

# Bridges

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

Spring 2006

## Developing Culturally Based Tribal Adoption Laws and Customary Adoption Codes

by Terry Cross, Executive Director, National Indian Child Welfare Association

### Introduction

The composition of American society has become more and more culturally diverse. As a social service provider, understanding the values and practices of these diverse populations is necessary to assist families. This skill is collectively referred to as cultural competency. However, cultural competency has many dimensions and multiple definitions. Agreeing on a definition of the concept and an approach to achieving the concept is often difficult and can vary depending on the culture. Native American families and tribal family practices differ from American, western culture in many ways. Cultural misunderstandings can lead non-Indian social workers and judges unfamiliar with traditional Indian child-rearing practices to perceive day-to-day life in Indian homes as contrary to a child's best interests. These practices involve the extended family and expand the traditional view of a parent to include the larger family unit and the tribe.

Before 1978, as many as 25 to 35 percent of American Indian children were removed from their homes and placed in non-Indian homes by state courts, welfare agencies, and private adoption agencies. Indian children in the United States today are placed in substitute care by state agencies at a rate of 12.5 per thousand, compared to 6.9 per thousand for all races. The practice of assessing risk without regard for cultural differ-

ences often led to the removal of Indian children from their homes and tribes and left Native Americans with a lingering suspicion of child welfare practices, including adoption.

The practice formed in the 1950s under a federal policy of assimilation aimed at "mainstreaming" American Indians into the broader American culture. Toward this end, Congress passed legislation that allowed states the option of assuming substantial criminal and civil jurisdiction over tribal land. Sixteen states opted to assume some degree of jurisdiction, referred to as "P.L. 280 jurisdiction". This policy had the affect of inhibiting tribal self-help traditions and removing legal recognition of traditional, extended family adoption practices.

In response to these negative consequences of the

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federal policy of assimilation, the Indian Child Welfare Act of 1978 (ICWA) was passed to protect Indian children and preserve American Indian families and culture. ICWA contains two major components. First, it sets forth conditions and procedures that states must meet and follow when taking Indian children into custody. Second, it affirms the right of tribes to take jurisdiction over their own child welfare matters. It also encourages and supports the exercise of this jurisdiction through grants to tribes and by creating a process for tribes to establish juvenile courts, codes, and child welfare services. Soon after the passage of ICWA, tribes began intervening in state custody proceedings and developing their own child welfare programs.

Tribal capacity to provide child welfare services has expanded steadily since the passage of ICWA. Child welfare practice skills, and even policies, have successfully been adapted by tribes and urban Indian organizations to fit their cultures. When tribes provide child welfare services, tribal children tend to be placed outside their homes less often, and when they are placed, they remain in out-of-home care for shorter periods of time and are more likely to be with relatives. (GAO, 2005) (Plantz, Hubbell, Barrett & Dobrec, 1989). This article focuses on one emerging cultural adaptation designed to support permanency outcomes for tribal children

### **Concepts of Permanency**

While permanency planning is a rather new development in the field of child welfare, the concept of belonging — the heart of permanency planning — is central to Indian culture. Tribal society is based first and foremost on the family. In Indian culture, family membership means much more than being the child of two specific parents. It means belonging to an extended family or interdependent, nurturing support network. In many tribes, these extended family networks are organized into larger groups or clans that offer individuals another point of reference to their sense of belonging. The tribe offers a formalized group-recognition of belonging that goes beyond family and clan.

When these reference points are intact, they provide a sense of trust to the individual over time. This is a crucial aspect of permanency. The group, interdependent, nature of Indian society offers the individual strength, a sense of purpose, and a sense of commonality with other members of the group. This sense of commonality promotes the individual's commitment to the group, as well as the group's commitment to the individual. This, in turn, is reinforced by tribal custom and oral tradition. It is unfortunate that this cultural system has eroded somewhat, and that there are Indian families

who have lost the ties that bind them to extended family, tribe, and culture.

While it can be said that not all Indian people are served by the cultural system in the same way they were historically, it can be said that the reference points for belonging still exist and can be sought out and enhanced as resources, even for those estranged from their culture. ICWA embodies this belief in cultural commonality and commitment in its order of placement preferences. Permanency planning in Indian child welfare has as much to do with maintaining a child's connection and sense of belonging to the extended family, clan, or tribe as it does with maintaining ties to his or her biological parents.

The child welfare system in the United States values the termination of parental rights as the method of choice to ensure permanence when children are unable to live safely with their families of origin. However, in Indian child welfare, such a termination has the potential of severing the child's connection to an extended family or tribe. Tribes must ask themselves if termination of parental rights serves a viable function in an Indian cultural extended family system, where connectedness and belonging go far beyond bonds with biological parents. Only careful, community-based decision-making can answer this question. While termination of parental rights may or may not be an acceptable option, permanence is a highly valued concept among Indian people, and alternative culturally based methods to achieve it are necessary and legitimate.

### **Indian Traditional Adoptions**

In many American Indian and Alaskan Native communities, individuals are adopted formally or informally into an existing family through cultural ceremony. These ceremonies are important. Traditional ceremonies not only "give children a path in life, they also build a spiritual network that organizes kinship obligations with respect to meeting physical, health, and emotional needs of children" (John Red Horse, 1997, p. 46). Naming ceremonies are one form of these ceremonies and is an example of the many diverse American Indian/Alaskan Native customs associated with adoption.

Recently, the National Indian Child Welfare Association (NICWA) developed culturally specific child welfare practices and a judicial process for the recognition and certification of customary law regarding the adoption of American Indian children. Additionally, a culturally based conceptual framework was established so that tribes can conduct formal adoptions without termination of parental rights. Whether or not to formulate

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either or both of these concepts into law is a landmark policy decision for tribes and represents one of the most important exercises of sovereignty that a tribe can undertake. A manual designed as a guide to help tribes understand the issues surrounding customary adoption and implementation of these child welfare practices and judicial processes is available from NICWA. (See NICWA's website at the following link: <http://www.nicwa.org>)

NICWA's approach to permanency is just one potential solution to a complex set of problems affecting Indian children, families, and tribes today. However, in conflict with most tribal teaching, federal law and policy have increasingly expressed a clear preference through the child welfare system for termination of parental rights and adoption for children who cannot return to their own biological families. Almost every American Indian tribe has customs associated with adoption, so it is not a foreign concept. In fact, in surveying tribes, NICWA found no tribes that did not have current or historical customary processes for adoption. However, no tribes were found to have expressed customs that are equivalent to termination of parental rights. While it is safe to assume that such things probably did happen, NICWA could not find ceremonies, rituals, or common practices that ended relationships between parents and children. In fact, many tribes actively reject the idea and find the act unthinkable. For the Native American, other means are seen as appropriate for achieving permanency.

While it is true that there are many differences among tribes, both in their superficial circumstances and in the deepest foundations of their cultures and histories, there are also many similarities. One of the similarities that impacts the current discussion is that in Indian tribal systems, a child is born into a particular family, and from the moment of birth that child's place in the world is defined by his or her relationships with his or her mother's and father's extended families. In a fundamental sense, a child's very definition as a human being is in a context of the extended family into which he or she is born.

Historically a child might have been given to a member of the parent's family or clan for a variety of reasons, and permission from an official agency or department was not envisioned or necessary. However, there are at least three concerns that may now compel a tribe to consider the need for official approval of customary adoption. First, federal law and policies are weighted heavily toward the termination of parental rights and require the implementation of permanency plans when

children cannot return to birth families in a reasonable time frame. Second, important financial and programmatic resources, such as adoption assistance, are available only when a child is legally regarded as adopted. Third, legally recognized consents are necessary for the child's education and medical treatment.

In addition, it is important to understand and acknowledge that not all customary placements are voluntary. Family members may have to intervene, pursuant to the customary responsibility afforded family when they see a child at risk, and take the child into their control. Legal processes may need to be established for cases where there is disagreement among family members to forestall fighting and family "tug-of-wars" (Cross, et al. 2003).

### **Legal Basis for Tribal Adoption Laws**

Because Indian tribes are governmental entities that pre-date the United States, they retain sovereign authority over a variety of areas. A basic sovereignty right is the right to decide the custody of children. As part of this sovereign right, a tribe has the power and jurisdiction to articulate and formally certify, through law, its own customary practices concerning child custody and to create law based on its historical, customary, and current unique cultural interpretations of civil relationships. This power includes the power to enact formal adoption procedures and conduct adoption of children pursuant to custom or "traditional law" as part of tribal law and formally certify, through its legal process, adoptions made pursuant to tribal custom. In the exercise of their sovereignty, each tribal government must address the following questions:

- ◆ How do we handle the unique and complex relationships between children, birth parents, extended family, and adoptive parents?
- ◆ In the context of a federal policy that would change who we are, how do we develop tribal policy that protects children, preserves culture, and meets the needs of a diverse population?
- ◆ What if tradition says that it is the extended family whose "parental rights" cannot be culturally terminated?
- ◆ What if only the extended family, not the tribe or governments, can limit or terminate the "rights" or responsibilities of the birth parents?
- ◆ Should tribal government intervene? If intervention is appropriate, when should the intervention occur?

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Answering these and other complex questions and implementing those answers in the form of code, policy, and programs is what tribal sovereignty is all about.

Tribes can set policy and regulations that define adoption in all of its forms, its meaning in the tribal society, and the legal consequences of its conduct. In many tribes, customary adoption is the process of joining relatives and individuals into family relationships. It represents expanding family resources for a child without terminating relationships. By most customs, adoption modifies the custodial and legal relationship of the birth parent(s) with the child. However, a customary adoption does not terminate a birth parent's emotional relationship with the child or the child's relationship with the birth parent or extended family. By some customs, the rights of the birth parent(s) are subordinate to the rights and responsibilities of the extended family and adoptive parents, and the best interests of the child guide the division of rights and responsibilities toward the child.

"...a customary adoption does not terminate a birth parent's emotional relationship with the child or the child's relationships with the birth parent or extended family."

Despite having the authority to put customary practices into code, few tribes would choose to write the particulars of a ceremony, ritual, or traditional practice into code, thereby freezing it in time and making it public. It is, however, possible for a tribe to treat customary laws or practices in two ways for the purpose of writing laws. It can formally sanction a practice and affirm that the outcome of the practice has the force of law, and it could also use the underlying legal theories and premises of the customary practices to frame, codify, and support modern interpretations of historic practices. By choosing to certify a customary adoption as having the force of law, a tribe does not codify the practice. It does not describe it, freeze it in time, or even dictate what it is. It simply sets up a process whereby a specified individual, usually the adoptive parent, can petition the court to certify that the customary adoption occurred and that it meets the criteria set broadly by the code. In addition, the code can set out safeguards to ensure the safety and well being of the child.

*Note: A customary adoption is a practice, ceremony, or process conducted in a manner which is long-established, continued, reasonable, and certain and considered by the people of a tribe to be binding or found by the court to be authentic, as a usage or practice common to many tribal members.*

### Interaction with Other Federal Laws

The Multi-Ethnic Placement Act of 1994 (MEPA) has two general requirements. It prohibits the delay or denial of any adoption or foster care placement due to the race, color, or national origin of the child or the foster or adoptive parents. However, there is a specific exemption for American Indian children and families in the law. (See: 42 U.S.C. 1996b (3)). The law reads, "This subsection shall not be construed to affect the application of the ICWA act of 1978." The law also requires states and counties to provide for diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of children for whom homes are needed. Thus, the Multi-Ethnic Placement Act requires recruitment of potential Indian foster and adoptive families, but still gives preference to tribes and Indian families in adoption proceedings. Tribal adoption programs, including those with customary adoptions, can be an important resource for states and counties seeking compliance with MEPA.

Title IV-E of the Social Security Act, Foster Care and Adoption Assistance, is the federal program that reimburses states for the cost of foster care and adoption assistance for eligible children. The program only provides services for eligible children placed by states and agencies with which states have agreements. However, Indian children under the jurisdiction of a tribal court do not have an entitlement to Title IV-E. Several efforts have been made to open this program to tribes and recently the Pew Commission on Children in Foster Care issued a report recommending direct funding to tribes under Title IV-E. In contrast, Title IV-E adoption assistance, while also administered by the states, is available to families regardless of what jurisdiction made the adoption. Adoptive families who have gone through a tribal court and adoption program (including customary adoptions certified by the tribal court) are eligible for adoption assistance.

Finally, the Adoption and Safe Families Act (ASFA) focuses on permanency planning for children but is interpreted to include the extended family and cultural context of Indian people and incorporates the Indian Child Welfare Act. ICWA is in no way diminished by ASFA. ICWA requires "active efforts" to prevent the separation of Indian families. This requirement to help preserve Indian families stands even when reasonable efforts are not required under ASFA. ASFA mandates that jurisdictional boundaries cannot delay placements and States should not hesitate to transfer jurisdiction

to tribes that request such transfer. ASFA requires that families appropriate services. For Indian families, this would include ICWA compliance. While ASFA requirements and the provisions of ICWA may seem to conflict, when the laws are viewed in their proper relationship to one another, the goals of ICWA can be met in harmony with ASFA and children are better served.

### Conclusion

Tribal adoption law based in culture must consider that children cannot protect themselves, that they depend on adults to protect them and their rights, and their resources and to ensure that they have a family to grow up in and call their own. Tribes are developing and implementing customary adoption laws designed to ensure permanency as well as solve complex cross-jurisdictional and cross-cultural challenges. At the same time, these tribes are striving to protect the child's many interests. Tribes are concerned with a child's safety, sense of belonging, identity, rights, and obligations as a member of his or her tribe, clan, and extended family. Tribes are also looking to protect a child's assets, resources, and potential opportunities, and provide for the court to make determinations in the best interests of the child when the parties cannot agree about placement decisions or when the court determines that the agreement is not in the child's best interest. While these are not small challenges, as is often the case, tribes are turning to their cultures for answers to complex problems and finding that the wisdom of their traditions are providing the guidance needed for today's world.

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## Adoption Assistance and Post-Adoption Services

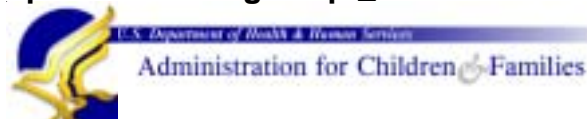
### Information for every state is now available on-line

A state-by-state directory of information on adoption assistance and post-adoption services has been developed by the Association of Administrators of the Interstate Compact on Adoption and Medical Assistance and the American Public Human Services Association.

The directory provides answers to 13 important questions regarding state policies on adoption assistance and post-adoption services, as well as contact information for key staff in each state. Links to state websites, with additional information relevant to these topics, are also provided.

To access this information for any state go to the link below:

[http://naic.acf.hhs.gov/parents/prospective/funding/adopt\\_assistance](http://naic.acf.hhs.gov/parents/prospective/funding/adopt_assistance)



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### **Heritage Family Preservation Center, Inc.**

#### **Toward Cultural Competency: What's In a Name?**

by: Trudie Poole, Founder and CEO, Heritage Family Preservation Center, Inc.  
with: Sharon McCartney, JD, AAICAMA, APHSA

*Cultural competency is an active, on-going process involving self-reflection, knowledge acquisition, and skill development practiced at individual and systems levels, to effectively engage a culturally diverse population.*

How can each of us achieve greater cultural competency? What changes do we make? What changes *can* we make? Each member of a society is held accountable for their actions and commitment toward others who are different than themselves. As a member of a placement support organization, this accountability is even greater. Cultural awareness is required in order for the organization to provide sensitive, appropriate, *culturally competent* service delivery to the public. Efficacy demands that an omnipresent part of the support process is a willingness to advocate for *all* families at risk of abuse allegations, adoption disruptions, and *all* children awaiting permanent homes in a way that is inclusive and reflective of the larger population.

Heritage Family Preservation Center, Inc. (Heritage) is an advocacy support group in Orlando, Florida for adoptive, foster, and kinship families as well as a provider of comprehensive prevention education to at-risk families. In the process of providing services to these groups, and community families, the organization grew in the number and types of services provided in order to keep pace with the steady increase in families in need of services. Heritage provides parenting and case plan support, educational tools, and informational resources concentrating on life and coping skills. The core programs offered by the agency include: Strengthening Multi-Ethnic Families and Communities; A Violence Prevention Parent Training Program; Domestic Violence Awareness Education; Anger Management: The Art of Self Control; Recruitment Response Team for AdoptUsKids; and Site Representative for the State of Florida Hurricane Relief Project for the Adoption Exchange Association.

Heritage began in 1975 under the name "Heritage for Black Children". The program began as a support and resource program for the adoptive parents of black and bi-racial children. After years of success, Heritage examined the distribution of ethnic groups they had served. The percentage of White, non-Hispanic families served was less than 1%, Hispanic families 2%, and other groups 6%. Heritage examined their data to determine if there were any obstacles to other-than-black families seeking services through Heritage. They looked at programs, service delivery, evaluation process, and outreach. None of these areas held any clue to explain the small number of non-black families who sought services from Heritage. And then Heritage realized something so basic, and yet so essential: the name - *Heritage for Black Children*. When evaluations from families, referral resources, and other contacts were reviewed it was found that the most frequent question was, "Does the name, 'Heritage for Black Children' mean that the program is for blacks only?"

Heritage's goal has always been to help at-risk families and it was important to reflect this goal in all aspects of the program, including the name. The organization needed a name that was a direct reflection of the families it served and that illustrated the program's mission of advocacy for the success of *all* families.

In February of 2004, the organization changed its name to Heritage Family Preservation Center, Inc. The result of this change is reflected in the current level of participation by many different ethnicities: 35% African American, 25% Caucasian, 15% Hispanic, 10% Haitian, 5% Jamaican, 5% African, 3% Pacific Islander, 2% Other. The increase in the cultural representation is further evident in the growth and expansion of Heritage's services from a community base to several districts in Florida and beyond to the international community.

Heritage changed its name to one that was inclusive, not exclusive. The result was that people felt included and they reached out to Heritage. **Sometimes, it's just that easy.**

*(Continued on page 7)*

## The Medicaid Exchange is now the Adoption Assistance and Medicaid Exchange

AAICAMA is expanding this column to include adoption assistance issues in its assistance and analysis. Because a child's eligibility for adoption assistance is usually the basis for their eligibility for Medicaid, the two programs, adoption assistance (both Title IV-E federal and state-funded) and Medicaid, are inextricably linked. To understand one program often requires an understanding of the other program. Toward a more comprehensive understanding of Medicaid and adoption assistance, AAICAMA brings you the *Adoption Assistance and Medicaid Exchange*. The following is taken from the Child Welfare Policy Manual found at the ACF Children's Bureau website found at the following link:

[http://www.acf.hhs.gov/j2ee/programs/cb/laws\\_policies/laws/cwpm/policy\\_dsp.jsp?citID=139](http://www.acf.hhs.gov/j2ee/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?citID=139)



### Administration for Children and Families Children's Bureau Child Welfare Policy Manual

#### 8.2A.1 TITLE IV-E, Adoption Assistance Program, Agreements, Interstate placements

**Question #2: What happens (to a child's receipt of benefits) if a family moves to a different State while the adoption assistance agreement is still in effect?**

**Answer:**

Section 475 (3)(B) of the Social Security Act requires that any adoption assistance agreement, effective on or after October 1, 1983, stipulate that the agreement ...shall remain in effect regardless of the State of which the adoptive parents are residents at any given time. The agreement shall contain provisions for the protection (under an interstate compact approved by the Secretary or otherwise) of the interests of the child in cases where the adoptive parents and child move to another State while the agreement is effective.

States which enter into adoption assistance agreements must take measures to assure that the terms of the agreements are met. Either directly, or through agreements with other States, services and medical care (children eligible for title IV-E adoption assistance payments are deemed eligible for title XIX (Medicaid) regardless of their residence within the nation) agreed upon between the State and parents must be provided (45 CFR 1356.40(e)).

The responsibility of the State to honor its commitments for title XIX and other services as specified in the adoption agreement is based on the State's agreement to administer title IV-E. The authority for the State to enter into agreements and contracts with other States to honor commitments made in adoption assistance agreements is based on the State's statute or administrative procedures.

**Source/Date:** ACYF-CB-PI-83-08 (8/10/83)

**Legal and Related References:** Social Security Act - section 475(3); 45 CFR 1356.40

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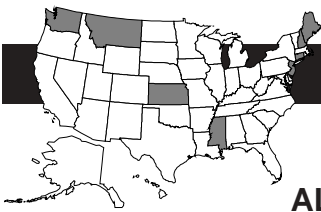
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(Parent Perspectives Continued from page 6)

Find resources, participate in a live chat with other parents, or contact Heritage on-line at its website found at:  
<http://www.heritagefamilypreservation.org/>

**Note:** *The Heritage Family Preservation Center* was one of the first parent support groups to be awarded a mini-grant from the Collaboration to AdoptUsKids. See page 13 for more information on how to apply for a mini-grant to support your parent group.

Contact Sylvia R. Franzmeier, Parent Group Manger, AdoptUsKids, Adoption Exchange Association if you have any questions or are in need of further information. Phone: 281. 353.7459. Fax: 713.559.8374.



## STATE INFORMATION EXCHANGE

### ALASKA

#### **Increasing Alaskan Native Fathers' Positive Involvement**

Native Alaskan fathers involved with the child welfare system in Anchorage have been able to strengthen their relationships with their children and improve their parenting skills as a result of a program developed by the Cook Inlet Tribal Council (CITC). Based on interviews with Native Alaskan fathers who identified parenting needs, CITC staff developed the Healthy Homes Father Involvement Enhancement Project. The project includes:

- ◆ A culturally relevant 10-week parenting course for fathers that culminates in a graduation
- ◆ A peer support group for single fathers
- ◆ A 12-week anger management course
- ◆ Services that include information, referral, and transportation
- ◆ Home-based case management services
- ◆ Advocacy by staff on behalf of the fathers they serve
- ◆ Collaboration with other agencies

As a group, Native Alaskan fathers face a number of challenges that often make it difficult for them to parent effectively, and their children are disproportionately overrepresented in the child welfare system. Many were abused as children and grew up in the foster care system and in government boarding schools, leaving them with few models of healthy family relationships. One of the goals of the Father Involvement Enhancement Project is to help fathers learn to connect with their children and with the mothers of their children. While preliminary evaluation data are not available, program staff at the Healthy Homes Father Involvement Enhancement Project, as well as the fathers themselves, report success with the program. In addition, the program has established a positive and visible presence in the community. Much of the success is attributed to the initial involvement of fathers in the program's development and the fact that the case manager is a single father and an American Indian.

For more information on this program contact Sylvia Berg of the Healthy Homes Father Involvement Enhancement Project through the Cook Inlet Tribal Council, Inc. The Council's address is 3600 San Jeronimo Drive; Anchorage, AK 99508. Phone: 907.793.3600

### NEBRASKA and PENNSYLVANIA **Foster Care Children's Bill of Rights**

The Pennsylvania House Committee for Children and Youth held a hearing (October 2005) on a "bill of rights" for foster children, similar to one already approved in Nebraska. The Nebraska legislature adopted its Foster Care Bill of Rights in June 2005 as a legislative resolution that will be used as the basis for future legislation; the resolution (LR76), outlines the basic rights of foster youth, including the right to know why they are placed in care, adequate clothing and food, proper medical assistance and shelter, and ability to visit and talk with biological relatives (unless restricted by the court). The Pennsylvania bill (HB511), would give a legal standard of suitable foster care in the state, including the right to live in a safe healthy home, receive routine medical treatment and receive an appropriate education, the right to be free from harassment, corporal punishment, unreasonable restraint and physical emotional and sexual abuse."

Nebraska link (resolution): [http://](http://www.unicam.state.ne.us/pdf/INTRO_LR76.pdf)

[www.unicam.state.ne.us/pdf/INTRO\\_LR76.pdf](http://www.unicam.state.ne.us/pdf/INTRO_LR76.pdf)

Pennsylvania link (bill):

<http://www2.legis.state.pa.us/WU01/LI/BI/BT/2005/0/HB0511P0549.pdf>

### OKLAHOMA

#### **Swift Adoptions**

*Swift Adoptions* is a service delivery model in which all adoption staff is organized into specialized units that support each of the six Oklahoma Department of Human Services service areas. Key elements of the model include specialized supervision, regularly scheduled meetings to focus the efforts of staff, goal setting, and increased accountability. Logistical barriers were identified and addressed to streamline the process, including copying case records, preparing background information on children and completing adoptive family assessments within specified time frames. Monthly meetings focus staff on adoption planning and finalization. These efforts have greatly increased the number of children moving into trial adoption each year, the number of adoptions finalized annually, and the progress toward meeting the Federal data indicator on length of time to achieve adoption. *Swift Adoptions* has been in operation since 1999 to the present. To learn more about the service delivery model, contact Deborah Goodman, Programs Manager, Oklahoma Department of Human Services, phone: 918.588.1735.

Information in this section adapted from:

- ◆ Evan B. Donaldson Adoption Institute
- ◆ Nat'l Center for Adoption Law and Policy
- ◆ Children's Bureau
- ◆ National Adoption Information Clearinghouse

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## CALIFORNIA

### Helping Children in Transition

California passed a series of laws in early October 2005, intended to improve the foster care system for the 80,000-plus children in state care. The three measures (AB1633, AB519 and AB824) address the challenges of foster youth in transitioning out of the system at age 18. Respectively, they give the maximum amount from Social Security and Supplemental Security Income benefits and extend benefits to age 19 for youth seeking a high-school equivalency certificate; allow emancipated youth to maintain their legal connections to birth families (and rights to inheritance and other survivor benefits); and provide, for teens about to emancipate, the option to extend transitional-housing up to age 24. In addition, SB436 and SB500 provide more support for pregnant and parenting foster teens.

Link: <http://www.legislature.ca.gov/port-bilinfo.html> (search by bill number).

## AFTER

*Adoptive Family Therapeutic and Educational Resources* (AFTER) is a division of the Kinship Center Adoption & Foster Care and the first regional Post-Adoption Center in California. AFTER is also the State pilot for Adoption Assistance (AAP) wraparound services. See complete details on their website below.

Link: <http://www.afteradoption.org/>

### The San Diego Foster Care Coalition

*The San Diego Foster Care Coalition* is comprised of fifteen agencies and groups united to raise the community's awareness and combine their individual efforts to create more stability for foster children. The organization hopes to start "waystations" in neighborhoods where children can go live temporarily right after being taken from their parents, while being able to stay at the same school. In addition, the coalition is striving to gain more volunteers for foster homes, adoption, coaching and tutoring.

To learn more about the Coalition, call 619.401.3701 or e-mail [nicole.deltoro@sdcounty.ca.gov](mailto:nicole.deltoro@sdcounty.ca.gov).

## NEW YORK

### Concurrent Planning in New York State

Caseworkers, parents, and foster parents view concurrent planning as an effective permanency strategy for children, but there is a need for more training, communication, support, and services. This was the finding of a recent qualitative study with a variety of stakeholders in New York State. Interviews with 10 child welfare experts, and focus groups and surveys conducted with 10 parents, 19 foster parents, and 16 caseworkers, revealed some differences among the groups in their understanding of certain aspects of

concurrent planning:

- ◆ Parents indicated less awareness than other groups of the full implications of concurrent planning, especially with regard to the timeframes imposed by the Adoption and Safe Families Act.
- ◆ Child welfare experts and foster parents indicated that caseworkers often were reluctant to disclose full information to all parties.
- ◆ Child welfare experts and caseworkers felt that the caseworker's role in pursuing concurrent permanency plans for a child placed the worker in a difficult situation. Parents and foster parents reported tension with caseworkers regarding the introduction of "Plan B" or the alternative to reunification.

There were a number of issues on which all groups agreed, including the effectiveness of concurrent planning as a permanency strategy. In addition, recurrence of certain themes among the groups led to the following recommendations:

- ◆ Caseworkers should emphasize clearer communication with parents.
- ◆ Joint training on concurrent planning should be provided to caseworkers and foster parents.
- ◆ Stronger practices regarding full disclosure of information are needed.
- ◆ Foster parents should be involved more fully, and earlier, in the concurrent planning process.

"A Critical Assessment of Concurrent Planning in New York State," by S. Gerstenzang and M. Freundlich, was published in *Adoption Quarterly*, Volume 8(4), and is available for purchase on-line.

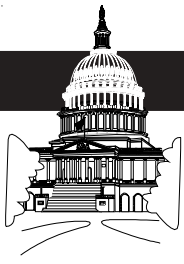
Link: <http://www.haworthpress.com/web/AQ>

## VIRGINIA

### Bill Would Establish Mutual Consent Adoption Registry

A bill (HB730) that would allow birthparents, birth siblings or adoptees 21 years of age or older to exchange identifying information through a mutual consent registry was introduced to the Virginia General Assembly in January 2006. Identifying information would be released when a match is made in the registry, both birthparents of a registered adoptee are deceased, or by court order. The Virginia Department of Social Services would establish the registry and would charge a \$25 fee for people to register. The bill has been referred to the Committee on Health, Welfare and Institutions.

To read the bill, go to: <http://leg1.state.va.us/cgi-bin/legp504.exe?061+ful+HB730>



### Implementing Regulations Passed for The Hague Convention

#### State Department Issues Final Rules for International Adoptions

The U.S. State Department issued the final rules on accreditation (22 CFR Part 96) and preservation of convention records (22 CFR Part 98) for intercountry adoption, bringing the United States closer to implementation of the Hague Convention on Intercountry Adoptions. In the finalized rules, issued Feb. 15, 2006 and effective March 17, 2006, the State Department outlined the standards and procedures for accreditation and approval of U.S. adoption service providers in Convention cases. The Department of State is currently in the process of designating and finalizing signed agreements with accrediting entities, which is a necessary step before ratification. It is anticipated that the Hague Convention will enter into force for the United States in 2007. For a complete background on the history of The Hague Convention on Intercountry Adoption and the Intercountry Adoption Act of 2000, see the State Department's website: [http://travel.state.gov/family/adoption/convention/convention\\_2290.html](http://travel.state.gov/family/adoption/convention/convention_2290.html)

Link to the State Department notice:

[http://travel.state.gov/family/adoption/implementation/implementation\\_470.html](http://travel.state.gov/family/adoption/implementation/implementation_470.html)

Link to final regulations:

<http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edocket.access.gpo.gov/2006/pdf/06-1067.pdf>

The State Department has issued "A Guide to 22 CFR Part 96, Accreditation of Agencies and Approval of Persons under the Intercountry Adoption Act of 2000" which provides a general overview of key elements of 22 CFR Part 96, the regulation governing the accreditation and approval of intercountry adoption service providers under the Intercountry Adoption Act of 2000. Note: The guide is not a substitute for the actual regulation, nor is it a comprehensive summary of the regulation. In the case of any inconsistencies between this document and the regulation itself, the language of the regulation governs. To link to the State Department webpage and its FAQs about Hague accreditation, see below.

Link: [http://travel.state.gov/family/adoption/implementation/implementation\\_2806.html](http://travel.state.gov/family/adoption/implementation/implementation_2806.html)

### HHS Presents Adoption Excellence Awards

(11.01.05) The U.S. Department of Health and Human Services (HHS) honored 21 individuals and groups with 2005 Adoption Excellence Awards in recognition of outstanding work in placing children from foster care into permanent homes. The awards were presented at a ceremony for the opening of "The National Heart Gallery" at Union Station in Washington, DC, where portraits of children awaiting adoption are on display. (See *Resources* for more information on the National Heart Gallery, Washington, DC.)

The awards have been given annually since 1997 to honor States, local agencies, private organizations, courts, businesses, individuals, and families for their work in increasing adoptions from foster care. The award winners were chosen by a committee representing nonprofit adoption agencies, child welfare and adoption advocates, adoptive parents, foundations, businesses, and State and Federal offices. These awards affirm the Department's national commitment to rebuild the lives of the nearly 523,000 children in foster care and achieve permanency for the 119,000 of those who are waiting for adoption.

Recipient list: <http://www.acf.hhs.gov/programs/cb/initiatives/aeawards.htm>

ACF press release: [http://www.acf.hhs.gov/news/press/2005/Adoption\\_Awards\\_2005.htm](http://www.acf.hhs.gov/news/press/2005/Adoption_Awards_2005.htm)

### Military Families Receive Paid Leave and Benefits for Adopted Children

(1.6.06) The U.S. Congress included an amendment giving military families who adopt paid maternity leave and guaranteed health coverage for their families when it passed the National Defense Authorization Act (NDAA) for Fiscal Year 2006 (P.L. 109-163). The "Military Adoption Act of 2005" (Sec. 593 of the NDAA) grants up to 21 days of paid leave to the primary caregiver following the placement of a child for adoption. Prior policy provided up to \$5,000 per year in adoption expenses, but did not allow paid leave after an adoption. (Note: The Family and Medical Leave Act (FMLA) does not apply to the Armed Forces.)

To read the amendment, go to: <http://thomas.loc.gov/> and search for HR1815 in the search bill text field

Information in this section adapted from:

- ◆ Evan B. Donaldson Adoption Institute
- ◆ Children's Bureau
- ◆ American Public Human Services Association

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### **Additional Tax Credit Proposed to Spur Adoption of Older Children**

The House introduced a bill (HR4092) that would provide families who adopt children 9 years or older with an additional \$2,000 annual tax credit until the child's 19th birthday. Currently, adoptive parents receive a one-time \$10,000 tax credit for adoption-related expenses. The "Advocates Dedicated to Older Child Parental Tax Credit (ADOPT) Act of 2005" has been referred to the House Committee on Ways and Means. To read the bill, go to: <http://thomas.loc.gov/> and search for H.R.4092 in the search bill text field.

### **New Law Allows For-Profit Foster Care Agencies to Receive Federal Funds**

Senate bill (S1894) became law and allows for-profit foster care agencies to receive Medicaid funds and federal foster care grants and assistance. The statute (P.L. No. 109-113), the "Fair Access Foster Care Act of 2005," amends part E of title IV of the Social Security Act by striking out "nonprofit" wherever it appears, thus eliminating the current restriction of federal money to nonprofit groups. The bill was passed unanimously in the Senate in Oct. 2005 in the House on Nov. 2005. To read the bill, go to: <http://thomas.loc.gov/> and search for S.1894 in the search bill text field.

### **House Passes Sex Offender Registration and Background Check Bill**

(9.14.05) The House passed the Children's Safety Act of 2005, H.R. 3132. The legislation would require states to maintain a sex offender registry and require the U.S. Attorney General to maintain a National Sex Offender Registry at the FBI. It would expand the scope of DNA samples and increase penalties for violent crimes or sexual offenses against children. The bill contains the Foster Child Protection and Child Sexual Predator Sentencing Act of 2005, that requires background checks and checks of national crime information databases and state child abuse registries before approval of foster or adoptive placements. It would eliminate the opt-out in current law for criminal background checks. Information on the bill is at <http://thomas.loc.gov>

### **ACF Announces \$2.8 Million in Funds to National Child Welfare Resource Centers**

(9.30.05) ACF awarded more than \$2.8 million to seven national child welfare resource centers and the AdoptuUsKids campaign for technical assistance to hurricane affected states. Uses for these funds include technical assistance on location of foster children and families; reestablishing and sharing records; and reinstating court functions. Link: [www.acf.hhs.gov/newspress2005Hurricane\\_resources.htm](http://www.acf.hhs.gov/newspress2005Hurricane_resources.htm)

### **SAMHSA Awards \$184.5 Million in Grants for Child Mental Health Services**

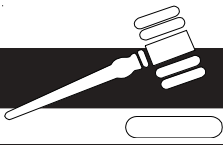
(10.04.05) The Substance Abuse and Mental Health Services Administration (SAMHSA) announced the award of 25 cooperative agreements totaling \$184.5 million over six years to provide comprehensive community mental health services for children and youth with serious emotional disturbances and their families. These grants will be used to implement a "Systems of Care" approach to services that is based on the premise that the mental health needs of children and adolescents can be best met within their home, school, and community and families and youth should be the driving force in the transformation of their own care. The grants will be used to establish a full array of mental health and support services organized into a coordinated network in order to meet the unique clinical and functional needs of each child and family. The awards are for up to \$1 million in the first year and are renewable for up to six years. The total funding for 2005 is \$23.5 million. There is a requirement for an increasing ratio of non-federal matching dollars to federal dollars for this program. Continuation of these awards is subject to availability of funds as well as the progress achieved by the awardees. Several grants specifically listed children served in the child welfare system.

Link: [www.samhsa.gov/news/newsreleases/051004\\_ChildMentalHealth.htm](http://www.samhsa.gov/news/newsreleases/051004_ChildMentalHealth.htm)

### **ACF Approves Tennessee Child Welfare Demonstration Waiver**

(10.14.05) The HHS Administration for Children and Families announced the approval of Tennessee's Title IV-E child welfare waiver demonstration project. Tennessee will be able to expend federal dollars for a financial subsidy and post-permanency services to relative caregivers and kin who assume permanent guardianship of children who are in the custody of the state. The enhanced services under the demonstration include a monthly guardianship subsidy equal to that of the current foster care board rate for relatives who assume permanent guardianship of children in state custody. The waiver also includes post-permanency services such as information and referral, support groups, family advocacy, children's activity group, and respite and recreation. Youth age 14 and older who exit custody into the permanent care of relatives and kin would still be eligible to receive transitional living services to support a safe and healthy transition into adulthood. The demonstration project will initially be conducted in 16 selected counties with an option to expand during the course of the waiver period.

Link: [www.acf.hhs.gov/news/press/2005/tennessee\\_waiver.htm](http://www.acf.hhs.gov/news/press/2005/tennessee_waiver.htm)



## CASES OF INTEREST

**Note:** In *Bridges* last edition of *Cases of Interest*, AAICAMA reported on a U.S. Ninth Circuit Court of Appeals case, *ASW v. Oregon*, involving adoption assistance payment rates. AAICAMA had intended to provide an expanded analysis of the case in this edition, however, the case is currently under appeal and a final analysis is not possible at this time.

### Administrative Law, Federal Law, Individuals with Disabilities Education Act

**U.S. Supreme Court: Schaffer v. Weast**, No. 04-698 (U.S.S.C. November 14, 2005)

In an action brought under the Individuals with Disabilities Education Act (IDEA), the burden of persuasion in an administrative hearing challenging an "individualized education program" (IEP) is properly placed upon the party seeking relief.

Link: <http://laws.findlaw.com/us/000/04-698.html>

### Federal law, US Constitution, Liability, Child Welfare Agencies and Social Workers

**U.S Tenth Circuit Court of Appeals: Connie Roska, et al. v. Melinda Sneddon; Shirley Morrison; Colleen Lasater** (Cite: No. 04-4086, 2006 U.S. App. LEXIS 3126 (U.S. Ct. App. 10th Cir. Feb. 9, 2006))

The United States Court of Appeals for the Tenth Circuit affirmed the district court's denial of defendant social workers' motion for summary judgment based on qualified immunity. Plaintiff parents had originally brought suit under 42 U.S.C. 1983 claiming their constitutional rights to maintain a family relationship had been violated under the Fourth and Fourteenth Amendments and a local rule which allowed removal of their child only with a warrant or pre-deprivation hearing. The district court had originally granted the social workers' motion for summary judgment on qualified immunity and dismissed the suit. On the first appeal, the appellate court found that the parents' constitutional right to maintain a family relationship may have been violated and remanded to the district court to determine whether the social workers' reliance on the relevant state statute allowed them qualified immunity. On the first remand, the district court found that the social workers were not entitled to qualified immunity. On this appeal, the appellate court agreed. The appellate court found that the social workers were not entitled to qualified immunity because they failed to properly consider and balance the parents' interest, as required by the controlling state statute

and the U.S. Constitution. The appellate court concluded that the social workers' conduct was not objectively reasonable because they did not provide reasonably available preventive services to the parents or obtain a warrant for the child's removal. After affirming the district court's qualified immunity determination, the court of appeals remanded the case on unrelated procedural issues.

Link: <http://pacer.ca10.uscourts.gov/cgi-bin/getopn.pl?OPINION=04-4086.wpd>

### U.S. 8th Circuit Court of Appeals

**Porter v. Williams** (02/06/06 - No. 05-1862)

Social workers are not entitled to automatic immunity from suit in all cases arising from decisions made in the course of their jobs. Summary judgment was initially found for defendants, a social worker and her supervisor, pursuant to a finding of official immunity. The decision was reversed in part in this case arising from the death of plaintiffs' child in a foster home because there remained a factual dispute as to whether required visits were actually performed by defendant-social worker.

Link: <http://caselaw.lp.findlaw.com/data2/circs/8th/051862p.pdf>

**Abdouch v. Burger** (10/20/05 - No. 04-3966)

In a section 1983 suit, summary judgment in favor of social workers who removed a child with broken bones from his mother is affirmed. The social workers' conduct did not violate a constitutional right as they had a reasonable belief the mother was guilty of neglect.

Case link: <http://caselaw.lp.findlaw.com/data2/circs/8th/043966p.pdf>

### Adoption, Child Support

**Wisconsin Court of Appeals: Hernandez v. Allen**, (2005 WI App 247) (Case No.: 2004AP2696)

A Wisconsin state appeals court ruled Oct. 12, 2005 that a birth parent's obligation to pay years of overdue child support did not end after the child's adoption. In Hernandez v. Allen, Randolph Allen argued that he no longer had an obligation to reimburse thousands of dollars in unpaid child support to his daughter's mother after their divorce, asserting that the adoption of his daughter by his ex-wife's husband absolved him of that legal responsibility. The 2nd District Court of Appeals ruled that the adoption did not eliminate pre-existing child-support obligations, and that only future legal obligations ceased once an adoption was finalized.

Link: <http://www.courts.state.wi.us/ca/opinion/DisplayDocument.html?content=html&seqNo=19917>

## California Appellate Districts

### State law, Custody, Parental Unfitness

**Guardianship of L.V., a Minor** (Cite: No. C046252, 2006 Cal. App. Lexis 154 (Cal. Ct. App. Feb. 7, 2006))

Biological parents of child appealed a trial court's ruling denying the parents' petition to terminate the guardianship of their child due to the alleged detriment it would cause the child. The Court of Appeals of California Third District affirmed the trial court's order finding first that the test in determining whether to terminate the guardianship must be the best interests of the child. The Court of Appeals found that there was substantial evidence that the child had been thriving while in the care of the guardian for a significant amount of time after arriving in poor physical, emotional and educational condition, and that termination of this guardianship would not be in the best interests of the child. The Court of Appeals held while both parents were in the position to provide food, clothing and shelter, both parents were still struggling with anger, violence and alcohol problems. This Court concluded that under the circumstances, the trial court did not err in determining that it would not be in the child's best interests to terminate the guardianship.

Link: <http://www.courtinfo.ca.gov/opinions/documents/C046252.PDF>

### Federal Law, US Constitution, Parental Rights

**S.V. v. J.M.** (02/07/06 - No. C046252)

A parent's constitutional right against judicial interference with the parent's day-to-day child rearing decisions applies to a fit parent who has custody of the child. Denial of parents' petition to terminate a guardianship is affirmed where substantial evidence supported the trial court's decision that terminating the guardianship would not have been in the minor's best interest.

Link: <http://caselaw.lp.findlaw.com/data2/californiastatecases/c046252.pdf>

## Parental Rights, Public Policy, Court Discretion

**Kristine M. v. David P.** (01/13/06 - No. A109655)

Order terminating defendant-father's parental rights and his obligation to contribute financially to his son's well-being pursuant to parents' stipulation is reversed since a judgment terminating parental rights and the attendant obligation to support defendant's child was void as a breach of public policy and as an act in excess of the court's jurisdiction.

Link: <http://caselaw.lp.findlaw.com/data2/californiastatecases/a109655.pdf>

### Adoption, Custody, Parental Rights

**Washington Supreme Court: In re the Parentage of: L.B.** (No. 75626-1)

The Washington state Supreme Court this month held that a de facto parent - an adult who has taken a committed parental role in a child's life but may not be biologically related or completed an adoption - "stands in legal parity with an otherwise legal parent, whether biological, adoptive or otherwise." The court, in a 7-2 decision, determined in the case, *In re the Parentage of: L.B.* (No. 75626-1), that the partner who had helped to raise a child with the biological mother for six years had standing to seek a determination of co-parentage with her former partner after the couple split. The ruling is similar to recent decisions from August 2005 in the California Supreme Court, which held that two partners in a relationship may have full legal parental rights and obligations regardless of gender, biology, adoption, or marriage.

Link: <http://www.courts.wa.gov/opinions/index.cfm?fa=opinions.opindisp&docid=756261MAJ>

Link to American Bar Association article: <http://www.abanet.org/journal/ereport/n18moms.html>

Case Summaries adapted from:

- ◆ Evan B. Donaldson Adoption Institute
- ◆ Nat'l Center for Adoption Law and Policy

## Mini-Grants for Support Groups

The Collaboration to AdoptUsKids, a federal initiative of the Children's Bureau, is awarding mini-grants to parent support groups around the country. Adoptive parent, foster parent, or kinship groups are eligible, but they must include parents who have adopted through the child welfare system. Here's a chance to make a difference in the lives of your kids through creative and worthwhile projects - **get involved!**

**Up to \$4000 for your support group!**

The deadline to apply is May 1st. Funding will start October 1, 2006.

Information and mini-grant applications can be found at: [www.adoptuskids.org](http://www.adoptuskids.org)



## RESOURCE NOTES

### **Assessing an Agency's Cultural Competency**

A toolkit for the self-assessment of agency cultural competency has been developed by the El Paso County, CO, Greenbook Initiative. The toolkit, which can be downloaded for free, is a comprehensive collection of surveys, interviews, facility checklists, and document reviews, as well as reports from two sites where the toolkit was piloted. The toolkit allows agencies to survey staff, volunteers, and clients regarding their perceptions and experiences with agency policies. It also directs agencies to examine their mission statement, policies, procedures, outreach, communications, and physical facilities with a view toward cultural competency.

The toolkit provides a definition of cultural competency that stresses the ability of an agency to work effectively in cross-cultural situations. To be culturally competent, an agency must:

- ◆ Value diversity
- ◆ Have the capacity for cultural self-assessment
- ◆ Be conscious of the dynamics inherent when cultures interact
- ◆ Institutionalize cultural knowledge
- ◆ Adapt service delivery based on understanding of cultural diversity

Reports from the two agencies that piloted the toolkit include their survey results, as well as actions to improve cultural competency in areas that showed deficiencies. Actions include such steps as:

- ◆ Forming an ongoing cultural competency committee
- ◆ Increasing outreach to underserved communities
- ◆ Targeting the overrepresentation of minorities in foster care
- ◆ Increasing communication in a variety of ways
- ◆ Increasing family involvement in case planning

The toolkit was developed as part of the Greenbook Initiative, a project funded by the U.S. Department of Health and Human Services and the U.S. Department of Justice to help communities serve families experiencing both domestic violence and child maltreatment. The El Paso County site is one of six sites implementing the best practice principles developed by the Greenbook Initiative and is available on the Greenbook website.

Link: [www.thegreenbook.info/documents/El\\_Paso\\_toolkit.pdf](http://www.thegreenbook.info/documents/El_Paso_toolkit.pdf)

### **Information packet: American Indian Children in Foster Care**

Abstract: This information packet begins with a description of the historical racial discrimination that has impacted the treatment of American Indian families in the child welfare system, and current facts about American Indian children in foster care. Best practice tips for providing services to American Indian families are shared, and federal legislation addressing the care of American Indian children is reviewed. Model programs are described, and websites are listed for additional American Indian resources on child welfare, women and families, education, health and culture, legal, and government. Numerous references. Author(s): Bennett, Rachel. Published: 2003. Available from: National Resource Center for Foster Care and Permanency Planning. Link: <http://www.hunter.cuny.edu/socwork/nrcfcpp/downloads/american-indian-children-in-fc.pdf>

### **Research Indicates Diversity Alone Does Not Bolster Ethnic Identity**

A study of 266 elementary-age girls adopted from China found that school racial and ethnic diversity alone did not foster same race preference; in fact, it discovered the opposite. *"The Development of Ethnic Identity Among Chinese Adoptees: Paradoxical Effects of School Diversity,"* by Gregory Adams, Richard Tessler and Gail Gamache, will be published in an upcoming issue of *Adoption Quarterly* (Volume 8, Issue 3). The study found that greater diversity was linked with a decrease in same-race preference, and that children attending public schools with greater diversity were more likely to show white preference than those attending schools with less diversity. The authors attribute the paradoxical results to differences in social class of adopted children compared to minority peers. They plan to reexamine the benefits of diversity with this same group of girls in adolescence. Link to free abstract: <http://www.haworthpress.com/store/TOC.asp?sku=J145>

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## Casey Family Programs

Casey Family Programs launched a new tool on Feb. 27, 2006. *"Knowing Who You Are...Helping Youth in Care Develop Their Racial & Ethnic Identity"* is a suite of tools that includes a video, on-line course and in-person training to help social workers develop awareness, knowledge and skills around the importance of working with youth on this key aspect of identity. Child welfare professionals are powerful potential resources and role models for youth in care as they go through the process of developing a healthy sense of racial and ethnic identity. The components of this resource help child welfare professionals promote pride in a young person's racial and ethnic identity, develop multicultural competency in staff and youth, and prepare youth to address racism and discrimination. *"Knowing Who You Are"* is available to child welfare agencies on-line at no charge. Link: <http://www.casey.org>

Note: The video features 23 individuals (foster care youth, professionals, and birth and foster families) talking about why race and ethnicity matter and the importance of addressing these identity issues in child welfare practice. This 24-minute video can be viewed at the website below, or a free DVD of the video can be ordered. Viewer and facilitator guides are also available. Link: <http://www.casey.org/Resources/Projects/REI/KnowingWhoYouAreVideo.htm>

### Information packet: Domestic Transracial Adoption

Abstract: This packet includes information on the challenges children face when they are transracially adopted and strategies for supporting families who have adopted a child from a different racial or ethnic background. It begins with a discussion of the double rejection transracially adopted individuals may experience as a result of the rejection from their birth mother and the rejection of their race and culture. Statistics are then shared on transracial adoptions, and adoption laws addressing transracial adoptions are reviewed. The benefits of open adoption are discussed, and specific strategies parents can use to become culturally competent are listed. Includes 20 references. Author(s): Long, Janet Khiet. Published: 2002

Available from: National Resource Center for Foster Care and Permanency Planning Hunter College School of Social Work.

Link: [http://www.hunter.cuny.edu/socwork/nrcfcpp/downloads/information\\_packets/transracial\\_adoption-domestic\\_info\\_pkt.pdf](http://www.hunter.cuny.edu/socwork/nrcfcpp/downloads/information_packets/transracial_adoption-domestic_info_pkt.pdf)

Resource Summaries adapted from:

- ◆ Chapin Hall
- ◆ Children's Bureau
- ◆ Nat'l Center for Family-Centered Practice and Permanency Planning

## Analysis Shows Increase in Transracial Adoptions from Foster Care

An analysis of AFCARS data shows that the national rate of transracial adoptions from foster care has increased from 10.8 percent in fiscal year 1995 to 15 percent in 2001; however, the rate varies widely by state and by racial group. (Racial information on adoptions is incomplete in AFCARS data but has improved in recent years.) "Transracial Placement in Adoptions with Public Agency Involvement: What Can We Learn from the AFCARS Data?" by Mary Hansen and Rita Simon, was published in the most recent issue of *Adoption Quarterly* (Volume 8, Issue 2). It reports that in some states (IL, CA, CO, GA, NC, KY, PA, DC) increases in adoptions of African American children after passage of the Adoption and Safe Families Act did not result in a higher rate of transracial placements; in other states (IA, OH, MN, NJ, OK, TN), the increases in adoptions were accompanied by a higher rate of transracial adoptions. Hispanic children had the highest rate of transracial adoptions (38% in 2001) as compared to African American children (17%) or white children (3%). Link to abstract: <http://www.haworthpress.com/store/TOC.asp?sku=J145>

### Increasing Adoptions of Hispanic Children

A Colorado-based project shows that mentoring can lead to successful adoptive placements for Hispanic children in foster care. The Me and My Shadow (MMS) program recruits and trains mentors, who are then matched with Hispanic children and youth who are older (10+ years) or part of a sibling group. Beginning with a mentoring relationship allows both adults and youth to get to know each other in a non-threatening way, without the pressure that pre-adoptive placement might bring. Mentors and mentees make an initial 6-month commitment. They are supported by a full range of services provided by the parent organization of MMS, which is a licensed child placement agency. Evaluation of the MMS program has been ongoing. Preliminary data show that in the 3 years before the program began, the parent agency for MMS was able to complete 23 adoptions, 9 of which were for Hispanic children. After 3 years of operating the MMS program, the agency had completed 50 adoptions, 20 of which were for Hispanic children.

For information about the MMS program and its approach of using mentorship as a bridge to permanency, contact: Jim Belarde, Project Director, Me and My Shadow, Loving Homes, Inc. 10800 East Bethany Drive, Suite 515; Aurora, CO 80014.

Phone: 719.406.4381 Email: [jimbelarde@aol.com](mailto:jimbelarde@aol.com)

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**We welcome comments or contributions.**

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