

**Upcoming DHHS Adoptions Events for
Possible Presidential/FLOTUS Participation**

June 1997

- ♦ Permanency Partnership Forum II - June 4-6th
- ♦ Father's Day - June 15th
(potential recognition of adoptive fathers)
- ♦ OPM - DHHS Adoption Fair - June 25th

September 1997

- ♦ Announcement of Adoption Opportunities Grant Awards
(Notice published in Federal Register - May 21, 1997;
Grant Awards by September 30th)

October 1997

- ♦ Announcement of preliminary state goals - Oct. 30th

November 1997

- ♦ National Adoption Month activities - ongoing
- ♦ Annual Awards to key contributors to national efforts
to support adoption and promote permanency for children
in the child welfare system - (date to be determined)
- ♦ Thanksgiving - November 27th
(potential Thanksgiving/Adoption event)

Additionally, an event can be designed around the passage of pending legislation.



Adoptalk

A Publication of the North American Council on Adoptable Children

Spring 1997

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 service). 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



Barrie Shibley

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.

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. ~

Federal Adoption Initiatives Move Forward *continued from page 1*

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. ~

Federal Adoption Initiatives Move Forward *continued from page 2*

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. ~



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

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TO: JENNIFER KLEIN

DATE: April 29, 1997

FROM: Alice Shuffield

RE: Adoption SAP

Attached is a copy of:

- 1) our draft SAP on H.R. 867 - the Adoption Promotion Act of 1997
- 2) the April 23rd HHS letter
- 3) the April 8th HHS testimony

We will aim to send our SAP up tomorrow morning. Please let me know if you recommend any changes or have any concerns. You can reach me at 5-9139.

THANKS!

DRAFT -- NOT FOR RELEASE

April 29, 1997
(House)

H.R. 867 - Adoption Promotion Act of 1997
(Rep. Camp (R) MI and 31 others)

The Administration ^{strongly} supports House passage of H.R. 867 and applauds the bipartisan manner in which the bill was developed. H.R. 867 will further Administration and congressional efforts to ensure the safety, permanency, and well-being of children in the child welfare system.

Pay-As-You-Go Scoring

H.R. 867 would affect direct spending; therefore, it is subject to the pay-as-you-go requirements of the Omnibus Budget and Reconciliation Act of 1990. OMB estimates that the net effect of the adoption assistance incentive payments and lower foster care payments would be zero in each of FYs 1999-2003.

* * * * *

(Do Not Distribute Outside the Executive Office of the President)

This position was developed by LRD (Haskins) in consultation with HRD (Fontenot/McKearn), BASD (Balis/Bavier), and OIRA (Bernstein/Bond). The Department of Health and Human Services (Wallace) and the Department of the Interior concur in this position. The Social Security Administration (Warner) had no objection to this position. The Departments of Justice (Jones) and the Treasury (Dorsey) as well as the Domestic Policy Council (Klein) had no comment.

Administration Position to Date

On April 8, 1997, the Department of Health and Human Services (HHS) testified in support of H.R. 867 before the House Human Resources Subcommittee. HHS also signaled its support for the bill in an April 23, 1997, letter to the House Ways and Means Committee.

Background

In a December 14, 1996, Executive Memorandum, the President asked HHS to devise new ways to simplify the adoption process and to move more children, at a faster rate, from foster care into permanent homes. After consulting with foster and adoptive parents, policy experts, and advocates at the national, State, and local levels, HHS submitted its *Adoption 2002* report to the President on February 12, 1997.

The *Adoption 2002* report examined the existing barriers to expedited placement of children from foster care homes into permanent homes. In particular, it focused on the varied interpretations of the current-law requirement to make "reasonable efforts" to reunify a child in foster care with his

or her family before adoption can be pursued for the child. The report also outlined a series of policy recommendations for meeting the President's directive to increase the number of permanent adoptions and challenged the Congress to pass legislation to help achieve this goal.

On February 27th, the House introduced H.R. 867. The bill incorporates many of the recommendations included in the *Adoption 2002* report. H.R. 867 was ordered reported by the House Committee on Ways on Means on April 23rd.

The Committee report on H.R. 867 is not yet available. The following summary is based on information provided by Ways and Means Committee staff.

Major Provisions of H.R. 867

"Reasonable Efforts". Under current law, States are required to make "reasonable efforts" prior to placement of a child in foster care to: (1) prevent or eliminate the need for removal of the child from his or her home; and (2) make it possible for the child to return to his or her home. H.R. 867 would clarify that States are not required to make "reasonable efforts" in cases in which a court has found that a child has been subjected to aggravated circumstances as defined in State law. These circumstances include cases of parental: (1) abandonment; (2) torture; (3) chronic abuse; (4) sexual abuse; (5) involuntary termination of parental rights with siblings; or (6) commission of murder or manslaughter of another child in the home.

Speedy Disposition of Children in Foster Care. Under current law, a child who has been in foster care for 18 months is entitled to a dispositional hearing to determine his or her future status (e.g., whether the child should be returned to his or her parents, remain in foster care for a specified period, be placed for adoption, or remain in permanent or long-term foster care). H.R. 867 would shorten to 12 months the length of time a child must be in foster care before the dispositional hearing is held. In addition, it would change the name of the hearings to "permanency hearings".

H.R. 867 also would require States to file a termination of parental rights petition with the court once a child under the age of 10 years has spent 18 out of the past 24 months in State foster care unless the court finds that: (1) adoption is not in the best interest of the child; (2) the child is under the care of a relative; or (3) services that the State deems appropriate for the family have not been provided. This provision would only apply to children who enter foster care on or after October 1, 1997.

Protections for Foster Parents and Relatives. H.R. 867 would provide protections for foster parents and relatives of children in foster care. For example, the bill would require States to notify foster parents and relatives providing foster care of reviews and hearings regarding a child's placement.

Documentation of Efforts to Find Children Adoptive Homes. H.R. 867 would require States to document the steps taken to: (1) find an adoptive or other permanent home for a child with a permanency goal of adoption or other permanent placement, including placement in the custody of another fit and willing relative; and (2) finalize the adoption or placement. Such documentation must include child-specific recruitment efforts such as the use of State, regional, and national adoption exchanges, including electronic exchange systems.

Adoption Incentive Payments. Similar to the President's FY1998 Budget proposal, H.R. 867 would authorize a per child incentive payment to States that increase their annual number of finalized adoptions from the foster care system above the base year (FY 1997). Qualifying States would be eligible to receive \$4,000 for each child with a finalized adoption, and an additional \$2,000 per child for each special needs adoption. These bonuses would be paid beginning in FY 1999 and would be available for use by States for any activity or service allowable under title IV-B or IV-E of the Social Security Act. The payments would be provided through a capped entitlement equal to a total of \$108 million for all the States, payable over five years.

Advisory Panel on "Kinship Care". H.R. 867 would create an Advisory Panel on Kinship Care with members to be appointed by HHS, in consultation with the Chairmen of the Committees on Ways and Means and Finance, not later than March 1, 1998. The panel would include: (1) parents; (2) former foster care children; (3) State and local public child welfare officials; (4) representatives of tribal governments and courts; (5) judges; and (6) academic experts. In addition, the bill would require HHS to submit a report on State practices regarding kinship care to the Advisory Panel by March 1, 1998.

Use of Federal Parent Locator Service. Under the Child Support Enforcement Program, HHS currently operates a Federal Parent Locator Service (FPLS) to find absent parents in order to enforce child support, custody, and visitation obligations. H.R. 867 would clarify that information from the FPLS may be used by State welfare agencies to determine child custody or visitation determinations.

Pay-As-You-Go Scoring

According to HRD (McKearn) and BASD (Balis/Bavier), H.R. 867 would affect direct spending; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget and Reconciliation Act of 1990. OMB, however, estimates that the net effect of the bill would be zero outlays in each of FYs 1999-2003 because reduced foster care payments would offset the outlays from any adoption incentives paid. CBO estimates that the net savings associated with H.R. 867 would be \$34 million during FYs 1998-2002.

LEGISLATIVE REFERENCE DIVISION DRAFT

April 29, 1997 - 1:50 pm

THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

APR 23 1997

The Honorable Bill Archer
Chairman, Committee on Ways and Means
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

We take this opportunity to inform you of the views of the Department of Health and Human Services on H.R. 867, the "Adoption Promotion Act of 1997". This legislation would further the President's efforts to ensure the safety, permanency and well-being of children in the child welfare system and we strongly support its enactment.

We would like to thank the Committee for its efforts to develop a bipartisan bill on adoption that incorporates many of the critical actions addressed in our Adoption 2002 report, which we submitted to the President at his request in February. As you know, Adoption 2002 responds to the President's December Executive Memorandum and takes its name from one of its central goals--to double by the year 2002 the number of children adopted or permanently placed each year. We strongly support H.R. 867's goal of providing greater clarity about what is meant by "reasonable efforts". In addition we applaud the inclusion of language requiring States to make "reasonable efforts" to secure a permanent home for children in foster care when adoption or another permanent placement, rather than reunification, is established as a goal.

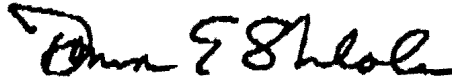
Further, we strongly support the goal of ensuring that timely permanency decisions are made for children who cannot return home. We would like to work with the Committee on language that would meet our shared goal of expeditious action to terminate parental rights when adoption is the determined goal for a child.

We are especially pleased that H.R. 867 incorporates the President's proposal to provide States with a financial bonus when they succeed in increasing the number of children who are adopted from the foster care system each year. We believe that this provides a concrete incentive to States for increasing the number of adoptions, but also pays for itself, with the cost of the bonuses offset by savings in foster care costs.

Page 2--The Honorable Bill Archer

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,


Donna E. Shalala



SENT BY:

4-29-97 :12:24PM :DHHS/OGC/LEGISLATION~

202 385 6148:# 2/15

DEPARTMENT OF HEALTH & HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES
Office of the Assistant Secretary, Suite 800
370 L'Enfant Promenade, S.W.
Washington, D.C. 20447

TESTIMONY

OF

**OLIVIA A. GOLDEN
ADMINISTRATION FOR CHILDREN AND FAMILIES
U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES**

BEFORE

**COMMITTEE ON WAYS AND MEANS
SUBCOMMITTEE ON HUMAN RESOURCES
UNITED STATES HOUSE OF REPRESENTATIVES**

APRIL 8, 1997

Mr. Chairman and Members of the Subcommittee,

I am pleased to appear before you today to discuss the Adoption Promotion Act of 1997.

This legislation would further our efforts to ensure the safety, permanency and well-being of children in the child welfare system and closely mirrors the goals set forth in our *Adoption 2002* proposal. On behalf of the Administration, I would like to commend the members of this Subcommittee and the bill's chief sponsors, Representatives Camp and Kennelly, for your interest in and dedication to improving child welfare services. The bipartisan Congressional attention and support being given to these issues in both the House and the Senate, coupled with the reforms and innovative practices being undertaken around the country, present us with an unprecedented opportunity to make a real difference in the lives of some of America's most vulnerable children.

The President's Adoption Initiative

President Clinton is committed to "giving the children waiting in our Nation's foster care system what every child in America deserves -- loving parents and a healthy, stable home." In his December directive on adoption to federal agencies, the President directed HHS to conduct wide consultations and report to him with specific recommendations on strategies to move children more quickly from foster care to permanent homes and to double the annual number of adoptions and other permanent placements over the next five years.

In response to the directive, the Department developed the report *Adoption 2002*, which reflects the bipartisan interest in and commitment to promoting adoption and strengthening permanency planning for children in the public child welfare system. To prepare this report, the Department consulted with state and local government officials, child welfare professionals, policy experts, advocates, and foster and adoptive parents at the national, state and local levels.

Through this process of consultation, we heard about many of the barriers to expediting permanency for children in foster care. Delays in making timely permanency decisions result from high caseloads for judges and caseworkers; incorrect beliefs and outdated assumptions about the adoptability of children; the limited pool of permanent families for children with special needs; and the varied interpretation of the "reasonable efforts" requirement to reunify a child in foster care with his or her birth family before another goal, such as adoption, can be pursued for the child.

Our report outlines an agenda to help overcome these barriers and to accelerate the path to permanency for all waiting children in the public child welfare system. First, the report articulates a guiding set of principles centered on the needs of the child in order to give direction to the overall agenda. These principles include: that every child deserves a safe, permanent family; that the child's health and safety should be the paramount considerations in all placement and permanency planning decisions; and that foster care is a temporary situation -- it is not an appropriate place for children to grow up. It establishes

unequivocally that the Federal goals for children in the child welfare system are safety, permanency, and well-being.

Our proposed agenda is multifaceted in order to address the broad range of barriers and challenges that exist in the child welfare system. The report presents strategies to establish, track, and meet State-by-State annual, numerical targets for adoptions and other permanent placements -- targets that will bring us to a national doubling of adoptions and permanent placements in the year 2002. To help States reach their targets, the Department commits to providing expanded technical assistance, rewarding States for incremental increases in adoption levels with per-child financial bonuses, and otherwise recognizing successful performance.

Perhaps most important, the report also addresses the need to clarify the "reasonable efforts" provision to make it clear that in determining whether and when to remove a child from his or her family and whether and when to reunify the family, Federal law requires that the child's health and safety shall be the paramount concern. It also calls for providing guidance to the States to emphasize that child health and safety must also be of primary concern when making decisions to terminate parental rights. Furthermore, the *Adoption 2002* report supports the passage of legislation that shortens the time before a child's first dispositional hearing -- the hearing in which a permanency decision is first made -- from 18 months to 12 months, and changes its name to "permanency planning hearing" to emphasize that the purpose of the hearing is to establish a definitive plan for permanent placement.

Provisions in H.R. 867

We are extremely pleased that H.R. 867, the Adoption Promotion Act, proposes many of these critical actions, including clarifying reasonable efforts, earlier dispositional hearings, performance targets, technical assistance and adoption bonuses.

Reasonable Efforts

Current Federal statute language requires that "reasonable efforts" be made both: (1) to prevent the unnecessary removal of children from their families, and (2) to reunify children, when possible, who have been placed in foster care with their families. The goal of the reasonable efforts provision is to prevent children from languishing unnecessarily in foster care and to avoid the unnecessary disruption of families.

The Adoption Promotion Act would unequivocally establish that the child's health and safety be of paramount concern in making placement and permanency decisions. We strongly support the legislation's goal of providing greater clarity about what is meant by "reasonable efforts." This change is critical because it has become clear that there is wide variation in how the current "reasonable efforts" law is interpreted by caseworkers, agencies, and judges around the country. We also believe it is necessary to provide illustrations of the circumstances in which concerns about a child's health and safety take precedence over family preservation or reunification.

We also strongly support two other provisions of H.R. 867, recommended in the Adoption 2002 report, that would help children who cannot go home move more quickly towards permanent homes. First, we support the inclusion of statutory language requiring States to make "reasonable efforts" to secure a permanent home for children in foster care when adoption or another permanent placement, rather than reunification, is established as a goal. Likewise, we support language that will clarify that States may concurrently work toward reunification and develop an alternative permanency plan, in the event that the child cannot safely be returned home.

We would, however, be interested in working with the Subcommittee to refine the legislative language used to achieve these objectives. In particular, we want to ensure that any list of circumstances be adequately described or defined and be considered illustrative, rather than all inclusive. We want to ensure that States retain the ability to make individualized case-by-case determinations. We also would want to ensure that the language provides the flexibility for states to protect the rights of non-offending parents in those cases where only one parent has harmed a child.

Earlier Dispositional Hearings

We applaud and endorse provisions that would change the timing and name of the initial dispositional hearings. We believe that renaming the hearings "permanency" hearings will send a signal that the purpose of these judicial reviews is to establish a definitive plan for

permanency for children in foster care. Requiring that these hearings be held within 12 months of the placement of a child in foster care, rather than the current 18 months, will help to ensure more timely decision making for all children in foster care. Implicit in this move to more timely decision-making, however, is the expectation that services be provided from the moment that the child enters care.

Performance Targets

Section 8 of the bill reflects an interest in moving forward with the development of outcome measures and the broad dissemination of State-level data on key indicators. This interest in outcomes supports implementation of the Government Performance and Results Act (GPRA) and builds on work we have already undertaken in this area.

Consistent with the President's Executive Memorandum, the Department has committed to issue an annual State-by-State report, beginning in the Spring of 1999, on the Nation's progress in meeting the adoption goals. The annual report will provide State-by-State figures on key measures of success including not only the number of children in foster care who are adopted or placed in guardianship, but measures that reflect the experience of children in the child welfare system, such as the length of time in care and the timeliness of permanency decisions.

In addition, through the revised child and family services monitoring strategy that we have been piloting with States, we are asking States to use data submitted to the Adoption and Foster Care Analysis and Reporting system (AFCARS), as well as to the National Child Abuse and Neglect Data System (NCANDS), to help assess their performance in achieving safety and permanency for children. Our approach is to help States assess their own performance, including strengths as well as deficiencies; to provide technical assistance; and to assist States to make ongoing changes and improvements. We believe that this approach, focusing on continuous improvement and tracking State performance over time, will prove more effective in achieving improved outcomes for children than a State ranking or rating system.

Technical Assistance

As reflected in *Adoption 2002*, the Administration believes that providing effective technical assistance to the States in a range of areas, including those mentioned in Section 10 of the bill, is critical to ensuring the success of our efforts to double the number of children who are adopted annually by the year 2002 and to improve the quality and timeliness of decision-making for all children in foster care. The President's budget for fiscal year 1998 requests \$10 million for technical assistance directed toward meeting the goals of the Adoption initiative. We appreciate the sponsors' support of this request.

Adoption Bonus

The centerpiece of the President's Adoption Initiative is a proposal to provide States with a financial bonus when they succeed in increasing the number of children who are adopted each year. We believe that this is an example of common-sense government, as it not only provides a concrete incentive to States for increasing the number of adoptions, but also pays for itself, with the cost of the bonuses offset by savings in foster care costs. We are very pleased that H.R. 867 includes provisions similar to the Administration's proposal for this adoption bonus.

However, we are very concerned about the funding authority for this provision. H.R. 867 would authorize Congress to appropriate funds for paying the bonuses each year. We believe that it is important to assure the States that the funds will be available to them throughout the five years during which the bonuses will be paid, since we are asking them to make long-term commitments to increasing the number of adoptions. We are in agreement with CBO that the bonus program will be cost neutral or will even save funds. We also support providing States with discretion to use the bonus funds in a manner that they determine best supports the needs of children in the child welfare system. We hope to work with you to develop language to assure funding to the States for this key provision to be used for a broad range of purposes.

There are only two provisions in H.R. 867 which raise concerns. We believe that we can work with the sponsors and the Subcommittee to modify these provisions to achieve our shared goal of permanency and health and safety for the child.

Requiring Initiation of Proceedings to Terminate Parental Rights

Section 5 of H.R. 867 establishes certain circumstances under which State agencies would be required to seek the termination of parental rights of a child who is in foster care. The Administration supports the goal of ensuring that timely permanency decisions are made for children who cannot return home. For those children for whom adoption has been established as a goal, filing for termination of parental rights or securing voluntary relinquishment of rights from the parents, is a key step in freeing children for adoption. However, if a goal other than adoption has been set, requiring termination of parental rights might not be in the best interest of the child.

Because it is the permanency goal for a child that should drive the decision to seek termination of parental rights, we would like to explore with you the development of an alternative proposal that would require States to move expeditiously to terminate parental rights once a judicial (permanency planning) determination has been made that adoption is the goal for a child. The Administration believes that this framework will serve children better than one that ties states' decisions to terminate parental rights to Federal standards

regarding either the age of the child or the length of time that the child has spent in foster care.

Notifying Foster Parent of Reviews and Hearings

We also have concerns with the provision in section 4, requiring that foster parents be given notification and an opportunity to be heard in reviews and hearings. We agree that foster parents play a key role in providing for the safety, permanency and well-being of children who have been removed from home. As the primary caregivers of children in out-of-home care, they have valuable firsthand knowledge that can help inform decisions made at administrative reviews and judicial hearings. However, we are concerned that the provision, by providing foster parents legal standing as a party to the case, places these parents in a position incongruent with their role as temporary caregivers of children. This provision could result in the creation of unnecessary adversarial relationships between foster parents and biological parents and/or between foster parents and the State child welfare agency. The Department proposes to address through policy guidance, rather than legislation, the importance of assuring input from foster parents in case planning, administrative reviews and judicial hearings.

Finally, we wanted to share some additional information with the Subcommittee as you consider two other provisions in the bill.

Report and Recommendations on Kinship Care

Section 6 of the bill calls for the establishment of an advisory panel and the collection of additional information on relative or kinship care. As you know, relatives, other than parents, increasingly play a role in caring for children, both in informal caretaking relationships and in kinship foster care arrangements. In 1990, it is estimated that just over 2 percent of U.S. children (about 1.4 million) lived in a relative's household without a parent present. However, only a small fraction of those children were in formal kinship foster care settings.

Congress recognized the important role of relatives when in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 it included a provision requiring the States to consider giving preference to relatives as caretakers for children eligible to receive foster care maintenance payments and adoption assistance subsidies under Title IV-E of the Social Security Act. Given the increasing role that relatives are likely to play in caring for children in the future, it is critical that we improve our understanding of the role of kin in providing either a temporary or permanent home for children.

The Department has already begun important work in this area that will address some of your issues and may help guide future policy development. We will soon release the findings of a study that examined several national and State-level data sources to describe the characteristics of both informal kinship care arrangements and kinship foster care. Later this

year, we will release the findings of a descriptive study of children placed in foster care with relatives. This study used interviews with State and county staff and reviews of case records in seven States to gather information on children in both kinship foster care and non-kinship foster care.

In addition, the Adoption and Foster Care Analysis and Reporting System (AFCARS) is now being implemented and has just begun to yield data improving our knowledge of children in foster care. While currently many States are not able to distinguish between relative and non-relative foster parents in their data, we do expect the data to improve over the next several years as States complete development of new automated child welfare information systems.

Finally, the Child Abuse Prevention and Treatment Act authorized funding demonstration projects in the area of kinship care. We expect to fund demonstration grants in this area in the future to improve our knowledge of the role of relatives in ensuring children's safety and permanency. Possible areas of exploration include issues around licensing and training kinship care providers.

We hope you find this information useful as you explore ways to address this critical area.

We will share with the Subcommittee the findings of these studies just as soon as they are finalized.

Expanding Use of the Federal Parent Locator Service

Section 7 of the bill addresses another proposal discussed in the *Adoption 2002* report, expanding the use of the Federal Parent Locator Service (FPLS). Currently, the FPLS is used by State child support enforcement officials. We propose to work with State child welfare and child support enforcement agencies to facilitate use of the FPLS to identify and locate absent parents of children in foster care. In this way, child welfare agencies may locate parents or other relatives who may be interested in providing a permanent home for a child in foster care. Even if an absent parent is unable to provide a home for the child, ruling out this alternative early in a child's placement will allow the agency and court to move expeditiously towards adoption or another permanent alternative. We believe that a legislative change in this area is not necessary because there is sufficient statutory authority to allow use of FPLS in child welfare cases.

Conclusion

On behalf of the Administration, I want to express our enthusiasm about the opportunity to enact bipartisan child welfare legislation during this Congress. Together we can work to improve significantly the lives of hundreds of thousands of children in our Nation's foster care system. Again, I commend the members of this Subcommittee for your leadership and I would be pleased to answer any questions you might have.

Statement on Adoption Promotion Act of 1997:

I congratulate the House of Representatives on the passage of H.R. 867, the Adoption Promotion Act of 1997. This bipartisan legislation will further our efforts to give the children waiting in the foster care system what every child in America deserves -- loving parents and a healthy, stable home.

The First Lady and I have had a continuing commitment to uniting these waiting children with families to teach, guide and care for them. In December, I directed the Department of Health and Human Services to come up with a strategy to simplify the adoption process and move more children more quickly from foster care into permanent homes. In response to this directive, HHS submitted *Adoption 2002*, a report which takes its name from one of its central goals -- to double by the year 2002 the number of children adopted or permanently placed each year.

The Adoption Promotion Act of 1997 incorporates many of the recommendations made in the Administration's report. I urge Congress to keep this important legislation moving forward.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

April 30, 1997
(House)

STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

H.R. 867 - Adoption Promotion Act of 1997 (Rep. Camp (R) MI and 31 others)

The Administration strongly supports House passage of H.R. 867 and applauds the bipartisan manner in which the bill was developed. H.R. 867 will further Administration and congressional efforts to ensure the safety, permanency, and well-being of children in the child welfare system.

Pay-As-You-Go Scoring

H.R. 867 would affect direct spending; therefore, it is subject to the pay-as-you-go requirements of the Omnibus Budget and Reconciliation Act of 1990. OMB estimates that the net effect of the adoption assistance incentive payments and lower foster care payments would be zero in each of FYs 1999-2003.

* * * * *

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
LEGISLATIVE AFFAIRS

PHONE: 395-4790 / FAX: 395-3729

TO: Jen Klein

DATE: 4/30

FROM:

____ CHUCK KIEFFER

____ CHUCK KONIGSBERG

____ LISA KOUNTOUPES

☒ ALICE SHUFFIELD

____ KATE DONOVAN

____ NANCY BRANDEL

Comments:

Adoption SAP - Final

FAX #:

PAGES:

PHONE NUMBER:

(includes cover page)

TO: Hillary Rodham Clinton
FROM: Jennifer Klein *J.K.*
DATE: 4/29/97
RE: Adoption Promotion Act of 1997

The Adoption Promotion Act of 1997 is scheduled to pass the House tomorrow, and the Administration will send a Statement of Administration Position strongly supporting the bill. The Administration testified in support of the bill on April 8 and signaled further support in a letter sent on April 23, before action by the House Ways and Means Committee. We have continued to note that the bill incorporates many of the recommendations in the President's *Adoption 2002* report.

Senators Chafee and Rockefeller are sponsoring a similar bill that has the support of the Finance Committee but has been scored by the Congressional Budget Office to cost over \$300 million. We do yet know what will happen in the Senate.

Jan - Please find out where this stands



House advances b'll to get abused children adopted

Drive to reunite families would be cut

By Cheryl Wetzstein
THE WASHINGTON TIMES

From birth until age 4, Jonathan's life was a nightmare: He was tied up and beaten with fists and coat hangers.

His little brother David was taken out to the curb to be picked up with the garbage.

Their baby brother, Clifford, had cigarette butts placed in his mouth.

Keeping these boys in the care of their natural mother "entails a risk of permanent harm so great as to require the immediate termination of parental rights," a Macomb County, Mich., prosecutor said in a statement issued sometime before August 1992, when the boys were placed with prospective adoptive parents Jim and Pam Williams of Birmingham, Mich.

Despite the sordid history, Michigan social workers tried numerous times to reunite the children with their mother, pulling the children from the Williamses in August 1993 and placing them in a series of foster homes and even a home for juvenile delinquents while they worked on reunification.

The Williamses went to the media with their story, and the children were returned to them in September 1993. The biological parents later agreed to terminate their parental rights.

But the Williamses still are awaiting the completion of their adoption — an eternity, especially since they were told in August 1992 "the adoption would take only three to four months," Mrs. Williams said.

The Williamses were in Washington yesterday to witness the House Ways and Means Committee's passage of an adoption-reform bill that was introduced by Republicans Dave Camp of Michigan and E. Clay Shaw Jr. of Florida and Democrat Barbara B. Kennelly of Connecticut.

The bill would clarify conditions under which states do not have to pursue reunification with biological parents, a distinction that Mr.

The bill would shorten the time to determine a child's permanency and reward states for increases in finalized adoptions.

Camp and the Williamses said would have helped their case.

Mr. Camp said social workers have been asked to make "reasonable efforts" to reunite families whose abused or neglected children have been placed in foster care.

"But in practice," Mr. Camp said, making a "reasonable effort" has become making "every effort."

The bill, which also would shorten the time to determine a child's permanency, would reward states for increases in finalized adoptions, and would call for numerous reports and demonstration projects, passed the House committee with unanimous support.

Later, Republican congressmen including House Speaker Newt Gingrich of Georgia introduced a child-abuse-prevention bill that would require hospitals to conduct drug tests on newborns.

Newborns who have been exposed to drugs or alcohol would be reported to state child protective services for further action.

Because infants could be removed from parents before they were further abused, mandatory testing "may well save a thousand more lives a year," said Mr. Gingrich, who noted that an estimated 2,000 children die each year from abuse and neglect.

Maureen Hogan, a spokeswoman for Adopt a Special Kid/America, a privately funded adoption placement and advocacy group for "special needs" children, noted that 95 percent of children in foster care "are there because of substance abuse by their parents."

Lott still mulling position on treaty

By Nancy E. Roman
THE WASHINGTON TIMES

The decision on the chemical weapons treaty today will be not only the most important foreign policy vote of this Congress, but will be critical to the foreign-policy reputation of Senate Majority Leader Trent Lott.

Mr. Lott, Mississippi Republican who is open to a presidential run in 2000, so far remains unde-

NEWS ANALYSIS

decided on the multinational treaty that would outlaw development, production, stockpiling, sale or use of chemical weapons.

That makes him the man of the hour since he can either kill the treaty or bring with him many of the 21 other GOP votes needed to reach two-thirds and ratify the treaty that President Clinton desperately wants approved.

The question is whether he wants to join party conservatives, who are more isolationist in general and fear the treaty will lead to sharing sensitive technology, or GOP internationalists such as retired Gen. Colin Powell and ex-presidential candidate Bob Dole.

"I'm going to do what I think is right based on my own judgment and conscience," the majority leader said. "I'm going to do what is right as best I can determine for my country. The politics of it will take care of itself."

The Mississippi Republican insisted yesterday that his decision will not be a measure of his overarching foreign-policy philosophy. But it will be difficult not to interpret it as a guide, given the significance of the vote.

While the Senate leader has a solid reputation for fiscal and social conservatism on domestic issues, his foreign-policy views are more difficult to characterize.

- He voted to bar military action in Haiti without Congress' authorization in 1994.

- He voted in 1994 to lift the arms embargo on Bosnia-Herzegovina, joining Mr. Dole who was Senate majority leader then, and Mr. Clinton.

- He voted against Mr. Dole and Mr. Clinton on sending troops to Bosnia, arguing that Bosnia asked that the embargo be lifted so they could fight for themselves.

An aide to Mr. Lott said neither the vote on Haiti nor against troops to Bosnia should be interpreted as isolationism but as "intelligent internationalism."

He is not a hard-core isolationist. He backed the Start and Start II arms treaties with the former Soviet Union. He also supported the Conventional Armed Forces in Europe Treaty in 1991 that dealt with arms reduction.

Baker Spring, a Heritage Foundation policy analyst, said those agreements met standards that the chemical pact does not: that the treaties be verifiable, enforceable, consistent with U.S. global status, not destabilize and not make arms control an end in itself. If approved, he said, the chemical pact is likely to need modification.

"If this goes through, what has been a pain-in-the-neck issue — one that is clearly dividing Republicans — will become a recurring theme for the remainder of the Congress," Mr. Spring said.

Mr. Lott yesterday sounded as though he was making it possible for him or at least 22 other Republicans to support the treaty. He repeatedly noted how far the administration has come in making changes in the agreement.

"I'm going to keep going for every change I can possibly get," said Mr. Lott of the treaty that many conservatives in his party believe puts a desire for world amity ahead of national interest.

The Washington Times
THURSDAY, APRIL 24, 1997

PHOTOCOPY
HRC HANDWRITING

TO: Hillary Rodham Clinton
FROM: Jennifer Klein
DATE: 4/29/97
RE: Adoption Promotion Act of 1997

The Adoption Promotion Act of 1997 is scheduled to pass the House tomorrow, and the Administration will send a Statement of Administration Position strongly supporting the bill. The Administration testified in support of the bill on April 8 and signaled further support in a letter sent on April 23, before action by the House Ways and Means Committee. We have continued to note that the bill incorporates many of the recommendations in the President's *Adoption 2002* report.

Senators Chafee and Rockefeller are sponsoring a similar bill that has the support of the Finance Committee but has been scored by the Congressional Budget Office to cost over \$300 million. We do yet know what will happen in the Senate.

DRAFT - NOT FOR RELEASE

April 1997
(House)

H.R. 867 - Adoption Promotion Act of 1997
(Rep. Camp (R) MI and 21 others)

The Administration supports House passage of H.R. 867 and applauds the bipartisan manner in which the bill was developed. H.R. 867 will further Administration and congressional efforts to ensure the safety, permanency, and well-being of children in the child welfare system.

Pay-As-You-Go

H.R. 867 would affect direct spending; therefore, it is subject to the pay-as-you-go requirements of the Omnibus Budget and Reconciliation Act of 1990. OMB's scoring estimate of the bill is under development.

* * * * *

(Do Not Distribute Outside the Executive Office of the President)

This position was developed by LRD (Haskins) in consultation with HRD (),

Administration Position to Date

On April 8, 1997, the Department of Health and Human Services (HHS) testified in support of H.R. 867 before the House Human Resources Subcommittee. HHS also signaled its support for the bill in an April 23, 1997, letter to Chairman Archer of the House Ways and Means Committee.

Background

On December 14, 1996, the President called upon HHS in an Executive Memorandum to devise new ways to simplify the adoption process and to move more children, at a faster rate, from foster care into permanent homes. After consulting with foster and adoptive parents, policy experts, and advocates at the national, State, and local levels, HHS submitted its *Adoption 2002* report to the President on February 12, 1997.

The *Adoption 2002* report: (1) examined the existing barriers to expediting the placement of children from foster care homes into permanent ones, including the varied interpretations of the current-law requirement to make "reasonable efforts" to reunify a child in foster care with his or her family before adoption can be pursued for the child; and (2) outlined a series of policy recommendations for meeting the President's challenge to increase the number of permanent

adoptions. In addition, it challenged the Congress to pass legislation to speed the child welfare system adoption process while maintaining child protections.

On February 27th, the House introduced H.R. 867. The bill, as approved by the House Ways and Means Committee, incorporates many of the recommendations included in HHS' *Adoption 2002* report. H.R. 867 was ordered reported by the House Committee on Ways and Means on April 23rd.

The Committee report on H.R. 867 is not yet available. The following summary is based on information provided by Ways and Means Committee staff.

Major Provisions of H.R. 867

"Reasonable Efforts." Under current law, States are required to make "reasonable efforts" prior to placement of a child in foster care to: (1) prevent or eliminate the need for removal of the child from his or her home, and (2) make it possible for the child to return to his or her home. H.R. 867 would clarify that States are not required to make "reasonable efforts" in cases in which a court has found that a child has been subjected to aggravated circumstances as defined in State law. These circumstances include cases of parental: (1) abandonment; (2) torture; (3) chronic abuse; (4) sexual abuse; (5) involuntary termination of parental rights with siblings; or (6) commission of murder or manslaughter of another child in the home.

Termination of Parental Rights. H.R. 867 would require States to file a termination of parental rights petition with a court in the case of child under the age of 10 years who has spent 18 out of the previous 24 months in State foster care. The timetable for initial hearings for children removed from their homes would be shortened from 18 to 12 months. The bill would provide protections for foster parents and relatives to ensure that they were notified of these hearings and able to testify at them. H.R. 1048 also would require States to document the steps taken to find and finalize an adoptive or other permanent home for a child, including placement of the child in the custody of another fit and willing relative.

Adoption Incentive Payments. Similar to the President's FY1998 budget proposal, H.R. 867 would authorize a per child incentive payment to States that increase their annual number of finalized adoptions from the foster care system above the base year (FY 1997). Qualifying States are eligible to receive \$4,000 for each child with a finalized adoption, and an additional \$2,000 per child for each special needs adoption. These bonuses would be paid beginning in 1999 and would be available for use by States for any activity or service allowable under title IV-B or IV-E of the Social Security Act. The payments, however, would be provided through a capped entitlement equal to a total of \$108 million, payable over five years.

Advisory Panel on "Kinship Care." H.R. 867 would create an Advisory Panel on Kinship Care with members to be appointed by HHS, in consultation with the Chairmen of the Committees on Ways and Means and Finance, not later than March 1, 1998. The panel would include: (1)

parents; (2) former foster care children; (3) State and local public child welfare officials; (4) representatives of tribal governments and courts; (5) judges; and (6) academic experts. In addition, the bill would require HHS to submit a report on State practices regarding kinship care to the Advisory Panel by March 1, 1998.

Use of Federal Parent Locator Service. Under the Child Support Enforcement Program, HHS operates a Federal Parent Locator Service (FPLS) to be used to find absent parents in order to enforce child support, custody, and visitation obligations. H.R. 867 would clarify that information from the FPLS may be used by State welfare agencies to determine child custody or visitation determinations.

Pay-As-You-Go Scoring

According to HRD (), H.R. 867 would affect direct spending; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget and Reconciliation Act of 1990. OMB's scoring estimate of the bill is under development.

LEGISLATIVE REFERENCE DIVISION DRAFT
April 1997 -

FAX COVER



Income Maintenance Branch

Office of Management and Budget
Executive Office of the President
Washington, D.C. 20503



To:

Jennifer Klein

Organization:

Fax Number:

6-2878

From:

Matthew McKenna

Date/Time:

Number of Pages:

Cover +

4

Notes:

Attached are the pages of H.R. 867 that clarify the "Reasonable Efforts" requirement. I saved the rest of the bill, but it was 25 pages. Let me or Melinda know if you have any concerns.

*Thanks.**Matthew*

Income Maintenance Fax Number: (202) 395-0851
Voice Confirmation: (202) 395-4686

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 867**

OFFERED BY MR. CAMP AND MRS. KENNELLY

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 "Adoption Promotion Act of 1997".

4 (b) TABLE OF CONTENTS.—The table of contents of
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Clarification of the reasonable efforts required to be made before placing a child in foster care.
- Sec. 3. States required to initiate or join proceedings to terminate parental rights for certain children in foster care.
- Sec. 4. Adoption incentive payments.
- Sec. 5. Earlier status reviews and permanency hearings.
- Sec. 6. Notice of reviews and hearings; opportunity to be heard.
- Sec. 7. Documentation of reasonable efforts to adopt.
- Sec. 8. Kinship care.
- Sec. 9. Use of the Federal Parent Locator Service for child welfare services.
- Sec. 10. Performance of States in protecting children.
- Sec. 11. Authority to approve more child protection demonstration projects.
- Sec. 12. Technical assistance.
- Sec. 13. Coordination of substance abuse and child protection services.
- Sec. 14. Clarification of eligible population for independent living services.
- Sec. 15. Effective date.

6 SEC. 2. CLARIFICATION OF THE REASONABLE EFFORTS RE-
7 QUIRED TO BE MADE BEFORE PLACING A
8 CHILD IN FOSTER CARE.

9 (a) IN GENERAL.—Section 471(a)(15) of the Social
10 Security Act (42 U.S.C. 671(a)(15)) is amended to read
11 as follows:

2

1 “(15)(A) provides that—

2 “(i) except as provided in clauses (ii) and
3 (iii), reasonable efforts shall be made—

4 “(I) before a child is placed in foster
5 care, to prevent or eliminate the need to
6 remove the child from the child's home;
7 and

8 “(II) to make it possible for the child
9 to return home;

10 “(ii) if continuation of reasonable efforts of
11 the type described in clause (i) is determined to
12 be inconsistent with the permanency plan for
13 the child, reasonable efforts of the type required
14 by clause (iii)(II) shall be made;

15 “(iii) if a court of competent jurisdiction
16 has determined that the child has been sub-
17 jected to aggravated circumstances (as defined
18 by State law, which definition may include
19 abandonment, torture, chronic abuse, and sex-
20 ual abuse) or parental conduct described in sec-
21 tion 106(b)(2)(A)(xii) of the Child Abuse Pre-
22 vention and Treatment Act, or that the paren-
23 tal rights of a parent with respect to a sibling
24 of the child have been terminated involuntar-
25 ily—

1 “(I) reasonable efforts of the type de-
2 scribed in clause (i) shall not be required
3 to be made with respect to any parent of
4 the child who has been involved in subject-
5 ing the child to such circumstances or such
6 conduct, or whose parental rights with re-
7 spect to a sibling of the child have been
8 terminated involuntarily; and

9 “(II) if reasonable efforts of the type
10 described in clause (i) are not made or are
11 discontinued, reasonable efforts shall be
12 made to place the child for adoption, with
13 a legal guardian, or (if adoption or legal
14 guardianship is determined not to be ap-
15 propriate for the child) in some other
16 planned, permanent living arrangement;
17 and

18 “(iv) reasonable efforts of the type de-
19 scribed in clause (iii)(II) may be made concu-
20 rently with reasonable efforts of the type de-
21 scribed in clause (i); and

22 “(B) in determining the reasonable efforts
23 to be made with respect to a child and in mak-
24 ing such reasonable efforts, the child's health
25 and safety shall be of paramount concern;”.

1 (b) CONFORMING AMENDMENT.—Section 472(a)(1)
2 of such Act (42 U.S.C. 672(a)(1)) is amended by inserting
3 “for a child” before “have been made”.

4 SEC. 9. STATES REQUIRED TO INITIATE OR JOIN PROCEED-
5 INGS TO TERMINATE PARENTAL RIGHTS FOR
6 CERTAIN CHILDREN IN FOSTER CARE.

7 (a) IN GENERAL.—Section 475(5) of the Social Secu-
8 rity Act (42 U.S.C. 675(5)) is amended—

9 (1) by striking “and” at the end of subpara-
10 graph (C);

11 (2) by striking the period at the end of sub-
12 paragraph (D) and inserting “; and”; and

13 (3) by adding at the end the following:

14 “(E) in the case of a child who has not at-
15 tained 10 years of age and has been in foster
16 care under the responsibility of the State for 18
17 months of the most recent 24 months, the State
18 shall file a petition to terminate the parental
19 rights of the child's parents (or, if such a peti-
20 tion has been filed by another party, seek to be
21 joined as a party to the petition), unless—

22 “(i) at the option of the State, the
23 child is being cared for by a relative;

24 “(ii) a State court or State agency
25 has documented a compelling reason for

The Honorable Bill Archer
Chairman, Committee on Ways and Means
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

We take this opportunity to inform you of the views of the Department of Health and Human Services on H.R. 867, the "Adoption Promotion Act of 1997". This legislation would further our efforts to ensure the safety, permanency and well-being of children in the child welfare system and we strongly support its enactment.

We would like to thank the Committee for its efforts to develop a bipartisan bill on adoption that incorporates many of the critical actions addressed in our Adoption 2002 report. We strongly support the legislation's goal of providing greater clarity about what is meant by "reasonable efforts" and the inclusion of language requiring States to make "reasonable efforts" to secure a permanent home for children in foster care when adoption or another permanent placement, rather than reunification, is established as a goal.

Further, we support the goal of ensuring that timely permanency decisions are made for children who cannot return home. We would like to work with the Committee on language which would meet our shared goal of expeditious action to terminate parental rights when adoption is the determined goal for a child.

We are especially pleased that H.R. 867 incorporates the President's proposal to provide States with a financial bonus when they succeed in increasing the number of children who are adopted from the foster care system each year. We believe that this provides a concrete incentive to States for increasing the number of adoptions, but also pays for itself, with the cost of the bonuses offset by savings in foster care costs.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

Donna E. Shalala

Total Pages: 3

LRM ID: MDH60

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Monday, April 21, 1997

URGENT

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below
FROM: Janet R. Forsgren (for) Assistant Director for Legislative Reference
OMB CONTACT: Melinda D. Haskins
PHONE: (202)395-3923 FAX: (202)395-6148
SUBJECT: HHS Report on HR867 Adoption Promotion Act of 1997

DEADLINE: 4:00 PM Monday, April 21, 1997

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: HHS has requested that OMB provide it with clearance to transmit the attached letter on H.R. 867 today. The House Ways and Means Committee will mark up the bill on Wednesday, April 23rd.

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