

# Children in Substitute Care

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The following overview was provided by Dr. Thom Reilly, UNLV School of Social Work, who has been instrumental in child welfare reform efforts in Nevada.

*Nevada's system of child welfare is unique: it is the only state in the country with a child welfare system that divides responsibilities for the care of children between its two urban counties (Clark and Washoe), which are responsible for child protective services, and the state, which is responsible for long-term care of children. (In rural Nevada, the state Division of Child and Family Services is responsible for the entire child welfare system.) Under this system, which is often described as "bifurcated," a permanent plan for care and treatment of a child may be delayed for six months or longer. Even if a permanent plan for a child is implemented, a child may still be harmed by the bifurcated system because when he or she is moved from the county to the state system, the child may be transferred multiple times to new case managers, foster or group homes, therapists, and schools.*

*A Nevada legislative subcommittee met over the past two years to review this system and made recommendations to the 2001 Nevada legislature to integrate Nevada's child welfare system by transferring certain responsibilities from the Nevada state child welfare system, Division of Child & Family Services (DCFS) to Clark County Family and Youth Services (CCFYS) and Washoe County Social Services (WCSS). The purpose of this transfer is to streamline the services and eliminate the fragmentation that has contributed to the multiple placements and changes in case management currently experienced by children in the child welfare system. Under the current system, Nevada DCFS provides temporary out-of-home care for children in need of protection. When reunification is not possible, the Nevada DCFS seeks alternative permanency options that best suit the needs*

*of a child. Substitute care involves temporary out-of-home placement for children found by a court to be in need of protection. When a court determines that a child's family cannot provide a minimally safe environment, he or she is placed in foster care.<sup>1</sup> In Clark and Washoe counties, cases are generally transferred to the Nevada DCFS at the time of the dispositional hearing when a child is determined to be in need of protection. However, cases may be transferred earlier or later, depending upon the circumstances. In addition, in certain instances, children may be placed in out-of-home care situations without a court order through a voluntary agreement.*

*Substitute care includes emergency shelter, foster family care (including placement with relatives), group-home care, therapeutic foster care, respite care, residential treatment care (both in-home and out-of-state), and independent living services (transitional services for youth who are age 18 at the time they leave foster care). These services may be provided through contract or community placement.*

*The Nevada DCFS also provides adoption services for children who cannot return to their parents or are placed with relatives and are in need of permanent homes. Many of these children are termed special needs children (children who are older, from racial or ethnic minorities, members of sibling groups, and/or have special emotional, behavioral, developmental and/or medical problems). In order to help facilitate the placement of these children, Nevada DCFS provides both state and federal adoption subsidies to families willing to permanently care for special needs children. Adoption subsidy agreements are available for families who have adopted special needs children and can include the provision of financial, medical, and/or service assistance.*

# Children in Substitute Care Continued

“Since both federal and state laws discourage removal of children from their families unless necessary to ensure the child’s safety, placement in foster care is an extreme step taken only when a child is in immediate danger or when attempts to help the family provide a safe environment have failed; thus, the frequency of placements in foster care is an indicator of family dysfunction that is so severe that a child cannot remain safely with his or her family.”<sup>2</sup>

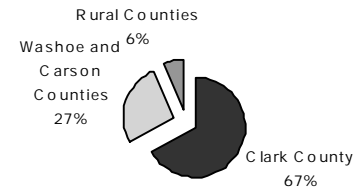
## Types and Number of Nevada (DCFS) Substitute-Care Case Placements in Nevada: 2000

Total DCFS caseload*	5,017
Total DCFS child welfare caseload*	4,038
DCFS child welfare caseload in custody*	2,546
DCFS child welfare caseload in custody by type*	
Lower levels of care**	1,438
Higher levels of care***	701
Other****	401
DCFS-encumbered substitute-care placements*	2,017
DCFS child welfare caseload noncustody*****	1,537
Total DCFS youth corrections caseload*	934

- \* Annual end-of-month average.
- \*\* Could include relative placement, relative nonfamily foster care, emergency shelter.
- \*\*\* Could include group home, therapeutic/medical institutional facilities.
- \*\*\*\* Could include children in DCFS custody placed with parents, youth in independent living programs, runaway youth, and hospitalized youth.
- \*\*\*\*\* The child is not in DCFS legal custody. Could include voluntary placement in care by parent or by family receiving select services such as family preservation.

Source: State of Nevada Department of Human Resources, Division of Child and Family Services.

## Percentage of Children Entering DCFS Custody (Substitute Care) by Regions in Nevada: 2000



Note: The percentages are approximations.

Source: State of Nevada Department of Human Resources, Division of Child and Family Services.

## Adoption in Nevada: 2000

Total adoptions (average monthly cases) includes subsidized adoptions, adoption placements, and all eligible for adoption	1,491
Subsidized adoptions (average monthly cases)	996
Finalized adoptions state fiscal year 2000	202
Percent of children adopted in state fiscal year 2000 in comparison to those available for adoption	50%
Average time child awaits adoptive placement	12.3 months
Percent of children returning to foster care after adoption finalization	2.6%
Percent of children who entered DCFS custody in state fiscal year 2000 who have a case plan for adoption and became legally free for adoption who have been placed in an adoptive placement home	100%

Source: State of Nevada Department of Human Resources, Division of Child and Family Services.

### *Adoption and Safe Families Act*

In 1997, Congress passed the Adoption and Safe Families Act (ASFA) requiring states to enact extensive changes in their child-welfare laws. To bring the state into compliance with ASFA, the Nevada legislature passed Assembly Bill 158 (Chapter 435, Statutes of Nevada 1999) in 1999. The legislation revises the statute concerning the procedures for the protection and placement of children and includes the following provisions:

- ❖ The court must hold a hearing concerning the permanent placement of a child not later than 12 months after the initial removal of a child from his/her home.
- ❖ A child protective service agency must make reasonable efforts to preserve and unify the child's family to prevent or eliminate the need for removing the child from his/her home and to make it possible for his/her safe return. Reasonable efforts are not required if the court makes certain findings relating to the child's safety or abandonment.
- ❖ If a child has lived outside his/her home for 14 of any 20 months, a presumption is created that it is in the child's best interest to terminate parental rights.
- ❖ Preference must be given for the placement of a child with his/her sibling(s).

*"Every effort should be made to make foster care a positive experience and a healing process for the child."<sup>3</sup>*

*American Academy of Pediatrics*