

November 15, 2010

The Honorable Harry Reid  
Senate Majority Leader  
Room S-221  
The Capitol  
Washington, D.C. 20510-7010

The Honorable Mitch McConnell  
Senate Minority Leader  
Room S-230  
The Capitol  
Washington, D.C. 20510-7020

**Re: Renewing Child Welfare Waiver Demonstration Authority (H.R. 6156)**

Dear Majority Leader Reid and Minority Leader McConnell:

On behalf of the American Bar Association (ABA), we urge you to support H.R. 6156, legislation to renew the authority of the Secretary of the Department of Health and Human Services (the Secretary) to approve demonstration projects designed to test innovative strategies in state child welfare programs. This legislation was introduced in the House of Representatives by Representatives Jim McDermott (D-WA) and John Linder (R-GA) on September 16, 2010 and was passed by that body by unanimous voice vote under suspension of House rules on September 24, 2010. It is a modest bipartisan bill that can and should be approved by the full Senate in the upcoming lame duck session.

The ABA has been a strong and consistent voice in working toward improving the lives of the nation's most vulnerable children and families. In 2010, the ABA House of Delegates enacted policy urging Congress, state, territorial, tribal and local governments to implement policies and reform child welfare financing laws to encourage keeping or reunifying children safely with their birth families by increasing the amount and flexibility of funding available for a broad range of child welfare services. As part of that policy, the ABA House of Delegates supported reauthorizing and expanding the Secretary's authority to approve child welfare demonstration projects.

The ABA adopted a recommendation first approved by a prominent national commission report on foster care in 2004. "Current federal funding mechanisms for child welfare encourage an over-reliance on foster care at the expense of other services," the nonpartisan Pew Commission on Children in Foster Care noted in its 2004 report, which recommended specific reforms. The Commission's report encouraged enhanced flexibility that would afford states the freedom to decide whether foster care is the right choice for an individual child, or whether there are other options that might keep children safe and secure. The ABA supports this fundamental reform of foster care Title IV-E

funding. Until these changes are implemented, however, renewed waiver authority is the only way states will have the ability to innovate and best address the needs of struggling families and vulnerable children.

Demonstration projects allow the Secretary to permit a select number of states to waive certain federal funding requirements with the goal of improving their child welfare system and testing innovative services and supports that promote safety, permanency and well-being for abused and neglected children. Legislative authority for demonstration projects began in 1994 and ended in March 2006. Child welfare innovations tested in state demonstration projects have been vital to informing child welfare policy reform at the state and national level. In particular, during the past ten years, nearly two dozen states have implemented child welfare waiver demonstrations to test innovative programs and services, including subsidized guardianship, flexible funding to local agencies, managed care, substance abuse services, intensive preventive services, and tribal administration of federal child welfare funds, among others. Without a different federal funding approach or a IV-E waiver, Title IV-E funds could only be used to support children who have been removed from home and placed in foster care and none of these innovations would have taken place.

The ABA supports reinstating and expanding demonstration project authority so that states can continue to test the results of increased funding flexibility on the development and delivery of child welfare services. By renewing this authority, H.R. 6156 will give states an enhanced ability to provide a range of intervention services that will safely reduce foster care placements and improve child outcomes. It will allow states to improve the quality of their child welfare interventions and will provide both state and federal legislators key information on what innovations are effective at improving the lives of children who are involved in the child welfare system. The ABA applauds House leaders for crafting this legislation and bringing it to passage on a strongly bipartisan basis and urges you to support this legislation and to take the lead so that it can be considered by the Senate in the brief time remaining in the 111<sup>th</sup> Congress.

Sincerely,

A handwritten signature in black ink that reads "Thomas M. Susman". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Thomas M. Susman