

Foster Care Review Office Quarterly Update to the Nebraska Legislature

September 2012



Submitted pursuant to Neb. Rev. Stat. §43-1303(4), 2012.

Some issues recently brought to the attention of the Foster Care Review Office through tracking, review, and/or contacts from stakeholders

Obtaining needed mental health and behavioral treatment for children and youth remains a challenge.

There is inconsistent response to same set of circumstances, with variations within regions and from region to region. Examples:

- Some relatives that appear to be appropriate are apparently not considered as placements at all or in a timely manner, while other relatives that have significant issues of their own appear to be almost “automatically” made the children’s placement.
- Some areas will do a plan of independent living while others will only do plans for reunification, guardianship, or adoption. As a result some 17 and 18-year olds have unrealistic plans that do not match case circumstances and they may be ill prepared for adulthood.
- In some areas concurrent planning does not occur. In others it does, but at different points later in the case rather than from the time of removal. In other areas concurrent planning may occur in name only, with no real movement to assure timely permanency if an alternative to reunification should prove necessary. A lack of effective concurrent planning was recognized as a significant deficit in each of the last two federal CFSR reviews.
- Obtaining vital documentation remains inconsistent between workers, offices, and regions.
- Decisions as to whether or not to remove children and regarding when or if to return children home remain inconsistent.

Lack of staff training and oversight is a statewide issue, both where there is a lead agency involved and where there is not a lead agency.

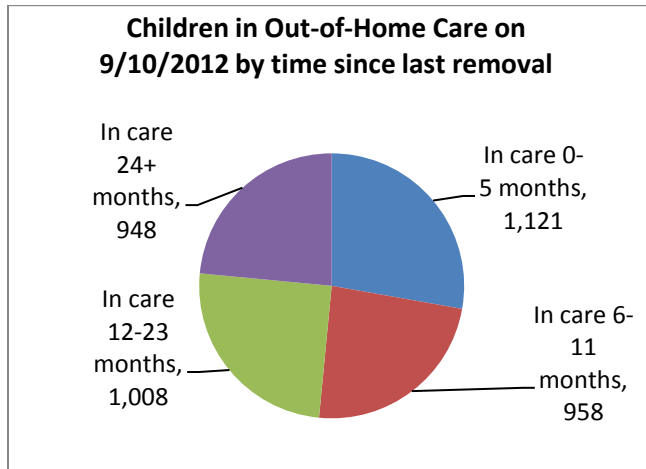
There are issues with voluntary (non-court) cases, such as:

- Deferring cases to in-home services does not work if services are not available.
- There are inconsistencies in the length of time the child is in out-of-home care without involving the courts in cases with similar circumstances.
- Relatives receive no stipend for providing foster care in voluntary cases, unless they qualify for relative ADC payments. Relative care-givers report they feel they have no recourse if the children have higher needs, or if decisions are being made that they feel are not in the children’s best interests.

Oversight in some group homes has been problematic.

Dockets, particularly in Douglas County, remain very full making it a challenge for those courts to hold timely hearings.

**On September 10, 2012, there were 4,035 Nebraska children in out-of-home care.¹
 The following describes some indicators for those children.**



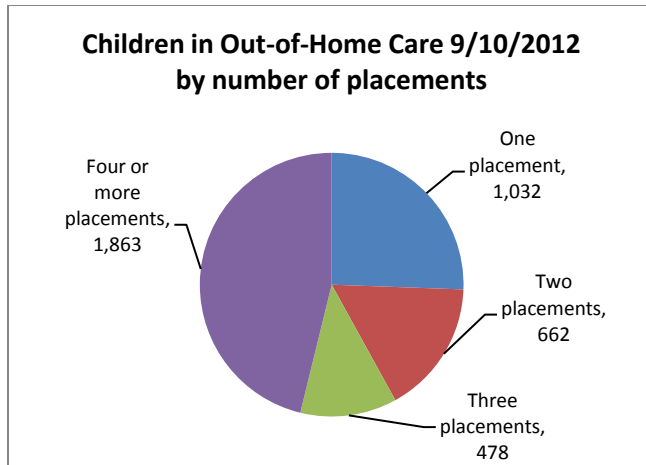
Days since last removal

1-30 days	126 children
31-60 days	205 children
61-90 days	181 children
91-180 days	609 children
181-365 days	958 children
366-730 days	1,008 children
731+ days	<u>948 children</u>
Total	4,035 children

Foster care is designed to be a temporary solution to the problems of child abuse and neglect. Unfortunately, many children linger in the system. Many issues that led to removal from the parental home are long-standing, making rehabilitation difficult. Some of those deep-rooted conditions include:

- A lack of parental willingness or ability to parent, which is one of the primary barriers to permanency (exiting foster care).
- Parental substance abuse.
- The length of time in foster care, which can impact parent/child bonds and lead to children identifying more closely with the foster family.
- A family history of violence and abuse, which indicates it is a pattern that is more difficult to resolve.
- Economic/housing issues, which can also be a result of parental depression, substance abuse, mental health issues, educational deficits, poverty, or other serious issues.

¹ Source for all statistics: Foster Care Review Office Independent Tracking System



Lifetime placements

(foster homes, group homes)

1 placement	1,032 children
2 placements	662 children
3 placements	478 children
4 placements	357 children
5 placements	287 children
6 placements	207 children
7 placements	160 children
8 placements	133 children
9 placements	101 children
10 placements	86 children
11-20 placements	403 children
21-30 placements	100 children
31-39 placements	26 children
40-52 placements	<u>3 children</u>
Total	4,035 children

Nothing is more important for a child than where and with whom he or she lives. Most would agree that disrupting a child’s home environment, taking that child from one set of caregivers and placing him or her with another, is harmful to the child. Children experiencing four or more placements are likely to be permanently damaged by the instability and trauma of broken attachments.

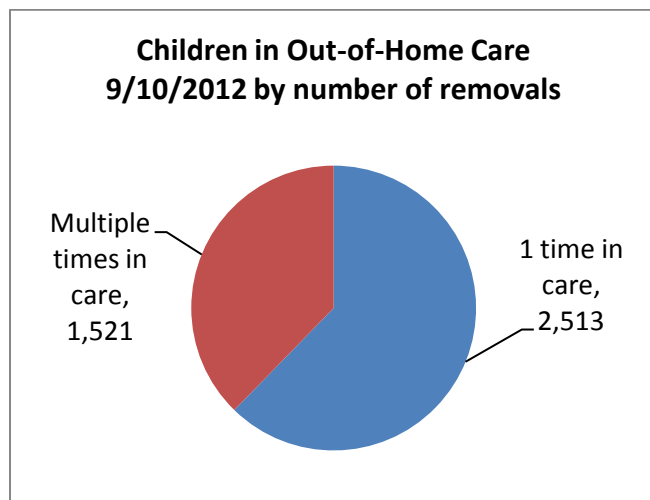
The FCRO finds that the lack of appropriate placements often results in children being placed where beds are available, rather than where the children’s needs may best be met. Overcrowding can make it difficult for the foster parent(s) to provide each child with the care needed to heal from their past abuse or neglect experiences.

The FCRO also finds that some relative placements have not been given explicit information about whether, or to what extent, parents can have contact with the children while under the relative’s supervision, or on how to deal with other common inter-familial issues. This has led to some children being moved from the relative’s care.

Further considerations:

The American Academy of Pediatrics in a November 2000 policy statement affirmed, “children need continuity, consistency, and predictability from their caregiver. Multiple foster home placements can be injurious.”

Similarly, as a result of a 2004 study, Children’s Hospital in Philadelphia reported, “Multiple placements...increased the predicted probability of high mental health service use.”



Times in foster care (removals)

1 time	2,513 children
2 times	934 children
3 times	366 children
4 times	130 children
5 times	49 children
6 times	29 children
7 times	11 children
8 times	1 child
9 times	<u>2 children</u>
Total	4,035 children

Effective planning and appropriate precautions are needed to prevent children from experiencing re-abuse and future removal from the home, and increasing the availability of appropriate services could help children who currently re-enter care due to unmet mental or behavioral health needs.

The FCRO recognizes that no one can accurately predict the future wellbeing of any child who has been returned home. However, actions can be taken to decrease the likelihood of children needing to return to foster care, including:

- Plans need to be specific and match the reasons that the child entered care. (The CFSR review recommended this also.)
- Plans need to be practical and measurable.
- Parental behaviors, such as during parenting-time, or whether or not the parents are attending court ordered therapy, substance abuse treatment and support, etc., needs to be accurately measured. This forms the basis of determining the safety/risk to the child when considering when, and whether, children should be reunified with their parents.
- Hold parents accountable and ensure they can demonstrate sustained changes in the behaviors that led to the children's removal.
- Ensure children are given the stability necessary while in foster care to best enable them to have successful futures.
- Ensure children receive needed services and treatments, such as for mental health.

With increased vigilance and focus, Nebraska can safely reduce the number of children returning to foster care.

**Findings regarding Independent Living Plans
from 330 reviews of youth age 16-18 conducted Jan.-June 2012**

Status of Independent Living Plan	Omaha	Lincoln	Remainder of State	Total
Completed	3 (2%)	1 (1%)	0 (0%)	4 (1%)
Unable to determine	2 (1%)	0 (0%)	0 (0%)	2 (1%)
None	28 (20%)	32 (38%)	28 (27%)	88 (27%)
Working with youth	25 (18%)	10 (12%)	19 (18%)	54 (16%)
Oral plan	1 (1%)	0 (0%)	2 (2%)	3 (1%)
Partial plan	27 (19%)	9 (11%)	22 (21%)	58 (18%)
Recommended to occur	<u>55 (39%)</u>	<u>33 (38%)</u>	<u>33 (32%)</u>	<u>121 (37%)</u>
Totals	141	85	104	330 children

Neb. Rev. Stat. §43-1311.03. Written independent living transition proposal; development; contents; transition team; department; duties.

(1) When a child placed in foster care turns sixteen years of age or enters foster care and is at least sixteen years of age, a written independent living transition proposal shall be developed by the Department of Health and Human Services at the direction and involvement of the child to prepare for the transition from foster care to adulthood. The transition proposal shall be personalized based on the child's needs. The transition proposal shall include, but not be limited to, the following needs:

- (a) Education;
- (b) Employment services and other workforce support;
- (c) Health and health care coverage;
- (d) Financial assistance, including education on credit card financing, banking, and other services;
- (e) Housing;
- (f) Relationship development; and
- (g) Adult services, if the needs assessment indicates that the child is reasonably likely to need or be eligible for services or other support from the adult services system.

(2) The transition proposal shall be developed and frequently reviewed by the department in collaboration with the child's transition team. The transition team shall be comprised of the child, the child's caseworker, the child's guardian ad litem, individuals selected by the child, and individuals who have knowledge of services available to the child.

(3) The transition proposal shall be considered a working document and shall be, at the least, updated for and reviewed at every permanency or review hearing by the court.

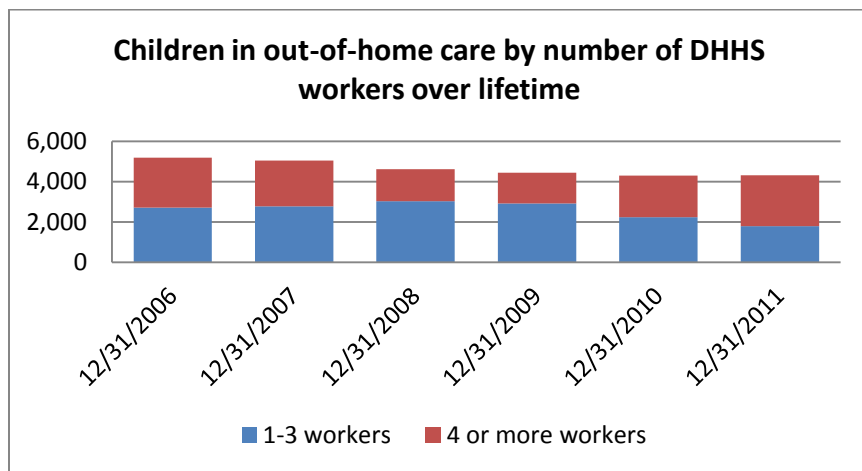
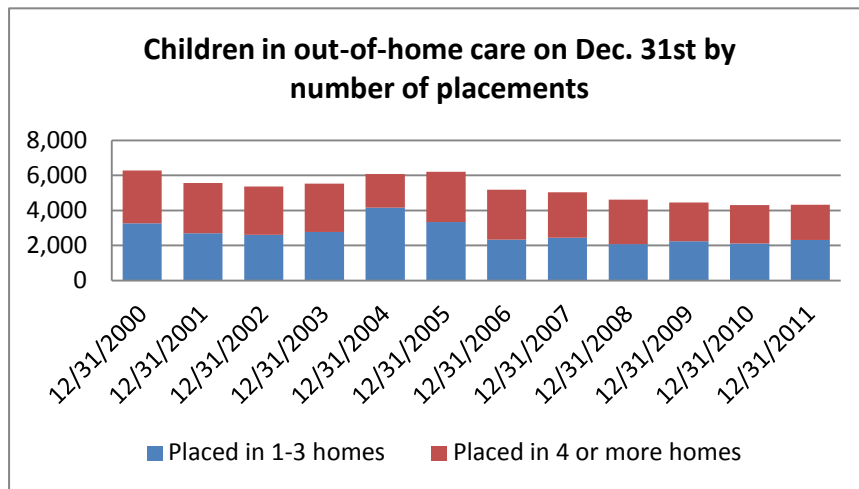
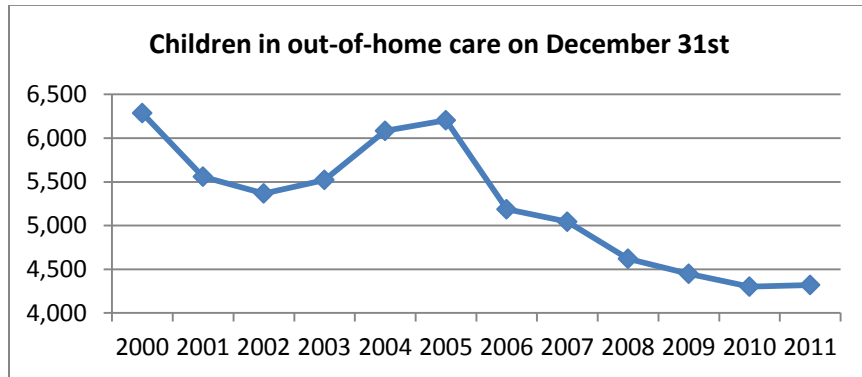
(4) The final transition proposal prior to the child's leaving foster care shall specifically identify how the need for housing will be addressed.

(5) If the child is interested in pursuing higher education, the transition proposal shall provide for the process in applying for any applicable state, federal, or private aid.

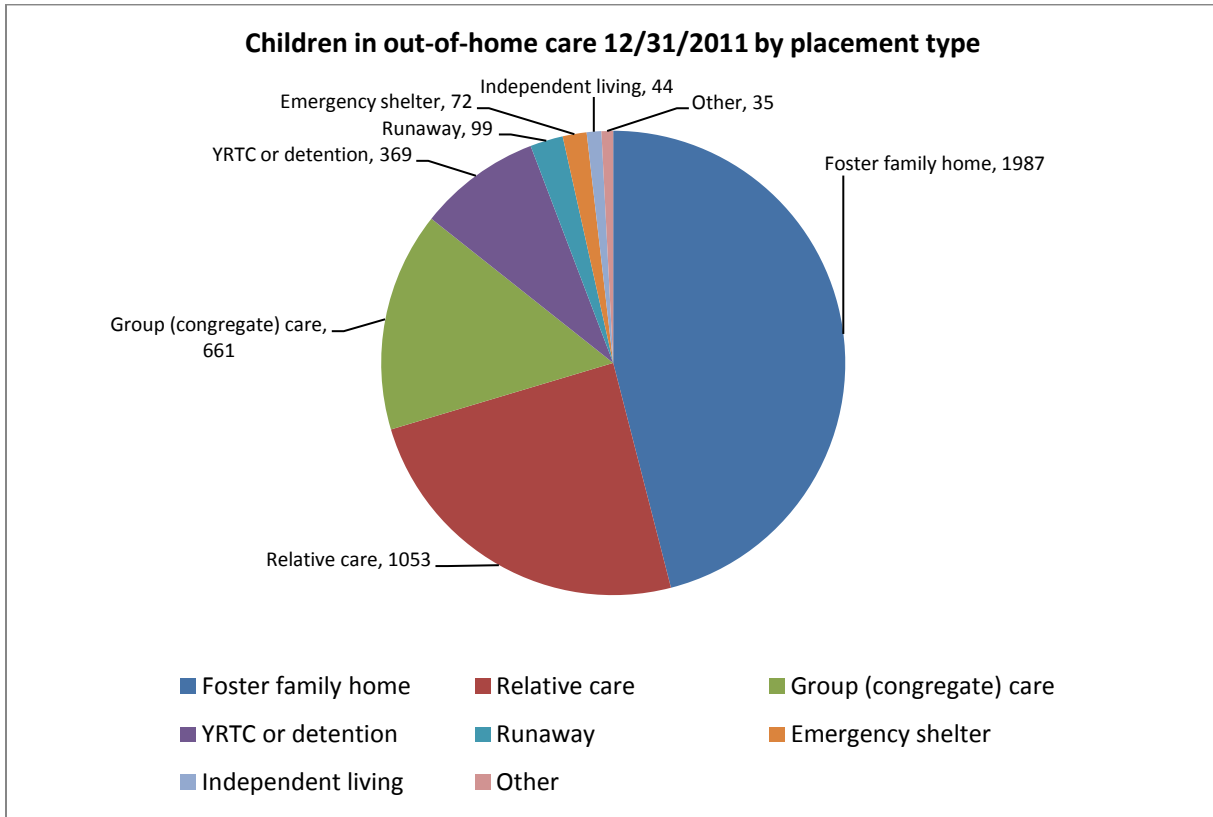
(6) On or before the date the child reaches nineteen years of age, the department shall provide the child a certified copy of the child's birth certificate and facilitate securing a federal social security card when the child is eligible for such card. All fees associated with securing the certified copy shall be waived by the state.

Source: Laws 2011, LB177, § 8.

Trend charts

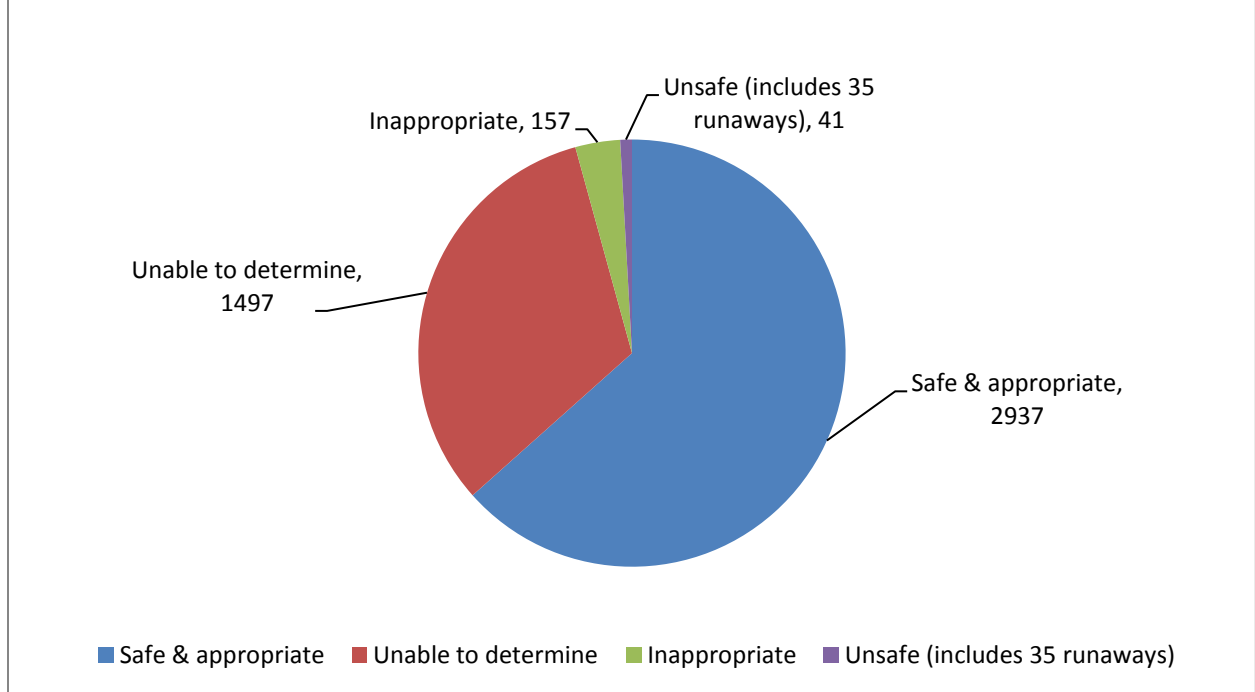


Preliminary Statistics from Next Annual Report



<u>Placement type</u>	<u>No. of Children</u>
Foster family home	1,987
Relative care	1,053
Group (congregate) care	661
YRTC or detention	369
Runaway	99
Emergency shelter	72
Independent living	44
Other	<u>35</u>
Total	4,320

Safety and appropriateness of current placement for children reviewed in 2011



Under federal regulations and state law, the FCRO is required to make findings on the safety and appropriateness of the placement of each child in foster care. The FCRO's reviewers research whether any allegations have been made against the placement of the children being reviewed and the system's response to those allegations. The FCRO's reviewers also consider the results of home studies, which measures the strengths and weaknesses of each foster family placement.

The issue of there being insufficient documentation to determine a substantial number of children's safety is an on-going one that the FCRO continues to address with DHHS and with the lead agency if it is involved in the child's case. The FCRO does not assume children to be safe in the absence of required documentation.

All children and youth placed in the care of the State are entitled to be well cared for and to be safe. It is only rational to expect that the conditions in foster homes and group homes would be much better than those endured by the child prior to coming into care. As a result, foster homes and group homes should offer and be held to a higher standard of care than that occurring in the child's home of origin.

Reasons Children Entered Care for the 3,272 children reviewed in 2011

<u>Reason</u>	<u># of children</u>
Neglect	1,955 children
Parental drug abuse	949 children
Housing unsafe/substandard	842 children
Physical abuse	552 children
Domestic violence	557 children
Parental alcohol abuse	394 children
Parental incarceration	318 children
Parental illness/disability	318 children
Parental mental health	306 children
Parental abandonment	209 children
Sexual Abuse	197 children
Parental abuse of sibling	193 children
Death of parent	20 children
Parental relinquishment	14 children
Child's parent in foster care	9 children

Includes 166 due to marijuana, 96 due to cocaine, 20 due to meth, 3 due to heroin, and 18 where the baby was born affected.

<u>Reason</u>	<u># of children</u>
Child's behaviors	603 children
Child's mental health	91 children
Child's drug abuse	69 children
Child's disabilities	45 children
Child's illness	39 children
Child's alcohol abuse	25 children
Child's suicide attempt	17 children
Child's meth abuse	1 children

Up to ten reasons for entering foster care could be identified for each child reviewed.

This chart does not include issues identified after removal. The following are two common examples of later identified conditions that would not be included in the chart above:

- 1) a child removed from the home due to neglect, and later parental drug abuse is identified, or
- 2) a child removed from the home for physical abuse, and later the child discloses that sexual abuse also was occurring.

**Children in Out-of-Home Care on Dec. 31, 2011,
Who were in Out-of-Home Care for the First Time**

	In care 1-30 days (entered care in Dec. 2011)		In care 31-60 days (entered care in Nov. 2011)		In care 61-90 days (entered care in Oct. 2011)		In care 91-180 days (entered care in July-Aug. 2011)		In care 181 days or more (entered care prior to July 1, 2011)	
AGE ON DEC. 31st										
Birth - Five	70	40.7%	54	30.5%	76	38.8%	189	41.5%	697	40.2%
Six - Twelve	35	20.3%	47	26.6%	41	20.9%	99	21.8%	437	25.2%
Thirteen - Eighteen	67	39.0%	76	42.9%	79	40.3%	167	36.7%	598	34.5%
Total children	172		177		196		455		1732	
GENDER										
Female	97	56.4%	81	45.8%	79	40.3%	222	48.8%	834	48.2%
Male	75	43.6%	96	54.2%	117	59.7%	233	51.2%	898	51.8%
Unreported	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Total children	172		177		196		455		1732	
RACE										
American Indian	3	1.7%	7	4.0%	7	3.6%	33	7.3%	82	4.7%
Asian	1	0.6%	0	0.0%	0	0.0%	1	0.2%	9	0.5%
Black	3	1.7%	33	18.6%	20	10.2%	67	14.7%	406	23.4%
Multiple races	6	3.5%	2	1.1%	5	2.6%	14	3.1%	95	5.5%
Other	18	10.5%	29	16.4%	30	15.3%	70	15.4%	64	3.7%
Unreported	35	20.3%	6	3.4%	10	5.1%	12	2.6%	33	1.9%
White	106	61.6%	100	56.5%	124	63.3%	258	56.7%	1043	60.2%
Total Children	172		177		196		455		1732	
HISPANIC										
Hispanic ethnicity	24	14.0%	20	11.3%	24	12.2%	72	15.8%	211	12.2%
No Hispanic ethnicity	148	86.0%	157	88.7%	172	87.8%	383	84.2%	1521	87.8%
Total children	172		177		196		455		1732	

**Children in Out-of-Home Care on Dec. 31, 2011,
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PLACEMENTS WHILE IN OUT-OF-HOME CARE										
1 placement	127	73.8%	102	57.6%	95	48.5%	230	50.5%	515	29.7%
2 placements	40	23.3%	59	33.3%	72	36.7%	128	28.1%	430	24.8%
3 placements	3	1.7%	12	6.8%	15	7.7%	60	13.2%	271	15.6%
4 placements	2	1.2%	2	1.1%	9	4.6%	26	5.7%	152	8.8%
5 placements	0	0.0%	1	0.6%	2	1.0%	8	1.8%	95	5.5%
6 placements	0	0.0%	0	0.0%	2	1.0%	1	0.2%	62	3.6%
7 placements	0	0.0%	1	0.6%	1	0.5%	0	0.0%	46	2.7%
8 placements	0	0.0%	0	0.0%	0	0.0%	0	0.0%	26	1.5%
9 placements	0	0.0%	0	0.0%	0	0.0%	0	0.0%	21	1.2%
10 placements	0	0.0%	0	0.0%	0	0.0%	1	0.2%	19	1.1%
11+ placements	0	0.0%	0	0.0%	0	0.0%	1	0.2%	95	5.5%
Total children	172		177		196		455		1732	
PROXIMITY TO HOME FROM CURRENT PLACEMENT										
Same County as Court	121	70.3%	104	58.8%	112	57.1%	265	58.2%	1074	62.0%
Neighboring County	31	18.0%	38	21.5%	37	18.9%	101	22.2%	298	17.2%
Non-Neighboring County	18	10.5%	29	16.4%	38	19.4%	79	17.4%	260	15.0%
Placed out of state	0	0.0%	2	1.1%	3	1.5%	8	1.8%	60	3.5%
Unknown proximity (ex: runaway)	2	1.2%	4	2.3%	6	3.1%	2	0.4%	40	2.3%
Total children	172		177		196		455		1732	

**Children in Out-of-Home Care on Dec. 31, 2011,
Who were in Out-of-Home Care for the First Time**

	In care 1-30 days (entered care in Dec. 2011)		In care 31-60 days (entered care in Nov. 2011)		In care 61-90 days (entered care in Oct. 2011)		In care 91-180 days (entered care in July-Aug. 2011)		In care 181 days or more (entered care prior to July 1, 2011)	
#DHHS WORKERS SINCE ENTERING CARE										
1 worker	54	31.4%	36	20.3%	45	23.0%	74	16.3%	72	4.2%
2 workers	81	47.1%	95	53.7%	101	51.5%	183	40.2%	171	9.9%
3 workers	33	19.2%	40	22.6%	39	19.9%	154	33.8%	299	17.3%
4 workers	4	2.3%	4	2.3%	10	5.1%	30	6.6%	324	18.7%
5 workers	0	0.0%	2	1.1%	1	0.5%	8	1.8%	296	17.1%
6 workers	0	0.0%	0	0.0%	0	0.0%	6	1.3%	197	11.4%
7 workers	0	0.0%	0	0.0%	0	0.0%	0	0.0%	152	8.8%
8 workers	0	0.0%	0	0.0%	0	0.0%	0	0.0%	80	4.6%
9 workers	0	0.0%	0	0.0%	0	0.0%	0	0.0%	51	2.9%
10 workers	0	0.0%	0	0.0%	0	0.0%	0	0.0%	27	1.6%
11+ workers	0	0.0%	0	0.0%	0	0.0%	0	0.0%	63	3.6%
Total children	172		177		196		455		1732	

**Children in Out-of-Home Care on Dec. 31, 2011,
Who Had Been in Out-of-Home Care Before (Returns to Care)**

	In care 1-30 days (re-entered care in Dec. 2011)		In care 31-60 days (re-entered care in Nov. 2011)		In care 61-90 days (re-entered care in Oct. 2011)		In care 91-180 days (re-entered care in July-Aug. 2011)		In care 181 days or more (re-entered care prior to July 1, 2011)	
AGE ON DEC. 31st										
Birth - Five	12	11.3%	11	10.3%	15	13.4%	35	14.1%	128	12.6%
Six - Twelve	13	12.3%	14	13.1%	16	14.3%	42	16.9%	265	26.1%
Thirteen - Eighteen	81	76.4%	82	76.6%	81	72.3%	172	69.1%	621	61.2%
Total children	106		107		112		249		1014	
GENDER										
Female	45	42.5%	28	26.2%	42	37.5%	96	38.6%	429	42.3%
Male	60	56.6%	79	73.8%	70	62.5%	153	61.4%	585	57.7%
Unreported	1	0.9%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Total children	106		107		112		249		1014	
RACE										
American Indian	3	2.8%	4	3.7%	8	7.1%	20	8.0%	78	7.7%
Asian	2	1.9%	1	0.9%	1	0.9%	2	0.8%	6	0.6%
Black	20	18.9%	21	19.6%	20	17.9%	51	20.5%	243	24.0%
Multiple races	3	2.8%	0	0.0%	10	8.9%	9	3.6%	51	5.0%
Other	7	6.6%	10	9.3%	10	8.9%	24	9.6%	30	3.0%
Unreported	1	0.9%	1	0.9%	0	0.0%	2	0.8%	12	1.2%
White	70	66.0%	70	65.4%	63	56.3%	141	56.6%	594	58.6%
Total Children	106		107		112		249		1014	
HISPANIC										
Hispanic ethnicity	15	14.2%	11	10.3%	20	17.9%	42	16.9%	116	11.4%
No Hispanic ethnicity	91	85.8%	96	89.7%	92	82.1%	207	83.1%	898	88.6%
Total children	106		107		112		249		1014	

**Children in Out-of-Home Care on Dec. 31, 2011,
Who Had Been in Out-of-Home Care Before (Returns to Care)**

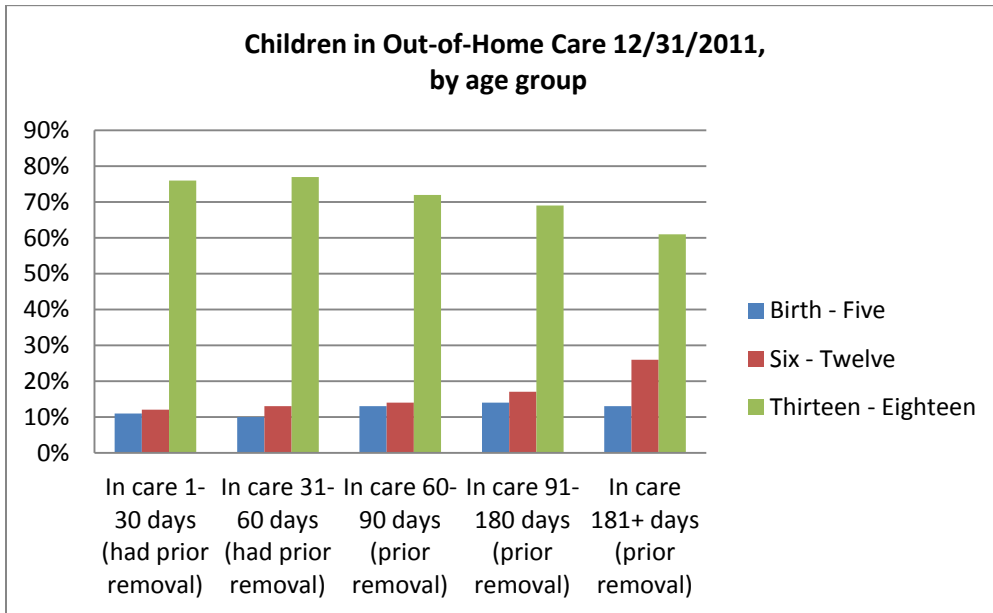
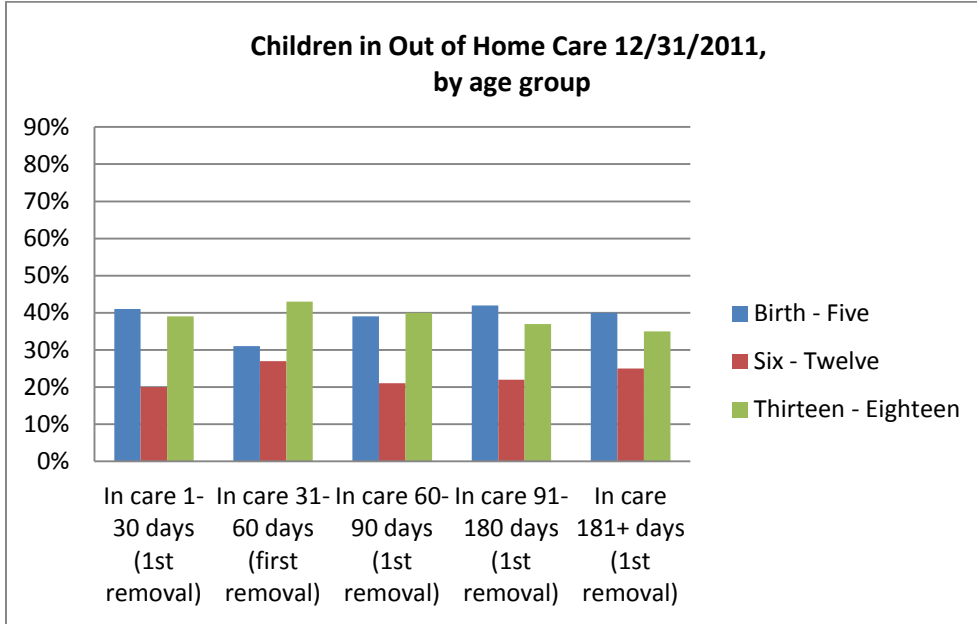
	In care 1-30 days (re-entered care in Dec. 2011)		In care 31-60 days (re-entered care in Nov. 2011)		In care 61-90 days (re-entered care in Oct. 2011)		In care 91-180 days (re-entered care in July-Aug. 2011)		In care 181 days or more (re-entered care prior to July 1, 2011)	
PLACEMENTS OVER LIFETIME (INCLUDING PRIOR REMOVALS)										
1 placement	1	0.9%	0	0.0%	0	0.0%	0	0.0%	1	0.1%
2 placements	0	0.0%	1	0.9%	1	0.9%	1	0.4%	1	0.1%
3 placements	18	17.0%	16	15.0%	16	14.3%	32	12.9%	68	6.7%
4 placements	12	11.3%	20	18.7%	14	12.5%	35	14.1%	120	11.8%
5 placements	9	8.5%	16	15.0%	16	14.3%	35	14.1%	124	12.2%
6 placements	10	9.4%	14	13.1%	16	14.3%	29	11.6%	92	9.1%
7 placements	9	8.5%	9	8.4%	5	4.5%	20	8.0%	79	7.8%
8 placements	10	9.4%	4	3.7%	11	9.8%	15	6.0%	80	7.9%
9 placements	6	5.7%	4	3.7%	4	3.6%	16	6.4%	51	5.0%
10 placements	7	6.6%	3	2.8%	5	4.5%	10	4.0%	55	5.4%
11+ placements	24	22.6%	20	18.7%	24	21.4%	56	22.5%	343	33.8%
Total children	106		107		112		249		1014	
PROXIMITY TO HOME FROM CURRENT PLACEMENT										
Same County as Court	52	49.1%	54	50.5%	52	46.4%	105	42.2%	466	46.0%
Neighboring County	17	16.0%	16	15.0%	15	13.4%	50	20.1%	163	16.1%
Non-Neighboring County	24	22.6%	26	24.3%	36	32.1%	69	27.7%	289	28.5%
Placed out of state	1	0.9%	1	0.9%	3	2.7%	5	2.0%	43	4.2%
Unknown proximity (ex: runaway)	12	11.3%	10	9.3%	6	5.4%	20	8.0%	53	5.2%
Total children	106		107		112		249		1014	

**Children in Out-of-Home Care on Dec. 31, 2011,
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	In care 1-30 days (re-entered care in Dec. 2011)		In care 31-60 days (re-entered care in Nov. 2011)		In care 61-90 days (re-entered care in Oct. 2011)		In care 91-180 days (re-entered care in July-Aug. 2011)		In care 181 days or more (re-entered care prior to July 1, 2011)	
#DHHS WORKERS WHILE IN OUT-OF-HOME CARE (INCLUDES PRIOR REMOVALS)										
1 worker	12	11.3%	15	14.0%	8	7.1%	10	4.0%	18	1.8%
2 workers	10	9.4%	10	9.3%	14	12.5%	14	5.6%	47	4.6%
3 workers	18	17.0%	18	16.8%	18	16.1%	40	16.1%	59	5.8%
4 workers	23	21.7%	21	19.6%	24	21.4%	58	23.3%	110	10.8%
5 workers	22	20.8%	16	15.0%	12	10.7%	26	10.4%	116	11.4%
6 workers	4	3.8%	6	5.6%	10	8.9%	26	10.4%	139	13.7%
7 workers	5	4.7%	8	7.5%	6	5.4%	17	6.8%	115	11.3%
8 workers	4	3.8%	3	2.8%	12	10.7%	18	7.2%	85	8.4%
9 workers	4	3.8%	1	0.9%	5	4.5%	16	6.4%	95	9.4%
10 workers	1	0.9%	4	3.7%	2	1.8%	7	2.8%	72	7.1%
11+ workers	3	2.8%	5	4.7%	1	0.9%	17	6.8%	158	15.6%
Total children	106		107		112		249		1014	

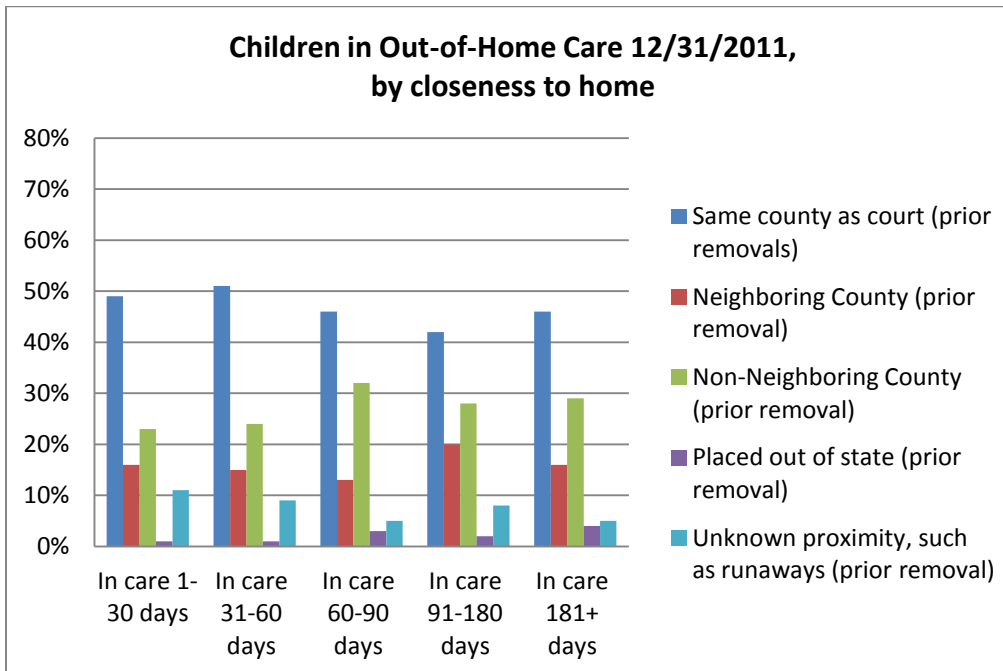
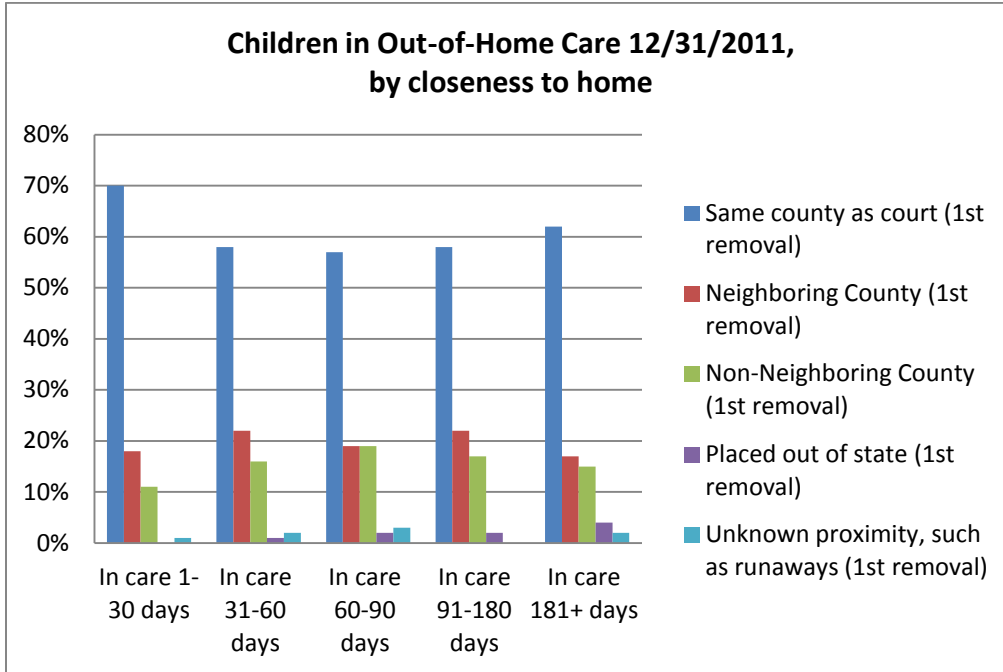
Children in out-of-home care, by age group

(first chart shows children who are in foster care for the first time,
second chart shows children who had at least one prior removal from the home)



Children in out-of-home care, by closeness to home

(first chart shows children who are in foster care for the first time,
second chart shows children who had at least one prior removal from the home)



Key differences between children in care for the first time and those with prior removals

- Children entering care for the first time are as likely to be in the birth through 5 age group (with 41%) or the 13 through 18 age group (with 39%); but children re-entering care are much more likely to be teens (11% for young children and 76% for teens).
- Girls outnumber boys on first removals (56% for girls compared to 44% for boys), but boys outnumber girls for re-removals (43% for girls to 57% for boys).
- Comparisons between children on a first removal to those with prior removals is difficult due to the understandable number of “unreported” or “other” for children initially removed from the home.
- Hispanic ethnicity rates are equal between children on initial removals and children with prior removals.
- Children on an initial removal from the home are much more likely to be placed in the same county (70%) compared to children with prior removals (50%).
 - If placements are not close to the home the distance can be a barrier to visitation with parents and siblings, and can increase the likelihood that the child will experience a change of schools on top of all the other changes inherent in being removed from the home.
 - Some of that differences between the two populations include:
 - Children with prior removals are more likely to have mental health, behavioral or delinquency issues, that require higher or other levels of care that are not available in every county.
 - Some difference may be due to the location of the two Youth Rehabilitation and Treatment Centers.
- Children are still experiencing a lot of placement changes. While it might be acceptable to have an initial emergency placement, followed by an on-going placement, some children experience more than that.
 - For children in care 1-30 days, 3 had been moved three times in that time period, and 2 children had been moved four times.
 - For children in care 31-60 days, 16 had been moved more than twice.
 - For children in care 61-90 days, 29 had been moved more than twice.
 - That is a lot of change for children to assimilate who have just recently been removed from their parents.
- Similarly, there is a lot of change in the DHHS worker assigned to children’s case. Only 31% of the children in care for under a month who were on their first removal had just one worker in that timeframe.