Fostering Connections to Success and Increasing Adoptions Act: What Judges and Lawyers Should Know

By Jennifer Pokempner

I. Introduction

In October 2008, President Bush signed into law the Fostering Connections to Success and Increasing Adoptions Act (“Fostering Connections”). While this legislation seemed to fly under the radar of many of us outside Washington, D.C., Fostering Connections was one of the rare pieces of legislation that had bipartisan support and passed Congress unanimously. It is also one of the most significant pieces of child welfare legislation in the last decade.

Fostering Connections provides states with enhanced tools to expedite the achievement of permanency for youths of all ages who are in foster care. It does this by providing child welfare agencies and the courts more supports for families to be able to care for their children and by creating more mechanisms for accountability. In addition, by offering increased federal funds to states to provide support and services to youths past age 18, the law makes clear the obligation of the child welfare system to youths for whom we have not secured permanency or prepared adequately for independence.

Like many laws, it is to be determined by the work on the ground done by caseworkers and in courtrooms if and how the benefits held out in Fostering Connections are going to be experienced by the youths and families of Pennsylvania. Pennsylvania is in a good position to not just adequately implement Fostering Connections, but to maximize the benefits of the act. Great strides have been made by counties in reducing placements and closing cases to positive outcomes through the implementation of innovative practices. Fostering Connections will provide a creative and innovative state with even more tools to achieve the goals of safety, permanency and well-being for children who come into contact with the child welfare system.

Below is a summary of provisions of Fostering Connections that are helpful for members of the bar and bench to know.¹

II. Key Provisions of Fostering Connections

Fostering Connections contains some provisions that are mandatory and others that are optional. Many provisions of the act were effective upon enactment — October 2008. Others become effective at a later date. The Department of Public Welfare (DPW) has sent out a transmittal to counties to

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The Children’s Rights Committee is pleased to announce the recipient of this year’s Child Advocate of the Year Award is Cathy Badal. She received the award at the committee’s spring CLE program on April 16 at PBI headquarters in Mechanicsburg.

Badal has been involved in the child welfare system for more than 18 years and currently serves as a guardian ad litem in Berks County. Previously, she served as a juvenile master for dependency for six years. In both capacities, she has been instrumental in effectuating extraordinary changes which have significantly impacted the lives of dependent children in Berks County.

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The committee received multiple nominations for Badal this year. She is described as a trail-blazer and tireless advocate for the children she represents, extraordinarily well prepared for every court appearance who will go the extra mile to meet anyone involved in the case to formulate the best possible outcome for her client, and a constant

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Nominations Sought for Child Advocate of the Year Award

The PBA Children’s Rights Committee is accepting nominations for the 14th annual Child Advocate of the Year Award. The award recognizes the accomplishments of lawyers who are advocates for Pennsylvania children, who exhibit the highest degree of professional excellence and who advance the rights of children. Nominations must be received by Jan. 21, 2011. Download the nomination application at http://www.pabar.org/public/committees/children/awards/2011ChildAdvocateNominationForm.pdf.

Mark your calendars for 2011 PBA events

PBA Family Law Section Winter Meeting
Jan. 14-16
Marriott Lancaster at Penn Square, Lancaster

PBA Board of Governors Meeting
Feb. 2
Key West, Fla.

PBA Midyear Meeting
Feb. 2-6
Key West, Fla.

PBA Committee/Section Day
April 1
Holiday Inn East, Harrisburg

PBA Board of Governors Meeting
May 4
Sheraton Philadelphia City Center Hotel

PBA Annual Meeting
May 4-6
Sheraton Philadelphia City Center Hotel

PBA House of Delegates Meeting
May 6
Sheraton Philadelphia City Center Hotel

Want to be in the know?
Then check out the PBA E-News

The electronic newsletter is sent to members’ e-mail addresses. If you’re a PBA member and want to start receiving the E-News, send an e-mail to jodi.wilbert@pabar.org with the words “member e-mail address update” in the subject line.

Children’s Rights Committee 2010 Child Advocate of the Year Award

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watchdog against children “falling through the cracks” of the system through meaningful oversight over the child while in placement and at home. Badal is also described as a faithful presence for the children she represents and incredibly persistent in her pursuit of justice. She is infinitely patient but passionate of her practice. She makes a personal connection with every child she represents by always including her client in the process and making them the central and most important aspect of every single case.

Badal’s nomination forms were supported by letters from child advocates, a solicitor, a master and a judge with a universal theme that she is an excellent, zealous advocate for her clients and an extremely skilled lawyer committed to see the right outcome for each dependent child she represents. We are pleased to select Badal as this year’s recipient of the Children’s Rights Committee Child Advocate of the Year Award!
describe their obligations. In addition, the Administration for Children and Families of the Department of Health and Human Services (HHS) has issued a program instruction (PI) which provides direction to the states on how to implement the act. There is still much training, education and implementation work to be done. The legal community is in a good position to lead the way in ensuring that the benefits of Fostering Connections reach children in Pennsylvania.

1. The Mandate for Relative Identification and Notification
—42 U.S.C.A. § 671(a)(29)

Fostering Connections requires that the county child welfare agency exercise “due diligence to identify and provide notice to” the youth’s relatives within 30 days of the youth’s removal from his or her parent’s custody. The agency must inform these relatives of the ways they may be able to care for the child and any programs, services and subsidies for which they may be eligible. The aim of this provision is to get family resources for the child and family involved as soon as possible in the hopes that placement can be avoided or to reduce time in placement through a guardianship/kinship arrangement. That is, identification and notification are tools to prevent placement and achieve permanency.

Child welfare agencies routinely search for relative resources; however, this provision puts the focus on the beginning of the case so that kids do not unnecessarily enter the system when relatives are able to care for them or support the family so the child can remain in the home. The act also facilitates this process by giving states access to the Federal Parent Locator Service, normally used for seeking parents in child support proceedings, to find relatives. In addition, DPW has made the Accurint data base available to county children and youth agencies.

This comprehensive database can be used to facilitate a process called “family finding” and has been shown to be extremely successful in locating family resources who were previously unknown. Ensuring that this notification occurs in a timely and effective fashion could result in great cost reduction to the state and county by reducing the number of children in placement. Attorneys and the courts can support this requirement by reporting on its progress at the shelter care, adjudicatory and dispositional hearings. Legal professionals can also clarify any misunderstandings regarding confidentiality: As a federal law, Fostering Connections’ mandate to identify and notify relatives pre-empts any contradictory state law mandates. This requirement was effective as of October 2008.

Relevant State Legislation:

House Bill 2429 would require that the court make findings upon the first disposition and subsequent permanency hearings that due diligence was exercised to notify grandparents and relatives that a child has been removed from the home and inform them of any opportunities to participate in their care.

At the time of this writing, Sept. 24, 2010, HB 2429, which has already passed in the House, is in the Senate Appropriations Committee.

Practice Tips

- Inquire at shelter care hearing, adjudication and disposition about the status of the identification and notification process.
- Inquire whether the county is using family finding techniques and whether they have been utilized to identify relatives.
- Ensure that the youth has been asked to identify any relatives or resources that may be appropriate supports.
- Inquire whether diligent search techniques – traditionally used to identify parents in TPR proceedings – have been used to identify relatives.
- Inquire about efforts made to identify relatives for youths who entered the system prior to October 2008 – and thus are not subject to the Fostering Connections identification and notification mandate – especially youths who have the permanency goal of APPLA.
- Advocate that your local child welfare agency utilize the Accurint data base made available by DPW and that training on family finding be offered.

Pennsylvania Permanency Practice Initiative (PPPI)

The Office of Children and Families in the Court (OCFC) in the Administrative Office of Pennsylvania Courts (AOPC) has coordinated permanency roundtables in each county. The State Permanency Roundtable has sought to bring innovative strategies to counties to reduce the number of youths in care and expedite permanency through its Permanency Practice Initiative. Family finding is one of these techniques. OCFC has been tracking the progress of family finding in many counties. One round of tracking, which involved 17 counties, ended in December 2009 with promising results. For the 41 youths in this sample, 521 resources were identified. Of that number, an impressive 215 have become lasting resources. For more information about the PPPI, see http://www.ocfcpacourts.us/permanency-practice-initiatives/family-finding.
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Fostering Connections requires that “reasonable efforts” be made to place siblings together, unless it is contrary to the safety and well-being of either sibling. If it is contrary to the safety and well-being of either child, frequent visitation should be ordered. This provision makes clear that it should be rare that the court would find that joint placement should not occur. The exception should be tied to significant safety or well-being concerns and not simply by convenience. This provision clearly did intend to shape or change child welfare practice, and orders from the court may be necessary to reinforce the importance of joint sibling placement.

While most of us agree that siblings should be raised together, especially when they are separated from their family, there is no current legal requirement that siblings be placed together or that the court make any finding in this regard. Nationally, 70 percent of youths in foster care have siblings who are also in foster care. However, for various reasons, they are often separated from each other. The importance of placement and contact with siblings has been reiterated by youths in care in Pennsylvania and by our state Youth Advisory Board. The inclusion of this provision in federal law emerged in part from the compelling testimony of current and former foster youths regarding the impact of their separation from their siblings. The frequency of this practice shocked many legislators and was the clear target of this provision in Fostering Connections.

This requirement was effective as of October 2008.

Relevant State Legislation

House Bill 2258 would require that the court make findings at all six-month review and permanency review hearings that reasonable efforts have been made to place siblings together and that the only exception to this requirement is when joint placement would be contrary to the safety and well-being of either sibling. This bill also requires that if siblings are not placed together that a visitation order is issued that would provide for visitation at least two times a month.

At the time of this writing, Sept. 24, 2010, HB 2258, which has already passed in the House, is in the Senate Appropriations Committee.

Practice Tips

- Make reasonable efforts inquiry at all hearings to ensure that sibling placement has been part of the permanency planning process.
- Ensure that the exception to joint placement is only used rarely and with appropriate scrutiny from the court.
- Ensure that sibling visitation schedules are established, if it is determined that siblings cannot be placed together.
- Inquire whether family finding has been used to identify family resources that may be able to provide placement for sibling groups.

3. The Option of Federal Support of Kinship Guardianship—42 U.S.C.A. § 673(d)

Prior to the enactment of Fostering Connections, states could not receive federal Title IV-E funds for kinship guardianship arrangements and needed to use only state and local funds to cover this type of program. Despite this limitation, Pennsylvania has supported these arrangements for several years because it is an effective way to reduce placement and expedite permanency. In Pennsylvania, we have referred to these arrangements as subsidized permanency legal guardianship (SPLC). Fostering Connections now allows states the option to receive federal reimbursement for kinship guardianship payments made to relative caretakers when the agreement between the agency and the relative contains elements specified in the statute. This could result in great cost savings for Pennsylvania because currently only state and local funds support these arrangements.

The DPW has reported that it intends to take this option allowed in Fostering Connections. Federal reimbursement for eligible subsidized kinship guardianship arrangements was permissible as of October 2008.

Practice Tips

- Ensure that caretakers and youths understand the permanency option of SPLC.


Youths in foster care disproportionately experience poor educational outcomes in large part due to frequent school moves and delays in school enrollment. Fostering Connections seeks to attack barriers to educational achievement and stability for youths in care by requiring the child welfare agency to coordinate with local education agencies to ensure that children remain in the school they are enrolled in at the time of placement into foster care, unless that would not be in the child’s best interests. 42 U.S.C.A. § 675 (1)(G). If it is not in the child’s best interest, the child welfare agency must ensure immediate enrollment in a new school with all of the educational records of the child provided immediately. 42 U.S.C.A. §
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675 (1)(G). The act makes clear that child welfare agencies can receive federal Title IV-E reimbursement for the cost of transportation. 42 U.S.C.A. § 675(4)(A).

Since the enactment of Fostering Connections, the DPW has required that each county child welfare agency designate an education liaison who is the point person for monitoring the education of youths involved with the child welfare system and for assisting child welfare workers with any issues or problems related to a child’s education. In October 2010, the DPW was planning to issue a bulletin that informs county child welfare agencies of their obligation to use an education screen to help identify any barriers to education stability and achievement. Education liaisons in each county are currently being trained on the use of this screen and will be training caseworkers in their respective counties. This screen is helpful in that it not only identifies issues that may stand in the way of a youth’s educational success, but also provides the tools, resources and information that is needed to address these issues. The screen will be a useful aid for attorneys and judges working to ensure that the educational needs of youths in care are met.

This requirement was effective as of October 2008.

Practice Tips

- The collaboration between the child welfare agency and the various school districts in the counties is crucial to successful implementation of the education provisions. Judicial leadership in bringing these two large and complicated agencies together can be extremely helpful.
- Ensure at each court hearing that educational stability and progress is reported on and that any identified problems are addressed.
- At all court hearings, ensure that any needed transportation to school has been ordered.
- The DPW has required that all county child welfare agencies have an education liaison. Judges, attorneys and court appointed special advocates (CASAs) should become familiar with the county’s liaison so that questions and concerns that come up in court around educational planning can be addressed efficiently.


Congress was disturbed to hear from many youths who reported aging out without achieving permanency and connections to any caring and reliable adult. Despite the gains made as a result of the enactment of the Chafee Foster Care Independence Act and the Adoption and Safe Families Act, around 25,000 youths per year age out on their own, often without the skills to make it on their own. In Pennsylvania, the number is around 2,000. The increased focus on establishing and supporting family connections in the act will help more older youths achieve permanency. Another response to these poor outcomes is the transition plan requirement of Fostering Connections, which mandates that at least 90 days before a youth age 18 or older is discharged from substitute care that “a caseworker on the staff of the State agency, and, as appropriate, other representatives of the child provide the child with assistance and support in developing a transition plan that is personalized at the direction of the child, includes specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and work force supports and employment services, and is as detailed as the child may elect.”


In many ways, the transition plan is the only check on outcomes that we have for youths aging out. While, in theory, the law provides accountability for outcomes of youths who age out by requiring that we provide them permanency, in reality there has been few checks on how youths fare who have, in effect, been parented by the system and discharged. The transition plan provision aims to ensure that a youth not be discharged from the child welfare system until a proper plan is put in place that demonstrates that the young person is able to safely meet his or her own needs in the adult world. This is a positive provision that serves our state by providing accountability in the child welfare system, protecting the investment of taxpayers in ensuring that child welfare funds have been used properly, and protecting the welfare of children who have been parented by the child welfare system until adulthood.

The DPW requires that the court review and approve the transition plan. This is an important and positive step that will further enhance accountability and ensure that the plan presented is truly a meaningful one. As discussed in the text box below, federal and state laws already require that the court consult with the youths regarding their permanency and transition plans. The court should not underestimate its power to both grab the attention of and meaningfully engage youths, especially young adults. Adolescence for all youths, but especially those who have dealt with the instability and traumas of being in out-of-home care, is a challenging time for youths themselves as well as the adults around them. Ensuring a rigorous review of

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the transition plan and engaging the youths in discussions about their plans for the future can have a significant and positive impact on youths and the decisions they make about their education, relationships with their family and whether they are ready for independence. As we see the number of youths who are entering the system as teenagers grow, the importance of court oversight and involvement with transition planning for youths will also grow. Rather than considering this a burden for the courts, Fostering Connections invites judges and lawyers to see this as an opportunity to do better for youths who are leaving the child welfare system as adults.

Practice Tips

- Ensure that all youths age 16 or older have adequate independent living plans at each court hearing to increase the likelihood that a successful transition plan will be presented when the youths are discharging.
- At the final permanency review hearing, ensure that a transition plan exists and that it is concrete and understood by the youth.
- Consider the expectations and supports you provide your own children entering adulthood as a guide to evaluating whether a transition plan is acceptable.
- If the contents of the transition plan are not acceptable and indicate that the plan is either unrealistic or provides no indication that the youth will be safely housed and able to support his basic needs, order a transition planning meeting and schedule another hearing to review the plan produced at the meeting.
- Ensure that youths are present for all court hearings, especially the hearing where the court’s jurisdiction is to be terminated, and that the meaningful consultation with the youths has occurred regarding their transition plan.
- Remind youths of their option to remain in care until age 21 if it appears that they are not prepared adequately for discharge.
- Work with the county to develop a uniform transition plan format to create ease in communication between the court, child welfare agency and youths.

Youth Presence in Court and The “Consult Requirement”

As a party to the dependency proceeding, court rules require that the youth be present for all proceedings unless “good cause” is shown. Pa. R.J.C.P. 1128 (B). Feedback from youths, as well as research, shows that youths do benefit from being at their court reviews. It not only encourages their involvement in the process and proceedings, but it also helps them gain a sense that the decisions that are being made about their lives are being made through a process that is fair. The requirement for youth presence has been enhanced by the federal and state law requirement that the court “consults with the child in an age-appropriate manner regarding the proposed permanency or transition plan.” See 42 U.S.C.A. § 675 (5)(C)(iii); 42 Pa. Cons. Stat. §6351 (e)(1). That the law requires “consultation,” not just the youth’s presence, sends the clear message that it is important for a youth to be actively engaged in the court process, and that his or her voice, in addition to the voice of his or her GAL, should be heard.

6. The Option to Receive Federal Funds for Youths Past Age 18—42 U.S.C.A. § 675 (8)(A)

Although Fostering Connections was greatly impacted by the testimony of youths and families affected by the child welfare system, legislators were also influenced by a significant longitudinal research project completed by Chapin Hall at the University of Chicago, The Midwest Evaluation of the Adult Functioning of the Foster Youth. This research examined the outcomes for current and former foster youths at ages 17, 19 and 21 in Iowa, Illinois and Wisconsin. The collected data provided helpful information about the transition to adulthood, because the researchers were able to compare outcomes for youths who remained in care until age 21 (Illinois) and those who exited at age 18 (Wisconsin and Iowa). The research found that youths in Illinois who remained in foster care until age 21 had significantly better outcomes, specifically in the areas of education and avoidance of pregnancy. These outcomes have important cost implications. Calculations determined that the “financial benefits of extending foster care — both for individuals youth and for society — outweigh the cost to government by a factor of approximately 2 to 1.”

Current Pennsylvania law allows youths to stay in the child welfare system until age 21 if they are in a course of treatment of instruction. 42 Pa. C.S.A. § 6302. Until the enactment of Fostering Connections, Title IV-E reimbursement could only be made for youths in care until age 18 or 19 if still in high school. This has meant that Pennsylvania has had to expend state and local funds to continue to care for youths past age 18 without the assistance of federal resources. Pennsylvania law already reflects that allowing youths to remain in care until they are prepared for adulthood is the
right thing to do. Taking this option will benefit the state by allowing an immediate cost savings as the federal government shares the cost of care and a long-term cost savings by preventing these youths from lacking the skill and resources that would cause them to rely on state assistance as adults.

Finally, this option can expedite permanency, thereby saving cost, for youths who may have otherwise remained in placement until adulthood. This option also allows adoption and PLC subsidies, which currently end when the youth turns 18, to continue until age 21. This is important because some foster parents decide to keep their youth as a foster child rather than moving to adoption or guardianship because the foster care payment extends to age 21, while the adoption and guardianship subsidies end at age 18. By equalizing the adoption and guardianship subsidies it is likely that more older youths will be adopted or move to relative guardianship because their prospective parents or guardians can be assured of continued support as the youth reaches an adult.

If Pennsylvania takes this option, federal IV-E funds can be drawn down as of October 2010. Pennsylvania would take this option by amending their Title IV-E Plan. Legislative change would need to follow.

**Practice Tips**

- Judges, attorneys and CASAs who see the beneficial results of continuing youths in care past age 18, if they are not ready for independence and self-sufficiency, should communicate their position to the DPW and the state Legislature.
- Judges, attorneys and CASAs should take the time to talk to current and former foster youths to get an understanding of their position on this option and how the legal community can assist older youths gain the skills and relationships they need to reach a successful adulthood.  

1 This article will not cover all aspects of Fostering Connections but will highlight some key aspects. A great resource for finding out more about the act as well as relevant research, best practices and state implementation is the Fostering Connections Resource Center, which is located at http://www.fosteringconnections.org/.


7 Federal law has required since 1988 that at each review (now permanency) hearing that the court make findings regarding the “services needed to assist the child to make the transition from foster care to independent living.” 42 U.S.C.A. § 675 (5)(C).

8 A transition plan template can be found in Appendix A of Juvenile Law Center’s *Know Your Rights Manual*, located at http://www.jlc.org/publications/know_your_rights/.


10 Clark M. Peters, et al., Extending Foster Care to Age 21: Weighing the Costs to Government Against the Benefits to Youth (Chapin Hall Issue Brief June 2009).

Jenny Pokempner is a supervising attorney at the Juvenile Law Center who focuses on issues related to older youths in the foster care system. She is co-chair of the Legislative Subcommittee of the Children’s Rights Committee of the Pennsylvania Bar Association.
Pa. Supreme Court Holds Children’s Roundtable Meeting

Editor’s Note: The following is a news release issued by the Administrative Office of Pennsylvania Courts.

HARRISBURG — United by the common goal of improving the lives of abused and neglected children, judges, children and youth service administrators, and state and local child welfare experts from throughout the commonwealth convened on May 27 in Harrisburg to kick off the fourth Annual State Children’s Roundtable.

The roundtable meeting began in 2007 as part of the Pennsylvania Supreme Court’s efforts to implement best practices reducing delays in placing at-risk children safely and permanently in loving, caring homes.

Justice Max Baer, a former administrative judge of family court in Allegheny County, who has been guiding these efforts on behalf of the Supreme Court, provided welcoming remarks at the two-day roundtable meeting stating, “Our collaborative efforts are paying off for the children and for the taxpayers as well.”

He cited recent Department of Public Welfare statistics revealing that the number of Pennsylvania children in foster care is declining significantly, from approximately 20,450 in September 2006 to 15,920 at the end of 2009.

“These statistics not only mean we have 4,500 fewer children who were in foster care drift now in permanent homes, but we are saving $225 million in the gross costs for administering foster care programs throughout Pennsylvania,” Baer added. “Even subtracting the costs of subsidized adoptions, legal guardianship and additional community-based family support services from this figure, the taxpayers are saving tens and perhaps hundreds of millions of dollars, while children are being provided a real chance for success in life.”

Baer thanked roundtable members for their dedication and their countless hours of work in helping Pennsylvania’s children, while emphasizing that much is yet to be done. “There are still too many children in the system, too many waiting for too long to be placed in permanent homes and too many ‘aging out’ of care with no connection to safe, loving adults. Collectively, we have to and will do even better for Pennsylvania’s children.”

Day one highlights of the 2010 Children’s Roundtable included:

- An update of the Permanency Practice Initiative (PPI) currently implemented in 27 Pennsylvania counties. PPI focuses on three practice areas: Family Finding, Family Group Decision-Making and Family Development. There has been particular success in Family Finding that provides professionals with the tools they need to efficiently and quickly find relatives and others committed to a foster child. Early results have shown that Family Finding strategies have produced a 217 percent increase in the number of “lasting resources” available to assist dependent children.

- A presentation of the status of the Pennsylvania Judicial Benchbook by Lackawanna President Judge and Committee Chairperson Chester Harhut, highlighting specific details of the publication design to assist judicial officers who preside over abuse and neglect proceedings.

- An alternative dispute resolution panel including Venango County President Judge Oliver Lobaugh, Lackawanna County President Judge Harhut, Northumberland County Judge Charles Saylor and Dauphin County President Judge Todd Hoover.

Highlights of the second day included:

- A Fatherhood Workgroup report, presented by Allegheny County Judge and Workgroup Chairperson Kim Berkeley Clark, that highlighted recommendations to enhance father engagement in the child welfare system.

- A Legal Representation Workgroup report, presented by Butler County Judge and Workgroup Chairperson Kelley Streib, that highlighted recommendations to improve training of child and parent legal representatives in the child welfare system.

- A Truancy Workgroup report, presented by co-chairpersons Adams County President Judge John Kuhn and Allegheny County Children’s Court Administrator Cindy Stoltz, highlighting recommendations to reduce the instances of truancy in the commonwealth.

The Supreme Court’s efforts are led by Administrative Office of Pennsylvania Courts’ Office of Children and Families in the Courts (OCFC) in close partnership with the state Department of Public Welfare’s Office of Children, Youth and Families. The OCFC, created in October 2006 by the Pennsylvania Supreme Court, is funded with federal grants from the Court Improvement Project run by the Administration for Children and Families in the U.S. Department of Health and Human Services.
Pennsylvania Dependency Benchbook Highlights

The benchbook, available on OCFC’s website at www.ocfcpacourts.us/padependencybenchbook, includes, in part:

• A summary of the legal requirements for dependency court proceedings, as well as detailed information on a number of special topics, such as the rights of older dependent youths and legal representation of children, parents and guardians.

• Tools such as lists of critical questions to assist in the conduct of many hearings held daily in our dependency courts.

• Best practices derived from the innovations implemented in various Pennsylvania courts and the cumulative experience of judicial officers in the state, as well as national-level policy making and research organizations, such as the National Council of Juvenile and Family Court Judges, the American Humane Association, the American Bar Association’s Center on Children and the Law and the National Center for State Courts.

OCFC Administrator Sandra Moore said, “There are many examples of best practices in the benchbook such as ‘Family Finding’ – a practice that provides professionals with the tools they need to quickly identify fathers and other relatives who may be viable placement resources or supports for children. Early results have shown that Family Finding has dramatic results, producing a 217 percent increase in the number of ‘lasting resources’ available to assist dependent children.”

Moore said another best practice, Family Group Decision-Making, provides an opportunity for families to develop a unique and child-specific care plan that can be used throughout the life of the dependency proceedings. In addition, the benchbook suggests using the one judge-one family approach,
PSU Dickinson School of Law’s Children’s Advocacy Clinic
Team Focuses on ‘Aging Out’ Awareness

By Megan Mazzoni and Emily Kraus

Beyond the stacks in the law library, the hours of case briefing and the seminar paper writing, law school provides a unique opportunity for law students to develop hands-on skills working with clients, providing counsel and learning from practicing attorneys in law school clinics.

The Penn State Dickinson School of Law’s Children’s Advocacy Clinic offers a distinct experience to law students to work in an interdisciplinary clinic, where they are paired with graduate students pursuing their master’s in social work from the Millersville/Shippensburg University social work consortium.

One such pair is third-year law student Megan Mazzoni, the legislative and legal policy intern for the clinic, and her social work partner, Emily Kraus. Mazzoni’s responsibilities in the clinic involve legislative and legal policy research and community outreach, while Kraus assists other law students in the clinic with case analysis and support, in addition to working with Mazzoni on unique clinic projects, such as developing curriculum for life skills classes for transition-aged youths.

The pair’s attention is primarily given to advancing legislation related to youths who are transitioning out of Pennsylvania’s foster care system to being able to live independently. A focal point of the work has been House Bill 2297, originally drafted by a former Children’s Advocacy Clinic student. House Bill 2297 would expand the federal Fostering Connections Act on the state level to provide services and support for foster youth after age 18.

Though their clinic experiences vary, as Mazzoni and Kraus each bring unique legal and social work perspectives to their work, both believe it is an important goal to pass such legislation to assist foster youths. Through the clinic experience, both students have had the ability to hone their skills to understand why working through legislative efforts can improve the lives of their future clients. While operating under two differing yet complimentary mindsets in the legal and social work fields, both Mazzoni and Kraus wanted to reach out to the communities near Carlisle and State College to bring awareness of the issues surrounding transition aged youths in the foster system.

Beyond developing suggested court protocol and independent living skills class curriculum as part of their clinic experience, the pair wanted to reach beyond the agencies and systems into the communities.

In that vein, the clinic was able to coordinate with the law school’s Student Services Office to create a two-part movie series screening that is open to law and social work students, state and local foster agency employees, foster youths and community members. On Oct. 26, the clinic was involved in a screening of “Aging Out,” a documentary focused on the lives of three young people transitioning out of foster care and their individual trials, tribulations and successes. On Nov. 9, the clinic was involved in a screening of “No Tomorrow,” a documentary focused on the life of one of the featured young women in “Aging Out” after she was murdered and the death penalty trial that followed. Both movies were hosted at the law school and included panelists to discuss the legal issues in the film, while involving community members in important dialogue about youths transitioning out of foster care. Both Mazzoni and Kraus have had the opportunity to meet with youths in Centre and Cumberland counties to get input on ways to improve the system.

Through the community-based approach to education, the concept of the clinical experience is extended beyond the walls of the clinic building or the classroom as an example of pro-active education. Both Mazzoni and Kraus hope that through the understanding gained via the movie screenings and other activities communities surrounding the law school will become more educated and involved in advocating for the passage of legislative change in Pennsylvania. While the current legislative session is coming to an end without the passage of House Bill 2297, perhaps the initiative will carry through into the next legislative session. The clinic students believe through its efforts, by spreading the word about the need for legislative change, that the time is right for the law to change to improve the lives of aging out foster care youths in Pennsylvania.

Megan Mazzoni is a juris doctor candidate at Penn State Dickinson School of Law. Emily Kraus is a master’s in social work candidate at Shippensburg University.

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where the same judge hears the case from the shelter hearing through the termination of dependency, and the practice of combining the hearing, which changes a permanency goal with the termination of parental rights hearing, expediting the dependency case trial, any potential appeals process, and safe, permanency for children.

The OCFC, created in October 2006 by the Pennsylvania Supreme Court, is funded with federal grants from the Court Improvement Program run by the Administration for Children and Families in the U.S. Department of Health and Human Services.
Mission and Guiding Principles for Pennsylvania’s Child Dependency System


Introduction

With approximately 20,000 children in Pennsylvania’s foster care system, the need to examine and enhance our child dependency system is paramount. To do so, collaboration between the courts and the child welfare agencies is essential. This point was highlighted in the 2004 Pew Commission on Children in Foster Care Report to Congress stating, “Although child welfare agencies and the courts share responsibility for improving outcomes for children in foster care, institutional barriers and long-established practices often discourage them from collaborating. Effective collaboration requires that both entities change the way they think about their respective roles, responsibilities and priorities and engage in a new way of doing business together. Jurisdictions in which courts and agencies have been able to make this shift have yielded better results for children.” (Pew; 2004)

The initiative set forth herein combines the efforts of professionals from both the child welfare service and legal system in attaining the overarching goals of child safety, well-being and permanency. All involved in this work, from child welfare professionals to attorneys to commissioners and judges, are united in this common goal of helping children and families. To support and guide these efforts, this document was created by the Pennsylvania Children’s Roundtable Initiative.

The document identifies a new mission for Pennsylvania’s child dependency system and sets forth guiding principles that will lead to accomplishing that mission under the name: FAMILIES 4 CHILDREN

“Families 4 Children” stands for the collection of Pennsylvania individuals and organizations who have agreed to communicate and cooperate in pursuing the common purpose of finding or creating safe, permanent homes for every dependent child in Pennsylvania as quickly and practically as possible. This common purpose should be achieved through application of the mission statement and guiding principles set forth below, which are symbolized in its logo and summarized in its name.

Children’s Roundtable Initiative

The Children’s Roundtable, supported by the Office of Children and Families in the Courts (OCFC) within the Administrative Office of Pennsylvania Courts (AOPC) and established by the Supreme Court of Pennsylvania in 2006, formally adopted the mission statement and guiding principles on May 29, 2009. The Children’s Roundtable embodies a collaborative, cross-system statewide infrastructure that allows for effective administration and communication via a three-tiered system.

The first tier of the infrastructure is comprised of the local Children’s Roundtables. These exist in each judicial district and are convened by a judge. Members include supervisory and dependency judges, children and youth professionals, county solicitors, child and parent advocates, academic experts, and anyone interested in making a positive contribution to the functioning of the dependency system within counties.

The intermediate tier of the infrastructure is comprised of the Leadership Roundtables. Pennsylvania’s 60 judicial districts are divided into eight Leadership Roundtables. The number of judicial districts per Leadership Roundtable varies slightly to keep like-size judicial districts together, with a minimum of five judicial districts per roundtable. These Leadership Roundtables are comprised of three members from each local Children’s Roundtable, including a dependency judge, the Children & Youth administrator, and one additional Children’s Roundtable member. Members of Leadership Roundtables provide a forum for members to identify, discuss and share problems and solutions.

The third and highest level of the infrastructure is the State Roundtable. The State Roundtable is comprised of at least two members from each Leadership Roundtable and others with specific expertise in child dependency matters. In addition to facilitating intrastate communication, the State Roundtable sets priorities related to child dependency court improvement efforts and is involved in the national dependency reform movement to keep Pennsylvania apprised of evolving trends and best practices.

As recommended in the 2004 Pew Commission on Children in Foster Care Report, the Children’s Roundtable Initiative encourages

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strong communication and collaboration on behalf of children. The State Roundtable first met in June 2007. Through a collaborative discussion process at that meeting, a consensus was reached that a paradigm shift must occur regarding the way we presently work with children and families in Pennsylvania. The State Roundtable adopted a philosophical framework of respect by empowering families to identify their strengths and make their own decisions regarding the future of their children. It was further agreed that practice supported by the initiative henceforth would be strength-based and family-centered, engaging families in a manner that would guide them in developing their own collaborative solutions. That paradigm shift is described in this document.

Logo & Name

This logo depicts the picture and words that we believe a child would create from blocks and crayons if that child were asked to show what he or she really wanted from the Pennsylvania child dependency system:

To grow up in a safe, nurturing and permanent family.

This logo is child- and family-friendly, representing a new philosophy and approach to child dependency in Pennsylvania, which builds on the strengths of the family as a foundation for protecting children.

The adult figures represent all families, and the child figure represents all children. The blue circle contains the mission statement set forth below.

Description of Name

The name “Families 4 Children” summarizes the ultimate goal of this initiative and the Pennsylvania child dependency system:

To ensure that every child grows up in a safe, nurturing and permanent family.

The name also stands for the “family” of Pennsylvanians who are “for” children and are communicating and cooperating with each other to achieve that goal.

Mission Statement & Guiding Principles

The ultimate goal of “Families 4 Children” is to ensure that every child grows up in a safe, nurturing and permanent family. This goal will be accomplished through the following four mission priorities: protecting children, promoting strong families, promoting child well-being and providing timely permanency. Embedding these mission priorities into all aspects of the child dependency system will lead to better outcomes for our children and a brighter future for our communities.

These principles represent the fundamental beliefs that should guide the overall operation of the child dependency system in Pennsylvania and be reflected in the delivery of all services to children and families within that system. These beliefs should also guide court and policy decisions at all levels within the system and the relationships among all participants in the system. Doing so should increase child safety and well-being while reducing the number of dependent children in Pennsylvania and/or the length of time that any particular child remains dependent.

To accomplish this mission and redefine, refocus and redirect the goals, actions and operation of the child dependency system in Pennsylvania, the Supreme Court of Pennsylvania, through its Office of Children and Families in the Courts and the Children’s Roundtable Initiative, published the Mission & Guiding Principles document. In addition to the Supreme Court of Pennsylvania, the document is endorsed by the Department of Public Welfare’s Office of Children, Youth & Families, the Juvenile Court Judges’ Commission and the County Commissioners Association of Pennsylvania. Full text of this document can be found at http://www.ocfpacourts.us/about-ocfc/guiding-principles/protect-children.

Fostering Connections to Success and Increasing Adoptions Act: What Judges and Lawyers Should Know

I. Introduction

In October 2008, President Bush signed into law the Fostering Connections to Success and Increasing Adoptions Act (“Fostering Connections”). While this legislation seemed to fly under the radar of many of us outside Washington, D.C., Fostering Connections is one of the rare pieces of legislation that had bipartisan support and passed Congress unanimously. It is one of the most significant pieces of child welfare legislation in the last decade. Fostering Connections provides states with enhanced tools to expedite the achievement of permanency for youths of all ages who are in foster care. It does this by providing child welfare agencies and the courts more supports for families to be able to care for their children and by providing more accountability in the system. At the same time, Fostering Connections recognizes, by offering increased federal funds to the states, that the child welfare system must support the youths who reach age 18 and have not achieved permanency and have not been adequately prepared for the transition to adulthood.

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In large part, the impetus for the passage of this law came from the testimony of youths and families who had been through the foster care system. Legislators heard from youths who aged out of the system with no family or positive adult connections to speak of. They also heard from relatives of youths in care who felt they had been shut out of the process, even though they had an interest in supporting a youth. Legislators were also surprised and disturbed to hear that far too many youths were being separated from their siblings. These concerns have been echoed by foster youths in Pennsylvania. So, while Fostering Connections did respond to the calls for more flexibility and more funds for effective programs from child welfare professionals, the fact that this law was influenced by those for whom the system is supposed to serve makes it even more compelling for us to implement this law effectively.

Like many laws, it is to be determined by the work on the ground done by caseworkers and in courtrooms if the benefits held out in Fostering Connections are going to be experienced by the youths and families of Pennsylvania. Pennsylvania is in a good position to not just adequately implement Fostering Connections, but to maximize the benefit of the act. Great strides have been made by counties in reducing placements and closing cases to positive outcomes through the implementation of innovative practices. Fostering Connections will provide a creative and innovative state with even more tools to achieve the goals of safety, permanency and well-being for children who come into contact with the child welfare system. Below is a summary of provisions of Fostering Connections that are helpful for members of the bar and bench to know. Because of the comprehensive nature of the act, resources for further information on the act will be provided.

II. Key Provisions of Fostering Connections

Fostering Connections contains both mandatory and optional provisions. Many provisions of the act were effective upon enactment – October 2008. The consequence is that, like many other states, we do have some catching up to do. Unlike many states, Pennsylvania, through the leadership of our Supreme Court and Children’s Roundtable Initiative, had already begun implementation of key practices identified in the legislation long before the legislation was passed. These include Family Group Decision Making and Family Finding, two practices specifically identified in the federal legislation. Additionally, the Department of Public Welfare (DPW) has distributed a transmittal to the counties describing their obligations under the new legislation. While there is still much training, education and implementation work to be done, the legal community is in a good position to support efforts already underway in ensuring the benefits of Fostering Connections.


Fostering Connections requires the county child welfare agency exercise “due diligence to identify and provide notice to” the youth’s relatives within 30 days of the youth’s removal from his or her parent’s custody.¹ The agency must inform these relatives of the ways they may be able to care for the child and any programs, services and subsidies for which they may be eligible. The aim of this provision is to get family resources for the child and family involved as soon as possible in the hopes that placement can be avoided or to reduce time in placement through a guardianship/kinship arrangement. That is, identification and notification are tools to achieve permanency.

Child welfare agencies routinely search for relative resources; however, this provision puts the focus on the beginning of the case so that children do not unnecessarily enter the system when relatives are able to care for them or support the family so the child can remain in the home. The act also facilitates this process by giving states access to the Federal Parent Locator Service, normally used for seeking parents in child support proceedings, to find relatives. In addition, DPW has made the Accurint database available to county children and youth agencies. In addition, the Supreme Court’s Permanency Practice Initiative, which began in 2007, is currently active in 31 counties (who oversee 76 percent of youths in care.) This initiative has brought the practice of “Family Finding” to our state. Through Family Finding, county child welfare and legal professionals, including judges, have been trained in a variety of strategies to locate and engage family members. Once located, these family members can become lifelong supportive connections for youth or actual placements, if such is needed. Regardless, the purpose is to reduce emotional trauma for youths and ensure lasting connections.²

Ensuring that this notification and engagement of family members occurs in a timely and effective fashion could result in reduced trauma for children and significant cost reduction to the state and county. Indeed, Pennsylvania’s proactive agency and court practice has resulted in a 25 percent reduction of youths in out-of-home care since 2006. In 2006, there were over 21,000 children in placement throughout the commonwealth. In November 2010, there were approximately 16,000. This represents a 25 percent reduction with an annual gross savings of $220 million.

This safe reduction in placement is not only good for children, families, communities and budgets; it’s good for the legal profession. By ensuring that only those youths who absolutely need placement and court supervision enter the system, involved attorneys, judges

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Pennsylvania Permanency Practice Initiative (PPPI) Administrative Office of the Pennsylvania Courts

The Office of Children and Families in the Court in the AOPC supports Children’s Roundtables in each county, eight Leadership Roundtables and the State Roundtable convened by the Supreme Court. The State Roundtable, co-chaired by Supreme Court Justice Max Baer, OCFC Deputy Secretary Richard Gold and OCFC Administrator Sandy Moore, is comprised of trial judges, attorneys, child welfare professionals and national child welfare experts. The group meets annually and sets the statewide agenda for child dependency system reform, supporting innovative strategies to safely reduce the number of youths in care, expedite permanency, and enhance a youth’s out of home care experience when such is needed for safety reasons.

In 2006, at its inaugural meeting, State Roundtable members selected the core strategies for Pennsylvania’s Dependency system practice reform. One of these strategies, known as Family Finding, provides volunteer counties with education and skill development that dramatically increases the identification of family members. It should be noted that Family Finding is NOT simply a data-based search. Instead, it is a combination of investigative and social work strategies that mine records and utilize new resources in the identification and engagement of non-professional supports for youths in care. Initial outcomes from the first and second phases of implementation followed the lives of 84 youths in 26 counties. Counties were asked to identify their most lonely youths – those who had been in care the longest and had the least number of connections with non-paid adults. Most of the youths had been in care for numerous years, experienced multiple placements and had few if any connections. For the 84 youths in this sample, 2,131 new resources were identified. Of that number, an impressive 382 lasting resources have either become placement resources for the youth or agreed to play some supportive role in the youth’s life.


Fostering Connections requires that “reasonable efforts” be made to place siblings together, unless it is contrary to the safety and well-being of either sibling. If it is contrary to the safety and well-being of either child, frequent visitation should be arranged. While most of us agree that siblings should be raised together, especially when they are separated from their family, there is no current legal requirement. The importance of placement and contact with siblings has been reiterated by youths in care in Pennsylvania by our state Youth Advisory Board and highlighted as a best practice in the Pennsylvania Dependency Bench Book. Full text of the Bench Book can be found at www.ocfcpacourts.us/padependencybenchbook. The inclusion of this provision in federal law emerged in part from the compelling testimony of current and former foster youths regarding the impact of their separation from their siblings. The frequency of this practice shocked many legislators and was the clear target of this provision in Fostering Connections.

Practice Tips:

• Make reasonable efforts inquiry at all hearings to ensure that sibling placement has been part of the permanency planning process.
• Ensure that sibling visitation schedules are established if it is determined that siblings cannot be placed together.
• Inquire whether family finding has been used to identify family or kinship resources that may be able to provide placement for sibling groups.

Practice Tips:

• Inquire at shelter care hearing, adjudication and disposition about the status of the identification and notification process.
• Inquire whether county staff has been trained in the use of family-finding techniques (in addition to the data base searches) and whether they have been utilized to identify relatives.
• Ensure that the youth has been asked to identify any relatives or resources that may be appropriate supports.
• Inquire whether diligent search techniques – traditionally used to identifying parents in termination of parental rights proceedings – have been used to identify relatives.
• Inquire about efforts made to identify relatives for youths who have been in the system and thus are not subject to the Fostering Connections identification and notification mandate, especially youths who have the permanency goal of another planned permanent living arrangement.

and casework staff can focus their time and talents on those children most in need of such support.

Attorneys and the courts can support this requirement inquiring as to efforts to notify and engage family members at the shelter care hearing, the adjudicatory and dispositional hearings. Indeed, this is cited as a best practice in the Dependency Bench Book recently released by the Supreme Court. Legal professionals can also clarify any misunderstandings regarding confidentiality: As a federal law, Fostering Connections mandate to identify and search for relatives pre-empt any contradictory state law mandates.

Practice Tips:

• Inquire whether county staff has been utilized to identify relatives.
• Inquire whether diligent search techniques – traditionally used to identifying parents in termination of parental rights proceedings – have been used to identify relatives.
• Inquire about efforts made to identify relatives for youths who have been in the system and thus are not subject to the Fostering Connections identification and notification mandate, especially youths who have the permanency goal of another planned permanent living arrangement.
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3. The Option of Federal Support of Kinship Guardianship—42 U.S.C.A. § 673(d)

Prior to the enactment of Fostering Connections, states could not receive federal Title IV-E funds for subsidized permanent legal custodianship. Despite this limitation, Pennsylvania has permitted these arrangements for several years because it is an effective way to reduce placement and expedite permanency. Fostering Connections now allows states the option to receive federal reimbursement for kinship guardianship payments made to relative caretakers when the agreement between the agency and the relative contains elements specified in the statute. Taking this option would allow Pennsylvania and the counties to save funds by sharing the cost with the federal government. Currently, the terms of permanent subsidized legal guardianship is only outlined in two DPW bulletins issued in 2003 and 2006. If Pennsylvania, as DPW has stated, takes this option providing clarity in the law and regulations would assist in regularizing child welfare and court practice, as well as assisting the state in compliance with complicated and financially important Title IV-E audits.

Federal reimbursement for eligible subsidized kinship guardianship arrangements was permissible as of October 2008.4

Practice Tip:
• Judges, attorneys and court appointed special advocates who would like to see federal funds finance a portion of subsidized kinship guardianship arrangements should express their position to DPW.

4. The Option of Applications for Family Connection Grants—42 U.S.C.A. § 627

Fostering Connections does set the bar high for how we serve youths and families. In addition to providing federal funds for kinship guardianship arrangements, the act provides competitive grants to fund programs that have been shown to expedite permanency. These programs are: Family Group Decision Making, Family Finding, Kinship Navigator Programs and Residential Family-based Substance Abuse Treatment programs.5 Applications can be made by the state, county or private child welfare agencies.

Practice Tip:
• In many counties it has been the courts and court-related groups, such as the Children’s Roundtable, that have provided the impetus to bring techniques like Family Finding and Family Group Decision Making to the counties. Judges should consider encouraging the county children and youth agency and private providers in their respective counties to apply for Family Connections Grants for the next round of applications.6

Spotlight on Family Connections Grants: Kinship Navigator Programs Help Maintain Permanency

Achieving permanency is one of the main goals of the child welfare system, but often we overlook the challenging work of maintaining permanency. Similar to post-permanency services offered by the Statewide Adoption Network, kinship navigator programs are intended to support kinship caregivers and their families after the case is discharged from children and youth. These programs are intended to connect families to services and resources in the community both to strengthen the family unit and prevent the child from re-entering the system.7


Youths in foster care disproportionately experience poor educational outcomes in large part due to frequent school moves and delays in school enrollment. Fostering Connections seeks to attack barriers to educational achievement and stability for youths in care by requiring the child welfare agency to coordinate with local education agencies to ensure that children remain in the school they are enrolled in at the time of placement into foster care, unless that would not be in the child’s best interests. 42 U.S.C.A. § 675 (1)(G).8 If it is not in the child’s best interest, the child welfare agency must ensure immediate enrollment in a new school with all of the educational records of the child provided immediately. 42 U.S.C.A. 675 (1)(G). The act also increases the availability of federal funding that may be used to cover education-related transportation costs for children in foster care. 42 U.S.C.A. 675(4)(A).

Practice Tips:
• The collaboration between the child welfare agency and the various school districts in the counties is crucial to successful implementation of the education provisions. Judicial leadership in bringing these two large and complicated agencies together can be extremely helpful. In many counties, education representatives are included in the local Children’s Roundtable.
• At all court hearings ensure that youth remains in his/her home school.
• At all court hearings ensure that any needed transportation to school has been arranged and funded.
• The DPW has required that all county child welfare agencies have an education liaison. Judges, attorneys and CASAs should become familiar with the liaison so that questions and concerns that come up in court around educational planning can be addressed efficiently.


The State Roundtable in it’s Mission & Guiding Principles document clearly

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sets forth the expectation that children be raised by committed, loving, safe adults who will act as lifelong support and connections for them rather than the “state system.” This is and must be the goal of Pennsylvania’s Child Dependency system for every child. Unfortunately, the system is sometimes ineffective at providing children with permanent families and instead these youths “age out” of care.

Congress was disturbed to hear from many youths who reported aging out without achieving permanency and connections to any caring and reliable adult. Despite the gains made as a result of the enactment of the Chafee Foster Care Independence Act and the Adoption and Safe Families Act, around 25,000 youths per year age out on their own, often without the skills to make it on their own. 

In Pennsylvania, the number is around 2,000. The increased focus on establishing and supporting family connections in the act will help older youths achieve permanency with more frequency. Another response to these poor outcomes is the transition plan requirement of Fostering Connections, which requires that at least 90 days before the youth is to be discharged that “a caseworker on the staff of the state agency and, as appropriate, other representatives of the child provide the child with assistance and support in developing a transition plan that is personalized at the direction of the child, includes specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and work force supports and employment services, and is as detailed as the child may elect.” 42 U.S.C.A. 675 (5)(H).

In many ways the transition plan is the only check on outcomes that we have for youths aging out. While in theory, the law provides accountability for the poor outcomes of youths that age out by requiring that we provide them permanency, in reality there have been few checks on how youths fare who have, in effect, been parented by the system and discharged. The transition plan provision aims to ensure that a youth not be discharged from the child welfare system until a proper plan is put in place that demonstrates the young person is able to safely meet his or her own needs in the adult world. This is a positive provision that serves our state by providing accountability in the child welfare system, protecting the investment of taxpayers in ensuring child welfare funds have been used properly and protecting the welfare of children who have been parented by the child welfare system until adulthood.

Practice Tips:
- Ensure that all youths who are age 16 or older have adequate independent living plans at each court hearing to increase the likelihood that a successful transition plan will be presented when the youths are discharging.
- At the final permanency review hearing, ensure that a transition plan exists and that it is concrete and understood by the youth.
- Consider the expectations and supports you provide your own children entering adulthood as a guide to evaluating whether a transition plan is acceptable.
- Request a transition planning meeting and schedule another hearing to review the plan produced at the meeting if the contents of the transition plan are not acceptable and indicate that the plan is either unrealistic or provides no indication that the youth will be safely housed and able to support his basic needs.
- Require presence of youths at any hearing where the court’s jurisdiction is to be terminated.
- Remind youths of their option to remain in care until age 21 if it appears that they are not prepared adequately for discharge.
- Work with the county to develop a uniform transition plan format to create ease in communication between the court, child welfare agency and youths. Ensure that every youth aging out of care can identify at least one (hopefully more) responsible, non-paid adult who will be able to help if needed in the future.

7. The Option to Receive Federal Funds for Youth until Age 21–42
U.S.C.A. § 675 (8)(A)

Although Fostering Connections was greatly impacted by youth and families affected by the child welfare system, legislators were also influenced by a significant longitudinal research project completed by Chapin Hall at the University of Chicago, The Midwest Evaluation of the Adult Functioning of the Foster Youth. This research examined the outcomes for current and former foster youths at ages 17, 19 and 21 in Iowa, Illinois and Wisconsin. The data collected provided helpful information about the transition to adulthood, because the researchers were able to compare outcomes for youths who remained in care until age 21 (Illinois and those who exited at age 18 (Wisconsin and Iowa). The research found that youths in Illinois who remained in foster care until age 21 had significantly better outcomes, specifically in the areas of education and avoidance of pregnancy. These outcomes have important cost implications. Calculations determined that the “financial benefits of extending foster care – both for individuals youth and for society – outweigh the cost to government by a factor of approximately 2 to 1.

Current Pennsylvania law allows youths to stay in the child welfare system until age 21, if they are in a course of treatment of instruction. 42 Pa. C.S.A. § 6302. Until the enactment of Fostering Connections, Title IV-E reimbursement could only be made for youths in care until age 18 or 19 if still in high school. This has meant that Pennsylvania has had to expend state and local funds to continue to care for youths past age 18. Pennsylvania law

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already reflects that allowing youths to remain in care until they are prepared for adulthood is the right thing to do. Taking this option will benefit the state by allowing an immediate cost savings as the federal government shares the cost of care and a long-term cost savings by preventing these youths from lacking the skill and resources that would cause them to rely on state assistance as adults.

Finally, this option can expedite permanency for youths who may have otherwise remained in placement until adulthood. This option also allows adoption subsidies and relatives subsidies, which currently end when the youth turns 18, until 21. This is important because some foster parents decide to keep their youths as foster children rather than moving to adoption or guardianship because the foster care payment extends to age 21, while the adoption and guardianship subsidies end at age 18. By equalizing the adoption and guardianship subsidies it is likely that more older youths will be adopted or move to relative guardianship because their parents can be assured of continued support as youths reaches adulthood.

If Pennsylvania takes this option, federal IV-E funds can be drawn down as of October 2010.13

Practice Tips:
- Judges, attorneys and CASAs who see the benefic results of continuing youths in care past age 18 if they are not ready for independence and self-sufficiency should communicate their position to DPW.
- Judges, attorneys and CASAs should take the time to talk to current and former foster youths to get an understanding of their position on this option and how the legal community can assist older youths to gain the skills and relationships they need to reach a successful adulthood. 6

1 This requirement was effective as of October 2008.
3 This requirement was effective as of October 2008.
4 Exercise of the option to receive federal reimbursement involves not only financial reimbursement to relative caretakers, but a significant expansion of benefits to children. DPW is currently working with counties and a national organization to examine the potential cost and impact of accepting this federal option.
5 Pennsylvania submitted for the Family Navigator program but was not successful in its application. However, most Pennsylvania counties are doing FGDM (60 counties), and 31 counties who supervise 76 percent of youths in out-of-home care are doing Family Finding (including Philadelphia and Allegheny counties).
6 Currently, only states may apply for PPI consideration. Counties will be able to do so upon the opening of Phase 4 in approximately two years.
8 This requirement was effective as of October 2008.
11 Federal law has required since 1988 that at each review (now permanency hearing that “services needed to assist the child to make the transition from foster care to independent living.” 42 U.S.C.A. § 675 (5)(C). http://www.chapinhall.org/ndas/.
12 Clark M. Peters, et al., Extending Foster Care to Age 21: Weighing the Costs to Government Against the Benefits to Youth (Chapin Hall Issue Brief June 2009).
13 As with The Option to Receive Federal Funds for Youth until Age 21--42 U.S.C.A. § 675, exercise of the option to receive federal reimbursement involve a significant expansion of benefits to children. DPW is currently working with counties and a national organization to examine the potential cost and impact of accepting this federal option.