



Capitol View On Kids

*The latest news on children and families in
in Washington D.C.*

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CAPTA Funding Cut-Off One Of The Challenges For One State

This past week Montana Governor Steve Bullock announced a plan to improve child protection and child welfare services. The announcement comes against a backdrop of increasing state foster care numbers and a threat by HHS to cut-off CAPTA funds if the state does not come into compliance with that law's federal requirements on disclosure of information as it relates to child fatalities.

The Governor's announcement of increased resources and staff hiring comes against what the Governor described as a 75 percent increase in foster care placements over the past eight years (65 percent over five years). The Governor's initiative, "Protect Montana Kids" is in response to increased cases involving drug and alcohol abuse by parents.

The initiative comes after an August 13, letter issued by Children's Bureau Commissioner Joo Yeung Chang informing the state that they could lose their CAPTA state grant funds unless they amend their laws to meet the required disclosure requirements when it comes to child fatalities. The disclosure requirements have been on the books for years with the latest changes through CAPTA enacted in 2010. The letter was revealed by the AP and reported by them ([Feds Warns Montana It Faces Cutoff Of Abuse Program Funding](#)) on August 26, 2015.

The challenge for the Bureau and Montana is that CAPTA funding has become so small that the state of Montana receives only \$120,000 a year to carry out the various CAPTA child protection and prevention initiatives. The AP reports that the state's total child welfare budget is \$70 million. The Montana legislature is not scheduled to meet again until 2017 and the cost of a special session of the legislature to come into CAPTA compliance would be more than the loss of federal child protection funding.

CAPTA funding, now at approximately \$26 million a year for all states and territories, is small enough when allocated that it provides 13 states with less funding than the salary of a member of Congress. Recognizing the limited legislative schedule, the Bureau letter directed Montana to come into compliance by 2017 with certain actions indicating the state's intent before 2017.

CAPTA is due for reauthorization this current fiscal year (2015) and that target will not be met. More likely its reauthorization will be impacted by the [Commission to Eliminate Child Abuse and Neglect Fatalities](#) recommendations which are expected early next year. CAPTA was most recently amended by Congress this year to add state mandates regarding the screening and training regarding sex trafficking victims. In recent years Congress has subjected CAPTA to the across-the-board sequestration cuts with those cuts

later embedded into the final appropriations enacted as part of the 2014-2015 final appropriations. CAPTA state grant funds peaked in 2004 under President George W Bush when it received an increase to approximately \$30 million.

The Montana Governor's plan would hire 33 more staff at child advocacy centers across the state in an effort to reduce caseloads. The legislation would not be taken up until 2017 with the Governor setting up a commission to look at the issue over the next year.



Foster Care Numbers Increase By 14,000 in 2014

New annual data from HHS indicates that the number of children in foster care increased by more than 14,000 children in federal fiscal year 2014. According to the annual HHS report, the number of children in foster care increased to 415,129 compared to 400,989 in 2013.

The totals represent the number of children in out-of-home care (foster care) on the last day of the federal fiscal year (September 30, 2014). It is the highest number of children in foster care since 2009. The increase is the second consecutive annual increase with last year's (2013) total of 401,000 representing an increase of 4,000 children in care over the previous year. The 2014 to 2013 increase is also the highest year to year increase in more than a decade.

The numbers released through [AFCARS Report # 22](#) indicate that while the number of children leaving foster care decreased by 2,162 compared to 2013, the number of children entering foster care increased by 9,666. The bulk of that number seemed to increase most within the zero to three population which increased by approximately 6400 children in care.

The number of children adopted from foster care at 50,608 is also the lowest in a decade and approximately 1500 less than the previous year. The nearly 108,000 children in foster care waiting to be adopted is also the highest since 2010.

It is unclear what is driving the increase and where it is coming from between the fifty states –AFCARS preliminary numbers do not break down by state—but it is a safe assumption that at least part of the increase is a result of the prescription drug/heroin substance use increases seen in certain parts of the U.S. Some states (see related Montana story) have experienced dramatic increases in drug use. It is especially prevalent in areas such as the Northeast.

A number of states are also struggling with a range of budget problems which also does not bode well for state child welfare budgets competing with a number of other more popular budget priorities.

The state budget challenge has not been assisted by recent reductions in federal child welfare programs with funding sources such as Title IV-B Child Welfare Services (CWS), Title IV-B Promoting Safe and Stable Families (PSSF), the Child Abuse Prevention and Treatment Act (CAPTA) and the Social Services Block Grant (SSBG) all being reduced by recent sequestration cuts with some of those cuts being made permanent through appropriations (CWS, PSSF and CAPTA).



Commission to Eliminate Child Abuse and Neglect Fatalities Deliberating

The Commission to Eliminate Child Abuse and Neglect Fatalities has been holding [a series of deliberation calls](#) to settle on recommendations that have the potential to be wide ranging in their impact on state child protective services and child welfare systems.

The Commission established by Congress at the end of 2012 ([Protect Our Kids Act of 2012](#)) has focused on the tragedy of the more than 1500 annual child deaths that result from child abuse, a total many argue is much higher but not counted. In addition to issues of how to track and count these fatalities is the greater challenge of developing a strategy that can better address those child deaths that occur in families known to the child welfare system and how to more globally address a larger population of vulnerable families and children that may have no contact with CPS.

The Commission has crafted a [CECANF National Strategy Draft](#) and [Final Report Outline Draft](#) and [Fatalities Along the Continuum](#) that will likely change between now and the end of this year as members of the Commission publically deliberate what they will recommend, how specific those recommendations should be, and how large (funding) and encompassing recommendations should be for a report that will ultimately come back to Congress.

One area that has been discussed is a potential set of recommendations regarding the [redesign of CAPTA](#). CAPTA's reauthorization expires at the end of the fiscal year but in recent years it has not been reauthorized within the five year time period.

A set of recommendations by the Commission could focus much needed attention on a CAPTA reauthorization and may push appropriators to better fund the Act which in recent years has lost funding while Congress amends it with new requirements. Reauthorization is the responsibility of the House Education and the Workforce and Senate HELP Committee but those two committees have focused most of their attention on the reauthorization of the education law (ESEA) with other items such as higher education likely next up. A CAPTA reauthorization reinforced by Commission recommendations that would elevate the Children's Bureau and the issue of child abuse protection and child abuse prevention could give those committees impetus to re-engage on child welfare issues and focus much needed attention on prevention and front end services.



Shutdown Unlikely With Surprise Boehner Move

With limited action last week beyond the Pope's visit to Washington and Congress, the status of a government shutdown looked less clear until Speaker John Boehner's (R-OH) surprise announcement that he will be leaving both his position and Congress at the end of October. It's likely that more conservative elements in the House will hold their fire on trying to shut the government now that the speakership is open. Even if they don't Speaker Boehner could just patch together votes from Democrats without fear of repercussions.

The Senate has taken a two-step process. On Thursday, September 24, the Senate took the first step in trying to keep the government open beyond Wednesday September 30 by taking up a continuing resolution. This first CR would have provided funding through December 11, 2015. It would ban any federal funds from Planned Parenthood and provide a short term increase in defense spending of \$11 billion while funding the rest of government at 2015 levels. It was rejected and it was designed by Majority Leader Mitch McConnell (R-KY) to demonstrate to some of his own caucus and some House

Republicans that they cannot get their desired CR through and that it would result in a government shutdown. McConnell will now move a "clean" CR.

The House response, still not certain, but they will likely accept a CR that does little different but fund the government into December.

A final short term CR through December 11 that the President would sign would extend funding for all programs at the 2015 while giving time for a Congressional-Administration negotiation. Such a deal would likely cover both the rest of FY 2016 and all of FY 2017 to carry that budget past next year's election thus preempting a politically damaging shut down next October. A deal would require some agreement on increases for both domestic and defense spending.

There was a temporary reprieve from the budget caps in 2014 but that restored the reduced 2013 spending level. Under the current budget caps and sequestration non-defense discretionary spending will increase by two-tenths of a percent next year. That is slightly more than a \$1 billion increase. Congressional Republicans want a \$38 billion increase in the Defense Department budget. They provide this through appropriations bills that circumvent the budget caps by calling the increase "emergency spending" and off budget. The President has proposed a \$38 billion increase in defense spending but only if it is accompanied by an equal \$38 billion domestic spending increase.

The other issue for a long term negotiation would be various policy riders, especially one dealing with Planned Parenthood. But if it becomes clear that Congress cannot enact restrictions through a CR, such policies won't happen as part of a two-year agreement.



UPCOMING CAPITOL HILL BRIEFINGS/EVENTS

- *September 30, End of Federal **Fiscal Year 2015***
- *October 4, UNITE to Face Addiction Rally, the National Mall, Washington DC, for more information: Email us at info@facingaddiction.org, <https://www.facingaddiction.org>*
- *[Examining Strategies to Improve the Use of Research Evidence in Child Welfare](#), Monday, October 5, 2015, 11:30 a.m.-1:30 p.m. EST, Capitol Hill, Location TBA, RSVP: Please [register here](#)*
- *[Angels in Adoption](#), Congressional Coalition on Adoption Institute, **October 7, 2015**, For more information go to [CCAI](#)*
- ***The National Campaign to Prevent Teen and Unplanned Pregnancy**, convening a day and half long meeting to focus on preventing pregnancy among youth in the foster care system. **October 7th and 8t**, The Pew Charitable Trust, 901 E Street NW, Washington DC., [Details and Invite](#)*
- *Justice for Girls: The Sexual Abuse to Prison Pipeline, **Thursday, October 8, 2015 –11:00 a.m.**, sponsored by Congressmember Karen Bass (D-CA), **2237 Rayburn House Office Building**, **RSVP: bass.house.gov/abusepipeline***
- ***Voice For Adoption's Annual Adoptive Family Portrait Project**,—Please plan to join us for our annual awareness program hosted on Capitol Hill during National Adoption Month! **Tues. Nov. 3rd on Capitol Hill** The goal is to raise awareness among members of Congress and their staff about the real experiences and needs of families that have adopted children who were in the public child welfare system, [click here](#) to learn more.*