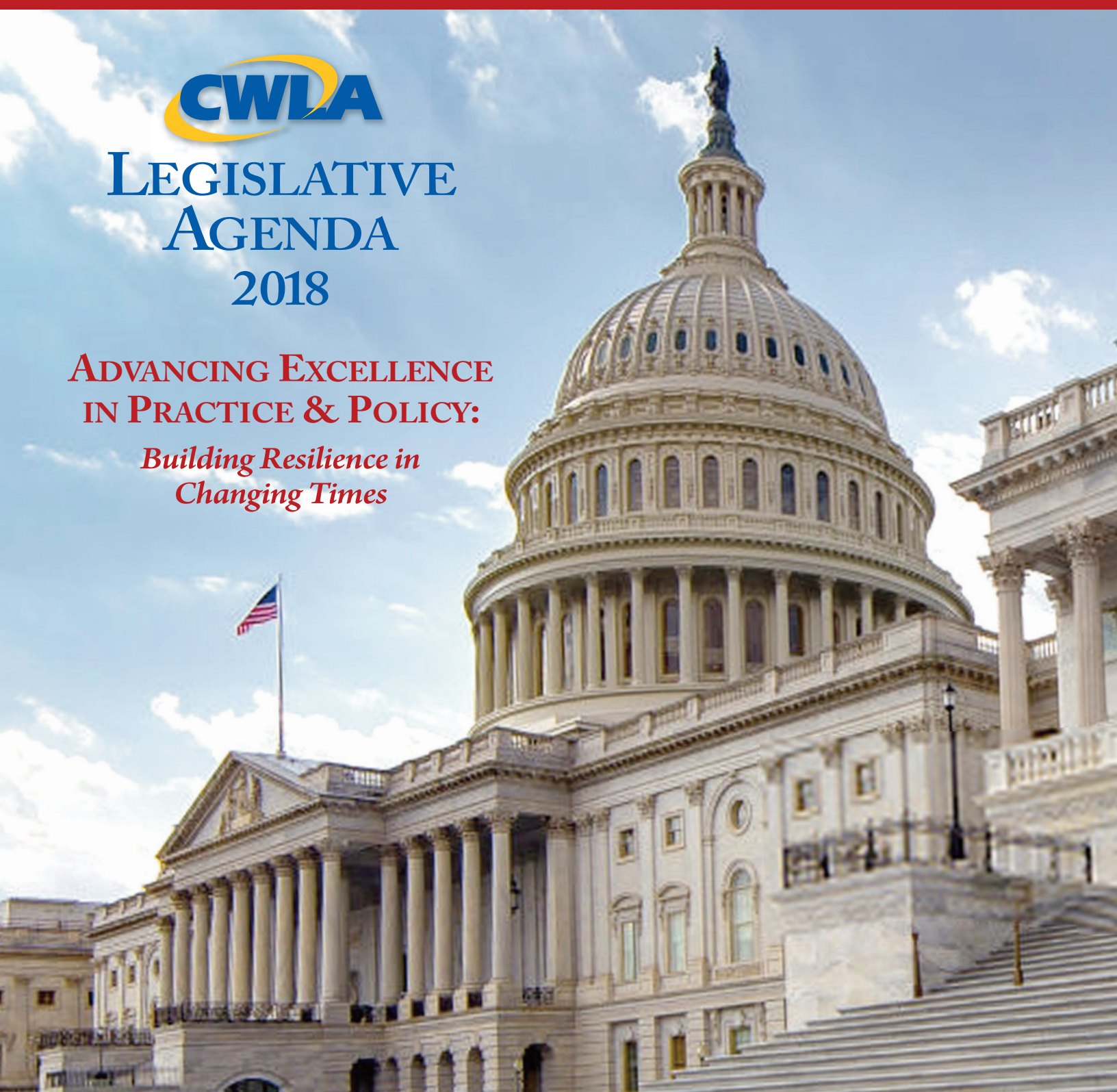




# LEGISLATIVE AGENDA 2018

**ADVANCING EXCELLENCE  
IN PRACTICE & POLICY:**

*Building Resilience in  
Changing Times*



RECOMMENDATIONS  
FOR THE ADMINISTRATION AND 115TH CONGRESS

---

★ SECOND SESSION ★

## FULLY FUND TITLE IV-B PROGRAMS TO IMPLEMENT THE FAMILIES FIRST ACT.

Congress passed the Families First Prevention Services Act (PL 115-123) this year. The legislation has great potential to expand services that can prevent the placement of children into foster care. It is a challenge to states to build the capacity and access to services (mental health, substance use, and in-home services) and to build the infrastructure of services and providers. Congress must fully fund **Child Welfare Services** from \$269 million to **\$325 million** and **Promoting Safe and Stable Families** from \$364 million to **\$505 million**; increase funding to the **Adoption Opportunities Act** to **\$60 million**; and fully fund the annual **Adoption and Kinship Incentives Fund** at **\$75 million**.

Starting in FY 2020, the Families First Prevention Services Act will allow states to draw funds for children and families at risk of foster care placement. Only certain evidence-based services will be allowable to families that need intervention, post-adoption, and reunification services. For states to draw funding, they must engage in and coordinate public and private agencies experienced with providing child and family community-based services, including mental health, substance use, and public health providers. States face a limited supply of foster homes and family-based aftercare support that can provide for post-discharge services for children leaving institutional care. These four funding sources can help states develop evidence-based services.

Child Welfare Services and Promoting Safe and Stable Families can help develop more family support and family preservation services and help increase support for relative caregivers. The Adoption Opportunities Act, as well as the Adoption and Kinship Incentive Fund, help in the recruitment of adoptive families and the development of post-adoption services.

## PREVENT CHILD ABUSE: FUND THE CHILD ABUSE PREVENTION TREATMENT ACT (CAPTA) AND THE COMMUNITY-BASED CHILD ABUSE PREVENTION TREATMENT ACT (CB-CAP).

Child abuse and neglect affects over 1 million children every year. Child abuse and neglect costs our nation \$220 million every day through increased investigations, foster care, health care costs, and behavioral health costs and treatment. According to Prevent Child Abuse America, we paid \$80 billion to address child abuse and neglect in 2012. We need to prevent child abuse before it happens. Congress must fully fund the **Child Abuse Prevention and Treatment Act (CAPTA)** at **\$120 million** and the Community-Based Grants for the Prevention of Child Abuse and Neglect/**CB-CAP** at **\$80 million**.

Investing in prevention is less costly to society and the government than trying to treat problems later. Successful prevention of child maltreatment means better outcomes for children and can prevent the need for future intervention services or foster care.

The Child Abuse Prevention and Treatment Act (CAPTA) helped establish national standards for reporting and response practices for states to include in their child protection laws. CAPTA is the only federal legislation exclusively dedicated to the continuum of child maltreatment services and supports, including preventing, assessing, identifying, and treating child abuse and neglect.

Another key prevention program is the Community-Based Grants for the Prevention of Child Abuse and Neglect (CB-CAP), which provides funds to states to support, develop, operate, and expand a network of community-based, prevention-focused family support programs. Seventy percent of funding from CB-CAP grants is distributed to states based on the child population. The remaining 30% is distributed to the states based on the amount of private, state, or other non-Federal funds leveraged during the year. CAPTA and CB-CAP help provide a continuum of services, develop local partnerships, and involve several target populations and providers. But both programs are vastly underfunded, and we need to do much more in preventing child abuse before it happens. Congress just added some funds to CAPTA this past February—the first increase since 2005. Now we need to fully fund both prevention of child abuse programs.

## PROTECT THE DREAMERS, IMMIGRANTS, AND IMMIGRANT FAMILIES.

In past Congresses, there have been several bipartisan “Dreamers Acts,” including the **DREAM (Development, Relief, and Education for Alien Minors) Act of 2017**. This legislation grants DACA (Deferred Action for Childhood Arrivals) beneficiaries permanent resident status on a conditional basis. Conditions include passing a background check and medical exam, entering the United States before the age of 18, and having been continuously present in the United States since at least four years before enactment. Dreamers must also meet educational requirements, including having been admitted to a college, university, or other institution of higher learning; having earned a high school diploma or general education development (GED) certificate; or currently being enrolled in a secondary education program to obtain a high school diploma or GED certificate. Dreamers cannot have been convicted of criminal offenses. Congress needs to **protect DACA-status immigrants by passing the DREAM Act**.



## PROTECT THE DREAMERS, IMMIGRANTS, AND IMMIGRANT FAMILIES – *continued.*

Almost nine million young children under the age of 8 live in a family of immigrants with one or more members who are foreign-born. Young children in these families, a growing segment of children in the United States, comprise 26% of all children under age 8. Roughly half a million U.S.-citizen children experienced the apprehension, detention, and deportation of at least one parent between 2011 and 2013. If a parent is unable to arrange child care or custody prior to detention or deportation, the child may be taken by the state's Child Protective Services (CPS) agency for placement and case management. The child is usually placed in an emergency shelter, group home, or with a relative, friend, or stranger in a foster home while custody is determined in family court.

When children are separated from parents, they face short- and long-term psychological damage, including depression, post-traumatic stress, anxiety, feelings of abandonment, and suicidal thoughts. Being separated from their family members and their communities, cultural familiarities, and schools and other connections can cause children to struggle with their identity and face an undue sense of isolation, adding further stress to an already traumatic situation. ***We call on Congress to enact fair immigration reform, to suspend mass deportations, and oppose policies that seek to deter immigration by separating children from their parents.*** Congress and the Administration must ensure that the best interests of children, including U.S.-citizen children living in mixed-status families, are held paramount in immigration policy decisions. Pass the DREAM Act and protect the DACA status of some of the most vital members of our communities, cities, and states.

## MAINTAIN THE SOCIAL SERVICES BLOCK GRANT (SSBG).

The Social Services Block Grant (SSBG) is a critical source of human services funding. SSBG continues to play a key role in child welfare services and continues to be a significant part of federal support for other human services programs, including services for the disabled, domestic violence prevention, and other adult protective services. Surveys of state child welfare officials consistently demonstrate that SSBG provides approximately 11–12% of total federal funds for a range of child welfare services.

SSBG is the biggest federal source of funding for child protection services at approximately \$138 million, with 39 states allocating funding for their child protection system. 33 states use SSBG to supplement their foster care systems, 19 states supplement adoption services. SSBG includes investment into prevention and intervention services, with 26 states allocating funding in this way. But SSBG is also vital to other human services, some of which impact on child well-being—including funding that is dedicated to addressing adult protective services and domestic violence. Twenty-one states use SSBG to fund special services for the disabled, 17 provide services to youth who are at risk, and 16 strengthen their home-delivered meals programs by using SSBG.

## REAUTHORIZE AND STRENGTHEN THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT.

CWLA seeks to improve the lives of children and families by strengthening an integrated approach to programs and services. This includes strengthening programs and services across the child welfare and juvenile justice systems and increasing awareness of the connection between child maltreatment and juvenile delinquency. The 1974 Juvenile Justice and Delinquency Prevention Act (JJDP) has been reauthorized once in this century and has been due for extension since 2007. It provides vital guidance and oversight to child welfare and juvenile justice programs throughout the country. In 2017, JJDP made available \$284 million in much-needed funds. These funds support youth who are at risk of involvement with law enforcement and to improve juvenile justice systems through grants and discretionary spending.

The JJDP provides a legislative vehicle to abide by this principle. It is based on a broad consensus that children, youth, and families involved with the juvenile and criminal courts should be guided by federal protections regarding care and custody while also upholding the interests of community safety and the prevention of victimization. A reauthorized JJDP should include an amendment to phase out the Valid Court Order (VCO) exception. The Deinstitutionalization of Status Offenders (DSO) provision of JJDP bans the detention of youth for status offenses such as running away or truancy. JJDP reauthorizations, since 2008, have included elimination of the VCO to protect young people from incarceration for non-criminal behaviors. ***We urge Congress to make the reauthorization of the JJDP a priority in 2018.*** The guidance, oversight, and funding it provides are necessary for the safety and protection of vulnerable children and families.



CWLA staff make a presence at the *March for Our Lives* event in DC earlier this year.

## HEALTH CARE IS CHILD WELFARE: PROTECT THE AFFORDABLE CARE ACT (ACA) AND MEDICAID.

Congress must protect the ACA and oppose all block grants of Medicaid. Efforts to cut health insurance coverage will hurt efforts to reduce child abuse and foster care placements. Health care is a significant factor in whether families become and remain involved with child welfare. Children in foster care are at higher risk for physical and mental health issues, stemming from the maltreatment that led to their placement or from preexisting health conditions and unmet health care needs.

The ACA provides more than \$5.5 billion in substance use and mental health services. Analysis by the Department of Health and Human Services (HHS) indicates a 10% increase in opioid overdose death rates correlates to a 4.4% increase in the foster care entry rate, and a 10% increase in the hospitalization rate due to drug use correlates to a 3.3% increase in the foster care entry rate. In 2016, 437,465 children were in foster care, a 10% increase since 2012. Action by Congress to reduce or cut the ACA and Medicaid will make it worse for children. HHS research indicated that the shortage of foster homes is exacerbated by the need to keep children longer in care while treatment needs of the caretaker are addressed. This Congress voted on legislation to create a Medicaid per capita cap (block grant). That proposal will result in one set of insured patients competing against other groups for dwindling state health dollars, pulling the elderly, the disabled, children's groups, and other groups into a fight for scarce medical dollars.

## NEXT STEPS IN CHILD WELFARE FUNDING.

We need to advance a child welfare continuum of care: **prevention, intervention, placement and permanency**. We must work for the prevention of child abuse *before it happens*; intervention to *keep families together* when it is best for the child; placement in foster care that is short and *must be quality care*; and permanency for families that *reunify, adopt, or are kinship families*—and, not forgetting the youth who exit to adulthood, *a strong and supported transition*.

This is not about flexibility or shifting the dollars around it is about investing in the entire continuum of care. The Family First Prevention Services Act (PL 115-123) was an important step in building and expanding services to prevent the placement of children into foster care. For the prevention of child abuse, we must invest in prevention programs, especially CAPTA, CB-CAP, and Home Visiting programs. To implement the services of the Families First Prevention Services Act, we must build a community-based infrastructure that allows all child welfare systems to fully access the Act's funding. To strengthen placement services, we must work to de-link foster care funding from the nearly quarter-century-old non-existent AFDC program and pass the Family-Based Care Services Act (HR 2290/S. 1357). We must invest in foster care and in families—this is the only way to effectively reduce more restrictive out-of-home care settings. The Family First Prevention Services Act can help with the post-placement services, and can help create a strong foundation that strengthens all of these families and build that community-based infrastructure.

We must invest in the young people who “age out.” Congress should oppose block grants; blocking or capping funds in an underfunded system merely shifts dollars around and fails to address the next drug epidemic or the constant child welfare workforce shortage.



### CWLA Advocacy Team

John Sciamanna ■ 410-533-5857 ■ [jsciamanna@cwla.org](mailto:jsciamanna@cwla.org)

Shaquita Ogletree ■ 202-878-9350 ■ [sogletree@cwla.org](mailto:sogletree@cwla.org)