



House Ways and Means Subcommittee on Worker and Family Support: Making a Difference for Families and Foster Youth—May 12, 2021

The Child Welfare League of America (CWLA) submits this testimony for consideration by the House Ways and Means Subcommittee on Worker and Family Support. We thank the Subcommittee for this opportunity to offer our comments on how we can continue to strengthen services and supports to families and children involved with the child welfare system as well as children and families in the broader community. In honor of National Foster Care Month, we submit the following concerns:

Some of the most important steps that Congress can take in 2021 involve areas that may not come directly to this Subcommittee, but they are steps that will have a big impact on the families and children affected by child welfare practices. If Congress acts boldly these actions will, in the long run, prevent instances of child abuse and neglect and will reduce the overall foster care population in the next decade.

We highlight the need to extend the Child Tax Credit, adopted in March 2021. Lifting millions of children out of poverty will make a significant difference over the developmental lives of these children and reduce their risk of entering child care. We urge Congress to build on that effort by adopting a universal child care system that will help build a strong foundation for parents in the workforce while supporting child development.

The pandemic and resulting economic challenges combined with racial unrest have created a greater appreciation of the dual impacts of poverty and racial and ethnic inequities on the child welfare system and the children and families involved in these systems. Over the past year CWLA members have come together to reassert and strengthen our vision of where we must go after the trauma of 2020.

“The vision of CWLA’s National Blueprint for Excellence in Child Welfare is that all children will grow up safely, with loving and supportive parents, caregivers, families, and communities, with everything they need to flourish. Every person should be respected and honored for who they are in terms of their culture, ethnicity, race, Tribal heritage, religion, national origin, language, sexual orientation, gender identity, disability status, socioeconomic status, and immigration status. This vision is grounded in a commitment to the infinite value of children, youth, parents, families, caregivers, and communities, and to a just society with the foundational rights to integrity, fairness, dignity, honesty, and social justice.

We recognize the special challenge of realizing this vision for children, parents, caregivers, and families who are Black, Brown, and Indigenous because of the insidious and intersectional ways in which racism perpetuates inequities in all human service systems, including child welfare. This racism exists within systems, agencies, and programs and within the broader society through racist laws and policies that drive and perpetuate inequities. The resulting failures of the social safety net bring those who are the most marginalized to the attention of child welfare systems.

These children, parents, caregivers, families, and communities compel CWLA and its member and partner organizations to create and advance an equitable child- and family-serving system by being accountable to those we serve. This requires deliberately focusing on the identification and elimination of all forms of racism, dismantling all policies and practices rooted in White privilege, and centering the voices and power of children, parents, caregivers, families, and their communities. This also requires acknowledging and addressing the impacts of historical and contemporary trauma, both from chronic racism and from the unnecessary removal of children from their families. And this requires urgent

advocacy for a social safety net that helps prevent deprivation and supports stability. This is our moral imperative.”¹

In response to this challenge, we are carefully reviewing all child welfare related policies and procedures through an equity lens and identified several policy concerns that, if corrected, could result in a more equitable child welfare system.

Racial Equity Issues: MEPA

Congress can begin dismantling policies and practices that have been harmful despite the sometimes-best intentions. We highlight two areas Congress can act on this year.

The Multi-Ethnic Placement Act (MEPA)² was passed against a backdrop in the 1990s of rising caseloads of over 500,000 children in foster care. The promotion of adoptions became a charged issue due to the overrepresentation of Black children waiting to be adopted and how families were recruited or selected.

In 1994, the Multi-Ethnic Placement Act (PL 103-382), sought to reduce the number of children waiting to be adopted in overrepresented groups. The law, passed late in 1994, prohibited using federally funded foster care and adoption agencies from delaying or denying placement decisions “solely” based on race, color, or national origin for adoptive or foster parents or child.

As a 1995 HHS Memo stated, “Establishing standards for making foster care and adoption placement decisions and determining the factors that are relevant in deciding whether a particular placement meets the standards, generally are matters of state law and policy. Agencies which receive Federal assistance, however, may use race, culture, or ethnicity as factors in making placement decisions only insofar as the Constitution, MEPA, and Title VI (1964 Civil Rights Act) permit. Agencies may consider, on an individualized basis, “the child’s cultural, ethnic, and racial background and the capacity of prospective foster or adoptive parents to meet the needs of a child of this background” among the factors in determining whether a particular placement is in a child’s best interests.”³

The 1994 law allowed “permissible consideration” meaning an agency or entity could consider “the cultural, ethnic, or racial background of a child and the capacity of the prospective foster or adoptive parents to meet the needs of a child of such background as one of a number of factors used to determine the best interests of a child.” MEPA amended the state plan under Title IV-B to require diligent recruitment of diverse population to reflect the population of the community and children in foster care.

Fast-forward less than two years later in 1996 and the law was amended (the Interethnic Placement Act, P.L. 104-188.) referred to as IEPA. The change removed the word “solely” and now reads “denying a placement based on race, color, nationality” and it also removed language on “permissible efforts.”⁴

Unlike almost all other child welfare law specific fines were imposed: for first violations a penalty equal to 2 percent of Federal Title IV-E funds, 3 percent for a second violation, and 5 percent for three or more violations. Private agencies can be required to pay back any Federal funds received. In 2003, HHS issued its first fines against Hamilton County, Ohio, totaling \$1.8 million, based on 16 transracial adoption cases. A memo 2003 (ACYF-CB-IM-03-01) by HHS told states, “This Information Memorandum reiterates...long standing and unequivocal support for the letter of, and spirit underlying, the Multiethnic Placement Act, as amended...”⁵

A 2020 report by HHS⁶ found that in the Child and Family Services Review (CFSRs), thirty-four states’ diligent recruitment efforts received a CFSR rating of “area needing improvement,” while 16 received a rating of “strength.” In their Diligent Recruitment Plans, states were most likely to be missing information in four areas: strategies for ensuring that people know how they can become a foster or adoptive parent if

they are interested; strategies for training staff to work with diverse cultural, racial, and economic communities; strategies for dealing with linguistic barriers; and nondiscriminatory fee structures.

Since 1996 agencies have been hesitant in how they provide recruitment and training for perspective parents. In a new report by Bethany Christian Services⁷, *What the Pandemic Taught Us: Innovative Practice Report*:

“While well-intentioned, MEPA has substantively failed to achieve its stated intent since a disproportionate number of children of color continue to linger in foster care. This law also prevents social workers from ensuring the protection and support of Black children’s cultural heritage within their temporary or permanent homes. Further, it prevents professional social workers from assessing whether a family is unqualified or unprepared to appropriately parent a child of another race and prohibits child welfare professional from offering families additional trans-racial parenting training.”

A recent informal survey of some Ohio agencies found, one agency commenting on MEPA saying, “it makes it difficult to appropriately evaluate the racial needs of children coming into care forcing us to not assess that extremely important aspect of the child.” Another said: “As a private agency we are not permitted to complete the assessment or determine if the assessment can be completed that determines if race can be considered due to trauma responses from the child. There have been times when children have trauma responses and express verbally their desire to be in a home of their same race, but we cannot consider this due to MEPA.”

CWLA believes that the original 1994 language should be re-inserted. We join with Bethany Christian Services in calling for the following changes:

- Reinstating the “permissible considerations” language, stricken from the law shortly after its inception, which allowed an agency or entity to, “consider the cultural, ethnic, or racial background of the child and the capacity of the prospective foster or adoptive parent to meet the needs of a child of such background, as one of several factors in making foster and adoptive placements.”
- Proactively require social workers to assess a resource family’s ability to effectively parent transracially; Provide additional training to families who may be well-intentioned but not yet equipped to parent transracially; Enact incentives for child welfare organizations that effectively recruit a diverse pool of families representative of children served, essentially putting data-driven “teeth” in the diligent recruitment efforts already required by MEPA but seldom enforced.

Racial Equity Issues: Kinship Care

Kinship, or relative care, can be a critical tool in addressing disproportionality. African American and Hispanic children are more likely to be placed with relatives (32 percent and 48 percent, respectively), than are White children (27 percent). Past GAO testimony before Congress, and other research suggests that kinship care is an important practice in reducing disproportionality.⁸

The recent death of Ma’Khia Bryant in Columbus, Ohio has focused attention on the fact that Ma’Khia was in foster care at the time she was shot. Due to important confidentiality laws, we do not have all the details but several newspapers, including the Washington Post and New York Times shed some critical light on the tragic situation.

One part of this tragedy appears to be that Ma’Khia had been in the care of her grandmother with her siblings. This is something we strive for when children in the child welfare system are separated from

their parents. According to both the stories in the *Washington Post* and the *New York Times*,⁹ the grandmother was required to give up custody because of the payments she received under what was likely a TANF, child-only grant was significantly lower than she would have received through a Title IV-E subsidized guardianship payment.

In 2008, because of this Subcommittee's work, the passage of the Fostering Connections to Success and Increasing Adoptions Act (PL 110-351), Title IV-E funds became available for kinship (guardian assistance placements, or KinGAP). Title IV-E kinship care is a permanency placement just as reunification and adoption according to the needs and interest of the child. Approximately 38,000 are in these permanency placements according to AFCARS data.¹⁰

The 2008 law included a threshold that requires a child to be in the home of the prospective relative guardian for at least six consecutive months—in formal foster care and eligible for Title IV-E funding—before they transition to a subsidized guardianship. This requirement is in addition to protections written into the law, including ruling out a return home or adoption; that the child has a strong attachment to the relative guardian; and that the relative caregiver has a strong commitment to caring permanently for the child. In addition, there is a requirement that a child 14 years of age or older is to be consulted on the placement. The six-month requirement was not included in the Senate legislation (S 3038), but was in the final version, in part, as cost-saving measure to enable the passage of the legislation in 2008.

Thirteen years later we need to make it easier to move some of the 133,000 in relative foster care into kinship care when appropriate. CWLA recommends that Congress shorten this six-month requirement and consider whether this should continue to be a state “option” or require all states, including Ohio, to make Title IV-E KinGap a part of every state plan.

There is a bigger barrier to relative placements. The 1997 Adoption and Safe Families Act (ASFA) mandated background checks on all perspective families, extended these background checks, and prohibited placements even to relative caregivers if they had been convicted of certain crimes.

In enacting this requirement, Congress had the insight to provide states with the ability to individualize this requirement in this area and craft standards that in no way compromised the principle that a child's safety is paramount. This so-called “opt out” flexibility permitted states to craft their own background check requirements for some limited categories of crimes. The ASFA provision required that the “opt out” be requested by the governor or state legislature to ensure continuance of rigorously reviewed protections for children. As of 2004, California, Colorado, Florida, Idaho, Massachusetts, Nebraska, New York, Ohio, and Oklahoma had taken this option. In 2006, this option was eliminated by Congress.

In 2006, when CWLA was opposing this change through a reauthorization of the Adam Walsh Act (not under this Subcommittee's authority), we referred to the Children's Law Center of Los Angeles¹¹ that gave several examples of why California opted into their own background check standards. One such example: “A teenage boy could not be placed with his aunt because, many years earlier the aunt was arrested for driving under the influence of alcohol with a child in the car. There has been no car accident, and no one was injured nevertheless the aunt pled guilty to and was convicted of felony child endangerment even though the aunt had lived an exemplary life ever since and the county social worker wanted to place the boy with the aunt, she could not because felony child endangerment is a disqualifying conviction. The teenager ended up in foster care.” In 2003 there were 671 exemptions from the federal background check limitations out of 30,000 in Los Angeles' foster care system that year.

Some states have utilized TANF child-only grants when this background check restriction creates barriers. Unfortunately for the relative caregiver, this limited TANF support both financially and

casework-wise can create other challenges which appears to be the case in Columbus, Ohio. It is time to revisit this 2006 change that limited what had been agreed to under ASFA.

As CWLA stated in a letter to Congress in 2006, opposing this change in law: “We are concerned that without an ability to opt out and allow rebuttable presumptions, there may be situations where children who have lived for years with foster parents or relatives who offer them a safe and stable anchor could end up having to be removed from their care because of a criminal matter occurring two to three decades earlier. Similarly, children brought into foster care might be precluded from being placed with extended family and instead end up placed with strangers due to inflexible approval requirements.”

Family First Prevention Services Act--QRTP requirements

This October 1, 2021 all states must implement the new requirements under the Qualified Residential Treatment Programs (QRTP). This is a significant point in implementation of the Family First Prevention Services Act since it means the cut-off of federal Title IV-E foster care funds on behalf of children and youth placed in a residential facility that does not meet the QRTP requirements and definitions (or one of the other acceptable non- foster family settings). This was a long negotiation between Congress and various parties that ran for nearly two years.

QRTP requirements include assessment and reassessment , court review and oversight within 60 days and ongoing review, licensing standards by the state, accreditation, staffing standards, family and permanency team involvement as well as involvement of youth fourteen or older, trauma-informed treatment model that is designed to address the needs, including clinical needs as appropriate, of children with serious emotional or behavioral disorders or disturbances and be able to implement the necessary treatment identified in the child's assessment, discharge planning and six months of family-based aftercare. All these were negotiated in the best interest of the child and family.

As we have come closer to the implementation date there has been instruction in some states that a facility meeting the requirements and standards under the Title IV-E QRTP law will be classified as an Institution for Mental Diseases (IMD) under the Medicaid law.

Why is that important? Medicaid's long-standing IMD exclusion prohibits the federal government from reimbursing for health and behavioral health services rendered to certain Medicaid-eligible individuals who are patients in IMDs. Children while placed in a facility classified as an IMD are not eligible for Medicaid to cover any health and behavioral health service provided in the IMD or health care providers outside the IMD.

In July 2019, the Centers for Medicare and Medicaid Services (CMS) provided states with guidance lacking clarity on whether QRTPs established by the FFPSA would be considered IMDs and would therefore be subject to the "IMD exclusion," denying children placed in a QRTP access to federal Medicaid for reimbursement of any health and behavioral health services.

In July 2020 in a letter to the California Department of Health Care Services, CMS regional office stated, “QRTPs were added to title IV-E with no cross reference to Medicaid statute allowing them to be considered as an exception to the IMD exclusion. Additionally, title XIX was not changed because of the changes in title IV-E of the Social Security Act (the Act) as amended by Division E, title VII Family First Prevention Services Act of the Balanced Budget Act of 2018 (BBA of 2018, Pub. L.1115-123 to exempt QRTPs from the IMD exclusion.”

Congress needs to follow through on the implementation of the QRTP. If state child welfare agencies abide by the standards and laws as negotiated and passed by Congress in 2018 through the Family First Prevention Services Act, funding should not be based on different interpretations. Lack of coordination

between child welfare and Medicaid at the state and federal level continues to be a challenge and frequently a barrier to care for children and families in the child welfare system. It is critical for Congress to address this since two of the new services provided through Family First Services are conditioned on Medicaid being the payor first before substance use treatment and mental health services can be accessed under Title IV-E.

Education Needs for Children in Foster Care

As we emerge from the pandemic, assessments will need to be made of the current and long-term impact of this crisis on every child's education goals and attainment. This is especially true of children and youth in foster care, who were already at risk for educational challenges and delays prior to the pandemic. In 2008, with the passage of the Fostering Connections to Success Act, this Subcommittee acknowledged the additional educational barriers experienced by children and youth in foster care and was instrumental in requiring certain safeguards for educational access for children and youth in foster care in terms of school stability, timely enrollment, records transfer, and transportation costs. In turn, Congress amended the Elementary and Secondary Education Act (ESEA) in 2015 to mirror some requirements adopted by this Subcommittee and enhance the collaborative approach both laws together must support educational needs. We urge the Subcommittee to evaluate how these changes are being implemented and how they can be improved especially in the aftermath of the pandemic.

Increased state and local staff capacity. One area that can be improved is to have clear requirements that individuals be designated to focus on the complex education challenges of students in foster care within both state and local child welfare agencies (also known as Points of Contact (POCs)). Under the ESEA, states must provide a POC for children in foster care in the State Education Agency (SEA) and, if the local child welfare agency has a designated POC, that triggers a POC at the Local Education Agency (LEA). Requiring states to have a POC in state and local child welfare agencies will not only increase the capacity of child welfare agencies to navigate education complexities but will also trigger and ensure all LEAs have similar supports.

Supporting the educational success of students in foster requires collaboration between child welfare and education, and this builds the infrastructure for collaboration. Together, POCs in both systems can together help navigate the complex and unique challenges for children in foster care including education enrollment, decision making and parental rights, school stability and best interest decisions regarding school changes, and foster parent participation and input.

Increased advocacy, services and supports. In reviewing past child welfare and education legislation, other areas needing attention include: how are continued barriers to school stability/immediate enrollment being addressed, particularly in light of the current pandemic; how easily can these students retain school records and credits during a transfer; how are students in foster care accessing and participating in extracurricular activities; and how to improve special education supports and advocacy for caregivers and students given the disproportionate number of students in foster care with disabilities. Additionally, discussions about infrastructure should highlight the need for priority access to technology and connectivity for students in foster care.

Decision making and court oversight. One of the biggest challenges related to the education of students in foster care is lack of clarity over education decision making. The pandemic and the increased decisions relating to virtual and other school options has exacerbated this challenge. Creating uniform requirements for clearly identifying the child's educational decisionmakers and ensuring that educational issues are addressed in court hearings, would make a significant impact. This requirement could alleviate confusion and address the often challenging and complex issues regarding the role of parents, foster parents and child welfare agencies in the education-decision making process.

Federal technical assistance support. A coordinated federal response is needed to continue to bring attention and improvements to students in foster care. Other vulnerable students, including homeless students, have federal formula grant programs and corresponding technical assistance centers, to support on-the-ground implementation. A federal Foster Care and Education Technical Assistance Center could build the capacity of child welfare and education agencies. Additionally, expanded staff support in the U.S. Departments of Education and Health and Human Services would model at the federal level the importance of collaboration to support all students in foster care.

Children and Youth in Foster Care and SSI

There have been several news media reports in recent weeks regarding the issue of Supplemental Security Income (SSI) and children and youth in foster care. The focus of these reports suggest states are exploiting these young people in foster care by not passing along these SSI funds. The reality is much more complex with possible solutions, but those solutions will require a joint effort by Congress and states with Congress willing to make the necessary changes to both child welfare law under title IV-E and SSI funds under Title II and Title XVI of the Social Security Act.

States have generally taken these SSI funds to supplement the cost of foster care. In 2003 when this practice was challenged before the Supreme Court CWLA joined with several other Washington based advocacy groups in supporting the state human services agency before the Court. The Keffler decision upheld that practice.¹²

CWLA chose the position because we do not want to further undercut funds for children in foster care, care that is already under resourced. Since 2008 CWLA has taken the position that we would like to see reforms that will reserve SSI funds for children and youth in care, encourage states to assist these children and families in applying and qualifying for these SSI funds, assisting some youth transitioning from Special Immigrant Juvenile Status to adult status where appropriate and at the same time not cut funding to foster care services. Additional erosion to these child welfare service funds can only mean further weakening of support for foster families and the children and families in these placements. These families and services will continue to be vital even as services expand under Family First Prevention Services. We cannot abandon children in foster care and the families that support them even if we successfully and drastically reduce the number of children in care. A lack of appropriate family foster care will lead to more group home placements even if Congress cuts off such funding.

According to past research by the Congressional Research Services:¹³

- Children who receive SSI benefits cannot build up savings for use during adulthood or to pay for post-secondary education expenses without jeopardizing their eligibility for SSI benefits. Like other children, the benefits of children in foster care cannot exceed \$2,000 without reducing and potentially eliminating benefits.
- The Child Welfare Policy Manual, notes that the amount of the foster care maintenance payment received will reduce a child's SSI benefit, dollar for dollar. Thus, if a child's total monthly foster care maintenance payment is \$500—and that maintenance payment is in part paid with federal Title IV-E dollars—then the child's SSI benefit would be reduced by \$500.
- For children in foster care who do not qualify for Title IV-E foster care support, states must find other sources of funding to pay for that child. Most non-Title IV-E eligible children in foster care

must be supported with state or local dollars. Such payments generally do not reduce an SSI eligible foster child's federal SSI benefit because they are not counted as income.

- Compared to children in the general population, children in foster care have greater physical and mental health and developmental needs. Researchers estimated that more than 20% had physical or mental health conditions that—given the severity of the condition and the length of the condition or risk of death—would likely make them eligible for SSI.
- The study also compared eligibility for SSI across age, race and ethnicity, locality, and gender. The estimated rate of SSI eligibility was significantly higher among those ages 6 through 10 (compared to children younger than age 6 and older than age 10) and those in rural settings (compared to urban settings), but there were no significant differences based on race, ethnicity, or gender.

If Congress wants to address this issue it needs to change SSI rules allowing the accumulation of funds beyond the \$2000 ceiling. If Congress does that, Congress needs to decide what happens if funds reach an accumulated higher total. At what point do funds through SSI stop?

In addition, states should not lose funds that help pay for foster care. Under title IV-E Adoption Assistance, a child on SSI has been categorically eligible for federal Title IV-E adoption assistance. This should be extended in the case of federal foster care funding. Such a structure would encourage states to qualify children for SSI when they are eligible (not always an easy process). This would be beneficial for youth aging out, but it would also assist those children reunified with their families (over 50 percent of children exit care to family reunification). According to the information cited here, regarding the SSI status of children in foster care, a higher percentage of children between the ages of six through ten would be SSI eligible and covered by SSI. That in turn would help those families that are reunified from care. CWLA urges this Subcommittee to review all the options and support a system that help children and youth in foster care without undercutting federal support for children in care.

Reinstatement of Parental Rights

According to a January 2021 information memorandum (ACYF-CB-IM-21-01) from the Children's Bureau, a review of exits from foster care, indicates that 15 percent of youth who aged out of care had their parents' parental rights terminated prior to their exit from foster care.¹⁴

As stated in that IM, "...children and youth who have had their parents' parental rights terminated showed that that group is more likely to still be in care than children and youth who have not had parental rights terminated (over 25 percent will go on to age out of care). In many instances, this results in children staying in foster care for long periods of time, often without the important connections to familial support that are necessary for their well-being...there are groups of children or youth who will enter care, have their parents' parental rights terminated, and then will have longer stays in care that will end without permanency."

We recommend the Subcommittee take a closer look at this issue. Again, referring to the document,

"For some of these children and youth who are still in foster care, there may be just cause to reconsider reunification with one or both parents. That is, we should consider the possibility that reunification may be a viable option for these children and youth...Currently, 22 states have laws that allow for reinstatement of parental rights. These statutes are most often grounded in the best interest of the child legal standard and are grounded in the understanding that life circumstances can and do often change for

the positive for parents. A parent or parents who may not have been able to safely or adequately care for a child in the past may become a safe and appropriate option in the future...”

We really think that this subcommittee should focus some attention on how we can maintain the progress over the past decade in reducing the number of young people who have exited foster care to emancipation (aging out). The annual total of youth aging-out reached its peak at 29,516 in 2008. This decreased to 17,844 in 2018. Let us not let this number go in reverse.

Extend Foster Care to Age 21 in All States

In addition to achieving permanency for youth, we recommend that the Subcommittee require all 50 states to take the option to extend foster care to age 21 to all youth in care when they reach 18 while in foster care. A recent analysis by the Children’s Bureau indicates that “typically, about eight percent of all children and youth who enter care are emancipated.”¹⁵ It is a failure on our part when a young person exits foster care without a family. Extending care to 21 is not a goal but a commitment that if we have failed to find a permanent family by the age of 18 you can continue in foster care at the young person’s choice. It is the least we can do while seeking policies that reduce and eliminate the number of youths that reach this stage.

Federal data tells us that when young people continue to age 21 in foster care compared to youth in foster care that “age out,” youth in care have better outcomes in employment, education, housing, and social and emotional connections. Congress has recognized that assistance and services are needed for young adults beyond the age of 21. It has expanded Chafee support for transitioning young people to age 23 and Education Training Vouchers (ETV) to age 26 for states with extended foster care programs through the Family First Prevention Services Act of 2018. In addition, several states that have developed models of care for older youth that improve permanency outcomes and provide youth with quality foster care placement and aftercare services.

If we have learned anything in 2020 during the COVID-19 pandemic, it is the fact that family support is vital for your well-being and when youth over the age of 18 with foster care experience lacked support and resources from their parents their safety and health were threatened. We recommend this Subcommittee provide additional support to youth as they transition out of the child welfare system.

Prevent Discrimination in the Placement of Children and Youth

To achieve race equity and inclusion in the child welfare system and work to prevent the unnecessary separation of children from their families, we still need more parents who can provide quality foster care that is age-appropriate, well-trained, and in numbers large enough to prevent multiple and failed foster care placements. We need more families who are willing to provide a loving forever family for children zero through 21. We need families who can love a teenager who has experienced trauma one too many times and who may become one of 20,000 young people “aging out” into a world without the life skills families give to their children.

Exploring every placement possibility for a child or youth is critical in adequately and developmentally addressing the needs of that child. The child welfare agency plays a significant role in the recruitment of families not just for the children and youth that identify as LGBTQ+, but also for sibling groups, adolescents and teens, children with disabilities, and children with diverse backgrounds including different religious beliefs and practices. In 2021, we must focus on what children need and when they need it.

Congress needs to pass the John Lewis Every Child Deserves A Family Act to ban discrimination in the placement of children and youth and discrimination in the recruitment of parents who want to adopt or provide foster care.

Conclusion

As noted earlier, the vision of CWLA's National Blueprint for Excellence in Child Welfare is that all children will grow up safely, with loving and supportive parents, caregivers, families, and communities, with everything they need to flourish. We look forward to working with you on this mission and on the proposals, we offer in this testimony that we feel will result in increased service access for all children and families.

¹ NATIONAL BLUEPRINT FOR EXCELLENCE IN CHILD WELFARE: Child Welfare League of America, taken from the web: <https://www.cwla.org/wp-content/uploads/2013/12/BlueprintExecutiveSummary1.pdf>

²Multi-Ethnic Placement Act: H.Rept 103-425; H.Rept 103-761: October 20, 1994, Public Law No: 103-382, taken from the web: <https://www.congress.gov/bill/103rd-congress/house-bill/6>

³Multiethnic Placement Act: Submission of Recruitment Plans: ACYF-PI-CB-95-23: Administration for Children and Youth, Department of Health and Human Services, October 11, 1995.

⁴The Small Business Job Protection Act of 1996, Multiethnic Placement Act, Interethnic Adoption Provisions, P.L. 104-188.

⁵The Small Business Job Protection Act of 1996, Multiethnic Placement Act, Interethnic Adoption Provisions: ACYF-CB-IM-03-01: Administration for Children and Youth, Department of Health and Human Services, March 25, 2003.

⁶Radel, L., Madden, E., Kalisher, A., Spielfogel, J., Shenk, M., & Edouard, K. *The Multiethnic Placement Act 25 Years later: Diligent Recruitment Plans*: Office of the Assistant Secretary for Planning and Evaluation, Department of Health and Human Services. December 2020.

⁷ *What the Pandemic Taught Us: Innovative Practice Report*. Bethany Christian Services. Publication Bethany Christian Services: April 2021.

⁸ GAO. (2020). CHILD WELFARE AND AGING PROGRAMS HHS Could Enhance Support for Grandparents and Other Relative Caregivers. (GAO-07-816). Washington, DC: Author. Online at www.gao.gov

⁹ Ma'Khia Bryant's Journey Through Foster Care Ended With an Officer's Bullet, *The New York Times*: May 8, 2021.

¹⁰ Department of Health and Human Services (2020). JUSTIFICATION OF ESTIMATES FOR APPROPRIATIONS COMMITTEES. Washington DC: Administration for Children and Families.

¹¹ *The Problem With Eliminating the ASFA Opt-Out-Comments on HR 4504*: Children's Law Center of Los Angeles, Monterey Park, CA: June 2004.

¹² Washington State Department of Social and Health Services v. Guardianship Estate of Keffeler: United States Supreme Court. 2003.

¹³ Child Welfare: Social Security and Supplemental Security Income (SSI) Benefits for Children in Foster Care: Congressional Research Services (CRS): United States Congress: September 12, 2012.

¹⁴ Achieving Permanency for the Well-being of Children and Youth: ACYF-CB-IM-21-01: Administration for Children and Youth, Department of Health and Human Services, January 5, 2001

¹⁵ IBID.