



**SUMMARY:
KEEPING FAMILIES TOGETHER ACT
(H.R. 3243/S.1704)**

Creates Awareness about the Problem of Custody Relinquishment

- The Keeping Families Together Act is designed to address the barriers that prevent families with children who have mental or emotional disorders from accessing critical mental health services. Each year thousands of parents must relinquish custody of their children to state agencies for the sole purpose of obtaining mental health services for them. The lack of access to appropriate care puts thousands of families in the untenable position of choosing between custody and care. The Act is an important step in bringing an end to this practice.

Addresses Gaps in Services

- **Creates Family Support Grants.** The Act amends the Public Health Service Act to provide \$55 million over six years for new family support grants to states that have committed to providing appropriate mental health services to children so that parents do not have to relinquish custody of their children to get them the help they need. These competitive grants are to be used by states to establish systems of care to provide individualized mental health services and family support services to all eligible children and youth to keep families together.
- **Eligible Children and Youth.** Children and youth under the age of 21 who are in the custody of the state solely for the purpose of receiving mental health services or are at risk of entering care to receive such services are eligible to receive grant-funded services.
- **Individualized Services.** Family support services are defined to mean individualized services that are designed with family input, provided to the eligible child or youth and their family, and created to promote the mental health of an eligible child or youth and to strengthen the ability of family members to care for the child or youth's needs.
- **Development of Applicable State Laws and Policy.** To be eligible for grants, states must have in effect laws or policies to ensure that eligible children receive appropriate mental health services so that parents do not have to relinquish legal custody.
- **State Match.** There is no state match for the first two years. For the third year of a grant, the state must provide at least a 50% match; for the fourth year, an equal match is required; and for the fifth and sixth years, states must provide, at a minimum, a 2:1 match of federal dollars.

- **Partnerships with Other Parties.** The Act requires collaboration between both private and public partners, including representatives of families of seriously emotionally disturbed children, mental health care providers, private health insurers, hospitals and residential care facilities, as well as state partners, such as the child welfare and juvenile justice agencies among many.
- **Priority for Grants.** Priority for grants will be given to states that have a history of developing and supporting systems of care and inter-agency collaboration. In addition, priority will be given to states that have taken steps to broaden access to community-based services for these children; have provided reasonable estimates of the numbers of eligible children and youth; that do or will have sufficient mental health service capacity; that engage the Governor's office in the plan development; and that will involve the court system in the planning and oversight of the system of care.
- **Outreach and Training** In addition to creating a collaborative system of care, grant funds may be used to provide outreach and public education about the services created and training and professional development for staff who work with eligible children and youth.
- **Technical Assistance** The Secretary, in consultation with the task force, may provide annually up to \$5 million for technical assistance.

Examines Mental Health Problems in the Child Welfare and Juvenile Justice Systems and Issues Related to Access to Mental Health Services

- **Establishes a Federal Interagency Task Force.** The Administrator of the Substance Abuse and Mental Health Services Administration will establish and staff the task force in conjunction with the Director of the Office of Juvenile Justice and Delinquency Prevention, and the Administrators of the Administration for Children and Families, the Centers for Medicare & Medicaid Services, and the Assistant Secretary of Education for Special Education.
- **Duties of the Task Force Will Include:**
 - **Recommendations to Congress** The task force will work with mental health and child advocates as well as representatives of affected families and state systems of care to make recommendations to Congress concerning strategies to improve the delivery of mental health services. It will also submit a biannual report to Congress on its progress in implementing recommendations, ending relinquishments and improving the delivery of mental health services.
 - **Improved Reporting Requirements** The task force will work with relevant parties to improve state reporting of children who enter state child welfare and

juvenile justice systems solely to access mental health services and to establish standard definitions for data about them.

- **Eliminating Custody Relinquishment.** The task force will foster interagency cooperation to this end.
- **Provide Advice and Technical Assistance At the Federal and State Levels in Implementing the Family Support Program**
- **Promote Coordination.** Make recommendations to break down barriers to coordination in existing federal programs.

Removes Barriers to Getting Medicaid to Children with Serious Emotional Disturbances

- Permits states to use the Medicaid home and community-based services waivers to provide services to children who otherwise would residential treatment.

(Introduced on October 2, 2003 and referred to the House Committee on Energy and Commerce and the Senate Committee on Health, Education, Labor and Pensions respectively.)

*Children's Defense Fund
October 29, 2003*

For further information, please contact CDF's Child Welfare and Mental Health Division at 202-662-3568 or email dhoffman@childrensdefense.org.

USEFUL RESOURCES ON CUSTODY RELINQUISHMENT AND CHILDREN'S MENTAL HEALTH SERVICES

Federal Resources

- *Child Welfare and Juvenile Justice: Federal Agencies Could Play a Stronger Role in Helping States Reduce the Number of Children Placed Solely to Obtain Mental Health Services.* 2003. U.S. General Accounting Office. GAO-03-397 available online at www.gao.gov/new.items/do3397.pdf.
- *Mental Health in Child Welfare: A Focus on Children and Families.” Best Practice/Next Practice.* 2003. National Child Welfare Resource Center for Family Centered Practice. Available online at www.cwresource.org.
- *Achieving the Promise: Transforming Mental Health Care in America.* 2003. The President's New Freedom Commission on Mental Health. This final report, which talks about the challenges of insufficient mental health services for children, is available online at www.mentalhealthcommission.gov.

Bazelon Center for Mental Health Law

- *Avoiding Cruel Choices. A Guide for Policymakers and Family Organizations on Medicaid's Role in Preventing Custody Relinquishment.* 2002. Bazelon Center for Mental Health Law. Available online at www.bazelon.org.
- *Relinquishing Custody: The Tragic Result of Failure to Meet Children's Mental Health Needs. Executive Summary.* 2000. Bazelon Center for Mental Health Law. Can be purchased from www.bazelon.org.
- *Staying Together: Preventing Custody Relinquishment for Children's Access to Mental Health Services.* 1999. Bazelon Center for Mental Health Law and the Federation of Families for Children's Mental Health. Available online at www.bazelon.org.

Federation of Families for Children's Mental Health

- Testimony of Trina Osher on Custody Relinquishment Before the Senate Committee on Government Affairs. July 15, 2003. Available online at www.ffcmh.org/Eng_one.htm. (Posted under Jane Adams Testimonial to the Senate.)
- Federation of Families for Children's Mental Health 15th National Conference will be held November 21-23, 2003 at the Renaissance Washington Hotel. Conference will feature a Policy Day on November 20th and numerous workshops on custody

relinquishment and related issues. Pre-conference program available on line at www.ffcmh.org?Eng_one.htm.

National Alliance for the Mentally Ill

- *Families on the Brink: The Impact of Ignoring Children with Serious Mental Illness*. 1999. National Alliance for the Mentally Ill. Can be purchased from www.nami.org.
- Custody Relinquishment Story Bank. Contribute stories of parents who have had to relinquish custody to this story bank. See Web site of the National Alliance of the Mentally Ill at www.nami.org.

Children's Defense Fund

- Summary of the Keeping Families Together Act (S.1704/H.R.3243). Available online at www.childrendefense.org.
- *Children's Mental Health Resource Kit: Promoting Children's Mental Health Screens and Assessments*. 2003. Children's Defense Fund. For copies, e-mail cdfhealth@childrendefense.org. Also available online at www.childrendefense.org/mentalhealthresourcekit.php.

Reports from States

- *Relinquishing Custody – An Act of Desperation*. 2002. The Maryland Coalition of Families for Children's Mental Health. Contact them at info@mdcoalition.org and they will mail you a copy.
- *Custody Relinquishment and Access to Service for Children. Final Report*. September 1, 2003. Presented by the Maryland Council on Parental Relinquishment of Custody to Obtain Health Care (Established through Executive Order 01.01.2003.020).
- "Castaway Children: Maine's Most Vulnerable Kids." August 18-20, 2002 *Portland Press Herald/Main Sunday Telegram*. Special Reprint. Archived at www.pressherald.com. Copies or original articles available for \$2.00 for each day of the series.