



2021 East Hennepin Avenue, Suite 320, Minneapolis, Minnesota 55413

United States Congress
The Honorable Representative Spencer Bachus (AL)
2246 Rayburn Building
Washington, DC 20515

January 1, 2012

Dear Congressman Bachus,

It has been a while since our meeting this past summer in Birmingham so I wanted to revisit one of the two issues I raised with you. That is the minimum adequate reimbursement rate that foster parents must receive to care for our country's dependent children.

For the past several years we have studied the actual board rates foster parents receive versus the federal mandated rates set out as foster care rates. I have read many articles which have highlighted the inadequacy of our country's reimbursement rates to foster parents and discussed the many efforts we've made, in working with child advocates and the states, to raise and protect these inadequate rates. Today I'll share with you what we, and other advocates, are working on to compel the necessary change in America's foster care rates.

Systemic vs. isolated information presented reflected the experiences of many different states. While many states have had to contend with decreased general revenue, and some have made the heinous decision to reduce payments on behalf of abused and neglected children; there are also other states where despite the recession, the state is making a commitment to moving reimbursement rates to a level which reflects their desire to adequately care for their abused and neglected children.

Many states have dealt with legislatures which cannot act quickly to make the changes necessary, especially in a time when many worthwhile issues compete for scarce funding. There is a new movement afoot to use legal advocacy to provide the impetus necessary to make funding for abused and neglected children a legislative priority.



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Currently there are several states taking this issue to court. These lawsuits allege that reimbursement rates have been paid to foster parents, in an arbitrary way. The rates were determined based on what the legislature assigned to the line item in the budget for their care. There was no correlation between the rate paid and the actual costs associated with caring for the children in those states. The federal law, which provides funding to states to assist with the costs of providing foster care services, requires that the rates paid are based on the actual costs of providing that care. We believe almost every state would now be found as violating that federal law. Many states have won lawsuits and entered into a plan with their state to correct the process for determining reimbursement rates for foster children in care.

In 2007, the University Of Maryland School Of Social Work and the National Foster Parent Association came up with a strategy by which to determine the costs of providing care to abused and neglected children for every state in the nation. These costs were based on the actual cost of providing care, and were adjusted for the rural vs. urban cost of living in each area of the country. The report on the findings was published as "Hitting the MARC: Establishing Minimum Adequate Rates for Children." This groundbreaking work established a baseline that states could use to measure their rate structure in comparison to the actual costs that foster families were incurring. And for the first time, a methodology for determining adequate rates is widely available.

In 2009, the California State Foster Parent Association and Legal Advocates for Permanent Parenting filed a lawsuit in the state of California on behalf of foster parents providing foster home care to abused and neglected children. Their suit alleged that the state was in violation of federal requirements in determining its foster care rates. Rather than basing its rates on the actual costs of providing care, the state was determining its rates based on budgetary decisions made in the California legislature. The California suit was successful. The state of California entered into a settlement agreement with the Foster Parent organizations through which a rate increase plan was determined.

Because of this history of successful legal advocacy, advocates from many other jurisdictions in the United States, in which foster care rates are woefully inadequate to address the needs of abused and neglected children, have begun to seek out legal partners in order to obtain findings which will force the state to enter into a plan to move rates to an adequate level.



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The National Foster Parent Association, representing over 500,000 foster and adoptive families, is pursuing a similar legal advocacy strategy that we anticipate may effectively address the country's foster care rates. We anticipate that over the course of the next year, with legal advocates working to help us with this goal, we may see movement toward the adequate rates that foster children and families deserve. You may read more in the NFPA newsletter and in the press about this advocacy effort in 2012 and beyond. While legal advocacy is not very fast, it is effective.

As a society, we know that it is within the context of family that our young people learn everything which impacts not only their futures, but collectively -- all of our futures. So it is only natural that when we work to address the tragedy of child abuse, the only place where restoration and healing can happen is within the context of a family. In the United States, thousands of families quietly do the work, each day, of addressing the tragedy of child abuse, and helping children heal. We are very hopeful that this legal advocacy will result in rates which adequately reimburse these remarkable foster parents for the care that they provide to America's most vulnerable children.

I would like to speak to our state legislature to ask for their support on behalf of these caring families. Would you be so kind as to contact your colleagues on the legislature to encourage them in this regard?

Thank you for your time and best of luck with your upcoming election.

Sincerely,

David Sharp
NFPA
Public Policy Chair