

House Committee on Ways and Means

Statement of The Honorable Bill Frenzel, Chairman, Pew Commission on Children in Foster Care

Testimony Before the Subcommittee on Income Security and Family Support
of the House Committee on Ways and Means

January 28, 2004

Mr. Chairman, Mr. Cardin, members of the Subcommittee, thank you for your invitation to testify today.

For the last nine months, I have been privileged to chair the Pew Commission on Children in Foster Care, a task I share with my colleague, former Representative Bill Gray. This independent, nonpartisan commission, funded by The Pew Charitable Trusts, includes some of the wisest and most experienced individuals in the field of child welfare. You heard from one of them this morning, New York City Commissioner William Bell. The other members of our Commission are no less impressive.

Like this Subcommittee, we want to see the nation take better care of children who have been abused or neglected. We want to reduce the number of children who need to enter foster care. We want to help children leave foster care for a permanent family as soon as they safely can. We also recognize that this is a responsibility shared by the federal government and the states, as well as by courts in every state.

The Pew Commission's charge is to develop practical, fiscally responsible, policy recommendations to reform federal child welfare financing and strengthen court oversight of child welfare cases. Every problem in child welfare cannot be attributed to federal financing or to the courts, but many have roots there. Federal dollars flow relatively easily to pay for foster care for poor children, but they are much less available for other services that may avoid the need for foster care or shorten the time a child must stay in care. And while courts are critical decision-makers for every child in foster care, judges are often hampered by crowded dockets and unnecessary bottlenecks in the court system.

By late spring of this year, we expect to offer policy recommendations that can be embraced by bipartisan leaders, including this Subcommittee, at the federal and state levels. This is no easy task, but our Commission members have accepted the challenge with enthusiasm. They see much common ground, beginning with fairly universal dissatisfaction with the current structure of federal funding for child welfare services.

Our optimism is also based on knowledge that some states and jurisdictions have made great improvements. Illinois cut its foster care population in half since 1997, more than doubled adoptions from foster care, and – under a federal waiver – implemented a cost-effective, subsidized guardianship program. New York City cut its foster care population almost in half

between 1996 and 2003. Chief justices in Michigan, California, New York, Utah, Minnesota and other states have made improving outcomes for children in abuse and neglect cases a top priority. They are seeking ways to ensure that children do not languish in foster care. Imagine the progress that could take place with a more rational financing structure and better-performing courts.

While the Commission has not finalized any recommendations, we have agreed that any financing recommendations should include several key elements:

First, it should give states greater flexibility in how they can use federal funds to serve maltreated children. Children who have been abused and neglected have a wide range of needs. Some may be better served by early, in-home intervention; others by intensive services that pave the way for reunification or support the transition to an adoptive home. Yet our current federal financing structure largely encourages a one-size-fits all response by directing the great majority of federal dollars to foster care, and providing only a relatively small amount to other important services.

Second, greater flexibility must be accompanied by greater accountability by states for outcomes for children. Are fewer children entering foster care and are greater numbers leaving? Are adoptions from foster care and family reunifications increasing? What percentage of children return to foster care? How are the children who have been in foster care the longest faring?

The Child and Family Services Reviews have made a good start at measuring states' progress. Congress was right when it required such accountability. Independent experts and state administrators have told us that the reviews have been helpful, while also suggesting ways to improve the process. Our Commission is looking carefully at how to build on this strong start, so that states and the federal government can more accurately measure how children are faring.

Third, we think that any financing structure should encourage states to build the full continuum of services for abused and neglected children, from prevention to post-permanency. We believe that case workers and judges should be able to tailor services to a child or family's specific needs – especially if doing so avoids the need to place a child in foster care or allows a child to leave foster care safely as soon as possible.

Fourth, we think federal financing should encourage states to carefully test and evaluate new services and practices. The child welfare field needs continued rigorous investigation into what works for vulnerable children and troubled families. In this regard, the child welfare waivers have yielded promising results. HHS' recent guidance has made the waiver process somewhat easier and more attractive for states that want to experiment. Our Commission wants to continue to encourage innovation and creativity in this field.

Fifth, any reordering of how the federal government provides funding to states must maintain risk-sharing between the federal and state governments and avoid cost-shifting to the greatest extent possible – either by the states or by the federal government. Title IV establishes a shared federal-state responsibility for abused and neglected children. Neither side of that partnership can stand down.

As the Subcommittee examines the question of how to improve federal and state oversight of child welfare, I urge you to remember the critical role of the courts. No child enters or leaves foster care without a judge's consent. Judges are responsible for ensuring that states have made reasonable efforts to reunite children and parents, and that the ASFA timelines are met in every case.

Yet state and local courts face many challenges that hinder effective oversight of these cases and can unnecessarily prolong children's stays in foster care. The handful of courts around the country that have the ability to track and analyze cases have decreased the average length of time a case is open and have identified populations, such as infants, whose special needs might otherwise go unnoticed. Our Commission is looking for ways to strengthen juvenile and family courts, to engage state courts in the development and implementation of state plans, and to develop policies to improve court performance and oversight.

Thank you for your attention this afternoon and for your commitment to this critical area. The Pew Commission looks forward to returning to you in a few months with our best suggestions, and to working with you to achieve real progress.