

How to Support Foster Families

FAQs for State Legislators



BY NINA WILLIAMS-MBENGUE

Introduction

Many states report a shortage of foster families. This shortage is becoming more serious because of increasing caseloads, such as those associated with the ongoing opioid epidemic. At the same time, foster families report high levels of frustration over the lack of support they receive, often leading them to quit early. Research indicates that, depending on the state, [30% to 50% of foster families quit within their first year](#). They cite lack of support, insufficient representation within the child welfare system, and feeling helpless when faced with children's social and emotional needs.

Child protection agencies across the U.S. received [4.1 million](#) reports of child maltreatment in 2017. Of that number, 674,000 were confirmed as victims of abuse or neglect. Nearly 75% were victims of neglect. Nearly 270,000 children entered foster care and either received in-home services or were removed from their homes. As required by federal and state law, children removed from their homes were placed with a relative if available, and if no relative was available, they

were placed in a non-relative family foster home.

In 2018, [437,283](#) children and youth were in foster care in U.S., with 46% placed in a non-relative family foster home. While states experienced declines in foster care caseloads during the early 2000s, since 2011 the number of children entering care began to rise alarmingly in the [wake of a national opioid and substance abuse crisis](#). In 2018, the number of children in care [dropped for the first time since 2011](#).

The landmark Family First Prevention Services Act of 2018 will further increase the need for foster families. The law limits federal funding for group or congregate care placements. This new policy heightens the goal to place children in family settings whenever possible.

The Legislative Role

State legislators are responsible for child welfare system funding and oversight. They play an important role in developing systems that recruit, train and retain an adequate number of foster families.

This brief aims to answer common questions from lawmakers related to supporting foster families.

1. What are the best placement options for children and youth who must be removed from their homes?

Foster care is intended to be a short-term safety net for children who've experienced the trauma associated with abuse or neglect. Despite best intentions, removing children and youth from their homes is almost always an additional traumatic experience. Once in foster care, children often move from one placement to another. [Prolonged stays in foster care](#) place children at further risk of emotional harm and negative outcomes. Children do best in a family setting and research and [federal legislation](#) recommends that children be placed in the least restrictive, most family-like environment available. Additionally, Title IV-E of the Social Security Act requires that states "consider giving preference to an adult relative over a nonrelated caregiver when determining placement for a child, provided that the relative caregiver meets all relevant State child protection standards."

If a child cannot be placed with a relative, state child welfare agencies seek to place children with foster families, which are intended to be temporary placements until a permanent placement—reunification with birth family (the goal for most children), legal guardianship or adoption—can be found. While a child is in foster care, the child attends school and the child's family receives services to ensure children can safely return home. These can include counseling, parenting skills classes, job training, and mental health and substance abuse treatment services.

[Research](#) shows that children and youth need consistent, caring adults in their lives to develop healthy relationships and promote positive social and emotional development. By partnering with state child welfare agencies, foster families—including relative foster families (kin)—can provide that consistency and significantly improve the well-being of children and youth in care.

2. What state policy options best support stable placements for children in foster care?

Foster families are important partners in helping children heal from trauma by providing ongoing quality care for children and youth.

Unfortunately, many foster families stop fostering children due to a lack of support from their state child welfare agency. They often cite having no voice in decision-making and not being adequately trained and supported to meet the needs of the children in their care.

A national policy campaign supported by private philanthropy and called CHAMPS, or Children Need Amazing Parents, identifies [six policy areas](#) to help promote stability and quality foster parenting for children and youth in foster care:

- Support relationships between birth and foster families.
- Implement data-driven recruitment and retention practices.
- Engage foster parents in decision-making.
- Provide timely access to trusted, dedicated staff and peer support.
- Prioritize placement with family members and other family connections.
- Ensure timely access to physical and mental health services.

As shown below, state lawmakers have crafted legislation related to many of these policy areas.

3. How can state legislators improve efforts to recruit, train and retain foster parents?

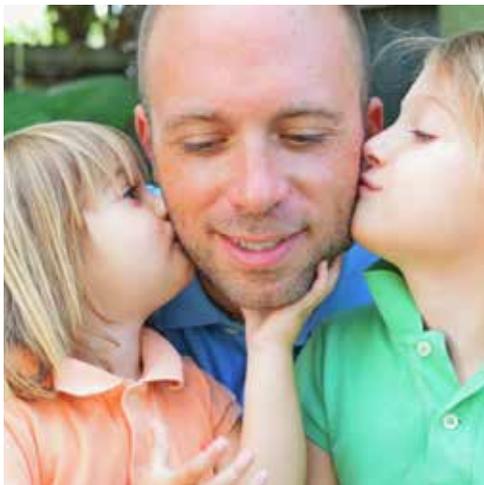
Data-driven recruitment campaigns. In 2019, Virginia lawmakers enacted [SB 1339](#), which requires the state to develop a data-driven plan for recruiting and retaining foster families. Two other states introduced legislation in 2019. Massachusetts [HB 133](#) (pending) would require its Department of Children and Families to investigate launching an organized foster parent recruitment campaign. New Mexico adopted [HJM 10](#), which requests that the Children, Youth & Families Department convene a task force to recommend strategies to improve recruitment and retention of resource families.

Foster home census. Arizona, North Carolina and Oklahoma statutes require an annual census of licensed and available foster homes. In addition to a census of approved and licensed foster homes, Oklahoma's legislation requires an annual report to the legislature describing the number of children in the system, the types of settings used for placements, the length of the children's stays and a comparison of foster room-and-board rates.

4. How can state lawmakers ensure foster parents are engaged as important partners in child welfare systems?

Court notification. Some states have enacted laws requiring foster parents to receive notification of court proceedings so they can participate in planning and decision-making about their foster child's life. In 2019, lawmakers in Florida, Indiana and Kentucky enacted legislation related to foster parents in court. Florida enacted [HB 1209](#), which requires sharing all relevant information with foster parents, soliciting and considering caregiver input on a child's case plan, and providing notice of court hearings. [Indiana SB 1](#) provides foster parents with a right to intervene in court proceedings and to request additional hearings. [Kentucky HB 446](#) requires foster parents to be parties to termination of parental rights hearings.

Information sharing. [Foster parent bill of rights laws](#) in 15 states (Alabama, Arizona, Arkansas, Georgia, Illinois, Iowa, Kentucky, Louisiana, Maryland, Michigan, Missouri, Oklahoma, Oregon, Pennsylvania and Tennessee) contain provisions that require or expect caseworkers to provide foster parents with children's medical, educational and behavioral health information.



Reasonable and prudent parenting standards. Forty states have enacted laws outlining [reasonable and prudent parenting standards](#) to give foster parents the authority to make day-to-day decisions affecting children in their care. The intent of these laws is to normalize life for children and youth in care by ensuring they have opportunities to engage in developmentally and age-appropriate experiences, such as extracurricular, enrichment, cultural, social or sporting activities.

Foster parent advisory groups. At least nine states (Connecticut, Illinois, Indiana, Iowa, Missouri, Ohio, Oklahoma, Oregon and Washington) have laws regarding foster parent advisory groups, councils or associations responsible for representing foster parents and/or examining foster care systems and making recom-

mendations for improvement. The groups in Illinois, Missouri, Ohio and Oregon are designated as foster parent advisory councils or associations charged with making recommendations for legislation and identifying best practices and recruitment and other strategies to improve and support foster parenting throughout the state.

Foster parent bill of rights laws. Seventeen states and the District of Columbia have enacted [foster parent bill of rights laws](#). These laws include rights related to access to information (15 states), case planning and decision-making (14 states), respite care for families (five states), training (13 states), and accountability/grievance or appeal provisions (10 states and the District of Columbia). Information on how to receive services from the state's child welfare agency on a 24-hour, seven-day-a-week basis is a foster parent right in Georgia, Kentucky, Louisiana, Oklahoma, Oregon, Pennsylvania and Tennessee. Access to a staff person on a 24-hour, seven-day-a-week basis is a foster parent right in Alabama, Louisiana (for emergencies) and Michigan. Illinois grants the right to be informed of the foster parent hotline. Massachusetts is considering two bills in 2019 ([SB 2395](#), [HB 4162](#)) that would create a foster parent bill of rights. One of those rights would be allowing foster parents to participate in meetings about their foster child and to receive notice of court hearings.

5. What practical supports do foster parents need?

Training for foster parents. [Forty-five states and the District of Columbia](#) require training for prospective foster parents. In some states that includes a specific course of training and/or minimum number of hours prior to being licensed as a foster parent. Legislators might consider specifying that training include handling trauma and caring for children with special needs and that it be offered to all foster families, including caregivers who are elderly or disabled.

Insurance and medical leave. Twenty-two states offer some type of liability insurance to foster parents for damages incurred by children and youth in their care. Eighteen states, the District of Columbia and Guam offer family and medical leave for foster parents. In 2019, more states introduced family and medical leave programs for foster parents (all are pending as of publication). They include Illinois ([SB 1723](#)), Louisiana ([SB 186](#)), Maine ([LD 1410 carry-over](#)), Missouri ([SB 162](#)) Ohio ([HB 91](#)) and Vermont ([HB 107](#), [SB 88](#), [HB 395](#)).

Tax credits. Oklahoma, Oregon and Pennsylvania considered legislation pertaining to tax credits for foster families in 2019. Oklahoma enacted [SB 893](#), which will reinstate the tax credit for taxpayers who have incurred expenses when caring for a child for more than six months during the tax year. Oregon introduced [HB 2868](#), which would allow a taxpayer who boards foster children in a foster home for more than two months during the tax year to claim a tax credit in the amount of \$250 for each foster child who resides in the home. Pennsylvania lawmakers introduced [HB 296](#) and [SB 445](#), both of which would allow a foster parent to claim a tax credit against the personal income tax. The credit would equal \$500 per foster child placement in the tax year that the foster child first qualifies as a dependent on the taxpayer's federal tax return.



Earmarks. In addition to tax credits, at least one state passed legislation that would earmark certain fees to benefit foster care support services. Mississippi enacted [SB 2196](#) to create the Mississippi Foster Care Fund in the state treasury. The purpose of the fund would be to support services directly provided to fos-

ter families and foster children. The fund would be financed through legislative appropriations, donations, and fees from individuals charged for traffic and other violations.

Child care assistance. Tennessee and Florida introduced legislation in 2019 to fund child care assistance for foster families. Florida [HB 1367](#) and [SB 1144](#) would provide an additional subsidy for certain caregivers. Tennessee [HB 0004](#), [SB 11](#), [HB 1150](#) and [SB 847](#) would test a pilot program for child care subsidies for kinship caregivers.

6. How can legislators help foster families meet the well-being and mental health needs of children and youth in their care?

Emphasize relative placement. Lawmakers are introducing bills to support relative or kinship caregivers who are often the first choice for out-of-home placement. [Research](#) indicates that placement with relatives increases safety and stability for children and helps maintain connections with children’s families and communities. Thirty-six states prioritize a preference for placement with relatives in statute. Examples from legislation introduced in 2019 include:

- Kentucky [HB 2](#) (enacted) requires the state to track data on relative and fictive kin (those who have an emotionally significant relationship with a child but are unrelated by birth or marriage, such as a long-term foster parent).
- West Virginia [HB 2010](#) (enacted) mandates a study and recommendations to improve services to kinship foster families.
- Minnesota [SF 12](#) (enacted) directs the state agency to review kinship navigator models eligible for reimbursement under the federal Family First Prevention Services Act. Kinship navigator models would assist relative foster parents with home studies and licensing requirements and provide relative caregivers and children ongoing support.
- New York lawmakers appropriated funds to support the state’s implementation of the Family First Prevention Services Act in 2020. Funds will be invested in county-based efforts to strengthen and support family-based foster care.



Ensure access to physical and mental health services for children in care. Children and youth in care often have complex physical and mental health needs that foster parents struggle to address. Lawmakers in some states considered legislation to ensure foster families have access to the health services their children need, including comprehensive assessments and mental health services. In 2019, states introduced the following bills:

- California [AB 1005](#) (pending) aims to establish a joint county-based Family Urgent Response System with a mobile response team for caregivers and current or former foster youth in crisis.
- Illinois [HB 0219](#) (pending) would create a Children’s Mental Health Local Integrated Fund.
- Maine [LD 1378](#) (enacted) requires the state to ensure a child receives a medical exam within 10 days of entering custody.

- North Carolina [SB 549](#) (pending) would establish a two-year pilot project to provide easier access to comprehensive services for children in foster care regarding continuity of care, alternatives to therapeutic foster care, and uninterrupted care and services pending treatment of trauma.
- Virginia [SB 1339](#) (enacted) requires dedicated staff to monitor medical services for children in foster care and creates the position of director of Foster Care Health and Safety within the state department of Social Services.
- West Virginia [HB 2010](#) (enacted) requires the state to move the foster care population to a managed care health system.

7. How else can legislators support foster families?

Shared parenting with birth parents. Since 56% of children in foster care in 2018 were reunited with their birth families, legislators might consider policies that encourage child welfare agencies to prioritize training and support for shared parenting programs. In these programs, foster parents work with birth families to help children better reunite with their families. They can include strategies for sharing information, recruiting foster parents who are interested in working with birth families, implementing “comfort calls” between a foster parent and a birth parent right after a child is placed, and ice-breaker meetings between birth and foster parents. [North Carolina’s Shared Parenting Policy](#) provides detailed guidance for caseworkers engaging foster parents to “develop partnerships with children and their parents or guardians, help children maintain and develop relationships that will keep them connected to their pasts, and help children placed in the home build a positive self-concept and positive family, cultural, and racial identity.”

Mentoring and coaching. Peer mentors and support groups can make a difference for foster families overwhelmed with responsibilities related to caring for children. [Clark County, Nevada’s Foster Parent Champion program](#) is one example of an approach where experienced foster parents help newer ones get the resources they need, navigate the child welfare system and assist with parenting.

Comprehensive support programs. [Quality Parenting Intervention \(QPI\)](#) is a program that works to strengthen foster parents and is, as of 2018, in over 75 jurisdictions in 10 states (California, Florida, Illinois, Louisiana, Minnesota, Nevada, Ohio, Pennsylvania, Texas and Wisconsin). Important elements of QPI include defining the expectations of caregivers and clearly communicating expectations to staff, caregivers and other stakeholders, and aligning system policy and practice with those expectations. The program offers mentoring, coaching, training and more.

Hotlines and dedicated staff. Assigning a single, dedicated caseworker and access to foster parent hotlines and “warm” help lines that offer connections to peer mentors and coaches are other options for supporting foster families. For example, Massachusetts has proposed foster parent bill of rights legislation (SB 2395) that would include access to a 24-hour emergency hotline for foster parents.

The National Conference of State Legislatures is the bipartisan organization dedicated to serving the lawmakers and staffs of the nation's 50 states, its commonwealths and territories.

NCSL provides research, technical assistance and opportunities for policymakers to exchange ideas on the most pressing state issues, and is an effective and respected advocate for the interests of the states in the American federal system. Its objectives are:

- Improve the quality and effectiveness of state legislatures.
- Promote policy innovation and communication among state legislatures.
- Ensure state legislatures a strong, cohesive voice in the federal system.

The conference operates from offices in Denver, Colorado and Washington, D.C.

NCSL Contact

Nina Williams-Mbengue

Senior Fellow, Children and Families Program

303-856-1559

Nina.Mbengue@ncsl.org



Tim Storey, Executive Director

7700 East First Place, Denver, Colorado 80230, 303-364-7700 | 444 North Capitol Street, N.W., Suite 515, Washington, D.C. 20001, 202-624-5400

www.ncsl.org

© 2019 by the National Conference of State Legislatures. All rights reserved.