

Legislative Analysis



FOSTER CARE YOUTH FOCUS GROUPS

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House Bill 5183 as enrolled

Public Act 18 of 2004

Sponsor: Rep. John Stahl

House Committee: Family and Children Services

Senate Committee: Families and Human Services

Second Analysis (4-7-04)

BRIEF SUMMARY: The bill would put in statute a requirement that the Family Independence Agency (FIA) establish and administer a state plan for the federal John H. Chafee Foster Care Independence Program, with the plan to include the creation and support of foster care youth focus groups to provide the FIA with input when it develops and implements foster care programs.

FISCAL IMPACT: The bill would have no fiscal impact. The FIA has already established the Chafee plan and is currently conducting youth focus groups to gather input on independent living services. The bill allows any implementation costs to be covered by funds already appropriated for related services.

THE APPARENT PROBLEM:

In 1999, Representatives Doug Hart, Mark Jansen, and Joanne Voorhees convened a work group co-chaired by the Michigan Federation of Private Child and Family Agencies and the Michigan Foster and Adoptive Parent Association. The work group was charged with the task of identifying and recommending action on foster care issues, including the general profile of foster care parents, the principal factors causing people to continue or discontinue foster care parenting, the current system of payment, the demographic trends in children needing foster care, and the support services that are most important to foster parents.

One recommendation of the work group was the creation of a voice for children in foster care in the development of policy. The work group included several young people who were in foster care at the time, and other members of the group said they found that representation extremely valuable. The work group felt that the views of current foster care children should be reflected consistently throughout administrative systems as policy is developed. Thus, legislation has been introduced to require the Family Independence Agency to develop foster care youth focus groups as one means of involving foster care children in the development of policy.

THE CONTENT OF THE BILL:

House Bill 5183 would amend the Social Welfare Act to require the Family Independence Agency (FIA) to establish and administer a state plan for the John H. Chafee Foster Care Independence Program according to the requirements of Part E of Title IV of the federal Social Security Act.

The state plan would have to include programs and services that promote, implement, and support foster care focus groups that would provide the FIA with input when it develops and reviews foster care programs.

The focus groups would include youth currently in foster care or independent living programs, youth previously in foster care, foster care parent or relatives caring for youth in foster care, and adults previously in foster care or independent living programs, although youth currently in foster care or independent living programs would constitute a majority of the focus group.

The focus groups would be established within (1) a FIA-contracted licensed child placing agency that has an average daily foster care caseload of at least 150 cases or that derives more than half of its operating budget from its foster care contracts with the FIA, and (2) counties in which the FIA has an annual average daily foster care caseload of at least 150 cases.

Money from the state and federal government for the implementation of the Chafee Program could be used to meet the provisions of the bill.

MCL 400.18e

BACKGROUND INFORMATION:

Previous Legislation. The bill is a re-introduction of House Bill 5484 of last session. That bill passed the House in September 2002 and passed the Senate in December 2002. However, the Senate added an unrelated provision that would have required the Department of Community Health to promulgate rules to implement the estate recovery program required by the federal Social Security Act. The House failed to concur with the Senate changes and the bill died with the adjournment of the 2001-2002 legislative session.

John C. Chafee Foster Care Independence Program. The bill requires the FIA to establish and administer a state plan for the John H. Chafee Foster Care Independence Program, which was created by the federal Foster Care Independence Act of 1999 (P.L. 106-169).

The Chafee program is a federal program designed to expand and enhance independent living programs nationwide. The act provided \$140 million for the Chafee program, up from \$70 million allocated for the Independent Living Initiative. To receive federal funding, each state is required to provide 20 percent matching funds. Funding is based

on the total number of children in foster care, in proportion to the national total number of children in foster care, during the most recent fiscal year. Each state receives at least \$500,000 or the amount of its 1998 allotment, whichever is greater. Not more than 30 percent of the funds may be used for room and board. Funds can only be used for foster care children between 18 and 21. Also, funds cannot be used to substitute or supplant funds used for the same purpose in the state. Funds provided for a fiscal year are required to be expended by the state in that fiscal year or in the subsequent fiscal year.

Michigan's Plan for the Chafee Program. The FIA has already established a plan following the criteria of the Chafee program. As the state developed its Chafee plan, three focus groups composed of youth who were receiving or who had received independent living or foster care services were convened by the FIA to provide input concerning their needs for independent living services. Additional youth focus groups have been convened and meet on an ongoing basis by some of the private agency services providers in the state.

According to the U.S. Department of Health and Human Services, the state received \$4.4 million under the Chafee program for the 2000 fiscal year, and received \$6.1 million for the 2001 fiscal year.

Other States. Several other states have developed foster children focus groups. The Youth Leadership Advisory Team (YLAT) has developed a handbook for foster children in Maine and prepared testimony in support of a college tuition waiver program for foster children. In addition, YLAT has divided into several regional districts and holds meetings in each region approximately every four to six weeks.

The Rhode Island Department of Children, Youth, and Families Youth Advisory Board was formed in the fall of 1997. The board, composed of young adults in the foster care system between 16 and 21 years of age, provides an opportunity for youth in care to work in conjunction with the department, in leadership roles, to present ideas and opinions that promote involvement of youth in program and policy development.

Georgia recently established the Youth Leadership Council, comprising current and former foster care children, to improve the lives of children of all ages in the foster care system. To empower the youth and make changes to the foster care system, the council seeks to improve the leadership skills of foster children, increase their knowledge of the legislative and political processes, and improve the community's understanding of the foster care system. The council was instrumental in a new program announced last year by then-Governor Roy Barnes to allow all foster children in state custody at age 18 to receive a grant to cover tuition and room and board expenses at a post-secondary institution for up to five years, with no age limit.

Foster Care in Michigan. According to committee testimony during the 2001-2002 legislative session, in Michigan there are approximately 9,000 children on any given day placed in non-relative foster care homes. According to the Family Independence Agency, there were over 23,000 foster care cases and another 1,556 youth in independent living

programs at the end of the 1999-2000 fiscal year. The Family Independence Agency, its contracted private agencies, and case workers are all charged with the responsibility of protecting a foster child's safety, meeting his or her emotional and physical needs, promoting permanency in foster care placements, and ensuring that young adults aging out of the foster care system will be able to successfully make the transition to self-sufficiency and independence.

ARGUMENTS:

For:

The FIA must continually seek ways to improve its services. Current policies are developed by people who probably have never experienced what it means to be a child placed in the foster care system. As a result, policies are often developed with little input from foster care youth and parents and without the full knowledge of how the policies will affect the lives of these children and young adults. The development of foster care focus groups provides the FIA with direct input as to how its policies affect the lives of youth and parents in the foster care system. Foster care youth and parents, past and present, have a unique and intimate knowledge of how these programs affect the lives of foster children. They are the consumers at whom foster care and independent living programs are aimed. They are an invaluable resource and can provide a wealth of information to legislators and the FIA with regard to past, current, and future foster care policy.

For:

In many instances, foster children may not immediately know the reasoning behind certain policies and the decisions of foster care workers. As a result, a child or youth may feel that their caseworker does not take their views into consideration or may not be taking the necessary time to meet his or her needs. Convening these focus groups will not only bring together foster care youth and parents, but also caseworkers, FIA officials, advocacy groups, and foster care agencies. This will create an open conversation between the parties, which could lead to a better understanding of why there are certain policies in place, why certain decisions are made, and how everyone - children, families, and workers alike - are affected by these policies and decisions.

For:

Though the establishment of foster care youth focus groups is not required as part of the state's Chafee plan, it is believed that this helps the state meet the program's requirements. One of the requirements for the state plan is that the state must involve the public and private sectors in helping adolescents in foster care achieve independence. The bill is consistent with these guidelines, because it ensures that the FIA will include private nonprofit agencies, contracted by the FIA to administer foster care services, in focus groups of past and present foster care youth. In addition, the bill will help the state meet the requirement that it certify it will ensure that adolescents participating in the program will participate directly in designing their own program activities that prepare them for independent living. Indeed, as the state developed its Chafee plan, three focus groups composed of youth receiving or who had received independent living and foster care services were convened by the FIA to provide input concerning their needs for

independent living services. The bill will ensure that these youth care focus group will continue to provide an advocacy platform and a voice for those youth in the foster care system.

Against:

As written, the bill offers no assurance that once these focus groups meet, their views or recommendations will be available to the FIA, the legislature, or other interested parties. If the purpose of the bill is to empower the voices of young adults who are or were in the foster care system, some accountability is necessary to ensure that their voices are heard.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.