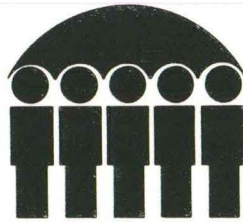


Final Report



Child Placement Study Advisory Committee

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Submitted to Commissioner Michael V. Reagen, Ph.D.
Iowa Department of Human Services
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DHS CHILD PLACEMENT STUDY
October, 1985
REPORT SUMMARY

OVERVIEW

This report is the result of a three month study of child placement issues by a volunteer citizen's advisory committee formed by Iowa Department of Human Services (DHS) Commissioner, Michael V. Reagen. The committee was asked to focus on the child placement process that involves both DHS and the state's juvenile courts and consider ways of improving the following three aspects of this process: coordination and cooperation between DHS and the courts; continuity of child placement case planning; and the use of out-of-state placement facilities. To respond to this request, six major issues or areas of study were identified by the committee:

1. Responsibility for the Location of Placement -- DHS or the Courts?
2. Out-of-state Child Placements
3. Guardian Ad Litem/Court Appointed Special Advocate
4. Training
5. Research
6. Service Availability

Many of the committee's ideas would involve no incremental ongoing costs. Others would require resources from a reallocation of existing funds or additional dollars. More detailed recommendations and information about their rationale and implementation can be found in the body of the report. The committee is pleased to offer these recommendations and is confident their implementation will benefit children and families in Iowa.

RECOMMENDATIONS

Responsibility for the Location of Placement - DHS or Courts?

1. The committee considers problems involving the choosing of specific child placement locations to be localized "people-problems," not statewide "system-problems." The committee recommends not changing laws which now grant the court flexibility in choosing dispositions involving placements. Similarly, no change should be made to those laws which grant custodians the right and duty of maintaining or transferring to another the physical possession of children under their custody.

Out-of-State Child Placement

2. DHS should formalize an ongoing process to address the use of placement facilities outside of Iowa that includes a committee of experts to regularly advise DHS and the courts. While prohibiting the use of services outside of Iowa is not desired, the ongoing review process should monitor the use of such services and identify incentives for the development and

support of cost effective quality services in Iowa that could meet the needs of certain children now being sent out of state.

Guardian Ad Litem/Court Appointed Special Advocate

3. Juvenile court proceedings should include a volunteer court appointed special advocate to assist the child's guardian ad litem determine and represent the best interests of the child throughout the child's involvement with the court, including the entire duration of any placement.

Training

4. In cooperation with the courts, county and private attorneys and other agencies and organizations, DHS should initiate the development of ongoing interagency training activities. This training should be provided to increase equity and decrease inconsistencies in child placement activities.
5. Current training available to DHS employees, court officials, attorneys and foster parents should be examined to identify how it could be improved to more specifically meet the needs of individuals working within the child placement process.

Research

6. DHS should initiate the development of specific research linkages among DHS, service providers, the courts and university scientists to carefully investigate the impact long-standing practices and new approaches have on children and families in the system (suggested research topics can be found in the body of the report).

Service Availability

7. There should be increased emphasis placed on family-centered services to prevent placement and to provide aftercare to families reunited following a child placement. Funding policies affecting service emphases should be examined.
8. DHS should assess the state's current emergency placement services network to identify service availability gaps. DHS should initiate efforts to fill such gaps.
9. DHS should examine current assessment services for children and families and initiate improvements through better coordination among existing services, more careful outlining of decision-making criteria and implementation of new, possibly regional, services where needed.
10. DHS should continue developing specialized foster family homes and seek to raise the level of financial assistance available to foster parents who are willing to obtain the expertise and make themselves available to care for children with the more severe problems. DHS should seek increased funding for foster parent training.

11. DHS should systematically review the effects of the cap on foster group care reimbursement rates to determine its impact on the development of specialized services to meet the needs of hard-to-place children with special needs.
12. As part of their legislative mandate, the State Training School Advisory Committee should evaluate the content of programs at the State Training School and study the current length of stay most children experience at this facility.
13. DHS should initiate efforts with service providers, courts and other state agencies to better inform decision makers about available placement services.

INTRODUCTION

In June of 1985, Iowa Department of Human Services (DHS) Commissioner Michael V. Reagen appointed an advisory committee to assist DHS identify ways of improving child placement procedures and policies in the state. The study group met throughout the months of July, August and September to review information, conduct interviews and analyze the complicated system that has evolved to provide care and treatment for children who have been removed from their family home through government intervention. This report contains the advisory committee's recommendations and their rationale.

Three Areas of Concern

The advisory committee was asked to identify its own priorities but was informed of three major issues of concern. Members of the Iowa Legislature have expressed concern over apparent problems in the coordination of child placement activities involving both DHS and the state's juvenile courts. The committee was asked to consider looking at ways of increasing cooperation between these two government agencies. The committee was also asked to look at the continuity of child placement case planning to determine what steps might be taken to assure that children receive services that meet their needs in a planned and effective manner. Finally, the committee was asked to look at the issue of children being sent to out-of-state placement facilities, examine the need for such service options and consider their impact on children and Iowa's in-state service system.

Committee Perspectives

To address the extremely broad area of study in a time-limited manner, three subcommittees were formed. Each subcommittee was asked to examine the child placement system through one of the following frames of reference:

- Legal/Philosophical

- Therapeutic/Practice
- Fiscal

Major Areas of Study

The committee represented a broad range of both public and private interests. These interests, when applied to the identified areas of concern through the three subcommittee perspectives, led to the development of six major areas to which the committee devoted most of its time. Although these areas overlap in many ways, they can be identified with the following headings:

- Responsibility for the location of placement: DHS or the courts?
- Out-of-state child placements
- Guardian ad litem/court appointed special advocate
- Service availability
- Research
- Training

The committee is confident that their recommendations in each of these areas, if followed, would result in a more coordinated child placement system, improved child placement case planning and services, and a more appropriate use of placement options, including out-of-state facilities.

RECOMMENDATIONS AND RATIONALES

The recommendations in this report are offered to assist in the immediate improvement of the current system. The committee recognizes that much bigger changes are also needed. The need for a child placement system would be significantly reduced if there were fewer instances of child abuse, less crime and a more equal access to a reasonable standard of living. The committee hopes that as their recommendations are implemented, improvements in our economy, our education system and our justice system are actively sought and achieved in ways that will help our children and their parents identify and fulfill their societal responsibilities without the need for government intervention.

The committee's goal was to identify, in a very short period of time, a number of specific recommendations that could be implemented in the near future. This means a number of broad underlying concerns which surfaced during the study are not highlighted in this report. The specific recommendations that follow, however, should be viewed with the knowledge that the committee considers humane, effective care and treatment of children to be the paramount objective.

The committee is aware of Iowa's current economic situation and how their recommendations must take this situation into account. The recommendations that follow include those that would require little, if any, ongoing increased cost to taxpayers. The committee is also well aware that children and family services are a priority of many people and that the existence of such community interests and advocates can bring about certain improvements and expansion in services. As a result, the recommendations also include those requiring ongoing funding that would have to come from increased appropriations or from a reallocation of existing resources according to a planned restructuring of funding priorities.

In order to assist in the implementation of these recommendations, this report, when possible, identifies the potential action required of the suggested changes. The following chart identifies the coding symbols that can be found immediately following recommendations throughout the report:

<u>Code</u>	<u>Type of Action Required</u>
DHS	DHS initiative/administrative rule and DHS policies
COURT	Court initiative/court rules and orders
RESOURCES	Reallocation of resources/increase in funds/grants
LAW	Change in law
INTERAGENCY	Initiative jointly undertaken by DHS, courts, providers and others

The committee recognizes that DHS alone cannot implement all of the following recommendations. As this report was requested by the Commissioner of Human Services, however, recommendations are worded to encourage DHS to support and advocate these changes or initiatives. The recommendations are not in any priority order.

AREA ONE: RESPONSIBILITY FOR THE LOCATION OF PLACEMENT - DHS OR THE COURTS?

Recommendation

THE COMMITTEE CONSIDERS PROBLEMS INVOLVING THE CHOOSING OF SPECIFIC CHILD PLACEMENT LOCATIONS TO BE LOCALIZED "PEOPLE-PROBLEMS," NOT STATEWIDE "SYSTEM-PROBLEMS." THE COMMITTEE RECOMMENDS NOT CHANGING LAWS WHICH NOW GRANT THE COURT FLEXIBILITY IN CHOOSING DISPOSITIONS INVOLVING PLACEMENTS. SIMILARLY, NO CHANGE SHOULD BE MADE TO THOSE LAWS WHICH GRANT CUSTODIANS THE RIGHT AND DUTY OF MAINTAINING OR TRANSFERRING TO ANOTHER THE PHYSICAL POSSESSION OF CHILDREN UNDER THEIR CUSTODY.

Rationale

Current Iowa law permits the court to transfer custody of children to suitable adults, private agencies or DHS for purposes of placement. Current law also grants certain rights to custodians including the making of decisions regarding placement location. The committee has examined the impact of these laws as they affect the coordination of services, the relationship between courts and DHS and their impact on children.

Our laws now give the court quite a bit of discretion when they identify a need to appoint a custodian for a child needing placement. In all such cases involving government supported placements, DHS undertakes the administrative functions necessary to pay for the placement. Such functions include assessing the child's eligibility for certain funds, assessing parental liability, and a variety of activities related to its contractual relationship with placement agencies.

DHS is appointed custodian in about 90% of all foster care cases. This means DHS is responsible for case planning as well as payment. Case planning includes the choosing of placement facilities. When DHS is not the appointed custodian, a juvenile court officer, a placement facility or some other individual does the case planning and DHS undertakes "payment only" activities. In all cases, the courts retain jurisdiction and monitor their dispositions.

While it is recognized that the current system allows for an overlapping of roles and responsibilities, the information considered does not seem to warrant the kind of law changes that might better clarify these roles and responsibilities. Allowing the courts to designate only DHS custodian when the child placement involves government funding was considered as a possibility. While this would clarify roles and perhaps improve service coordination, it is seen as too major a change in the court's discretionary powers and would not recognize the case planning involvement that juvenile court officers may have had with certain children in the months or years preceeding a placement. Such a change might increase conflict between DHS and the courts.

The committee also considered restricting DHS's authority in those cases where it acts as custodian by allowing the courts to undertake the case planning duties of custodian. While this would clarify roles and perhaps improve service coordination, it was seen as too major a change in the role of the custodian and would not recognize DHS's many administrative responsibilities and its prior involvement with many children faced with placement needs. Such a change might increase conflict between DHS And the courts.

Any change in this area of law would have an impact on the staffing needs of both DHS and the courts. Case planning activities require both time and money. Different areas of the state have developed different approaches regarding child placement planning and decision making. Some juvenile court offices do the actual case planning for both delinquents and children in need of assistance. Others do case planning only for delinquents. Some may share both of these approaches with the DHS offices in their area.

Most DHS offices do the case planning for children in need of assistance in their area and also for cases involving delinquents. Any changes in the roles of DHS and the courts would have different impacts in different areas of the state. Without further study of the nature of these impacts, it may not be prudent to alter existing relationships. In those areas of the state where the current situation appears to be hindering the delivery of quality services to children, local solutions to specific problems seem more appropriate than state-wide solutions of questionable impact.

AREA TWO: OUT-OF-STATE CHILD PLACEMENTS

Recommendation

DHS SHOULD FORMALIZE AN ONGOING PROCESS TO ADDRESS THE USE OF PLACEMENT FACILITIES OUTSIDE OF IOWA. THE PROCESS SHOULD INCLUDE A COMMITTEE OF EXPERTS TO ADVISE DHS AND THE COURTS ON AN ONGOING BASIS. WHILE PROHIBITING THE USE OF SERVICES OUTSIDE OF IOWA IS NOT DESIRED, THE ONGOING REVIEW PROCESS SHOULD MONITOR THE USE OF SUCH SERVICES AND IDENTIFY INCENTIVES FOR THE DEVELOPMENT AND SUPPORT OF COST EFFECTIVE QUALITY SERVICES IN IOWA THAT COULD MEET THE NEEDS OF CERTAIN CHILDREN NOW BEING SENT OUT OF STATE. (DHS)

The process should include the following elements:

- A. If a given facility not in Iowa has five Iowa children receiving their services, or if the cost of a facility not in Iowa is less than 90% of the average per diem for Iowa facilities or exceeds 110% of the per diem cap on Iowa facilities, then the issue of the use of that facility shall be referred to the attention of a Statewide Review Committee.
- B. Committee composition: A seven member committee should be appointed for three year staggered terms by the Commissioner of Human Services. The Commissioner shall seek recommendations for committee members from other state agencies, the judiciary and private providers. At least one member should be designated by the Chief Justice of the Iowa Supreme Court, at least one member should be designated by the State Foster Care Review Board and at least one member should be designated by a recognized private provider organization, such as the Coalition for Family and Children Services in Iowa, Inc.
- C. Committee function:
 1. Meet on a quarterly basis to review the use of any facility meeting the criteria stated above.

2. Study details of the situation including demographics of the children served, unique elements of the facility, cost, standards affecting the nature of the program and outcome data available regarding the children served.
3. Develop recommendations that identify statewide placement trends that DHS workers and the courts should be aware of. When trends indicate the need for a specific service in Iowa, recommendations should be developed to inform Iowa's service providers of such a need.
4. Develop recommendations for DHS workers and the courts regarding the use of specific facilities for identified children's needs.
5. Develop recommendations that identify incentives for developing needed in-state services. Such recommendations should address the need to:
 - a. Adjust in-state cap on group foster care for the development of a needed in-state service that is now being provided out of state.
 - b. Alter administrative rules and standards in ways that would not affect all current placement services and their rates of reimbursement, but would allow for the development of placement services tailored to children with special needs. Such selective changes should only be made when they are in the best interests of children.
 - c. Determine status of reviewed facilities in relationship to standards applied to programs in Iowa.
 - d. Reallocate resources or otherwise develop programs for the state institutions based on specialized children's needs. In addition to program changes, state institution admission criteria and length of stay may need altering based on the findings of the review process.
 - e. Adjust funding priorities of the community-based grant program.

6. Make a recommendation to the Commissioner of Human Services on at least a semi-annual basis to coincide with decision making regarding the community-based grants program and DHS's budget process.

Recommendations about the use of out-of-state facilities should also be presented to the Chief Justice of the Iowa Supreme Court.

Rationale

The committee was presented with information that described how foster group care placements outside of Iowa have more than tripled in the last three years. With over 200 Iowa children now in out-of-state placements, more than \$2,000,000 are annually leaving the state to pay for these services. It has been argued that such an amount of money could be used in-state to support the kinds of services being used outside of Iowa. It has also been argued that children should receive placement services in the proximity of their home community.

The committee recognizes this complex issue as one with no easy solution. Many (77%) of the out-of-state placements are in states bordering Iowa and may be as close or closer to the child's community as a similar in-state facility. The committee also recognizes the argument that the needs of a given child are of paramount importance and that if specialized services are not available in-state at the time they are needed by a given child, the option to go outside of Iowa should not be eliminated.

The committee thinks that placing children in out-of-state facilities is not an inherently bad practice that should be ended. Rather, such facilities should be an available option to consider when trying to best meet the needs of children. The use of out-of-state facilities should be planned as part of Iowa's overall service network by systematically identifying the types of children's needs that can or cannot be met by service providers within the state. When services that meet specific children's needs are available in-state, or when they can be developed in-state without increasing the long-term net cost of Iowa's service delivery system, those services should be used. When such services are not available and attempts to develop them in-state are not made, are unsuccessful or are inappropriate, services from outside the state seem necessary.

The above recommendation is meant to provide DHS with a tool that can be used to supplement any internal out-of-state placement review process now in place. Involving the judiciary and other agencies and organizations is, in part, recommended to acknowledge the fact that only about one half of the out-of-state placements are the result of DHS case planning and custody decisions and that DHS may have only limited impact on the decisions made by court officials and others.

This recommendation includes specific types of review criteria and potential in-state system changes in recognition of the current policies regarding the payment for out-of-state placement services. Such policies allow per diem rates for out-of-state facilities to exceed the allowable rate of in-state programs. Also, Iowa licensing standards (which may affect per diem costs) do not necessarily apply to out-of-state agencies. It seems that such policies and various Iowa laws regarding admission to and length of stay at the state institutions may need altering to provide incentives in Iowa that could lead to a decreased reliance on resources outside the state.

AREA THREE: GUARDIAN AD LITEM/COURT APPOINTED SPECIAL ADVOCATE

Recommendation

DHS should advocate for and assist in the implementation of the following recommendations:

1. JUVENILE COURT PROCEEDINGS SHOULD INCLUDE A COURT APPOINTED SPECIAL ADVOCATE TO ASSIST THE CHILD'S GUARDIAN AD LITEM DETERMINE AND REPRESENT THE BEST INTERESTS OF THE CHILD THROUGHOUT THE CHILD'S INVOLVEMENT WITH THE COURT. THIS CONCEPT SHOULD BE TESTED IN ONE OR MORE PILOT PROJECTS. (COURT OR LAW)
2. THE CHILD'S GUARDIAN AD LITEM SHOULD BE APPOINTED BY THE COURT TO REPRESENT THE INTERESTS OF THE CHILD FOR AS LONG AS THE COURT RETAINS JURISDICTION OVER THE CHILD. THE GUARDIAN AD LITEM SHOULD ALWAYS BE THE ATTORNEY ACTING AS THE CHILD'S COUNSEL UNLESS THE COURT DETERMINES THERE IS A CONFLICT OF INTEREST IN HAVING THE SAME PERSON REPRESENT BOTH THE CHILD'S LEGAL RIGHTS AND THE CHILD'S BEST INTERESTS. (COURT OR LAW)
3. THE CHILD'S SPECIAL ADVOCATE SHOULD BE APPOINTED BY THE COURT TO ASSIST THE GUARDIAN AD LITEM FOR AS LONG AS THE COURT RETAINS JURISDICTION OVER THE CHILD. THE COURT APPOINTED SPECIAL ADVOCATE SHOULD BE A COMMUNITY VOLUNTEER WITH DIRECT ACCESS TO THE COURT AT ALL TIMES. (COURT OR LAW)
4. THE IOWA TASK FORCE WITH THE AUTHORITY TO DEVELOP AND IMPLEMENT A PLAN FOR THE USE OF FUNDS FROM THE NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES' PERMANENT FAMILIES PROJECT SHOULD CONSIDER THE DEVELOPMENT OF ONE OR MORE PILOT PROJECTS TO ASSESS THE IMPACT OF THE RECOMMENDATIONS OUTLINED ABOVE. SUCH PILOT PROJECTS SHOULD TAKE PLACE IN CONJUNCTION WITH COMPREHENSIVE TRAINING FOR THE SPECIAL ADVOCATE, COURT OFFICIALS, DHS AND OTHER AGENCIES AND OFFICES AIMED AT IMPROVING PERMANENCY PLANNING FOR CHILDREN UNDER THE COURT'S JURISDICTION. (INTERAGENCY AND RESOURCES)

Rationale

The above recommendations are intended to strengthen the role of the guardian ad litem by having the court appoint an advocate and information gatherer who is a mature, intelligent and committed person willing to spend the time necessary to help the attorney guardian ad litem represent the best interests of the child.

Based on information presented, the committee concludes that the role of guardian ad litem, as prescribed by law, is neither clearly understood nor consistently used among various areas of the state. Given the following legal definition, the committee considered this conclusion a major concern.

"Guardian ad litem" means a person appointed by the court to represent the interests of the child in any judicial proceeding to which the child is a party.

Although Iowa law calls for the naming of a guardian ad litem in any delinquency or child in need of assistance petition, our laws do little to describe this person's role. Following the filing of a petition, an attorney is also appointed for the child. In most cases, it seems the attorney also acts as guardian ad litem. While it seems reasonable to assume one person could do both, our laws do not specifically address differences and similarities between the two.

The committee heard that some judges appoint guardians ad litem for the entire judicial process, while others restrict the guardian ad litem's role to hearings and procedures up to the time of a disposition. This would seem to limit the guardian ad litem's ability to petition the court for a disposition modification after the disposition has been in effect. Such a limitation does not seem consistent with the stated role of the guardian ad litem. The use of unpaid volunteers to assist the guardian ad litem should reduce the amount of time spent by attorneys acting as guardians ad litem. Reduction in fees associated with attorney time may make it possible to extend the guardian ad litem's involvement throughout the duration of the court's jurisdiction at reduced cost or with no extra expense.

The committee also heard that there is concern over the continuity of child placement case planning and that conflicts or misunderstandings between DHS and the courts may jeopardize "best interests of the child" decisions. A growing number of states are using court appointed special advocates. The efforts of these volunteers and the interagency training that needs to accompany the introduction of special advocates is reportedly having an impact on both system coordination and case continuity.

The committee recognizes the potential negative impact of introducing yet another role into the child placement system. However, given this new role would be one to assure that a coordinated plan is developed for the gathering of facts necessary for effective coordination and protection of children, the committee believes the potential benefits warrant the testing of this role in one or more areas of the state.

AREA FOUR: TRAINING

Recommendation One

IN COOPERATION WITH THE COURTS, COUNTY ATTORNEYS, THE IOWA STATE BAR ASSOCIATION AND OTHER AGENCIES AND ORGANIZATIONS, DHS SHOULD INITIATE THE DEVELOPMENT OF ONGOING INTERAGENCY TRAINING ACTIVITIES. THIS TRAINING SHOULD BE PROVIDED TO INCREASE EQUITY AND DECREASE INCONSISTENCIES IN CHILD PLACEMENT ACTIVITIES. (INTERAGENCY)

Rationale

Training provided to professionals involved with child placement decisions should be structured to provide assistance in understanding complex situations and making difficult decisions in a consistent manner. Given the interaction between DHS, courts, county attorneys, providers, educators and others that takes place during the child placement process, it is the intent of the above recommendation to see that the various decision makers all become involved with one another through training activities designed to encourage cooperation and coordination.

Despite the fact that each child placement situation deserves an individualized response, the influence of personalities and backgrounds should not lead to gross differences in reactions to similar situations. Control over decision makers' personalities and backgrounds is not possible without overly rigid and strict laws and policies. Developing interagency training to address the need and benefit of consistent decision making is possible. If such training is regular, ongoing and statewide, it could improve the level of uniformity across the state and the consistency of individual decision makers over time and among different cases.

Increasing the consistency of decisions regarding child placements should result in greater predictability of service needs which can lead to more cost effective planning, fund administration and service provision. In addition to improving the potential for increased cost effectiveness, interagency training should be

no more expensive than the currently fragmented training that is available to people involved in child placements. DHS supports training efforts for DHS staff. The courts support training for juvenile court officers and judges. County attorneys have access to training through the Prosecuting Attorneys' Training Coordinator Council, law enforcement officials through the Law Enforcement Academy and provider agencies through their associations. Available grant dollars could help develop interagency training to substitute for certain aspects of existing efforts. This training, if found beneficial, could then be continued through cooperative budgeting of current training funds.

Recommendation Two

CURRENT TRAINING AVAILABLE TO DHS EMPLOYEES, COURT OFFICIALS, ATTORNEYS AND FOSTER PARENTS SHOULD BE EXAMINED TO IDENTIFY HOW IT COULD BE IMPROVED TO MORE SPECIFICALLY MEET THE NEEDS OF INDIVIDUALS WORKING WITHIN THE CHILD PLACEMENT PROCESS.

Rationale

This committee supports the often proposed idea that quality training helps to bring about quality decisions and behavior. The above recommendation is meant to assure that existing training include specific activities aimed at improving the case planning and decision making that is related to child placements. While much training is available, the degree to which such training highlights child placement issues is not clear.

Recommendation Three

DHS SHOULD RECOMMEND SPECIFIC TRAINING ACTIVITIES CONSISTENT WITH THE RECOMMENDATIONS OF THIS REPORT TO THE TASK FORCE WORKING TO DEVELOP A PLAN FOR USE OF FUNDS NOW AVAILABLE TO IOWA THROUGH THE PERMANENT FAMILIES PROJECT OF THE NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES. TRAINING FUNDS AVAILABLE THROUGH OTHER GRANT PROGRAMS SHOULD BE IDENTIFIED AND ACTIVELY SOUGHT AFTER. ONGOING SUPPORT OF INTERAGENCY TRAINING SHOULD BE SUPPORTED THROUGH A REALLOCATION AND COMBINING OF EXISTING TRAINING FUNDS. (INTERAGENCY AND RESOURCES)

Rationale

While certain improvements in training would cost more money, the committee believes improvement can be made without additional ongoing funding. Agencies should be actively seeking grant funds for special projects and planning for the ongoing support of these projects by reallocating existing monies. New training efforts should be supported with existing funds and tested to see if they can replace existing activities.

AREA FIVE: RESEARCH

Recommendation

DHS SHOULD INITIATE THE DEVELOPMENT OF SPECIFIC RESEARCH LINKAGES BETWEEN DHS, SERVICE PROVIDERS, THE COURTS AND UNIVERSITY SCIENTISTS TO CAREFULLY INVESTIGATE THE IMPACT CURRENT PRACTICES AND NEW APPROACHES HAVE ON CHILDREN AND FAMILIES IN THE SYSTEM. (INTERAGENCY AND RESOURCES)

Rationale

No information currently exists on the long-term impact of out-of-home placements. Frequently, large programs are instituted or program emphases are changed based on a current fad with no empirical data to substantiate the validity of the program or its changes. Our knowledge of the effectiveness of current practices is limited. The feedback is sporadic and primarily informal or anecdotal.

In almost all areas examined by this committee, questions were asked for which little information was available. Many of these questions dealt with subjects where research and development might provide important data for decision making. For example, 1) the development and impact of court appointed special advocate projects, 2) in-home services versus out-of-home services, 3) effective early assessment of children and families, 4) long-term versus short-term placements of children, 5) the impact of laws that treat children differently than adults, 6) the impact of length of stay in an emergency placement.

Many of the resources for research are available without incremental costs. By restructuring priorities, it should be possible to have staff from various agencies and universities devote some time to an interagency effort where information and expertise are shared on an ongoing basis.

AREA SIX: SERVICE AVAILABILITY

Recommendation One: Placement Prevention and Aftercare Services

THERE SHOULD BE AN INCREASED EMPHASIS ON FAMILY-CENTERED SERVICES TO PREVENT PLACEMENTS AND TO PROVIDE AFTERCARE TO FAMILIES REUNITED FOLLOWING A CHILD PLACEMENT. FUNDING POLICIES AFFECTING SERVICE EMPHASIS SHOULD BE EXAMINED. (DHS, LAW, RESOURCES)

Rationale

Desired improvements in child placement case plan continuity should begin with changes in the access to services families might benefit from when it is feared a child placement is imminent. According to federal law, states cannot remove children from their homes for placement purposes until all reasonable efforts to prevent the placement have been tried. DHS currently administers a family-centered services program designed to provide placement prevention services. Unlike a state placement service program (foster care), no policies exist to assure the availability of these services for all families needing them.

The committee was presented with information that indicated how foster care is a "mandated service." In other words, a funding process for these services is clearly outlined to assure that foster care services will be available to children needing them. Family-centered services, on the other hand, are only available within the limits of a set dollar amount. No funding mechanism exists to assure the availability of placement prevention services to all families needing them. Better use of existing family service agencies should be made possible.

There is also no clear message in state policy to assure that all children and families needing aftercare services will receive them. An examination of the availability and quality of these services is critical if child placement case planning continuity is to be improved. The committee was faced many times with the idea that while quality placement services are available, the children who do well while in them will need help transitioning back into a family life that

may have caused or contributed to the reason for the child's placement in the first place.

As is true with placement prevention services, aftercare services are not now considered a "mandated" service in terms of funding. Only a handful of service programs exist to specifically provide aftercare, and policies to guide DHS workers and juvenile court officers who undertake the role of "aftercare counselor" are difficult to identify or are nonexistent.

Recommendation Two: Emergency Placement Services

DHS SHOULD ASSESS THE STATE'S CURRENT EMERGENCY PLACEMENT SERVICES NETWORK TO IDENTIFY GAPS IN THE AVAILABILITY OF THOSE SERVICES. DHS SHOULD INITIATE THE FILLING OF SUCH GAPS BY RECRUITING ADDITIONAL EMERGENCY FOSTER FAMILY HOMES, ASSISTING LOCAL COMMUNITIES AND SERVICE PROVIDERS TO DEVELOP EMERGENCY SHELTER CARE FACILITIES OR SUPPORTING OTHER APPROPRIATE ACTIVITIES AND SERVICES. (DHS, INTERAGENCY, RESOURCES)

Rationale

Planning for children in placement often begins with an emergency placement. The nature of these placements, their impact on children and families and the ability of decision makers to refer to such placements are important factors to consider when looking at ways to improve case plan continuity. The committee has identified a lack of consistent availability of these services. This results in potentially improper placements of children. For example, it was reported that children are being placed in mental health facilities and hospital psychiatric units when there is no primary indication of the need for mental health evaluation or treatment. These placements appear to be made because these are the only "safe" placements available on an emergency basis.

A child who is improperly placed at the beginning of the case planning process seems to be at risk of ongoing difficulty throughout his or her involvement with the system. Case planning and court decisions address the child's behavior or attitude, including those identified in emergency placement settings. The way a

child (or family) reacts to an inappropriate placement may affect future case planning in undesired ways.

Recommendation Three: Assessment Service

DHS SHOULD EXAMINE CURRENT ASSESSMENT SERVICES FOR CHILDREN AND FAMILIES AND INITIATE IMPROVEMENTS THROUGH BETTER COORDINATION AMONG EXISTING SERVICES, MORE CAREFUL OUTLINING OF DECISION-MAKING CRITERIA AND IMPLEMENTATION OF NEW, POSSIBLY REGIONAL, SERVICES WHERE NEEDED. (DHS, INTERAGENCY, RESOURCES)

Rationale

A key factor in assuring case plan continuity is the ability to quickly and accurately assess children and family needs. Children sometimes experience a thirty day, sixty day or even longer wait in an emergency placement prior to a dispositional phase of their process when evaluation and planning is finally completed. It is unclear if the services provided in emergency placements can or should be geared to such lengths of stay. Assessment services should be available to help shorten such placements by providing timely information to quickly begin planning for appropriate services.

Early and effective assessment of children and families should lead to the most appropriate provision of services. Because children too frequently drift from one placement to another in an attempt to discover the best situation, it is questionable whether present diagnostic procedures are adequate.

There may not be a need for more services. The recommended examination should attempt to identify a method to better coordinate existing resources so the result is more consistent information gathering and decision making.

Recommendation Four: Foster Family Homes

A. DHS SHOULD CONTINUE DEVELOPING SPECIALIZED FOSTER FAMILY HOMES AND SEEK TO RAISE THE LEVEL OF FINANCIAL ASSISTANCE AVAILABLE TO FOSTER PARENTS WHO ARE WILLING TO OBTAIN THE EXPERTISE AND MAKE THEMSELVES AVAILABLE TO CARE FOR SPECIAL NEEDS CHILDREN. (DHS, RESOURCES)

B. DHS SHOULD SEEK INCREASED FUNDING FOR FOSTER PARENT TRAINING. (DHS, RESOURCES)

Rationale

- A. Children who are hard to place because of their special needs were reported as likely to drift from one placement to another. Improving the ability of foster family homes to care for such special needs children should help to avoid frequent placement changes and reliance on more highly structured services with high costs. The committee feels there is a lack of incentive within Iowa to become foster parents for children with special needs.

The present foster family home reimbursement rate is based on the age and special needs of the child. According to the age of the child, the basic monthly rate varies from \$157 to \$253. The monthly rate established for children requiring an extreme amount of extra effort on the part of the foster parents ranges from \$247 to \$343. In addition to these maintenance rates, foster parents caring for special needs children may receive an additional subsidy, and the child, the child's family and the foster parents may receive services from DHS or purchase-of-service providers. This results in a cost for some foster family home child placements as high as \$1,200-1,300 per month. While such costs for foster family homes are not common, they can be compared with the maximum allowable cost of about \$1,900 per child per month for foster group care.

Allowing for increased foster family home reimbursement rates need not result in an overall larger foster care budget. It is assumed that the development of more specialized foster family homes will result in a smaller demand for other more costly services. It is also hoped that increasing the availability of specialized homes will result in fewer placement changes and a reduction in the amount of time a child is in placement.

- B. There are currently about 2,170 licensed foster family homes in Iowa. Although these homes take care of about half of all the children in foster care (the other half are in foster group care) their costs make up only 20%

of the state's foster care budget. These homes are an extremely valuable resource to the state.

The funding currently available for foster parent training is only \$36,000 per year or about one half of one percent of all foster care expenses. Given the current demands put on foster parents to care for a wide variety of children with different needs and the benefit there may be in making greater use of this "least restrictive" placement option, the committee sees a need to spend more than the current \$17 a year per foster family home to help foster parents increase their knowledge and expertise.

Recommendation Five: Foster Group Care Reimbursement Rate

DHS SHOULD SYSTEMATICALLY REVIEW THE EFFECTS OF THE CAP ON FOSTER GROUP CARE TO DETERMINE ITS IMPACT ON THE DEVELOPMENT OF SPECIALIZED SERVICES TO MEET THE NEEDS OF HARD-TO-PLACE CHILDREN WITH SPECIAL NEEDS. (DHS)

Rationale

The committee was faced with information from service providers, juvenile court officers and DHS that described problems in placing children with certain special needs. It is apparently quite difficult to find appropriate group care placement for seriously emotionally disturbed children, delinquent children exhibiting serious acting-out behavior, and children with a history of running away from their placements. It was reported that it is often these children who are placed out of state, who go from one placement to another in Iowa or who wait for inappropriate lengths of stay in shelter or detention facilities.

The current cap on foster group care reimbursements limits state-supported per diem expenses to \$63.91. Any costs exceeding this amount must be paid for with other sources of income. The cap applies to all group services, regardless of the specific nature of their treatment approach. Because such a cap would seem to limit the availability or development of services to meet the needs of hard-to-place children, its real impact should be assessed. Raising the cap for all types of group foster care services would, no doubt, require additional funding.

As was discussed in this report's out-of-state placement recommendation, an alternative solution might be to adjust the cap and alter administrative rules in ways that recognize the need for specific types of services for children that are now difficult to place in the State of Iowa.

Recommendation Six: State Training School

AS PART OF THEIR LEGISLATIVE MANDATE, THE STATE TRAINING SCHOOL ADVISORY BOARD SHOULD EVALUATE THE CONTENT OF PROGRAMS AT THE STATE TRAINING SCHOOL AND STUDY THE CURRENT LENGTH OF STAY MOST CHILDREN EXPERIENCE AT THIS FACILITY. THEIR EFFORTS SHOULD INCLUDE AN EXAMINATION OF THE FOLLOWING:

1. PROGRAMMING CONSTRAINTS
2. LENGTH OF STAY DETERMINATIONS
3. ENTRANCE CRITERIA
4. EXIT CRITERIA
5. PREPARATION FOR AND DELIVERY OF AFTERCARE SERVICES
6. CHILDREN'S VIEWS OF "ELDORA" VERSUS OTHER PLACEMENTS

Rationale

The committee received information about the State Training School at Eldora that compared it to Glen Mills School, a 480 bed facility in Pennsylvania that is now caring for about 35 Iowa delinquent boys. The main points of comparison centered around the length of stay and the type of programming offered. No consensus was reached regarding specific changes needed at the State Training School; however, the committee recognizes that while Glen Mills can refuse to accept children unless they are appropriate for their programmatic approach, the State Training School must accept all children ordered there by the courts and is thus faced with the need to carry out programs for a varied population that is not clearly defined.

The committee also recognizes that the Training School's ability to keep children for a given period of time is affected by the number of children sent by the courts and the number of beds available based on funding levels. The

committee was unable to reach consensus in the time allowed over how important these factors are and whether they affect the quality of care at the Training School. The above recommendation is meant to encourage a careful and ongoing study of the strengths and limitations of the State Training School.

Recommendation Seven: Service Availability Information

DHS SHOULD INITIATE EFFORTS WITH SERVICE PROVIDERS, COURTS AND OTHER STATE AGENCIES TO BETTER INFORM DECISION MAKERS ABOUT AVAILABLE PLACEMENT SERVICES. (INTERAGENCY, RESOURCES)

Rationale

The availability of placement services in Iowa varies by area of the state and over time. Agencies discontinue services, start new programs and change aspects of existing programs. The committee encourages a regular updating of a resource handbook that describes the many and varied services that are available. Periodic conferences or forums where service providers can meet with referral agencies to describe and discuss services would seem beneficial.

While the development of an on-line computer communication system may be a distant goal, serious consideration should be given to the benefits of a computer network linking DHS offices, juvenile court officers and service providers. Such a system would allow for the exchange of service needs, service descriptions, available bed space and even case-specific information that is up-to-date and immediately accessible.

ADDITIONAL ISSUES

A number of child placement-related issues were identified and discussed by the committee for which time did not permit a studied approach. In an attempt to limit the scope of this report, no specific recommendations are being made on a number of issues that may warrant further study. To encourage existing advisory groups, administrators or other policy makers to address these issues, they are listed here:

1. DHS staff workload and turnover rate
2. DHS case worker education and experience requirements
3. Contempt powers of the juvenile court
4. Family in Need of Assistance provisions
5. Iowa's reaction to status offenders
6. District Court Judges' involvement with juvenile proceedings
7. Delays in parental rights termination

STUDY PROCESS

A number of factors brought about the decision to undertake this study. A legislative proposal to alter laws regarding the responsibilities of DHS and the courts in the child placement process was seen as a clear expression of concern with the current situation. At about the same time, there was a significant and rapid increase in the use of a child placement facility in Pennsylvania that seemed to highlight potential problems with Iowa's current reliance on out-of-state placement facilities. These two current developments, plus the ongoing need for improvements, prompted DHS Commissioner Michael V. Reagen to call for a study of the child placement process that involves both DHS and the state's juvenile courts.

Commissioner Reagen appointed a broad-based citizen's advisory committee and asked them to meet throughout the summer to study the system, identify areas needing attention and recommend steps to be taken to improve the system. Prior to any committee work, advice from a group of Iowa General Assembly members was requested to help focus the study on specific concerns. Similar advice from a number of state agencies and the courts was also presented to the committee at the beginning of their work.

To address this broad area of study, the twenty-five volunteer committee members agreed to serve on one of three subcommittees as well as the full committee. A steering committee, comprised of the chair of the full committee and the three subcommittee chairs, met throughout the process to review progress and coordinate their efforts.

The committee received staff support from a number of DHS employees. Staff from DHS's Bureau of Adult, Children and Family Services, Bureau of Plan Development, Bureau of Policy Coordination and Des Moines District Office was assigned to assist the committee. Also, representatives from the Supreme Court Administrator's Office, the Criminal and Juvenile Justice Planning Agency, the State Foster Care Review Board, the Commission on Children, Youth and Families and the Legislative Fiscal Bureau were kept informed of the study process, invited to

all meetings and on many occasions provided the subcommittee with information and other assistance.

The subcommittee structure was designed to assure that certain aspects of the child placement system would receive attention. Although the subcommittees were not restricted to any one subject or area of concern, each subcommittee was asked to analyze the issues through one of the following frames of reference: legal/philosophical, therapeutic/practice and fiscal. The subcommittees each met four to six times during the months of August and September.

The study process was fairly similar among the subcommittees. Written and oral information was presented regarding laws, policies, services, trends and opinions. The subcommittee members' personal and professional perspectives structured their discussion of this information which led to requests for additional information, specific staff work or subcommittee activities. A number of people directly involved with child placements were asked to speak at subcommittee meetings, informal surveys were conducted and individual subcommittee members interviewed people throughout the state. Each subcommittee initially identified their own major areas of interest and began the development of recommendations for the full committee to consider.

The committee decided that their final report should be a single comprehensive document without separate subcommittee sections. This called for a number of steering committee and full committee meetings to consolidate ideas and reach consensus.

A number of documents were prepared specifically to assist the committee. These reports and other written information the committee reviewed is listed below:

- "Department of Human Services Child Placement Study" (prepared to orient committee)
- "Foster Care" (20-page DHS program overview, July 29, 1985)
- "A Discussion of Child Placement Funding" (prepared for committee)
- State juvenile institution program overviews
- State laws - Chapters 232, 234, 235 and 238, Code of Iowa
- Excerpts from federal laws: Juvenile Justice and Delinquency Prevention Act, Adoption Assistance and Child Welfare Act
- Excerpts from DHS Employees' Manual
- Excerpts from "Iowa Criminal and Juvenile Justice Plan; 1984 - 2004"
- "Final Report of the Child Protection Study Committee," 1984
- Out-of-state placement information
- Budget information
- Court Appointed Special Advocate information



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* Excerpts from DHS Employees' Manual

* Excerpts from Iowa Criminal and Juvenile Justice Plan: 1984 - 2001

* "Final Report of the Child Protection Study Committee," 1984

* Out-of-state placement information

* Budget information

* Court Appointed Special Advocate information