Policy Responses to the
Permanency Needs of Youth

Intervention into a family’s life represents one of the most significant intrusions by the state in the private affairs of its citizens. Public child welfare agencies are authorized to investigate reports of child abuse and neglect and, when maltreatment is substantiated and children are at imminent risk of harm, to remove children from their parents’ custody and place them into foster care. The state’s obligation is twofold: to intervene into families’ lives only in cases when it is necessary to protect children from harm and to take on the responsibilities of a parent when the state removes children from their parents’ custody. When the state acts in loco parentis, it is expected that it will ensure children’s safety and well-being and ensure that children leave foster care to safe, nurturing, permanent families. Just as policy does not embrace the notion that parents may do “as little as possible” in relation to meeting the needs of their children, child welfare policy cannot reasonably accept that the state may do “as little as possible” for children taken into its custody. When the state intervenes to protect children by removing them from their parents, it must act as a responsible parent until the child leaves care to return to her own parents or to new parents through adoption or guardianship. When youth remain in foster care without the benefit of permanent family, the
state's obligation, consistent with good parenting, is to ensure that youth leaving foster care are well prepared for adulthood.

The primary levers for system reform are found in law, regulation, and the allocation of resources. These levers define the outcomes to be achieved, the programmatic priorities, and, to some extent, the processes to be used to achieve outcomes and realize priorities. Through the legislative process, funding decisions are made and play significant roles in driving program and practice. In each state, policy decisions shape the provision of foster care services. Child welfare policy at the federal level, however, sets the framework for foster care, including both permanency practice and preparation for adulthood services. Federal child welfare statutes, principally Titles IV-B and Title IV-E of the Social Security Act, establish the goals that state child welfare agencies are to achieve across a spectrum of child welfare services, and they provide federal funding to states to assist them in achieving those goals for children and youth in foster care. Federal child welfare reviews of state child welfare systems, the Child and Family Service Reviews, monitor the performance of states in relation to established goals and benchmarks.

In chapter 7, Madelyn Freundlich focuses on federal child welfare policy, with particular emphasis on new policy directions regarding permanence set by the federal Adoption and Safe Families Act of 1997. Drawing on the small body of research that has informed an understanding of the impact of these federal policies on the successful achievement of permanence for older children and youth, she proposes directions for future research. She makes the case for evidence-based policy that focuses on child well-being and is guided by a development perspective.

In chapter 8, in response, Rosemary Avery points to the absence of attention in “independent living” programs to family and social connections for youth transitioning from foster care to adulthood. She reviews research that has demonstrated the perilous position that federal policy creates for youth as they exit foster care, and she calls for policy that requires that every child have a committed adult who will be in a supportive and personal relationship with the youth before, during, and after the transition to adulthood.

Child welfare policy, like other policy addressing social problems, must consider the social and cultural context within which the strengths and challenges of children, youth, and families emerge. In chapter 9, Robert Hill describes an important aspect of the social and cultural context by focusing on kinship care. He provides a concise but thorough review
of the research findings regarding outcomes for children in foster care who are placed with kinship caregivers and those placed with nonkin. Based on findings that suggest positive child safety, well-being and permanence outcomes for children placed with kin, he highlights the benefits of assisted guardianship policies, particularly for older children and youth in foster care.

In response, in chapter 10, Aron Schlonsky provides additional detail on the promising results from evaluations of subsidized guardianship programs for relative caregivers. He cautions against viewing kinship care and subsidized guardianship as panaceas for the many complex problems that confront child welfare systems in appropriately meeting the needs of children and youth in foster care, and he urges attention to the range of services and supports that kin require. Advocating for the further development of kinship and guardianship policy, he raises a number of questions that warrant consideration.

Essential to quality child welfare policy development and implementation is cross-system collaboration. The collaboration between public child welfare agencies and the courts is particularly critical if decisions regarding children’s safety, well-being, and permanence are to be effectively made, permanency planning is to proceed in a timely manner, and youth are to be discharged from foster care with the full range of supports and services that they need.

In chapter 11, Karl Ensign, Sabrina Davis, and Elizabeth Lee describe the history of court improvement efforts and the results of a number of evaluations of court reform activities. They examine the effect of court improvement programs that have specifically addressed the needs of youth and broader court reform efforts that have played key roles in promoting permanency for youth in the foster care system. The authors identify several key choice points and system intersections that provide opportunities for greater permanence for older youth. Shirley Dobbin’s response, in chapter 12, elaborates on several opportunities for enhancing youth permanence. She describes resources that have been developed to guide dependency courts in strengthening their decision-making processes, lessons learned from the experiences of Model Courts across the United States, and national performance indicators that support dependency court reform. Both chapters describe positive results from court reform efforts and strike an optimistic note regarding the appetite and infrastructure for continuing evaluation of dependency court performance and court-child welfare agency collaboration.