

# Bridges



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

Spring 1998

## MODEL PROGRAM PROMOTES ADOPTION FOR CHILDREN WITH PRENATAL SUBSTANCE EXPOSURE

### TIES (Training, Intervention, Education and Services) FOR ADOPTION

by, Susan Edelstein, MSW, LSCW

Casey, a three year old child who was prenatally exposed to drugs, was exhibiting severe tantrums, hitting and biting behaviors at his preschool and at home following his placement from foster care into his adoptive home. Fortunately, Casey and his new parents were one of the families who received services from Project *TIES for Adoption*. This project was developed and implemented by the Adoptions Division of the Los Angeles County Department of Children's Services, the UCLA Center for Healthier Children, Families and Communities, and the UCLA Psychology Department.

Casey's adoptive parents' relationship with TIES dated back to before the child was placed with them. They attended nine hours of preparation on the issues involved in adopting a child with prenatal substance exposure. They started coming to a parent support group as soon as Casey was identified to be placed with them. When Casey began exhibiting serious problems, the parents started having Casey see a TIES psychologist weekly in individual therapy, while they met with another psychologist to learn strategies to deal with the child's behavior.

The teacher suggested to the parents that the child be tried on medication to help control his behavior at school. The psychologists consulted with the TIES pediatrician, and they agreed that medication was not called for at this time-that this intense child was reacting to loss, was fearful, angry, and testing his new parents. There were no indications that Casey was a hyperactive child. The TIES educational consultant and the psychologist worked with the teacher to develop strategies to help Casey with his behavior. It took several months and intensive services, but the improvement in this charming and intelligent child's behavior has been dramatic. The family no longer comes in for weekly sessions, but does continue to attend the monthly support group where Casey also plays with other children who share many of his experiences. Casey's adoption was recently finalized, and the parents are considering adopting a second child.

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The goal of *TIES for Adoption* is to promote the successful adoption of children with prenatal substance exposure. This goal is being achieved by reducing barriers to the adoption of the children, fully preparing prospective adoptive parents, supporting the children and their adoptive families, and educating the professionals working with them. The project began as a model demonstration project funded from September 30, 1995 through December 1997 by the Federal Adoption Opportunities Program. In March of 1998 the Stuart Foundation began funding this project in order to reach a larger number of children and families and work towards institutionalizing these critical services.

***Those children who cannot be reunified safely with biological parents in a reasonable time frame must be placed with well prepared, well supported adoptive families at the earliest possible point in order to meet the children's needs for nurturing, attachment, consistency, structure, and early intervention.***

The vast majority of the children available for adoption in the Los Angeles County foster care system are prenatally exposed to alcohol and/or other drugs. It is clear that drugs, whether illegal or legal, are bad for fetuses. There are no known safe levels of alcohol and/or other drug use during pregnancy--any use can potentially affect fetal growth and well-being. A wide range of health and developmental patterns has been observed among infants and children who were prenatally substance-exposed, varying from severe to mild to no apparent effects.

Given this continuum of effects, we cannot predict outcomes for individual children. In addition, determining through research the impact of prenatal substance exposure on child development over the long term is further complicated by a multitude of factors. Uncertainty remains about the long term consequences of prenatal substance abuse, but the dire prospects so frequently predicted by some for the children's futures have not materialized. We know that stable, consistent, and nurturing postnatal environments optimize and elicit the children's considerable potentials. However, we also know that the children's biological vulnerability is all too frequently compounded by environmental factors such as separation from birth parents, living with family members who are chemically dependent, being abused and/or neglected and experiencing multiple placements.

Those children who cannot be reunified safely with biological parents in a reasonable time frame must be placed with well prepared, well supported adoptive families at the earliest possible point in order to meet the children's needs for nurturing, attachment, consistency, structure, and early intervention. The following describes the preparation and supports provided by *TIES for Adoption*.

***Preparation of adoptive parents:*** In addition to the standard education already provided, prospective adoptive families voluntarily attend nine hours of additional training specifically geared to the challenges of parenting and providing permanency to children with prenatal substance exposure. Some of the topics covered are building empathy for substance abusing biological parents; learning what is known and not known about the impact of prenatal substance exposure and coming to terms with the uncertainties; learning strategies for helping children if there are problems; deciding whether and who to tell about the child's prenatal substance exposure; learning to build in substance abuse prevention strategies for the child; and evaluating factors

when considering maintaining ongoing contact with members of the birth family when there is a history of substance abuse.

These sessions are guided by the principles that thorough education helps prospective adoptive parents make informed decisions, and that the better the preparation, the more satisfied parents are with the adoption. The process and content both are critical in conducting these sessions. The material requires integration over a period of time and the presenters use a variety of techniques such as role playing talking to children in a sensitive, informed manner about birth parents with histories of substance abuse, watching and discussing videotapes and slide presentations about birth parents' and children's struggles, strengths, needs and backgrounds, and hearing from seasoned adoptive parents of children with prenatal substance exposure about their experiences and helpful strategies. A balanced, objective, realistic and practical approach provided by an interdisciplinary team, who can also model the range and roles of professionals who may be helpful later to the family, is vital in this highly charged area.

The curriculum for preparing prospective adoptive parents has been successfully piloted with over 100 families. Many participants commented that the information should be provided to all foster and adoptive parents. The participants felt that these sessions answered their questions and empowered them to proceed with the adoption of the children. In fact, an unusually large percentage of families who have had children placed, accepted sibling groups — many of them children who have been waiting long periods of time for adoptive homes.

**Supports to families:** Priority is given to serving families who have attended the preparation sessions. Parents may utilize the gamut of services, request only one service, or they may find that they don't need any services beyond the nine hours of preparation. The array of services include the following:

**Services prior to adoptive placement:** Some children waiting for adoptive parents received some combination of health, mental health, and educational assessments and/or treatment. Information was utilized to inform Adoption Workers and potential adoptive parents about what is necessary in order to attend to the child's needs and assist with the transition from foster care to adoption.

**Services during the transition of children from foster care to adoption:** The period of transition from foster care to adoption is a period of vulnerability as well as opportunity for children and families. The following services are offered:

**\*Support Groups:** Adoptive families who have recently had a child placed with them or anticipate a placement shortly are invited to attend support groups facilitated by psychologists, social workers and experienced adoptive parents. These groups provide an opportunity for receiving support, encouragement, and assistance throughout the visitation and placement process; help develop a support system; assist in grieving losses, expressing fears, challenges, and joys; promote understanding on how to help children adapt to change; help learn about parenting and resources; and provide a link to help if problems arise.

**\*Individual consultation on children:** Multi-disciplinary review of records by a pediatrician, psychologists, social workers, and educational consultants and face to face meetings with future adoptive parents help them understand possible consequences of strengths and vulnerabilities identified in the child as well as the recommendations for, and referrals to needed services.

**\*Transition services:** Sessions with adoptive parent(s) and child educate the adoptive parent(s) on the child's development and temperament; the match between parent and child; specific behavioral issues and interventions; issues in the parent-child interactions; and attachment and loss issues.

**Services available to adoptive parents following the placement are:** (1) medical consultation, (2) educational consultation and advocacy, (3) developmental, psychological, and temperament assessments, (4) individual/family counseling, (5) support groups, and (6) legal advocacy.

Recently, through a grant from Adoption Opportunities, a component was implemented to assist families *after* the adoption is finalized, as well.

The vast majority (83%) of families who used TIES services stated that the project was their most useful resource for adapting to being a new parent, and all the families found the services to be helpful. Dramatic increases in developmental functioning were noted in the children who received intensive project services. Families and Adoption Division social workers have expressed that there have been placements which would not have taken place and/or would not have succeeded without this project. For additional information on the project, contact:

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*This article is dedicated to the memory of Sara E. Berman, MSW. Ms. Berman was Chief of the Adoption Division of the Los Angeles County Department of Children and Family Services and Principal Investigator of TIES for Adoption.*

## CALL FOR ARTICLES

### DOES YOUR AGENCY HAVE A MODEL POST - ADOPTION SERVICES PROGRAM?

AAICAMA would like to highlight at least one successful post-adoption program in each issue of Bridges. If your agency has a strategic plan for providing post-adoption services, an innovative program, or a broad continuum of services for adoptive parents and you would like to write an article for Bridges, please contact Liz Oppenheim at (202) 682-0100 or [loppenheim@apwa.org](mailto:loppenheim@apwa.org).



## CHILD SUPPORT WHEN AN ADOPTED CHILD IS PLACED IN SUBSTITUTE CARE AND ADOPTIVE PARENTS RECEIVE ADOPTION ASSISTANCE

Children with special needs who are adopted from the child welfare system and receiving adoption assistance sometimes reenter the child welfare system in order to receive necessary foster care, psychiatric, or residential treatment services. In some states, concerns have been raised about establishment and payment of an equitable amount of child support. In some cases, adoptive parents have been referred to child support enforcement and assessed child support in excess of the adoption assistance payment, in turn, creating a financial hardship for these families. In fact, there has been a call by some adoption advocates for a federal "legislative fix" that would limit the financial obligations of an adoptive parent(s) to pay child support to the amount of the adoption assistance payment when their special needs child needs foster care, psychiatric, or residential treatment services from the State. To date, there has been no bill introduced in Congress making this a federal requirement.

Current federal law provides States with flexibility in determining both which cases the child welfare agency must refer for child support services, and in the determination of the amount of child support to be paid in these circumstances. This article provides a summary of current law and the options States have within the requirements of Title IV-E and IV-D in terms of (1) the Title IV-E agencies' option in making referrals to the IV-D program, and (2) parent(s) financial obligations for child support, and some examples of state policies regarding this issue.

### ***Referral to IV-D (Child Support and Establishment of Paternity)***

Each State's IV-E plan must provide that, "*where appropriate*, all steps will be taken ...to secure an assignment to the State of any rights to support on behalf of each child receiving foster care maintenance payments under this part" (emphasis added)(*Section 471(a)(17) of the SSA*). The State's IV-D plan must provide that the State will "provide services relating to the establishment of paternity or the establishment, modification, or enforcement of child support obligations, *as appropriate*...to each child for whom benefits or services for foster care maintenance are provided.. under part E of this title..."(emphasis added) (*Section 454(4)(A)(i)(II) of the SSA*). If a case is referred to the IV-D agency, the

agency can exempt the case from child support enforcement services if "good cause or other exceptions exist" (*Section 454(4)(A)(i)*). The determination of "good cause or other exceptions" is defined by the IV-E agency taking into account the best interests of the child (*Section 454(29) of the SSA as amended by the Balanced Budget Act of 1997*).

### ***Amount of Child Support to be Paid***

With regard to the amount of child support that must be paid, each State is required to "establish guidelines for child support awards within the State" (*Section 467(a) of the SSA; 45 C.F.R. 302.56(a)*). It is presumed that the amount resulting from the application of such guidelines is the correct amount of child support to be paid (*Section 467(b)(2) of the SSA*). However, deviations from the child support award required by the formula set forth in each State's guidelines can be made. In order to deviate from the amount resulting from the application of the guidelines, the court or administrative hearing judge must use criteria established by the State and make detailed findings on the record as to why the guideline amount would be unjust or inappropriate in a given case, taking into account the best interests of the child (*Section 467(b)(2); 45 C.F.R. 302.56(g)*). Therefore, in individual cases the amount of the support award can be limited to the adoption assistance payment even if it is less than the award would be as determined by use of the guidelines.

States also have the option of revising their child support guidelines to require such a deviation from the support schedule amount in cases involving special needs children receiving adoption assistance who must reenter foster care in order to receive necessary services. They could require that the amount that would be collected in such cases would be limited to that of the adoption assistance payment.

### ***State Examples***

AAICAMA has not conducted a survey to identify each state's specific laws and/or policies regarding child support when an adopted child is placed in substitute care and adoptive parents receive adoption assistance. Following is just two state examples. Wisconsin state law has specific requirements about child support in cases where adoption assistance is provided. In these cases, the child support is usually set at

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the percentage standard or the amount of the adoption assistance, whichever is less. For example, if an order calculated according to the percentage standard for an adopted child would be \$250 per month, and the amount of the adoption assistance received by the parents for this child is \$300 per month, the child support order would be set at \$250. The statute allows the court to vary from this usual procedure by documenting a finding that this standard is unfair to the minor child or either of the parents.<sup>1</sup>

In Washington, the Department of Social and Health Services and the Office of Support Enforcement have agreed that referrals for child support enforcement will not be made if a child who receives Adoption Support is placed in group care, a residential psychiatric facility or foster family care. During this time adoption support monthly maintenance payments are suspended.

### ***Conclusion***

Some adoption advocates assert that assessing child support in excess of the adoption assistance payment when children reenter the child welfare system creates a disincentive for families to adopt special needs children and can jeopardize the success of adoption recruitment efforts. States are working hard to meet the President's goal of doubling the number of adoptions by the year 2002 and in doing so are looking at all the innovative ways to move children to permanency and remove barriers to achieving timely adoptions. State laws and/or policies regarding child support when an adopted child is placed in substitute care and adoptive parents receive adoption assistance is just one of the many issues to be reviewed.

<sup>1</sup> State of Wisconsin, Department of Health and Social Services, Division of Community Services, Information Memorandum 95-25, October 12, 1995; Section 46.10(14)(cm) of Wisconsin Statutes.

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## **JOINDER IN ICAMA ON THE RISE**

### ***Status of State Joinder***

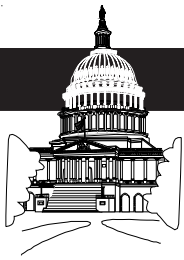
To date, 32 states are members of the Interstate Compact on Adoption and Medical Assistance (ICAMA). Three states, Alaska, Indiana and Iowa, have passed legislation enabling joinder and are currently executing joinder. New Jersey, North Carolina, Ohio and Pennsylvania have submitted or are preparing to submit legislation allowing joinder in ICAMA this year. In 1999, Connecticut, Maryland, North Dakota and Oregon are planning to take the necessary steps to become members. By the end of 1999, it is expected that 43 states will be members of ICAMA.

### ***Private Agency Memberships***

Recognizing the need for closer relationships and opportunities to improve partnerships with others involved in special needs adoption, the Association of Administrators of the Interstate Compact on Adoption and Medical Assistance amended its bylaws to allow for membership by private agencies, tribes and others interested in our mission: to improve practice and policy in interstate and intrastate adoptions. We are pleased to announce our new partners and look forward to working with them.

- ◆ AASK Midwest Inc.,  
Toledo, Ohio
- ◆ African American Adoption & Permanency  
Planning Agency  
St. Paul, Minnesota
- ◆ Children's Home Society of South Dakota  
Sioux Falls, South Dakota
- ◆ Lutheran Social Services of Kansas and Oklahoma  
Wichita, Kansas
- ◆ Missouri Baptist Children's Home  
Bridgeton, Missouri
- ◆ Spence-Chapin Services  
New York, New York
- ◆ Tressler Lutheran Services  
York, Pennsylvania
- ◆ United Methodist Family Services  
Richmond, Virginia





### **H.R. 3130: The Child Support Performance Incentive Act 1998**

On March 5 and April 3, the House and Senate respectively passed H.R. 3130, the Child Support Performance and Incentive Act of 1998. Title II, Section 301 of H.R. 3130 amends section 471(a) of the Social Security Act by adding the following provisions concerning adoption across state and county jurisdictions.

#### **Section 471 [42 U.S.C. 671] (a) . . .**

(23) provides that the State shall not —

(A) deny or delay the placement of a child for adoption when an approved family is available outside the jurisdiction with responsibility for handling of the case of the child; or

(B) fail to grant an opportunity for a fair hearing, as described in paragraph (12), to an individual whose allegation of a violation of subparagraph (A) of this paragraph is denied by the State or not acted upon by the State with reasonable promptness.

These provisions originally were made a condition of obtaining federal funding under Title IV-E by the Adoption and Safe Families Act. H.R. 3130 makes the provisions a state plan requirement. In addition, HR. 3130 creates a separate penalty provision, similar to the penalty for a violation of the Multiethnic Placement Act, for a violation of this state plan requirement. The original penalty in ASFA for a violation of these provisions was a loss of all Title IV-E funding. Following is the penalty for a violation proposed by the bill.

#### **Section 474 [ 42 U.S.C 674]**

(d)(1) If, during any quarter of a fiscal year, a State's program operated under this part is found, as a result of a review conducted under section 1123A, or otherwise, to have violated section 471(a)(18) or (23) of section 471(a) with respect to a person or to have failed to implement a corrective plan within a period not to exceed 6 months with respect to such violation, then, notwithstanding subsection (a) of this section and any regulations promulgated under section 1123A(b)(3), the Secretary shall reduce the amount otherwise payable to the State under this part, for that fiscal

year and for any subsequent quarter of such fiscal year, until the State program is found, as a result of a subsequent review under section 1123A, to have implemented a corrective action plan with respect to such violation, by—

(A) 2 percent of such otherwise payable amount, in the case of the 1st such finding for the fiscal year with respect to the State;

(B) 3 percent of such otherwise payable amount, in the case of the 2nd such finding for the fiscal year with respect to the State; or

(C) 5 percent of such otherwise payable amount, in the case of the 3rd or subsequent finding for the fiscal year with respect to the State.

In imposing penalties described in this paragraph, the Secretary shall not reduce any fiscal year payment to a State by more than 5 percent.

The bill is currently in conference, but it is expected to pass with this provision intact.

### **ACYF-CB-PI-98-07: Procedures for Establishing Adoption and Guardianship Baselines to Implement the Presidential Initiative, Adoption 2002 and the Requirements of ASFA**

On April 30, 1998, the Department of Health and Human Services, Administration on Children, Youth and Families, Children's Bureau issued a Program Instruction on the Procedures for Establishing Adoption and Guardianship Baselines to Implement the Presidential Initiative, Adoption 2002 and the Requirements of ASFA. The Program Instruction provides definitions of the terms used for the purpose of establishing the baseline and providing the incentive funds; the process for establishing adoption incentive baselines; how the money will be paid out should the total amount of incentives earned exceed the annual amount of funds appropriated by Congress (\$20 million for payment in fiscal years 1999-2003); and how the funds awarded shall be expended. The Program Instruction also points out that

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ASFA requires that baseline data for the adoption incentive program be submitted by November 30, 1997, which is clearly impossible and that technical amendments are currently before the Congress to change this date. The Program Instruction encourages States to submit data as soon as possible since the data has to be approved by the Secretary by July 1, 1998.

### **ACYF-IM-CB-98-03: The Small Business Job Protection Act of 1996, Multiethnic Placement Act, Interethnic Adoption Provisions**

On May 11, 1998 the Department of Health and Human Services, Administration on Children, Youth and Families, Children's Bureau issued an Information Memorandum to inform States, Tribes and private child placement agencies of the answers to several questions raised by the General Accounting Office addressing a number of implementation and practice issues concerning the Interethnic Adoption provision of the Small Business Job Protection Act of 1996. The GAO is currently conducting a study of States' implementation of the Interethnic provision of the Small Business Job Protection Act of 1996.

### **ACYF-PI-CB-98-05: Clarification of Title IV-B State Plan Requirement at 422(b)(10)**

On April 28, 1998, the Department of Health and Human Services, Administration on Children, Youth and Families, Children's Bureau issued a Program Instruction clarifying the State and Indian Tribal responsibilities for the provision of foster care protections under section 422(b)(10) of Title IV-B.

*(Copies of PIs, IMs and PIQs can be found at the Children's Bureau web site at <http://www.acf.dhhs.gov/programs/cb/policy/ghindex.html> or call Theresa Epps at (202) 205-8252).*

### **FAIR HOUSING ACT AMENDMENTS OF 1998**

The Constitution Subcommittee of the House Judiciary Committee approved legislation (H.R. 3206) on February 25, 1998 that would amend the Fair Housing Act. The Fair Housing Act was intended to offer protections to prevent discrimination in housing on the basis of race, color, religion, national origin, gender, disability and familial status. The National League of Cities, a key supporter of H.R. 3206, has sought changes in fair housing law because they believe the law and resulting court decisions have preempted local authority

in the siting of group homes. The bill includes several provisions that would strengthen local authorities' ability to regulate group homes. A large coalition of advocacy groups has opposed the bill, asserting that the bill would undermine the protections in current law and make it easier for communities to restrict group homes from their communities and would protect opponents of group homes from lawsuits.

The proposed legislation would narrow the definition of "familial status" in the Fair Housing Act to include only persons related by blood, marriage, or adoption, and persons in foster family homes. Advocates contend this provision will limit current protections for abused and neglected children, and other group homes. Substitute language related to familial status is expected to be offered when the bill is considered in the full Judiciary Committee. Under that definition, the current familial status protection would be amended to clarify that protection on the basis of familial status does not apply to residential service facilities for individuals convicted of a crime for which a term of imprisonment greater than one year may be imposed or juveniles adjudicated delinquent under law on the basis of conduct that would constitute a crime if committed by an adult. Even with this proposed change, advocates continue to express opposition.

Other provisions in the bill would permit communities to impose occupancy and siting restrictions on homes for people with disabilities, people recovering from drug addictions, and people convicted of crimes. The bill would also require parties to a lawsuit under the Fair Housing Act to exhaust all state and local administrative procedures before accessing federal courts. It also would bar prosecution under the Fair Housing Act for people who express opposition to group homes or file lawsuits to prevent the establishment of group homes (unless the lawsuits are frivolous or filed for the purpose of harassment or delay). H.R. 3206 has not yet been marked up by the full House Judiciary Committee. It is unclear what the timetable is for further consideration.

### **HHS RELEASES 1996 CHILD ABUSE STATS**

According to the new report, "Child Maltreatment 1996: Reports from the States to the National Child Abuse and Neglect Data System," almost 1 million children were identified as victims of abuse or neglect in 1996, and an estimated 1,077 children died in 1996 as a result of abuse or neglect. According to the report released today:

Copies of can be obtained by calling the National Clearinghouse on Child Abuse and Neglect at 1-800-FYI-3366 or at <http://www.acf.dhhs.gov/news/nccan1.htm>.



### Removing Barriers Through Video Conferencing

by Lisa Lumpe, Recruitment Specialist, Franklin County Children's Services, Columbus, OH

Overwhelmed by the vast number of children coming into our agency's adoption unit compared to the number of kids adopted, I decided to try something that I had only read about- video conferencing.

Video Conferencing has been a tool in business for a long time – it's an inexpensive way of communicating with people across a distance – and it seemed worth a try.

First, I had to find an agency somewhere in the country that had families interested in adopting mostly African American and school-aged children. Fortunately, a co-worker had met Ruth Amerson, of Another Choice for Black Children in North Carolina, when she attended a One Church One Child conference. She gave Ruth a tape of some of our kids. Ruth called us back to say that she had matches for more than 10 children on the tape. I thought that our agencies would make a good "match".

I called Sprint and asked for a listing of their video conferencing locations. I selected a location that was a half a mile from the site of our adoption party which we scheduled to begin when the video conferencing ended, allowing us to make the most of the kid's and staff time.

Our plan was to have families meet in a conference room at a Kinko's in North Carolina, while my kids would be at a Kinko's in Columbus, Ohio. The rooms would have two televisions – one with the families on it, the other with the children. Through these televisions, the groups could interact with each other (on a three-second delay).

The event was very inexpensive - \$150 per hour, per site - \$300 total for the hour. Ruth had gathered 20 African American prospective families; I had 35 African American children between the ages of one and 10 years old.

We spent a lot of time preparing for the event. The families were sent information about the children, and entertainment and activities were planned to keep the children occupied while they waited their turns to meet their new friends in North Carolina. But you know what they say about the best laid plans...

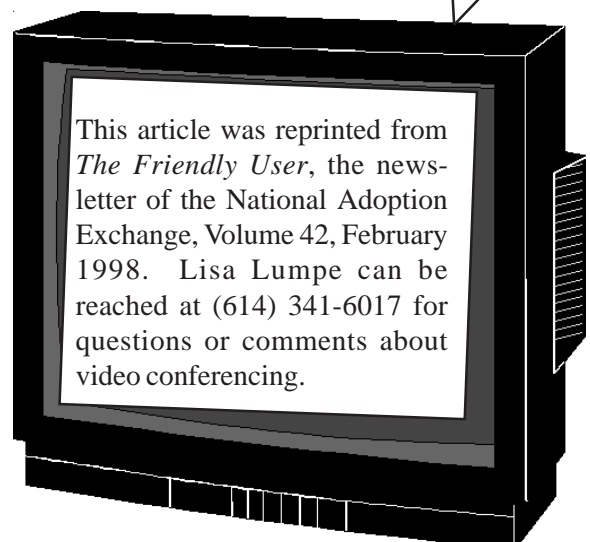
At the children's site, the speaker was set up near the children so that the families could hear them. At one point, a child reached back, hit a button, and we lost everything – audio, video – everything!

The people from Kinko's were very helpful and we soon had video and sound from the North Carolina families, no video of our kids.

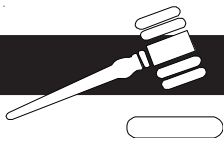
While I was sure that this experiment was a bust, a funny thing happened: Now that the children could no longer see themselves on TV, they focused on the families on the other monitor. They thought it was neat to talk to a TV and have the people in the TV talk back.

The families were great and they talked to the kids as if they were part of their families and made the best of a not-so-perfect situation. I received my first homestudy from the event the next day. "This family called me at 6 A.M.," Ruth said. "They are so excited!" Ruth said her telephone did not stop ringing that day. We expect to make quite a few matches from our experiment in technology.

The lessons learned were these: always keep your sense of humor and keep trying. Even when things look like miserable failures, they're really just stepping stones.



This article was reprinted from *The Friendly User*, the newsletter of the National Adoption Exchange, Volume 42, February 1998. Lisa Lumpe can be reached at (614) 341-6017 for questions or comments about video conferencing.



### **BEFORE APPLYING THE ICWA, TRIAL COURTS MUST FIRST DETERMINE IF SIGNIFICANT INDIAN CULTURAL TIES EXIST**

Crystal R. v. Superior court,  
69 Cal. (Rptr. 2d 414 (Ct. App. 1997).

A mother voluntarily relinquished her parental rights to her seven year-old daughter and consented to her adoption by her maternal aunt and uncle. The child had been placed with the aunt and uncle when she was three years old and developed a strong attachment to them.

The child's father had a lengthy criminal history and spent most of his adult life in prison. He barely knew the child and provided no support. Because the father was part Indian and an enrolled member of an Indian tribe, a dispute arose at the termination hearing regarding application of the Indian Child Welfare Act (ICWA).

After the trial court determined the ICWA applied to the proceeding, the child, the child's aunt and uncle, and the child welfare agency filed a petition in the California Court of Appeal for the Sixth District, requesting that the trial court be forced to apply the "existing Indian family" doctrine to excuse the proceedings from the ICWA requirements.

The "existing Indian family" doctrine requires that before the ICWA requirements can be applied, significant Indian cultural ties must be shown to exist between the family and Indian tribe. Without such a showing, the Act does not apply. State courts differ on whether to apply the doctrine as a precondition to applying the ICWA. Appellate courts within California have split on the issue; the First and Third Districts have rejected it, while the Second and Fourth Districts have more recently upheld it.

The Court of Appeal for the Sixth District joined the Second and Fourth Districts and held the trial court should first apply the "existing Indian family" doctrine before applying the ICWA. The court explained that in cases such as this one-where reunification efforts have failed and the child's interest in a permanent placement outweighs the parent's interests-applying the doctrine is appropriate.

The court emphasized the doctrine's role in guarding against parents who try to invoke the protections of the ICWA, despite their lack of a significant relationship with the child or tribe. In this case, except for a few exceptions, the father had no meaningful contact with his daughter and made no efforts to support her. His interest in his Indian heritage was a recent one sparked by the proceedings, and he never lived or intended to live in Alaska where his tribe was based.

Finally, the court noted that applying the doctrine would help further underlying goals of the ICWA by maintaining Indian children's ties with their Indian parents and tribe when such ties exist.  
(From *ABA Child Law Practice*, April 1998)

### **STATE LACKED LEGAL AUTHORITY TO PLACE CONDITIONS ON CHILDREN'S ADOPTION**

State in re Latoya W.,  
1998 WL 51202 (La. Ct. App.)

Parental rights to seven children were terminated and the children were freed for adoption. The four oldest children had lived together in the same foster placement, and the fifth child had had regular contact with the four oldest children.

In an effort to maintain the sibling's relationships, the judgement terminating parental rights conditioned the children's adoption on two requirements: (1) that the four oldest children be adopted together, and (2) that the fifth child have weekly visits with her older siblings. The child welfare agency appealed the judgement.

The Louisiana Court of Appeals reversed. The agency claimed the trial court lacked legal authority to place conditions on adoption and that, upon termination of parental rights, all ties between the child and biological family were severed. The agency further claimed the trial court's judgement undermined the purpose of adoption by preventing the establishment of a new legal family.

The appellate court agreed with the agency. Under state law, the parent loses all legal rights to the child upon termination of parental rights. Although the state legislature has provided for post-termination contact to prevent the harmful effects of abruptly cutting off all ties, such contact does not continue once the child has been adopted.

Thus, although the trial court's efforts to maintain the children's relationships were commendable, the law did not permit it to impose conditions on adoption.  
(From *ABA Child Law Practice*, April 1998)

### **ADOPTION, CONSENT**

In re Baby Boy G., 703 So. 2d 1103 (Fla. Dist. Ct. App. 1997)  
Couple seeking to adopt child could not bring declaratory judgement action to determine if father's consent was necessary based on his pre-birth abandonment of child, since they lacked standing and were improperly seeking an advisory opinion or factual findings that would be determinative in other pending cases.  
(From *ABA Child Law Practice*, March 1998)

### **ADOPTION, PUTATIVE FATHER**

In re A.S.B., 688 N.E.2d 1215 (Ill.App. Ct. 1997)  
Putative father lacked standing to intervene in adoption proceedings, since his failure to register with putative father registry barred him from asserting any interest in child.  
(From *ABA Child Law Practice*, March 1998)



### **ADOPTION EXCHANGE ASSOCIATION INTRODUCES ADOPTAIR**

The Adoption Exchange Association, in conjunction with Mercy Medical Airlift and the Dave Thomas Foundation, has developed AdoptAir. This program is designed to fly waiting children to meet with prospective families. Families can also fly for preplacement visits. In the more rural states, children can fly for a “Wednesdays Child” taping or an Adoption Party. Nearly 5,000 volunteer pilots across the country, who have in the past flown patients in need of specialized medical treatment, will be participating in the program.

To qualify for this new program, the placement agency must be associated with a member agency of the Adoption Exchange Association. There is a \$25 user fee and the pilots have a 1000-mile limit. *For more information about the program, contact the Adoption Exchange Association at (303) 322-9592.*

### **MEDIATING PERMANENCY OUTCOMES**

*by Dr. Jeanne Etter*

Four Parent Empowerment Workbooks, along with a Practice Manual, make up Mediating Permanency Outcomes. These resources were created to help caseworkers and mediators assist parents in self-examination and decision making, allowing the parents to consider both parenting and adoption as options for their children in a noncoercive atmosphere. The goal is to enable parents and professionals to face parenting issues courageously, make good decisions about a child’s future, and when appropriate, plan adoptions that will be sound and meet a child’s needs. *For more information contact: Child Welfare League of America, c/o PMDS PO Box 2019 · Annapolis Junction, MD · 20701-2019 · 1-800-407-6273 or e-mail at [cwla@pmds.com](mailto:cwla@pmds.com)*

### **THE FUTURE OF ADOPTION FOR CHILDREN IN FOSTER CARE: DEMOGRAPHICS IN A CHANGING SOCIO-POLITICAL ENVIRONMENT**

*by Madelyn Freundlich*

*Journal of Children and Poverty* 3(2), Summer/Fall 1997

This article examines the economic, social and political forces that in the future will influence both [1] the number of children in out-of-home care who will need adoption planning and services, and [2] the number of adoptive families who will be available to meet the needs of these children. The author suggests that demographic trends and the impact of such forces as welfare reform will increase adoption demand in relation to children in out-of-home care, far outstripping the current, already inadequate supply of adoptive families for these children. She argues that, while adoption demand may not be amenable to significant change, the supply of adoptive families can be more readily affected by concerted policies and practices designed to recruit and support a broad range of adoptive families.

### **STATE REFORMS TO PROMOTE ADOPTION OUT OF FOSTER CARE**

The National Governor’s Association (NGA) Center for Best Practices recently released *State Reforms to Promote Adoption Out of Foster Care*. This report highlights state’s efforts to reduce the time children spend in non-permanent placements and to promote adoption. The various strategies state's are using include:

- Changing casework practices to better support clients
- Reforming the legal system to reduce barriers to permanent placements
- Fostering public-private sector partnerships to promote adoption
- Using performance-based management to increase accountability and flexibility
- Supporting subsidized guardianships as permanent alternatives to reunification or adoption.

*For copies of the report please contact Susan Golonka at (202) 634-5967 or email [sgolonka@nga.org](mailto:sgolonka@nga.org).*

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## **PATH-Parents As Tender Healers Curriculum**

PATH is an eight-session competency-based curriculum designed to prepare resource parents (foster, adoptive and kinship parents) for parenting children who have been abused, neglected and spent time in the child welfare system. The curriculum package includes a Trainer's Guide and offers step-by-step instructions for teaching concepts, facilitating the training activities, and using the accompanying six video vignettes. The curriculum also includes a Participant's Handbook which contains monographs, small and large group exercises, bibliographies and other resource materials organized to correspond with each training session. *For more information or to order contact: Spaulding For Children, Training and Resource Center, 16250 Northland Drive, Suite 120 ♦ Southfield, MI ♦ 48075 ♦ (248) 443-7080*

## **PRIDE-Parent Resources for Information, Development and Education**

Organized into two primary components, the PRIDE program offers a comprehensive model for recruiting, preparing and assessing prospective foster families and adoptive families. *Foster PRIDE/Adopt PRIDE Preservice* -Through a series of at-home consultations and group preparation sessions, prospective resource families will learn and practice the knowledge and skills they'll need as new adoptive parents and foster parents. *Foster PRIDE CORE* consists of 10 modules of competency-based inservice training that addresses the knowledge and skills that all foster parents need. The modules total 84 hours of training and range from 3 to 15 hours in length. Each module includes a Trainer's Guide, and a PRIDEbook of pertinent resources. *For more information contact: Child Welfare League of America, c/o PMDS PO Box 2019 ♦ Annapolis Junction, MD ♦ 20701-2019 ♦ 1-800-407-6273 or e-mail at cwla@pmds.com*

## **Public Substance Abuse Agency Initiatives in HIV Prevention for Adolescents.**

American Public Welfare Association (APWA)—with funding from the Centers for Disease Control and Prevention (CDC)—has conducted a nationwide study investigating the nature and extent of HIV policies and prevention initiatives for youth within these agencies. Findings show that despite often inadequate funding, most states provide HIV prevention programs to adolescents in substance abuse treatment using a variety of methods and formats to deliver the message of prevention. The vast majority of states provide basic information about HIV and AIDS, education on HIV risk behaviors, practice in skills-building, and access to HIV testing and counseling to youth in their care. A smaller number offer STD prevention education, instruction in proper condom use, and instruction in needle cleaning. *For more information or copies of the report contact: Ursula Krieger, APWA, 810 First Street, NE, Suite 500 ♦ Washington, DC ♦ 20002 ♦ (202) 682-0100.*

## **CONFERENCES AND TRAININGS**

### **TRAINING INSTITUTES: Developing Local Systems of Care In A Managed Care Environment For Children and Adolescents with Serious Emotional Disturbances and Their Families**

*June 13-17, 1998 ♦ Omni Rosen Hotel, Orlando Florida*

Institutes will address topics such as individualized services, school-based systems of care, early childhood systems of care, operationalizing a managed behavioral health system, developing family-professional partnerships, culturally competent systems of care, measuring outcomes in systems of care, meeting the mental health needs of youth in the juvenile system, research and more. *For more information contact: National Technical Assistance Center for Children's Mental Health 3307 M Street, NW, Suite 401, Washington, DC 20007 (202) 687-5000*

### **VOLUNTEERS IN FOSTER CARE: How to Get Them, Use Them, and Keep Them**

*July 27, 1998 ♦ The Portofino Hotel & Yacht Club ♦ Redondo Beach, California*

*July 29, 1998 ♦ Cavanaugh's on Fifth Avenue ♦ Seattle, Washington*

This one day training, sponsored by the Child Welfare League of America, gives tools and techniques to match volunteers with specific needs in agencies and communities. For more information contact: *Nicky Dixon, Conference Registrar, CWLA, 440 First Street, NW, Third Floor ♦ Washington, DC ♦ 20001-2085 ♦ Phone: (202) 942-0289 E-mail: register@cwla.org*

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We welcome any comments and contributions.

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SAVE THE DATE!

AAICAMA's  
 12th   
 Annual Conference  
 November 4-6 1998  
 OKLAHOMA CITY,  
 OKLAHOMA