



April 27, 2020

The Honorable Nancy Pelosi
Speaker
United States House of Representatives

The Honorable Kevin McCarthy
Minority Leader
United States House of Representatives



The Honorable Mitch McConnell
Majority Leader
United States Senate

The Honorable Chuck Schumer
Minority Leader
United States Senate



RE: Recommended Provisions to Help Children and Youth in and Aging Out of Foster Care in Response to the COVID-19 Crisis

Dear Speaker Pelosi, Minority Leader McCarthy, Majority Leader McConnell, and Minority Leader Schumer:



We write to you as advocates for over 400,000 children and youth in and aging out of foster care. Removed from their families due to abuse and neglect, their trauma is often compounded by the instability they experience while in foster care, through placement and school changes.



COVID-19 poses a special risk to children and youth in foster care who uniquely rely on the public child welfare system to ensure their economic, emotional, and educational well-being.

Foster children are disconnected from work, school, and external support systems. Lacking family support, they are at risk of losing housing, and even their lives. The scope of the problem and need to reach youth in every state requires federal action.

We ask you to include the following reforms in the next COVID-19 bill to help meet the needs of children and youth in and aging out of foster care (these are included in order of priority):

Recommendation #1 Provide Emergency Financial Relief

Children, youth, nonminor dependents, caregivers and providers will feel the impact of COVID-19 beyond the lifting of the shelter-in-place order, through the summer and until the end of 2020. These strains disproportionately impact Native American children and youth in care who are members of 574 federally-recognized tribes.

Nonminor dependents and caregivers, many of whom have underlying health conditions, are spending drastically more on personal protective equipment, food, utilities, school supplies, computing devices, and more. Nonminor dependents working toward independence, feel the effects of the pandemic foreclosing many employment opportunities and depleting the savings they need to become self-sufficient. We ask Congress to assist the States in addressing these heightened needs through the following recommendations:

1. **Title IV-E Funding:** Increase FMAP by 12.5% to Title IV-E assistance payments to help states support children and youth in care during the time of economic and budgetary shortfalls. This policy aligns with the request of the National Governor's Association.



2. **CAPTA Title I:** Reauthorize CAPTA and increase funding to CAPTA Title I by \$500 million to ensure state and local child protection systems can adapt to these new circumstances while continuing to respond quickly to the reports of child abuse and address barriers to ordinary service delivery during the pandemic. .
3. **CAPTA Title II:** Increase funding to CAPTA Title II Community-Based Child Abuse Prevention (CB-CAP) grants by \$1 billion to quickly deploy resources directly to locally-driven prevention services and programs, including key services like state child abuse hotlines, voluntary home visiting programs, parent support programs, baby pantries, distribution of food and medication, family resources centers, and respite care services.
4. **Title IV-B Funding:** Provide \$500 million for Title IV-B funding to states to support prevention and early intervention services for families at risk of foster care entry, and to support family reunification services. These funds can also be used to ensure critical access to technology (phones, computers, etc.) for foster youth, foster families, and birth families to maintain connections through virtual visitation, participate in telephonic/video conference court hearings, and for older foster youth to continue in their education. This should also include increased funding for Court Improvement Program funding to support courts providing hearings through telephonic and other remote means, so that justice is not delayed for children, youth and families.
5. **Pandemic EBT:** Continue Pandemic EBT payments through the summer. These benefits provide temporary hunger relief and were authorized in the Families First Coronavirus Response Act only through June 30, 2020.
6. **Social Security Block Grant Funding:** Increase funding to the Social Services Block Grant by \$4.1 billion dollars, with a set-aside for Tribes, to help states provide critical services, including child protective services, child abuse prevention services, and foster care.

Recommendation #2 Ensure Stability of Foster Care Placements and Protect NMDs & Youth Transitioning from Care

Older youth in the child welfare system and those who have recently aged out have significant needs that have grown and become more urgent in the wake of the COVID-19 crisis. Transition age youth have reported struggling to pay rent and maintain housing, loss of hours or employment entirely, having low to no cash on hand, higher rates of isolation and increased needs for emotional support. Nationwide, approximately 1,400 foster youth face emancipation each month and face an uncertain future if discharged during a public health crisis.

Congress should take action to ensure that states have the funding, capacity, and expertise to support these young people for at least six months from the time the state of emergency has lifted through the following recommendations:

1. **Transition-aged Youth Services and Supports:** Increase Chafee funding by \$500 Million to provide immediate needs for youth such as housing, food and income supports and extend the age of eligibility for Chafee aftercare services to age 23 for all youth to allow young people to gain a foothold in the world of work, family and career during economic recovery.
2. **Extend Foster Care Exit Age:** Allow states to temporarily extend their foster care programs by one year to support foster youth transitioning to adulthood.

3. **Waivers of Extended Foster Care Programs:** For states like California that have opted to extend foster care beyond age 18, allow states to suspend the work, school and program participation requirements for young people to allow them to remain in safe and stable housing during the pandemic and for up to 12 months during the recovery period.

Recommendation #3 Flexibility

State's efforts to improve the child welfare and foster care service programs will face significant challenges in light of the need to prioritize continued services for children, youth and families. In addition, pending and likely severe budget deficits will strain state resources. States and counties may be forced to make very difficult decisions to reduce funding in all government programs including child welfare and foster care.

Currently, many states including California are under a federally-mandated federal review which can result in significant federal fiscal penalties at a time when states are grappling with growing fiscal uncertainty and potentially significant funding deficits. In addition, states are required to undergo periodic federal reviews of their Title IV-E fiscal program (claiming/documentation reviews), which has been temporarily suspended by USDHHS. Finally, states are required to implement significant changes to their foster care program under the Families First Prevention Services Act (FFPSA). We ask for flexibility and suspension for the following during the pandemic:

1. **Child and Family Service Reviews:** Allow states to renegotiate their CFSR and extend their reviews for up to 12 months. Cancel PIP penalties to the degree that states can show states can show they are maintaining state investment in the child welfare/foster care program (i.e. if a state reduces spending by 10%, then impose only a 10% penalty).
2. **Title IV-E Reviews:** Suspend Title IV-E reviews during the pandemic and during recovery time (up to 12 months post-pandemic).
3. **FFPSA Part IV Implementation:** Extend the requirement for states to conform by 12 months, from October 1, 2021 to April 1, 2021 given the necessary investments and changes to statutory and regulatory requirements that states must implement in order to come into compliance with FFPSA Part IV requirements.

Thank you for considering our request. We look forward to working with you.

Sincerely,

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