



TESTIMONY OF

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BEFORE THE

COMMITTEE ON FINANCE
UNITED STATES SENATE

MAY 10, 2006

Mr. Chairman and members of the Committee, thank you for inviting me to appear before you to discuss reauthorization of three important programs: the Mentoring Children of Prisoners Program, the Promoting Safe and Stable Families Program and the Court Improvement Program. Each of these programs plays an important role in promoting the well-being of vulnerable children and families.

The Bush Administration strongly supports reauthorization of these programs, and I appreciate the opportunity to talk about our reauthorization plans. I also would like to use my time today to update the Committee on some of our broader work in the area of child welfare reform and how we are responding to emerging issues in the field, such as the increased use and production of methamphetamines in households with children.

Mentoring Children of Prisoners

According to the Department of Justice, nearly 1.5 million children wake up each morning while at least one of their parents is incarcerated. These children frequently experience the trauma of multiple changes in caregivers and living arrangements.

Children of prisoners are seven times more likely to become involved in the juvenile and adult criminal justice systems than their peers, and more likely to go to prison than graduate from high school, college, or trade school. They often succumb to depression and drug usage.

A study of the Big Brothers/Big Sisters showed that mentored youth were less likely than non-mentored youth to begin using drugs and alcohol and to initiate violence. Mentored youth also were more likely to have improved their school attendance and performance, their attitudes toward completing school work and their peer and family relationships. In recognition of the potential of mentoring to benefit children affected by parental incarceration, the Mentoring Children of Prisoners (MCP) program was established under the Promoting Safe and Stable Families Amendments of 2001.

Now in its third year of operation, the program has 218 grantees, including States, local governments, Tribes, and faith and community-based programs across the nation. There are MCP grantees in urban, suburban, and rural settings. Participating grantees operate programs that create and sustain mentoring relationships. Agencies recruit staff, screen, and train potential volunteer mentors; identify and recruit eligible children of prisoners in their communities; and match each mentor based on the interests and preferences of the mentor, mentee and mentee parent or guardian. The MCP program is a one-on-one mentoring program and quality and long-lasting mentoring relationships are keys to MCP grantees' success.

All grant recipients are required to provide services that strengthen and support children between the ages of four and 15 who have an incarcerated parent by cultivating mentors within the child's family and community through recruitment, screening, training, monitoring, and evaluation. The MCP Program's cornerstone is the model of Positive Youth Development (PYD). PYD is an approach that views each child holistically,

rather than as a series of problems to be solved and seeks to enhance positive aspects of children's lives rather than primarily avoiding negative behaviors. Programs that follow this model engage youth in their communities and promote positive and healthy choices.

As of December 2005, nearly 20,000 children have been matched with mentors through the Mentoring Children of Prisoners program. We believe this figure can and should be much higher. We are taking steps to raise this number by providing increased technical assistance and by proposing a critical change in conjunction with our reauthorization request.

The President's FY 2007 budget proposes to reauthorize the program through FY 2011 at the current authorization level with a modification to allow the use of vouchers to provide services to children of prisoners. Under the program's current structure, children of incarcerated persons are only able to access the services provided by an organization currently receiving the grant funds, which provides the children and their families with limited choices among mentoring services available to them. Under the proposal, vouchers would be coordinated through a national mentoring support agency that would recruit and accredit mentoring programs nationwide. Vouchers will allow families to choose any approved program from among more than 4,100 mentoring programs currently operating throughout the country. In addition, as prisoners come from a wide variety of communities and demographics, families will be able to select from the programs that are geographically close and connected to their respective neighborhoods. We look forward to working with the Committee to make this important change to the program.

In addition, we will continue to fund a long-term evaluation of the program which began in FY 2005 with a research designed developed for evaluating several key aspects of the program. In addition to the outcome evaluation that is underway, we intend to use planned training and technical assistance visits to enhance our understanding of how programs achieve success. Training and technical assistance providers will conduct site visits with current grantees and during these visits researchers will assess factors that contribute to or impede success in forming matches that are enduring, quality mentoring relationships for children of prisoners. Along with our reauthorization proposal, these efforts will contribute to improved program results for children.

Promoting Safe and Stable Families

The Promoting Safe and Stable Families (PSSF) program provides funds for States and eligible Tribes to develop, establish, expand and operate coordinated programs of community-based family support services, family preservation services, time-limited family reunification services, and adoption promotion and support services. The services funded through the program seek to:

- Prevent child maltreatment among at-risk families through the provision of supportive family services;

- Assure children’s safety within the home and preserve intact families in which children have been maltreated, when the family’s problems can be addressed effectively in that setting;
- Address the problems of families whose children have been placed in Foster Care, including by providing substance abuse treatment so that reunification may occur in a safe and timely manner; and
- Assist adoptive families by providing support services that enable them to make a lifetime commitment to their children.

The Promoting Safe and Stable Families Program was originally authorized by the Omnibus Budget Reconciliation Act of 1993 as the Family Preservation and Support Services program. The initial legislation provided a broad framework and flexible funding to States to prevent child abuse and neglect from occurring and to help families whose children were at risk of being removed. It also encouraged comprehensive planning and coordination with a broad array of community-based stakeholders and service providers – elements of the program that continue to play an important role today in our ongoing efforts to improve child welfare services.

In 1997, the Adoption and Safe Families Act reauthorized and expanded the program and gave it its current name – the Promoting Safe and Stable Families program. At that time,

two additional service categories were also added to the program: time-limited family reunification services, and adoption promotion and support services.

The program was further strengthened by the Promoting Safe and Stable Families Amendments of 2001 (signed into law in January 2002). The law mirrored the Administration's proposal to authorize an additional \$1 billion for the program to provide resources to promote strong families and keep children safe. Other important additions in that legislation included language that specified that States could use their PSSF funds to strengthen parental relationships to promote healthy marriages – strategies that the Bush Administration strongly believes promote the safety and well-being of children. The 2002 amendments also allowed States to use funds to establish and/or support infant safe haven programs.

Most recently, the Deficit Reduction Act of FY 2005 increased the authorization for mandatory funds by \$40 million. Our reauthorization proposal maintains the new level of \$345 million in mandatory funds, and authorizes \$200 million in discretionary funding. The Administration requests these funds because this program strengthens and enhances States' ability to provide services targeted to achieving the goals of safety, permanency, and well-being. Because the statute as currently structured provides critical support for an array of services, while allowing States adequate flexibility to target resources in a manner responsive to the needs of their specific communities, we are not seeking programmatic changes.

Court Improvement Program

I would like to turn now to the third program up for reauthorization, the Court Improvement Program. The 1993 legislation that created the Family Preservation and Support Program also established a program focusing on the role of the courts in child welfare – the Court Improvement Program. Since that time, the program was reauthorized in 1997 and again as part of the Promoting Safe and Stable Families Amendments of 2001.

The 2002 reauthorization provided additional resources to the Court Improvement Program to improve the effectiveness of courts involved in child welfare. From the funds provided for Promoting Safe and Stable Families (PSSF), \$10 million in mandatory funding is reserved each year for grants to State court systems, plus an additional 3.3 percent of the discretionary funds appropriated under PSSF. At current funding levels, the set-aside is nearly \$13 million in FY 2006. The grants are awarded to the highest court in each State to enable the courts to conduct assessments of their Foster Care and adoption laws and judicial processes, and to develop and implement plans for system improvement. These improvements must provide for the safety, well-being and permanence of children in Foster Care, and implement Program Improvement Plans (PIPs) developed as a result of the Child and Family Services and IV-E Foster Care Eligibility Reviews.

Most recently, the Congress took action to further expand the Court Improvement Program as part of the Deficit Reduction Act (DRA) of 2005. The DRA provides \$20 million for two new court improvement grants that focus on improved data collection and collaboration between courts and child welfare agencies. The new grants are for the purposes of:

- Ensuring that the needs of children are met in a timely and complete manner through improved case tracking and analysis of child welfare cases (the case analysis/data tracking grant); and
- Training judges, attorneys and other legal personnel in child welfare cases and conducting cross-training with child welfare agency staff and contractors (the training grant).

The new grants – authorized for \$10 million each – are funded for Federal fiscal years 2006 through 2010.

The DRA also establishes a collaboration requirement for both State courts and child welfare agencies:

- State court applicants must now, as part of their applications for the basic court improvement grant and the two new grants, demonstrate that they will have

“meaningful, ongoing collaboration” among the courts in the State, the State child welfare agency and, where applicable, Indian Tribes.

- The DRA adds a State plan requirement to title IV-B of the Social Security Act through which the State or tribal child welfare agency to demonstrate substantial, ongoing and meaningful collaboration with State courts in the development and implementation of its State plans under titles IV-B and IV-E and program improvement plans developed as a result of the Child and Family Services and IV-E Foster Care Eligibility Reviews.

We commend the Congress for the inclusion of new funds and increased collaboration requirements in the DRA. We are pleased that Congress recognizes that courts must be key partners in achieving better outcomes for children and through these new funds has provided what we hope will be a catalyst for more active collaboration. We are excited about the opportunity to expand our work with the courts through this program and we strongly support the reauthorization of funding for the basic Court Improvement Program.

On a personal note, I have also taken the opportunity to visit courts all across the country during the past few months, sitting with judges as they hear child welfare cases, and talking to judges about opportunities to move our system forward toward more satisfactory outcomes. I have had the pleasure of visiting courts in Florida, Louisiana, Arkansas, Colorado, Arizona and California.

These visits have given me a first-hand opportunity to witness how the interface between casework practice and court decisions profoundly affect children and families, and how essential it is that leaders from the courts and agencies work closely together in planning for and implementing systemic child welfare reforms.

Improving Child Welfare: *Oversight and continuous improvement*

The Promoting Safe and Stable Families Program and the Court Improvement Program are two important pieces of our overall strategy for working with the States to improve child welfare. At the heart of our work are the Child and Family Services Reviews and accompanying Program Improvement Plans. I would like to take just a few moments to update you on what we have learned and the progress that is being made.

First implemented in 2001, the Child and Family Services Reviews (CFSR) are the cornerstone of our efforts to review State child welfare programs, monitor performance, promote improved outcomes, and ensure compliance with key provisions of law. The reviews cover outcomes for children and families served by the State child welfare agency in the areas of safety, permanency, and child and family well-being. Through the CFSR we look at all types of child welfare cases, from child protection and family preservation, to Foster Care, family reunification and adoption services. The CFSR assesses State performance on seven outcome measures and seven systemic factors that are central to the mission of child welfare agencies. We look at casework practices in the

field, review the State agency's capacity to serve children and families effectively, and examine the relationships between the various child welfare serving agencies. The CFSR includes a review of statewide data and a comprehensive State self-assessment, as well as an intensive on-site review of a sample of cases and interviews with key stakeholders.

CFSR Findings

CFSR reviews have now been completed in all 50 States, the District of Columbia and Puerto Rico. We have learned many important lessons through this process, including the finding that all States need to take steps to improve their systems in order to ensure children's safety, permanency and well-being. The following is a summary of some of the key conclusions we have drawn from these reviews:

- States are performing somewhat better on safety outcomes for children than on permanency and well-being outcomes. Still, only six States were in substantial conformity with the outcome measure reflecting the ability to protect children from abuse and neglect. In particular, States need to work to prevent the repeat abuse and neglect of children, and need to improve the level of services provided to families to reduce the risk of future harm, including better monitoring of families' participation in services.
- The timely achievement of permanency outcomes, especially adoption, for children in Foster Care is one of the weakest areas of State performance. Indeed, no

State was found to be in substantial compliance with the outcome measure reflecting whether or not children have permanency and stability in their living situation.

- A strong correlation was found between frequent caseworker visits with children and positive findings in other areas, including timely permanency achievement and indicators of child well-being.
- States need to improve how they assess the needs of family members and provide services, and engage parents and children when developing case plans.
- Less attention and fewer services are often provided to families whose children are served within the family's home compared to families whose children are placed in Foster Care. States need to strengthen up-front preventive services they provide to families in order to prevent unnecessary family break-up and protect children who remain at home. Overall, only six States were in substantial conformity with the outcome measure reflecting whether or not children are maintained in their own homes when appropriate.

By themselves, these findings would be of little use if the CFSRs simply stopped at reporting on current State practice. Rather, to be useful, these findings must be employed to improve State child welfare practice. That is why the most important product of the CFSRs is to engage the States in developing, and then implementing, Program Improvement Plans designed to address the underlying practice issues that affect outcomes for children and families who come in contact with state child welfare systems.

Program Improvement Plans

For any of the outcomes or systemic factors in which the State is determined not to be in substantial conformity, the State must develop and implement a program improvement plan (PIP) designed to correct the area of non-conformity. Once approved, States enter a two-year Program Improvement Plan (PIP). During this time, ACF monitors the States' progress and provides technical assistance to support the States during their PIP. An array of training and technical assistance is provided at no cost to the States through a network of federally funded National Resource Centers.

Program Improvement Plans are designed to serve as a catalyst for significant reforms of State child welfare systems. Through the Program Improvement Planning process, we are looking for meaningful changes that will lead to lasting improvements in the way that States operate their programs. Because the PIPs are intended to result in long-term, measurable improvements in State child welfare programs, we reject PIPs that are “plans-to-plan” rather than plans that include concrete strategies that will lead to positive results. Many States have been challenged through this process to conceptualize and plan fundamental reform, and we have been unwilling to accept plans that do not target the key issues affecting outcomes for children and families and instead have taken the time to work with States to help them re-shape their initial PIP submissions.

Penalties associated with non-conformity are suspended while the State implements the approved PIP, and are rescinded if the State is successful in ending the non-conformity through completion of the PIP.

To date, ACF has approved PIPs for all States. Thirty-three States have completed their two-year PIPs. Of these 33 States, we have completed our evaluations of 18 States' PIPs. The determination was made that 17 States successfully implemented all required activities in the PIPs, reaching their approved PIP goals. One jurisdiction did not successfully complete the PIP and we will begin withholding Federal funds as a result. We are in the process of evaluating the remaining States' success in meeting the goals of their PIPs. Several other PIPs are scheduled for completion this Federal fiscal year.

What is encouraging and striking to me is that through this process, every State in this country has assessed the needs of the children and families in their child welfare systems and has taken meaningful action to improve services and outcomes – and thus far most have been successful in achieving measurable improvements. Does this mean our work is done? No—really, it has just begun. We know of the ongoing challenges that child welfare systems across the country face. And we, too often, read in our local paper of individual tragedies when children have not been protected. We have a lot of work left to do. But we do have a framework to move forward and continue to address the challenges as they emerge.

Our primary mechanisms for moving child welfare programs toward higher and more reliable levels of service delivery are the Child and Family Service Review and the Program Improvement Plans that States implement as a result of our review findings. This summer, we anticipate launching the second round of Child and Family Service Reviews. The second round of reviews, together with the momentum for forward

progress inspired by the initial round of reviews, are the critical next steps in our pursuit of continuous quality improvement in State child welfare programs.

Methamphetamines: An Emerging Child Welfare Challenge

One challenge we know that many areas of the country are confronting is the widening problem with methamphetamine use and the accompanying social and economic impact. The production and use of methamphetamine, a synthetic drug commonly known as “meth,” is now a major concern not only to law enforcement officials but to those engaged in several other areas of work, especially child welfare.

Two circumstances connected with this drug make it particularly problematic for child welfare: 1) the high-use rate by females during their childbearing years; and 2) the environment where methamphetamine is manufactured and/or used is hazardous to children, posing some unique challenges for child protection.

The increase in Foster Care placements due to methamphetamine addicted parents, and the accompanying environmental dangers to children resulting from meth labs have made it essential for members at all levels of the child welfare community to formulate a swift and strong response. ACF recognizes the importance of providing leadership on this timely and important issue. As our response efforts have intensified, we have been seeking ways in which we can effectively integrate our work with other Federal efforts and highlight those areas which are of special concern to child welfare.

Last August, HHS Secretary Mike Leavitt met with Attorney General Alberto Gonzalez to discuss the growing concerns surrounding meth manufacture and use, to develop a more coordinated effort in response, and to launch new targeted initiatives. At that time, Secretary Leavitt committed to convening a national conference on methamphetamine and child welfare at the earliest possible time. To that end, just this week, ACF's Children's Bureau, in collaboration with the Child Care Bureau, and SAMHSA's Center for Substance Abuse Treatment convened a national conference on methamphetamine and child welfare. The conference, *Methamphetamine: The Child Welfare Impact and Response* brought together more than 300 State and Tribal leaders in child welfare, child care and substance abuse treatment to share successes and challenges in working with families and children in the child welfare system impacted by methamphetamine use and production, to develop cross-agency responses, and to highlight promising practices and model approaches.

Since then, the Children's Bureau in ACF has continued to pursue a number of initiatives around the issue of methamphetamine and child welfare through our national training and technical assistance network. To begin, we sponsored comprehensive teleconference training last summer to child welfare grantees and ACF Regional Office staff on the implications of methamphetamine abuse for child welfare. Several areas of concern were addressed including patterns of meth use, prenatal exposure, and chronic neglect and inconsistent parenting due to methamphetamine use.

We continue to support the important work of the National Center on Substance Abuse and Child Welfare which we jointly fund with the Center for Substance Abuse and Treatment at the Substance Abuse and Mental Health Services Administration (SAMHSA). Dr. Nancy Young, Director of the Center, and her staff have been presenting at conferences and meetings on this issue, have responded to many requests for technical assistance on meth-related topics, and have developed a number of resources that are available from the National Center and on their website. I know that you also had the opportunity to hear from Dr. Young directly at your April 25 hearing on the impact of methamphetamine on the child welfare system.

We will continue to use our data resources, such as the Adoption and Foster Care Analysis and Reporting System (AFCARS) and our work with the States through the CFSR process to identify trends in meth usage and its impact on child welfare, and we will continue to work through our National Resource Centers and in collaboration with our Federal partners at SAMHSA and elsewhere to support States as they confront the challenges posed by the meth epidemic.

Federal Child Welfare Financing Reform

While there are many challenges in child welfare, there is one more that I would like to discuss today – and that is the challenge presented by the current structure of Federal child welfare funding. As you know, the largest single source of Federal child welfare

funding comes from the title IV-E Foster Care program, which provides about \$5 billion annually to States. These funds may only be used to reimburse a portion of the Foster Care maintenance payments and related case management and administrative costs, and only for some children – those meeting specific, at times antiquated, eligibility requirements. The title IV-E program is administratively complex and substantively rigid in how funds may be used, limiting States’ abilities to craft service responses that could lead to more positive outcomes for children and families.

For this reason, the President has asked the Congress to pass legislation that would offer States an option to take title IV-E Foster Care funding as a fixed allocation (rather than as an open-ended entitlement) that could be used to pay not just for Foster Care, but for the full range of child welfare services, including preventive services, in-home services, services to reunify children with families, and post-permanency support services to stabilize families after reunification or after an adoptive placement. In addition, under the President’s proposal, Tribes will benefit from direct access to and flexible use of title IV-E funds for the first time.

As I mentioned earlier, one finding of the CFSR was that children and families served in their own homes received less attention and fewer services than children removed from home. By opening up title IV-E and giving States an option – not a requirement, but an option – to receive Federal funds in a manner that gives them a choice to receive title IV-E as a flexible grant that could fund a full array of child welfare activities, we believe that we would see progress in developing a child welfare system that places children only

when necessary and that places greater emphasis on providing timely and better tailored services. These services would serve to maintain children safely in their own homes whenever possible; to address parental problems and reunify children in a timelier manner when removal is necessary; and/or to move children to other permanent homes when reunification is not possible.

Conclusion

We are making strides in all three programs discussed here today – the Promoting Safe and Stable Families Program; the Court Improvement Program, and the Mentoring Children of Prisoners Program. Each of these programs plays a significant role in promoting the well-being of our nation’s vulnerable children and families. To that end, we are committed to working with the States, the Congress, and community-based organizations to continuously strive for better outcomes for all of these children. We look forward to working with the Committee on reauthorization of these vital programs and on the President’s child welfare financing proposal.

Again, I thank you for this opportunity to testify before the Committee, and I would be pleased to answer any questions you may have.