

ARKANSAS GENERAL ASSEMBLY

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Senator David Wallace
Chair

Representative Charlene Fite
Chair

SENATE COMMITTEE ON CHILDREN AND YOUTH HOUSE COMMITTEE ON AGING, CHILDREN AND YOUTH, LEGISLATIVE AND MILITARY AFFAIRS

November 16, 2022

The Honorable Terry Rice, Co-Chair
The Honorable Jeff Wardlaw, Co-Chair
Arkansas Legislative Council
State Capitol, Room 315
Little Rock, Arkansas 72201

Dear Senator Rice and Representative Wardlaw:

Pursuant to Act 574 of 2021 the House Committee on Aging, Children and Youth, Legislative and Military Affairs and the Senate Committee on Children and Youth shall conduct a study of the best practices for reducing the number of children in foster care. The study shall include without limitation:

- An assessment of the number of children in foster care;
- An examination of the state's current practices and policies aimed at reducing the number of children in foster care and the efficacy of those practices and policies;
- An examination of the methods other states use to reduce the number of children in foster care and the efficacy of those methods; and
- The formulation of a plan for the state to implement the best practices to reduce or eliminate the number of children in foster care, including without limitation increased funding, education, advertisement, and support.

The committees held meetings on November 15, 2021; June 21, 2022; and August 23, 2022, for the purpose of this study. Attached is a report from the Department of Human Services, Division of Children and Family Services, regarding the number of children in foster care in the state and the practices and policies the state is currently using to reduce the number of children in foster care.

Please do not hesitate to contact us if you have any questions concerning this report.

Respectfully submitted,

David Wallace/bg

Senator David Wallace, Chair

Charlene Fite/bg

Representative Charlene Fite, Chair



Reducing the Number of Children in Foster Care:

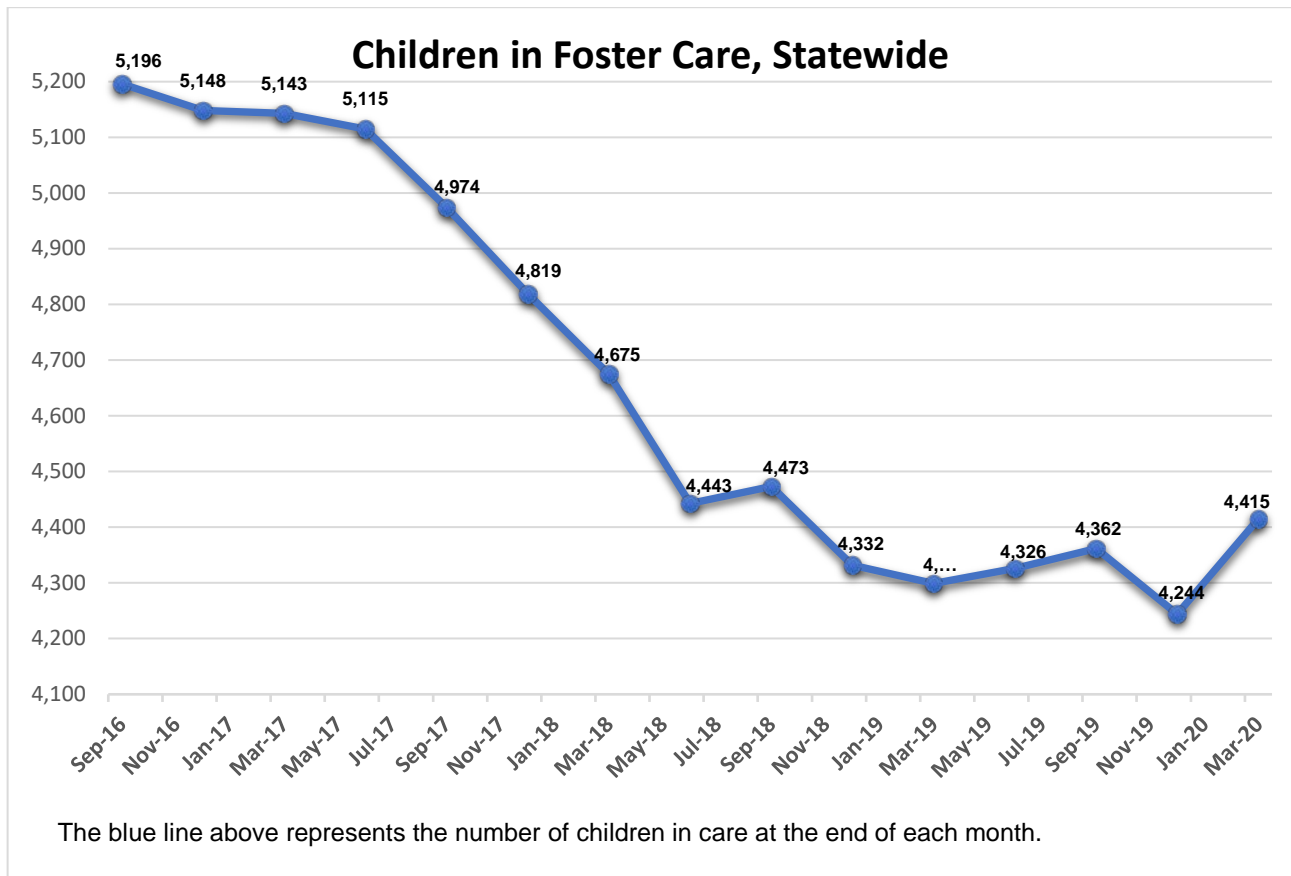
A Report Responsive to Act 574 of the 93rd General Assembly, Regular Session

**Reducing the Number of Children in Foster Care:
A Report Responsive to Act 574 of the 93rd General Assembly, Regular Session**

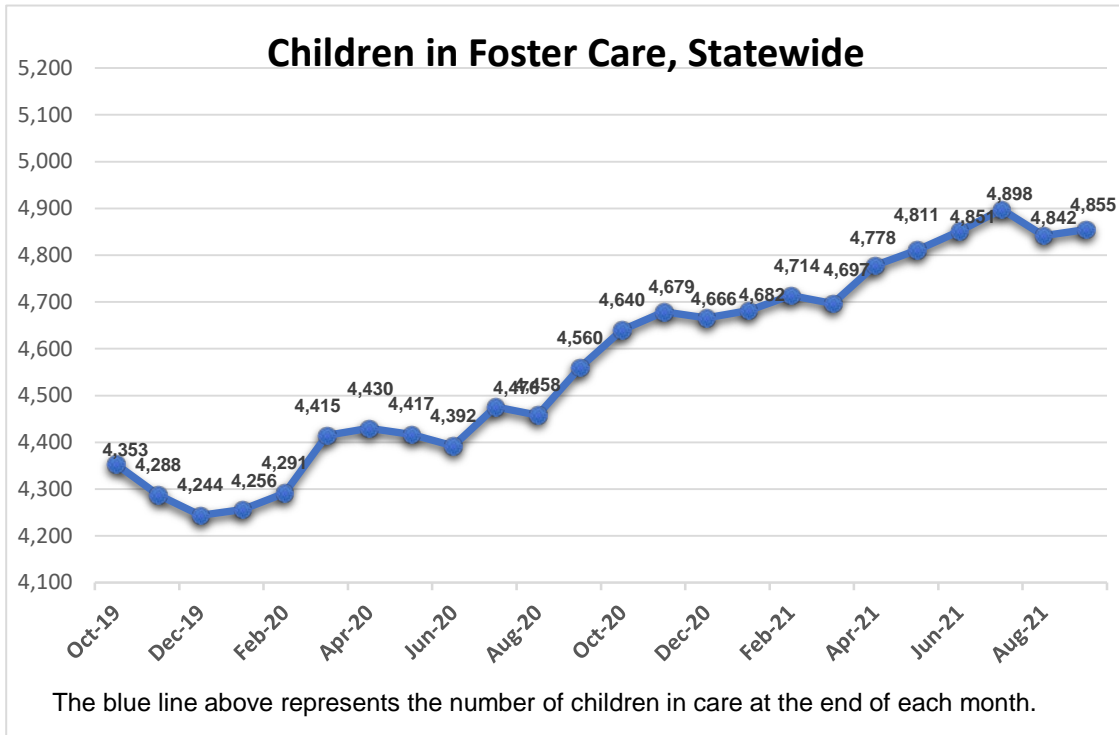
Background

In the spring of 2016, the Arkansas foster care system was experiencing a crisis that peaked with having a little over 5,200 children in foster care. This was a nearly 30 percent growth in the overall number of children in care from spring of 2014. This increase resulted from the number of children entering care and the slowed rate at which children were leaving care. This growth did not correlate with what was determined to be a slight increase of 5.8 percent in the number of child maltreatment investigations during that timeframe.

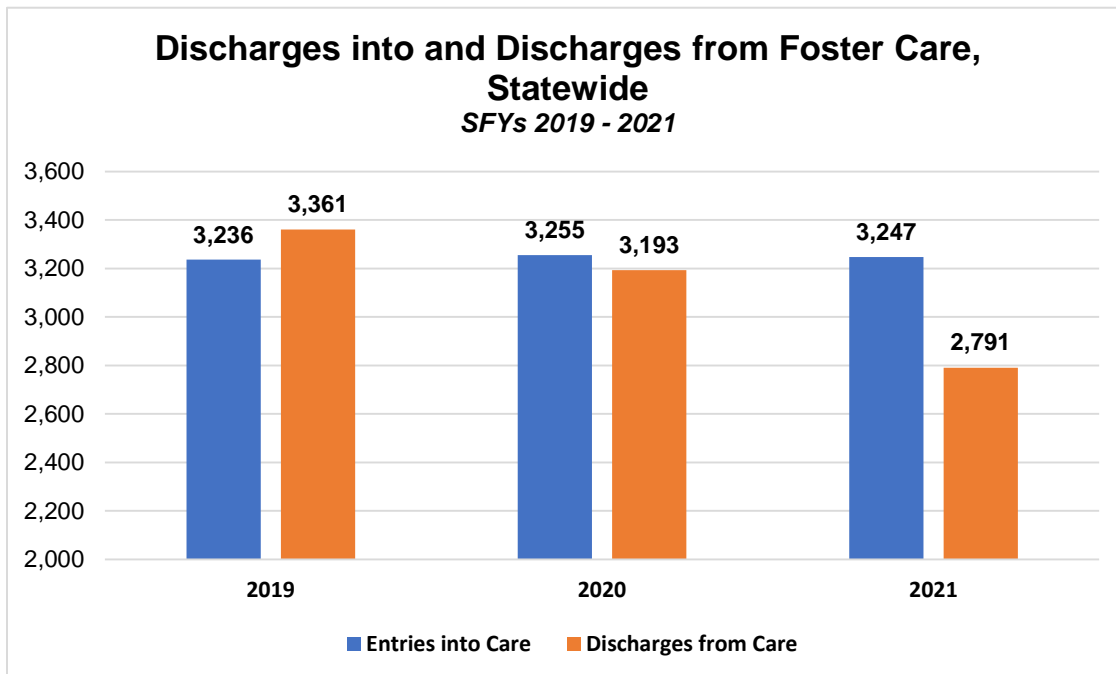
At the direction of Department of Human Services (DHS) leadership, staff from multiple divisions and offices within DHS as well as national child welfare and Medicaid experts came together as a team in a way they had not done before to look for more innovative and wide-ranging ways to bring about systemic change. As a result, the Division of Children and Family Services (DCFS) began to see a decrease of the number of children in foster care, with 5,010 children in foster care by August 2017 (when previous trends had projected 5,800 children in care by the end of August 2017). This decline continued over the next two years with the number of children in care for the most part ranging between 4,200-4,400 from February 2019 through February 2020.



When the COVID-19 pandemic hit, the number of children in foster care began to increase. As of November 5, 2021, there were 4,836 children in foster care. Once again, this increase in the number of children in foster care is not tied to higher-than-average entries into foster care. Rather, the challenges with

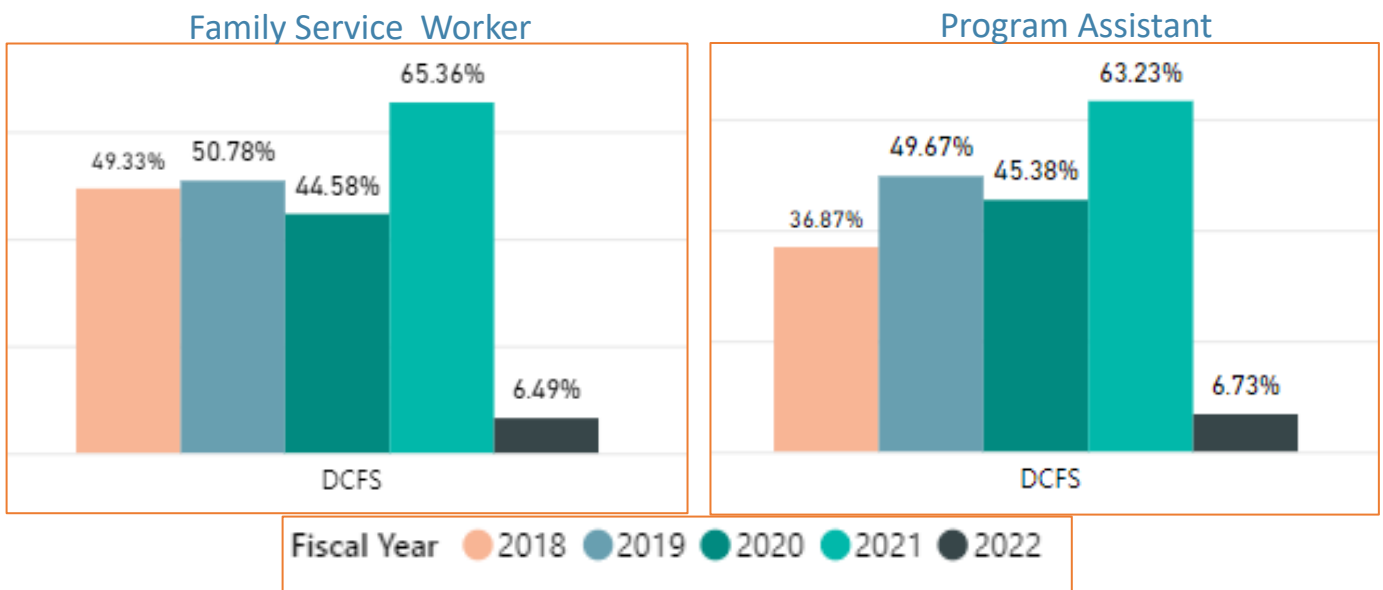


discharging children from care during the public health emergency -- when staff and clients were frequently quarantined, and services were often delayed or interrupted for a variety of reasons tied to the COVID-19 pandemic – are contributors in this regard. A chart below compares entries into and exits from foster care over the last three state fiscal years.



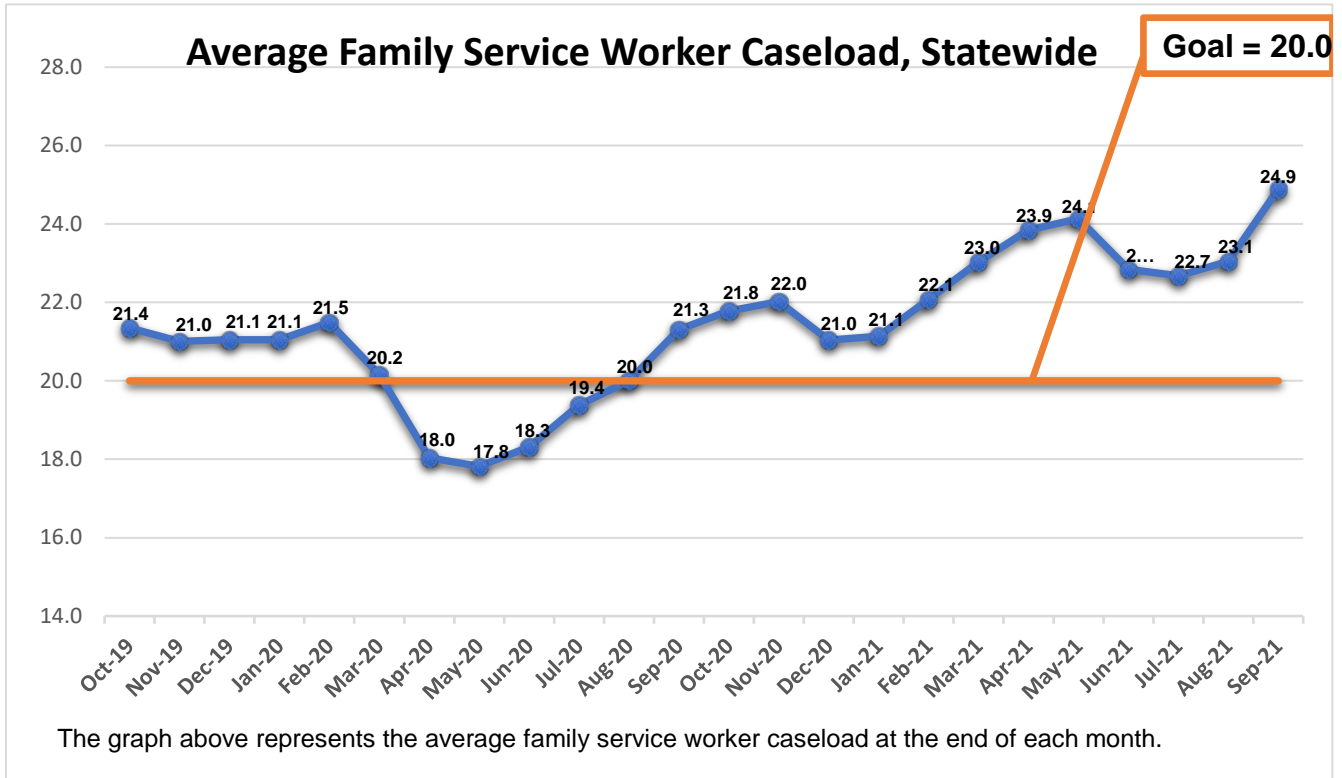
The challenges of the public health emergency and the rising number of children in foster care, among other reasons, have also seemingly led to a higher degree of staff turnover and a corresponding increase in the average statewide FSW caseload. In SFY 2020, the overall turnover rate for all DCFS staff was 39.7% whereas the SFY 2021 turnover rate to date for all DCFS staff rose to 56.52%. This rate includes terminations, demotions, promotions, and transfers.

More tellingly, the SFY 2020 turnover rate specific to Family Service Workers (FSWs, a.k.a. caseworkers) was 44.58%, but rose to 65.36% in SFY 2021 for FSWs. Similarly, the SFY 2020 turnover rate for Program Assistants (support level staff who frequently provide transportation for clients, supervise parent-child visits, conduct drug screens, etc.) was 45.38%, but increased to 63.23% in SFY 2021. Please see the graphs below for more information.



Not surprisingly, the increased rate of staff turnover has led to a significant number of vacancies at any given time throughout DCFS as staff go through the hiring process. As of September 30, 2021, there were approximately 198 vacant positions throughout DCFS, which impacts the rate at which children discharge from state custody. The high number of vacancies at any given time over the last year-and-a-half have also been compounded by the number of staff who have not been able to fully complete their job duties while on quarantine due to being positive for COVID or having been exposed to COVID. As of October 15, 2021, 1,325 DCFS staff had been quarantined at some point. When considering that quarantined staff cannot, for example, conduct home visits, supervise parent-child visitation, or provide transportation that number – more than the total number of DCFS staff at any given time – is staggering.

Accordingly, the average statewide caseload has also increased as staff turnover and vacancies have ballooned, making it, once again, more challenging for remaining staff to work assigned cases and ensure timely permanency for children in care. The graph on the following page provides a visual of the average statewide caseload assignments for DCFS staff over the last two years.



Despite the COVID-19 pandemic and staffing challenges, DCFS has continued to implement a variety of strategies to reduce the number of children in foster care. The remainder of this report is a summary of some of the more recent strategies that DCFS has put in place in that effort.

Family First Prevention Services Act

DCFS has continued the work it started in 2016 to move the State’s child welfare and foster care system forward, becoming one of the first states to implement the landmark federal Family First Prevention Services Act. More commonly known as Family First, it is the first major federal child welfare reform effort in decades and impacts every piece of the child welfare system. The Division recognized the new law aligned with what was already happening in Arkansas. As such, DCFS was one of the few states that elected to fully implement Family First on October 1, 2019.

IV-E Prevention Program

In fact, Arkansas was the third state to gain federal approval of its five-year Title IV-E Prevention Program Plan, one component of Family First. Family First created a new avenue for states to get federal funding for prevention programs. To be eligible, child welfare jurisdictions had to submit and receive approval of their prevention plans to ensure services met the standard - called evidence level – required under federal law. Prevention services are rated as either promising, supported, or well-supported (and placed on the Title IV-E Prevention Services Clearinghouse that other child welfare agencies can see and access when developing their own plans). Independent reviews are allowed for services that have not yet been rated by the Clearinghouse. One of our partners, Evident Change (formerly the National Council on Crime and Delinquency (NCCD)) completed independent reviews of the Division’s prevention programs.

Arkansas was the first jurisdiction in the country to receive federal approval of programs that had been independently reviewed. Now, all three of our intensive in-home services providers—St. Francis Ministries, Youth Advocate Programs, and Youth Villages—are using approved programs eligible for federal funding. These programs all emphasize safely preventing children from entering DCFS custody or reunifying them with family as quickly as possible if out-of-home care is necessary. The roll-out of Intensive In-Home Services in the original 37 counties began in February 2019 and continued through May 2019.

Positive feedback from staff and clients has been phenomenal regarding the Intensive In-Home Services programs – currently available to 38 counties in the state. The data also points to the success for these programs when comparing entries into foster care for the year preceding the implementation of the Intensive In-Home Services programs (CY 2018) to the entries that occurred the year in which Intensive In-Home Services was fully implemented and established in the original 37 counties (CY 2020). In a year-to-year comparison completed for both the 37 counties that offer Intensive In-Home Services as well as the 38 counties where this service is unavailable, the 37 counties offering Intensive In-Home Services saw overall entries into foster care decline by 24 percent from 2018 to 2020. Fewer entries were observed for 29 of the 37 counties, or 78.4%. In comparison, the 38 counties where Intensive In-Home Services are unavailable saw overall entries into care increase by nearly 21 percent. A lower number of entries were observed for just 16 of those 38 counties, or 42.1%.

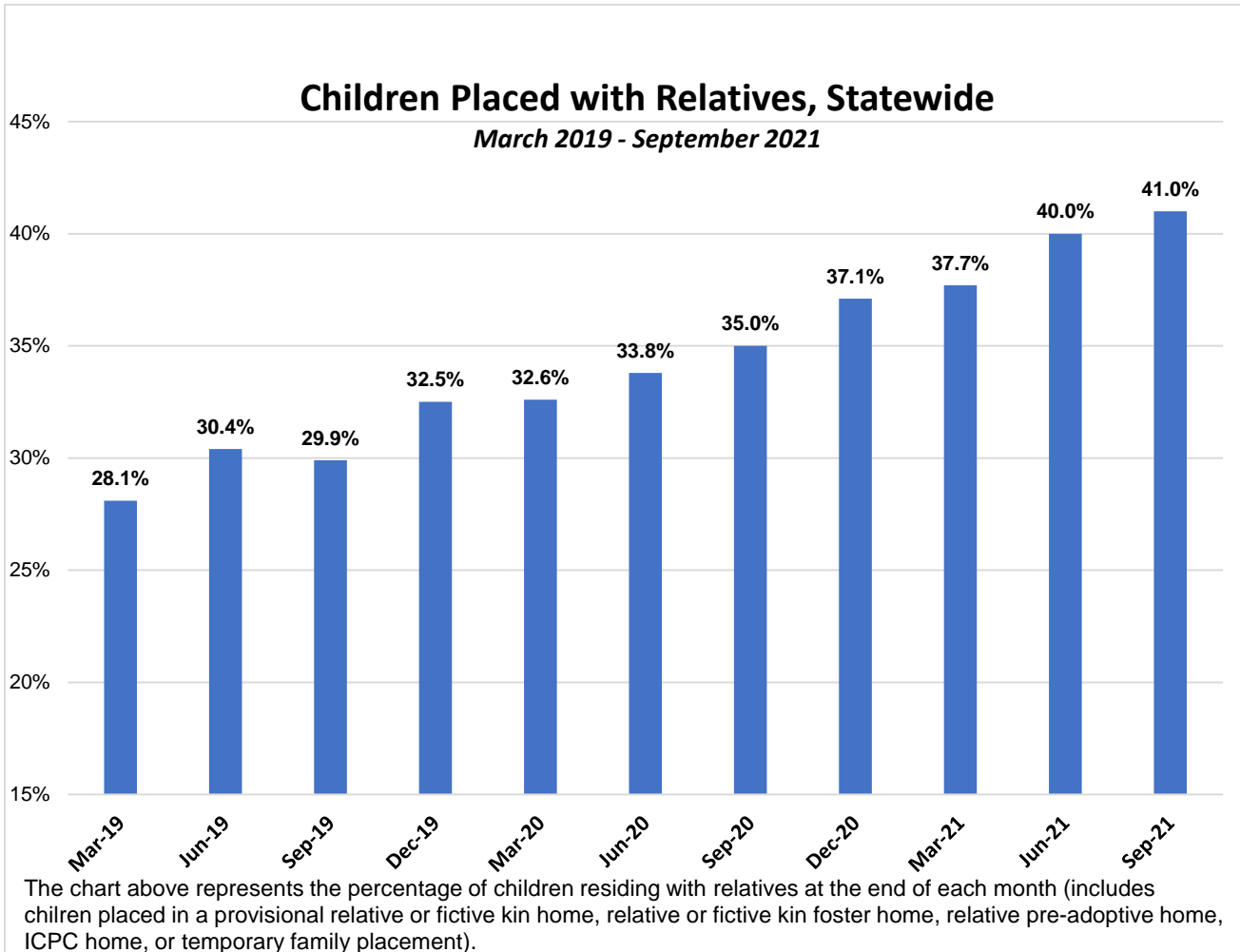
DCFS also worked closely with its parenting provider, University of Arkansas at Little Rock MidSOUTH, to determine if another evidence-based parenting program would be better for Arkansas families involved in DCFS protective services (PS) cases. A PS case is opened when there is a true finding of child maltreatment in a home, but the safety concerns are not to the extent that warrant a removal of the child. MidSOUTH had been providing the Nurturing Families of Arkansas (NFA) model to referred DCFS families with open protective services cases. While NFA has been researched over several decades and resulted in positive outcomes for families, it did not meet the evidence-base required by the IV-E Prevention Services Clearinghouse. Moreover, NFA is typically 16-session parenting course, which was a significant commitment for families and at times exceeded the length of a PS case.

After researching other models, the Division worked with MidSOUTH to shift to the Positive Parenting Program (“Triple P”) in July 2020. Triple P is a 10-session evidence-based parenting program – that meets the IV-E Prevention Services Clearinghouse standards -- with sessions on causes of children’s behavior problems, strategies for encouraging children’s healthy development, and strategies for managing misbehavior. By offering a parenting program with a stronger evidence-base that is also delivered within a shorter timeframe, the Division anticipates achieving its goal of keeping families together and reducing entries into foster care.

Reduction in Congregate Care

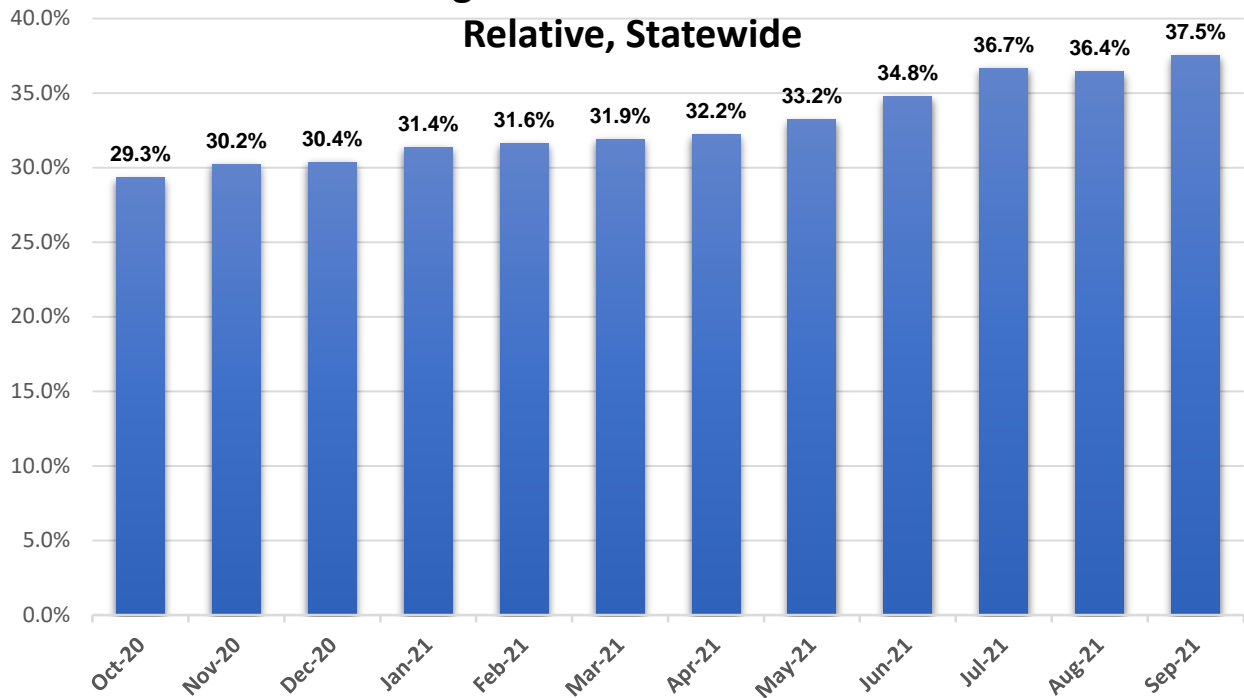
Family First changes also reinforced the direction in which Arkansas had been heading: that children in foster care should be placed with family until they achieve permanency. The law includes reforms to help keep children safely with their families and avoid the traumatic experience of entering foster care. At the same time, the law stresses the importance of children growing up in families and helps ensure children are placed in the least restrictive, most family-like setting to meet their needs when they do come into foster care.

The priority is to place children with safe and appropriate relatives and fictive kin. As illustrated on the chart below, DCFS staff have worked hard over the last several years to ensure children are placed with relatives and fictive kin when safe and appropriate, with 41% of children placed with relatives statewide as of September 30, 2021 as compared to the 28.1% of children who were placed with relatives statewide as of March 30, 2019.



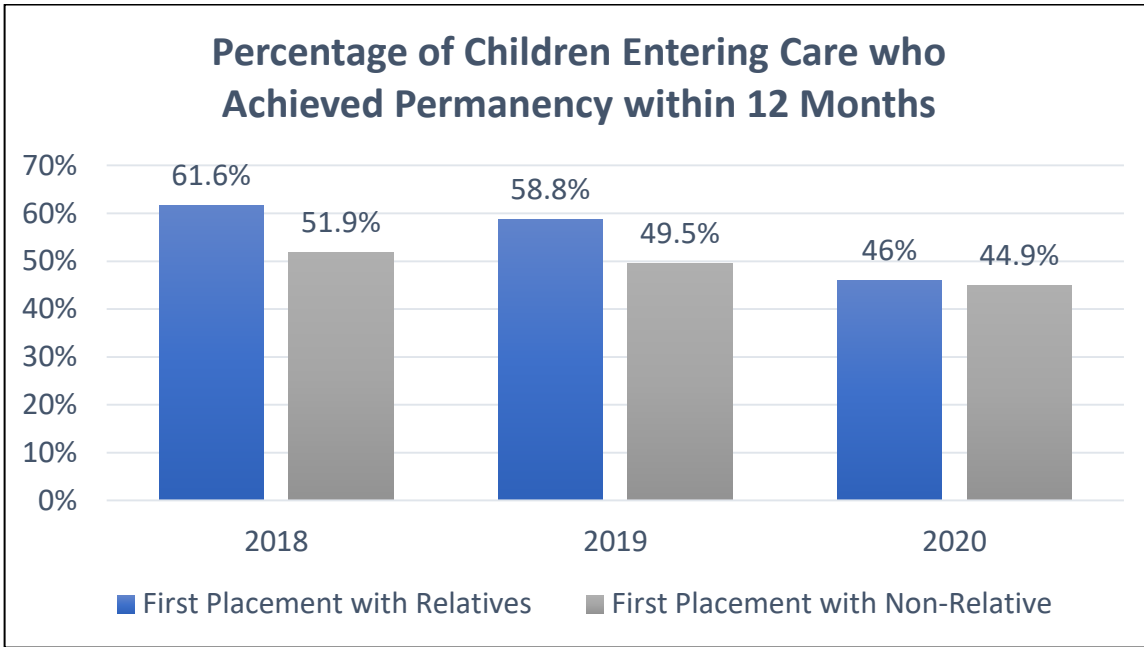
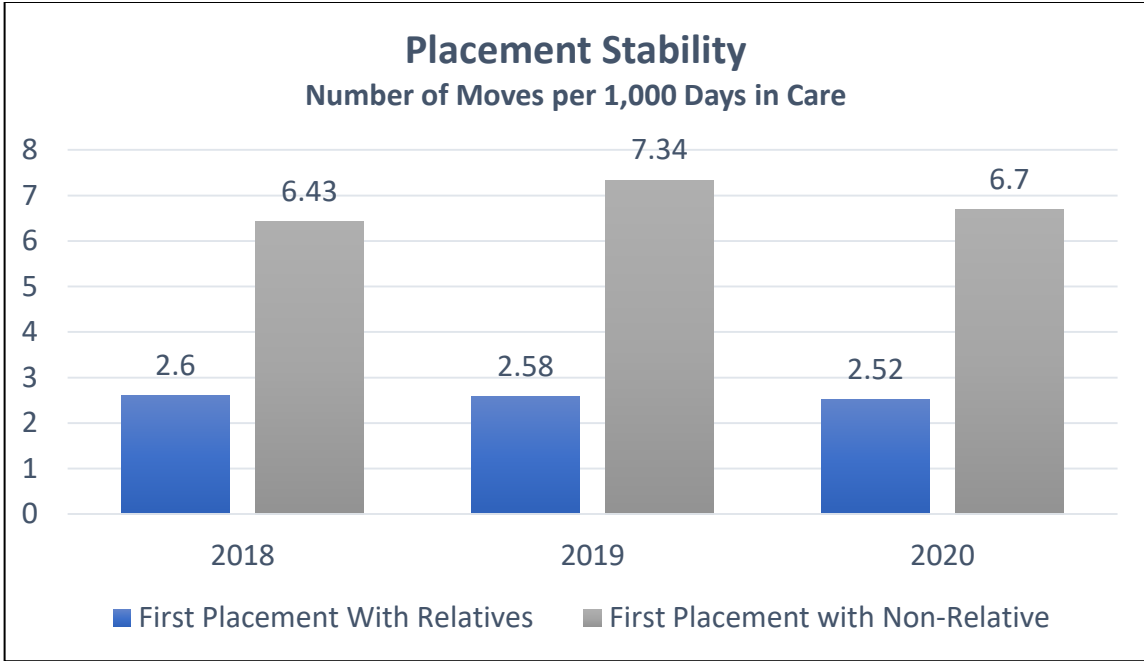
In addition, the chart on the following page provides a visual of staff’s work to and success in helping to reduce the trauma of coming into foster care by ensuring that, as of September 30, 2021, 37.5% of children who entered foster care within the past 12-month period had a first placement with a relative or fictive kin, as compared to just 29.3% of children whose first placement was with a relative or fictive kin at the end of October 2020.

Children Entering Care whose First Placement is with Relative, Statewide

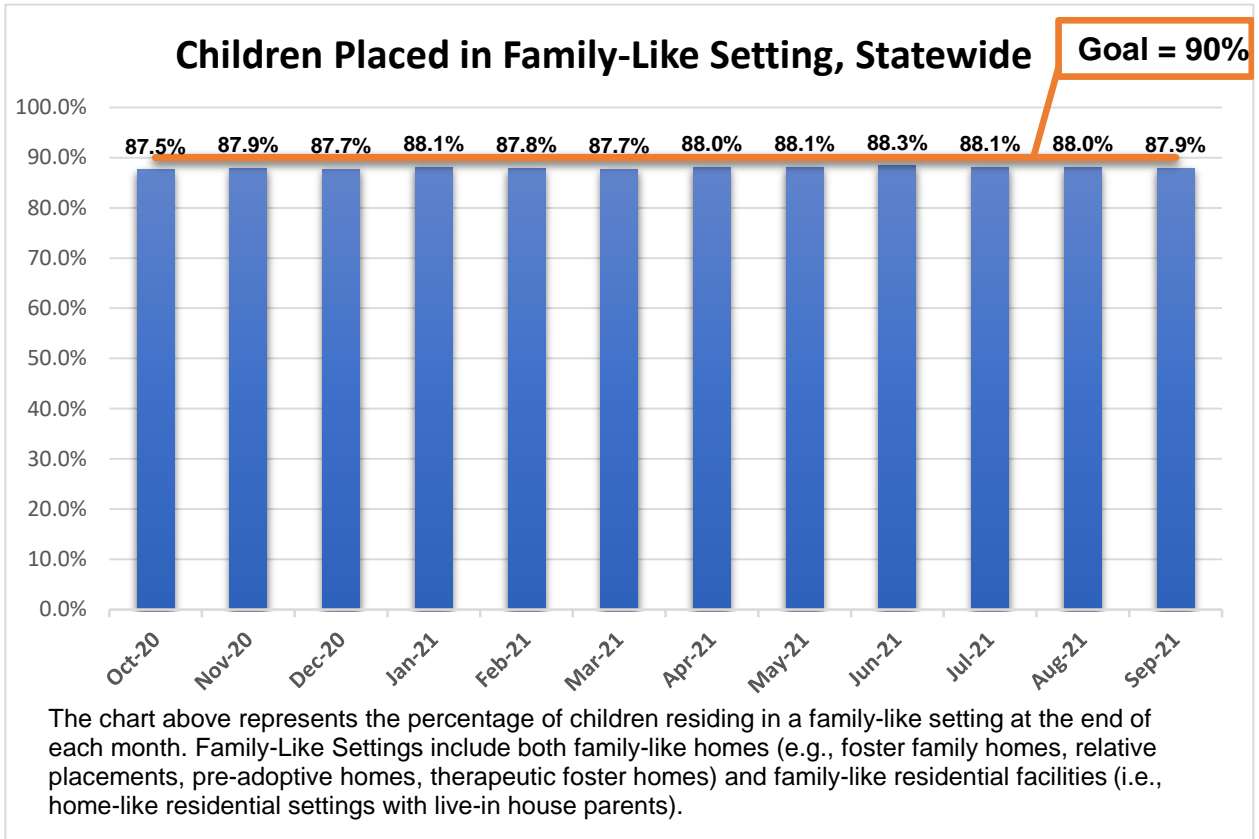


The chart above represents the percentage of entries into care for the 12-month period concluding at the end of each month in which the child's first placement was with a relative or fictive kin.

The work to ensure children are placed with safe and appropriate relatives and fictive kin has resulted in improved outcomes for these children. Children whose first placement was with a relative or fictive kin have consistently shown to have more placement stability, fewer instances of maltreatment while in foster care, and to have achieved permanency more quickly than their counterparts. The charts on the following page provide more details regarding placement stability for children whose first placement was with a relative or fictive kin as well as the more timely permanency outcomes (and, therefore, discharges from foster care) for this population.



Other family settings include foster homes, private license placement agency foster homes, and provider family-style care (family-like settings) for sibling groups. With this range of family-like settings available, DCFS has been able to consistently ensure for the past year that over 87% of children in foster care are in a family-like setting of some sort as illustrated in the chart below.



When treatment is needed, the family setting to meet that need is called therapeutic foster care. More intensive, medically necessary treatment may involve facility-based Medicaid services, such as Community Reintegration, Comprehensive Psychiatric Residential Treatment, or Psychiatric Acute.

If a short-term placement is needed as a last option when family settings cannot be found, an emergency shelter might be the best placement, especially if it's able to keep siblings together.

As part of Family First, DCFS also implemented a new type of residential setting, Qualified Residential Treatment Program (QRTP), for when youth cannot thrive in a family setting because they have treatment needs, such as behavioral and mental health needs, that must be addressed. The QRTP contracts began in July 2019, and the associated assessment and court hearing requirements necessary for IV-E funding became effective Oct. 1, 2019. The Division continues to work with these providers to enhance their trauma-informed models and discharge planning capabilities, so that they become stronger treatment programs and produce better outcomes for children.

Placing a child in the most appropriate placement setting for his or her individual needs can contribute to achieving permanency more timely for them and, in turn, reducing the overall number of children in foster care.

Safety Organized Practice

An important piece of prevention work requires being able to assess a family's risk for future maltreatment. This assessment then informs key supports and strategies that the family needs to increase their ability to keep their children safe and become stronger in a way that will last beyond the Department's involvement. This is an area needing improvement for DCFS, as the current risk tool is not as effective as it needs to be. As a result, DCFS has been working with Evident Change to implement Safety Organized Practice (SOP) and Structured Decision Making® (SDM®) to enhance staff's ability to assess risk and safety and manage safety concerns.

Safety Organized Practice (SOP) is a family-centered, strengths-based social work practice in which DCFS staff will champion the central belief that all families have strengths. SOP will result in partnerships between the DCFS and families that is solution-focused and collaborative. This is an immense training initiative since all existing 1100 DCFS staff and certain partners such as the Arkansas State Police, Crimes Against Children Division, must be trained over a period of several days. In addition, DCFS has recognized that classroom training alone is not effective. As such, the roll-out of SOP also includes monthly coaching activities – referred to as “Deep Dives” – that provide staff a safe place to apply SOP concepts and strategies to their current cases. Training and coaching to implement SOP began in May 2021, and the Deep Dives will continue throughout the next year.

Structured Decision Making® (SDM®) is one component of SOP. The SDM system is a comprehensive case-management framework for child protection that uses a series of assessment tools to help DCFS staff assess families and make critical decisions throughout the life of a family's involvement with DCFS. The SDM system combines research with practice strategies, offering DCFS staff a framework for consistent decision making and the Division a way to direct in-demand resources toward families that can benefit most. While the various assessment tools will not replace professional judgement and supervisory support, they are designed to enhance accuracy, equity, and consistency in decision-making as it relates to families involved with the child welfare system – particularly those decisions regarding removing a child from and returning a child to the home.

The Division and its partners have worked hard over the last year to customize SDM tools to Arkansas law and policy. The SDM Safety and Risk Tools and associated training are set to launch in Arkansas in the summer of 2022. The SDM Case Planning, Risk Reassessment, and Reunification tools and corresponding training have a tentative implementation date beginning in January 2023. The implementation process will include quality reviews of the tool's use conducted by Evident Change.

Every Day Counts

As the Division continued to focus on prevention strategies and enhancing placement types, DCFS leadership also recognized the need for heightened attention to the safety and permanency of children in the foster care

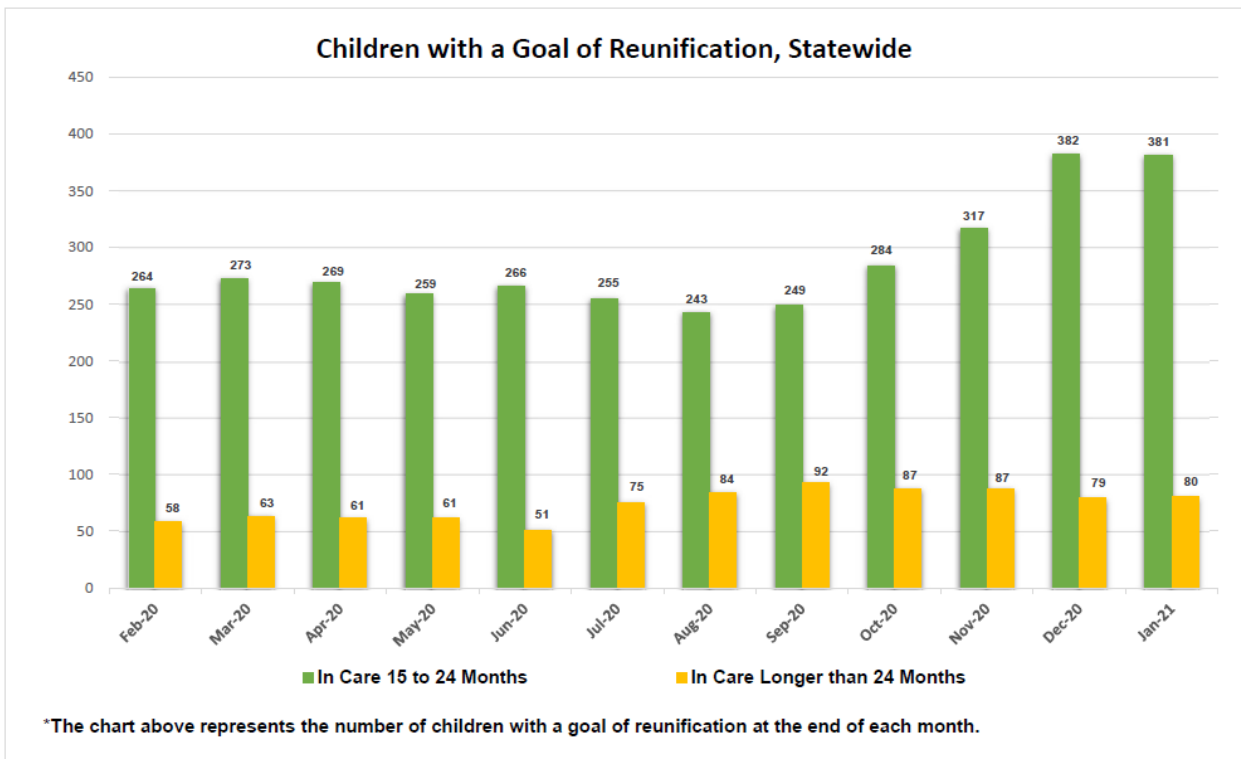
system. Keeping children safe is the core of everything that DCFS does but finding permanent homes for children as quickly as possible is an equally important part of our work.

To that end, on March 1, 2021 the Division launched the *Every Day Counts* campaign focused on these two elements. In addition, the *Every Day Counts* campaign messages to staff and stakeholders that every day at DCFS provides an opportunity to be someone’s hero and provide needed assistance to families. *Every Day Counts* does not ask for perfection from staff but does ask staff and stakeholders to act with a sense of urgency every day.

Every Day Counts concentrates on two forms of permanency: reunification and adoption. On the reunification front, DCFS has identified a group of cases to research and determine if there are ways to move kids toward permanency more quickly. DCFS is also reviewing cases with the following characteristics:

- Child has been in care for at least ten (10) months with the goal of reunification.
- Child has had at least three (3) documented visits with their parents.

In addition, DCFS has been working with staff to provide several reminders and best practices in order to achieve successful reunification.

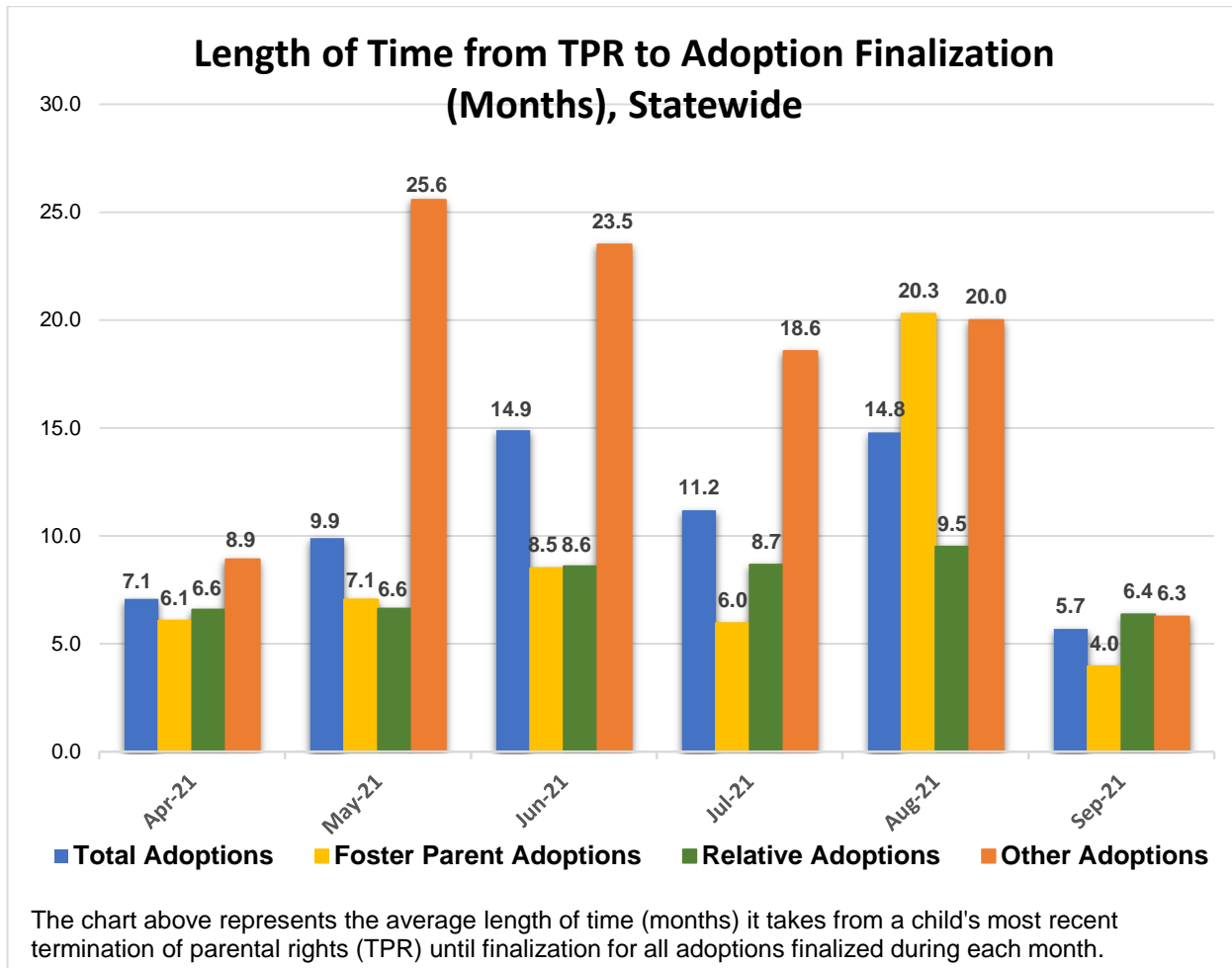


On the adoption front, the Division has set new goals around relative and foster parent adoption, as well as the selection of adoptive families. DCFS has also been digging into certain adoption cases to identify ways to work together more efficiently and finalize adoptions in a more timely manner.

Key goals for both Relative Adoption and Foster Parent Adoption are:

- Adoption will be finalized within three (3) months after Termination of Parental Rights (TPR).
- If appeal is filed, adoption will be finalized within one (1) month after TPR appeal mandate is issued.

As illustrated on the chart below, significant progress has been made in reaching the Division’s goal to shorten the length of time from TPR to adoption finalization for relative and foster parent adoptions.



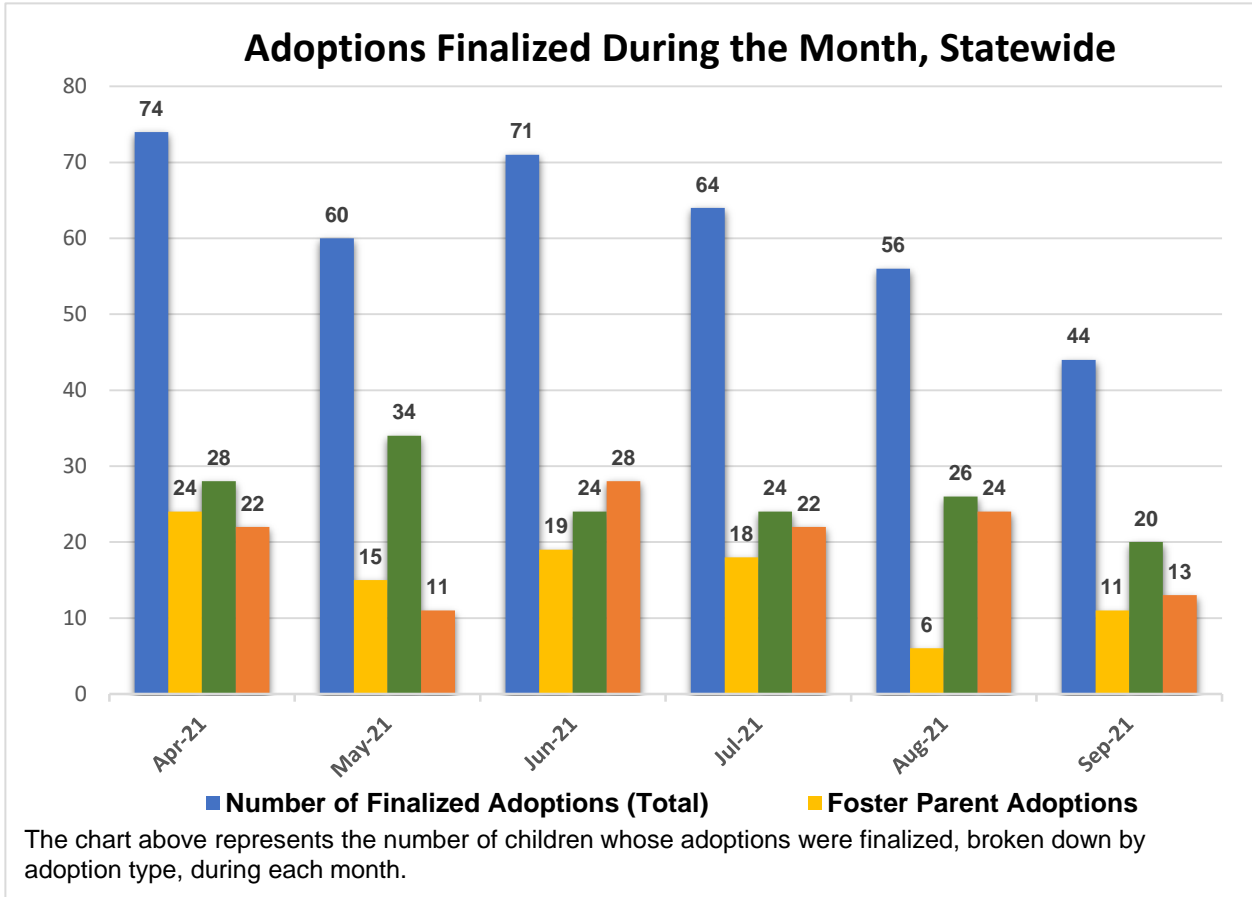
Key goals have also been established regarding selection of adoptive families. These goals are:

- Adoption packets will be given to Adoption staff within three (3) days of Permanency Planning Hearing (PPH).
- Adoptive family will be selected and a disclosure scheduled within thirty (30) days after TPR.

As with reunification, DCFS is providing coaching regarding adoption best practices and tips in order to help achieve the goals related to adoptions.

From March 2021 through August 2021, DCFS rolled out new practices and procedures associated with *Every Day Counts* as described above. As a result, teams across the state have dug in deep to see what’s working well, what barriers exist, and what needs to happen next.

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same can be said for the frontrunner of our adoption partnerships, Project Zero. After DCFS launched *Every Day Counts*, Project Zero took on the challenge to give every waiting child a short film by the end of 2021! These short films have been a critical piece to finding adoptive families for children in foster care. For the past five months, Project Zero has pushed to fulfil their charge of completing these short films, but also began adding to their mission—seeking ways to cast a wider net in order to ensure that we get to zero waiting children.

From September-November, DCFS and Project Zero is focusing in and campaigning even more to make *Every Day Count*, rounding out the year with measurable strides in the direction of zero children waiting for a forever family! November, National Adoption Month, will close out this campaign, but DCFS and its partners will continue to work with urgency every day to ensure that every child has their safe, stable, forever family, as quickly as possible.

Strategies to Strengthen the Workforce

Most recently, DCFS has implemented strategies targeted toward stabilizing and strengthening the workforce given what the agency knows about the impact of staff turnover on entries into and discharges from foster care.

Through its ongoing work with and associated feedback from the National Child Welfare Workforce Institute Workforce Excellence Project, DCFS, in partnership with DHS Shared Services and the Office of Personnel Management, implemented the following statewide efforts to help recruit and retain quality child welfare staff:

- Allowed staff to claim overtime pay rather than first banking 240 hours of comp time as previously required)
- Implemented differential pay for staff assigned to on-call standby duty at a rate of 20% of their hourly rate while on-call
- Increased entry pay for new Program Assistants and provided one-time raises for Program Assistants based on career service
- Established a career ladder for Family Service Workers (FSWs) by:
 - Providing a 7% raise when FSWs successfully complete New Staff Training
 - Allowing FSWs – who are in GS06 positions -- the opportunity to request consideration for a promotion to an FSW Specialist GS07 position once they have attained three years' work experience as an FSW and have demonstrated a high-level of proficiency as an FSW
- Secured 174 new positions over three years to pilot a team approach

In addition, since the DCFS workforce challenges have been most acute within Pulaski County, the Division also entered into a partnership with Public Knowledge in September 2021. For more than 27 years Public Knowledge has partnered with state, local, federal, and private agencies to improve outcomes for child welfare staff and families. Public Knowledge child welfare consultants are nationally respected subject matter experts and authorities in a variety of areas including preventing foster care placements and successful interventions to achieve reunification. These consultants include Jerry Milner, formerly the federal Commissioner for the Administration for Children and Families, and David Kelly, who has formerly held roles as the Special Assistant to the Associate Commissioner of the federal Children's Bureau and the Children's Bureau Court Improvement Program Specialist. Both Jerry Milner and David Kelly are serving as two of the consultants for Public Knowledge's work in Arkansas.

The goal of the Public Knowledge partnership is to resolve some of the immediate crisis and implement longer-term transformations that will help prevent future similar crises. By developing knowledge and resources within the community to address concerns unrelated to maltreatment, child protective service resources will be more efficaciously directed to children who are most in need of attention, helping to promote child safety and well-being. A major focus of the work will center on workforce development and coaching, including existing and new staff as well as executive leadership. The work will also include developing new, expected work behaviors and skills, and training existing and incoming staff to use those skills. The three broad areas on which DCFS and Public Knowledge will collaborate are:

- Addressing the front end of the child welfare system, in terms of appropriate decision-making on removals and making appropriate efforts to keep families together.
- Aligning the courts and legal judicial system with the agency’s ability to respond by replacing the current crisis-driven approach with one that is jointly created and owned by the judiciary and agency and informed by the community.
- Providing immediate assistance in stabilizing the workforce and supporting the readiness for longer-term solutions.

Conclusion

The Division of Children and Family Services made significant strides in the recent past of reducing the number of children in foster care. Unfortunately, the past year-and-a-half has not been what anyone expected. The coronavirus pandemic made every facet of the work that the Division of Children and Family Services conducts much more difficult, but staff and partners never lost focus on the end goal – ensuring that every child in Arkansas has a safe and stable home every day.

With that shared value in mind, DCFS and its partners creatively embraced new approaches to the work to help strengthen families and keep children safe at home when possible in an effort to reduce the number of children entering foster care. The Division has also recently renewed focus on achieving permanency to ensure that children who must come into foster care are leaving foster care swiftly and safely.

At the same time, the Division recognizes that there is always much more to be done. So the Division, its partners, and its stakeholders continue to move forward with an eye toward a new horizon that includes moving past the unavoidable struggles caused by the pandemic and taking the lessons learned to do even more along with our partners to help strengthen families and keep children safely at home with their families.