FINDING PERMANENCE FOR KIDS: NCFA RECOMMENDATIONS FOR IMMEDIATE IMPROVEMENT TO THE FOSTER CARE SYSTEM

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In 2008, there were 463,000 children in foster care, 123,000 of which were waiting to be adopted. The number of children “aging out” of the system each year – who reach the age of majority without ever having been placed with a permanent family – has increased steadily, reaching a record of 29,516 in 2008.¹

Children’s advocates, foster care alumni, policy makers, and other stakeholders are all calling for immediate reform of the current foster care system. The National Council For Adoption calls for the following changes to improve the foster care system and ensure that more children currently languishing in the foster care system find safe, permanent homes.

Recruit Foster and Adoptive Parents

- Recruit more foster and adoptive parents, and give them the support, encouragement, and training they need to be successful and remain in the system
- Increase funding for pre- and post-adoption support services
- Create PSAs to educate the public on the need for more adoptive and foster parents
- Create more child-specific campaigns to assist children in foster care, such as Wednesday’s Child
- Encourage states to use more of their federal funds for parent recruitment
- Form more public-private partnerships to reach and retain prospective adoptive parents
- Train agency staff and offer strategies to help them retain foster parents
- Conduct and utilize better research to determine what successfully predicts parent recruitment and adoption (e.g., adoption assistance subsidies)

Encourage Americans to Mentor Children in Foster Care

- Encourage Americans to get more involved in the lives of children in foster care
- Create more programs committed to helping individuals find practical ways to have a positive impact on children in foster care

Provide Support/Training for Frontline Child Welfare Workers

- Address high vacancy and turnover rates among child welfare and social service workers, which often results from low wages and heavy caseloads;
- Help states obtain additional funding to make changes in areas that have been identified as necessary to retain child welfare workers;
- Promote federal initiatives to establish a National Foster Care Services Corps;
- Use federal funding to provide bonuses for child welfare workers who serve for a certain number of years;
- Encourage states to include actual foster care youth in child welfare workforce trainings; and
- Establish a loan forgiveness program for social work students.

Focus on Permanency and Resolve Court-Related Issues

- Follow the lead of demonstration projects, such as Legal Aid’s Foster Children’s Project (FCP) in Palm Beach County, FL, which increased the rate at which children exited to permanency;
- Address problems within court systems that prevent children from moving from foster care into permanent homes, such as an insufficient number of judges and attorneys, lack of cooperation between courts and child welfare agencies, and inadequate training of judges and attorneys;
- Encourage states and judges to appropriately use the “15 of the 22” provision of the 1997 Adoption and Safe Families Act (AFSA);
- Encourage states to use flexibility in adoption incentive payments to increase the number of people working on child welfare cases and eliminate case backlogs.

Support Needed Legislation

- Encourage states to extend foster care to age 21, as suggested in the Fostering Connections to Success and Increasing Adoptions Act of 2008
- Reauthorize improvements to the Adoption Tax Credit made under the Economic Growth and Tax Relief Reconciliation Act of 2001
- Reform the Interstate Compact on the Placement of Children (ICPC) to allow states to focus more on children in public care
- Support legislation that promotes mentors for children in foster care
- Support the Protecting Adoption and Promoting Responsible Fatherhood Act of 2009 (S.939), which establishes the creation of a National Putative Father Registry and provides grants to states to create individual state registries to feed into the national registry
- Support legislation such as the Resource Family Recruitment and Retention Act of 2009, which would amend Title IV-B to award grants to states that are implementing innovative programs in the areas of foster parent recruitment, training, retention, and support

Conclusion

There is no reason that the foster care system in this country should fail to serve children and families. This paper offers immediate, concrete suggestions to address many of the challenging issues in foster care today. These are solutions that were chosen because they can be implemented quickly and yield prompt results. It is NCFA’s hope that individuals, child welfare agencies, local officials, and the federal government will act immediately to implement these suggestions, so that America can live up to its responsibility as a compassionate nation that cares for its children.
Introduction

In 2008, the most recent year for which statistics are available, there were 463,000 children in foster care, of which 123,000 were waiting to be adopted. That year, 285,000 children exited foster care: 52% were reunified with a parent or caregiver, 19% were adopted, 8% went to live with other relatives, 10% were emancipated, 7% moved into a guardianship setting, 2% were transferred to another agency, and 1% ran away. The number of children emancipated from the system—who “age out” of foster care without ever having been placed with a permanent family—has increased steadily over time, reaching a record of 29,516 in 2008.1

As Bass and colleagues state in their introduction to The Future of Children, “Foster care is intended to serve as a temporary haven for abused or neglected children who cannot safely remain with their families—even in the best situations, foster care is inherently fraught with uncertainty, instability, and impermanence” (p. 6). Bass’ review of the research finds that children in foster care are at high risk for poor educational outcomes, demonstrate low levels of engagement at school, and are less likely to be involved in extracurricular activities. Children in foster care are also more likely to have physical and mental health problems than children who do not grow up in foster care.2

“Aging out” of foster care before one is ready for adulthood and independence also has a detrimental effect on children. As Courtney and colleagues explain, “Too old for the child welfare system, but often not yet ready to live as independent young adults, the…foster youth who ‘age out’ of care each year are expected to make it on their own long before the vast majority of their peers” (p. 5).3 As part of the Midwest Evaluation of the Adult Functioning of Former Foster Youth, Courtney used data from Illinois, Iowa, and Wisconsin to determine how foster youth were functioning as they made the transition to adulthood. In the most recent report from the study, surveying the youth at age 21, the researchers found negative outcomes in multiple domains. Compared to a National Longitudinal Study of Adolescent Health (“Add Health” sample of 21-year-olds who had not aged out of foster care, the foster care youth:

- were more than twice as likely to not have a high school diploma or GED;
- were less likely to be employed;
- reported a median income of $5,450 from employment over the previous year (compared to $9,120 for their Add Health peers);

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• were more likely to describe their health as being fair or poor;
• were less likely to have health insurance;
• were more likely to have been pregnant;
• were more likely to have belonged to a gang (males only);
• were more likely to have pulled a gun or knife on someone; were more likely to report ever being arrested, convicted, and ever being arrested as an adult;
• were more likely to report being cut or stabbed by someone (males only);
• were less likely to report performing any unpaid volunteer or community service work in the past twelve months; and
• were less likely to report maintaining a positive relationship with an adult since age 14 (60% versus 77%).

The research is clear: remaining in foster care is not good for children. Children’s advocates, foster care alumni, policymakers, and other stakeholders are all calling for reform of the current foster care system. On May 27, 2009, the White House hosted a summit to discuss needed reforms, and the National Council For Adoption (NCFA) drew from this and many previous discussions with child welfare advocates to develop the recommendations presented in this issue of the Adoption Advocate. These suggestions for improving the foster care system have found broad support among child welfare advocates. They should be implemented immediately to ensure that more children currently residing in the foster care system find a safe permanency option.

Issues and recommendations are presented for the following areas of reform:

• Foster and adoptive parent recruitment and retention
• Increasing adoptions out of foster care
• Getting more families involved in the lives of foster children
• Support/training for frontline child welfare workers
• Encourage states to provide care until age 21
• Focus on permanency
• Court-related changes
• Policy/legislative changes

Parent Recruitment and Retention

Issues

It must be the goal of the foster care system to move more children into permanency quickly, whether that permanency is achieved by safely returning the child to his or her biological family or by the child’s adoption out of foster care into a new, loving family. For the latter – those children who will not be returning to their biological families – the most direct way to ensure permanency is to recruit more foster and adoptive parents. 60% of children adopted out of foster care are adopted by their foster parents.4

Fortunately for children waiting to be adopted, American culture is strongly pro-adoption, and surveys show that Americans’ pro-adoption sentiments specifically apply to adoption from foster care. For example, a nationally representative survey released by the Dave Thomas Foundation for Adoption in 2007 found that 72% of Americans viewed adoption favorably, and 69% thought the government should do more to encourage adoptions out of foster care. Additionally, 30% had considered adoption, and 71% of these had considered foster care adoption specifically. In short, over 20% of Americans have considered adopting a child out of foster care.

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care. Furthermore, a team of researchers at the Urban Institute, using data from the National Survey of Family Growth, found that women’s interest in adopting increased by 38% between 1995 and 2002. This includes an increase of 35% among Black women, 29% among Hispanic women, and 50% among lower-income women.

Unfortunately, too often Americans’ enthusiasm for foster care adoption does not translate into actual adoptions from foster care, largely because prospective adoptive parents either do not know where to begin the process or they do not receive the outreach and support they need from the public or private agency once they apply. In one nationally representative survey conducted by Harris Interactive on behalf of NCFA, only 29% of respondents who had considered adopting or foster-parenting a child actually inquired with their state agency about doing so.

In the Urban Institute study cited above, while the percentage of women who expressed interest in adoption and actually took steps toward that end was 16% in 1995, it had decreased to only 10% by 2002.

Parent recruitment is only half of the equation. Once recruited, foster parents must be supported to ensure they remain in the system, and there is considerable evidence that this is not happening. Research has consistently found high yearly turnover rates among foster parents. According to adoption advocate and author Jayne Schooler, 50% of foster parents drop out within a year of their first placement, citing three main reasons: lack of respect, lack of effective support, and lack of relevant training. Similarly, in an analysis of data from the 1991 National Survey of Current and Former Foster Parents, 40.5% of former foster parents listed lack of support from their agency as a reason for exiting the system.

Many potential foster parents are lost before they even make it through the front door. Julie Wilson and colleagues from Harvard’s Kennedy School of Government analyzed data from four sources: the Adoption and Foster Care Analysis and Reporting System (AFCARS); a survey of state adoption directors from 43 states; case studies of adoption practices in Boston, Miami, and San Jose; and an analysis of adoption applicant case records in those three cities. They found that only one in 28 people who contact a child welfare agency actually adopts a child from foster care. Many of the individuals in the three cities complained that it was difficult to find the right person to call, there was no answer when they first called, they left voicemail messages but got no return call, or they got bounced around from person to person before locating the correct staff member.

Solutions

There are multiple documented strategies for increasing parent recruitment and retention.

For an excellent overview, see the study by the Urban Institute previously cited. Below are specific examples of recruitment and retention strategies that NCFA believes will make a crucial

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difference in the lives of children waiting to be adopted from foster care.

Public service announcements (PSAs). PSAs represent one method by which a difference can be made quickly. In the Wilson study, many of the individuals who participated in Boston, Miami and San Jose reported hearing about foster care adoptions through electronic and print media, such as Wednesday’s Child segments on television, billboards (in Miami, one billboard slogan read “Adoption has been made easier”), PSAs, and booths at community festivals.

NCFA has attempted to increase foster care and adoption awareness and adoption by developing radio and television public service announcements featuring country music recording artist and NCFA National Adoption Spokesperson Rodney Atkins. NCFA’s PSAs are designed to educate listeners and viewers on the nation’s need for more adoptive and foster parents. To date, the radio PSA has been released to 1,250 country music radio stations and 125 Christian radio stations, and been broadcast over 20,000 times. The television PSA was distributed to more than 200 television stations nationwide and has aired on the ABC-TV network, CNN, and the USA Network and its cable subsidiaries, and was the first PSA shown by Wal-Mart’s in-house television network during National Foster Care Month in May 2009.

Another example of effective PSAs is the “You don’t have to be perfect to be a perfect parent” campaign, created by the Advertising Council and sponsored by the U.S. Department of Health and Human Services. A series of these ads, run in Spanish, prompted a huge influx of calls to AdoptUsKids. Another campaign targeting African American families was unveiled in early August of this year.11

Child-specific campaigns. Research also suggests that campaigns may be most effective when they are “child-specific”; that is, featuring specific children, as the Wednesday’s Child campaigns do. The efforts made by Children Unlimited, a private adoption agency in South Carolina, are highlighted in a paper on recruitment from the National Center for Resource Family Support.12 Children Unlimited reported that 22% of their inquiries and 10% of finalized adoptions over a nine-month period came from child-specific print media campaigns. Another example of a child-specific focus is the AdoptUsKids.org Web site, sponsored by the Children’s Bureau, Administration for Children and Families, and the Department of Health and Human Services. With the mission of recruiting and connecting foster and adoptive families with children across the country, AdoptUsKids provides a national photolisting of children waiting to be adopted out of foster care.

Successful first contact. Public service campaigns are only useful if the people responding to them receive the answers and support they need. Wilson and her colleagues recommend that agencies establish specialized adoption hotlines to ensure that individuals who call receive a timely, professional response. Agencies should also have a very clear road map of the adoption process ready and available for potential adopters. Finally, Wilson’s report recommends that the emphasis be placed on recruitment, and not on screening out prospective parents who may not be appropriate, when the initial contact is made.

Use of more federal dollars for recruitment. States should use more federal dollars for parent recruitment. According to NCFA’s recent analysis of states’ Child and Family Services (CFS) 101 forms, while 22% of children in foster care are waiting to be adopted, states are only spending an average of 1.2-1.3% of available federal funds on parent recruitment and training ($102 million out of an available $7.9-8.5 billion). As NCFA states in its report, the decision of states “to allocate relatively paltry amounts of federal funding toward parent recruitment and training services results in

11 (To view the campaign, see: http://www.adcouncil.org/default.aspx?id=17)
Increased emphasis among the states on parent recruitment and training is necessary to build on the success of ASFA and improve outcomes for children in care.”

Spending more money is only useful if the money is spent productively; more research is required immediately to determine what types of parent recruitment efforts are most effective. On a long-term basis, researchers need to examine the factors that motivate relatives to adopt or serve as guardians for their kin.

Public-private partnerships. Public-private partnerships have shown promising results in reaching prospective adoptive parents as well as keeping them in the system. In public-private partnerships, state and private agencies work together to recruit, train, and retain foster and adoptive parents. For example, the One Church, One Child program works to increase the number of African American children adopted out of foster care by actively recruiting permanent adoptive homes (see: http://home.earthlink.net/~nationalococ/). In Maryland, as just one example, One Church, One Child works directly with local social service departments. This strategy may be especially important for recruiting minority families. In the Wilson study, the authors review research which finds that it is especially difficult to recruit and retain minority families and that public agencies are increasingly contracting with “minority-controlled agencies” to reach these families.

Private agencies also possess the ability to provide a “seamless system” of support services, including post-placement services, for adoptive and foster parents. They are also well regarded for their record of making adoptive and foster parents feel valued throughout the process. For example, Bethany Christian Services, one of the nation’s largest private adoption agencies, involves foster and adoptive parents in its recruitment efforts and provides financial rewards to families who successfully recruit other foster families. By involving foster and adoptive parents in the agency’s important work, Bethany Christian Services sends parents the message that they are equal partners in the important work of finding families for children. Expanding the role of public-private partnerships in recruiting, training, and retaining adoptive and foster parents will help alleviate the high caseloads with which public agencies typically struggle, allow more targeted recruitment efforts, and ultimately lead to more children being adopted out of foster care.

Make sure agency staff know what works for retaining families. The National Resource Center for Family-Centered Practice and Permanency Planning identifies multiple factors that increase the likelihood of foster parent retention. Agencies that work with families must be aware of and embrace these principles, ensuring that foster parents:

- Maintain a positive relationship with agency, characterized by sharing information, support, and mutual respect
- Understand their rights and responsibilities and what is expected of them
- Have access to training
- Receive support from caseworkers and more experienced foster parents

Training. Agencies, programs, and governments must make appropriate training available to foster and adoptive parents. Children often enter foster care as a result of abuse and neglect that leave them scarred and emotionally fragile. One example of the type of training that can make a huge difference in the success of a foster care/adoption placement is Trauma Informed Assessment and Preparation (TIAP). Jayne Schooler describes TIAP as a “purposeful, therapeutic approach to the assessment and preparation

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process for foster and adoptive parents” to help close the gap between expectations and reality. Trauma-competent adoptive and foster parents understand:

- the impact that childhood trauma can have
- the unique needs and strengths of the child who has survived the trauma
- the impact on the family of parenting/being a sibling to these children
- the demands of the relationship
- what services are needed

**Increasing Adoptions Out of Foster Care**

**Issues**

Beyond parent recruitment and retention, it is vital to know what factors successfully predict adoption in order to further promote and increase adoptions out of foster care. Hansen and Hansen, economists at the University of Mary Washington and American University, used foster care data from across the United States to determine the most important predictors of adoptions out of foster care. They found that “the size of the adoption assistance payment is the only policy variable that is clearly and positively correlated with success in achieving adoption for waiting children” (p. 3). In fact, using a linear model to predict the number of adoptions out of foster care, they found that an increase of $36 in the adoption assistance subsidy correlated with ten additional adoptions.16

**Solutions**

**Adoption subsidies.** There are several strategies for increasing the number of adoptions out of foster care. The first, as suggested by the above research, is to make adoption subsidies for families adopting out of foster care uniform and standardized in all states throughout the country. A survey of almost 250 families conducted by Children’s Rights in 2005 found that 81% of parents said the availability of adoption subsidies was important in their decision to adopt, and 58% said they could not adopt without a subsidy.17

**Funding for pre-and post-adoption support.** A second solution is to increase funding for pre- and post-adoption support services. Families must not feel that they are on their own in deciding to adopt out of foster care. The 2008 Congressional interns at the Congressional Coalition on Adoption Institute (CCAI) provided an excellent list of services that would promote adoption out of foster care, including:

- support groups for parents, adopted children, and other children in the home
- professional counseling services
- respite care services
- educational conferences for adoptive families.18

The need for support services was highlighted by a recent news story from the United Kingdom, in which a survey found that the number of disrupted adoptions had doubled in the past five years, from 26 to 57. The advocacy group Adoption UK is quotes as saying that they believe the increase in the number of disruptions

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indicates insufficient support and preparation for adoptive families.\textsuperscript{19}

**Getting More Individuals Involved in the Lives of Foster Children**

*Issues*

Americans should be encouraged to simply get involved in the lives of children in foster care. As the Urban Institute report on foster parent recruitment and retention cited above states, “There are many ways to support the foster care adoption process other than by adopting. With so many individuals interested in adopting but not taking steps, the field might consider strategies to encourage these individuals to support foster care adoption in other ways” (p. 24).\textsuperscript{20}

*Solutions*

One example of a national campaign working toward this goal is Raise Me Up (http://www.raisemeup.org), funded by Casey Family Programs. With the motto, “You just have Raise Your Hand/Raise Awareness/Raise Your Voice and say you’ll help,” Raise Me Up is committed to giving individuals a concrete way to make a difference in the lives of children in their communities. The approach is three-pronged:

- “Raise Your Hand” links individuals to opportunities to volunteer, mentor, or make a donation;
- “Raise Awareness” connects people to local events designed to strengthen children and families and increase public awareness about foster care;
- “Raise Your Voice” helps individuals get involved with efforts to lobby elected officials at the local, state, and national levels to support children in foster care.

In their report on strategies for improving the foster care system, the 2009 Congressional interns at CCAI also stress the importance of mentoring. They argue for two federal policy changes to promote mentoring: allowing foster care maintenance payments to be used for extracurricular and social activities, and giving foster parents the authority to allow youth in their care to participate in extracurricular activities.\textsuperscript{21} Legislation such as the Foster Care Mentoring Act described below would further promote the role of mentors in foster children’s lives.

**Support/Training for Frontline Child Welfare Workers**

*Issues*

A strong child welfare staff is crucial in order to support children and families in the foster care system and help facilitate transitions out of foster care. However, the situation is dire among child welfare and social service workers in the foster care system, largely due to high vacancy rates and high turnover rates.

In a survey of 42 states conducted in 2004, the American Public Human Services Association (APHSA) found that, for child protective service workers, the average vacancy rate was 8.5% and the average turnover rate was 22.1%. These high rates are no doubt largely due to low wages. The average salary for child protective service workers was $35,553, which is lower than salaries for nurses, public school teachers, police officers, and firefighters.\textsuperscript{22}


In the most extreme cases, these deficits in the child welfare workforce result in true tragedy. For example, according to a recent article in The Miami Herald, it was discovered in July 2009 that more than 70 child welfare workers in Florida falsified records over the course of two years. As a result, 14 children were left in unsafe homes, and six children were lost track of temporarily. When questioned, workers blamed the falsifications on unduly high caseloads. While the Child Welfare League of America recommends that case workers have no more than 15 foster care cases at any one time, the Department of Children and Families in Florida does not cap caseloads. They reported that the average caseload in Florida is 14-22 cases per caseworker.

In all but the most extreme cases, these challenges with the workforce are not insurmountable. If the reasons for high vacancies and high turnovers can be identified, then they can be addressed and fixed. In the APHSA survey cited above, state administrators reported that the two biggest problems in recruitment and hiring were the perceived imbalance between the demands of the job and the compensation, and the fact that starting salaries were not competitive with comparable positions. Furthermore, when asked about factors contributing to turnover, the most common and severe problem reported was the high, demanding workload.

Solutions

Additional funds to improve conditions for workers. The issues of insufficient salary and too-high workload can be addressed, but doing so requires federal leadership and funding. In the APHSA study, states reported that they could not implement any strategies that required new resources, which means that additional funds must be directed toward child welfare workforce issues. With additional funds, money could be allocated to steps that have been identified as making a difference in retaining workers: reducing caseloads, increasing salaries, improving supervision, creating career ladders and opportunities for professional growth, and improving training.

Different hiring practices. A report from the Annie E. Casey Foundation highlights a change in hiring practices in Michigan that translated to lower caseloads for caseworkers; which, in turn, translated to better care for children and families. In 2001, the Michigan Family Independence Agency (FIA) instituted a central hiring and training system. As a result, vacancies among child welfare workers that had previously taken four months to fill were filled in two weeks. This meant that caseworkers no longer had to take on the caseloads of workers that had left for the four months it used to take for a replacement to be hired. Michael Downer, the director of personnel for FIA’s human services office, explained why the new system worked: “The key to the whole process was having a centrally managed pool of extra staff that we could hire, put through training, and manage from here in Lansing…So, if we knew that someone is needed in Alpena County, we could ship a person to Alpena County” (p. 20). They found that, as a result of the reforms, not only were vacancies being filled faster, but FIA was also attracting stronger applicants than ever before. There is also a new training facility tied in with the hiring pool, meaning that new hires are not only starting more quickly, they are also starting better trained and more prepared.

Federal workforce initiatives. The changes listed above are local, although they are dependent on federal dollars. But there are also federal initiatives that could make a difference. The CCAI 2008 Foster Youth Interns made a series of suggestions to increase the number of qualified social workers and professionals who are working in the foster care system, which include:

• Establishing a National Foster Care Services Corps to help communities that have a large number of job openings find qualified workers;

• Using federal funding for states to provide bonuses for child welfare workers who serve for 5, 10, 20, etc. years of service;

• Encouraging states to include actual foster care youth in child welfare workforce trainings.25

Similarly, in the introduction to The Future of Children special issue on foster care, the authors recommend a federal loan forgiveness program for social work students. As with established loan forgiveness programs in other disciplines (e.g., health professionals who participate in health disparities research; lawyers who practice public interest law), students who graduate and work for a child welfare agency for a specific amount of time would have their loans forgiven.26

**Encourage States to Provide Care Until Age 21**

**Issues**

As reviewed in the introduction, youth who age out of foster care at age 18 show significant negative outcomes, as compared to nationally representative samples of their peers.

**Solutions**

Recent legislation has begun to address this issue. The Fostering Connections to Success and Increasing Adoptions Act of 2008 amends Title IV-E of the Social Security Act to give states the option of covering children in foster care, as well as certain children in an adoption or guardianship placement, after age 18 (for full text, see http://www.govtrack.us/congress/billtext.xpd?bill=h110-6893).

Using data from the Midwest Study described in the introduction, Courtney and colleagues “find strong evidence that allowing foster youth to remain in care past age 18 promotes the pursuit of higher education, and more qualified evidence that extending care may increase earnings and delay pregnancy” (p. 2). For example, 67% of 19-year-olds who were still in care were enrolled in a school or training program, compared to 31% for those who were not in care. Furthermore, 37% of the 19-year-olds still in care were enrolled in a two- or four-year college, compared to 12% for those not in care. Young women who remained in care were also 38% less likely to become pregnant by age 19.27

There is also a cost-benefit argument to be made for extending care to age 21. According to Amy Dworsky of Chapin Hall, the average annual cost in Illinois of extending foster care to age 21 is $38,000 per youth. However, the average increase in lifetime earnings that can be expected from youth remaining in care and completing post-secondary education is $72,000. This translates to a 2:1 benefit-to-cost ratio.28

**Focus on Permanency**

**Issues**

The passage of the Adoption and Safe Families Act of 1997 (ASFA) increased the focus on permanency for children; that is, achieving reunification or adoption for children in a timely fashion. The landmark report from the Pew Commission on Foster Care states permanency as

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one of the guiding principles of its work: “All children must have safe, permanent families in which their physical, emotional and social needs are met” (p. 12).29

Solutions

Agencies need to adopt programs and practices that promote permanency. For example, researchers at Chapin Hall recently evaluated the Legal Aid’s Foster Children’s Project (FCP) in Palm Beach County, FL. The program was designed to expedite the exit of children to permanency (reunification or adoption) by providing legal representation to those aged three and under that entered shelter care. The evaluation found that children who were represented by FCP exited to permanency at a much higher rate than children not represented by FCP.30

Following the model of the cost-benefit analysis described above related to keeping children in care until age 21, there also needs to be more research demonstrating the true cost savings when a child finds permanency as compared to aging out.

Court-Related Problems

Issues

A report from the GAO clearly identifies issues within the court system as a barrier in moving children from foster care into permanent homes. In a survey of all 50 states, the GAO found that the barriers were due to insufficient numbers of judges and attorneys to handle the caseload, a lack of cooperation between courts and child welfare agencies, and inadequate training of judges and attorneys in child welfare cases.31

In our policy priorities, NCFA states that “[o]ne of the greatest problems with foster care today is dysfunctional family courts that trap children in a lengthy process of hearings and legal technicalities, with the result that they grow older in foster care and less likely to be adopted.”32 Clearly, this is an area where change is necessary and could have meaningful impacts.

Solutions

Following the 15 of 22 provision of ASFA. The 1997 Adoption and Safe Families Act requires that parental rights be terminated for children who have been in foster care for 15 of the previous 22 months. This is intended to move children out of unsafe situations and into positions where they can be eligible for adoption. However, a GAO report in 2003 found that states exempt a large number of children from the “15 of 22” provision, especially children who may be more difficult to place, such as adolescents. (This information was based on data from only nine states, as the other states did not even collect data on use of the 15 of 22 provision.)33 Officials in the six states that the GAO visited as part of the report, however, reported that the establishment of specific timeframes, such as the 15 of 22 provision, does help states focus their priorities on finding permanent placements for children. This indicates that this is an important tool, which, if used appropriately and on a more widespread basis, could help move children out of foster care

in a timelier manner.

Using flexibility in adoption incentive payments to increase the number of people working on child welfare cases. Consider this example from the GAO report:

...[W]e found that some states are taking advantage of the flexibility allowed in the use of adoption incentive payments to increase the number of people working on child welfare cases. During our site visit to Oregon, child welfare officials told us that the lack of legal resources has inhibited the state’s ability to quickly pursue court cases against birth parents to terminate their parental rights and thereby free a child for adoption. To address this issue, Oregon has used its adoption incentive payments to contract for additional lawyers to litigate these cases. According to our survey results, 6 states have used the incentive payments to hire or contract additional legal staff and 13 states have used these funds to hire or contract additional social workers (p. 39).

This creative use of funds to increase the legal staff working on cases could prove to be an important solution. According to findings from the Fostering Results project from a survey of 2,241 judicial officers nationwide, among judges for whom and abuse and neglect cases make up more than 25% of their docket, 52% say that overcrowded court dockets delay safe, permanent placements for children in foster care. That percentage goes up to 64% for judges for whom abuse and neglect cases make up more than 75% of their docket. Furthermore, 46% of the judges reported that the lack of available services for children and families in need was their greatest frustration with the child welfare system. 34 Clearly, this is an area in which an infusion and/or redistribution of resources could make a significant difference.

### Legislation

#### Issues

There are numerous pending legislative bills that, if passed, could greatly improve the lives and outcomes of children in foster care in this country. There is also a need to set up mechanisms to ensure that passed legislation is uniformly enforced across the country.

#### Solutions

**Foster Connections to Success and Increasing Adoptions Act of 2008.** States should take advantage of the opportunity provided by the recently passed Fostering Connections to Success and Increasing Adoptions Act to increase the age at which youths legally exit the system from 18 to 21. This would give youths in foster care more time to form family connections and prepare for life as an independent adult.

**Tax credits.** Research has shown that government financial support for adoptive parents leads to higher adoption rates for children in foster care, however some of this support is scheduled to disappear. Improvements to the Adoption Tax Credit made under the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA) must be reauthorized prior to their scheduled sunset in 2011. EGTRRA increased the amount parents of children adopted out of foster care were eligible to claim under the tax credit from $6,000 per special needs child (and $0 per non-special needs child) to $10,000 for any child. EGTRRA also mandated that parents of children adopted from foster care do not have to document their adoption-related expenses in order to claim the credit, thus eliminating a large amount of confusing paperwork from the process and increasing the number of adoptive parents claiming the tax credit. If these improvements are allowed to expire in 2011, adoptive parents will receive far less government support than they are currently

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receiving, and fewer children will be adopted from foster care. It is vital that legislation be passed to keep the tax credit provisions of EGTRRA from expiring.

ICPC. The Interstate Compact on the Placement of Children (ICPC) establishes uniform legal and administrative procedures to govern the interstate placement of children. It was originally designed in 1960 to make it easier to place children across state lines. However, over time, the flaws in the ICPC became apparent; the ICPC suffered from lack of accountability, poor enforcement, and outdated bureaucratic processes, all of which resulted in long delays in private agency adoptions.\(^{35,36}\) As a result of these problems, the Association of Administrators of the ICPC (a subgroup of APHSA) proposed regulations to reform the ICPC in 2007, but critics of the ICPC believe the reforms did not go far enough. For example, NCFA recommended removing private placements by licensed child placement agencies from ICPC. This would allow states to focus more on children in public care, who were the intended beneficiaries of the ICPC initially. Not only did this not occur, NCFA believes that, in fact, the new ICPC actually gives the receiving states increased authority for supervising a private agency that arranged an adoption. As NCFA argued in 2007, “The ICPC was a broken system long before APHSA accepted responsibility for drafting new standards, but the new proposed regulations make a bad system potentially even worse.”\(^{37}\)

According to APHSA, as of July 15, 2009, 10 states (Ohio, Alaska, Delaware, Florida, Indiana, Maine, Minnesota, Missouri, Nebraska, and Oklahoma) have enacted the new ICPC. (Information obtained from Carla Fults, via personal communication, July 15, 2009.)*

Foster Care Mentoring. For children remaining in foster care, having a mentor can make a huge difference. An example of legislation encouraging mentorship is Sen. Mary Landrieu’s Foster Care Mentoring Act, introduced in May 2009. The bill provides $15 million to establish statewide foster care mentoring programs, as well as an additional $4 million to establish a national public awareness campaign to recruit mentors. It also allows for up to $20,000 in federal student loan forgiveness for volunteers who mentor a foster child (see: http://landrieu.senate.gov/issues/adoptions.cfm).

In the press release introducing the bill, Sen. Landrieu’s office cites research indicating that children who are mentored are 45% less likely to use illicit drugs, 59% more likely to succeed in school, and 73% more likely to attain higher life achievement goals.\(^{38}\)

Putative Father Registry. Largely resulting from two high-profile cases in the 1990s in which biological fathers disputed adoptions, there has been increased attention paid to the role and rights of biological fathers. Some potential adoptive families might worry that, even after an adoption is finalized, the biological father could surface and contest the adoption. The Protecting Adoption and Promoting Responsible Fatherhood Act of 2009 addressed this issue. Introduced by Sen. Landrieu on April 30, 2009, the act provides for the creation of a National Putative Father Registry, gives states grants to create individual state registries that feed into the national registry, and establishes a national media campaign to inform individuals of the existence of the registry and of the role that registry could play in pending adoptions. (Several states already have state registries, the most recent being South Carolina, which was signed into law in June of 2009.) If a putative father registry exists, men who are having extramarital sexual relations with a woman have the option of submitting their names and contact


\(^{37}\) Ibid.

information, as well as the names of their sexual partners, to the registry. If a private or public agency or attorney is facilitating an adoption, the registry can first be checked to ensure that the putative father is contacted and notified. Not only would this bill allow men the opportunity to waive their parental rights to children conceived out of wedlock, it would also help reduce the number of adoptions disrupted by men who may not have even been aware that they fathered a child.39

Resource Family Recruitment and Retention Act of 2009. This bill, introduced by Sen. Blanche Lincoln in February 2009, is one example of legislation designed to address the issues of family recruitment and retention. Among other things, it would amend Title IV-B to allow for awarding grants to states that are implementing innovative programs in the areas of foster parent recruitment, training, retention, and support. This would allow states to engage in more of the objectives highlighted in the recruitment and retention section above.

Conclusion

There is no excuse for the foster care system in this country to languish in its current state, far from what children and families deserve. Surveys consistently show support for and interest in foster care adoption that is more than adequate to ensure loving, permanent families for every child in state care. But problems persist in multiple areas: insufficient and ineffective parent training and recruitment efforts, a lack of focus on increasing adoptions out of foster care, a shortage of individuals and families involved in the lives of children in foster care, inadequate support and training for child welfare workers, states that are unable to provide care until age 21, a lack of focus on permanency, problems with the courts that serve families and children in foster care, and promising legislation that has yet to be passed.

The recommendations and solutions outlined in this Adoption Advocate were chosen because they can be implemented relatively quickly, yielding almost immediate results. It is NCFA’s hope that individuals, agencies, local governments, and the federal government will begin to implement these solutions in order to live up to our responsibility as a compassionate nation that cares for its children.

*Subsequent revisions to the ICPC proposal by APHSA have addressed several of NCFA’s initial concerns, but NCFA suggests additional revisions are necessary before NCFA could fully endorse the proposed new ICPC.

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