

A stack of several report cards is shown on the right side of the slide. The cards are in various colors, including red, blue, and gold. The top card is dark grey and has a barcode and some text on it. The background is dark, and there is a small orange horizontal bar in the top left corner.

Timely Permanency Report Cards

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Why?



Federal policies are implemented very differently across states



Public discussions of foster care are nationalized and emphasize federal solutions, but will misdiagnose problems if assuming states act similarly



Breakdown of prior bipartisan consensus on timelines may enhance state differences

Different from the federal Child and Family Service Reviews (CFSRs)?

Partly an issue of coverage, transparency, and ease of comparison

- Not all states have state data indicator (SDI) reports and they are not updated regularly.
- SDI reports are included in [separate state-by-state](#) documents, each spanning 100-200 pages, that do not easily permit comparisons across states.
- The SDI does not disaggregate rates for all states by age or race (they use a 'risk adjustment' metric that includes age), despite the importance of these characteristics.
- No or very few states are identified as being in substantial conformity based on the federal benchmarks: the CFRs give the appearance that all states perform equally poorly.

Outcome 1: Overall Timely Permanency

Permanency = reunification, adoption, living with relatives, or guardianship

% of all removed children who have permanency exits

- within 18 months [mostly reunifications]
- within 3 years [mix of exit types]

Denominator = **all entries**

Notes:

1. CSFR uses subgrouping of time to permanency of kids in care <12 months, 12-24 months, and >24 months. The subgrouping by time already spent in care means I cannot easily answer simple questions like, "what % of all removed kids remain in care for 3+ years?"
2. The CSFR focus on a 12-month window is only relevant for children who can/will be reunified. It is highly unlikely for a child to be adopted within 12 months of entering foster care due to the slow TPR process and the expectation that parents have at least a full year to meet conditions for reunification. States are not even expected to take steps toward adoption for at least 15 months, and thus a 12-month measure disfavors states that disproportionately remove children from the highest-risk circumstances (i.e., where reunification is least viable). It also disfavors states that – reasonably – consider adoption to be preferable to guardianship or 'living with relatives' in a less formal custodial arrangement, given that the process of adoption is more onerous and time-consuming.

Outcome 2: Permanency for non-reunified children

% adopted within 18 months

% adopted within 3 years

% no permanency at all within 18 months

% no permanency at all within 3 years

Denominator = **entries that did not result in reunification**

Notes:

1. The CSFR SDI does not specifically assess how states perform when reunification efforts have not enabled safe reunification. This makes it difficult to understand exactly how states perform on the goals relevant to ASFA. A state may have a pretty high reunification rate and thus rate well on overall permanency even if they consistently fail to provide permanency for children who cannot be reunified.
2. Measures that use adoption rates for “waiting” children are easily distorted by states that wait to make children legally free until adoption proceedings are already underway.

Outcome 3: Application of ASFA Principles

- Late reunifications = % of reunifications occurring after 18 months
- Still in care & not legally free = % of all children who are BOTH still in care & have no TPR after 18 months; after 3 years

Notes:

- TPRs exceptions are mostly not facilitating reunification: HHS report -2021, looking at 2013-2017 data *“In three of four cases in which exceptions [to ASFA/TPR] are used, either explicitly or implicitly, permanency is delayed without enabling a family reunification outcome.”* [Freeing Children for Adoption within the Adoption and Safe Families Act Timeline: Part 1 – The Numbers \(hhs.gov\)](#)
- Reunifications that require more time than the timelines allow are less stable. (<https://onlinelibrary.wiley.com/doi/10.1111/jomf.12499>)

Outcome 4: Failed reunifications

- Percent of reunifying children who reenter care within 1 year

Note: The CSFR SDI also uses a reentry to care measure that includes in its denominator children exiting to guardianship or living with relatives in addition to children who are reunified – this is distortive. Guardians are supposed to be screened and selected for custody on the basis of their capacity to provide a safe and stable environment and therefore should have lower rates of reentry than biological parents who previously lost custody for not providing such an environment. In short, a state that relies mostly on reunification and adoption will likely have a higher reentry rate on the CFSR-SDI metric than a state that mostly relies on reunification and guardianship because the latter state's rate of post-reunification reentry is diluted by the (typically lower) rate of post-guardianship reentry.

Ranking process

- Outcome Ranks are produced from averaging the standardized values (measuring deviation from the mean across states) across all age and racial/ethnic subgroups, in addition to performance in the overall cohort.
- This means that:
 - a state that does a great job on permanency for infants will not necessarily be ranked well if they let older children stay in care for long periods (or vice versa).
 - Overall ranks consider distance from mean, not just individual item ranks

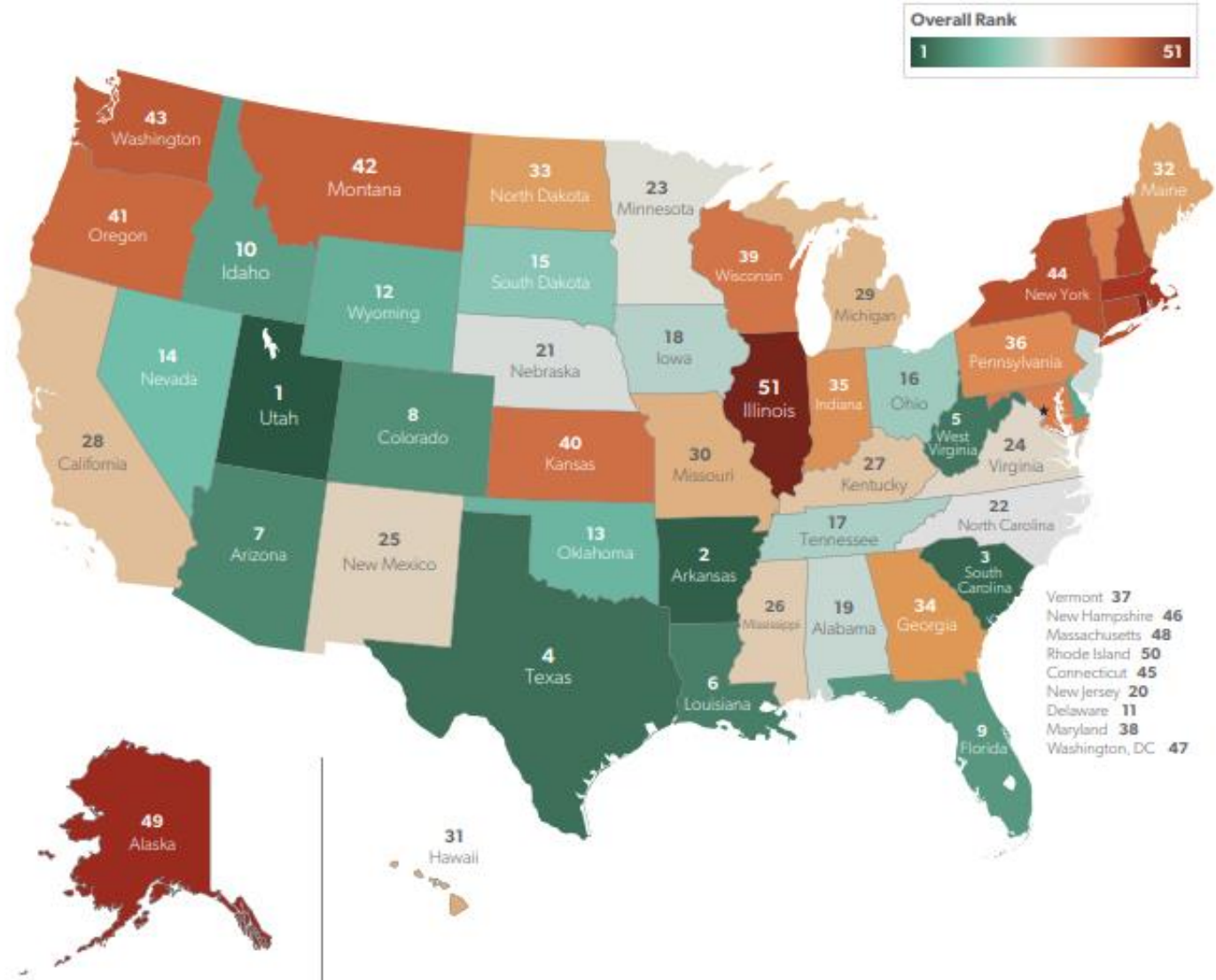
Briefly – important limitations

- Cannot capture safety or wellbeing – avoiding reentry is a very weak proxy for ‘successful’ reunification
 - Similarly – cannot track dissolution of adoptions or guardianships
- Cannot isolate the squeaky wheel – courts can introduce substantial delays no matter how committed the child welfare agency is to meeting permanency needs

Overall Rankings

Top Five:

- Utah
- Arkansas
- South Carolina
- Texas
- West Virginia



What sets Utah apart?

Three areas of focus:

- 18-month metrics
- Infants
- Adoption when reunification is not viable

Example: 18-month permanency for infants

- On Outcome 1, rates become much more similar by the 3-year mark, but Utah is far ahead at 18 months.

Figure A2. Percentage Exiting to Permanency, Infants at Entry

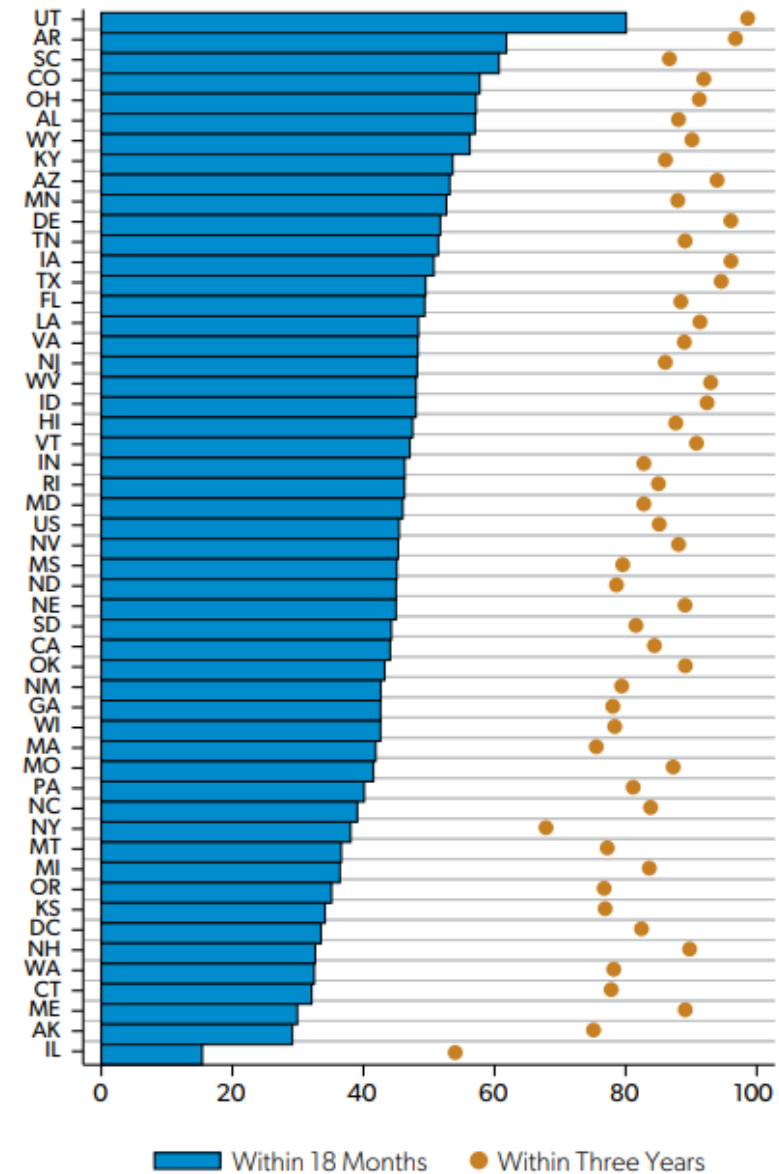
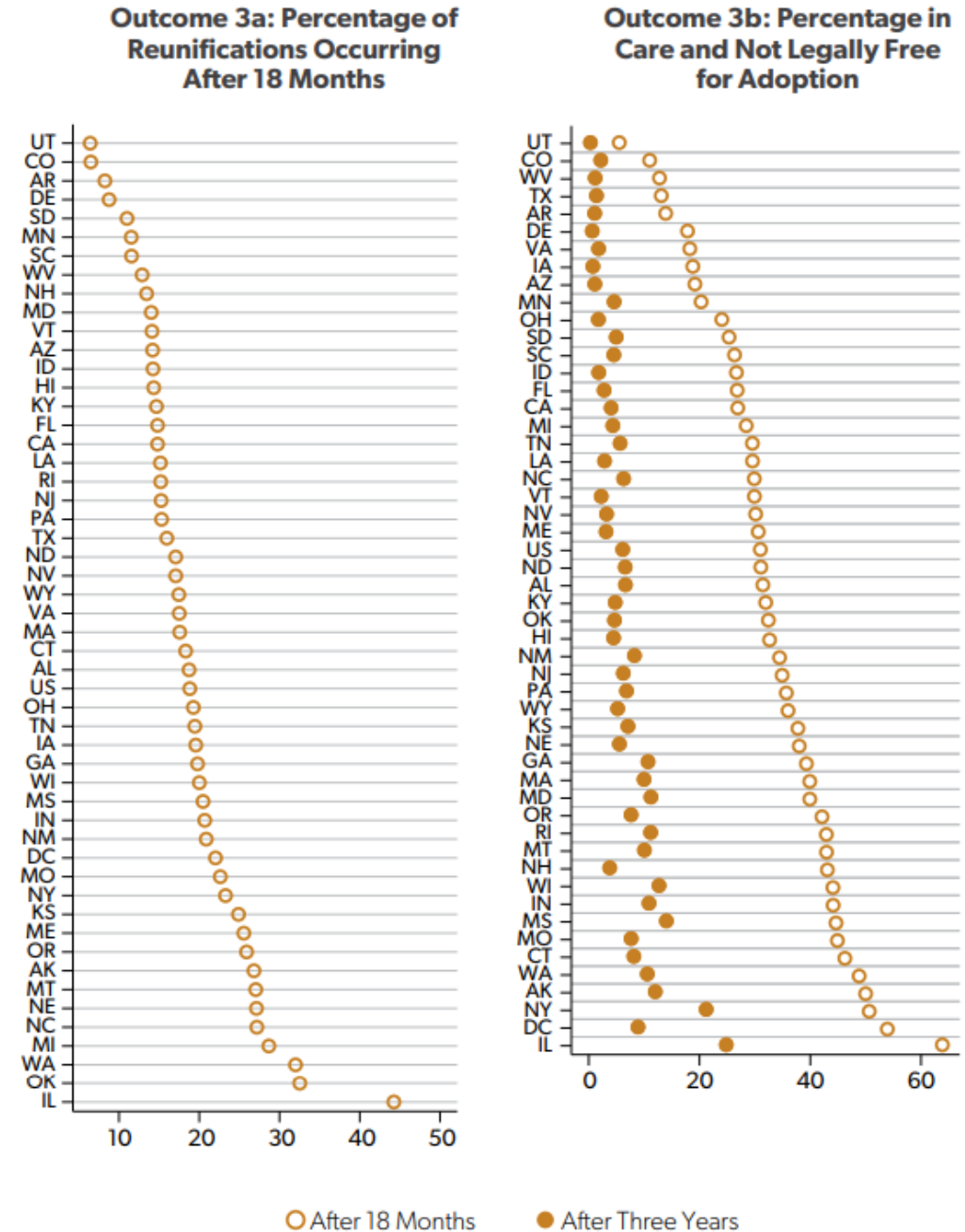


Figure C2. Application of ASFA Principles, Infants at Entry

Example:

- Few (6.4%) late reunifications for infants (versus 19% for US overall)
- Within 18 months, only 5% of Utah infants remain in care & not legally free for adoption, versus 31% of infants nationally.
- After 3 years, the national rate (6%) is still higher than Utah's 18-month rate. Utah's 3-year rate is 0.3%.



Outcome 2 indicates wide divergence in permanency among children who are not reunified

- High variation across states
- Nationally, only 6 percent of children who have not been reunified are adopted within 18 months of entry. In the top five states for Outcome 2, these percentages are 32 percent (Utah), 16 percent (West Virginia), 15 percent (Arizona), 12 percent (Iowa), and 9 percent (Arkansas).
- By the three-year mark, the percentage of non-reunified children who exit to adoption reaches 35 percent nationally but exceeds 50 percent for all top five states except Arkansas. (Arkansas's rank is improved by its use of guardianships in addition to adoption.)

Final Considerations – State Legislation and Practice Standards Matter

	Illinois (TPRC # 51)	Wisconsin (TPRC # 39)	Utah (TPRC # 1)
TPR laws, policies, and practice	<ul style="list-style-type: none"> • Court requires overwhelming evidence, based on the case's length of time and failure to comply with service plans, to demonstrate parent's inability to achieve reunification • Child's preferences regarding TPR are considered after age 12 • Parental presence in court is required for TPR decision 	<ul style="list-style-type: none"> • TPR process can vary across counties • Child's preferences regarding TPR are considered for older children • Child welfare agency, legal representatives, and courts prioritize permanency and TPR cases, but this can vary by county • Training is available, but written guidance or standards for workers are limited 	<ul style="list-style-type: none"> • State implemented a guideline for achieving reunification in 12 months • Prioritize permanency and timelines
Case process, timelines, and exceptions	<ul style="list-style-type: none"> • Adjudication hearing is supposed to be conducted within 90 days of temporary custody or shelter care hearing, but these are often delayed • Within 30 days of adjudication, the dispositional hearing decides whether the child returns home, stays in foster care, or pursues an alternate guardianship; court may delay hearing • Discussions regarding TPR typically begin at 9 months following the dispositional hearing • Administrative case review (ACR) review is conducted every 6 months • ACR review discusses ASFA exception if TPR is not pursued by the 15 of 22 months timeline • Re-entry into foster care restarts the TPR timeline 	<ul style="list-style-type: none"> • Concurrent goal is identified within 6 months • Permanency plan is submitted during administrative reviews or court hearings every 6 months • Child's pre-adoptive resource is prepared within 9 months and permanency conversation held at 12 months • ASFA exception in permanency plan is documented if child is in care for 15 out of 22 months • County generally files for TPRs within 15 months, but this timeline may vary across counties • Identify TPR exception at second or third permanency plan review • Reentry into foster care does not restart the TPR timelines since they consider the cumulative period 	<ul style="list-style-type: none"> • Court reviews are conducted at least every 6 months, with a permanency review at 12 months • No fixed date to file for TPR • TPR or extension is considered after reaching 12 months • Two extensions are allowed; up to 3 months for each extension • First timeline extension is requested in court at the 12-month permanency review • After first extension, a 90-day review is set, at which point either a second extension is requested or they proceed with the TPR process • Exception is requested at first or second court hearing