13.0
Arkansas	8.0%	23.3%	21.5%	13.5%	8.5%	6.2%	4.9%	7.7%	6.4%	3,616	18.7	11.1
California	3.9%	17.6%	16.8%	12.7%	8.7%	6.9%	4.7%	10.6%	18.0%	76,129	34.8	17.4
Colorado	6.4%	23.5%	18.1%	12.6%	9.1%	5.9%	4.3%	9.9%	10.2%	7,777	23.7	13.0
Connecticut	3.6%	14.6%	15.4%	16.7%	10.1%	6.9%	5.2%	12.4%	15.0%	5,784	31.0	17.8
Delaware	8.0%	23.6%	19.4%	13.3%	8.7%	7.7%	5.7%	7.3%	6.2%	1,157	19.7	11.4
Dist. of Col.	1.9%	7.4%	10.3%	9.1%	8.6%	9.8%	6.1%	17.9%	29.0%	2,197	48.4	31.9
Florida	4.9%	24.0%	21.8%	14.3%	9.4%	6.8%	4.3%	7.5%	6.9%	26,363	20.2	11.7
Georgia	3.9%	21.5%	20.5%	12.5%	9.9%	8.3%	5.1%	10.9%	7.3%	12,236	22.3	13.9
Hawaii	3.5%	15.0%	16.4%	12.4%	12.0%	11.5%	6.6%	15.3%	7.4%	1,940	24.7	19.2
Idaho	6.7%	21.5%	20.9%	12.7%	10.1%	7.9%	5.5%	10.1%	4.7%	1,870	18.7	12.4
Illinois	2.1%	10.6%	9.5%	9.3%	8.2%	8.1%	6.8%	17.4%	28.0%	17,875	49.6	31.8
Indiana	5.4%	20.9%	18.8%	13.6%	10.1%	8.4%	5.8%	10.5%	6.5%	11,372	22.0	13.8
Iowa	4.4%	23.3%	22.4%	16.0%	10.0%	6.9%	4.1%	8.0%	4.9%	8,240	18.4	11.9
Kansas	5.1%	24.1%	22.1%	13.8%	9.6%	6.5%	4.3%	8.1%	6.3%	6,631	19.4	11.6
Kentucky	5.9%	22.0%	19.3%	13.8%	9.6%	7.8%	5.5%	9.6%	6.5%	7,555	21.2	13.1
Louisiana	5.4%	22.6%	20.0%	14.7%	8.8%	7.2%	4.8%	8.4%	8.0%	5,333	21.9	12.6
Maine	3.0%	17.6%	16.6%	12.7%	8.4%	7.1%	4.7%	12.6%	17.3%	1,970	32.5	18.0

TABLE 11-72 -- LENGTH OF STAY FOR CHILDREN IN FOSTER CARE ON THE
LAST DAY OF FISCAL YEAR 2007, BY STATE

STATE	Less Than 1 Month	1 to 5 Months	6 to 11 Months	12 to 17 Months	18 to 23 Months	24 to 29 Months	30 to 35 Months	3 to 4 Years	5 or more Years	TOTAL ¹	MONTHS IN CARE FOR ALL CHILDREN	
											Average	Median
Maryland	2.0%	9.2%	12.1%	9.7%	7.7%	6.8%	5.7%	17.2%	29.5%	9,973	50.0	32.5
Massachusetts	5.5%	20.6%	18.6%	12.4%	9.7%	6.6%	4.5%	11.3%	10.9%	10,497	24.9	14.3
Michigan	3.5%	17.5%	19.2%	15.0%	10.5%	8.1%	5.2%	11.8%	9.2%	20,830	24.8	15.7
Minnesota	7.0%	27.2%	18.9%	11.5%	8.0%	5.9%	4.4%	7.9%	9.0%	6,756	21.9	10.8
Mississippi	4.8%	23.4%	19.6%	11.8%	9.2%	6.7%	4.5%	11.7%	8.1%	3,328	22.1	12.8
Missouri	4.6%	18.9%	15.8%	13.4%	9.3%	7.6%	5.5%	12.1%	12.7%	9,846	28.0	16.6
Montana	3.6%	18.2%	17.2%	11.7%	9.8%	8.7%	6.2%	11.6%	13.0%	1,737	28.6	17.6
Nebraska	4.8%	24.2%	19.2%	14.2%	10.9%	7.0%	5.7%	9.3%	4.7%	5,875	18.8	12.6
Nevada	4.8%	21.9%	19.8%	15.6%	10.3%	6.7%	5.4%	10.4%	5.0%	5,067	20.5	13.2
New Hampshire	3.5%	17.3%	17.2%	9.4%	10.2%	7.7%	5.7%	10.8%	18.1%	1,084	33.7	19.6
New Jersey	4.5%	19.0%	17.5%	13.1%	11.0%	7.5%	4.5%	10.6%	12.0%	9,011	26.5	15.7
New Mexico	5.2%	18.9%	22.1%	14.9%	10.3%	9.2%	7.4%	9.5%	2.5%	2,423	18.3	13.4
New York	3.1%	14.3%	14.9%	12.2%	9.7%	6.3%	5.0%	14.6%	19.9%	30,072	36.7	20.6
North Carolina	4.6%	20.9%	18.8%	15.2%	10.5%	7.9%	5.3%	9.9%	6.8%	10,827	21.7	13.9
North Dakota	4.8%	22.6%	20.6%	12.4%	11.1%	7.6%	4.4%	10.5%	5.9%	1,263	20.3	12.7
Ohio	6.0%	22.1%	18.1%	12.1%	8.4%	6.4%	4.7%	10.9%	11.2%	17,016	25.3	13.5
Oklahoma	3.7%	19.0%	18.1%	15.5%	11.0%	8.6%	6.4%	11.5%	6.3%	11,783	22.2	15.5
Oregon	3.2%	15.7%	17.5%	12.8%	10.0%	8.4%	6.5%	12.6%	13.2%	9,562	29.8	18.5
Pennsylvania	5.5%	20.2%	19.0%	13.6%	9.7%	7.9%	5.1%	10.9%	8.1%	20,858	23.4	14.0
Rhode Island	4.6%	19.9%	18.4%	14.9%	10.8%	7.9%	3.8%	10.3%	9.3%	2,722	24.5	14.6
South Carolina	5.2%	20.2%	16.6%	12.9%	8.5%	7.4%	5.0%	12.8%	11.3%	5,127	26.2	15.4

TABLE 11-72 -- LENGTH OF STAY FOR CHILDREN IN FOSTER CARE ON THE
LAST DAY OF FISCAL YEAR 2007, BY STATE

STATE	Less Than 1 Month	1 to 5 Months	6 to 11 Months	12 to 17 Months	18 to 23 Months	24 to 29 Months	30 to 35 Months	3 to 4 Years	5 or more Years	TOTAL ¹	MONTHS IN CARE FOR ALL CHILDREN	
											Average	Median
South Dakota	7.2%	21.4%	17.0%	12.3%	7.5%	7.9%	5.4%	10.9%	10.0%	1,566	23.6	13.7
Tennessee	6.1%	29.1%	21.0%	14.1%	8.7%	5.6%	4.5%	7.8%	3.1%	7,751	16.2	10.0
Texas	3.6%	19.1%	21.6%	14.8%	9.4%	7.6%	5.2%	9.7%	9.0%	30,137	23.3	13.9
Utah	5.1%	27.5%	24.4%	13.3%	7.4%	4.9%	4.2%	7.7%	5.5%	2,739	17.9	9.9
Vermont	2.7%	17.1%	17.5%	16.1%	9.1%	9.9%	7.6%	12.1%	8.0%	1,309	24.2	16.7
Virginia	3.8%	16.5%	16.9%	15.3%	11.6%	7.7%	5.2%	12.5%	10.6%	7,480	26.9	17.1
Washington	3.9%	16.7%	18.7%	15.0%	12.5%	9.5%	6.1%	11.8%	5.8%	11,107	22.2	16.2
West Virginia	5.8%	23.5%	22.8%	14.2%	9.8%	7.1%	3.8%	6.8%	6.2%	4,410	19.7	11.2
Wisconsin	5.5%	22.3%	17.2%	13.0%	9.3%	7.4%	5.1%	10.1%	10.0%	7,446	25.0	14.0
Wyoming	6.3%	26.9%	21.8%	13.7%	7.7%	6.3%	4.0%	8.7%	4.5%	1,231	17.9	10.4
Puerto Rico	3.3%	12.6%	14.4%	8.7%	5.6%	5.3%	3.5%	12.9%	33.7%	6,509	47.4	30.7
Total	4.3%	19.1%	18.0%	13.3%	9.4%	7.3%	5.1%	11.1%	12.2%	494,410	27.8	15.6

11-200

¹ Total number includes a small number of children, in some States, for whom length of stay data on the last day of the fiscal year were not reported. Therefore, the sum of the percentages may not equal 100 in all States.

Source: Table prepared by the Congressional Research Service (CRS) based on AFCARS data reported by States as of mid-January 2009 and provided by HHS. Data are preliminary and subject to change.

TABLE 11-73 -- NUMBER OF CHILDREN WAITING TO BE ADOPTED¹
ON THE LAST DAY OF FISCAL YEARS 2001 – 2007, BY STATE²

STATE	2001	2002	2003	2004	2005	2006	2007
Alabama	1,243	1,476	1,546	1,599	2,128	1,658	1,820
Alaska	697	617	634	649	488	714	777
Arizona	2,507	1,649	1,676	2,124	2,478	2,644	2,492
Arkansas	804	983	984	949	1,191	945	780
California	7,651	15,794	15,851	16,299	16,700	18,046	18,187
Colorado	1,477	2,068	1,742	1,684	1,785	2,099	1,762
Connecticut	979	1,102	1,374	1,450	953	1,168	1,494
Delaware	335	227	170	218	274	302	311
Dist. of Col.	1,142	1,169	1,124	837	620	667	560
Florida	7,770	8,080	8,173	7,690	7,379	7,480	7,824
Georgia	4,156	3,184	2,474	2,507	2,370	2,305	2,162
Hawaii	751	751	892	1,019	980	808	733
Idaho	227	258	254	310	373	555	593
Illinois	8,931	6,193	3,780	3,432	3,347	5,652	4,290
Indiana	2,381	2,330	2,396	2,550	3,194	3,345	3,211
Iowa	1,113	1,263	1,131	1,139	1,265	1,439	1,298
Kansas	2,031	2,073	1,978	1,926	1,811	2,005	1,812
Kentucky	1,925	1,926	2,035	1,969	2,125	2,083	2,125
Louisiana	1,439	1,471	1,315	1,179	1,162	1,079	1,137
Maine	1,012	989	841	851	787	679	615
Maryland	3,244	2,933	2,500	2,202	1,954	1,597	1,689
Massachusetts	2,907	3,107	3,052	3,006	2,925	2,705	2,868
Michigan	7,726	6,752	6,968	6,486	7,061	6,164	6,115
Minnesota	1,611	1,548	1,918	1,795	1,559	1,363	1,526
Mississippi	476	803	811	914	858	903	898
Missouri	2,990	2,844	3,352	3,227	3,532	2,722	2,558
Montana	739	669	639	713	646	606	597
Nebraska	347	671	812	920	916	972	805
Nevada	589	535	1,309	1,573	1,701	1,786	1,933
New Hampshire	198	193	175	239	272	250	244
New Jersey	5,138	5,050	5,265	5,110	4,845	4,720	4,194
New Mexico	667	514	583	634	711	860	963
New York	14,448	13,730	12,529	10,650	9,238	8,040	7,659
North Carolina	3,310	3,119	3,087	3,074	3,137	3,116	3,095
North Dakota	320	320	316	277	344	321	337
Ohio	5,778	5,616	5,099	4,814	4,350	4,015	3,782
Oklahoma	2,389	2,434	2,612	4,471	3,503	4,125	4,628

TABLE 11-73 -- NUMBER OF CHILDREN WAITING TO BE ADOPTED¹
ON THE LAST DAY OF FISCAL YEARS 2001 – 2007, BY STATE²

STATE	2001	2002	2003	2004	2005	2006	2007
Oregon	2,679	2,503	3,164	3,302	3,441	2,776	2,527
Pennsylvania	5,213	4,201	4,032	3,996	3,679	3,559	3,379
Rhode Island	401	387	319	331	407	404	399
South Carolina	2,137	1,939	1,493	1,769	1,819	1,750	1,744
South Dakota	401	433	443	480	472	507	452
Tennessee	2,283	2,336	1,970	1,776	1,717	1,788	1,622
Texas	7,889	8,474	8,785	9,957	10,947	12,542	13,552
Utah	332	448	446	437	436	475	571
Vermont	300	419	367	267	265	251	257
Virginia	1,946	1,487	1,571	1,611	1,823	1,797	1,754
Washington	2,253	2,649	2,369	2,317	2,167	2,361	2,837
West Virginia	721	965	1,018	976	1,312	1,204	1,273
Wisconsin	1,638	1,667	1,707	1,341	1,283	1,214	1,244
Wyoming	103	101	155	171	200	209	151
Puerto Rico	371	1,444	1,404	1,599	1,542	1,432	1,251
TOTAL	130,115	133,894	130,640	130,816	130,472	132,207	130,887

¹There is no Federal definition of children who are “waiting for adoption.” For purposes of this analysis HHS has defined them to include children in care on the last day of the fiscal year who have a goal of adoption and/or whose parental rights have been terminated. However, children whose parental rights have been terminated, who are at least 16 years of age, and who have a goal of emancipation are excluded from this population.

²Based on AFCARS data reported by States as of mid-January 2009. Data are preliminary and may be subject to change.

Source: HHS.

TABLE 11-74 -- SHARE OF CHILDREN LEAVING FOSTER CARE DURING FISCAL YEAR 2007,
BY EXIT OUTCOME AND STATE

STATE	Reunite with Parent(s) or Primary Caretaker	Living with Other Relative(s)	Adoption	Emancipation	Guardianship	Transfer to Another Agency	Runaway	Death	TOTAL ¹
Alabama	43.8%	36.5%	9.6%	5.4%	0.0%	3.1%	1.2%	0.2%	3,641
Alaska	48.8%	2.9%	31.2%	8.4%	3.9%	1.3%	2.9%	0.5%	762
Arizona	47.2%	3.1%	22.1%	7.8%	13.3%	4.1%	2.4%	0.1%	7,384
Arkansas	36.6%	40.8%	10.5%	8.7%	2.6%	0.5%	0.0%	0.2%	3,788
California	60.4%	0.0%	19.0%	10.2%	3.8%	2.5%	3.0%	0.2%	39,905
Colorado	50.7%	15.2%	16.0%	6.2%	4.7%	3.5%	3.3%	0.2%	6,585
Connecticut	43.0%	2.6%	18.0%	15.8%	13.9%	0.8%	3.2%	0.0%	3,150
Delaware	64.9%	5.9%	12.7%	8.7%	6.0%	1.0%	0.9%	0.1%	939
Dist. of Col.	36.3%	2.9%	19.8%	21.0%	18.8%	0.7%	0.0%	0.4%	746
Florida	49.0%	8.2%	14.5%	6.4%	19.6%	0.2%	0.5%	0.1%	20,967
Georgia	45.1%	26.5%	13.2%	7.6%	2.3%	3.8%	1.3%	0.2%	9,606
Hawaii	62.2%	0.1%	18.9%	8.5%	8.4%	0.7%	0.2%	0.1%	1,785
Idaho	71.4%	5.3%	12.8%	8.3%	0.5%	1.3%	0.0%	0.1%	1,484
Illinois	38.2%	2.8%	28.6%	21.1%	8.4%	0.1%	0.0%	0.0%	5,913
Indiana	62.1%	1.8%	17.4%	4.1%	7.0%	6.7%	0.8%	0.3%	7,427
Iowa	66.9%	0.0%	18.6%	8.6%	5.8%	0.0%	0.0%	0.1%	5,379
Kansas	55.6%	0.6%	22.3%	11.6%	6.9%	1.6%	0.5%	0.1%	3,584
Kentucky	47.6%	26.2%	12.7%	11.5%	0.6%	0.9%	0.0%	0.0%	5,413

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TABLE 11-74 -- SHARE OF CHILDREN LEAVING FOSTER CARE DURING FISCAL YEAR 2007,
BY EXIT OUTCOME AND STATE

STATE	Reunite with Parent(s) or Primary Caretaker	Living with Other Relative(s)	Adoption	Emancipation	Guardianship	Transfer to Another Agency	Runaway	Death	TOTAL ¹
Louisiana	46.3%	28.4%	13.0%	8.5%	1.5%	1.7%	0.4%	0.3%	3,308
Maine	33.9%	3.0%	35.2%	21.7%	5.3%	0.6%	0.0%	0.2%	929
Maryland ²	31.2%	6.6%	6.9%	11.9%	0.8%	0.5%	1.4%	0.1%	2,838
Massachusetts	54.6%	5.0%	13.1%	18.5%	7.4%	1.2%	0.0%	0.1%	6,202
Michigan	45.3%	5.7%	30.9%	9.3%	3.6%	2.2%	1.0%	0.3%	8,550
Minnesota	66.6%	3.2%	8.0%	9.7%	8.6%	1.5%	2.3%	0.1%	7,480
Mississippi	47.1%	25.6%	14.4%	4.6%	5.6%	0.9%	1.1%	0.3%	2,043
Missouri	56.0%	1.4%	15.9%	5.7%	10.5%	1.5%	1.9%	0.3%	5,168
Montana	50.0%	10.7%	20.3%	7.5%	7.1%	1.3%	0.2%	0.1%	1,223
Nebraska	66.7%	0.0%	13.0%	9.9%	7.7%	2.0%	0.8%	0.1%	3,704
Nevada	63.0%	3.7%	12.3%	5.7%	13.1%	1.4%	0.5%	0.2%	3,639
New Hampshire	34.2%	19.3%	23.4%	9.5%	4.2%	6.4%	1.0%	0.2%	591
New Jersey	53.8%	0.6%	19.7%	11.7%	5.7%	1.0%	3.6%	0.1%	7,082
New Mexico	70.7%	1.8%	17.0%	5.9%	1.3%	2.5%	0.7%	0.1%	2,153
New York	52.2%	11.0%	19.1%	11.6%	0.0%	3.6%	1.6%	0.1%	12,964
North Carolina	47.5%	2.5%	24.2%	8.6%	14.5%	1.9%	0.4%	0.1%	5,785
North Dakota	47.9%	6.4%	14.4%	7.4%	0.1%	20.4%	1.3%	0.0%	891
Ohio	44.9%	22.0%	14.5%	10.6%	4.1%	0.9%	0.4%	0.2%	11,011
Oklahoma	60.1%	3.6%	19.1%	7.9%	7.0%	1.6%	0.4%	0.3%	6,617
Oregon	63.5%	1.0%	18.8%	5.7%	6.1%	1.6%	1.0%	0.2%	5,427

TABLE 11-74 -- SHARE OF CHILDREN LEAVING FOSTER CARE DURING FISCAL YEAR 2007,
BY EXIT OUTCOME AND STATE

STATE	Reunite with Parent(s) or Primary Caretaker	Living with Other Relative(s)	Adoption	Emancipation	Guardianship	Transfer to Another Agency	Runaway	Death	TOTAL ¹
Pennsylvania	55.8%	7.3%	14.6%	8.1%	5.6%	4.2%	4.3%	0.1%	13,170
Rhode Island	63.9%	3.6%	13.5%	9.3%	2.5%	2.8%	4.2%	0.1%	1,730
South Carolina	47.5%	28.5%	12.7%	9.2%	1.1%	0.2%	0.4%	0.3%	3,414
South Dakota	59.3%	3.1%	11.4%	6.8%	6.3%	13.1%	0.1%	0.0%	1,407
Tennessee	47.7%	18.2%	17.4%	10.6%	3.5%	1.2%	1.1%	0.2%	6,969
Texas	36.1%	26.3%	25.7%	9.1%	0.0%	0.0%	1.0%	0.2%	15,847
Utah	40.7%	10.7%	19.6%	11.5%	7.5%	2.8%	2.5%	0.2%	1,768
Vermont	52.5%	4.1%	29.5%	10.1%	2.4%	1.2%	0.2%	0.0%	661
Virginia	26.5%	15.5%	20.8%	32.5%	0.0%	0.8%	0.9%	0.2%	2,856
Washington	59.7%	0.0%	19.2%	6.4%	5.6%	1.5%	0.0%	0.1%	6,250
West Virginia	60.7%	6.9%	16.0%	8.5%	3.9%	3.7%	0.0%	0.1%	2,549
Wisconsin	65.0%	2.1%	14.8%	11.1%	3.2%	2.0%	1.4%	0.4%	4,571
Wyoming	72.8%	8.1%	7.2%	5.6%	4.0%	1.5%	0.6%	0.0%	1,043
Puerto Rico	46.9%	37.4%	9.6%	1.9%	0.1%	0.9%	0.0%	0.5%	1,472
Total	52.4%	9.3%	17.7%	9.5%	5.9%	2.0%	1.5%	0.2%	289,770

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¹Total number includes some children, in a few States, for whom exit outcomes were not reported. Therefore, the sum of the percentages may not equal 100 in all States.

²Due to technical difficulties related to implementation of a new child welfare information system in Maryland, the State was not able to report, as of mid-January 2009, the exit outcomes for about 41 percent of the children that left its care during fiscal year 2007.

Source: Table prepared by Congressional Research Service based on AFCARS data reported by States as of mid-January 2009 and provided by HHS. Data are preliminary and subject to change.

TABLE 11-75 – NUMBER OF ADOPTIONS WITH PUBLIC CHILD WELFARE AGENCY INVOLVEMENT,
FISCAL YEARS 1995 – 2007, BY STATE

STATE	1995 ¹	1996 ¹	1997 ¹	1998 ²	1999 ²	2000 ²	2001 ²	2002 ²	2003 ²	2004 ²	2005 ²	2006 ²
Alabama	128	153	136	115	153	202	238	249	329	398	324	387
Alaska	103	112	109	95	137	202	278	230	208	185	204	212
Arizona	215	383	474	³	761	853	938	793	839	729	1,012	1,400
Arkansas	84	185	146	258	318	325	362	297	385	331	316	395
California	3,094	3,153	3,614	4,418	6,416	8,818	9,156	8,840	7,406	7,308	7,490	7,364
Colorado	338	454	458	581	719	711	749	992	1,040	969	954	956
Connecticut	198	146	278	314 ⁴	403	499	444	617	342	349	740	649
Delaware	38	46	33	62	33	103	117	133	101	73	78	94
Dist of Columbia	86	113	132	140	166	319	231	253	242	433	310	179
Florida	904	1,064	992	1,549	1,355	1,629	1,508	2,309	2,786	3,264	3,019	3,046
Georgia	383	537	558	727	1,143	1,091	1,001	1,135	1,109	1,283	1,127	1,250
Hawaii	42	64	150	301	281	280	260	366	318	375	452	397
Idaho	46	40	47	57 ⁴	107	140	132	118	138	176	149	177
Illinois	1,759	2,146	2,695	4,656	7,028	5,664	4,106	3,634	2,707	2,227	1,837	1,740
Indiana	520	373	592	800	764	1,160	901	923	771	1,006	1,010	1,183
Iowa	227	383	440	525	764	729	661	886	1,130	1,061	947	984
Kansas	333	292	421	419	566	468	428	475	546	653	649	524
Kentucky	197	214	222	211	360	398	548	559	612	805	876	759
Louisiana	292	321	310	311 ⁴	356	476	470	487	497	455	469	466

TABLE 11-75 – NUMBER OF ADOPTIONS WITH PUBLIC CHILD WELFARE AGENCY INVOLVEMENT,
FISCAL YEARS 1995 – 2007, BY STATE

STATE	1995 ¹	1996 ¹	1997 ¹	1998 ²	1999 ²	2000 ²	2001 ²	2002 ²	2003 ²	2004 ²	2005 ²	2006 ²
Maine	85	144	96	125	202	379	367	318	287	308	316	331
Maryland	324	413	290	480	594	552	815	949	742	915	620	364
Massachusetts	1,073	1,113	1,161	1,100	922	861	778	808	733	812	832	874
Michigan	1,717	1,950	2,047	2,257	2,446	2,804	2,980	2,848	2,622	2,801	2,883	2,591
Minnesota	232	239	302	429	633	614	567	626	644	603	732	664
Mississippi	109	101	131	170	237	288	266	227	183	270	242	248
Missouri	538	600	533	640	849	1,265	1,101	1,542	1,405	1,391	1,309	1,253
Montana	104	98	143	152	187	238	275	247	224	192	244	272
Nebraska	208	168	180	³	279	293	316	356	286	367	352	534
Nevada	155	145	148	³	123	231	244	254	300	287	412	444
New Hampshire	51	59	24	51	62	97	95	114	131	102	124	135
New Jersey	616	678	570	815	732	832	1,030	1,385	973	1,317	1,377	1,325
New Mexico	141	148	152	197	258	347	369	275	220	265	289	338
New York	4,579	4,590	4,979	4,819	4,864	4,234	3,935	3,791	3,874	4,532	3,407	2,810
North Carolina	289	417	694	882	949	1,337	1,327	1,324	1,296	1,198	1,203	1,234
North Dakota	42	41	57	111	143	108	145	137	120	128	152	150
Ohio	1,202	1,258	1,400	1,015	1,868	2,044	2,230	2,396	2,420	2,201	2,044	1,803
Oklahoma	226	371	418	505	830	1,096	959	1,014	1,153	1,152	1,013	1,141
Oregon	427	468	441	665	765	831	1,071	1,115	849	943	1,030	1,095
Pennsylvania	1,018	1,127	1,526	1,516	1,454	1,712	1,564	2,020	1,946	1,898	2,065	1,926
Rhode Island	216	341	226	222	292	260	267	256	264	235	217	258

TABLE 11-75 – NUMBER OF ADOPTIONS WITH PUBLIC CHILD WELFARE AGENCY INVOLVEMENT,
FISCAL YEARS 1995 – 2007, BY STATE

STATE	1995 ¹	1996 ¹	1997 ¹	1998 ²	1999 ²	2000 ²	2001 ²	2002 ²	2003 ²	2004 ²	2005 ²	2006 ²
South Carolina	231	220	318	465	456	378	384	345	281	366	382	425
South Dakota	42	72	55	55	84	94	97	145	144	176	113	150
Tennessee	458	330	195	337	382	431	646	922	954	891	1,114	994
Texas	804	746	1,091	1,602	2,056	2,045	2,325	2,299	2,504	2,556	3,181	3,409
Utah	283	124	268	334	369	303	349	346	311	300	346	503
Vermont	62	83	80	118	139	117	116	153	167	220	166	164
Virginia	320	298	276	235	326	448	495	424	487	525	510	551
Washington	645	521	656	878	1,047	1,141	1,204	1,077	1,317	1,250	1,305	1,196
West Virginia	139	188	220	211	312	352	362	361	322	384	368	419
Wisconsin	360	511	530	643	642	736	754	1,028	1,187	1,152	906	885
Wyoming	10	20	16	32	45	61	46	52	58	64	61	57
Puerto Rico	⁵	⁵	⁵	488	493	454	592	431	674	490	207	236
TOTAL	25,693	27,761	31,030	37,088	46,870	51,050	50,599	52,881	50,584	52,371	51,485	50,941

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¹ The data for fiscal years 1995 through 1997 were reported by States to set baselines for the Adoption Incentive Program. They came from a variety of sources including AFCARS, court records, file reviews and legacy information systems.

² Unless otherwise noted, the data are from the AFCARS adoption database. Because AFCARS adoption data are being continuously updated and cleaned, the numbers reported here may differ from data reported elsewhere. In addition, data reported for the Adoption Incentive Program will differ from these data because adoptions reported for that program are identified through a different AFCARS data element and must qualify in other ways to be counted toward the award of incentive funds.

³ Data useable for this purpose are not available.

⁴ Reported by States as an aggregate number for the *Child Welfare Outcomes Annual Report*.

⁵ Puerto Rico was not eligible to participate in the first year of the Adoption Incentive Program, for which fiscal years 1995 to 1997 data were collected.

Source: HHS, Administration for Children and Families, Administration on Children Youth and Families, Children's Bureau website. To check for availability of more current adoption data go to that website at http://www.acf.hhs.gov/programs/cbs/stats_research/afcars/adoptchild06.htm

TABLE 11-76 -- SHARE OF CHILDREN ADOPTED IN FISCAL YEAR 2006
BY AGE AND STATE

STATE	Under 1 year	1-2 years	3-5 years	6-8 years	9-13 years	14-17 years	18 -20 years ¹	Total ²
Alabama	2.1%	15.5%	29.2%	22.5%	21.2%	7.8%	1.8%	387
Alaska	0.5%	24.1%	28.8%	17.9%	21.7%	7.1%	0.0%	212
Arizona	1.3%	29.0%	29.9%	19.4%	16.1%	4.1%	0.1%	1,400
Arkansas	2.5%	17.0%	27.3%	22.0%	22.5%	8.4%	0.3%	395
California	1.8%	29.8%	28.5%	17.2%	16.5%	5.9%	0.3%	7,364
Colorado	2.8%	34.1%	24.0%	17.7%	15.1%	6.1%	0.2%	956
Connecticut	14.6%	26.8%	19.9%	16.5%	17.3%	4.5%	0.3%	649
Delaware	1.1%	25.5%	38.3%	16.0%	14.9%	4.3%	0.0%	94
Dist. of Col.	0.0%	15.1%	27.9%	15.6%	31.3%	10.1%	0.0%	179
Florida	1.9%	23.4%	28.7%	18.7%	18.7%	8.4%	0.1%	3,046
Georgia	1.5%	24.3%	29.8%	16.7%	17.9%	9.0%	0.6%	1,250
Hawaii	3.5%	33.0%	25.2%	17.9%	16.1%	4.3%	0.0%	397
Idaho	5.6%	21.5%	25.4%	16.4%	23.7%	6.8%	0.6%	177
Illinois	0.3%	16.9%	33.6%	18.4%	22.8%	7.8%	0.2%	1,740
Indiana	1.4%	22.7%	29.4%	20.4%	19.1%	6.6%	0.5%	1,183
Iowa	1.4%	26.5%	28.0%	19.3%	19.1%	5.6%	0.0%	984
Kansas	1.3%	22.1%	27.7%	19.8%	21.4%	6.9%	0.8%	524
Kentucky	1.3%	20.0%	25.2%	17.5%	21.9%	13.7%	0.4%	759
Louisiana	0.6%	19.7%	33.7%	21.2%	19.7%	4.9%	0.0%	466
Maine	0.0%	18.4%	30.8%	18.1%	22.1%	9.7%	0.9%	331
Maryland	0.3%	20.9%	29.1%	18.1%	20.3%	10.7%	0.5%	364
Massachusetts	1.0%	27.3%	30.0%	20.4%	17.0%	3.8%	0.5%	874
Michigan	2.2%	20.7%	24.5%	18.1%	24.5%	9.8%	0.2%	2,591
Minnesota	5.4%	30.1%	24.1%	15.8%	17.0%	7.5%	0.0%	664
Mississippi	0.8%	18.5%	27.0%	22.6%	20.2%	10.5%	0.4%	248
Missouri	4.1%	25.0%	26.3%	17.2%	19.7%	6.9%	0.6%	1,253
Montana	0.0%	25.7%	30.1%	18.0%	19.1%	7.0%	0.0%	272
Nebraska	0.7%	19.7%	30.7%	20.8%	23.4%	4.7%	0.0%	534
Nevada	1.6%	28.8%	25.7%	17.8%	20.9%	5.0%	0.2%	444
New Hampshire	0.7%	10.4%	34.1%	17.0%	24.4%	13.3%	0.0%	135
New Jersey	1.2%	25.4%	33.8%	17.0%	16.8%	5.7%	0.2%	1,325
New Mexico	0.9%	21.9%	26.3%	16.3%	23.1%	11.2%	0.3%	338
New York	0.6%	11.2%	24.9%	19.5%	28.5%	13.5%	1.6%	2,810
North Carolina	4.3%	23.7%	28.0%	19.2%	16.9%	7.7%	0.1%	1,234
North Dakota	22.7%	16.0%	25.3%	16.0%	17.3%	2.7%	0.0%	150
Ohio	3.4%	23.8%	24.7%	14.4%	21.4%	11.7%	0.7%	1,803
Oklahoma	1.6%	21.7%	27.0%	19.3%	21.0%	9.1%	0.3%	1,141

TABLE 11-76 -- SHARE OF CHILDREN ADOPTED IN FISCAL YEAR 2006
BY AGE AND STATE

STATE	Under 1 year	1-2 years	3-5 years	6-8 years	9-13 years	14-17 years	18 -20 years ¹	Total ²
Oregon	0.4%	25.6%	33.2%	21.2%	17.1%	2.6%	0.0%	1,095
Pennsylvania	0.9%	23.5%	27.1%	17.8%	21.6%	9.0%	0.2%	1,926
Rhode Island	2.3%	31.8%	22.9%	20.2%	17.4%	4.3%	0.8%	258
South Carolina	1.9%	19.5%	32.9%	17.4%	21.9%	6.1%	0.2%	425
South Dakota	0.7%	15.3%	26.7%	27.3%	24.7%	4.7%	0.7%	150
Tennessee	2.4%	16.4%	22.1%	16.6%	22.8%	19.6%	0.0%	994
Texas	3.1%	30.0%	27.2%	18.2%	16.0%	5.5%	0.1%	3,409
Utah	8.3%	31.0%	26.4%	14.5%	13.9%	5.0%	0.8%	503
Vermont	0.6%	18.9%	32.9%	12.8%	24.4%	10.4%	0.0%	164
Virginia	0.4%	16.9%	26.9%	20.1%	25.8%	9.8%	0.2%	551
Washington	1.3%	31.4%	32.3%	18.1%	13.6%	3.3%	0.1%	1,196
West Virginia	1.0%	24.3%	25.8%	22.2%	18.6%	7.9%	0.2%	419
Wisconsin	4.6%	19.7%	26.0%	19.9%	20.8%	8.9%	0.1%	885
Wyoming	1.8%	22.8%	29.8%	19.3%	19.3%	7.0%	0.0%	57
Puerto Rico	1.7%	11.9%	33.1%	23.7%	23.3%	4.2%	1.3%	236
Total	2.2%	24.1%	27.9%	18.3%	19.6%	7.7%	0.3%	50,941

¹ The total number of 18-20 year olds adopted with public child welfare agency involvement during fiscal year 2006 was 171.

² Total number includes a small number of children, in some States, for whom age at adoption was not reported. Therefore the sum of the percentages may not equal 100 in all States.

Source: Table prepared by Congressional Research Service based on AFCARS data reported by States as of early 2008 and provided by HHS. Data are preliminary and subject to change.

TABLE 11-77 -- SHARE OF CHILDREN ADOPTED WITH PUBLIC CHILD WELFARE AGENCY INVOLVEMENT
DURING FISCAL YEAR 2006, BY RACE/ETHNICITY AND BY STATE

Hispanics may be of any race but here are included only in the "Hispanic (or Latino)" category.

STATE	American Indian/ Alaska Native	Asian	Black (or African American)	Native Hawaiian/ Other Pacific Islander-Non Hispanic	Hispanic (or Latino)	White	Unknown/ Unable to Determine	Two or More Races	TOTAL ¹
Alabama	0.0%	0.3%	28.9%	0.0%	4.1%	65.9%	0.0%	0.8%	387
Alaska	45.3%	0.0%	5.7%	0.0%	1.4%	27.4%	0.0%	20.3%	212
Arizona	0.6%	0.1%	6.7%	0.3%	44.2%	42.5%	1.4%	4.2%	1,400
Arkansas	0.0%	0.0%	26.1%	0.0%	6.6%	61.5%	0.0%	5.8%	395
California	0.4%	1.4%	18.6%	0.2%	46.0%	27.8%	0.4%	5.2%	7,364
Colorado	0.4%	0.1%	8.4%	0.3%	33.5%	53.0%	0.0%	4.3%	956
Connecticut	0.3%	3.5%	29.4%	0.0%	27.1%	37.1%	1.1%	1.1%	649
Delaware	0.0%	1.1%	47.9%	0.0%	3.2%	46.8%	1.1%	0.0%	94
Dist. of Columbia	0.0%	0.0%	96.1%	0.0%	3.4%	0.0%	0.0%	0.6%	179
Florida	0.1%	0.2%	32.5%	0.0%	8.4%	55.2%	0.4%	3.2%	3,046
Georgia	0.0%	0.1%	42.1%	0.0%	5.8%	44.8%	0.6%	6.6%	1,250
Hawaii	0.0%	12.6%	0.0%	19.9%	7.8%	4.3%	2.3%	53.1%	397
Idaho	6.2%	0.0%	1.1%	0.0%	24.3%	63.3%	0.0%	5.1%	177
Illinois	0.0%	0.0%	56.7%	0.0%	4.9%	35.9%	2.4%	0.1%	1,740
Indiana	0.1%	0.0%	33.9%	0.0%	5.5%	54.2%	0.3%	5.7%	1,183
Iowa	1.9%	0.8%	15.5%	0.3%	8.8%	65.7%	2.0%	4.9%	984
Kansas	1.5%	0.2%	22.1%	0.0%	5.0%	66.6%	4.0%	0.6%	524
Kentucky	0.0%	0.0%	16.9%	0.0%	4.0%	71.3%	2.6%	5.3%	759
Louisiana	0.4%	0.9%	43.3%	0.0%	0.9%	52.6%	0.2%	1.7%	466

TABLE 11-77 -- SHARE OF CHILDREN ADOPTED WITH PUBLIC CHILD WELFARE AGENCY INVOLVEMENT
DURING FISCAL YEAR 2006, BY RACE/ETHNICITY AND BY STATE

Hispanics may be of any race but here are included only in the "Hispanic (or Latino)" category.

STATE	American Indian/ Alaska Native	Asian	Black (or African American)	Native Hawaiian/ Other Pacific Islander-Non Hispanic	Hispanic (or Latino)	White	Unknown/ Unable to Determine	Two or More Races	TOTAL ¹
Maine	2.4%	0.0%	1.5%	0.0%	2.4%	89.7%	0.9%	3.0%	331
Maryland	0.0%	0.0%	68.4%	0.0%	1.6%	25.8%	2.7%	1.4%	364
Massachusetts	0.1%	0.8%	14.3%	0.0%	25.2%	50.8%	3.4%	5.4%	874
Michigan	0.7%	0.0%	39.0%	0.0%	5.8%	47.3%	0.3%	6.9%	2,591
Minnesota	2.6%	0.6%	18.5%	0.0%	11.7%	51.4%	1.2%	14.0%	664
Mississippi	0.4%	0.0%	40.3%	0.0%	2.8%	53.2%	0.8%	2.4%	248
Missouri	0.4%	0.3%	25.6%	0.0%	2.9%	69.7%	0.5%	0.6%	1,253
Montana	25.0%	0.0%	2.2%	0.0%	7.4%	60.3%	0.0%	5.1%	272
Nebraska	7.5%	0.2%	18.0%	0.0%	8.6%	62.9%	2.1%	0.7%	534
Nevada	0.0%	0.7%	19.4%	0.7%	19.4%	53.6%	0.2%	6.1%	444
New Hampshire	0.0%	0.7%	0.7%	0.0%	8.1%	81.5%	3.0%	5.9%	135
New Jersey	0.1%	0.2%	57.7%	0.1%	5.8%	24.2%	9.1%	2.9%	1,325
New Mexico	0.0%	0.0%	1.2%	0.6%	41.7%	54.4%	0.0%	2.1%	338
New York	0.3%	0.2%	42.1%	0.0%	17.8%	19.9%	19.6%	0.0%	2,810
North Carolina	1.1%	0.1%	33.5%	0.0%	7.1%	47.7%	0.2%	10.3%	1,234
North Dakota	9.3%	0.0%	4.7%	0.0%	4.7%	67.3%	0.0%	14.0%	150
Ohio	0.1%	0.0%	38.6%	0.0%	4.2%	53.5%	0.4%	3.2%	1,803
Oklahoma	13.4%	0.4%	11.3%	0.4%	10.3%	50.3%	0.0%	13.8%	1,141
Oregon	0.1%	0.3%	2.9%	0.0%	17.0%	72.9%	0.0%	6.8%	1,095

TABLE 11-77 -- SHARE OF CHILDREN ADOPTED WITH PUBLIC CHILD WELFARE AGENCY INVOLVEMENT
DURING FISCAL YEAR 2006, BY RACE/ETHNICITY AND BY STATE

Hispanics may be of any race but here are included only in the "Hispanic (or Latino)" category.

STATE	American Indian/ Alaska Native	Asian	Black (or African American)	Native Hawaiian/ Other Pacific Islander-Non Hispanic	Hispanic (or Latino)	White	Unknown/ Unable to Determine	Two or More Races	TOTAL ¹
Pennsylvania	0.1%	0.1%	44.4%	0.0%	9.3%	45.2%	0.3%	0.6%	1,926
Rhode Island	3.1%	1.2%	14.0%	0.4%	20.5%	51.9%	0.8%	7.4%	258
South Carolina	0.0%	0.7%	42.1%	0.0%	3.5%	47.3%	0.0%	6.4%	425
South Dakota	35.3%	0.0%	4.7%	0.0%	11.3%	40.0%	0.0%	8.7%	150
Tennessee	0.1%	0.2%	23.5%	0.0%	5.5%	65.2%	1.7%	3.7%	994
Texas	0.1%	0.2%	21.9%	0.0%	41.3%	31.2%	1.0%	4.2%	3,409
Utah	2.4%	0.6%	5.2%	1.0%	31.2%	57.7%	0.2%	1.8%	503
Vermont	0.0%	0.0%	1.2%	0.0%	0.6%	94.5%	0.0%	3.7%	164
Virginia	0.2%	1.1%	34.3%	0.2%	3.8%	48.5%	0.2%	11.8%	551
Washington	4.5%	1.3%	6.9%	0.3%	14.1%	64.6%	2.0%	6.1%	1,196
West Virginia	0.0%	0.0%	4.8%	0.0%	5.0%	82.6%	0.2%	7.4%	419
Wisconsin	2.4%	0.9%	39.1%	0.0%	11.6%	38.8%	0.6%	6.7%	885
Wyoming	1.8%	0.0%	8.8%	0.0%	10.5%	77.2%	1.8%	0.0%	57
Puerto Rico	0.0%	0.0%	0.0%	0.0%	97.9%	1.7%	0.4%	0.0%	236
Total	1.4%	0.6%	27.0%	0.2%	18.8%	45.1%	2.1%	4.9%	50,941

¹Total number includes a small number of children, in some States, for whom race/ethnicity data were not reported. Therefore, the sum of the percentages may not equal 100 in all States.

Source: Table prepared by Congressional Research Service (CRS) based on AFCARS data reported by States as of early 2008 and provided by HHS. Data are preliminary and subject to change.

TABLE 11-78 -- LENGTH OF TIME TO ADOPTION, FISCAL YEAR 2006

STATE	Months From Removal to Termination of Parental Rights (TPR) ¹		Months From Termination of Parental Rights (TPR) to Adoption		TOTAL Months From Removal to Adoption	
	Average	Median	Average	Median	Average	Median
Alabama	25.7	21.8	18.0	14.6	42.6	38.5
Alaska	22.1	19.7	12.9	10.4	33.0	29.6
Arizona	16.4	15.4	13.5	11.0	29.8	27.7
Arkansas	15.6	15.1	16.6	13.8	32.7	31.5
California	24.1	17.9	14.0	10.8	37.3	30.3
Colorado	13.2	12.0	13.1	9.4	25.1	22.2
Connecticut	26.1	22.9	13.2	8.0	37.3	31.7
Delaware	20.5	20.2	9.6	8.0	30.1	28.5
Dist. of Col.	44.7	35.9	10.2	6.8	55.3	44.8
Florida	22.1	19.7	13.8	9.3	34.7	30.8
Georgia	25.2	22.4	14.2	9.9	39.1	33.7
Hawaii	15.1	13.7	15.5	11.0	28.6	25.9
Idaho	18.5	17.2	14.4	11.8	32.9	28.7
Illinois	37.0	32.0	14.3	10.4	48.4	41.7
Indiana	22.5	20.5	11.0	8.6	33.3	29.9
Iowa	9.6	3.6	24.9	19.8	27.3	23.9
Kansas	17.1	14.6	19.2	16.0	35.9	31.9
Kentucky	22.8	20.7	13.0	8.2	35.6	30.1
Louisiana	22.1	20.6	15.8	11.7	37.6	32.8
Maine	20.9	19.1	23.0	17.2	44.1	38.3
Maryland	37.6	30.5	18.8	11.0	51.9	42.3
Massachusetts	23.8	20.4	16.6	12.7	40.5	35.0
Michigan	15.7	14.5	18.0	13.0	33.4	29.0
Minnesota	12.0	10.6	17.2	13.2	29.0	24.8
Mississippi	29.4	25.3	9.4	6.7	38.0	35.5
Missouri	24.7	22.7	8.1	3.9	31.4	28.2
Montana	19.3	18.2	13.4	8.5	32.4	28.3
Nebraska	26.4	24.3	15.0	11.4	40.5	37.8
Nevada	21.5	19.5	17.1	13.2	38.4	34.0
New Hampshire	33.5	27.3	11.1	8.5	43.2	36.5
New Jersey	34.0	29.5	12.5	5.5	44.4	39.3
New Mexico	17.9	17.1	14.8	11.0	32.0	28.2
New York	40.3	33.9	19.8	13.9	59.1	50.6
North Carolina	20.4	18.4	11.8	8.2	32.1	28.6
North Dakota	12.2	12.9	12.0	10.5	21.8	23.0
Ohio	18.7	16.9	18.8	13.1	37.2	32.1

TABLE 11-78 -- LENGTH OF TIME TO ADOPTION, FISCAL YEAR 2006

STATE	Months From Removal to Termination of Parental Rights (TPR) ¹		Months From Termination of Parental Rights (TPR) to Adoption		TOTAL Months From Removal to Adoption	
	Average	Median	Average	Median	Average	Median
Oklahoma	21.8	19.4	14.0	10.2	35.2	30.2
Oregon	23.0	21.5	12.5	9.5	35.2	32.1
Pennsylvania	27.0	23.3	10.9	7.7	37.5	32.8
Rhode Island	23.9	22.6	6.5	1.1	30.4	24.4
South Carolina	28.8	25.2	15.3	11.3	43.9	38.8
South Dakota	12.9	10.5	26.5	19.7	35.5	32.9
Tennessee	27.4	22.8	9.9	4.8	37.1	30.8
Texas	13.0	11.6	15.9	12.0	28.6	24.1
Utah	13.2	11.0	7.7	4.1	18.9	15.4
Vermont	19.7	17.8	11.8	8.9	31.5	27.4
Virginia	20.9	17.2	17.1	14.0	37.7	33.2
Washington	20.4	19.0	12.7	9.3	32.7	30.0
West Virginia	14.0	11.3	17.8	14.0	31.8	27.3
Wisconsin	31.6	23.7	8.2	5.9	39.1	31.2
Wyoming	26.5	22.9	5.9	3.2	31.9	29.7
Puerto Rico	41.7	36.2	15.7	8.8	56.1	51.8
Total	23.1	18.6	14.6	10.5	36.8	31.0

¹ The time from removal to termination of parental rights is based on analysis of children who were subsequently adopted.

Source: Table prepared by Congressional Research Service based on AFCARS data as reported by States as of early 2008 and provided by HHS. Data are preliminary and subject to change.

LEGISLATIVE HISTORY

With the original Social Security Act (Public Law 271, enacted in 1935), Congress authorized grants to States “for the protection and care of homeless, dependent, and neglected children, and children in danger of becoming delinquent.” First authorized in title V, part 3 of the Social Security Act, this Child Welfare Services funding was later moved to title IV-B of the Social Security Act (Public Law 90-248). In 1961, Public Law 87-31 was enacted and gave States the option to seek Federal funds for certain children placed in foster care and, one year later, the Public Welfare Amendments of 1962 (Public Law 87-543) made this funding authority permanent. Federal support for foster care was provided as an optional component of a State’s Aid to Families with Dependent Children (AFDC) cash aid program until 1968 when Public Law 90-248 made it a mandatory part of a State’s AFDC plan.

The 1980 Adoption Assistance and Child Welfare Act (Public Law 96-272) created the Federal adoption assistance program and established independent program authority for the Federal foster care program under a new title IV-E of the Social Security Act. A keystone of the current Federal child welfare policy and financing structure, that law permitted funding for foster care and adoption assistance, largely, as an open-ended entitlement for eligible children. Further, the 1980 law linked the title IV-E program to a revamped title IV-B program for which it authorized increased discretionary funding. Among other changes, the 1980 law sought to discourage foster care placement and increase the use of preventive services by limiting States’ ability to use Federal title IV-B funds for foster care maintenance payments, offering increased funding (full allotment) under title IV-B to States that provided pre-placement prevention services and other child protections to children in foster care; and establishing a mandatory cap on Federal reimbursement of State foster care expenditures under certain circumstances. The circumstances requiring a mandatory cap, occurred only once, in fiscal year 1981, and the language authorizing a cap was repealed in 1994 (Public Law 103-432).

The Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99-272) authorized Federal capped entitlement funds, under a new Section 477 of the Social Security Act, for services to help foster care youth, age 16 and older, transition to adult living. Eligibility for the program was expanded in 1988 (Public Law 100-647) and 1990 (Public Law 101-508) and funding was authorized for the program on a permanent basis in the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66). The 1993 law also established a new title IV-B, subpart 2 of the Social Security Act under which it authorized capped entitlement funding to States for provision of family preservation and family support services. The Social Security Act Amendments of 1994 (Public Law 103-432) required HHS to create and issue formal regulations for a new review system to better assess State compliance with Federal child welfare policy; repealed the incentive language under title IV-B that was tied to provision of certain child protections; and, instead, made those protections mandatory for all children in foster care. The law also

provided initial authority to HHS to issue waivers of certain child welfare rules to enable child welfare demonstration programs. (For a more complete and detailed legislative history before 1996, see the 1998 edition of the Green Book.)

The 104th Congress enacted comprehensive welfare reform legislation, the Personal Responsibility and Work Opportunity Reconciliation Act (Public Law 104-193), which contained provisions affecting child welfare. The centerpiece of Public Law 104-193 was the repeal of AFDC and creation of a new block grant to States for Temporary Assistance for Needy Families (TANF). As a condition of receiving TANF funds, States must operate a foster care and adoption assistance program under title IV-E of the Social Security Act. However, eligibility for title IV-E historically had been linked to AFDC eligibility. Thus, Public Law 104-193 provided that foster or adoptive children are eligible for title IV-E subsidies if their families would have been eligible for AFDC, as it was in effect in their State on June 1, 1995. (Technical amendments enacted in 1997, Public Law 105-33, subsequently changed this date to July 16, 1996.) Children eligible for SSI continued to be eligible for title IV-E adoption assistance and all title IV-E eligible foster and adoptive children continue to be categorically eligible for Medicaid.

Public Law 104-193 also included funding for the prior law AFDC-Emergency Assistance (EA) program in the new TANF block grant and permitted States to use those block grant funds for purposes permitted in the State's prior law, EA program. For many States this included some provision of foster care and other child welfare related activities, especially family preservation activities. The 1994 welfare reform legislation also amended title IV-E to enable for-profit child care institutions to participate in the Federal Foster Care Program; extended an enhanced Federal matching rate for certain data collection costs through fiscal year 1997; mandated HHS to conduct a national random sample study of children in the child welfare system (implemented as NSCAW); and required States, as a component of their title IV-E plans, to consider giving preference to adult relatives in determining a foster or adoptive placement for a child.

In 1997, Congress enacted the most significant changes to title IV-E of the Social Security Act since it was established in 1980. This legislation, the Adoption and Safe Families Act (ASFA, Public Law 105-89), was intended to promote adoption and ensure safety for children in foster care. The law established that a child's health and safety must be of "paramount" concern in any efforts made by the State to preserve or reunify the child's family. The law retained, but clarified the requirement that States make "reasonable efforts" to preserve or reunify a child's family, establishing exceptions to this requirement. Also to promote safety, ASFA required States to conduct criminal background checks for all prospective foster or adoptive parents, and required States to develop standards to ensure quality services that protect children's health and safety while in foster care. To promote permanency, the law required States to make reasonable efforts to place children, in a timely manner, who have permanency plans of adoption or another alternative to family reunification, and to document these efforts. Additional provisions were intended to eliminate inter-jurisdictional barriers to adoption. ASFA changed the name of dispositional hearings to "permanency" hearings, and required that they

occur within 12 months of a child's placement in foster care, rather than the first 18 months. The law also revised the list of permanency goals, eliminating specific reference to long-term foster care, and required that foster parents, pre-adoptive parents, and relative care givers be given notice and opportunity to be heard at reviews and hearings.

ASFA required that States initiate or join proceedings to terminate parental rights on behalf of children who have been in foster care for 15 of the most recent 22 months, although certain exceptions are allowed. The law also authorized incentive payments to States to increase the number of foster and special-needs children who are placed for adoption. The 1997 law also contained provisions intended to expand health insurance coverage for special-needs adoptive children who are not eligible under title IV-E. It reauthorized and increased funding under title IV-B, subpart 2 of the Social Security Act, required States to spend some of those (title IV-B, subpart 2) funds on time-limited family reunification and adoption promotion and support services (in addition to prior law purposes of family support and family preservation services), and renamed the program the Promoting Safe and Stable Families Program. Public Law 105-89 also required HHS to establish child welfare outcome measures and to publish data annually on State performance compared to those measures and it authorized an expansion of the child welfare demonstration (waiver) authority established earlier.

The Foster Care Independence Act of 1999 (Public Law 106-169) was enacted during the 106th Congress. It revised the Independent Living Program (under Section 477) and renamed it the John H. Chafee Foster Care Independence Program in honor of the late Senator John Chafee. The legislation provided greater flexibility to States in their use of funds to help older foster children obtain the education and employment services necessary for a successful transition to adult living, doubled the entitlement ceiling for the program (from \$70 million to \$140 million), and revised the State allocation formula to use more current foster care data. The law also established an option under Medicaid for States to cover youth aged 18-20 who on their 18th birthday were in foster care under the responsibility of the State.

Public Law 107-133 reauthorized the Promoting Safe and Stable Families program for 5 years (fiscal years 2002 through 2006) at an annual mandatory funding level of \$305 million, and authorized additional discretionary funds for the program of up to \$200 million annually. The law also established new program authority for HHS to fund programs that mentor children of prisoners and expanded the Chafee Foster Care Independence Program by authorizing new discretionary funds for education and training vouchers.

The Adoption Promotion Act of 2003 (Public Law 108-145) extended the authorization for adoption incentive payments to States for five additional years. The law amended the awards available for increases in special needs adoption, limiting it to increases of adoptions of children under age 9 who have special needs, and it added an additional incentive for increased adoptions of foster children ages 9 or older. The law also required specific penalties for States that fail to submit AFCARS data to HHS and mandated a report by HHS on State efforts to promote

adoption or other permanency options for foster children.

The 109th Congress enacted numerous changes to Federal child welfare policy under six separate laws. The Fair Access to Foster Care Act of 2005 (Public Law 109-113) permits States to claim reimbursement under title IV-E even if an otherwise eligible child's foster care maintenance payments are provided to his or her family, or institutional foster care provider, via a *for-profit* placement agency. The Deficit Reduction Act of 2005 (DRA, Public Law 109-171), enacted in February 2006) made changes to the Federal title IV-E eligibility language intended to clarify the meaning of "home of removal." The Act codified a longstanding HHS interpretation of title IV-E eligibility language and effectively nullified the 2003 *Rosales* decision. Public Law 109-171 also placed limitations on the ability of States to make claims for Federal reimbursement of the costs of administering their title IV-E foster care programs, including limits on the length of time a child may be considered a "candidate" for foster care and new restrictions on administrative claims related to foster children placed in unlicensed relative homes or other settings that are "ineligible" under the Federal foster care program. Public Law 109-171 also amended the confidentiality provisions of title IV-E to assert that they did not limit a State's flexibility in determining public access to child abuse and neglect proceedings, provided that the State's policy, at a minimum must "ensure the safety and well-being of the child, parents, and family."

The DRA (Public Law 109-171) also increased the mandatory funding authorization for the Promoting Safe and Stable Families Program (title IV-B, subpart 2) to \$345 million; amended both Child Welfare Services (title IV-B, subpart 1) and the Court Improvement Program (section 438) to require ongoing and meaningful collaboration between courts and child welfare agencies; authorized two new Court Improvement Program grants (related to data collection and training) and appropriated \$100 million for those grants (\$20 million in each of fiscal years 2006-2010). Finally, the DRA (Public Law 109-171) made changes to Medicaid (title XIX), which were intended to clarify when State child welfare agencies could use targeted case management to provide certain services for children in foster care.

The Safe and Timely Interstate Placement Act of 2006 (Public Law 109-239) established a Federal 60-day deadline for completing an interstate home study and a 14-day deadline for the State that requests this study to act on that information. Public Law 109-239 also authorized \$10 million in each of fiscal years 2007-2010 for incentive payments to States for every interstate home study completed in 30 days and it repeals the authority to make these incentive awards effective with the first day of fiscal year 2011. Further, Public Law 109-239 prohibits States from restricting the ability of a State agency to contract with a private agency to conduct interstate home studies, and, for children in foster care who will not be reunited with their parents, the law encouraged (or in some cases requires) identification and consideration of both in-State and out-of-State placement options as part of mandatory case planning and review procedures.

Separately, Public Law 109-239 required courts, as a condition of receiving certain Court Improvement Program funding, to notify any foster parent, pre-adoptive parent, or relative caregiver of a foster child of any proceedings to be held

regarding the child; strengthened language requiring the child welfare agency to maintain and update a complete health and education record for each child in foster care; and required that youth leaving foster care custody because they have reached the age of majority must be given a free copy of their health and education record.

The Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) required States to include fingerprint-based FBI checks as part of their criminal background checks of prospective foster and adoptive parents; eliminated the ability of additional States to opt out of the Federal background checks as of September 30, 2005; required prior opt out States to comply with all Federal background check procedures as of October 1, 2008; and additionally required all States to check child abuse and neglect registries for information about prospective foster or adoptive parents or any adult living in their home. (Separately, Public Law 109-248 requires HHS, in consultation with the Justice Department, to establish a national registry of substantiated cases of child abuse and neglect.)

The Child and Family Services Improvement Act of 2006 (Public Law 109-288) replaced the permanent funding authority for the Child Welfare Services program with a five-year authority that coincides with the funding authority for the Promoting Safe and Stable Families program, and required States to establish standards that ensure children in foster care have a well-planned visit with their caseworker at least once a month; have procedures to maintain child welfare services in the wake of a disaster; and describe in their State plan how they consult with medical professionals to assess the health of and provide medical treatment to children in foster care. The law limited the use of Child Welfare Services funds, both Federal and State/local matching funds, for program administrative purposes to no more than 10 percent and prohibited any use of those Federal funds for adoption assistance payments or child care above the amount of Federal Child Welfare Services funds spent for those purposes in fiscal year 2005. Further, it prohibited the use of both Federal and State/local Child Welfare Services funds for foster care maintenance payments above the amount of those funds spent for that purpose in fiscal year 2005.

As part of reauthorizing funding for the PSSF program for fiscal years 2007-2011, Public Law 109-288 mandated that States must report on their actual use of funds under title IV-B and required HHS to annually compile both planned and actual expenditure forms required of States and to submit them to Congress. The law limited administrative spending of State matching dollars under the PSSF program to no more than 10 percent of total program expenditures (prior law providing this same restriction for Federal program funds was retained as well); and it set-aside a part of the mandatory Promoting Safe and Stable Families program funding to provide targeted support to States for monthly caseworker visits (\$95 million, across fiscal years 2006 - 2011) and to fund competitive grants to “regional partnerships” for activities that improve the outcomes for children affected by their parent/caretaker’s methamphetamine or other substance abuse (\$145 million across fiscal years 2007-2011). Separately, the law increased the annual funding set-aside for tribal child and family services under the Promoting Safe and Stable Families program. The law also reauthorized the Mentoring Children of Prisoners program

and authorized HHS to fund a demonstration of the effectiveness of vouchers as a way to improve the delivery of (and access to) mentoring services for children of prisoners. Finally, Public Law 109-288 amended the title IV-E case review procedures to require that the court (or court-approved administrative body) conducting a required permanency hearing for a child in foster care consult with the child in an “age-appropriate manner” regarding the permanency plan.

The Tax Relief and Health Care Act of 2006, Public Law 109-432, exempted all foster children – without regard to title IV-E eligibility – from otherwise applicable requirements that individuals submit certain forms documenting their citizenship or nationality in order to be eligible for Medicaid. (The documentation requirements were created by the DRA (Public Law 109-171), and the amendment made by Public Law 109-432 was made effective as if it had been included in that earlier law.) Public Law 109-432 also amended title IV-E to require States to have procedures for verifying the citizenship or immigration status of each child in foster care, whether or not the State claims Title IV-E support for the child, and it required that State compliance with this new Federal requirement be checked as part of child welfare conformity reviews.

In the 110th Congress, Public Law 110-275 amended title IV-E to fix at 70 percent the Federal reimbursement rate (FMAP) applicable to the District of Columbia for purposes of payments made under the title IV-E program. The 110th Congress also approved an omnibus child welfare bill, the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351) that includes the most far-reaching changes to Federal child welfare financing since the 1980 creation of title IV-E. Among the changes in Federal financing of child welfare programs, Public Law 110-351 permits States to claim Federal reimbursement under title IV-E for the cost of providing kinship guardianship assistance payments to eligible children who leave foster care for placement in legal guardianship with a relative who has been their foster parent; as of fiscal year 2010 it permits eligible tribal entities to seek direct Federal reimbursement under title IV-E, as well as direct tribal access of Chafee Foster Care Independence Program funds; beginning with fiscal year 2009 it provides permanent annual funding of \$3 million for grants to tribes seeking to implement a tribal title IV-E program and for technical assistance to tribes and States related to meeting requirements for cooperating to better serve Indian children; as of fiscal year 2011, defines “child” for purposes of title IV-E and title IV-B in a manner that will effectively permit States to continue providing Federal foster care maintenance payments to otherwise eligible youth who remain in foster care up to their 21st birthday (provided they are in school, working, or engaged in an activity to remove barriers to employment or, are unable to do any of those things due to a documented medical condition); will phase in (fiscal year 2010 to fiscal year 2018) expanded eligibility for Federal title IV-E adoption assistance by removing certain income tests and other rules linked primarily to the prior law cash welfare program (AFDC); and provides \$15 million annually for Family Connection grants (fiscal years 2009 through 2013). Finally, with regard to financing and title IV-E eligibility, redefines “foster care maintenance payment” to include the cost of transporting a child to his/her “school

of origin” and it permits States to claim Federal support for foster care maintenance payments made on behalf of youth age 18 or older who are placed in supervised independent living situations, subject to HHS regulations.

Public Law 110-351 also requires States to work with appropriate education agencies to ensure education stability for children entering and in foster care and to coordinate efforts between the State child welfare agency and the State Medicaid agency to create a plan to ensure health and mental health care for children in foster care; also requires States to assure that any child receiving title IV-E assistance (kinship guardianship, foster care maintenance or adoption assistance) is enrolled in school, if age appropriate, or has completed high school; requires States to locate and provide notification to relatives when a child enters, or is about to enter, foster care; requires States to ensure siblings are placed in the same kinship guardianship, foster care, or adoption placement unless this is not in the interest of one of the siblings; and authorizes more direct access to Federal Parent Locator Services for State child welfare agencies.

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