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The Misallocation of Federal Funds in the U.S. Child Welfare System

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Abstract

This research paper will explore the impact that the federal financing structure has on the child welfare system in the United States. First, a historical policy analysis of the changing goals of child welfare and an overview of the current federal funding structure will be provided. Subsequently, the consequences of having a changing system with an unchanging funding structure will be explored. Finally, proposed solutions will be explored in terms of their impact on the field of child welfare as well as society as a whole. Unfortunately, antiquated federal programs are being used to fund progressive and innovative child welfare policies. Children and families alike are negatively impacted when funding is not available for the most vital child welfare goal: family preservation. Federal funds undeniably shape the implementation of child welfare policies in local agencies across the country. This research reveals that the field of child welfare needs to advocate for funding streams that can meet its new goals. Future research should continue to explore possible solutions for allowing the federal funding structure to fully support the goals of child welfare.

Keywords: child welfare, federal funding

The field of child welfare in the United States is a complex system that impacts hundreds of thousands of individuals and families every year. Over time, it has undergone tremendous changes, reformations, and advances. The beginning of the child welfare movement traces back to the early 19th century, but it is a fluid and ever-changing field that continues to undergo various transitions (Popple & Leighninger, 2011). The goals have moved from rescuing children to protecting children to preserving families. The funding structure, on the other hand, was first set in place in 1935 with the passage of the Social Security Act and has remained predominantly fixed over time. The field of child welfare has been impacted by changing policies over time, but unfortunately the federal funding structure has not shifted in order to accommodate these advances.

To begin, it is important to provide an overview of the various ideologies and policies that have guided the goals of child welfare in this country from their beginnings until now. When settlers first arrived in the United States in the 17th and 18th centuries, the basic economic unit was the family, and childhood was a foreign concept, as children were expected to begin working as soon as they were able (McGowan, 2005). English common law in the 18th century saw children as "chattels of the family and wards of the state with…few legal rights" (McGowan, 2005, p.11). It was not until the 19th century that English common law definitions of children began to shift, and they were viewed as important in society and worthy of protection (Popple et al., 2011). This change in common law, coupled with the value of children increasing in society, led to the emergence of child protection.

Child protection looked quite different in the 19th century, and was centered on the goal of rescuing children (Popple et al., 2011). This is most evident beginning in 1853 with the orphan train movement, began by Reverend Charles Loring Brace ("The orphan trains"). In this movement, children were moved from the slums of New York City to live with rural families. There was no attempt to strengthen families or reunify children, but simply to rescue children from the desperate circumstances in which they were living. Approximately 120,000 children were moved from New York City to rural areas in the west as a part of this child rescue movement ("The orphan trains"). Subsequently, the foster care movement first began to grow (McGowan, 2005). The next notable event took place in 1873, where the first case of child abuse became a point of national concern with Mary Ellen Wilson (Popple et al., 2011). In response to this event, the Societies for the Prevention of Cruelty to Children (SPCC) was created, but it made no attempt to discover what societal conditions were leading to maltreatment, but simply sought to prevent it from happening again. Clearly, this is not the ideology governing the protection of children today.

The shift to child protection rather than child rescue took several more years to occur. In 1906, Carl Carstens, a trained social worker, became director of SPCC in Massachusetts and three years later, the White House Conference on Children offered its support for the foster care movement (Popple et al., 2011). After a series of events, by 1966, every state had passed mandatory child reporting laws. Reports soon skyrocketed, and the rise in the foster care population was an inevitable result. While foster care was initially designed to be a solution to the problem of child maltreatment, it soon proved to become a problem in and of itself. Fanshel and Shinn (1978) conducted a longitudinal study over a five-year period with over 600 children in foster care and found that in less than 25% of their cases was it common that the children would return home. That study and other such publications encouraged the permanency planning movement, which became a federal mandate in 1980 with the passage of the Adoption Assistance and Child Welfare Act (Popple et al., 2011). This act signed into law the requirement that the primary goal of child welfare services should always be to reunify children with their parents. With this goal, the innovation of permanency planning helped to usher in family preservation as the overriding policy. Family preservation was officially written into federal policy in 1993 with the passage of the Family Preservation and Support Program (Popple et al., 2011). Undoubtedly, the historical analysis is intricate and extensive, but a clear understanding lays the backdrop for an analysis of the funding structure.

The current policy of family preservation stands in stark contrast to the previous goals of child welfare. It is most profitable to define family preservation by its goals, of which there are four. The first is to prevent placement of children outside of the home (Popple et al., 2011). One of the most innovative cornerstones of family preservation is that services can be provided in the home, to prevent removal of children. The second goal is to protect children, both in the short- and the long-term. The third goal is to improve family functioning. Rather than just focusing efforts on the children, parents are integral in the process of family preservation. The fourth and final goal is to prevent child abuse and neglect. The hope is that providing intensive services in-home will be sufficient not just to avoid a removal or to protect the child, but to ensure that maltreatment will not occur in the home again.

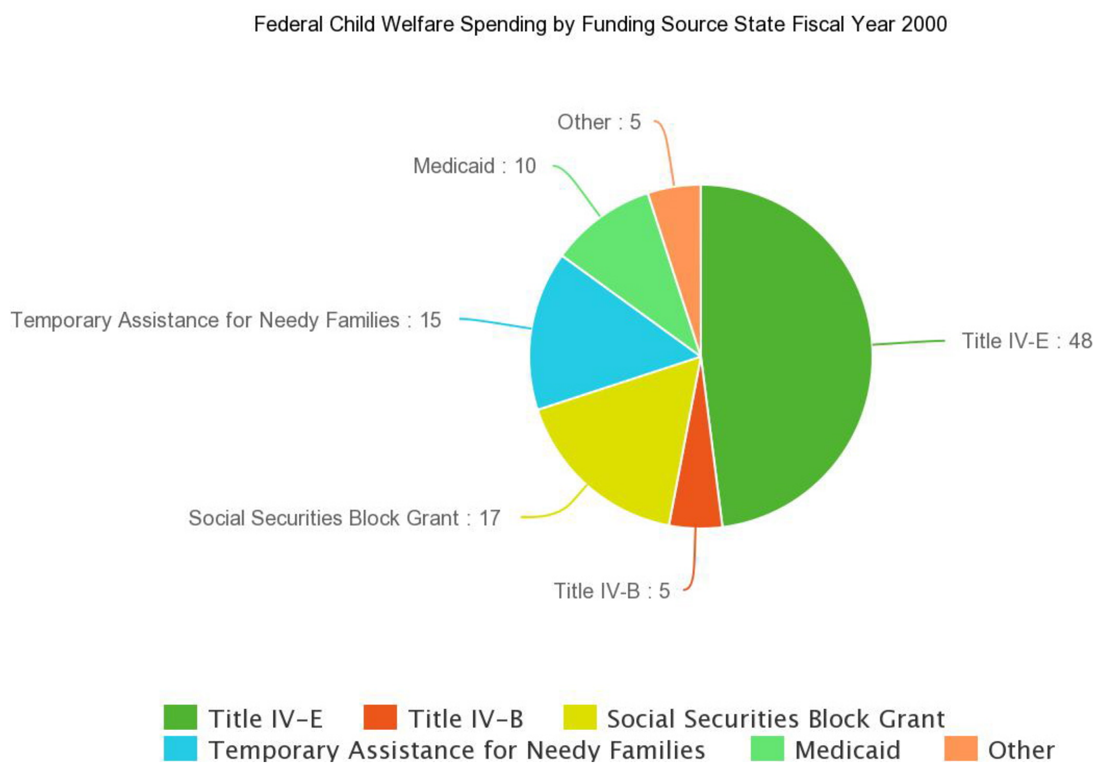
Rescuing children was simply a quick fix for a much large societal problem. Rescuing children, or even just protecting them, focused only on the child, and did not incorporate a systems approach to the many factors contributing to the issue of child maltreatment. Simply rescuing children from poor conditions did not prevent future occurrences of maltreatment. Therefore, it was inevitable that such an ideology would soon be supplanted by a more holistic approach to the problem. If prevention was going to occur, parents and families needed to be included in the interventions to target this societal issue. With this, the way was paved for the introduction of in-home services that formed a collaborative partnership with the parents, which is essential to family preservation policy.

More than anything else, economic factors have proven to be the biggest motivator behind the shift in policy to family preservation. Child protection first became an economic concern in 1935, with the passage of the Social Security Act, which offered the first federal funds for child welfare services (McGowan, 2005). This act not only offered cash assistance to families who might have had their children removed otherwise; Title IV-E allocated large sums of money to supporting foster care in all states (Social Security Act, 1935). An analysis of the use of these funds for foster care and adoption under Title IV-E found that they have increased approximately 418% since 1981 (Popple et al., 2011). The increase of funding happened at an alarming rate, and therefore, family preservation was able to take over national policy with the promise that the cost of child welfare services would be decreased. For example, a foster care placement costs an average of $5,113 each year per child, while the cost of in-home services is only $2,700 per year (Popple et al., 2011). However, in order for the policy of family preservation to receive a permanent place on the federal agenda, the pressure is on for it to prove cost-effective and produce tangible savings. With this in mind, the federal funding structure is deeply intertwined with the success of the child welfare system in this country.

While policy has changed substantially from rescuing children to preserving families, the federal funding structure has remained constant over time. As mentioned before, it was first written into law in 1935 with the passage of the Social Security Act. Under the Social Security Act, Title IV-B and Title IV-E are the specific funding streams that are dedicated to child welfare. Additionally, there are non-dedicated funds that can be used for child welfare services such as Temporary Assistance to Needy Families (TANF), the Social Services Block Grant

(SSBG), and Medicaid (Christian, 2006). For the purpose of this research, the focus will be on the dedicated funding streams under the Social Security Act and not the non-dedicated funds. Figure 1 below outlines the dissemination of funds across both the dedicated and non-dedicated funding streams.

<u>Figure 1.</u>



Note. From "The child welfare financing structure" by K. O'Neill Murray, 2001, *The Chronicle of Social Change*.

Because TANF, SSBG, and Medicaid are not dedicated specifically to child welfare, it is more beneficial to limit the scope of this research to only the effects of the dedicated funds. In that way, conclusions can be drawn to infer how the federal funding is directly affecting the child welfare system. The following section will provide a thorough overview of Title IV-B and Title IV-E.

Title IV-B is the first source of dedicated child welfare funds from the federal government. Stoltzfus (2014) summarizes the Title IV-B funds as formula grant funds to states for child welfare-related services. More specifically, Subpart 1 is titled the Stephanie Tubbs Jones Child Welfare Services. Under this section, there are five subparts that identify targets for which funding can be used. The first is to "protect and promote the welfare of all children" (Stoltzfus, 2014, p. 4). This, evidently, is the most basic and foundational area for which funds are provided. The second is focused on the prevention of abuse and neglect. The third seeks to allow children to remain in their homes whenever possible, or to ensure timely reunification. The fourth regards promotion of the child well-being and permanency of children in foster and adoptive families. The final area is for training the child welfare workforce. Overall, the areas that are funded under the Stephanie Tubbs Jones Child Welfare Services fall directly in line with the goals of the current child welfare policy of family preservation.

Subpart 2 of Title IV-B is Promoting Safe and Stable Families (PSSF). Similar to before, PSSF also authorizes formula grant funding to states, but focuses on slightly different child welfare services, with an emphasis on family preservation (Stoltzfus, 2014). Specifically, there are four areas of funding that fall under PSSF. The first is the prevention of child abuse and neglect in families that are at-risk. The second focuses explicitly on family preservation by ensuring that children are safe in their own homes, and by promoting services to keep children with their families. The third encourages timely reunification of children with their birth parents in the event that they have to be placed in foster care. The final area provides financial support to adoptive parents. In fact, PSSF was written into Title IV-B in 1993, the same year that family preservation was written into federal law (Stoltzfus, 2014). In contrast, the Stephanie Tubbs Jones section is the oldest federal child welfare program (Christian, 2006). It is notable that

PSSF was passed in the midst of the change in federal policy towards family preservation, but the amount of funds that are allocated within Title IV-B is extremely low.

For both of these programs under Title IV-B, there are no eligibility requirements for which children are able to be recipients of the funds (Stoltzfus, 2014). For Subpart 1, federal funding is authorized for $325 million per year, although the numbers show that the federal government does not usually appropriate this much funding to states. Table 1 below shows the allocations for FY2012-FY2014 for Subpart 1 of Title IV-B allocations.

Table 1.

Final Funding for Stephanie Tubbs Jones Child Welfare Services Program

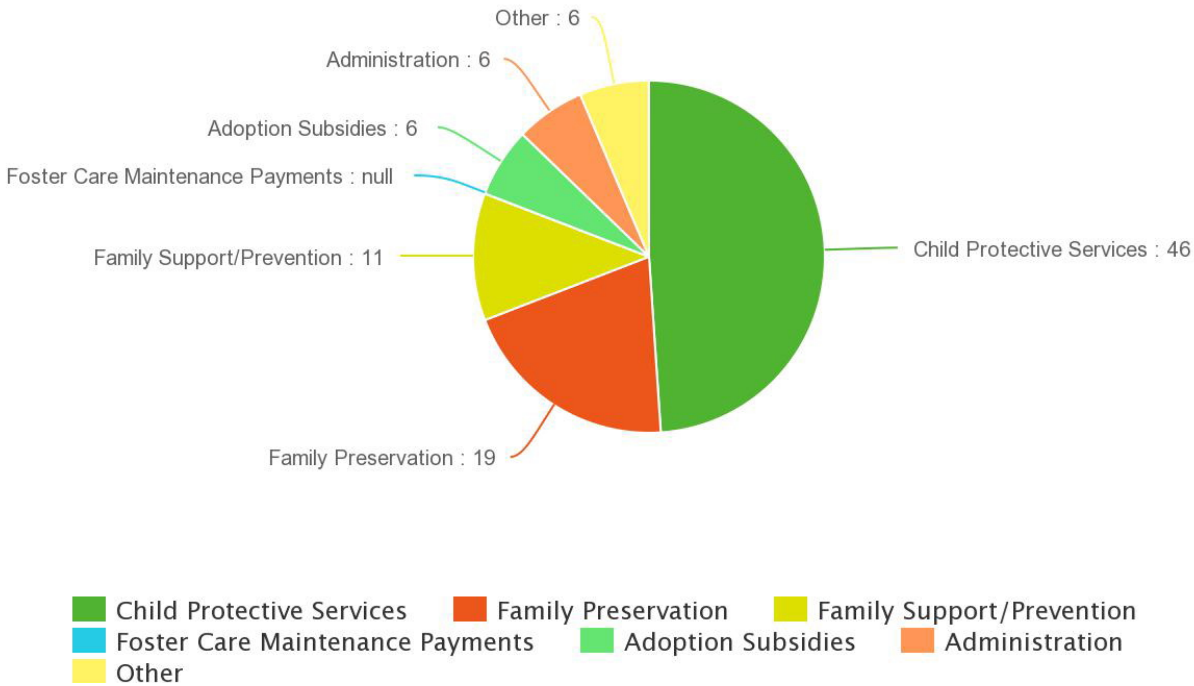
Child Welfare Services	**FY2012**	**FY2013**	**FY2014**
Formula grants to states, territories, and tribes	$280,650,000	$262,622,000	$268,735,000

Note. From "Child welfare: An overview of federal programs and their current funding" by E. Stoltzfus, 2014, *Congressional Research Service*.

Under Subpart 1, each state is awarded a base allocation of $70,000, but if they wish to receive their full amount of funding, they must match the federal funds by at least 25% (Stoltzfus, 2014). This is most likely the reason that states are not receiving the full amount of funds that can be allocated to them. If smaller states do not have the state or local funds to match the federal allocations, they will not be apportioned adequate amounts of funding. While the Title IV-B funds are already limited in comparison to the Title IV-E funds (which will be explored later), the allocation that goes directly to family preservation is only 19%. Figure 2 provides a breakdown of how funds are being used under Subpart 1.

Figure 2.

State Spending Patterns for Subpart 1 of Title IV-B (FY2013)



Note. From "Child welfare: An overview of federal programs and their current funding" by E. Stoltzfus, 2014, *Congressional Research Service*.

In contrast with Subpart 1, which only includes discretionary funding, Subpart 2 also includes mandatory funding. For Subpart 2, the federal appropriations allow for $200 million of discretionary funding, and $345 million of mandatory funding (Stoltzfus, 2014). However, similar to Subpart 1, allocations do not always reach the federal authorizations, and in fact are significantly lower. Table 2 below shows the funding for PSSF for FY2012-FY2014.

Table 2.

Final Funding for Promoting Safe and Stable Families (PSSF) Program

PSSF Funding	FY2012	FY2013	FY2014
Mandatory funding (subtotal)	$345,000,000	$327,405,000	$320,160,000
Discretionary funding (subtotal)	$63,065,000	$59,672,000	$59,765,000
Total	**$408,065,000**	**$387,077,000**	**$379,925,000**

Note. From “Child welfare: An overview of federal programs and their current funding” by E. Stoltzfus, 2014, *Congressional Research Service*.

In the same manner as Subpart 1, full funds under Subpart 2 can only be accessed if states match federal allocations by at least 25% (Stoltzfus, 2014). As well, there are more specifications for how the money is spent by the states, as they are required to dedicate a certain percentage of funds to each of the four categories under PSSF. Additionally, the federal law requires that certain PSSF funds be set aside and dedicated to certain programs such as caseworker visits and court programs, but those details will not be analyzed in this research.

It is evident that the programs needing funded under Title IV-B of the Social Security Act fall directly in line with the goals of family preservation. Attempting to keep children with their families, promoting timely reunification, and focusing on family preservation are inherent in the Title IV-B funds. It is unfortunate, therefore, that Title IV-B receives such an incredibly small percentage of the dedicated child welfare funds. This disparity will be further explored in a subsequent section of this paper, but for now the focus will turn to Title IV-E of the Social Security Act.

Funds for Title IV-E are significantly higher, and also easier to access than those under Title IV-B. There are three main sections under Title IV-E: foster care, adoption assistance, and kinship guardianship assistance; independent living services; and adoption incentive payments (Stoltzfus, 2014). Under foster care, the goal is always to return a child to their parents, and if this is not possible, to find an alternative permanent living situation for them. However, not even all children who are in foster care are eligible to receive Title IV-E dollars. For example, in FY2013, less than half of children in foster care were receiving Title IV-E funds (Stoltzfus, 2014). The eligibility criteria require that the children come from a low-income home and that they be living with a licensed foster family. Parents who have adopted special needs children are eligible to receive adoption assistance funds (Stoltzfus, 2014). Finally, kinship guardianship assistance can provide financial assistance to relative placements, but as of May 2014, only 32 states had included kinship assistance as part of their Title IV-E funding. Table 3 below provides a breakdown of each of these allocations.

Table 3.

Budget Authority Provided Under the Title IV-E Program

Title IV-E Program	FY2012	FY2013	FY2014
Foster Care	$4,288,000,000	$4,285,540,000	$4,279,000,000
Adoption Assistance	$2,495,000,000	$2,368,680,000	$2,463,000,000
Kinship Guardianship Assistance	$80,000,000	$123,000,000	$124,000,000

Note. From "Child welfare: An overview of federal programs and their current funding" by E. Stoltzfus, 2014, *Congressional Research Service*.

There are also many children who "age out" of the foster care system each year, which means that they reach the legal age of an adult and are no longer under the custody of the state. Independent living services help these children to transition into adulthood. Funds for these youth fall under the Chafee Foster Care Independence Program (Stoltzfus, 2014). When it becomes clear that teens in foster care are going to age out of the system, the federal government requires that services be provided to teach them basic life skills and prepare them for adulthood. As well, funds can be used to support housing and employment services for former foster youth ages 18-21. Vouchers can also be provided to help pay for postsecondary education for teens who are interested in pursuing a college degree. Table 4 below shows all funding for independent living including both the general program, and the educational and training vouchers.

Table 4.

Final Funding for the Chafee Foster Care Independence Program (CFCIP)

CFCIP	FY2012	FY2013	FY2014
General Program	$140,000,000	$140,000,000	$140,000,000
Educational and Training Vouchers	$45,174,000	$42,273,000	$43,257,000

Note. From “Child welfare: An overview of federal programs and their current funding” by E. Stoltzfus, 2014, *Congressional Research Service*.

Finally, the adoption incentives program encourages states to increase the number of overall adoptions, as well as adoptions for children over the age of nine, and for those who have special needs (Stoltzfus, 2014). Any state that improves the percentage of their children who are adopted are eligible to receive these funds, as outlined in Figure 5 below.

Table 5.

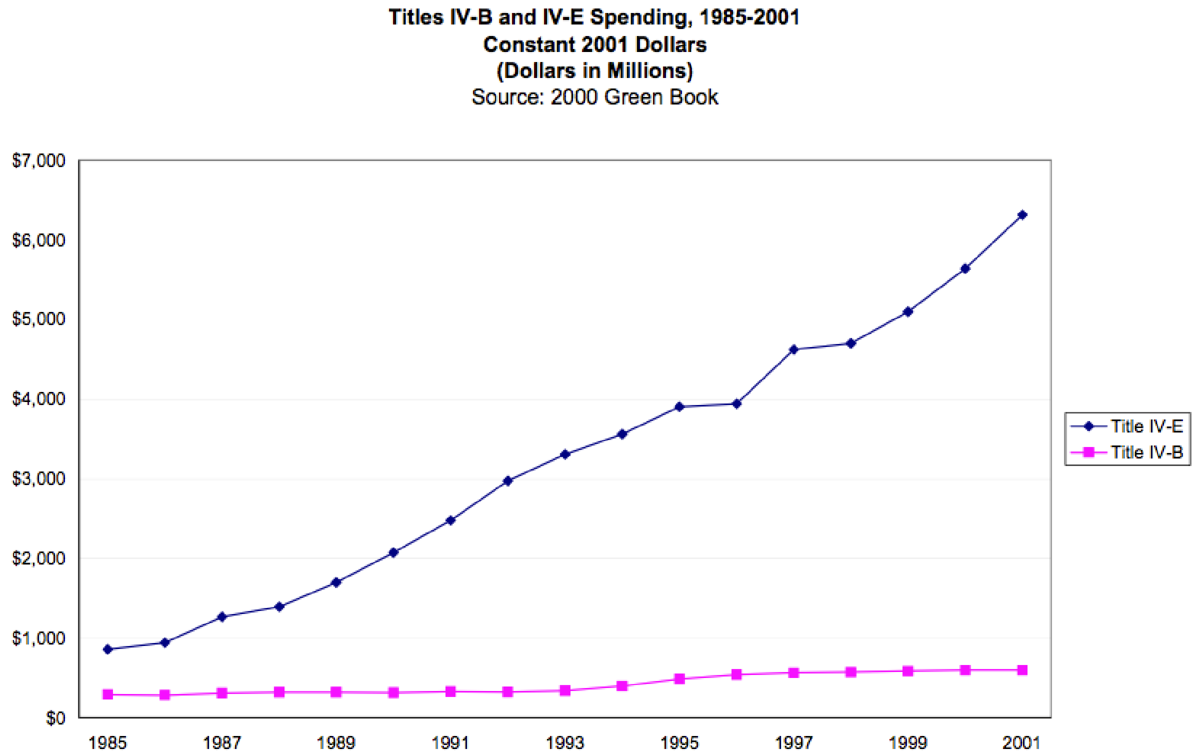
Final Funding for Adoption Incentive Payments

Adoption Incentives	FY2012	FY2013	FY2014
Funds to make incentive payments	$39,346,000	$37,230,000	$37,943,000

Note. From “Child welfare: An overview of federal programs and their current funding” by E. Stoltzfus, 2014, *Congressional Research Service*.

Overall, it is evident that the allocations under Title IV-E are significantly larger than the Title IV-B funds. For example, looking at numbers from FY2000 as outlined in Figure 1, Title IV-B funding only accounts for 5% of all federal funding, and this includes non-dedicated funds (O’Neill Murray, 2001). On the other hand, in the same year, Title IV-E funding accounted for approximately 48% of total funding. Looking at the programs that are funded under each of the titles, it is clear that Title IV-B is more in line with family preservation goals. One would expect that the shift in policy over time would cause a decrease in Title IV-E funding for foster care, and an increase in funding for family preservation programs under Title IV-B, but this has not been the case. In fact, Figure 3 below demonstrates that quite the opposite is true.

Figure 3.



Note. From "The child welfare financing structure" by K. O'Neill Murray, 2001, *The Chronicle of Social Change*.

Figure 3 shows a minimal increase in Title IV-B funding after 1993, and this is likely due to the creation of Subpart 2 of Title IV-B, Promoting Safe and Stable Families. Nevertheless, the increase is miniscule in comparison to the rapid growth of Title IV-E funding. It is alarming that the funding structure has not adjusted to accommodate for the emergence of family preservation as the overriding federal policy governing child welfare.

Predictably, operating the child welfare system with new goals and an old funding structure inevitably leads to problems not only with involved families, but also in society as a whole. The first challenge is that the majority of the funds can only be accessed by local public child welfare agencies after children have been removed from their homes and placed in the custody of the state. When looking at the dedicated funding in Figure 1, about 90% of the dedicated child welfare funds are distributed in the form of Title IV-E reimbursements, which are primarily for foster care (O'Neill Murray, 2001). This takes a reactive, rather than proactive approach to child maltreatment. Instead of providing significant funds for prevention and preservation before a child is placed in care, the majority of federal dollars can only be accessed once a child has been removed from their home and placed in foster care. Even more, some critics argue that some states have little incentive to shorten the length of time that children are in foster care, because there is no real financial benefit to this (O'Neill Murray, 2001). The funds that are focused on timely reunification and permanency planning are allocated under Title IV-B, where funds are very limited.

Many children are simply ineligible to receive any form of Title IV-E funding. According to the Child Welfare Information Gateway, in FY2012, approximately 2.1 million reports were screened in by child welfare agencies across the country involving 3.2 million children. In comparison, the Children's Bureau found that only 251,539 children entered foster care during FY2012. Undoubtedly, it is a positive outcome that such a small proportion of reports result in children entering foster care. Further, in comparing the data from Child Welfare Information Gateway and the Children's Bureau, it can be estimated that roughly 7.8% of children who are the subject of a report enter foster care. At the same time, this means that in terms of funding, about 7.8% of alleged maltreated children have access to approximately 90% of the dedicated funds. Add to this the fact that less than half of the children in foster care are eligible for Title IV-E funds, and the disparity in access to funds only grows wider (Stoltzfus, 2014). With so many children ineligible for funds, there must be a better way to coordinate federal funding so that money is available to more children and families in need.

As previously mentioned, some critics argue that there is little incentive to shorten the length of time that children are in foster care due to the funding structure (O'Neill Murray, 2001). This is particularly concerning when outcomes have consistently shown that an average of 20,000 teens age out of the foster care system each year (Courtney et al., 2005). The Chafee Foster Care Independence Program was added to Title IV-E in 1999 to help successfully transition youth out of foster care and into adulthood. Unfortunately, the outcomes for these youth are still bleak. When sufficient federal funding does not advocate permanency and timely reunification, the inevitable result is that more and more youth will continue to age out of foster care with no family to call their own. These youth are less likely to attend college, have a higher rate of teenage pregnancy, and are more likely to be involved with the juvenile or criminal justice system (Dion, Dworsky, Kauff, & Kleinman, 2014). With these outcomes, it is more beneficial for funds to be provided up-front for preservation, reunification, and permanency. Otherwise, these youth will inevitably incur heavy costs for the government after they leave foster care.

Another challenge presented by the current funding structure is that the majority of federal funds are accessed through a reimbursement process. For example, in order for a state to receive its full allocation of Title IV-B funds, states must match grants by 25% using nonfederal dollars (Stoltzfus, 2014). In the state of Ohio, the state only covers an average of 10% of the cost of child welfare, and local agencies are required to provide the majority of the funding (Public Children Services Association of Ohio, 2014). Therefore, the amount of funding that is accessed is heavily dependent on local sources, and especially levies. Smaller counties that cannot depend on a Children Services levy receive a fraction of the funding from the federal government. Table 6 below provides a breakdown of funding for the counties in Ohio.

Table 6.

Comparing Funding for Ohio Counties With and Without Levies

Child Welfare Funding/Child Population	Number of Counties	Federal Revenue	State Revenue	Local Revenue	Total Revenue
All Counties	88	$145	$31	$138	**$314**
Counties Without Levies	43	$48	$25	$35	**$108**
All Counties With Levies	45	$171	$33	$165	**$368**

Note. From *PCSAO Factbook*, 2014, Public Children Services Association of Ohio.

Table 6 shows that local revenue determines the amount of funding that can be received from the federal government. If local agencies cannot provide funding up-front for their child welfare services, they will not be able to access sufficient federal funds. In the state of Ohio, local levies are imperative for the receipt of federal funding. Looking at the total revenue for each child in care, counties without levies only receive $108 per child, while counties with levies receive over three times this amount (Public Children Services Association of Ohio, 2014). This disparity results in an imbalance of services offered from county to county.

In recent years, a few states (e.g. Indiana, Ohio, Oregon) have been granted the ability to use flexible federal funding through Title IV-E Waiver Demonstration Projects (Administration on Children and Families, 2005). These projects allow states to access Title IV-E funds not only for children in foster care, but for other programs that target all children and families. For example, in Ohio, a project called ProtectOhio was first implemented in October 1997. It is now in its third waiver period, and results have been published from both the first and second period (Human Services Research Institute, 2010). Ohio is only one of five states with a waiver demonstration project, but the hope is that “funds normally allowed to be spent only for foster care can be spent for a range of child welfare purposes” (Human Services Research Institute, 2010, p. 2). The second waiver period lasted from 2005-2009, and demonstrated some improved outcomes for children. Eighteen counties participated in ProtectOhio during the second waiver period, and outcomes were evaluated by using comparison counties.

An important aspect of ProtectOhio has been the implementation of Family Team Meetings (FTM). The goal of these meetings is to increase biological family participation in the decision-making process, with the hope that child outcomes would be improved (Human Services Research Institute, 2010). In comparing waiver counties with non-waiver counties in this aspect, some positive outcomes were seen. Children in demonstration counties had shorter cases, averaging 329 days instead of 366 days (Human Services Research Institute, 2010). As well, children in demonstration counties were "more likely to be placed with kin (47% versus 40%) and less likely to be placed in foster homes (46% versus 53%)" (Human Services Research Institute, 2010, p. 6). However, children in demonstration counties were 9% less likely to reunify with their parents than children in comparison counties. It is unknown why this trend emerged during the second waiver period. Fiscally speaking, ProtectOhio did demonstrate that there was a "significant reduction in the proportion of child welfare expenditures spent on foster care board and maintenance" (Human Services Research Institute, 2010, p. 16). Considering that the goal of the waiver projects is to reduce spending for foster care, this finding supports the success of the waivers in this specific regard.

Additionally, the Administration on Children and Families also published an executive report looking at outcomes across the few states with waiver demonstration projects. The report admits, "the use of Title IV-E funds are more complex than initially anticipated" and that "evaluation findings were not consistent and the benefits of using IV-E dollars more flexibly are not entirely clear" (Administration on Children and Families, 2005, p. 29). The flexible use of Title IV-E is the primary way that the federal government is seeking to provide more funds to prevent out-of-home placements and to reduce the time that children are in care. Knowing this, it is concerning that the results of these projects are so inconclusive. Using funds more flexibly holds great promise for improving child welfare outcomes and permanency, but a lack of concrete results causes questions to arise about the efficacy of the waivers.

Since the waivers have been developed, there has been substantial progress made in the internal workings of certain counties' child welfare agencies. However, noting that these projects have been in place for nearly two decades, it seems that results and outcomes should be more consistent and conclusive. Now more than ever before, the pressure is on for the federal government to find new and creative ways to reform federal child welfare financing. Family preservation as a policy is promising for improving outcomes for children and families. Unfortunately, without the financial support from the federal government, many children and families will continue to fall through the cracks of the child welfare system. Promoting preservation, reunification, and permanency of American families should rise to the top of the national agenda.

While the waiver projects themselves still have much to prove in terms of success, their goals are noteworthy and should still be considered. Our nation no longer operates under the belief that out-of-home placement should be the first approach to addressing child maltreatment. Federal policymakers and county caseworkers alike agree that providing up-front services to at-risk families embodies best social work practice. On the other hand, the financing structure does not reflect this belief. In other areas of society, fiscal reform follows policy change. For example, as social welfare policy shifted in the United States, Aid to Families with Dependent Children gave way to Temporary Assistance for Needy Families. The antiquated funding was replaced by a new and innovative way to provide cash assistance to needy families. In contrast, child welfare policy change has not subsequently led to fiscal reform. Until the federal funding structure aligns with the goals of child welfare, this nation will not be doing the best it can to ensure the safety, well-being, and permanency of our children.

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