

FOSTER CARE AND CHILD SUPPORT: A NEW CONVERSATION

Lori Hanson
Dakota County, Program Trainer
Trish Skophammer
Ramsey County, Assistant Director
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What We Will Cover Today

- The basics
- The relevant laws
- The difference between IVE and non-IVE
- What to do on PRISM
- Northstar Care for Children
- A New Conversation



THE BASICS

The Basics

- When a child goes into OHP
 - A referral is made to the child support office by child welfare
 - Child support opens two cases
 - One against the dad
 - One against the mom
 - Both parents are assessed for their ability to pay, using the child support guidelines
 - If a child support order already exists, it is redirected to pay foster care

The Basics

- Child Support processes include:
 - Locating parents
 - Searching for existing child support orders
 - Establishing paternity
 - Assessing ability to pay
 - Creating Summons and Complaint
 - Service of Process
 - Court hearing
 - Enforcement

RELEVANT LAWS

The Basis for Current practice

- Federal Law
 - 42 U.S.C. 471(a)(17) of the Social Security Act
- Where appropriate, all steps will be taken, including cooperative efforts with State agencies administering the program funded under part A and plan approved under part D, to secure an assignment to the State of any rights to support on behalf of each child receiving foster care maintenance payments under this part.

The Basis for Current Practice

- Minnesota State Law
 - Statutes 260B.331(b) and 260C.331(b)
- The court shall order, and the local social services agency shall require, the parents or custodian of a child, while under the age of 18, to use the total income and resources attributable to the child...to reimburse the county for the cost of care, examination and treatment. Income and resources attributable to the child include, but are not limited to...child support.

The Basis for Current Practice

- Minnesota State Law
 - Statutes 260B.331(c) and 260C.331(c)
- If the income and resources attributable to the child are not enough to reimburse the county for the full cost of care...the court shall inquire into the ability of the parents to support the child and, after giving the parents a reasonable opportunity to be heard, the court shall order, and the local social services agency shall require, the parents to contribute.

The Basis for Current Practice

- Minnesota State Law
- Statutes 260B.331(d) and 260C.331(d)

The court shall order the amount of reimbursement attributable to the parent, withheld under chapter 518A from the income of the parent. A parent who fails to pay without good reason may be proceeded against for contempt, or the court may inform the county attorney, who shall proceed to collect the unpaid sums, or both procedures may be used.

IVE AND NON-IVE

IVE VS. NON-IVE FOSTER CARE

- | | |
|--|--|
| <p><u>IVE:</u></p> <ul style="list-style-type: none">• Federally funded• Eligibility determined by income (old AFDC)• Is considered public assistance• Referrals to Child Support through CRDL | <p><u>NON-IVE:</u></p> <ul style="list-style-type: none">• County Funded• If not IVE eligible and reimbursable, becomes non IVE• Is considered non-public assistance• Referrals are manual• Corrections placements<ul style="list-style-type: none">• Juvenile vs. CHIPS orders |
|--|--|

THINGS TO REMEMBER WHEN SETTING UP THE REDIRECT IN PRISM

- IVE is built through a CRDL referral
- Non IVE is built through a manual referral
- IVE is public assistance and redirection is not optional
- Non-IVE redirection is optional and done on a county by county basis



PRISM STUFF

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SS - PRISM TRAINING
PRISM In: P40060 via Q0TP 0865 X119310
44FERT01 NCP Obligation Detail 2 more >
37/30/09
*Action (A,B,C,D,M,N):
Case: 0012007004 02 Oblig Code: CCH Oblig Seq Nbr: 01
Case: 0012007004 02 Worker: 037C0007 Stat: OPM Func: IN
CP Name: DAKOTA, IVE FC AGENCY ← Prog: FCC
NCP Name: HATHAWAY, CAROL J. File Loc:

No of Oblig: 1 Effective Date: 07/2009
Oblig Code: BASIC SUPPORT Court File Nbr: 2-3-7820
Status: A Deact Reason: Jdgmt Co Seq No.:
Type: FCC Int Date: Co Seq No.: 01 Jdgmt Seq No.:
Accruing: Y Offset Ind: N Juris: 27037 - DAKOTA
CD Mo Amt: 50.00 Freq: M Amt: 50.00 Beg Date: 05/01/2009
Offset Amt: 0.00 Freq: Amt: 0.00 End Date:
Monthly Accrual: 50.00 Freq: M Amt: 50.00
Mo Non-Accr: 0.00 Freq: Amt: 0.00
Mo Non-Accr Cd: Int Ovr: N Debt/Arr: A Reserved: N Debt Type Sup:

Direct Command: ( NC00 )
F1=Help, F2=Quit, F3=Retrn, F4=Prev, F7=Up, F8=Down, F10=Left, F11=Right, F13=1800
F10=MoIn, F19=ClJob, F20=Audit
DEBT NCP-001200700402-CCH-01 displayed effective for 07/30/09
Ready (1) 144.8.128.17 A1470865 13:50:12 7/30/2009 NJM 00:24:52 03, 029
```

Things to consider when Redirecting

- How much is the obligation?
- How long will the child be in services?
- Is there a chance that this debt will be collectable?
- Is the debtor's whereabouts known?
- Has money ever been received?
- Is the underlying order from another state?



NORTHSTAR CARE FOR CHILDREN

Northstar Care for Children

- Implemented 1/1/2015
- Consolidates and simplifies three programs
 - Family Foster Care
 - Kinship Assistance (replaces Relative Custody Assistance)
 - Kinship Adoption Assistance

Northstar Care for Children

- Why?
- Needed to maintain the same level of benefits for a child as he/she moves to permanency. In the past, a significant decrease in benefits upon Transfer of Custody (TOC) or Adoption prevented many children from achieving permanency with a family. This was particularly true for American Indian and African American children, as well as sibling groups.

Northstar Care for Children

- What does this mean for child support (and collections)?



Northstar Care for Children

- Fortunately, not a lot has changed!
- How determinations are made hasn't changed. IVE child support cases are still public assistance cases
- TOC and Adoptions are treated the same as they have always been
- All IVE children and Kinship Adoption Assistance children are automatically eligible for MA.
- Most children on Northstar Kinship Assistance will qualify as well.

Northstar Care for Children

- Under Northstar Care, caregivers may be eligible for a child care allowance, however they are not then eligible to be on another child care assistance program
- Under Northstar Care, county and tribal agencies are still allowed to collect parental fees, child support, and other revenue to offset their share of foster care

Northstar Care for Children

- Title IVE Northstar Kinship Assistance (paid for by the state) replaces TANF-based Relative Custody Assistance. There are no new RCA grants after 1/1/2015. Children not eligible for Kinship Assistance MAY meet the criteria for the MFIP CHILD ONLY grant.

Northstar Care for Children

****CAUTION**** When a relative becomes the custodian of children in out-of-home placement and the child support case is PA, verify that they ARE NOT receiving Foster Care or Kinship Assistance payments AND MFIP for the same child!

- Programs generally end at age 18, however extensions may be granted for children up to the age of 21.

Northstar Care for Children

- Resources

- On the DHS website, search "Northstar Care for Children". There will be a link to the site on County Link. On County Link directly, choose the "A-Z Topics" tab. Click on the letter N and you will see Northstar Care for Children. There is a Practice Guide PDF as well as a "Frequently Asked Questions" link at the bottom of the page.

A NEW CONVERSATION

The Stories

- Lisa's
- Redirection
- The grandma called



Two Questions

What is in the best interest of the families involved in OHP?



Two Questions

Is it cost effective to use the child support program to collect reimbursement from parents for the cost of out-of-home placement (OHP)?

Research Shows

- States and Counties are inconsistent in their implementation of referrals to child support
- Children experience longer spells of OHP when child support order is enforced
(Cancian, Cook, Seki and Wimer, 2013; Chellew, Noyes and Selekman, 2012)
- Most child support debt is owed by parents who have little or not income
(Sorenson, 2004; Sorenson, 2013)

Collection per Kid

- Nationwide in FFY 2013;
 - \$72,326,986 was collected (OCSE FY 2015 Preliminary Report)
- Nationwide in 2013
 - 402,172 kids in placement (Annie E. Casey Foundation, Kids Count Data Center)
- \$180 per child

Collection per Kid

- Minnesota in FFY 2013;
 - \$772,554 was collected (OCSE FY 2015 Preliminary Report)
- Minnesota in 2013
 - 5,641 kids in placement (Annie E. Casey Foundation, Kids Count Data Center)
- \$137 per child
- How much did it cost to collect that \$137?

Minnesota in 2015

- Collection rate of 47%
- \$1,345,855 collected
- On just over 10,000 cases
- \$134 per case

Current Practice in Ramsey County

- Child Support processes include:
 - Locating parents
 - Searching for existing child support orders
 - Establishing paternity
 - Assessing ability to pay
 - Creating Summons and Complaint
 - Service of Process
 - Court hearing
 - Enforcement

Can we do all that for \$137?

Background Information

- OHP occurs because of a family's involvement with;
 - Child welfare/child protection
 - The juvenile justice system
- Families that show up in these systems are disproportionately;
 - Poor
 - Black, Hispanic, and Indian

Background Information

- Origins of child welfare and the juvenile justice system
 - Child Savers
 - Orphan Trains
 - Delinquent behavior
- Indian Children
- Children from poor families are most likely to experience OHP

Background Information

- Poverty is the common theme
Children should never be removed from their home based on poverty alone, but poverty doesn't show up alone, it manifests in:
 - Drug addiction
 - Depression
 - Inadequate nutrition
 - Inadequate housing or housekeeping
 - Lack of parental supervision
 - Substandard education and lack medical care

Background Information

- Neighborhoods with high poverty rates tend to have high OHP
 - High unemployment
 - Deteriorating housing
 - Lack of health care facilities
 - High crime levels
 - Lack safe places to play

Reasons for OHP

- 65% for reasons related to parents' behavior
 - Neglect is most common, over 50%
 - Failure to provide adequate food, clothing, shelter
 - Abuse
 - Abandonment
 - Substance abuse
 - Incarceration
- 20% for reasons related to child's behavior
- 15% for reasons related to disability, other

Ability to pay?

- Poor families
- Families in crisis
- Reunification plans



ACF Informational Memorandum (IM) 12-02, August 1, 2012

- A State child welfare agency must take steps to secure an assignment to the State of any rights to child support on behalf of each child who is receiving title IV-E foster care maintenance payments by referring the case to the State child support agency for child support services if the State agency finds it is "appropriate" to do so based on the circumstances of the case

**ACF Informational Memorandum (IM)
12-02, August 1, 2012, Continued**

- “While it is the State child welfare agency’s responsibility to determine which cases to refer, we encourage State child welfare and child support agencies to work together to develop criteria for appropriate referrals in the best interests of the child involved.”

IM 12-02 –examples of inappropriate Referrals

- “The parent(s) would be unable to comply with the permanency plan of reunification due to the financial hardship caused by paying child support.”
- “The child is expected to be in foster care for only a short time.”
- Neither “appropriate” nor “short time” is further defined.

**Ramsey County
Change in Redirection process**

- Juvenile court orders contained automatic redirection language
- To avoid child support having to file a motion
- We like to automate things
- Parents didn’t see it coming
- Caught between two courts

Administrative redirect

- Minnesota State Law
- Statute 518A.46, Subd. 7
- The public authority must provide written notice of redirection to the obligee, the obligor, and the caregiver. The notice must be mailed to the last known address. The notice must state the name of the child for whom support will be redirected, to whom the support will be redirected, the date and the amount of the support that will be redirected. The notice must also inform the parties of the right to contest the redirection.

Administrative redirection

- Contest on the limited grounds that:
 - Child no longer lives with the caregiver
 - Support is needed to maintain the home for reunification
 - Redirection is not in the child's best interest



Can we do more?

- Develop a better partnership with Child Welfare
- Discretion
- Or stop the assignment altogether?



Timeliness of topic

- Families First philosophy
- Problematic cases to manage



QUESTIONS?
