FRIDAY, SEPTEMBER 26, 2008

Events

October 16: “Ethics in Juvenile Court,” Polk County Model Court Training Academy; Polk County Courthouse, Room 209A; noon to 1:00 p.m.; FREE CLE (1 hour).

October 16: “Wrightslaw, Special Education Law and Advocacy Conference” with Peter Wright (a nationally recognized attorney who specializes in representing children with special needs), Meadows Center at Prairie Meadows, Altoona, Iowa; 8:30 to 4:30; Registration: online at www.ipna.org and by phone at 1-800-779-2502.

October 27-29: “2008 Building Brighter Futures Conference,” The Coalition for Family and Children’s Services in Iowa; West Des Moines Marriott, more details to follow.

November 20: “Navigating the Indian Child Welfare Act (ICWA),” Polk County Model Court Training Academy; Polk County Courthouse, Room 209A; noon to 1:00 p.m.; FREE CLE (1 hour).

December 18: “Iowa’s Regional Child Protection Center,” Polk County Model Court Training Academy; Polk County Courthouse, Room 209A; noon to 1:00 p.m.; FREE CLE (1 hour).

Child News

Grassley Takes the Lead in Bi-Partisan Legislation for Kids: The Fostering Connections to Success and Increasing Adoptions Act was approved by Congress on September 22. The President is expected to sign the bill into law before September 30.
Child Advocates from across the nation have been calling to comment about the significant role that Iowa Senator Charles Grassley took in creating bi-partisan support for the bill. One leader from another state called to say that “...this bill would never have passed without the hard work of Senator Grassley.” The bill contains a number of provisions important to foster and adopted children, including:

- **Relative Placements:** The bill will make federal assistance available for grandparents and other relatives who have been licensed and served as foster parents for 6 consecutive months for a child that is IV-E eligible, and who have agreed to become the child’s legal guardian. The possibility for the child’s reunification or adoption must have already been ruled out. (This provision is similar to the “waiver” that has been provided to Iowa). The bill also provides that siblings may be placed in the same relative home with federal assistance. Another interesting provision requires that children age 14 and older must be consulted about the permanent relative placement. The bill also requires states to notify grandparents and other adult relatives within 30 days after child is removed from home. Finally, the bill clarifies federal guidance on licensing standards for relative foster family placements, and allows states, on a case-by-case and child specific basis, to waive standards that do not jeopardize the child’s safety (such as the number of bedrooms, square footage, etc.).

- **Sibling and Family Connections:** The Bill requires states to make reasonable efforts to keep siblings together in foster, kin, or adoptive placements, provided it would be in the child’s best interest. The bill also provides funding for a new Family Connection Grants program.

- **Increasing the Number of Adoptions:** The bill reauthorizes the Adoption Incentives Program through FY 2012 at $43 million annually. The Bill increases incentive payments to states from $4,000 to $8,000 for adoptions of children age 9 and older and increases the incentive for adoption of special needs children younger than 9 by $2,000. The bill maintains the adoption incentive payment of $4,000 for all other children who are adopted within the state. Under the bill, the AFDC eligibility requirement for federal adoption assistance will be completely eliminated by FY 2018. Beginning in FY 2010, the test for eligibility is eliminated for children age 16 or older, and any child who has been in care for 60 consecutive months. In each succeeding fiscal year, the age threshold for children is reduced by 2 years. The savings that result for states from the increased federal adoption assistance must be reinvested in child welfare services, including post-adoption services. The bill also includes provisions allowing
children who are adopted at age 16 and older to be eligible for independent living services and education and training vouchers.

➢ **Transition for Older Youth:** The bill gives the states the option to claim IV-E funding for foster care maintenance for youth beyond age 18 (up to age 21). Under this proposal, the youth must be enrolled in high school, post-secondary or vocational school or equivalent, an employment preparation program, employed at least 80 hours/month, or unable to engage in such activities because of a medical condition. The youth may be living in a supervised independent living situation, foster family, group home. Child welfare agencies must work with the youth, and other representatives as appropriate, at least 90 days prior to emancipation, to develop a personal transition plan.

➢ **Educational and Medical Stability:** The bill requires the state child welfare agency to ensure that a child remains in the same school at the time of his or her placement in foster care, if such is in the child’s best interest. If enrollment in the school of origin is not in the child’s best interest, immediate enrollment in the new school, with records, is required. If the child is subsequently removed to another placement, the state may access IV-E funds for transportation costs to the school of origin. The bill also requires states to develop a plan for ongoing oversight and coordination of health care services for every child in foster care, in collaboration with pediatricians and other experts.

➢ **Miscellaneous Provisions:** Under the bill, Title IV-E funding will now be available to states for training of public and private child welfare agency staff, as well as for training court personnel, attorneys, guardians ad litem and court appointed special advocates. Funding may also be accessed for training relative guardians, foster and adoptive parents. The bill creates the option for federally recognized tribes to continue or create Tribal/State agreements, or to directly access and administer IV-E funds for foster care and adoption assistance programs. The bill also provides technical assistance grants, in the amount of $300,000 to tribes to develop their federal foster care plan. Finally, the bill allows tribes to access a proportionate amount of Chafee Foster Care Independence Program funds.

**Rules Relating to “Reasonable Efforts: In the Interest of Q.T.-R.D., (Iowa Court of Appeals, September 17, 2008):** In this review of an order terminating parental rights,
the Iowa Court of Appeals summarized the rules relating to the obligations of the state and the parents regarding the "reasonable efforts" requirement as follows:

The State is required to "make every reasonable effort to return the child to the child’s home as quickly as possible consistent with the best interests of the child." (citations omitted) This requirement involves providing "services to a parent before termination proceedings may be instituted." (citation omitted) "Reasonable efforts are aimed at both preventing and eliminating the need for removal." (citation omitted) “[W]hat constitutes reasonable services varies based upon the requirements of each individual case.” (citation omitted) “Generally, in making reasonable efforts to provide services, the State’s focus is on services to improve parenting.” (citation omitted). “[I]t is the parent’s responsibility to demand services if they are not offered prior to the termination hearing.” (citation omitted) “[V]oicing complaints regarding the adequacy of services to a social worker is not sufficient.” (citation omitted). “A parent must inform the juvenile court of such challenge.” Id. When the parent alleging inadequate services fails to demand services other than those provided, the issue of whether services were adequate is not preserved for appellate review. (citations omitted)

Children and the Federal Budget: The following information comes from a recent report entitled “Kidshare 2008: How Kids Fare in the Federal Budget” recently released by the Urban Institute:

- Federal spending on children, adjusted for inflation, grew from $55 billion in 1960 to $354 billion in 2007. During this same period, nearly all sources of federal spending grew as real incomes and government revenues multiplied.

- A more meaningful measure of spending on children may be federal spending as a share of the economy. Between 1960 and 2007, federal spending on children rose from just 1.9 to 2.6 percent of GDP. By comparison, spending on the big three entitlement programs—the non-child portions of Social Security, Medicare, and Medicaid—nearly quadrupled from 2.0 to 7.9 percent of GDP over the same period (or from $60 billion to $1,076 billion).
• Children's share of domestic federal spending—spending that excludes defense, non-defense homeland security, and international affairs—actually declined during this period from 20.2 to 16.2 percent. Spending over time on individual children's programs has tended to fall behind growth in the economy and often inflation. The children’s budget has maintained its share of GDP mainly through the introduction of major new programs every few years.

“The responsibility of any nation, and the particular responsibility of elected officials of any nation, is not to justify what has passed for legality, but to anticipate the conditions and problems of tomorrow and attempt to deal with them.” -- Vine Deloria, Jr.