Well Being:
Court Performance Measures for Children

DRAFT ISSUE BRIEF

May 19, 2011

National Child Welfare Resource Center on Legal and Judicial Issues
The points of view expressed are those of the authors and do not necessarily represent the official position or policies of the National Resource Center on Legal and Judicial Issues or the National Center for State Courts.
# Focus Group on Well-Being Performance Measures

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I. Introduction

Courts play a crucial role in setting and monitoring child welfare goals, including well-being. Courts not only should achieve the goals they set for themselves but also should help achieve system goals by providing the leadership necessary to make the best use of resources available in the community and to create partnerships to advocate for new services and resources.

The Adoption and Safe Families Act of 1997 (ASFA) identifies well-being, along with safety and permanency, as one of the three key outcomes for children. Building on the mandates of ASFA, the federal government is working with state child welfare agencies to assess state performance through the Child and Family Services Reviews (CFSR), a process that examines child welfare outcomes. Based on the CFSR final report, the state then develops a Program Improvement Plan (PIP) designed to achieve systemic improvements and better outcomes for children involved in the child welfare system.

Although well-being measures have been an accepted part of the CFSR process, court-related well-being measures have yet to be broadly established. Given that courts have the responsibility to make sure that the state is providing proper care to children in its custody, courts need to consider whether those children over whom they have jurisdiction are receiving a quality education and are physically and emotionally healthy.

II. Performance Measurement in Child Abuse and Neglect Cases

A. History

The public sector has widely utilized and accepted as best practice performance measurement “…as a result of the convergence of two forces: (1) increased demands for accountability on the part of governing bodies, the media, and the public in general, and (2) a growing commitment on the part of managers and agencies to focus on results and to work deliberately to strengthen performance.”¹ This focus on performance measurement has spread through the courts as well.

In the wake of federal dependency court reform efforts, including the Court Improvement Program (CIP) and the passage of ASFA, court performance measures in child abuse and neglect cases were developed as a collaborative effort between the American Bar Association (ABA), the National Center for State Courts (NCSC), and the National Council of Juvenile and Family Court Judges (NCJFCJ) with support from the David and Lucille Packard Foundation. One result of this collaboration was the 2004 publication, Building a Better Court: Measuring and Improving Court Performance and Judicial Workload in Child Abuse and Neglect Cases. Building a Better Court

identified performance measures in the areas of safety, permanency, due process, and timeliness. These measures were designed to be compatible with the Child and Family Service Review (CFSR) measures, as well as the ASFA goals of safety and permanency.

In 2009, the ABA, NCSC, and NCJFCJ, with support from the Children’s Bureau and the Office of Juvenile Justice and Delinquency Prevention, field tested the performance measures in eleven sites to determine how they would work in practice in different courts with different case management systems and different measurement needs. The primary product from that project was the *Toolkit for Court Performance Measurement in Child Abuse and Neglect Cases*, composed of the following five monographs:²

The *Key Measures* monograph identifies the nine key performance measures, including information on their goals, data requirements, calculation, interpretation and data presentation.

- The *Technical Guide* describes all thirty Toolkit performance measures, and includes comprehensive information on their required data elements, calculation strategies, data displays, and use for reform efforts.
- The *Implementation Guide* includes a step-by-step guide to developing a performance measurement team, prioritizing the measures, planning data collection, and using the data for system change.
- The *User’s Guide* includes instructions to measure performance in a non-automated environment, including how to collect qualitative data, and collection methods such as file review, court observation, interviews, and focus groups.
- The *Assessment Guide* provides instructions on how to collect data on judicial workload.

See Appendix A for all thirty Toolkit court performance measures.

**B. Purpose**

Courts are responsible for making and approving decisions affecting children in child abuse and neglect cases. To do so effectively, judges and court managers need information about individual children, as well as information about how the court is functioning as a whole with regard to the overall outcomes. For child abuse and neglect cases, it is not only important to measure and evaluate the timeliness of case processing as well as the quality of court processes, but most important to determine how these process measures result in improved outcomes for children and families. Court performance data can also assist judges and court staff make process improvements and decide upon the best allocation of resources. Additionally, performance measurement permits courts to establish a baseline against which to measure the success of their improvement efforts and resulting progress in achieving better outcomes for children.

III. Well-Being: The Fifth Dimension of Court Performance Measurement in Child Abuse and Neglect Cases

Under ASFA, children’s well-being refers to factors other than safety and permanency that relate to a child’s current and future welfare—most notably, the child’s educational achievement and mental and physical health. ASFA well-being outcome goals are:

1. Families have enhanced capacity to provide for their children’s needs
2. Children receive appropriate services to meet their educational needs
3. Children receive adequate services to meet their physical and mental health needs.

To the extent that courts have the responsibility to make sure that the state is providing proper care to children in its custody and working to create safe and stable families for these children, it may be helpful for courts to use child well-being measures to evaluate their own performance. Courts need to know whether those children over whom they have jurisdiction are receiving a good education and are physically and emotionally healthy.

At the time the performance measures were being developed for safety, permanency, due process, and timeliness, staff of the then child-welfare collaborative of the ABA, NCSC, and NCJFCJ, now partners in the National Resource Center on Legal and Judicial Issues, decided to postpone working on court well-being measures until consensus could be reached on performance measures in domains for which courts have more direct responsibility. The time to address well-being measures has not only arrived but is past due.

A. Educational Well-Being

Some of the best predictors of success for children in foster care are related to education. Therefore, educational well-being was a good place to start the process of developing well-being court performance measures. In October 2010, the National Center for State Courts, in partnership with Casey Family Programs, convened a Focus Group for the purpose of developing dependency court performance measures specific to education as one of the components of well-being for children and youth. The Focus Group was comprised of distinguished representatives from child welfare agencies, educational and research institutions, the advocacy community, and the courts. Its mission was threefold: to identify education performance measures; data elements

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5 Focus Group Members were: Ms. Kate Burdick, Zubrow Fellow, Juvenile Law Center, Philadelphia, PA; Dr. Gretchen Cusick, Chapin Hall; Hon. Robert R. Hofmann, Associate Judge, Child Protection Court of the Hill Country, Mason County, Texas; Dr. Michelle L. Lustig, MSW, Ed.D., Coordinator, San Diego County Office of Education, Student Services & Programs, Student Support Services, Foster Youth Services; Ms. Kathleen McNaught, Assistant
needed to produce the measures; and strategies to overcome obstacles to sharing data among courts, child welfare agencies, and education. The result of the meeting was a set of key education performance measures that can be adopted by state courts across the country, and will ultimately improve the educational outcomes for children involved in the foster care system.

For many of the almost 800,000 children and youth housed in foster care each year in the United States, “…the educational outcomes are dismal.”\(^6\) The long-term outcomes for those with poor educational experiences include difficulty in the transition to adulthood, poverty, homelessness, and incarceration. A variety of factors explain this educational crisis, including the following: (1) children in the dependency system, including those in foster care, are subjected to a variety of risk factors; (2) these children have poor experiences in the education system; and (3) foster households are at a disadvantage when compared to all households with children. Other risk factors that children in the dependency system face include their history of abuse and neglect, poverty, emotional disorders, learning disabilities and developmental delays, poor physical health, exposure to antisocial peers, and poor family relationships.\(^7\)

Children in the dependency system, particularly those children in foster care, face many educational challenges, including problems with enrollment; difficult transfer of credits and school records; frequent mobility between school placements; disciplinary problems; lack of necessary early education and special education services; and inability to participate in extracurricular activities. As a result of such challenges, these children are more likely to suffer academically, less likely to finish high school, less likely to attend college, less likely to make lasting friendships among peers, and more likely to be ill-prepared for adulthood.

1. Outcomes Targeted

These proposed measures derived from, with minor modification, the educational outcomes identified by Casey Family Programs in *A Roadmap for Learning: Improving Educational Outcomes in Foster Care* (2007). The six outcome areas are:

a) School placement stability;
b) Academic performance;
c) Early education;
d) Special education;
e) Social behavior; and

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(a) School Placement Stability

According to 2002 AFCARS data, children have an average of one-to-two living placement changes per year while in care. Changes in living placements can often result in a change in school placement. Frequent school moves have an extremely negative impact on the educational outcomes for children and youth with multiple school placements, in part due to enrollment delays and credit transfer problems. Furthermore, children and youth that experience frequent school transfers are unable to make lasting relationships with friends and teachers and experience difficulty participating in extra-curricular activities.

(b) Academic Performance

Overwhelming research has shown that the academic performance and educational outcomes for children and youth in foster care is considerably lower than other demographically similar students. For example, a 2001 Washington State study found that twice as many youth in foster care at both the elementary and secondary levels repeated a grade compared to youth not in care. School attendance is one indicator on the Family Self Sufficiency Scale (Appendix B).

(c) Early Education

Research has established the importance of the early years of a child’s life in terms of their social and emotional development and educational success. Over half of children ages 0-3 in foster care “experience developmental delay or have a physical or mental condition with a high probability of resultant delay.” The National Survey of Child and Adolescent Well-Being (NSCAW) data in 2003 showed that “59% of foster children ages two months to two years could be described as being at high risk for a clinical level of impairment.” Only 9% of these children were described as at low risk.

(d) Special Education

Many studies indicate that somewhere between one-quarter and one-half (23%-47%) of children and youth in foster care receive special education services. This compares to the national average of about 12% for all school-aged children. A 1990 Oregon study found that children who

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9 Id., citing National AFCARS data, 2002.
had multiple foster placements and who needed special education services were less likely to receive those services than children in more stable placements.\textsuperscript{14}

(e) Social Behavior

Children and youth in foster care are at risk for behavioral problems in school. “Several studies have found that children and youth in foster care are significantly more likely to have school behavior problems and that they have higher rates of suspensions and expulsions from school.”\textsuperscript{15}

(f) Postsecondary Entrance Rates

Foster youth should be supported in their preparation, pursuit, and success in post-secondary education. However, according to the Northwest Alumni Study, only 1.8\% of foster care alumni included in the study completed a bachelor’s degree. This compares to 24\% in the general population of individuals the same age.\textsuperscript{16} Further, “75\% of students in foster care said that they wanted to go to college but few had taken the necessary coursework.”\textsuperscript{17}

2. Proposed Education Performance Measures

After serious deliberation, discussion, and revision, the focus group settled on the following 14 proposed measures of educational well-being. See Appendix B for complete details of each measure, including the goal of each measure, how the measure could be calculated, the necessary data elements, and any relevant implementation notes.

\textsuperscript{14} Id.
\textsuperscript{15} “Fact Sheet: Educational Outcomes for Children and Youth in Foster and Out-of-Home Care.” National Working Group on Foster Care and Education (Dec. 2008).
\textsuperscript{16} A Roadmap for Learning: Improving Educational Outcomes in Foster Care. Casey Family Programs (2007).
\textsuperscript{17} It’s My Life: Postsecondary Education and Training. Casey Family Programs (2006).
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<td>5A</td>
<td>Percentage of Children under Court Jurisdiction Who Did Not Have a School Change When They Had a Change in Living Placement</td>
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The Fostering Connections Act requires states to create education stability plans for all children in foster care. These plans must include assurances that 1) foster care placements take into account the appropriateness of a child’s educational setting and proximity to the school in which the child is enrolled at time of placement; 2) children remain in the school they were attending at the time of placement (unless not in their best interest) even if they move away from that school’s boundaries; and 3) when it is not in the best interest to remain, that children are immediately enrolled in a new school with all education records to follow. Judges are beginning to recognize their role in ensuring the well-being of children in child protection cases as well, and some courts are becoming interested in tracking well-being indicators. For example, California’s 2009 Implementation Guide to Juvenile Dependency Court Performance Measures includes well-being measures. Educational well-being is also one of the indicators of family self sufficiency, an index of family strength developed and used in Oregon (See Appendix B). Additionally, in a Toolkit performance measurement survey of CIP Directors conducted in 2010 by the National Center for

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State Courts on behalf of the National Resource Center on Legal and Judicial Issues, many respondents indicated the desire for assistance in the development of well-being measures.\textsuperscript{20}

One of the historical reasons for the exclusion of well-being performance measures is that court well-being measures typically require an exchange of data between the courts and child welfare agencies. While the process of exchanging data with child welfare agencies was a significant barrier in the past, there has been much recent progress in this area due to technological advances. Many state and local jurisdictions currently exchange data between the courts and local child welfare agencies.\textsuperscript{21} Another substantial hurdle to the adoption of well-being measures has been concerns about maintaining privacy and confidentiality. However, recent developments in both policy and technology have lessened the extent of privacy and confidentiality concerns.\textsuperscript{22}

The Focus Group recognized not only the importance of the measures listed above, but many others as well, but consciously sought to find a balance between obtaining all of the measures that would be desirable to obtain a clear picture of the educational status of children in foster care and the cost in terms of personnel time and money required to collect all of the data that would assist decision making. Creating too many measures may discourage some courts, schools, and child welfare agencies from even attempting to obtain measures of educational well-being. With that in mind, the Focus Group was asked to vote on a smaller number of measures, akin to the nine “key” performance measures chosen from the longer list of 30. Priority setting was done in anticipation that stakeholders would say they could not provide all of these measures and therefore would not do any. The response is that if performance measures cannot be calculated in all of these outcome domains, attempts should be made to obtain at least some of them. With that consideration in mind, the Focus Group was asked to select a small number of these measures of educational well-being so that courts could be approached by saying if you cannot generate all of these good measures of educational well-being, could you at least calculate these four.

The four key priority performance measures selected by the Focus Group are:

\textsuperscript{20} \textbf{Current Use of Dependency Court Performance Measures}. National Center for State Courts and the National Resource Center on Legal and Judicial Issues (Sept. 2010).


\textsuperscript{22} For information on privacy and confidentiality issues, see \textbf{Solving the Data Puzzle}. Legal Center for Foster Care and Education (2008), available at \url{http://www.casey.org/Resources/Publications/pdf/SolvingDataPuzzle.pdf}; and see also AOC Briefing: Sharing Education Information for Children in Foster Care. Administrative Office of the Courts, Center for Families, Children & the Courts (2010), available at \url{http://www.chhs.ca.gov/Documents/AOCFosterCareEd.pdf}. 

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5A: The percentage of children under court jurisdiction who did not have a school change when they had a change in living placement.

5D: The percentage of ASFA hearings where the child’s education was addressed.

5J: The percentage of children ages 3-5 enrolled in an enriched early childhood education program while under court jurisdiction.

5N: The percentage of high school graduates/GED holders under court jurisdiction accepted into a post-secondary education program.

It may not be easy to even produce these four priority measures of educational well-being, but it is here that the process should begin. In addition to the data elements listed in the 14 educational measures, this measurement scheme assumes that basic information about children in foster care is available. For example, a unique child identifier, as well as basic information about age, gender, and race of the children is assumed so that disparities in various performance domains can be calculated.23

The work of the Focus Group has provided an excellent foundation for the mission of developing court-related education measures in child abuse and neglect cases. The next step in this project will be to vet these measures to a larger audience. Other experts and stakeholders need to review and evaluate these measures for practicality and usefulness and to provide recommendations on how best to improve collaboration among education, child welfare and the judiciary as well as how best to facilitate the exchange of data required to produce these education measures. For example, should child welfare agencies be exchanging data with the schools and then sharing with the courts or should the courts receive some information directly from schools? This was discussed by the Focus Group, and the consensus was that education and child welfare would most commonly share information, and then child welfare agencies would normally be the agency that shares data with courts.24

Currently, the educational measures are being pilot tested to determine how they work in practice and what obstacles arise when educational well-being measurement is instituted.

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24 For example, San Diego County has developed a protocol for the automated exchange of data between education, child welfare, and the courts under Education Code §49076(a) (1).
B. Physical Well-Being

Some estimates say approximately 80 percent of children in foster care have significant health care needs, including chronic health conditions and developmental concerns. Many of these health care needs are a result of maltreatment and a history of inadequate health care. Once these children and youth enter the child welfare system, barriers exist in the coordination and provision of health care services. While courts are responsible for ensuring that children and youth under its jurisdiction receive necessary health services to ensure their well-being, judges often have difficulty making informed decisions regarding these children due to a lack of current and accurate health care information.

Another significant barrier includes problems with eligibility and access to health care coverage. All states have extended Medicaid coverage to children in foster care. However, policies exclude some children from coverage, including noncitizens, children with private health insurance, and children who leave foster care while on trial home visits. Other barriers include inadequate funding for health care services, poor health care record keeping, and a lack of training for child welfare workers on how to properly identify children in need of health services. The review of the 2001-2004 Child and Family Service Reviews by the Administration of Children and Families (ACF) also found that a common challenge 27 states faced with respect to meeting the physical health care needs of children in foster care was that “the number of physicians and dentists in the state willing to accept Medicaid is not sufficient to meet the need.”

1. Outcomes Targeted

- Children and youth under court jurisdiction should immediately receive necessary physical and dental health care evaluations once under court jurisdiction.
- Children and youth under court jurisdiction should receive all necessary physical and dental health care services, including preventative care and treatment.
- Judicial decision makers, along with child welfare workers and health care providers, should have access to the child’s complete health histories in order to make informed decisions.
- Caregivers should understand all the health needs of the children in their care.

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28 Summary of the Results of the 2001-2004 Child and Family Service Reviews. Administration for Children and Families
2. Proposed Measures

Percentage of children and youth under court jurisdiction that received an initial health screening within 24 hours of placement\(^{29}\)

Percentage of children and youth under court jurisdiction that received a comprehensive health assessment within 30 days of placement\(^{30}\)

Percentage of children and youth under court jurisdiction that received preventative health examinations at the recommended regular intervals\(^{31}\)

The percentage of children and youth under court jurisdiction that have current immunizations within 30 and 60 days of placement

The percentage of children and youth under court jurisdiction that have a current health passport\(^{32}\)

C. Emotional Well-Being

D. Mental Health

Children and youth in the child welfare system typically have significant mental health needs. If these needs are inadequately met, the symptomology persists into adulthood. The Northwest Foster Care Alumni Study reviewed the mental health diagnoses of foster care alumni and found they were significantly more likely than the general population to experience mental illness. See Figure 1 below. The study also found that foster care alumni were six times more likely to suffer post-traumatic stress disorder, four times more likely to turn to substance abuse, twice as likely to

\(^{29}\) The American Academy of Pediatrics recommends that all children in foster care receive an initial health screen within 24 hours of entering care. See Task Force on Health Care for Children in Foster Care, American Academy of Pediatrics (2005).

\(^{30}\) The American Academy of Pediatrics recommends that all children in foster care receive comprehensive health screen within 30 days of entering care. See Task Force on Health Care for Children in Foster Care, American Academy of Pediatrics (2005).

\(^{31}\) Klain, Eva J. Healthy Beginnings, Healthy Futures: A Judge’s Guide. ABA Center on Children and the Law, National Council of Juvenile and Family Court Judges, and Zero to Three (2009), citing the American Academy of Pediatrics (AAP) recommendations regarding preventative health schedule for children in foster care. According to AAP, age birth to six months is monthly, six months to one year is every two months, one to two years is every three months, and two years through adolescence is every six months. The AAP also recommends health care visits after the following events: system entry, placement transitions, significant changes in the home environment such as health issues, when signification issues arise around visitation, when any concern is raised regarding potential child abuse or neglect; deterioration in child behavior or developmental skills; deterioration in health; and system exit.

\(^{32}\) Several states have developed a “health passport” for children in foster care that provide all the healthcare information and records for that child. See Texas for an example of an electronic health passport program, http://www.fostercaretx.com/health-passport.
experience depression, and more than two-and-a-half times more likely to be diagnosed with an anxiety disorder.\textsuperscript{33}

Figure 1. The Proportion of Adult Alumni from Foster Care with Psychiatric Problems, Compared to Other Young Adults in the General Population\textsuperscript{34}

![Diagram showing the proportion of adult alumni from foster care with psychiatric problems compared to other young adults in the general population.](image)

Concerns exist regarding the identification of mental health problems for children and youth in foster care. A study of practices for mental health screening and assessment for children in foster care found that more than half of the child welfare agencies surveyed did not require systematic mental health evaluations for children entering foster care.\textsuperscript{35} The review of the 2001-2004 Child and Family Service Reviews by ACF found no evidence of policies requiring an assessment of foster children’s mental health in most states, and one state noted that children in care did not receive a mental health assessment unless there were problems observed.\textsuperscript{36}


\textsuperscript{34} Pecora, P.J. et al., Improving Family Foster Care: Findings from the Northwest Foster Care Alumni Study. Casey Family Programs (2005). <http://www.casey.org/resources/publications/ImprovingFamilyFosterCare.htm>.

\textsuperscript{35} Levitt, Jessica M. Identification of Mental Health Service Need among Youth in Child Welfare. 


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1. **Outcomes Targeted**
   - Children and youth under court jurisdiction should receive necessary mental health evaluations.
   - Children and youth under court jurisdiction should receive the necessary mental health treatment services to include regular treatment progress reports.
   - Judicial decision makers, along with child welfare workers and mental health care providers, should have access to the child’s complete mental health histories in order to make informed decisions.
   - Caregivers should understand all the mental health needs of the children in their care.

2. **Proposed Measures**
   - Percentage of children and youth under court jurisdiction that received a mental health screening within 30 and 60 days of placement
   - Percentage of children and youth under court jurisdiction that received a comprehensive health assessment within 30 and 60 days of placement
   - Percentage of children and youth under court jurisdiction in which a mental health reassessment was ordered

E. **Maintaining Permanent Relationships**
   When children are removed from parents, siblings, and a familiar environment and placed with strangers in a strange environment, this separation can create negative outcomes ranging from separation anxiety in young children, to significant acting out behaviors, to clinical depression. Therefore, it is critically important to minimize familial separation whenever possible. Courts have a key role in ensuring that consistent contact with parents and siblings is maintained during out-of-home placement, unless visitation is not in the child’s best interest. Further, courts should ensure that siblings are placed in care together when possible and when in the child’s best interest.

1. **Outcomes Targeted**
   Children and youth under court jurisdiction are able to maintain relationships with their siblings and parents while under court jurisdiction.
2. Proposed Measures

Percentage of children placed with all siblings who are also under court jurisdiction

Percentage of children placed with at least one but not all siblings who are also under court jurisdiction

Percentage of cases in which parental visitation is ordered

Percentage of cases in which siblings are not placed together where sibling visitation is ordered

Average number of placement moves for children and youth under court jurisdiction

Note that not all placement moves are negative, such as a move from foster care into a pre-adoptive home. Georgia has developed a scale of positive to negative placement changes to assist in analyzing placement move performance data.
Resources

Measuring Court Performance in Child Abuse and Neglect Cases


http://www.ncfjc.org/content/view/603/427/


Issue Brief 3-23.pdf


http://www.ojjdp.ncjrs.gov/publications/courttoolkit.html

Well-Being: Education


http://www.abanet.org/child/education/needs.pdf


Blueprint for Change, 2nd ed. Legal Center for Foster Care and Education (2008).

http://www.abanet.org/child/education/publications/blueprint.html


Well-Being: Physical Health


Well-Being: Mental Health
http://www.americanbar.org/groups/child_law/pages/healthybeginnings.html

Sharing Information about Children in Foster Care: Mental Health Care Information. California Administrative Office of the Courts, Center for Families, Children and the Courts (Aug. 2010). 
http://www.courts.ca.gov/xbcrc/cc/CFCC_Brief_MentalHealthCare.pdf

Assessing the Effects of Foster Care: Mental Health Outcomes from the Casey National Alumni Study
Appendix A

Toolkit for Court Performance Measurement in for Child Abuse and Neglect Cases

SAFETY MEASURES
Measure 1A: Child Safety While Under Court Jurisdiction
Measure 1B: Child Safety after Release From Court Jurisdiction

PERMANENCY MEASURES
Measure 2A: Achievement of Child Permanency
Measure 2B: Children Not Reaching Permanency
Measure 2C: Children Moved While Under Court Jurisdiction
Measure 2D: Reentry into Foster Care after Return Home
Measure 2E: Reentry into Foster Care after Adoption or Guardianship

DUE PROCESS MEASURES
Measure 3A: Number of Judges Per Case
Measure 3B: Service of Process to Parties
Measure 3C: Early Appointment of Advocates for Children
Measure 3D: Early Appointment of Counsel for Parents
Measure 3E: Advance Notice of Hearings to Parties
Measure 3F: Advance Written Notice of Hearings to Foster Parents, Pre-adoptive Parents, and Relative Caregivers
Measure 3G: Presence of Advocates during Hearings
Measure 3H: Presence of Parties during Hearings
Measure 3I: Continuity of Advocates for Children
Measure 3J: Continuity of Counsel for Parents

TIMELINESS MEASURES
Measure 4A: Time to Permanent Placement
Measure 4B: Time to Adjudication
Measure 4C: Timeliness of Adjudication
Measure 4D: Timeliness of Disposition Hearing
Measure 4E: Timeliness of Disposition Hearing
Measure 4F: Timeliness of Case Review Hearings
Measure 4G: Time to First Permanency Hearing
Measure 4H: Time to Termination of Parental Rights Petition
Measure 4I: Time to Termination of Parental Rights
Measure 4J: Timeliness of Termination of Parental Rights Proceedings
Measure 4K: Time from Disposition Hearing to Termination of Parental Rights Petition
Measure 4L: Timeliness of Adoption Petition
Measure 4M: Timeliness of Adoption Proceedings

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## Appendix B

### Education Performance Measures

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<td>5B</td>
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</tr>
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</tr>
</tbody>
</table>
MEASURE 5A  Percentage of Children under Court Jurisdiction Who Did Not Have a School Change When They Had a Change in Living Placement

What is the goal? Educational Success – School Placement Stability
Educational placement stability is essential to successful educational outcomes for children and youth in foster care. When children and youth experience a change in living placement, the Fostering Connections Act requires states to assure that foster care placements consider the appropriateness of a child’s educational setting and proximity to the school in which the child is enrolled at time of placement. The goal is to place children in living situations that will not impact where they attend school. Additionally, if children move living placements and there is an impact on school placement, Fostering Connections requires states to ensure the child stay in their school, unless not in their best interest. The desired outcome of this measure is school placement stability by minimizing school transfers when living placement changes.

How is the measure calculated?
- Identify all children who have had a change in living placement while under court jurisdiction
- Of those children, identify those who did not experience a change in school placement

What data elements are required to complete the measure?
- Living placement change beginning date
- School placement date
- The date court jurisdiction ends or the petition is closed

Implementation Notes
To interpret this measure, courts must determine if and how they will identify school placement changes that were the result of natural school progression (i.e. moving from middle school to high school). Natural progression is not intended to be captured by this measure.

MEASURE 5B  Median Number of School Transfers While Under Court Jurisdiction

What is the goal? Educational Success – School Placement Stability
Fostering Connections requires that when it is in the best interest for a child to move schools, that child welfare agencies and local education agencies coordinate to ensure that children are immediately enrolled in their new school. Educational placement stability is essential to successful educational outcomes for children in foster care. The desired outcome of this measure is school placement stability by minimizing school transfers when living placement changes. This measure, in conjunction with Measure 5A, allows the court to see the stability of school placements for children under its jurisdiction.

How is the measure calculated?
- Identify all children that have had a school transfer while under court jurisdiction

What data elements are required to complete the measure?
- School placement dates
- The date court jurisdiction ends or the petition is closed
Implementation Notes
To implement this measure, courts must determine if and how it will identify and exclude from this measure school placement changes that were the result of natural school progression (i.e. moving from middle school to high school).

**MEASURE 5C  Median Number of School Days Between the Last Day Attended At Old School To First Day Attended At New School**

**What is the goal?** Educational Success – Academic Performance
Fostering Connections requires the child welfare agency to coordinate with local education agencies to have children and youth in foster care immediately enrolled in school with all records to follow, when transition is in their best interest. But unfortunately children in care still often experience lengthy enrollment delays. One reason for delay is problems with the transfer of school records including special education files, transcripts, assessment scores, health records, IEPs and Section 504 plans. When enrollment is delayed, children can fall behind academically, and unfortunately, many children fall behind and stay behind permanently. The goal of this measure is to ensure prompt enrollment when children and youth under court jurisdiction are subject to a school change.

**How is the measure calculated?**
- Identify the number of days between the date the child stopped attending the old school and the date the child started attending the new school
- Of those days, compute the number of actual school days (i.e., excluding holidays, weekends, summer vacation, etc.) between the last day attended at the old school to the first day attending the new school

**What data elements are required to complete the measure?**
- The date the child stopped attending the old school
- The date the child first attended the new school
- The date court jurisdiction ends or the petition is closed
- School calendars to account for different school year schedules across school districts

**MEASURE 5D  Percentage of ASFA Hearings Where The Child’s Education Was Addressed**

**What is the goal?** Educational Success – Academic Performance
A child’s education should be thoroughly addressed at every ASFA hearing in order to ensure educational success for children and youth under court jurisdiction. Further, when the judge asks questions about the child’s education from the bench, it also serves to set expectations and standards for practice which will hopefully lead to a changed culture that includes a focus on the educational success for children in foster care. This measure provides the court with an indicator of how often education is addressed at ASFA hearings.

**How is the measure calculated?**
- Determine the number of ASFA hearings completed
- Select and count the number of ASFA hearings in which education was addressed
- Calculate the percentage

**What data elements are required to complete the measure?**
- ASFA hearing dates
- Education questions asked = “yes/no”
The date court jurisdiction ends or the petition is closed

Implementation Notes
In order to implement this measure, the question of who will provide the data on education questions asked must be determined. In addition, it is necessary to know what qualifies as an educational question. For example, it is not sufficient to ask only, “Is the child in school?” but more probing questions should be encouraged. This determination is critical for this measure to be valuable in measuring the court’s performance in ensuring the educational success of children under its jurisdiction.

MEASURE 5E Percentage of Hearings Where the Child’s Education Decision-Maker Was Present

What is the goal? Educational Success
Educational decision-makers should be present at hearings to advocate for the child and make education-related decisions. In order to advocate for the child and accurately inform the court, the education decision-maker needs to be present at hearings where education is addressed.

How is the measure calculated?
- Determine the number of hearings
- Select and count the number of those hearings in which the education decision-maker was present
- Calculate the percentage

What data elements are required to complete the measure?
- Party/Advocate ID
- Party/Advocate Type
- Service of Process Date
- Hearing Dates
- Party/Advocate present at hearing? = “yes/no”

Implementation Notes
To implement this measure, it will be necessary to identify the education decision-maker, and have some mechanism of recording when the decision-maker was present at the hearings. Remember that the education decision maker may be the birth parent or some other person with the authority to make decisions. Also, there may be a difference between the special education decision-maker and the general education decision-maker.

MEASURE 5F Percentage of School-Aged Children Performing At or Above Grade Level at Case Closure

What is the goal? Educational Success – Academic Performance
This measure will provide the court an indication of the academic performance of children and youth under its jurisdiction. A low percentage of children performing at or above grade level would indicate a need for changes in practice and further investigation into the underlying issues leading to poor academic performance.

How is the measure calculated?
- Select and count all cases in which the child was performing at or above grade level at case closure
Calculate the percentage

What data are required to complete the measure?
- School performance level = “At/Above/Below”
- The date court jurisdiction ends or the petition is closed

Implementation Notes
It may also be helpful to track this measure at entry. Courts also need to define “at or above grade level.” Is this simply passing all courses? What about standardized tests?

MEASURE 5G Percentage of Children Who Drop Out of School While Under Court Jurisdiction

What is the goal? Educational Success – Academic Performance
This measure will provide the court an indication of the academic performance of children and youth under its jurisdiction. A high percentage of youth who drop out of school while under court jurisdiction would indicate a need for changes in practice, and further investigation into the underlying issues leading to the high drop-out rate.

How is the measure calculated?
- Number of children in care who drop out of school while under court jurisdiction divided by number of children in care who are under court jurisdiction.

What data elements are required to complete the measure?
- School placement type = “dropout”
- The date court jurisdiction ends or the petition is closed

Implementation Notes
Courts will need to decide if “drop out” will include those students seeking a GED. Court may consider reporting this measure by age category recognizing that drop-out rates may be low for young children. Also, because dropout is more likely among older students, courts might consider this measure across age categories, recognizing that the overall percentage of cases that drop out may be low in jurisdictions where most cases are for very young children.

MEASURE 5H Percentage of Children Who Attended at Least 95% of School Days While Under Court Jurisdiction

What is the goal? Educational Success – Academic Performance
This measure will provide the court with an indication of the level of school attendance for children and youth under its jurisdiction. Poor school attendance is often symptomatic of underlying issues which should prompt the court to obtain more information.

How is the measure calculated?
- Identify the total number of school days in the district
- Identify the total number of school days attended by each child under court jurisdiction
- Calculate the percentage of school days attended by each child under court jurisdiction
- Calculate the percentage of children who attended at least 95% of school days

What data elements are required to complete the measure?
- School placement start date
- Total number of school days
- Total number of school days attended by children under court jurisdiction
- The date court jurisdiction ends or the petition is closed

**Implementation Notes**
Because different jurisdictions have different attendance policies and standards, courts should set their own benchmark in terms of an acceptable attendance rate and their goal. The focus group selected the 95% benchmark simply as a guide.

**MEASURE 5I Percentage of Children Ages 0-3 Who Have Been Evaluated For Early Intervention Programs While Under Court Jurisdiction**

**What is the goal?** Educational Success – Special Education
All infants and toddlers should be well-prepared to enter school. But unfortunately, many infants and toddlers in the foster care system have developmental delays or other physical or mental conditions that put them at a disadvantage going into the educational system. The court must ensure that these children receive the early services and programs they need to succeed. This measure will provide the court information on the percentage of children ages 0-3 who have been evaluated for early intervention programs while under court jurisdiction.

**How is the measure calculated?**
- Identify all children ages 0-3
- Determine how many of those children have been evaluated for early intervention programs
- Calculate the percentage

**What data elements are required to complete the measure?**
- Child’s birth date =/<= three years of current date
- Early education evaluation date
- The date court jurisdiction ends or the petition is closed

**Measure 5J Percentage of Children Ages 3-5 Who Have Been Enrolled In An Enriched Early Education Childhood Program While Under Court Jurisdiction**

**What is the goal?** Educational Success—Academic Performance
Children ages 3-5 should be well-prepared to enter school. But unfortunately, many of these children in the foster care system have developmental delays or other physical or mental conditions that put them at a disadvantage going into the educational system. The court must ensure that these children receive the early services and programs they need to succeed. Still other 3-5 year olds who do not have delays or disability will also benefit from enriched education programs to ensure they are provided the right foundation to enter school ready to learn. This measure will provide the court with information on the percentage of children ages 3-5 who have been enrolled in an enriched early education childhood program while under court jurisdiction.

**How is the measure calculated?**
- Identify all children in care ages 3-5
- Determine how many of those children have been enrolled in an enriched early education childhood program while under court jurisdiction
- Calculate the percentage

**What data elements are required to complete the measure?**
- Child’s birth date = three-five years from current date
- Early childhood program enrollment date
- The date court jurisdiction ends or the petition is closed
Implementation Notes
The court must define “enriched early education childhood programs.” Must they be restricted to licensed, recognized programs or can the definition be broader than that?

MEASURE 5K Time from Referral for Special Education Services to Assessment

What is the goal? Educational Success – Special Education
Children and youth in foster care suspected to have a disability should receive timely special education assessments. This measure will provide the court with an indication of the timeliness of special education assessments.

How is the measure calculated?
- Select all special education referrals. Note that some children will have multiple referrals
- Compute the number of days from the special education referral to assessment

What data elements are required to complete the measure?
- Special education referral date
- Special education assessment date

MEASURE 5L Time from Completion of Special Education Services Assessment to Delivery of Services

What is the goal? Educational Success – Special Education
Children and youth in foster care assessed for special education and found eligible for services should receive timely services. This measure will provide the court with an indication of the timeliness of special education service delivery.

How is the measure calculated?
- Identify all special education assessments Note that some children may have multiple assessments
- Of those assessments, identify the assessments that determined that the child was eligible for services
- Compute the number of days from the special education assessment to delivery of services

What data elements are required to complete the measure?
- Special education assessment date
- Eligible for services = “yes/no”
- Special education service start date

Implementation Notes
States can have different time lines for evaluations.

MEASURE 5M Percentage of Children Under Court Jurisdiction Who Have Received School Disciplinary Actions

What is the goal? Educational Success – Social Behavior
Several studies have found that children and youth in foster care are “significantly more likely to have school behavior problems and that they have higher rates of suspensions and expulsions
from school. This measure allows the court to see the percentage of children under court jurisdiction with disciplinary problems.

How is the measure calculated?
- Identify all children who have received a disciplinary action
- Calculate the percentage

What data elements are required to complete the measure?
- School disciplinary action = “yes”
- The date court jurisdiction ends or the petition is closed

Implementation Notes
In order to implement this measure, the court needs to define disciplinary actions. Disciplinary actions can include short and longer term suspensions, expulsions, and/or other in-school disciplinary actions. Courts can considering reporting separately expulsions and other serious disciplinary actions, such as suspensions for more than one day, etc.

Measure 5N Percentage of High School Graduates/GED Holders Under Court Jurisdiction Who Have Been Accepted Into a Post-Secondary Education Program

What is the goal? Educational Success – Post-Secondary Education
Youth in foster care should be prepared and supported in their pursuit of post-secondary education. However, the percentage of foster children who actually pursue and go on to complete postsecondary education is extremely low. This measure allows the court to see the percentage of high school graduates and GED holders under its jurisdiction who have been accepted into a post-secondary education program.

How is the measure calculated?
- Determine which youth under court jurisdiction are high school graduates and GED holders
- Select and count those youth who have been accepted into a post-secondary education program

What data elements are required to complete the measure?
- School placement type = “graduate” or “GED”
- Post-secondary education acceptance = “yes”
- The date court jurisdiction ends or the petition is closed

Implementation Notes
The court must define what programs qualify as post-secondary education. The Focus Group concluded that for technical career paths, something more than a couple weeks of training and that required certification should qualify, as well as post-secondary education at a community college or university. A related measure could be the percentage of youth that enroll in a post-secondary education program. While it would be informative to measure the percentage of youth who complete a post-secondary education program, this is not practical because most youth will no longer be under court jurisdiction upon their completion of a post-secondary education program.

Appendix C
Federal Legislation Related to Well-Being

Adoption and Safe Families Act of 1997 (ASFA)

The Adoption and Safe Families Act of 1997 is the foundation for federal child welfare policy and practice. It focuses upon achieving safety, permanency, due process, timeliness and well-being for all children in foster care, including adoption.

Child Abuse and Prevention Act of 1974 (CAPTA)

The Child Abuse and Prevention Act provides assistance to states to develop child abuse and neglect identification and prevention programs. In addition to other provisions, the Act created a National Center on Child Abuse and Neglect to administer grant programs, focus research needs, and serve as a clearinghouse for information dissemination, program improvement, and best practices. As part of its efforts to address the increased risk of development delay and disability frequently exhibited by children subject to maltreatment, the Act requires states to refer children under the age of three who are involved in a substantiated case of child abuse or neglect to early intervention services funded under Part C of the Individuals with Disabilities Education Act.

Family Educational Rights and Privacy Act
Act: [http://epic.org/privacy/education/ferpa.html](http://epic.org/privacy/education/ferpa.html)

Regulations: 34 CFR Part 99: [http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr;sid=6b7e313020dfabb7caa0216830b2a7d8;rgn=div5;view=text;node=34%3A1.1.1.1.34;idno=34;cc=ecfr](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr;sid=6b7e313020dfabb7caa0216830b2a7d8;rgn=div5;view=text;node=34%3A1.1.1.1.34;idno=34;cc=ecfr)

The Family Educational Rights and Privacy Act protects the confidentiality of students’ education records, requiring confidentiality of records that contain “personally identifiable information.” Parents may inspect, review, and to some extent, control disclosure of student records. Records may be released to third parties with written consent of a parent or a judicial order. Students age 18 or older may also access their records.

Fostering Connections to Success Act of 2008


The Act promotes permanent families for children in foster care by increasing support for placement with relatives for guardianship and adoption, and improves education and health care outcomes. The Act also promotes educational stability by requiring child welfare agencies to coordinate with schools regarding school placement. For example, children must remain in the
same school at the time of placement in foster care, unless changing schools is in the best interests of the child.

**Health Insurance Portability and Accountability Act of 1996**


**Special Education for School Age Children with Disabilities: Part B of the Individuals with Disabilities Education Act (IDEA):**


The Individuals with Disabilities Education Act ensures that children receive a “free appropriate public education” by creating a federal framework for states to identify and evaluate children suspected of having disabilities. The act also provides standards to classify and provide services for eligible children, including procedural safeguards to protect students' due process rights. The Act further requires that schools to designate a team to evaluate children and develop an “individualized education program” (IEP) for eligible children. The child's parent is considered an equal participant in education decision-making.

**Early Intervention Program for Infants and Toddlers, Part C of the Individuals with Disabilities Act (IDEA)**


Under Part C of the program, all children from birth through their third birthday who are involved in a substantiated case of abuse or neglect must be referred for services based on an Individualized Family Service Place (IFSP) that is developed with professional and family input. Parents, including adoptive parents, legal guardians, relatives with whom a child resides, and in some cases, a foster caregiver, are permitted to receive services to enhance child development.

**Preschool Special Education Grant Program of the Individuals with Disabilities Education Act**


The Individuals with Disabilities Education Act permits children ages three to five to receive special education and related services under Part B of the Act. The Act also permits states to continue Early Intervention Program eligibility standards in lieu of the eligibility standards established under Part B. States may also prevent premature labeling of children using standards for development delay without a specific diagnosis or classification.

**John H. Chafee Foster Care Independence Program of the Foster Care Independence Act of 1999**


This Act provides states with more funding and greater flexibility to carry out programs designed to aid children in making the transition from foster care to self-sufficiency. Funding is provided to the states to expand opportunities for independent living programs for youth in foster care ages 16 to 21, focusing upon employment, health, life skills and education, including payment for room and board for former foster youth ages 18 to 21. The law mandates that states involve community partners in developing programs and provides youth a role in tailoring their own programs. It also emphasizes permanency by requiring ongoing efforts to find a permanent placement concurrent with independent living education efforts.

**McKinney-Vento Homeless Assistance Act of 1987**


The Homeless Assistance Act addresses the educational needs of homeless children, including educational stability and continuity. School districts are required to follow procedures regarding school selection, enrollment, and transportation, as well as transfers of records. Additionally, a liaison must be appointed to increase homeless students’ access to school and community resources.

**No Child Left Behind Act of 2001, Title 1, Part D: Neglected, Delinquent, or At-Risk Youth**


Under the No Child Left Behind Act, school districts are held accountable for student achievement in accordance with state-wide learning standards and assessments. Schools that are identified as having a need for improvement receive mandatory interventions and students attending these schools become eligible for school choice. Supplemental education services are also available for students in poverty beyond the established school day.

**Promoting Safe and Stable Families Amendments of 2001**


Provides support programs to mentor children of incarcerated parents and provides educational and training vouchers for youth aging out of foster care.

**Section 504 of the Rehabilitation Act of 1973**

Act: [http://www.dol.gov/oasam/regs/statutes/sec504.htm](http://www.dol.gov/oasam/regs/statutes/sec504.htm)


Under Section 504 of the Rehabilitation Act, schools that receive federal funding are prohibited from discriminating against individuals with disabilities and must make reasonable accommodations for qualified individuals. Students are do not qualify under IDEA may be eligible for a Section 504 Accommodation Plan, including programs, services or accommodations necessary to address their disability-needs within the educational setting.
### Appendix D

**Family Self-Sufficiency Scale**

Client Name: __________________________  Rating: Pre Progress Post Follow-up  Date: ____________

Rater (Name/Role): __________________________ __________________________

Circle most descriptive rating words in each area. Use N/R to indicate unable to rate. See separate two page rating definitions guide if needed.

<table>
<thead>
<tr>
<th>Self-Sufficiency Area</th>
<th>Self-Sufficiency Continuum and Ratings</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Program Participation</td>
<td>Refusing/Resisting</td>
</tr>
<tr>
<td>Child Care</td>
<td>None</td>
</tr>
<tr>
<td>Housing</td>
<td>Homeless</td>
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<tr>
<td>Employment</td>
<td>No/Poor Work History or Job Search</td>
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<tr>
<td>Partner Relationship</td>
<td>Current Domestic Violence/Stalking</td>
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<tr>
<td>Parent/Child Relationship</td>
<td>Founded Case Abuse/Neglect</td>
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<tr>
<td>Parent Education/Literacy</td>
<td>HS Drop Out/ Low Literacy</td>
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<tr>
<td>Youth Risk/Resiliency</td>
<td>Severe Risk A&amp;D Delinquency/Drop Out</td>
</tr>
<tr>
<td>School Attendance</td>
<td>Dropped Out Not Enrolled</td>
</tr>
<tr>
<td>Family Health</td>
<td>Emergent Care Only</td>
</tr>
<tr>
<td>---------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>Substance Abuse</td>
<td>Suspected/Denial</td>
</tr>
<tr>
<td>Mental Health</td>
<td>Severe or Chronic in Crisis - No TX</td>
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<tr>
<td>Community Involvement</td>
<td>None/Unhealthy Community Conflicts</td>
</tr>
<tr>
<td>Level of Public Assistance</td>
<td>Eligible but Not Participating</td>
</tr>
<tr>
<td>Family Income</td>
<td>Unable to Meet Basic Needs</td>
</tr>
<tr>
<td>Criminal Justice</td>
<td>In Jail</td>
</tr>
<tr>
<td>Transportation</td>
<td>No Vehicle and Suspended/No License</td>
</tr>
</tbody>
</table>

Pre-Test Date: ________________________________ Put a #1 in scale boxes indicating pre-test score

Post-Test Date: ________________________________ Put a #2 in scale boxes indicating post-test score

Protocol: standard confidentiality procedure * Write hourly wage in corner of these boxes