

ADOPTED AS REVISED

RECOMMENDATION

1 RESOLVED, That the American Bar Association urges Congress, state,
2 territorial, tribal, and local governments to enact child welfare financing laws
3 and/or implement policies to reform the child welfare financing structure to end
4 the current fiscal incentives to place children in foster care. These reforms in law
5 and policy should:

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7 (a) Encourage keeping or reunifying children safely with their birth
8 families by increasing the amount and flexibility of funding available for the
9 following services:

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11 1. child abuse and neglect prevention;
12 2. family preservation and support;
13 3. family reunification; and
14 4. post-permanency support.
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16 Services should include direct access or connection to programs for
17 affordable housing, transportation, anti-poverty supports, substance abuse
18 and mental health treatment, aid in addressing domestic violence,
19 parenting instruction and peer parent support programs, and quality parent
20 representation programs.
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22 (b) Maximize access to federal, state, tribal, territorial and local
23 revenue streams so as to enhance the availability of those services by:

- 24
25 1. Allowing states and tribes, if they safely reduce the
26 number of children in foster care, to reinvest federal foster care
27 funds that would have been expended on such placements into
28 other child welfare services aimed at further reducing the need for
29 foster care;
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31 2. Reauthorizing and expanding the federal child welfare
32 waiver program and simplifying the waiver application process to
33 encourage use of federal funds in testing innovative approaches to
34 delivering child welfare services with the goal of strengthening
35 families; and
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37 3. Evaluating policies and formulas for funding distribution to
38 ensure adequate federal and state support for services to children
39 and families at risk of becoming involved in the child welfare
40 system, so that these services are readily available in
41 neighborhoods with high rates of poverty, child abuse and neglect,
42 and placements of children in foster care.
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44 FURTHER RESOLVED, That the American Bar Association urges Congress
45 federal, the states, tribesal, countyies and territoriasl governments to pass child

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46 welfare financing laws and/or implement policies that encourage all types of
47 permanency for children, including safe and stable reunifications, by creating an
48 enhanced federal permanency encouragement initiative that will reward states
49 and tribes for increasing their rates of safe and stable parental reunifications and
50 relative guardianships, as well as for adoptions.

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52 FURTHER RESOLVED, That the American Bar Association urges Congress to
53 amend Title IV-E of the Social Security Act consistent with the principles above.

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55 FURTHER RESOLVED, That the American Bar Association urges state and local
56 bar associations to actively support the development and implementation of
57 these laws and policies.

(DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED)