

Bridges



Association of Administrators of the Interstate Compact on Adoption and Medical Assistance

Summer 1997

STATES ARE IMPROVING THEIR PERMANENCY PLANNING PROCESS & REDUCING THE TIME CHILDREN SPEND IN FOSTER CARE

by Frank Gutierrez

Recognizing the importance of finding appropriate placements for children removed from their parents as quickly as possible, various states have instituted statutory, operational and policy changes to improve the permanency planning process and reduce the time children spend in foster care. The Government Accounting Office (GAO) examined these efforts and found that while no systematic analysis of data has been undertaken by the states, the preliminary findings indicate that some states are succeeding in improving their permanency planning process and reducing the time children spend in foster care.

Statutory Changes

The GAO reports that twenty-three states (Arizona, Colorado, Connecticut, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming) have enacted laws that lessen the time between when a child enters foster care and the first permanency hearing to less than the federally mandated 18 months. Three other states, Delaware, New Hampshire, and New Mexico, have imposed similar requirements as a matter of policy. Colorado requires that a permanency hearing be held within 6 months for children under six and Washington requires them to be held within 12 months for children 10 years or younger. The remaining 24 states follow the federal guidelines. For most of these states, except Ohio and Minnesota, a final decision concerning the placement of a child need not be made at the permanency hearing.

Policy Initiatives

The GAO also noted that Arizona, Georgia, Kansas, Kentucky, Ohio, and Tennessee enacted, with some success, novel policies and initiatives that facilitated the reunification of children with their families, hastened the termination of parental rights when reunification efforts have failed, or streamlined the role and the process of the judiciary in the permanency process.

New Service Strategies

Arizona and Tennessee utilized new service strategies to help reunification efforts. After identifying inadequate housing as the major barrier to reunification, Arizona enacted a bill authorizing the use of state foster care funds to provide special housing assistance through Arizona's Housing Assistance Program. According to the Arizona Department of Economic Security, between 1991 and 1995, 939 children were reunited with their families as a result of this program.

Tennessee's Wraparound Funding Program allowed caseworkers to use state funds for non-traditional reunification services

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to remove economic barriers to reunification. These included home or car repairs, utilities or rent payments and respite care. According to one state report, during a 6 month period in 1995 the program serviced 1,279 children, shortening their stay in foster care. Had they remained in care as long as the average child in foster care does, the state would have incurred an additional \$700,000 in state and federal foster care payments.

Streamlining the Termination of Parental Rights

Arizona and Kentucky also streamlined the process of terminating parental rights. Arizona's Severance Project focused on cases where termination of parental rights was likely. The state hired specialists and legal staff to work on these cases to facilitate termination of parental rights. The project contributed to more than a 32 percent reduction in the length of stay between entry into foster care and filing of termination petition between 1991 and 1995.

Kentucky's Termination of Parental Rights Project focused on reducing the time required to terminate parental rights once a permanency goal was established. The project retrained caseworkers, lawyers, and judges on the consequences of long stays in foster care and also streamlined the steps caseworkers must follow when collecting and documenting information required for termination procedures. The average time to terminate parental rights decreased by slightly over one year between 1989 and 1991 while the length of stay in foster care decreased from 2.8 years to 2 years between 1988 and 1990.

Concurrent Planning

Tennessee's Concurrent Planning Program has also shown some promise. The program allows caseworkers to work toward reunification while simultaneously developing an alternative permanency plan in the event reunification fails. By working on two plans simultaneously, the time required to prepare the necessary paperwork to terminate parental rights was decreased.

Utilizing Community Resources and Streamlining Court Procedures

Georgia and Ohio used community resources and streamlined court procedures to aid the permanency planning process. Georgia's Citizen Review Panel Program created local advisory panels of private citizens within the child's community to assist judges in their review and decisions of foster care placements. These panels gathered additional information regarding placements options for each foster care child and reviewed compliance with court ordered case plans to ensure that state agencies worked toward permanency. The state reported that between 1994 and 1996 the review panel recommended that 5,855 children be placed for adoption, 10,845 children be reunified with their families and that 3,048 remain in foster care.

Ohio's Hamilton County developed new court procedures to expedite permanency. Court rules were revised in 1985 to (1) designate lawyers, specially trained in foster care, as magistrates to hear cases, (2) assign one magistrate to each case for the life of that case for continuity and consistency, (3) agree at the end of each hearing, while all participants are present, to the date of the next hearing. Using magistrates is efficient and cost effective because three magistrates could operate in one courtroom. Between 1986 and 1990, the number of children placed in four or more different foster care placements decreased by 11 percent and the percentage of children leaving temporary and long-term foster care in 2 years or less increased from 37 percent to 75 percent.

Overhauling the System

Finally, two states are making major changes to overhaul their foster care system. Kansas began privatizing most child welfare services, including foster care, in 1996. Kansas contracted with private social service agencies for family preservation services, foster care and residential care, and adoption services. State officials are responsible for determining whether the original charges of dependency, neglect or abuse are sustained and to monitor contractor performance. Providers are paid a per child rate with a payment structure that pays contractors for results.

Arizona's Project Redesign, prompted by a number of fatalities of young children in foster homes, focused on writing and implementing new child welfare policies and procedures to increase caseworker contact with children and families, reduce caseloads, and reduce length of time in foster care.

Generally, these initiatives worked because they had (1) the long-term involvement of officials in leadership positions; (2) the involvement of key stakeholders in developing consensus and obtaining buy-in concerning the nature of the problem and solution; and (3) available resources to plan, implement and sustain the project.

Assessments

While the states that implemented certain statutory and policy changes in their permanency planning process did have some favorable reports, most of the states have not systematically collected and evaluated data concerning their impact. However, states do report that many of these proposals led to the reduction of the total number of placement changes during the time a child was in foster care. They note the positive effects of reuniting children with their families more quickly, expediting the termination of parental rights, and reducing the number of different foster care placements.

PART I OF II:

MEDICAL ASSISTANCE FOR CHILDREN RECEIVING STATE-FUNDED ADOPTION ASSISTANCE:

The Basics

On April 7, 1986, President Reagan signed into law the Consolidated Omnibus Reconciliation Act (COBRA) of 1986 which made two changes in Title XIX, Medicaid, affecting special needs adoption. First, it requires the state of residence to provide Medicaid to all children adopted under the federally assisted adoption subsidy program (Title IV-E) whether or not they are the state that was party to the adoption assistance agreement. COBRA also gave states the *option* of extending Title XIX, Medicaid to children adopted pursuant to state-funded adoption subsidy programs without regard to the income of their adoptive parents if they meet the eligibility criteria:

1. there is in effect a State adoption assistance agreement (other than under Title IV-E of the Act);
2. the State adoption agency has determined that the child cannot be placed for adoption without Medicaid because the child has special needs for medical or rehabilitative care; and
3. before or at the time the adoption assistance agreement was executed,
 - a) the child would have been eligible for medical assistance given his/her own income and resources (i.e., Title IV-E criteria used to determine payment for children in foster care rather than standards and methodologies of the State's AFDC program under Part A of Title IV),

or
 - b) the child was receiving or was eligible to receive Medicaid as either mandatory or optional categorically needy.¹

All but six states have elected this option.² This does not mean, however, that they do not provide medical assistance to children receiving state-funded adoption assistance. It means that if they are providing medical assistance, the cost of providing that assistance is paid for in total with state funds with no federal financial participation.

¹ §1902(a)(10)(ii)(VII), SSA; 42 C.F.R. § 435.227.

² Arizona, Connecticut, Illinois, Michigan, New Mexico, and South Dakota.

³ "Adoption assistance state" means the state providing the subsidy payments.

Interstate Operation of the Option

In contrast to children receiving Medicaid benefits because of their Title IV-E status, children who are adopted pursuant to state-funded adoption subsidy programs are not automatically eligible to receive Medicaid in their state of *residence*. This means that if a child is adopted pursuant to a state-funded adoption assistance agreement with State A, but the adopted parent lives in State B, there is no guarantee that that child will be able to receive Medicaid in State B. Further, if a child is adopted pursuant to a state-funded adoption assistance agreement with State A and receives Medicaid in State A, and the parents move to State B, the child is not automatically eligible to receive Medicaid in State B.

Eligibility for Medicaid for children receiving state-funded adoption assistance when the child resides in a state other than the adoption assistance state,³ depends upon the following conditions:

1. The adoption subsidy state has elected the option to provide Medicaid to children receiving state-funded adoption assistance and included Medicaid as a benefit in the adoption assistance agreement.
2. The new residence state has elected to provide Medicaid to children receiving state-funded adoption assistance.
3. The new residence state and the adoption assistance state are parties to an interstate agreement.

Look for Part II in the winter issue of *Bridges*. Part II will provide a more in depth discussion on the actual operation of the COBRA option in the states.





SAFE ADOPTIONS AND FAMILY ENVIRONMENTS ACT (S.511)/ ADOPTION PROMOTION ACT (H.R. 867)

The leadership in the 105th Congress continues to consider as a top priority the passage of legislation to promote the safety and permanency of children in the public child welfare system. In late April, the House passed by an overwhelming vote of 416-5 the Adoption Promotion Act (H.R. 867), sponsored by Representatives Dave Camp (R-MI) and Barbara Kennelly (D-CT). The legislation includes provisions to clarify reasonable efforts, require a permanency hearing in 12 months rather than 18, require initiation of termination of parental rights after 18 months in foster care, and provide adoption incentive payments to states. (For more details on this legislation, see *Bridges*, Spring 1997).

Another bill, the SAFE Act (S. 511), sponsored by Senators John Chafee (R-RI) and Jay Rockefeller (D-WV) is pending in the Senate. This bill would also clarify reasonable efforts and require a permanency hearing in 12 months rather than 18. In addition, the bill would expand Title IV-E adoption assistance to provide federal matching funds for adoption subsidies for children with special needs regardless of their eligibility for AFDC or SSI; expand Title IV-E foster care to provide children and families with one-year of reunification services, including substance abuse treatment and services; and expand Title IV-E training to other public agencies serving children in the child welfare system. An attempt to include this legislation in the Budget Reconciliation Act was unsuccessful, but led to a commitment to pursue consideration of this issue in the Senate.

Over the August recess, a working group of Senate staff, on behalf of interested Senators, has been meeting to develop a consensus bill based on H.R. 867, S. 511, and other proposals put forth by Senators. Senator Charles Grassley (R-IA) has indicated an interest in restructuring Title IV-E to reimburse states at a declining match rate based on a child's length of stay in foster care, but has not yet introduced legislation.

APWA has not endorsed either bill in its entirety, but has indicated in a policy statement strong support for several provisions in each bill and has also identified provisions in each bill that could be improved. APWA will participate in a briefing of Senate staff on child welfare and adoption issues in early September. Jess McDonald, Director of the Illinois Department of Children and Family Services, is scheduled to repre-

sent the perspective of a state administrator. Other presenters include an adoptive parent, a foster parent and a juvenile court judge. It is likely that action will occur in the Senate this fall, after members return to Washington.

S.569 INDIAN CHILD WELFARE ACT AMENDMENTS OF 1997

On Wednesday, July 29, 1997, the Senate Indian Affairs Committee unanimously passed by voice vote S. 569, the Indian Child Welfare Act (ICWA) Amendments of 1997, with minor technical changes. S. 569 aims to streamline the process of adopting Indian children by requiring that tribes be notified of all voluntary adoption proceedings, providing timelines and procedures for tribal intervention in voluntary adoption proceedings, limiting when Indian birth parents can withdraw their consent to adoption or termination of parental rights, and imposing criminal sanctions for fraudulent practices in Native American adoptions. The technical modifications include: (1) an exemption for the Indian child's birth parents from criminal sanctions and, (2) a provision which requires parties seeking the voluntary placement of an Indian child or the termination of the parental rights of an Indian child's birth parents to make a reasonable inquiry into a child's heritage.

H.R. 261

This bill seeks to amend part E of Title IV of the Social Security Act to provide for the authority for Indian tribes to receive Federal funding for foster care and adoption assistance programs without needing intergovernmental agreements with the States. The bill has been introduced and referred to the Committee on Ways and Means.

ACYF-IM-CB-97-04: REMOVAL OF BARRIERS TO INTERETHNIC ADOPTION

On June 5, 1997, the Administration on Children, Youth, and Families (ACYF) issued an Information Memorandum in order to provide guidance and clarification on Section 1808, "Removal of Barriers to Interethnic Adoption," of the Small

Business Job Protection Act which amended the Multiethnic Placement Act of 1994.

Section 1808 strengthens the prohibition against discrimination in adoption and foster care placements. It does this by adding to Title IV-E of the Social Security Act a State Plan requirement and penalties which apply to both states and to adoption agencies. In addition, it repeals Section 553 of MEPA which has the effect of removing from the statute the language which reads "Permissible Consideration - An agency or entity [which received federal assistance] may consider the cultural, ethnic, or racial background of the child and the capacity of the prospective foster or adoptive parents to meet the needs of a child of such background as one of a number of factors used to determine the best interest of the child." Congress has now clarified its intent to completely eliminate delays in placement where they are in any way avoidable. Race, culture, or ethnicity may not be used as the basis for any denial of placement, nor may such factors be used as a reason to delay any foster or adoptive placement.

Congress did retain section 554 of MEPA, which requires that child welfare services programs provide for the diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of children in the State for whom foster and adoptive homes are needed. "The diligent recruitment requirement in no way mitigates the prohibition on denial or delay of placement based on race, color, or national origin."

Administration on Children & Families and Office of Civil Rights staff are currently developing a common protocol for determining compliance with these Interethnic provisions, as well as policy and procedures for ACF to use in applying the Title IV-E requirements, developing corrective action plans and imposing penalties. However, in the Information Memorandum, it was made clear that "the appropriate standard for evaluating the use of race, color or national origin in adoption and foster care placements is one of *strict scrutiny*." Further, "the best interests of the child" remains the operative standard in foster care and adoptive placements. As a first step, ACF expects to amend child welfare reviews to determine whether States and adoption agencies are complying. Formal review standards will be published as proposed regulations.

If you need a copy, contact Shannon Guiltinan at (202) 682-0100 or fax a request to (202) 289-6555.

ACYF-CB-IM-97-05: PROCEDURES FOR ESTABLISHING ADOPTION & GUARDIANSHIP BASELINES TO IMPLEMENT ADOPTION 2002

On July 7, 1997, the Administration on Children, Youth and Families issues an Information Memorandum that provides information about setting up adoption and guardianship baseline data and estimates of future targets in expectation of new legislation and as part of implementing the President's Adoption Initiative, *Adoption 2002*. The purposes for establishing baselines are twofold: (a) to determine the number of children each State needs to have adopted or placed in legal guardianship to achieve the goal of doubling the number of permanent placements by the year 2002; and (b) to establish the number for determining the number and level of the incentive payments to states if HR 867 or a similar bill is enacted. HR. 867 provides fiscal incentives for states who increase their number of adoptions.

If you need a copy, contact Shannon Guiltinan at (202) 682-0100 or fax a request to (202) 289-6555.

SAVE THE DATE!



UPDATE ON THE EFFECT OF CHANGE IN SSI CHILD DISABILITY RULES

The Social Security Administration has released figures showing that 95,180 children who had been receiving Supplemental Security Income (SSI) have lost assistance out of 170,303 cases reviewed, a 56 percent termination rate. While the national average termination rate was 56 percent as of August 2, some states had a dramatically higher proportion of denied benefits. A complete list of state termination rates is listed below.

Acting SSA Commissioner John J. Callahan has written to all governors telling them that on request SSA will supply them with the names of all children whose SSI has been terminated, as well as those whose reviews are pending.

STATE	TERMINATION RATE	STATE	TERMINATION RATE
Alabama	69.2%	Missouri	70.1%
Alaska	54.5%	Montana	78.6%
Arizona	37.4%	Nebraska	65.6%
Arkansas	74.4%	Nevada	32.8%
California	36.1%	New Hampshire	56.4%
Colorado	49.0%	New Jersey	37.4%
Connecticut	51.3%	New Mexico	64.1%
Delaware	46.4%	New York	58.4%
DC	17.6%	North Carolina	41.2%
Florida	51.3%	North Dakota	61.5%
Georgia	65.3%	Ohio	60.0%
Hawaii	29.3%	Oklahoma	72.9%
Idaho	56.0%	Oregon	35.2%
Illinois	71.0%	Pennsylvania	35.7%
Indiana	60.8%	Rhode Island	68.7%
Iowa	75.9%	South Carolina	66.8%
Kansas	75.7%	South Dakota	40.6%
Kentucky	39.6%	Tennessee	69.6%
Louisiana	76.1%	Texas	77.7%
Maine	55.1%	Utah	57.1%
Maryland	47.8%	Vermont	52.8%
Massachusetts	47.6%	Virginia	48.0%
Michigan	33.6%	Washington	45.3%
Minnesota	34.3%	West Virginia	64.1%
Mississippi	82.1%	Wyoming	48.9%

SOURCE: Handsnet, Children's Defense Fund, 8/15/97.

RESEARCH HIGHLIGHTS

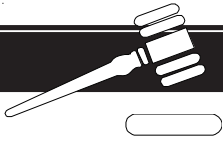
STUDY SUGGESTS SPECIAL-NEEDS ADOPTIONS HAVE GOOD OUTCOMES

In 1996, Victor Groze, Ph.D conducted a four year longitudinal study of the functioning of special needs children and their adoptive families. Overall, the results of the study support many of the conclusions of previous studies. Adoptive family life was marked by accomplishments and triumphs as well as trials and tribulations. Several parents worried about the future of their children, particularly their ability to obtain gainful employment and live independently. Although special needs adoption at times was a mixed blessing, it is a choice that the vast majority of the families would make again, would recommend to others, and in which they found enjoyment and rewards.

The specific findings of the study provide some important information that can help child welfare agencies prepare and support families adopting children with special needs more effectively. These findings include:

- While school was not a problem for the most part, several parents wrote about the unwillingness or inability of some school systems to handle children with Attention Deficit Disorder and several were concerned that teachers did not know how to deal with an adopted child and his special needs in the classroom.
- The child's contact with his or her biological family has a positive effect on the child and the adoptive family. Most often, this contact was with siblings who were not in the adoptive home.
- The child's behavior is a significant stressor that became more pronounced over the years. Over half of the families reported an increase in problem behaviors, such as anxieties, depression, attention difficulties and aggressive behavior.
- Family functioning changed over the 4 years with family adaptability and cohesion decreasing. However, in the fourth year, families were still more flexible and closer than what would be expected of biological families at the same point in their life cycle.

More in depth information on this study, can be found in *Successful Adoptive Families: A Longitudinal Study of Special Needs Adoption* published by Praeger Publishers, (203) 226-3571.



TERMINATION OF PARENTAL RIGHTS/INDIAN CHILD WELFARE ACT

In re J.T., 1997 WL 51777 (Vt.)

Trial court failed to notify the Bureau of Indian Affairs before terminating parental rights as soon as it had reason to believe that the children involved were of Indian ancestry. While the applicability of the Indian Child Welfare Act was not raised at the trial level, the trial court had notice of the children's possible Indian ancestry through a report that the court relied on for disposition.

(From *ABA Child Law Practice*, April 1997)

VISITATION/GRANDPARENTS

Sowers v. Tsamolias, 929 P.2d 188 (Kan. Ct. App. 1996).

After parental rights have been terminated and the child's subsequent adoption, the child's biological grandparents no longer have standing to seek visitation with the child. The grandparents lost their status as grandparents by virtue of the child's adoption.

(From *ABA Child Law Practice*, May 1997)

CONFIDENTIALITY/PRIVILEGE/ADOPTION RECORDS

Doe v. Sundquist, 1997 WL 517646 (6th. Cir.).

The birth mothers' and adoptive parents' federal rights to familial privacy, reproductive privacy, or privacy of confidential information were not violated by the new Tennessee statute which provides for disclosure of adoption records to persons 21 years and older and their legal representatives.

(From *ABA Child Law Practice*, April 1997)

FETUS/CHILD WELFARE LAW

State ex rel. Angela M.W. v. Kruzicki, 561 N.W.2d 729 (Wis. 1997).

The Wisconsin Supreme Court held that a fetus is not a child under the state's child protection statute. A child welfare agency sought a protective custody order for an unborn child whose mother was using cocaine and other drugs. A trial court ordered both unborn child and mother into treatment under state child welfare law. The mother challenged the protective order issued by the trial court on the grounds that

the court lacked jurisdiction over her unborn child because the fetus was not yet a "person." The court of appeals upheld the trial court decision. The Supreme Court of Wisconsin reversed. Because the statute's definition of child was ambiguous, the Court examined the statute's legislative history and determined that the legislature intended to apply "child" only to persons born alive. Otherwise, several provisions become absurd, such as taking a child into custody and making efforts to reunify the child with the parent, if "child" included a fetus. (From *ABA Child Law Practice*, June 1997)

FOSTER CARE/TRANSFER

In re Asbury, 479 S.E.2d 229 (N.C.Ct.App. 1997).

Child welfare agency did not abuse its discretion when it transferred a child to another foster home to facilitate adoption even though no adoption petition had been filed. Once parental rights have been terminated and the agency is the legal and physical custodian of the child, the agency has the authority to proceed with adoption decisions.

(From *ABA Child Law Practice*, June 1997)

TERMINATION OF PARENTAL RIGHTS/FOSTER CARE

In re Jonathan G., 482 S.E.2d 893 (W. Va. 1996).

In a termination of parental rights proceeding, foster parents who cared for a child for more than two years were entitled to an opportunity to be heard on the issue of the child's interests and the foster parent's wish to continue their relationship with the child.

(From *ABA Child Law Practice*, July 1997)

TERMINATION OF PARENTAL RIGHTS/CONSTITUTIONALITY

MB v. Laramie County Dep't of Fam. Servs. (In re LB) 933 P.2d 1126 (Wyo. 1997).

A mother's fundamental right to remain the legal parent of her child were violated by the child welfare agency's failure to follow its own rules about case plans, placement plans, family reunification, and child protection. Because of this failure, the decision of the trial court to permit termination of parental rights must be overturned even though it is supported by clear and convincing evidence.

(From *ABA Child Law Practice*, July 1997).

HHS RELEASES REPORT ON “FORMAL & INFORMAL KINSHIP CARE”

In 1994, approximately 2.15 million children, or just over 3 percent of all children in the United States, were estimated to live in the care of relatives without a parent present. Most of these children are not children in the custody of the state placed with relatives. However, kinship foster care is receiving a lot of attention because of the rapid growth in the number of children in state custody who are being placed in the care of their own relatives. In 25 states where trend data are available, the proportion of foster children in kinship placements increased from 18 percent in 1986 to 31 percent in 1990, with most of the actual kinship growth occurring in 3 states: New York, Illinois, and California. Recent trend data for these three states shows that the share of all foster care provided in the homes of relatives has continued to increase. Between 1988 and 1993, kinship foster care as a percentage of all foster care rose from 32 percent to 54 percent in Illinois, from 22 percent to 45 percent in California, and from 23 percent to 36 percent in New York.

There has, however, been little information about the characteristics of children in kinship living arrangements and trends in kinship care giving, especially information that would support a comparison between formal kinship care arrangements (i.e. care provided by relatives in foster care under auspices of the state) and informal kinship arrangements (all other caregiving provided by relatives in the absence of a parent). This information is crucial in understanding the implications of any policy actions directed towards either formal or informal kinship caregivers in the context of child welfare, family supports, and welfare reform. Are most current kinship foster care placements “formalizations” of kinship arrangements that would likely exist without agency intervention or are they mostly new arrangements created as a result of recent child welfare practices? What are the characteristics of children in kinship care and their families? Are kinship arrangements that are formally sanctioned and supported by state child welfare systems fundamentally different from informal kinship arrangements?

HHS’s Report, *Formal and Informal Kinship Care* provides a much needed picture of kinship care in the United States. The following are among the key findings regarding the characteristics of children and their kinship caregivers.

- Non-Hispanic white children are substantially less likely

to live without their parents in the care of relatives than children are of any other racial/ethnic group. African American children are most likely to live in kinship care settings.

- Kinship care has been more prevalent in the South, for children living outside of Metropolitan areas, and for older children, although the size of the differences due to each of these factors has diminished gradually over the 12 years studied.
- In every state, older children (6-17) are more likely to live in kinship care settings than are younger children (0-5).

It is the context in which the need for kinship care occurs, and not the fact that relatives are providing care, that carries the information that has the most ongoing relevance to social policy formation.”

• Roughly two-thirds of kinship caregivers are the child’s grandparent. About half of the kinship caregivers are currently married, while over 85

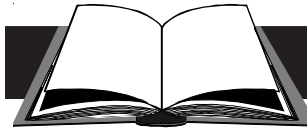
percent of the single kinship caregivers are female.

- Over one-half of all kinship caregivers are 50 years of age or greater.
- Compared to parents who live with their own children, kinship caregivers tend more often to be currently unmarried, to be less-educated, to be unemployed or out of the labor force, to live in poverty, and to receive benefits through governmental social welfare programs.

The finding enumerated above described characteristics of kinship children and their families as a single category. The study also investigated formal and informal kinship care patterns in four states (California, Illinois, New York, and Missouri). Findings include the following:

- Informal kinship care is far more common than formal kinship care. In the four states combined, only 15.5 percent of all kinship children were in a formal foster care placement.
- Younger children in kinship care are more likely to be in foster care than are older kinship care children.

The study also took an initial step in comparing children in formal and informal kinship care settings by looking at children in kinship foster care (Kin/FC) as compared to those children living with a relative and receiving AFDC (AFDC/



Relative) as representative of the informal kinship care population (“which might best be described as semi-formal” because of their reliance on some public supports). Looking at the two groups it was found that:

- Compared to the AFDC/Relative groups, the formal kinship care group is younger and overrepresents African Americans.
- The Illinois formal kinship care group more than tripled (from 8,000 to 27,000) between 1990 and 1995, while the AFDC/Relative group remained constant at 16,000 children.
- Viewed as a transition from their current status, AFDC/Relative children are about twice as likely to move into formal kinship care as are AFDC/Parent children, although the likelihood of such change was small (less than 2 percent per year) for both groups.
- Viewed as sources of transition into formal kinship care, a new entrant into kinship foster care is ten times more likely to have moved from an AFDDC/parent setting than from an AFDC/Relative setting. The apparent anomaly between this and the previous finding is explained by the fact that the AFDC/Parent population is more than twenty-five times as large as the AFDC/Relative population.
- Over half of all new children in kinship foster care moved into this status from AFDC/Parent settings.

The report concludes by stating that more information is clearly needed to understand the increasingly important group of children that are being cared for by relatives. Further, “kinship care arrangements should be studied within a framework that emphasizes their role in ongoing child and family processes. It is the context in which the need for kinship care occurs, and not the fact that relatives are providing care, that carries the information that has the most ongoing relevance to social policy formation.”



EARLY TERMINATION OF PARENTAL RIGHTS: DEVELOPING APPROPRIATE STATUTORY GROUNDS

ABA enter on Children & the Law, February 1997. Copies are available for \$12.00 plus \$.95 shipping and handling, from the ABA Service Center, 541 N. Fairbanks Ct., Chicago, IL 60611 or by calling 1-800-285-2221. (ABA Product Code # 549-0050)

This book analyzes state statutory grounds and provides guidelines for state statutes. It focuses on when the law should allow “early termination of parental rights.” “Early” termination refers to cases where parental rights are terminated without the state child protection agency first having provided rehabilitative services to parents following a recent incident of abuse or neglect. The book provides comprehensive and detailed guidelines governing when termination should be allowed.

A FRAMEWORK FOR FOSTER CARE REFORM: POLICY AND PRACTICE TO SHORTEN CHILDREN’S STAYS

by Kate Welty, M.A., April 1997. Single copies are available for \$10. Contact the North American Council on Adoptable Children, 970 Raymond Av., Suite 106, St. Paul, MN 55114, (612) 644-3036.

This report was created to address child welfare professionals’ concerns about reducing the number of foster children who remain in care longer than 19 months. In response to expressed concerns, this practical framework explores the interplay between three levels: Public policy, program management, and program operations.

ADOPTION QUARTERLY: INNOVATIONS IN COMMUNITY & CLINICAL PRACTICE, THEORY & RESEARCH

Haworth Press, Inc, Renee Garfinkel, PhD, Editor, June 1997. To order a subscription call 1-800-342-0582.

This is the introductory issue of Adoption Quarterly. In this issue you will find articles on Coming to Terms with Adoption: The Construction of Identity from Adolescence into Adulthood, A Longitudinal Study of Family Structure and Size of Adoption Outcomes, Psychiatric Disorders Among Adopted Children, Book Reviews, and a Research Digest.



THREE MORE STATES RECEIVE CHILD WELFARE DEMONSTRATION WAIVERS

MARYLAND

Maryland received the sixth waiver for states to undertake innovations in their child welfare programs. The Maryland program will demonstrate the use of subsidized guardianship arrangements, with an emphasis on kinship care, for children who have been in foster care for six months or more and in the current home for at least that long. The children must meet criteria which indicate that neither return to the parents(s) nor adoption is likely. Each guardianship will be established by court order. By creating formal, subsidized guardianship, Maryland expects that such placements will improve service delivery and enhance permanency for children and families.

INDIANA

In July, HHS approved Indiana's demonstration project. Indiana is using the waiver to design its child protection and child welfare systems in a way that will better ensure the safety of children in troubled families, offer preventive services that will intervene early to better address the needs of families at risk, and improve the efficiency and effectiveness of child welfare services. Indiana will also work to increase its capacity for community-based placements for children that have been placed in institutional facilities by investing in recruitment, training and support for foster care providers. The state will track three child welfare outcomes: family stability, family safety, and child development. "Indiana's project will give us valuable information about how we can protect children and at the same time most effectively develop and maintain family relationship," stated Secretary Donna E. Shalala when announcing the approval.

CALIFORNIA

On August 19, California became the eighth state to receive approval for their child welfare demonstration waiver. Through the waiver, California will implement three new programs for which federal funds will be available that previously could only be used for out-of-home care: the Kinship Permanence Program, the Intensive Services Program and the Extended Voluntary Placement Program. The Kinship Permanence program will place adolescents with relatives in a

guardianship arrangement. To minimize the need to remove children from their homes, the Intensive Services Program will provide individualized services to meet both the child and the family's basic needs such as housing, as well as other social, recreational, educational, vocational and medical needs. The Extended Voluntary Placement Program keeps children in placements up to 12 months in the hope that more children will be able to be returned home rather than be declared dependent and placed in out-of-home care.

This brings the number of states who have received approval of their demonstration projects to eight out of ten that HHS has been authorized to approve. The other five states that have received waivers include Delaware, Illinois, North Carolina, Oregon, and Ohio (See *Bridges*, Spring 1997, for details on these five states waivers).

GEORGIA

Georgia's Department of Human Resources established the State Office of Adoptions (SOA) on January 1, 1997 to (1) develop a private/public partnership between the private sector and the Division of Family and Children's Services (DFCS) in special needs adoption, and (2) assist DFCS in identifying and eliminating procedural, fiscal and statutory barriers to timely adoptive placements for children in the permanent custody of the Department. The SOA is intended to be a high profile state government entity that can access, develop and/or procure the additional resources needed by DFCS agencies to serve the needs of children waiting for adoptive placement.

MISSOURI

Missouri's Governor Carnahan signed into law the Omnibus Adoption Reform Act on July 7, 1997. The new law significantly affects existing adoption law and practice through provisions that:

- change the temporary custody period from nine (9) months to six (6) months.
- require Missouri to recognize a valid international adoption and allow adoptive parents in an international adoption to obtain a Missouri birth certificate without

going to court. Additionally, so long as certain documents are provided to a Missouri court, the court must grant a decree recognizing an international adoption.

- significantly affect open adoptions. The court can neither prohibit an exchange of identifying information between an adoptive parent and a birthparent, nor prohibit contact among the parties. However, any further contact after adoption is finalized shall be at the adoptive parents' discretion.
- broaden the counties' jurisdiction over adoption proceedings. An adoption petition can be filed in any county where the adoptive parent resides; where the child was born; where the child is located at the time the petition is filed; or where the birthparent resides.
- prohibit the denial of adoptive placement based on the prospective adoptive parent(s)' skin color or background.
- direct all child-placing agencies and intermediaries such as physicians, attorneys or clergy to comply with DFS rules and regulations.
- require all homestudies, even in private adoptions, to comply with DFS rules and regulations. All homestudies must be filed with the Court at least ten (10) days prior to the temporary custody hearing.
- mandate that DFS develop and draft the consent form for a birthparent to be used in every adoption. The consent form must state that the birthmother shall provide the names of all possible birthfathers unless she has "good cause" not to do so. The written consent may be withdrawn anytime before it has been reviewed or accepted by a judge. The consent is not required of a parent whose identity is unknown and cannot be ascertained at the time the petition is filed.
- expand the type of expenses that an adoptive parent may pay in connection with an adoption. Expenses may now include counseling, travel and "any other services the court finds is reasonably necessary."

The new law applies only to adoptions filed on or after August 28, 1997.



Montana's legislature approved The Montana Adoption Law of 1997 which significantly changes the state's adoption laws and will

become effective in October, 1997. The act is a major rewrite and refinement of current Montana adoption law. These new laws seek to provide a balance of all the parties' rights, expedite the legal process which allows children to be adopted, and ensure that adoptions are permanent and not subject to disruptions after the legal process is complete.

The main components of the act include:

- Establishing a putative father registry that will be effective October 1, 1998.
- Supporting openness in adoption to the extent the parties wish to have that option available to them.

The putative father registry will serve a dual purpose. Fathers who are not married to the child's mother, but who wish to take responsibility for their child will receive notice of any proceeding to terminate their parental rights if they register in a timely manner with the DPHHS Bureau of Vital Statistics. If the unmarried father does not protect his rights by registering, and is not otherwise entitled to notice, the court may terminate his rights to the child for the purpose of adoption. This will ensure that adoptions are final and can not be overturned at a later date.

To educate the public about the registry, DPHHS will place notice of the registry in many public places including hospitals, county health departments, and driver's exam stations. During this two-year public education campaign, every notice of vehicle registration renewal will also contain information about the registry.

The act also clarifies when adoptees may obtain a copy of their original birth certificate. The law provides that adoptees born between July 1, 1967, and September 30, 1997, must still rely on the laws in place during that time to gain access to their birth certificate. Adoptees born after the effective date of this act will have access to their birth certificates at age 18, unless a birth parent specifically notifies the DPHHS Bureau of Vital Statistics that they don't want the birth certificate automatically released. Adoptees born prior to July 1, 1967 will also have access to their birth certificates because before that time, there was no law in place prohibiting automatic release of those certificates.

For more information, contact Ann Gilkey in the DPHHS Legal Office at (406) 444-5905.

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