

# GAO Highlights

Highlights of [GAO-16-625](#), a report to congressional requesters

## Why GAO Did This Study

The Preventing Sex Trafficking and Strengthening Families Act, enacted in 2014, limited the use of APPLA as a case goal to children aged 16 and older. The Act made this provision effective 3 years after enactment for children under tribal responsibility. Some experts raised concerns that tribes may use the APPLA case goal to retain tribal connections for hard-to-place children, such as younger children with special needs. GAO was asked to explore tribes' views on these matters.

This report examines: (1) data comparing Indian and non-Indian children in foster care; (2) challenges selected tribal child welfare agencies may face in addressing changes to APPLA and establishing permanent homes for children in tribal foster care; and (3) HHS assistance to tribes in implementing the APPLA change and addressing any challenges to establishing permanent homes. GAO reviewed relevant federal laws, regulations, and HHS guidance; analyzed HHS's fiscal year 2014 data on child welfare agencies' foster care case plans; and interviewed officials from 36 tribes that receive federal child welfare funding from six states with high numbers of tribes receiving this funding. GAO also interviewed HHS officials and officials at six state child welfare agencies.

## What GAO Recommends

GAO recommends that HHS explore the reasons for low tribal participation in the federal guardianship program and identify actions to increase tribal participation. HHS agreed with our recommendation.

View [GAO-16-625](#). For more information, contact Kay Brown at (202) 512-7215 or [brownke@gao.gov](mailto:brownke@gao.gov).

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## FOSTER CARE

### Most Tribes Do Not Anticipate Challenges with Case Goal Changes, but HHS Could Further Promote Guardianship Assistance

## What GAO Found

To receive federal child welfare funding, state and tribal child welfare agencies must comply with certain requirements, including developing a permanency plan for the child that identifies how the child will exit the foster care system to a permanent home ("case goal"). If other case goals, such as reunifying with parents, adoption, or guardianship are not possible or appropriate, a child may be assigned "another planned permanent living arrangement" (APPLA) as a case goal. Unlike other case goals, children assigned an APPLA case goal are normally expected to remain in foster care until they reach adulthood, which could result in young children remaining in foster care for many years. Because available foster care data do not include a measure for the APPLA case goal, GAO used long-term foster care and emancipation as proxy measures for this case goal. These data show that in 2014 about 6.1 percent of Indian children had APPLA as a case goal, compared to 8.3 percent of non-Indian children. Of the approximately 1,200 Indian children who were assigned an APPLA case goal, 41 percent were younger than 16, while of the approximately 33,000 non-Indian children with this case goal, 23 percent were younger than 16. These data also show, on average, that Indian and non-Indian children with APPLA as a case goal moved among foster homes about the same number of times.

Most tribal officials GAO interviewed reported that they did not anticipate challenges in implementing the limitation on the use of APPLA to children age 16 and older, but many reported other challenges to establishing permanent homes for children in tribal foster care. Some organizations expressed the view that the APPLA age restriction would compel tribes to pursue other arrangements with non-Indian homes if they could not allow a child to remain in foster care with an Indian family. However, tribal officials GAO interviewed said that they rarely use APPLA and instead pursue reunification with family members or other case goals, such as guardianship. At the same time, tribal officials reported challenges with licensing foster family homes and resource constraints that may make establishing permanent homes—including guardianships—difficult.

The Department of Health and Human Services (HHS) has provided information on APPLA through a listserv and information memoranda and some assistance to tribes in establishing permanent homes for children in foster care. However, many tribes GAO interviewed indicated that they were not receiving Guardianship Assistance Program funds under title IV-E of the Social Security Act which provide support for children exiting foster care to relative guardianships. Guardianship can be a useful alternative to APPLA when reunification and adoption are not viable options. Of the 36 tribes that GAO contacted, 14 reported that they did not participate in the program because it was not included in their title IV-E tribal-state agreements or the tribe faced challenges at the state level, among other reasons. One of HHS's strategic goals is to work with tribes to increase their capacity to promote child safety, permanent homes, and well-being. By taking actions to support tribes' participation in the Guardianship Assistance Program, HHS could help them receive funds to help establish permanent homes for children in tribal foster care, including those who might be affected by the APPLA change.