



Adoptalk

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Federal Adoption Initiatives Move Forward

by Joe Kroll, Executive Director

Permanent families mean everything to children in foster care. If federal adoption reform is truly to benefit children, and double the number of foster children who find permanence by the year 2002, families must be enabled and empowered to provide homes for children who wait. Happily, several federal initiatives are giving rise to new hope.

NACAC has not officially endorsed pending legislation, but we welcome existing action, and applaud the direction in which the House of Representatives and Senate are heading. Below are highlights of three current plans from the House, Senate, and Department of Health and Human Services (HHS) that could make a significant difference to children in foster care.

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"Reasonable Efforts" to Reunite Families

As amended in 1996, the Child Abuse Prevention and Treatment Act (CAPTA) requires that "reasonable efforts" must be made to keep families together, *unless* a child's parents are found to have killed or seriously injured one or more of their children (or to have contributed to those actions). A conviction for murder, manslaughter, or serious injury is grounds for termination of parental rights (TPR).

While HHS has been working on administrative guidance for CAPTA (due out by April 14, 1997), the House and Senate have developed legislation that also addresses issues of child safety. The Adoption Promotion Act of 1997 (H.R. 867), introduced February 27th by Representatives David Camp (R-MI) and Barbara Kennelly (D-CT), provides that efforts to keep a child in or return a child to his or her home are not required in cases involving "aggravated circumstances"—if, for example, the child has been abandoned, tortured, or chronically abused. Children's safety is also a theme of the Senate's Safe Adoptions and Family Environments (SAFE) Act (S. 511), introduced on March 20th by a bipartisan group of Senators.

Funding for Reunification Efforts

In cases where reunification efforts are feasible, children sometimes spend unnecessary time in care while their birth parents await required services (and agencies await the funds to provide the services). To assure that local agencies can provide services in a timely fashion, the Senate's SAFE Act allows states to collect reimbursements for reunification services that occur within a year from the date a child enters care.

To address the most common problem that lands children in care—parental substance abuse—the Senate's new legislation also requires that states give priority to parents who are referred by the state or a local child welfare agency for substance abuse treatment. Timely provision of treatment should accelerate permanency planning decision-making (for reunification or another alternative), and consequently shorten the length of time that children spend in care. Because data suggests that many parents whose children are in care have abused drugs and/or alcohol, this provision is particularly important.

Expediting Permanency

To speed the rate at which states make and review permanency plans for children in care, all three plans—H.R. 867, S. 511, and HHS recommendations issued earlier this year in response to the President's Adoption Initiative—set a time limit of 12 months after entry into care (versus 18 months) for states to hold dispositional or "permanency planning" hearings. Both HHS and the Senate bill also suggest that status reviews be conducted at 6 month intervals, instead of the 12 month time-frame set by the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272).

S. 511 language carefully emphasizes "permanency" in the planning process for foster children. If enacted, the bill would replace existing references to a child's "future status" (which include options such as short- and long-term foster care) with a list of "permanency plans" that specify if and when a child might return to his or her parent(s), be referred for TPR, be placed for adoption, or be "referred for legal guardianship, or other planned permanent living arrangement" (§ 302; 10-17).

When a state's goal for a child is adoption or another permanent placement, the Senate bill requires states to make "reasonable

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NACAC Introduces New Board Members

As we extend a sincere thank you to departing board member Jim Cadwell (who served NACAC faithfully for eight years), NACAC is pleased to announce the addition of two new board members who are already proving themselves to be valuable contributors.

When **Kathy Deserly** began working with tribal education programs in 1973, she was planning on a career in elementary education. That goal changed in 1981 when she joined the Indian Child Welfare Consortium, one of the first Indian child welfare programs established after the Indian Child Welfare Act (ICWA) became law. Twelve years later, when she left her position as Assistant Director, the Consortium had grown from a small case management program into a state-licensed foster care and adoption agency; it is still California's only Native American adoption agency.

After spending another two years with the National Indian Child Welfare Association, Kathy secured her current job as Indian



Kathy Deserly

Child Welfare Specialist for Montana's Department of Public Health and Human Services—a position created in 1987 to promote compliance with ICWA. She works closely with seven reservations in Montana and with off-reservation Native American child welfare programs, and believes her most important tasks involve listening to people's needs, respecting differences, and looking for common ground between the state and the tribes when it comes to making decisions about Native American children's welfare.

On a personal note, Kathy's husband of 25 years is a member of the Assiniboine tribe of the Fort Peck Reservation in Montana.



Barrie Shibley

They have one grown son and a new granddaughter. Kathy is also stepmother to two more grown children and step-grandma to five additional grandchildren.

A resident of Calgary, Alberta, **Barrie Shibley** is a treaty-status Indian and member of the Carry-The-Kettle First Nation in Saskatchewan. He combines interest in his heritage with a background in investment management at the newly established Aboriginal Investment Management Corporation, and also spends time working with Aboriginal and adoption-related organizations. Currently, Barrie is a board member of the Canadian Council for Aboriginal Business, the Aboriginal Professional Association, and the Calgary Chamber of Commerce. From 1990 to 1995, he also chaired the advisory board for Adoption Options in Alberta.

Mr. Shibley's interest in adoption is lifelong. He is an adoptee, and the father of three girls—two of whom are adopted. When asked for additional personal information, Barrie shares that he cannot sing or dance well, but he believes (even if his friends do not) that he is an exceedingly gifted golfer. ~

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efforts" to place children "in a timely manner" and finalize all adoptions or legal guardianship arrangements. Some jurisdictions—like Jefferson County in Kentucky—already conduct post-TPR reviews every six months to make sure workers are actively pursuing adoption plans for children in their case load.

The House bill contains a more controversial provision to expedite permanency. If the current version of H.R. 867 were enacted, states would be required to initiate TPR actions for children under the age of 10 who have been in state care for 18 of the past 24 months. States could avoid initiating TPR actions under those circumstances only if the child were in a relative's care or a state court determined that TPR were not in the child's best interest.

Ideally, this House provision should apply to all foster children, not just those deemed "more adoptable" by virtue of their relative youth. Fortunately, both HHS and the House bill also endorse concurrent planning—a practice which allows for the simultaneous provision of reunification and alternative permanency planning services within a structured framework that

gives birth parents fair opportunities to reclaim kin without robbing children of their chance for timely permanence.

Adoption Incentives

The "bottom line" in the adoption initiative President Clinton announced late last year centers around dramatically increasing (doubling from 27,000 to 54,000) the number of foster children who are adopted from the child welfare system each year. To reach that goal, HHS has proposed that numerical adoption and guardianship targets be set by September 30, 1997.

Taking a slightly different tack, the House bill proposes that \$108 million be allocated over five years to fund "adoption bonuses" for states that increase adoptive placements of foster children. For placements that exceed a state's annual "base number" of adoptions, each state would receive a \$4,000 bonus for each foster child who is placed for adoption, and an additional \$2,000 for every special needs child whom the state places in an adoptive home. States must then use the bonus monies to cover foster care expenses and/or fund adoption subsidies and other post-adoption services.

To help state agencies, courts, and communities reach heightened adoption goals, all three initiatives provide for "technical assistance" in the form of grants and/or guidelines. Both HHS and H.R. 867 call for a three-year period of assistance funded by an annual \$10 million budget appropriation—during which HHS can issue adoption-related guidelines, training curriculum, and best practice models; facilitate information exchange; and/or award grants to collaboratives that promote special needs adoption. S. 511 includes a \$50 million "innovation grant" allotment for projects that promote adoption (or other permanent placements) and child safety.

HHS also proposes a means by which to reinforce exemplary work on behalf of adoption: an annual awards presentation to coincide with the commemoration of National Adoption Month in November.

Title IV-E Amendments

Title IV-E adoption assistance agreements strongly impact adoptive families' ability to care for children with special needs. As currently written, the Senate's SAFE Act proposes two significant improvements to

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Conferences

July 21-25: Hands Around The World (HATW), a culture camp for African American, Latin American, Asian, Korean, Chinese, and Filipino adopted children and their siblings, will hold this year's week-long event at St. Joseph The Worker School in Wheeling, Illinois. The registration deadline is July 1, 1997 and HATW cordially invites anyone who has been touched by a cross-culture adoption to participate. To learn more about participation and volunteer opportunities, contact HATW, c/o Gail Walton, 1417 E. Miner St., Arlington Heights, IL 60004; 847-255-8309.

July 23-25: Sponsored by the **Statewide Adoption Network (SWAN)**, Pennsylvania's Sixth Annual Adoption Conference will take place at the Holiday Inn-Harrisburg East in Harrisburg, Pennsylvania. Scheduled workshops will feature both philosophical and practical information about taking care of children as they move through the adoption process. For more information about the conference,

call the Continuing Education program for Penn State University at 717-531-6856. To reach SWAN, write to 5021 E. Trindle Rd., Suite 300, Mechanicsburg, PA 17055-3622; or call 717-766-6449 or 800-445-2444.

August 1-3: A Thai Family Reunion—for people who have adopted children from Thailand—will be held at the Litchfield Inn in Pawleys Island, South Carolina. A block of rooms has been reserved and the reservation cut-off date is July 1, 1997. To learn more, contact Mary Lou and Ernie von der Lancken, 287 Kings River Rd., Pawleys Island, SC 29585; 803-237-2541 (home); 803-237-4218, ext. 256 or 800-849-1931, ext. 256 (work).

August 13-15: The Fairmont Hotel in San Francisco, California is hosting the **Child Welfare League of America's (CWLA) National Kinship Care Conference**, "Kinship Care: A Natural Bridge." Participants who attend the conference will focus on improving relationships between family-

serving agencies, supporting public policy that affirms and strengthens kinship families, and working toward excellence in kinship care services. To obtain more information about this event, contact CWLA, 440 First St., N.W., Suite 310, Washington, D.C. 20001-2085; 202-638-2952/fax 202-638-4004. ☞

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current adoption assistance practice. First, S. 511 would make it easier for families to qualify for adoption assistance by eliminating requirements that link a child's adoption assistance eligibility to his or her eligibility for AFDC (TANF) and SSI. If an adoptive parent dies, or a child is re-placed for adoption after an initial adoption dissolves, the bill also allows for adoption assistance to move with the child to his or her new adoptive family. Hopefully, this transferability can be extended to guardianship situations as well.

In addition, if HHS recommendations and certain House and Senate provisions become law, five more states will have an opportunity to run innovative demonstration projects through the Title IV-E waiver program. All three plans propose to raise the number of authorized waivers from 10 to 15.

Research Studies

As is common to many legislative proposals, all three initiatives provide for ongoing studies and record keeping. The House calls for a study about the use and viability of kinship care as a permanency alternative, and the development of outcome measures to assess states' use of Title IV-B

and IV-E programs. HHS proposes to compile an annual state-by-state report which will provide details on factors such as the number of foster children who are permanently placed, the length of time children spend in care, and the degree to which permanency decisions are made in a timely manner. HHS also plans to monitor the outcomes of several subsidized guardianship projects made possible through the Title IV-E waiver program.

Conclusion

NACAC congratulates the leadership on capital hill and in the White House for doing their part to make the safety and well-being of foster children a true priority. We are heartened by the widespread bipartisan support for child welfare system changes, because it demonstrates that leaders have come to understand the desperate plight of foster children who become lost in a system that too often elevates parental rights above children's welfare. With vocal support from constituents who appreciate the importance of legislation that promotes children's (and thus the nation's) best interests, elected officials can continue forward with their initiatives and pave the road for positive change. ☞

Teresa



Born in July of 1984, 12-year-old **Teresa** has a fun sense of humor and is generally friendly and engaging. She responds positively to adult attention, and likes to help with household chores...until she figures she has done her share. Emotionally, Teresa is a few years behind her actual age, and though a 6th grader, she works at a 4th grade level in a self-contained classroom. Because of her common sense, "people sense," and verbal skills, Teresa's mental limitations are not initially apparent. She tests in the moderate disability range, but functions in the mild to borderline range. Teresa needs a family that will accept her mental and developmental challenges and her history of abuse, and provide nurturing and structure. Though she is an affectionate child, Teresa needs time and must be allowed to set the pace on emotional closeness. She also needs to maintain contact with a brother who is in residential treatment in another state. While she is relieved to not be responsible for him anymore, she misses him and feels guilty about trying adoption without him. To learn more about Teresa, please contact Children Awaiting Parents, Inc. (CAP #6927), 700 Exchange St., Rochester, NY 14608; 716-232-5110. ☞

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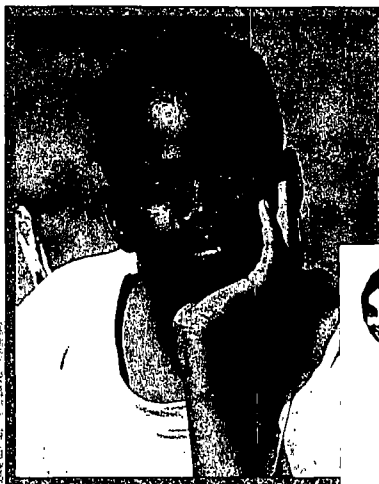
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A FRAMEWORK FOR FOSTER CARE REFORM

POLICY AND PRACTICE TO SHORTEN
CHILDREN'S STAYS



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