



Testimony of

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Introduction

Chairman Ossoff, Ranking Member Blackburn, and distinguished Members of the Committee, thank you for the opportunity to appear before you today on behalf of the U.S. Department of Health and Human Services (HHS). My name is Rebecca Jones Gaston, and I am the Commissioner for the Administration on Children, Youth, and Families (ACYF) within the Administration for Children and Families (ACF).

I want to start by thanking Congress for the years of strong bipartisan support and partnership on child welfare prevention efforts—partnership which provided the foundation for and enabled the passage of critical legislative achievements like the Family First Prevention Services Act (FFPSA). This work has long been a topic that both sides of the aisle have agreed on, supported, and prioritized.

In my testimony today, I will provide an overview of ACYFs priorities to better serve children, youth, and families and the activities of its Children’s Bureau (Bureau or CB) to improve the safety, permanency, and well-being of those children and families involved or at the risk of being involved in our nation’s child welfare systems. Additionally, I will address the Bureau’s oversight role regarding the compliance of state plans for Child Welfare Services with the requirements of the Social Security Act (the Act). Lastly, I will highlight recent ACYF rulemaking efforts intended to support kin caregivers, improve safe and appropriate placements for all youth, and promote adequate legal representation for children, parents, and caregivers.

Priorities

We know that children do best with their own families. The ACYF's priorities reflect a commitment to supporting parents, caregivers, and children through holistic and proactive approaches that focus on keeping families together whenever we safely can and preventing unnecessary involvement with the foster care system. The Biden-Harris Administration continues to focus on robust implementation of the FFPSA and the landmark changes to funding preventive services that it created.

Our focus on prevention includes increasing supports and services, such as funding mental health programs and substance use treatment and recovery, for children, parents, and families before they are in crisis. I hear routinely from youth and families that have experienced the child welfare system that many of their families could have stayed safely together if support for their housing, child care, mental health, substance use services, and/or other concrete needs had been met. As we continue to advance toward this goal of prevention and family unity, we will remain committed to having our policies and programs be informed by the lived experience of those American families who have encountered the system.

This effort will take time and cannot be done solely at the federal level. Together, we are working with states and tribes to shift the focus of child welfare systems from out-of-home placement to prevention and family preservation. We are doing this by continuing to help states implement the FFPSA, a bipartisan, seminal law that opened Title IV-E funding to focus on prevention, and by promoting cross-system collaborations that recognize that the child welfare system alone cannot support family well-being.

The President's fiscal year (FY) 2024 budget would make tremendous strides toward meeting these goals, including proposals to reauthorize, increase funding for, and amend the Promoting Safe and Stable Families Act (PSSF), Title IV-B of the Act, and the Runaway and Homeless Youth Act. These proposed changes would further the shift toward a prevention-oriented child welfare system that centers child and family well-being at every step of the process; expand and provide incentives for the use of the Title IV-E Prevention Services program; provide additional support for tribes; and support youth who are at risk of or victims of commercial sexual exploitation and human trafficking.

Oversight

The Children's Bureau provides federal leadership to improve the safety, permanency, and well-being of children and families. These are not mere words; they are the guiding principles that drive our every action, interaction, and oversight of Title IV-E child welfare agencies. Our efforts underscore the paramount importance of child safety as a primary outcome. The Bureau continually seeks ways to prevent unnecessary involvement of child welfare agencies with families, such as supporting the previously mentioned provision of prevention services through state's Family First Prevention Services Plans and collaborating with partners to serve families and children when they need it, where they need it, and how they need it. When there may be a need for a child welfare intervention, we are committed to advancing efforts to ensure safety, permanency, and well-being.

The Act authorizes HHS to review state child and family service programs to ensure conformity with the requirements in Titles IV-B and IV-E. The Bureau partners with federal,

state, tribal, and local agencies and directs the implementation of comprehensive monitoring protocols and data collection systems designed to assess and ensure states, tribal grantees and the courts meet the standards and outcomes established for the federal child protection, adoption, foster care and guardianship programs. The CB participates in a variety of activities to carry out this mission, including:

- Funding essential services and helping states and tribes operate their child welfare systems;
- Supporting innovation through competitive, peer-reviewed grants for research and program development;
- Offering training and technical assistance to improve child welfare service delivery;
- Monitoring child welfare services to help states and tribes achieve positive outcomes for children and families;
- Sharing research to help child welfare professionals improve their services; and
- Working with states to ensure that every child and youth has a permanent family or family connection.

The CB's core technical assistance and monitoring plan is led by its regional offices. Regional office teams work directly with states and tribes to ensure compliance with program requirements of the formula and entitlement grant programs under Titles IV-B and IV-E of the Act and the Child Abuse Prevention and Treatment Act (CAPTA). The regional offices conduct ongoing joint planning with states and tribes which includes discussions, consultations, and negotiations in all areas of child welfare services and the development of five-year strategic plans, called the Child and Family Services Plan (CFSP), and annual updates of CFSP progress,

called the Annual Progress and Services Report. In partnership with other CB divisions, the regional team monitors state performance and compliance with requirements by conducting Child and Family Services Reviews (CFSR), Title IV-E eligibility under the Act, and other reviews. Regional offices stay informed of current issues with assigned grant recipients through the monitoring of media summaries, state legislative activity, data collection systems' reports, and other information. Additionally, the regional teams provide direct technical assistance to grant recipients, as well as referrals to CB's technical assistance providers, to support improved safety, permanency and well-being outcomes, and compliance with requirements.

The CFSRs are a core monitoring tool for the CB. These reviews are designed to help states improve child welfare services and the outcomes for families and children who receive services by identifying strengths and needs within state programs, as well as areas where technical assistance can lead to program improvements. The reviews emphasize accountability and are conducted in collaboration with the state.

The CFSRs examine outcomes for children and families in three areas: safety, permanency, and child and family well-being. Within these three areas, seven outcomes are assessed through statewide data and onsite review of cases. The reviews also examine seven additional systemic factors that affect the process and capacity of states to deliver services, quality of services delivered to children and families, and the outcomes they experience. States found out of conformity with Federal requirements develop and complete a program improvement plan and face financial penalties for failing to successfully complete that plan.

Regulatory Action

As stated above, ACYF's goal is to assist states in ensuring the safety, permanency and well-being of the children and families they serve. One of the most impactful means by which we promote these outcomes is through regulatory action. I am pleased to have this opportunity to discuss three recent regulatory actions taken by the Biden-Harris Administration that, once implemented, will have a profound impact on child welfare systems in America. Together, these rulemakings, along with the Family First Prevention Services Act, represent perhaps the most substantial advances in child welfare in a generation. These three rules are designed to remove barriers to keeping families together, improve safe and appropriate placements for all youth, and increase fairness in the child welfare system.

Kinship Final Rule

ACYF believes that families belong together. Today, millions of children across America are primarily cared for by grandparents, aunts and uncles, and other relatives, who provide a safe and loving home when parents are unable to. Research emphasizes the benefits of keeping children with their own relatives when parents are unable to take care of them, highlighting the importance of close connections, preservation of cultural identity, and enhanced placement stability compared to non-relatives. But when children go live with family members, it is most often in emergency situations which may result in unanticipated expenses for the relative caregivers. Data demonstrates that many relatives who care for their family members are more likely to live in poverty— circumstances in which financial support can make all the difference in providing for the child's care.

On September 27, 2023, HHS issued a final regulation to allow states to remove barriers for kin caregivers to become licensed foster care providers, and therefore receive full financial support from the state, by creating separate licensing standards for kin caregivers. Previously, all foster homes needed to meet the same licensing standards, whether the caregiver was family or not. While everyone, including kin caregivers, will continue to be subject to criminal background checks and other critical safety requirements, states can now create a new standard that recognizes that when family steps in, they should have a simple and straightforward path to receiving full financial support.

Safe and Appropriate Placements Proposed Rule

When children cannot stay with their own families, they deserve a placement free of hostility, mistreatment, or abuse where they can thrive. Research shows that children and youth who are LGBTQI+ and are involved with the child welfare system can be particularly vulnerable. They may be at a high risk for varying degrees of foster family rejection, neglect, exploitation, and hostility. These youth may receive poor treatment by child welfare systems connected to their gender expression or identity, or sexual orientation, and deal with unstable placement, including multiple foster care placements and a higher probability of placements in congregate care settings. Research shows that LGBTQI+ youth in foster care can face higher rates of homelessness and experience higher rates of attempted suicide.

In alignment with the Executive Order on [Advancing Equality for LGBTQI+ Individuals](#), on September 28, 2023, HHS issued a proposed rule seeking to ensure that, as part of their statutory requirements to provide safe and appropriate care to all children in foster care, clarifies

how states should fulfill these requirements for LGBTQI+ youth in foster care. The rule recognizes the vital role that faith-based providers play in supporting our nation's child welfare system, and the importance of upholding religious freedom protections. No individual foster parent or private provider would be required to be designated as a provider for youth who identify as LGBTQI+. However, the state would need to ensure a sufficient supply of foster placements that are prepared to care for these youth in a supportive manner, including by providing foster homes caring for LGBTQI+ youth the training they need to address their unique needs. No child should be fostered in a home where they face hostility or abuse because of their sexual orientation or gender identity or be exposed to harmful practices like so-called "conversion therapy." This rule is vital to address the harms faced by LGBTQI+ youth.

Legal Representation Proposed Rule

All families, regardless of income or access to resources, deserve a fair chance to stay together. Many families that come to the attention of a child welfare agency are in the midst of or recovering from familial, health, housing, or economic challenges. Access to independent legal representation can help stabilize families and reduce the need for more formal child welfare system involvement, including foster care. Outcome data from legal service programs and pilot projects demonstrate that providing independent legal representation to address a family's civil legal issues can successfully help keep families safely together, expediting permanency.

The third rule, as also proposed by HHS on September 28, 2023, would allow for financial reimbursement to help cover costs of an attorney providing independent legal representation for a child who is eligible for Title IV-E foster care under the Act or that child's

parent or kinship caregiver in civil legal proceedings as part of the foster care plan. It would also allow for legal representation for a Title IV-E agency, any other public agency, or tribe that has an agreement in effect under which the other agency has placement and care responsibility of a Title IV-E eligible child; and would allow for legal representation of an Indian child's tribe when the child's tribe intervenes in any state court proceeding for the foster care placement or termination of parental rights of an Indian child who is in title IV-E foster care.

Thank you for this opportunity to discuss the mission and work of ACYF's Children's Bureau to better serve children, youth, and families. I look forward to working with Congress, including this Committee, as part of our shared collective efforts to ensure the safety, permanency, and well-being of children and families. I would be happy to answer any questions you may have.