



The Our American States podcast—produced by the National Conference of State Legislatures—is where you hear compelling conversations that tell the story of America’s state legislatures, the people in them, the politics that compel them, and the important work of democracy.

You can subscribe through iTunes or Google Play.

### **Teens in Foster Care: Challenges and Solutions | OAS Episode 80**

Welcome to “Our American States,” a podcast of meaningful conversations that tell the story of America’s state legislatures, the people in them, the politics that compel them, and the important work of democracy. For the National Conference of State Legislatures, I’m your host, Gene Rose.

The U.S. Department of Health and Human Services says more than 430,000 people were in foster care in the last fiscal year. About a quarter of that are teenagers. There is growing awareness that older teens in the foster care system need trained foster parents to help them transition to adulthood to assist them with tasks like setting up a bank account, paying bills, searching for jobs, applying for a driver’s license.

To date, 28 states and the District of Columbia have extended foster care beyond the age of 18. On this episode of “Our American States,” we’ll talk with two state legislators who have first-hand knowledge of foster care and are actively involved in shedding light on the topic.

Later in the program we’ll talk with Republican Indiana State Senator Erin Houchin, who is a former caseworker. We begin our discussion with Democrat Alaska State Representative Ivy Spohnholz, who is a foster and adoptive parent. Representative, welcome to our program.

Rep IS: Thanks for having me today, Gene.

*Time Marker (TM): 01:33*

Gene: Now I understand that you’re a foster care parent who has also adopted and you’re the founder of an Alaska group called Foster Kids First. Can you tell us what led you and kept you on this path as a foster care advocate?

Rep IS: Well, my mother is a survivor of childhood abuse and neglect, and then as an adult wanted to care-give for children who had had similar experiences as her. And so I grew up in a foster family where we had siblings whose families needed a break and needed some skills, or some learning, or were having troubles who came and lived with us. And I really profoundly understood through that experience the importance of foster parents.

My husband and I, however, we both had fulltime jobs and knew that we couldn't dedicate sort of our fulltime lives to this work as foster parents, and we decided what we would do is we would focus in on one child, and we would make a forever commitment to a foster child. And we became licensed foster parents and started meeting children with the intention of adopting a foster child.

We ended up adopting a 9-year-old girl who had been in foster care off and on for most of her life and she is now a 21-year-old young woman and is healthy and happy and I'm so proud of her.

*TM: 03:03*

Gene: Let's talk a little bit about older teens in foster care. What are their particular circumstances that you believe make this a vulnerable group?

Rep IS: Well, teens are particularly challenged in the foster care system because at the same time that their lives are full of crisis and drama and upheaval and instability, they're also going through a developmental phase which requires that they push away from the adults in their lives, which sometimes means that their behavior is inappropriate or challenging. And when you are in a biological family and that sort of scenario happens, everybody understands it's a developmental phase. However, sometimes for teens I think people think that they're bad kids when, in fact, they're just kids doing what is natural for their developmental phase in a lot of ways.

So that creates a lot of challenges when teens act out in foster homes. Sometimes people get frustrated and think they're a bad kid when, in fact, they're just reacting to their circumstances. It is therefore often very difficult for teens to get adopted and to find permanency and forever families. And what I've learned from talking with a lot of foster youth, both current and former foster youth, is that what they want more than anything in their lives is permanency.

They want somebody to call when they have a problem. They want somebody to spend Christmas and Thanksgiving with. They want somebody to share their special moments in their lives. They want somebody to give them away at their wedding. And we have to find ways to help make that happen for them.

*TM: 04:42*

Gene: So as someone that has experience in this area, tell us about the kinds of policies you believe that state legislatures could address to help foster parents, particularly those who care for teens.

Rep IS: Well, I think one of the biggest challenges for foster parents of teens, but really of all foster youth, is that foster parents don't get quite as much support I think as they really need, and often you'll end up with a child placed in your home. You don't have a lot of information on their particular circumstance and on what it is that they need to support them in their circumstance.

And that means that often foster families and foster parents are sort of at a loss for how to properly support a youth. I think more peer mentoring, more ongoing training, respite support

for foster parents would be very helpful along the way so that we could be ensuring that foster parents have more adequate tools and supports as they take on the unique challenges of parenting a child who is a tween or teen and working on fledging.

*TM: 05:52*

Gene: Can you tell us about things that the Alaska legislature has done to address foster care?

Rep IS: Well, I think one of the things that we've done most recently that I expect to have a profound effect over the long term is in 2018 we passed a bill, HB 151 which was sponsored by Representative Les Gara, who himself is a former foster youth.

And HB 151 was based on a series of reforms that were undertaken in New Jersey that were found to be really effective at increasing permanency and reducing the number of children that were in the foster care system. And those included reducing caseloads for new social workers so that they can have time to get trained up and develop some experience before their caseload gets very large.

We increased requirements for relative placement and increased training for social workers. And one of the things that we know is that if social workers have the training and the support and the time to do good social work, it improves outcomes for families in foster care. It improves likelihood of reunification. It speeds up the time with which a case is resolved and yields much better outcomes across the board.

I think that's one of the most exciting reforms that we've adopted in the State of Alaska in recent years. We're in year one of implementation right now and it's about a three-year implementation phase. And so we'll be watching carefully to see what kind of progress we make as a result of these reforms.

*TM: 07:28*

Gene: And as you talk with colleagues across the country, what actions are being taken in other states regarding foster care that you believe other states should be looking at?

Rep IS: I think one of the most important things that we can do in foster care is to work on more diligent recruiting for relative placement for foster youth. That's one of the priorities of the family first legislation nationwide and is being undertaken in many states. I think it's making sure that we identify relatives and/or friends and supportive adults that might be willing to be a part of a foster youth's case plan, either as a mentor or as a potential foster placement or adoptive placement; I think this is really key.

I think one of the other really important things that has been done is to extend the time in which children can stay in foster care. None of us who have biological children expect our children to be fully successful, fledged adults without the need for support at age 18, and yet for a long time we expected that of foster youth who not only had the regular challenges of becoming a young adult, but have additional challenges placed on them, and that's really unrealistic.

Every young adult comes home for Christmas, calls their mom and dad for help and advice, sometimes for financial help, they help them to navigate college applications or job applications, all of those things. And extending foster care to age 21 I think is a really key reform that can help support foster youth and help them to become successful young adults.

*TM: 09:17*

Gene: And Representative, what haven't I asked you about this topic that you feel would be important to share with state legislators and state legislative staff across the country?

Rep IS: Well, I think that one of the most important reforms we can make to our foster care system that isn't being discussed enough is the need to reduce the adversarial nature of our foster care system. By definition, because foster care includes the courts, it's a highly adversarial process. But what we know is that families are more successful, they're more likely to be reunified, and if they're not reunified, they're more likely to have successful outcomes when there is a more collaborative process.

And what I mean by that is having the whole team in the room when making decisions about legal or financial issues for youth, including the biological family, the foster family, the adoptive family, the social worker, the therapist, the teachers, everybody all in one room all at once. And I think some of the most exciting reforms that are being undertaken right now include a much more collaborative model.

I also think that when we're looking at how to improve collaboration, I think one real opportunity is to support foster parents' and biological parents' connections because they can each help each other, and they can each help each other be more successful. Foster families are highly experienced parents that have a lot of skills that they could share and information and knowledge that they could share with biological families.

Biological families know the child very well and they can provide information to the foster families about how to best parent and support their foster youth. And so I think we need to start looking at more collaboration in our foster care system because that's how we improve our outcomes for our youth.

*TM: 11:08*

Gene: On a final note, I believe you said your daughter was 9 years old when you adopted her. I think that's one other misconception across the country is that most people, when they think of foster care, think of younger children. But the average age is around 8 or 9 I believe.

Rep IS: Yes, that's really true, and there are children at all ages in the foster care system and every family has a different sort of specialty or interest. We often think of foster youth as being young children and infants, but we have lots of older children that are in foster care.

And there are actually some people who just really love teenagers. I can think of some friends of mine who are foster parents, Marcus and Dora Wilson, and they specialize in teenage girls. They have just had great success fostering teenage girls and, as a result, have really come to specialize in that.

When it comes to foster youth, there is a wide range of ages, races and cultures and we need foster families that reflect that diversity and also who want to support kids at all of those ages.

Gene: We've been talking with Alaska State Representative Ivy Spohnholz. Representative, thank you for being a part of "Our American States."

Rep IS: Thanks very much, Gene, it was great talking with you today. Take care.

MUSIC

Gene: Our next guest is Indiana State Senator Erin Houchin.

*TM: 12:43*

Gene: Senator, tell us about your background and why you're interested in policy around supporting foster parents.

Sen EH: Straight out of college I went into family preservation work for a local nonprofit working with children in the child welfare system. And following that work, my main work was working to implement what we call an informal adjustment program, which is the step before families are involved in the child welfare system. There's no court involvement; just services.

And I was implementing those plans as written by the department and I really thought I could be more help to families if I could draft those plans and monitor those plans myself. So I ended up applying for and accepting a position in child welfare and I did that for approximately three years in different counties in Indiana, working as a family case manager in the system.

I used to think if I could just work my way up to the top of the organization, the agency, I might be able to make some positive changes to the overall structure of the system. I ended up leaving that work and here I am now in the General Assembly serving on the family and children services committee and writing and crafting legislation that hopefully will improve the system overall.

So it's a long way around getting to be in a position to make a difference in the overall functioning and treatment of foster kids and families in the system. But here I am and I'm glad to be here.

*TM: 14:03*

Gene: And as a former caseworker, are caseloads increasing in Indiana and do you see that happening in other states as well?

Sen EH: Well, when I was in child welfare, this was several years ago, our caseloads were extremely high. This was before we had caseload management in terms of limits in the state law. At one point I had 40 kids on my caseload and 60 ongoing investigations, and I was responsible for foster care licensing, adoption home studies, basically everything in the office, every function of it, doing intake calls. That all fell on the family case managers.

There were three of us in one of the busiest offices in terms of per capita and child welfare complaints in the state. And we would carry a pager. We would be on for a week and then off for two weeks, and then back on for a week straight. And so at that time, the caseload waits were much, much worse than they are now.

When Mitch Daniels, our governor, came into office, he instituted the caseload wait limits and had hired many, many more staff. So we went from an office of three; I think at one point they had 17 in that same office where we had three people.

Now the opioid epidemic certainly has contributed to higher caseloads, and so that is something that I think all states are struggling with, particularly states like West Virginia and Indiana where our opioid addiction rates are much higher than in other areas of the country.

*TM: 15:32*

Gene: Let's talk about older teens in foster care right now and I understand that your state, Indiana, has passed some major legislation to support foster families including expanding certain foster care to the age of 23. Can you tell us what you and your state have done for older teens in foster care?

Sen EH: Sure. We had a gap in service when a foster child aged out to when they could access services as what we would consider an adult, and so we, in part of our legislation last session, extended the time that they can be eligible for foster care so there's no gap in service. They can go straight to foster care services to aging out into adult wraparound services with no gap.

That was a very important thing that we did for our older foster care kids to make sure that they are taken care of through into adulthood.

*TM: 16:21*

Gene: And what other legislation have you all been working on?

Sen EH: I had Senate Bill 1. We have two bills: one was Senate Bill 1; the other was House Bill 1006, and Representative Greg Steuerwald and I and Representative Kevin Mahan, we worked on these pieces of legislation to one... We had the Child Welfare Policy Group come in and do an analysis of the system, so House Bill 1006 was really a product of their recommendations where we adopted some of those recommendations, not all of the recommendations.

But we did things like extend the age by which kids can stay in foster care. We changed the timeframe to give family case managers just a little bit more time to go out and start an investigation to try to help them manage their caseloads a little bit better. We adjusted the caseload waits and we changed the definition of neglect to not include neglect for the sole purposes of whether or not the family is in poverty.

So if they're currently seeking resources and trying to do everything they can, then just being in poverty is not neglect in Indiana. So that was House Bill 1006.

And then Senate Bill 1 was really my legislation. It was focused on improving the rights of foster parents in the system and thereby improving the rights of foster kids in the system.

We had after the Child Welfare Policy Group had done their analysis, there were 5,000 kids in Indiana of our 25,000 that were in foster care that were eligible for permanency. They were eligible for termination of parental rights. Some kids had been in care for greater than two-and-a-half or three years waiting for permanency and the only issue was the system was not working quickly enough for them.

So those are not good circumstances for those kids to be in. They have families willing to adopt them and the only reason that they're not getting that permanency is because of clogged court dockets or lack of action from the department or the attorneys representing the department.

So a few things we did in Senate Bill 1 were to increase their rights in the courtroom. So we already had some legislation that said that they could be heard. What was happening was that they were just being denied that in the courtroom by judges that were on the bench. So we in part of the law asked for all judges to be trained on the rights of foster parents so that we're sure that they know... they should know, but we want to make sure that foster parents, when they want to be heard in the courtroom, are having their voices heard.

They're often the parties in the case that have the most information about the current circumstances and what's happening in those cases, so we want to make sure their voices are heard. To facilitate that we developed a foster parent reporting form that can be filed with the court either through the family case manager or separately from the family case manager.

We want the family case managers to make every effort to gather that information and include it in their periodic case review reports. But in the event that they don't, the foster parents can still submit that information separately from them.

We also did right-of-first-choice. So if a foster child is in the system, they're in foster care, and for some reason they go back home and then that placement disrupts again and they go back into foster care, we want to maintain as much consistency for those kids as we can. So part of the law said that the department has to give previous foster placements the right-of-first-choice to have those kids back in their home.

And we also created a waiver so that if for some reason that foster family at the time that the child is coming back, children are coming back, they would have more kids than the limit would provide for the number of kids in their home, they can go over that limit to bring those kids back into their homes. And so that was very good. That was a very positive change that was advocated by our foster families.

We heard a lot about foster families wanting to be parties or part of termination cases or adoption cases and they're asking for that. They were not even receiving hearings on the matter when they made petitions to be parties to a case, to at least be heard in those cases and be able to provide testimony in those cases. Their petitions were just being denied outright without a hearing.

So we have defined a long-term foster parent in Indiana and if they meet the definition for long-term foster parent, then a hearing on their petition to be part of a termination case or an adoption case is... they have to have a hearing on it; they can't be denied a hearing. It has to be heard if they qualify as a long-term foster parent.

And then one other thing that we did was when we found that so many kids were just in foster care and should have permanency but are not for whatever reason... we heard from foster parents that said: we want to be able to intervene in those cases and at least push the issue of filing a termination case; they're supposed to be filed if a child has been out of the home for 15 of the last 22 months, and there were many, many, over 5,000 that were well beyond that.

So we changed the law such that if the timeline expires and a child is in foster care, the foster family can file notice to the court that the timeframe for filing the termination has expired and that action should be taken, and in that case if the judge finds that the timeline has expired, they're required to hold a hearing on the matter within 30 days.

*TM: 21:58*

Gene: What other advice would you have for legislators across the country in terms of this subject?

Sen EH: Well, I think that probably in every statehouse in the country there is somebody that has some experience with the system. We have legislators that are former foster kids. We have legislators that have been foster parents; legislators like me that have worked in the system.

So my first advice I think would be to try to identify those that have that institutional knowledge. I have offered to all of my colleagues that if they get calls from constituent foster parents that have concerns, to kind of filter that through me or the chairman of certain committees so all that information is housed in one place. And I think that helps us.

When I was gathering all the information – people would hear from their foster families and I would let them know to contact me, that would give me enough information to be able to problem solve and see what is impacting foster parents the most statewide and is there a legislative fix to it.

Sometimes it's policy. And we had many conversations with the Department of Child Services on what we thought could be handled through their policy changes or interdepartmental changes or what needed to be legislated. So those negotiations were ongoing throughout the process as well. Certainly, if the department is not living up to the expectations of the legislature, then you can go back and pass legislation to force the issues.

But I think listening to your foster families, taking a look at how your laws in the courtroom impact them: Do they have a voice? Are they being heard? Is there something you can do to make them more of a partner in the process? Whether that be through being part of the child welfare overall team of people that are trying to get the best outcomes for these kids, or if it is the court team trying to figure out permanency.

So I would evaluate your current laws, how supportive they are to foster families. And take a look at what we did in Indiana with Senate Bill 1 and House Bill 1006, and anyone can always

reach out to me. I'm always happy to talk about what we've done here and if that can be helpful to other kids in other states, then certainly I would want to do that.

Gene: We've been talking with Indiana Senator Erin Houchin, a former caseworker in the state. We thank you for taking the time to be a part of "Our American States."

Sen EH: Thank you so much for providing the opportunity to talk about it. I really appreciate it.

Music and Gene VO:

And that concludes this edition of our podcast. We encourage you to review and rate our episodes on iTunes or Google Play. You may also go to Google Play and iTunes to have these episodes downloaded directly to your mobile device when a new episode is ready. For the National Conference of State Legislatures, this is Gene Rose. Thanks for listening and being a part of "Our American States."