

Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	Vivian Ortiz to Jennifer Klein re White House Clearance Information [Personally Identifiable Information] [partial] (1 page)	05/19/1997	b(6)

COLLECTION:

Clinton Presidential Records
First Lady's Office
Jennifer Klein
OA/Box Number: 13525

FOLDER TITLE:

SAFE [Safe Adoptions and Family Environments] Act [1]

2014-0536-S

kc1463

RESTRICTION CODES**Presidential Records Act - [44 U.S.C. 2204(a)]**

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

August 15, 1997

Dear Senator:

The 326 national, state and local organizations listed below write to ask for your support of the Safe Adoptions and Family Environments (S.A.F.E.) Act, S. 511. The S.A.F.E. Act takes important steps forward to keep children safe and in permanent families. Please co-sponsor S. 511, if you have not already, and help ensure that it gets enacted this year.

While we were disappointed that the S.A.F.E. Act was not included in the Finance Committee's Budget Reconciliation bill due to procedural objections, we were encouraged by the discussion in the Committee about help to find funds for the bill and about efforts to consider it together with other adoption bills pending in the Senate.

S. 511 makes critical improvements to the House-passed adoption bill and will help to ensure that adoption is really promoted for children. S. 511 helps waiting children be adopted more quickly by extending federal adoption assistance to more children with special needs. S. 511 expands funds for much needed substance abuse treatment, and domestic violence and mental health services for children and parents and training for court staff so that appropriate decisions about adoption or other permanent homes for children can be made in a timely fashion. S. 511 also addresses the safety of children placed with adoptive families, as well as foster families and group care providers.

Close to one million children were abused or neglected in 1995, about one in five of whom were infants or toddlers, and an estimated 483,000 children were in foster care. Approximately 100,000 of those children in care -- at least two-thirds of whom have physical, mental or emotional disabilities -- were awaiting adoption or other permanent homes. These children need your help now. Thank you.

Abbott House, Irvington, NY
Adoption Alliance, Aurora, CO
The Adoption Exchange
Adoption Exchange Association
Adoption Support Group of Coastal Mississippi
Advocates for Children & Youth, Inc., Baltimore, MD
AIDS Resource Foundation for Children, New Jersey
Alabama Chapter, National Association of Social Workers
Alliance for South Carolina's Children
Alternative Homes for Youth, Wheat Ridge, CO
American Academy of Child & Adolescent Psychiatry
American Adoption Congress
American Association of Children's Residential Centers
American Association of Psychiatric Services for Children
American Baptist Churches, USA
American Children's Home, Lexington, NC
American Counseling Association
American Humane Association

American Professional Society on the Abuse of Children
 American Psychological Association
 American Red Cross
 The Arc
 Arizona Chapter, National Association of Social Workers
 Arizona Chapter, National Committee to Prevent Child Abuse
 Arkansas Advocates for Children & Families
 Arkansas Chapter, National Association of Social Workers
 Association of Jewish Family & Children's Agencies
 Baker Victory Services, Lackawanna, NY
 Bazelon Center for Mental Health Law
 Bellefaire Jewish Children's Bureau, Shaker Heights, OH
 Bellewood Presbyterian Home for Children, Anchorage, KY
 Berea Children's Home & Family Services, Berea, OH
 Bethany Children's Home, Womelsdorf, PA
 Bethany Christian Services, Grand Rapids, MI
 Board of Child Care of the Baltimore, Washington and Delaware Conferences, Baltimore, MD
 Boys and Girls Republic, Farmington Hills, MI
 Boys and Girls Town of Missouri
 Boys Hope Girls Hope
 Boys Town
 Boys' Village, Inc., Smithville, OH
 Brookwood Child Care, Brooklyn, NY
 Buckner Children and Family Services, Inc., Dallas, TX
 Burlington United Methodist Family Services, Inc., WV
 California Association of Services for Children
 California Chapter, National Association of Social Workers
 Catholic Charities of Archdiocese of Denver, CO
 Catholic Charities, MS
 Catholic Charities, U.S.A.
 Catholic Community Services, Colorado Springs, CO
 Catholic Social Services of Wayne County, Detroit, MI
 Cayuga Home for Children, Auburn, NY
 Center for Child & Family Services, Inc., Hampton, VA
 The Center for Drug-Free Living, Inc., Orlando, FL
 Center for Families and Children, Cleveland, OH
 Center for Family Life in Sunset Park, Brooklyn, NY
 Center for the Study of Social Policy
 Child Abuse Prevention of Tennessee, Inc.
 Child and Family, Inc., Knoxville, TN
 Child Welfare League of America
 Children's Action Alliance, AZ
 Children's Aid and Family Services Inc., Essex, Bergen, Passaic, Morris, and Hudson Ctys., NJ
 Children's Alliance, KY
 Children's Defense Fund
 Children's Defense Fund -- Minnesota
 Children's Defense Fund -- New York
 Children's Defense Fund -- Ohio

Children's Friend and Service, RI
 Children's Home and Aid Society of Illinois
 The Children's Home of Lubbock, Lubbock TX
 Children's Home of Reading, PA
 Children's Home of Wheeling, Wheeling, WV
 Children's Home of York, PA
 Children's Home Society of Florida, Jacksonville, FL
 Children's House, Inc., Mineola, NY
 Children's Institute International, Los Angeles, CA
 The Children's Village, New York
 Children Awaiting Parents
 Children & Families of Iowa
 Children First for Oregon
 Children, Youth & Family Council, Philadelphia, PA
 CHINS UP Youth and Family Services, Colorado Springs, CO
 Citizen's Committee for Children of New York, Inc., NY
 Citizens for Missouri's Children
 Coalition for Family & Children's Services in Iowa
 Coalition for Juvenile Justice
 Coalition for Mississippi's Children
 Coleman Advocates for Children and Youth, San Francisco, CA
 Congregations for Children, MS
 Connecticut Chapter, National Association of Social Workers
 Connecticut Council of Family Service Agencies, Inc.
 Covenant Children's Home and Family Services, Princeton, IL
 Covenant House
 Crossnore School, Inc., Crossnore, NC
 DC Action for Children, Washington, DC
 DC Children's Trust Fund, Washington, DC
 Delaware Chapter, National Association of Social Workers
 Eagle Village, Hersey, MI
 El Pueblo Boys' and Girls' Ranch, Inc., Pueblo, CO
 Eliada Homes and Services for Children, Inc., Asheville, NC
 The Episcopal Church
 The Evan B. Donaldson Adoption Institute
 Fairbanks Counseling and Adoption, Fairbanks, AK
 Families First, Atlanta, GA
 The Family Advocacy Center, Inc., Madisonville, KY
 Family & Child Services of Washington, DC, Homes for Black Children
 Family & Children's Services, Inc., Chaparral Maternity & Adoption, NM
 Family & Children's Services, Inc., Fort Wayne, IN
 Family & Community Services of Somerset County, Boundbrook, NJ
 Family Builders by Adoption, Oakland, CA
 Family Counseling Agency, Tuscon, AZ
 Family Counseling Center of Central Georgia
 Family Counseling Service, Camden, NJ
 Family Enrichment Center, Bowling Green, KY
 The Family Extension, Inc., Longmont, CO

Family Resources, Inc., IA and IL
 Family Service & Child Guidance Center, Orange, NJ
 Family Service Agency of Burbank, CA
 Family Service America
 Family Service Association of Beloit, WI
 Family Service Association of Brown County, Green Bay, WI
 Family Service Association of Greater Tampa, Inc., FL
 Family Service Association of Howard County, Inc., Vokomo, IN
 Family Service Association of LaPorte County, Inc., Michigan City, IN
 Family Service Association of New Jersey
 Family Service Association of Wyoming Valley, Wilkes-Barre, PA
 Family Service Council of California
 Family Service Council of Indiana
 Family Service Council of Ohio
 Family Service Mid-Peninsula, Palo Alto, CA
 Family Service of Chester County, Westchester, PA
 Family Service of El Paso, TX
 Family Service of Greater New Orleans, LA
 Family Service of Northwest Ohio, Toledo, OH
 Family Service of Roanoke Valley, Roanoke, VA
 Family Services Center, Huntsville, AL
 Family Services of Beaumont, TX
 Family Services of Cecil County, Inc., Elkton, MD
 Family Services of the Mid-South, Memphis, TN
 Family Services, Akron, OH
 Family Services, Inc., Winston-Salem, NC
 The Family Source of Florida
 Family Support Network, St. Louis, MO
 Father Maloney's Boys' Haven, Louisville, KY
 Florida Chapter, National Association of Social Workers
 Foster Family-based Treatment Association
 Friends of the Family, Inc., MD
 Gateway-Longview, Inc., Williamsville, NY
 The General Board of Church and Society, the United Methodist Church
 General Federation of Women's Clubs
 Georgia Chapter, National Association of Social Workers
 Georgia Council on Child Abuse
 Gibault School for Boys, Terre Haute, IN
 Girl Scouts of the U.S.A.
 Good Shepherd Services, New York, NY
 Gustavus Adolphus Children's Home, Jamestown, NY
 Harriet Tubman Family Living Center, New York, NY
 Hawaii Chapter, National Association of Social Workers
 Hoosier Boys' Town, Schererville, IN
 Human Services, Inc., Denver, CO
 Idaho Chapter, National Association of Social Workers
 Illinois Chapter, National Association of Social Workers
 Indiana Chapter, National Association of Social Workers

Institute for Peace and Justice
 Inwood House, New York, NY
 Iowa Chapter, National Association of Social Workers
 Jewish Board of Family & Children's Services, New York, NY
 Jewish Children's Adoption Network
 Jewish Family Service -- Adoption Options of Rhode Island
 Jewish Family Service, Akron, OH
 Jewish Family Service of Bergen County, Teaneck, NJ
 Jewish Family Service of Metrowest, Framingham, MA
 Jewish Family Service, Houston, TX
 Jewish Family Services, Inc., Milwaukee, WI
 Jewish Reconstructionist Federation
 Jewish Women International
 Julia Dyckman Andrus Memorial, Inc., Yonkers, NY
 Kansas Chapter, National Association of Social Workers
 Kentucky Baptist Homes for Children, Louisville, KY
 Kentucky Chapter, National Association of Social Workers
 Kentucky Council on Child Abuse, Inc.
 Kids in Common, San Jose, CA
 Klingberg Family Centers, New Britain, CT
 Lakeside Family & Children's Services, Spring Valley, NY
 Legal Action Center
 Lilliput Children's Services, Stockton, CA
 Los Angeles Section, National Council of Jewish Women, CA
 Louisiana Chapter, National Association of Social Workers
 Louisiana Council on Child Abuse
 Lutheran Office for Governmental Affairs, ELCA
 Lutheran Services of America
 Lutheran Social Services of the South, Inc., Texas
 Maine Chapter, National Association of Social Workers
 Maryland Chapter, National Association of Social Workers
 Maryland Chapter of the National Committee for the Rights of the Child
 Massachusetts Advocacy Center
 Massachusetts Chapter, National Association of Social Workers
 Massachusetts Committee for Children & Youth
 Michigan Chapter, National Association of Social Workers
 Michigan Federation of Private Child & Family Agencies
 Ministers For Adoption, Jackson, MS
 Minnesota Chapter, National Association of Social Workers
 Mississippi Chapter, National Association of Social Workers
 Mississippi Conference on Social Welfare
 Missouri Alliance for Children and Families
 Missouri Chapter, National Association of Social Workers
 Missouri Child Care Association
 Montana Chapter, National Association of Social Workers
 Moore Community House, Biloxi, MS
 Murchie House for Girls, Traverse City, MI
 National Adoption Center

National Alliance of Children's Trust and Prevention Funds
National Association of Child Advocates
National Association of Counsel for Children
National Association of Counties
National Association of Foster Care Reviewers
National Association of Homes and Services for Children
National Association of Psychiatric Treatment Centers for Children
National Association of School Psychologists
National Association of Social Workers
National Association of State Associations for Children
National Benevolent Association
National Black Child Development Institute
National Center for Prosecution of Child Abuse
National Collaboration for Youth
National Committee to Prevent Child Abuse
National Committee to Prevent Child Abuse, NY
National Council for Community Behavioral Healthcare
National Council of Jewish Women
National Court Appointed Special Advocates Association
National Education Association
National Exchange Club Foundation for the Prevention of Child Abuse
National Foster Parents Association
National Mental Health Association
National Respite Coalition
Nebraska Chapter, National Association of Social Workers
NETWORK: A National Social Justice Lobby
Nevada Chapter, National Association of Social Workers
New Alternatives for Children, New York, NY
New Hampshire Chapter, National Association of Social Workers
New Jersey Chapter, National Association of Social Workers
New Mexico Chapter, National Association of Social Workers
New York City Chapter, National Association of Social Workers
New York Council on Adoptable Children, New York, NY
New York Foundling Hospital
New York State Chapter, National Association of Social Workers
New York State Citizen's Coalition for Children, Inc.
North American Council on Adoptable Children
North Carolina Chapter, National Association of Social Workers
North Carolina Child Advocacy Institute
North Dakota Chapter, National Association of Social Workers
North Dakota Committee to Prevent Child Abuse
Northeast Parent and Child Society, Schenectady, NY
Northern Tier Children's Home, PA
Northwest Children's Home, Inc., Lewiston, ID
Ocean State Adoption Resource Exchange, RI
Ohel Children's Home & Family Services, NY
The Ohio Association of Child Caring Agencies
Ohio Chapter, National Association of Social Workers

Oklahoma Chapter, National Association of Social Workers
 Oklahoma United Methodist Circle of Care, Inc., Oklahoma City, OK
 Pacific Lodge Youth Services, Woodland Hills, CA
 Parents Anonymous
 Parents Anonymous of Murray & Calloway County, Murray, KY
 Pax Christi, U.S.A.
 Pennsylvania Chapter, National Association of Social Workers
 People Against Child Abuse, Inc., MD
 People of Color Leadership Institute
 Personal & Family Counseling Services of Tuscarawas Valley, Inc., Dover, OH
 Philadelphia Citizens for Children & Youth, PA
 Presbyterian Children's Services, Inc., MO
 Presbyterian Home for Children, Talladega, AL
 Presbyterian Home and Family Services, Inc., Lynchburg, VA
 Prevent Child Abuse -- Illinois
 Prevention of Child Abuse -- Indiana Chapter
 Project STAR/The Rehabilitation Institute, Pittsburgh, PA
 Resource Center for Parents & Children, Fairbanks, AK
 Rhode Island Chapter, National Association of Social Workers
 Rhode Island Foster Parent Association
 Robins' Nest, Inc., Glassboro, NJ
 Rosemary Children's Services, Pasadena, CA
 The Salvation Army, Social Services for Children, New York, NY
 The Salvation Army, Syracuse Area Services, Syracuse, NY
 Sheriffs Youth Programs of Minnesota
 Shiloh Home, Inc., Littleton, CO
 Sipes Orchard Home, Inc., Conover, NC
 Society for Children and Families, Staten Island, NY
 The Source Child Care Center, Mountlake Terrace, WA
 South Carolina Chapter, National Association of Social Workers
 Southern Christian Services for Children and Youth, MS
 Special Adoption Family Services, MA
 Spence-Chapin
 Spence-Chapin Services to Families and Children, New York, NY
 St. Aemilian-Lakeside, Inc., Milwaukee, WI
 St. Joseph's Indian School, Chamberlain, SD
 St. Mary's Children and Family Services, Syosset, NY
 St. Rose Residence, Milwaukee, WI
 St. Vincent's Services, Brooklyn, NY
 State Communities Aid Association, Albany, NY
 Steinway Child & Family Services, Inc., Long Island City, NY
 Talbot Perkins Children's Services, New York, NY
 Tarrant County Youth Collaboration, Fort Worth, TX
 Tennessee Chapter, National Association of Social Workers
 Texas Chapter, National Association of Social Workers
 Thornwell Home for Children, Clinton, SC
 Tressler Lutheran Services, Special Needs Adoption Program, PA, DE, and MD
 Utah Chapter, National Association of Social Workers

United Church of Christ, Office for Church in Society
University of Vermont, Department of Social Work
Vera Lloyd Presbyterian Home and Family Services, Little Rock, AR
Vermont Chapter, National Association of Social Workers
The Village for Families & Children, Hartford, CT
The Villages of Indiana, Inc.
Voice for Adoption
Voices for Illinois Children
WAIF, Inc.
West Virginia Chapter, National Association of Social Workers
West Virginia Department of Health and Human Resources
Wisconsin Chapter, National Association of Social Workers
Wisconsin Committee to Prevent Child Abuse
Wyndham Lawn Home for Children, Lockport, NY
Yellowstone Treatment Centers, Inc., Billings, MT
Youth Services for Stephen County, Duncan, OK
Y.W.C.A. of Monroe, LA
Y.W.C.A. of the U.S.A.
Zero to Three

United States Senate
WASHINGTON, DC 20510-4802

Jen -
I've been meaning
to give you this.
-BR

May 13, 1997

Dear ~~Bruce~~, *Bruce*,

I wanted to alert you and your staff about my efforts with Senator Chafee to make a real difference for children by improving federal child welfare programs for abused and neglected children.

This letter is to call your attention to the Chafee-Rockefeller SAFE Act, a pending bill to clarify reasonable efforts, encourage adoptions, and strengthen services for abused and neglected children who, based on their permanency hearing, are to be reunified with their families safely.

Senator Chafee and I began working on this initiative during the last Congress as an alternative to the House Republican plan to block grant all child welfare programs and eliminate the entitlement to foster care under welfare reform. Given the fact that more than twenty states are under court order for inadequate efforts to protect abused and neglected children, we strongly felt that a state block grant was the wrong approach to protect such vulnerable children, and stopped this block grant last year. But we also acknowledge the desperate need to improve the federal child welfare system.

Our goal is to work on our legislation in the Senate as part of reconciliation, then merge our initiative with the bipartisan adoption bill passed by the House. If we combine our efforts, we can develop a strong bipartisan, bicarmel approach that will have tremendous support and help abused and neglected children, across the entire continuum of care, including prevention and training, services to help reunify families, but only when safe and appropriate, and adoption.

The leadership of the Administration on adoption is vital. I hope you will review and consider some of our special initiatives to encourage adoptions, just as I am reviewing the Administration bonus incentives.

Mr. Bruce Reed
May 13, 1997
page 2

But I also hope we can work together to develop initiatives to help all of the nearly half a million children in foster care, including the 400,000 that are expected to return home or into kinship care, as well as the 100,000 children who have adoption in their permanency plan. I am sure you agree with Senator Chafee and I that every child deserves a safe, permanent home, and we need to reform the system to move them into such a stable environment.

Let us figure out a strategy to work together and develop a comprehensive approach that combines the best provisions of both the House and Senate bill. Your special interest in our Senate legislation could help greatly in the weeks ahead. I am sending a detailed package of materials about our bill for your consideration. Let's keep in touch on this and the health care issues that we both care so much about. Warmest regards.

Sincerely,



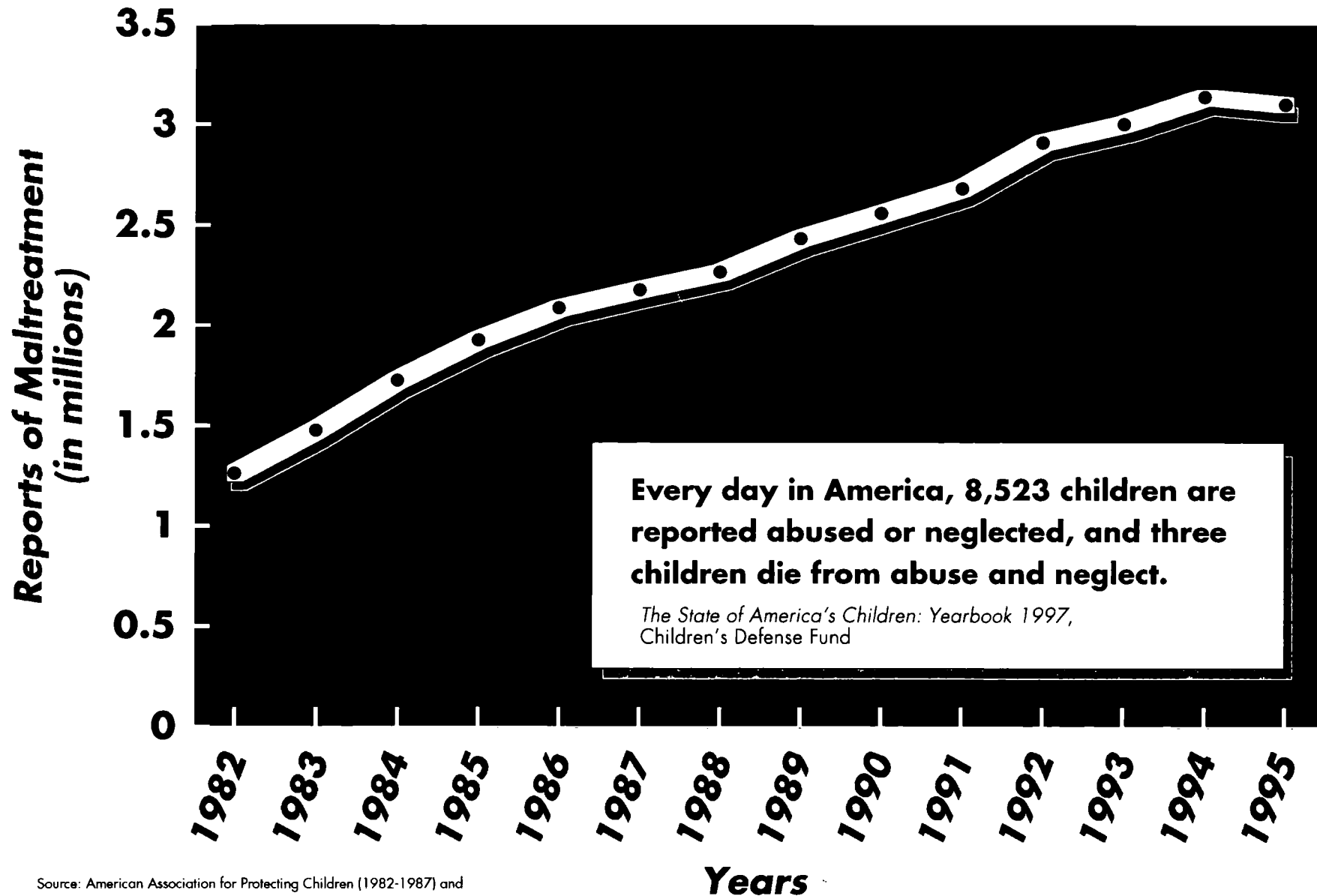
John D. Rockefeller IV

Mr. Bruce Reed
Domestic Policy Council
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

*Bruce, it is so important
to get this done -*

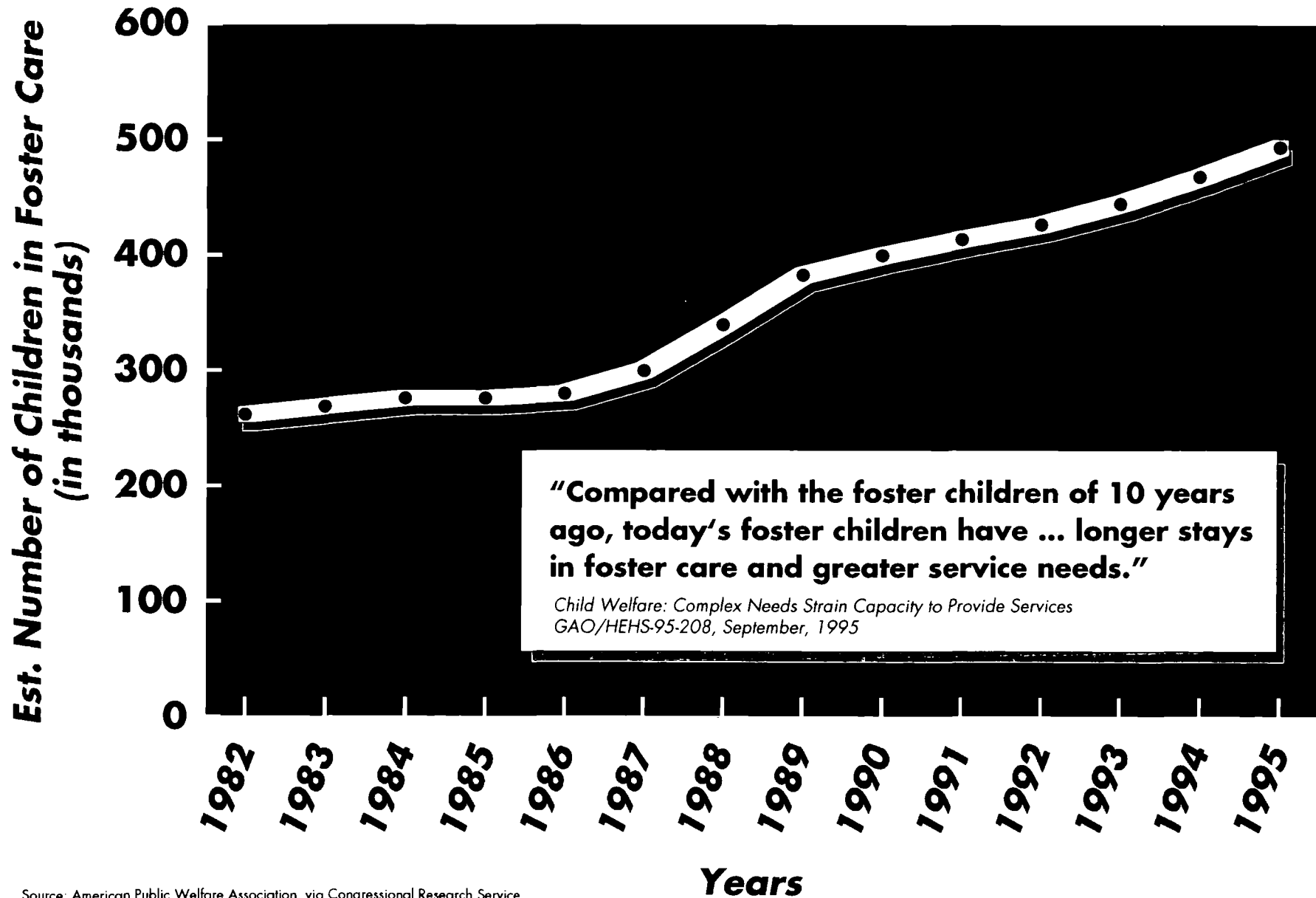


Child Abuse and Neglect Are Rising...



Source: American Association for Protecting Children (1982-1987) and
National Committee to Prevent Child Abuse (1988-1995) via Congressional Research Service

...Leading to More Children in Foster Care



**LIST OF NATIONAL ORGANIZATIONS SIGNING-ON
TO THE S.A.F.E. BILL (S.511)**

5/13/97

Adoption Exchange
Adoption Exchange Association
American Association of Children's Residential Centers
American Humane Association
American Psychological Association
Bazelon Center for Mental Health Law
Catholic Charities, U.S.A.
Child Welfare League of America
Children's Defense Fund
Children Awaiting Parents
Evan B. Donaldson Adoption Institute
Family Advocacy Program, Stanford Law School
Family Service America
General Federation of Women's Clubs
Girl Scouts of the U.S.A.
Legal Action Center
National Adoption Center
National Association of Child Advocates
National Association of Council for Children
National Association of Foster Care Reviewers
National Association of Homes and Services for Children
National Association of School Psychologists
National Association of Social Workers
National Center for Prosecution of Child Abuse
National Committee to Prevent Child Abuse
National Court Appointed Special Advocates Association
National Education Association
National Exchange Club Foundation for Prevention of Child Abuse
National Foster Parent Association
National Independent Living Association
National Mental Health Association
National Respite Coalition
North American Council on Adoptable Children
Voice for Adoption

**SUMMARY OF S. 511
THE SAFE ADOPTIONS AND FAMILY ENVIRONMENTS (SAFE) ACT
MARCH 20, 1997**

A. Putting safety first

- 1) Clarify the federal requirements for reasonable efforts by requiring that the safety and health of the child be the paramount concern when deciding where to place an abused or neglected child. This includes decisions to return the child home or to place the child in foster care.
- 2) Clarify that it is not reasonable to reunify families when children's safety and health are jeopardized; illustrate the types of cases in which such determinations and early termination of parental rights may be appropriate; and require states, within three years, to enact legislation which specifies the situations in which reunification efforts are presumed to be not reasonable.
- 3) Establish multi-disciplinary/multi-agency death review teams in all states to conduct investigations into child deaths where there has been a prior report of child abuse or neglect, where there is reason to suspect that the death is caused by or related to child abuse or neglect, or where the child is a ward of the state or otherwise known to the child welfare agency.

B. Enhancing Public Agency and Community Accountability for the Safety of Children

- 1) Require the Administration for Children and Families and the Substance Abuse and Mental Health Services Administration to assess the extent of substance abuse problems among child protection clients and the collaborative efforts underway by child protection and substance abuse treatment agencies to address these problems, and make recommendations to Congress about federal legislative changes that will help promote collaboration and appropriate attention to these problems.
- 2) Establish priority for substance abuse treatment for mothers/parents with children who are clients of child welfare service agencies.
- 3) Increase treatment options for families by allowing Title IV-E dollars to be used for the care of a child (who otherwise would be placed in out-of-home care) with a parent in a residential program that provides safe care and appropriate treatment and services for families coping with the problems of substance abuse, domestic violence, homelessness or teen parenting when the child welfare agency's goal is reunification of the child with the child's family.
- 4) Enhance the resources for training staff who work with abused and neglected children by allowing Title IV-E training funds to be used for cross-agency training of

child welfare staff and staff of substance abuse, mental health, education, juvenile justice, probation, and welfare agencies and the courts and for promoting the retention of staff, and by allowing training funds to benefit all children who are in foster care or who are adopted.

5) Require criminal and child abuse record checks of foster parents, other foster care providers and adoptive parents.

C. Providing Incentives for Permanent Families for Children

1) Clarify that states must make reasonable efforts to move children toward adoption when reunification is not reasonable.

2) Establish a permanency planning hearing for children in care within 12 months of a child entering out-of-home care, with follow-up reviews at least at 6 month intervals, and substitute it for the dispositional hearing currently required within 18 months of placement.

3) Provide increased fiscal support for the adoption of children with special needs by delinking eligibility for IV-E Adoption Assistance from eligibility for AFDC, SSI, and Title IV-E Foster Care Assistance. This would mean that all special needs children who are adopted would receive some federal assistance for their adoptive families.

4) Allow a state to include, for at least one year, reunification services within its definition of foster care maintenance payments for purposes of Title IV-E reimbursement.

D. Rewarding Innovation to Promote Safety and Permanence for Children

1) Provide \$50 million per year for time-limited innovation grants to states or communities that have prepared a plan to reduce the backlog of children in long-term foster care and ensure permanency for children entering care.



NATIONAL COUNCIL OF STATE HUMAN SERVICE
ADMINISTRATORS

Resolution on Child Welfare and Adoption Legislation

Whereas, Congress will be acting on child welfare and adoption legislation in the 105th Congress that affects public child welfare programs and policy;

Whereas, two bills have been introduced -- S. 511, the Safe Adoptions and Family Environments (SAFE) Act and H.R. 867, the Adoption Promotion Act of 1997;

Whereas, these bills both aim to protect the safety of children; provide permanency; clarify reasonable efforts; remove barriers to adoption, and increase the number of foster children adopted;

Whereas, these goals are consistent with the goals of public human service programs and many states have state initiatives to accomplish these goals; and

Whereas, public human service agencies are working to protect children, strengthen families and provide permanency for children and there is a need for resources to prevent child abuse and neglect and assure permanency in a timely manner when abuse and neglect has occurred;

Therefore, be it resolved, that the National Council of State Human Service Administrators supports congressional efforts to reflect in federal law pertaining to child and family services and foster care and adoption assistance, that the fundamental principle of child safety is paramount. In conjunction with this principle, the NCSHSA supports state multi-agency child death review teams and criminal records and child abuse registry checks of foster and adoptive parents and group home providers.

Be it further resolved that the NCSHSA supports the principles of safety and permanency in S. 511 and to H.R. 867 as consistent with the goals of public human service programs to protect children, strengthen families and promote permanency.

Be it further resolved that the NCSHSA supports congressional intent to allow states to identify specific instances where reasonable efforts are not necessary;

Be it further resolved that the NCSHSA supports congressional proposals for federal incentives for permanence including those below. However, if such proposals result in increased expenditures for Title IV-E, funding for such incentives should be in addition to current Congressional Budget Office (CBO) projections for growth in the Title IV-E entitlement.

- “Reasonable efforts” to move children toward adoption or other permanent arrangements when reunification is not reasonable,
- A permanency hearing for a child within 12 months and not less than every 12 months thereafter;
- Expand eligibility for federal adoption assistance for children with special needs by delinking Title IV-E adoption assistance from AFDC and SSI;
- Provide adoption bonuses to states, but ensure that the formula and base year for determining such bonus is fair and equitable to states, that funding is an entitlement to the states and that states have flexibility in the scope of services under Title IV-B and IV-E for which they may use bonus funding;
- Title IV-E foster care funding for reunification services for one year, to promote prompt permanency decisions. The NCSHSA strongly supports this provision as critical to accomplishing the objectives of the bill to assure that states can achieve permanent and safe outcomes for children. In addition, any costs attributed to this legislation should not come at the expense of other programs for vulnerable children and families. Furthermore, a maintenance of effort (MOE) should apply to state spending for such reunification services provided before enactment of this provision. However, if federal dollars are saved in IV-E as a result of this provision, states should be allowed to expand the use of their MOE dollars to reflect this.
- Authorize use of the parent locator service by state child welfare agencies to locate absent parents to notify them of termination of parental rights proceedings, and removal and placement decisions concerning their children;

Be it further resolved that the NCSHSA supports congressional proposals to enhance accountability and capacity for child safety and permanence, including:

- The concept of collaboration between state substance abuse and child welfare agencies and the recognition of the critical link between substance abuse and child abuse and neglect. However, collaboration should be encouraged through a substance abuse treatment priority for referrals from the child welfare agency. Confidentiality in drug and alcohol regulations are a barrier to collaboration and integration of services, a potential barrier to child safety, and should be waived in child protection cases. Unless there is funding appropriated to support the data collection required for a joint report by state substance abuse and child welfare agencies, data should be limited to that required or contained in AFCARS.
- Expansion of resources for Title IV-E training for cross-agency training because highly trained staff are essential to supporting the goals of safety and permanence, and elimination of the cost allocation requirement for reimbursement of IV-E training;

- Title IV-E funding to allow a child to remain with a parent while a parent is in residential treatment;
- Reports on state performance in protecting children;
- State benchmarks for safe and quality care;
- Grants to states for innovation projects in child protection and permanence.

Be it further resolved that the NCSHSA supports expanding the number of child welfare demonstration waivers by making all states eligible for such waivers; enable more flexibility concerning duration, application and evaluation; and enable states to duplicate successful demonstrations operating in other states.

Be it further resolved that NCSHSA looks forward to working with Congress as the legislation moves forward to ensure that the legislation is crafted in a way that ensures the appropriate resources and flexibility to carry out the objectives of the legislation in a manner consistent with best practices for protecting children and serving children and families safely and effectively.

Be it further resolved that the NCSHSA recommends that Congress address changes to provisions such as those pertaining to reasonable efforts; mandatory termination of parental rights; data collection on the state child welfare and substance abuse collaboration report; and adoption bonuses. The NCSHSA looks forward to working with Congress to include additional measures that support state efforts and infrastructure to accomplish these goals.

Adopted by the Executive Committee of the NCSHSA, March 25, 1997



Memorandum

May 6, 1997

SUBJECT : Side-by-Side Comparison of H.R. 867, S. 511, and Current Law

FROM : Karen Spar
Specialist in Social Legislation
Education and Public Welfare Division

Legislation is moving through the 105th Congress that is intended to promote adoption for foster children who are unable to return home, and to make general improvements in the nation's child welfare system. The House passed the Adoption Promotion Act, H.R. 867, on April 30, 1997, by a vote of 416-5. In the Senate, the Safe Adoptions and Family Environments Act, S. 511, was introduced on March 20, 1997, with bipartisan sponsorship.

The pending legislation responds to concerns that the number of children in foster care is at record high levels, that children remain in foster care unnecessarily long, and that their adoption rate is low. In addition, there is concern that additional safeguards are needed to protect children who come to the attention of the child welfare system, and especially to ensure that children are not returned to the homes of parents who are known to be unsafe.

Most provisions in the pending bills would amend current law under Titles IV-B and IV-E of the Social Security Act. These titles authorize grants to states for child welfare activities, including foster care, adoption assistance, and independent living services for older foster children. To receive federal funds, states must comply with requirements designed to ensure that services are provided to the families of children who are at risk, to enable the children to remain safely with their families or to return home after they have been placed in foster care. States also must conduct administrative and court hearings on every child's case, and establish a permanent placement goal for each child.

This memo compares the provisions of H.R. 867 and S. 511 with current law. Unless otherwise noted, references to current law are to Titles IV-B and IV-E of the Social Security Act. For a detailed discussion of the issues addressed in the pending legislation, see *Adoption, Foster Care, and Child Welfare: Issues for Congress* (CRS Report 97-256 EPW). For a description of existing federal programs, see *Federal Child Welfare Programs: Description, Funding, History* (CRS Report 96-883).

This memorandum was prepared by the Education and Public Welfare Division to enable distribution to more than one congressional client.

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Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
“Reasonable Efforts” to Preserve and Reunify Families	In every case, states must make “reasonable efforts” to avoid the need to remove a child from home, and to make it possible for a child to return home after placement in foster care — Sections 471(a)(15), 472(a)(1).	States would continue to be required to make reasonable efforts to preserve and reunify families; however, this requirement would not apply in cases in which a court has found that: • a child has been subjected to “aggravated circumstances” as defined in state law (examples would be abandonment, torture, chronic abuse, sexual abuse); • a parent has killed or assaulted another of their children; or • a parent’s rights to a sibling have been involuntarily terminated. In these cases, states would not be required to make reasonable efforts on behalf of any parent who has been involved in subjecting the child to these circumstances — Section 2.	States would be required to make reasonable efforts to preserve families when possible without endangering the child’s health or safety; and to reunify families unless a court determines that reunification would endanger the child’s health or safety, or in cases specified in state law: • cases in which a court has found that a parent has killed or assaulted another of their children; or • cases in which a court has found that a parent has abandoned, tortured, chronically abused, or sexually abused the child. By Oct. 3, 1999, states must enact and enforce laws that specify cases (such as those listed above) in which reunification efforts would not be required, and in which grounds exist for expedited termination of parental rights without efforts to reunify the family — Section 102.

Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
“Reasonable Efforts” to Place Children for Adoption or Other Permanent Arrangement	No provision.	If reasonable efforts to preserve or reunify a family are not made because of the reasons cited above (or are no longer consistent with the child’s permanency goal), then states would be required to make reasonable efforts to place the child for adoption, with a guardian, or in another planned, permanent arrangement. Reasonable efforts to preserve or reunify families could be made concurrently with efforts to place the child for adoption or guardianship — Section 2.	When a child’s permanency goal is adoption or another permanent placement, states would be required to make reasonable efforts to place the child in a timely manner for adoption, guardianship, or in another planned, permanent arrangement, and to take necessary steps to finalize the adoption or guardianship — Section 301(a).
Consideration of Child Health and Safety	No provision.	In determining and making reasonable efforts on behalf of a child, the child’s health and safety must be of paramount concern — Section 2.	In determining reasonable efforts, the child’s health and safety must be the paramount concern — Section 102. In addition, S. 511 would add references to child safety to several provisions in current law dealing with child welfare services, case plan and case review procedures — Sections 101(a) and 103.

Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
Termination of Parental Rights	No provision.	In the case of children who are younger than 10 and have been in foster care for 18 of the most recent 24 months, states would be required to initiate proceedings (or join any existing proceedings) to terminate parental rights, unless: • at the option of the state, the child is being cared for by a relative; • a state court or agency has documented a compelling reason for determining that such a petition would not be in the best interests of the child; or • the state has not provided the family with services deemed appropriate by the state (in cases where reasonable efforts to preserve or reunify the family have been required). This provision would only apply to children who enter foster care on or after Oct. 1, 1997— Section 3.	No directly comparable provision. (However, as described above, states would be required to enact and enforce laws specifying cases where grounds exist for expedited termination of parental rights without first requiring family reunification efforts.)

Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
Adoption Incentive Payments	No provision.	The Secretary of Health and Human Services (HHS) would be authorized to make adoption incentive payments to eligible states for any adoptions of foster children in a given fiscal year that exceed the number of such adoptions in FY1997, or in a subsequent base year. Adoption incentive payments would equal \$4,000 for each adoption of a foster child above the base number, plus an additional \$2,000 for each adoption of a foster child with special needs. For these incentive payments, \$15 million would be authorized for each of fiscal years 1999-2003 — Section 4.	No provision.

Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
Foster Care Case Review System	The status of every child in foster care under state responsibility must be reviewed by a court or administrative review at least every 6 months. In addition, no later than 18 months after the child enters care (and at least every 12 months thereafter), the court or a court-appointed body must hold a "dispositional" hearing to determine the child's future status, which can include returning home, continuing in foster care for a specified period, adoption, or, if warranted by the child's special needs or circumstances, long-term or permanent foster care — Section 475(5).	States would be required to hold a first dispositional hearing within 12 months of a child's placement, instead of the current 18, and the name of the proceeding would be changed to "permanency" hearing. The purpose of the hearing would be to determine the child's permanency goal, which could include returning home, referral for adoption and termination of parental rights, guardianship, or another planned, permanent arrangement, which could include the custody of a fit and willing relative — Section 5.	States would be required to hold a first dispositional hearing within 12 months of a child's placement, instead of the current 18, and at least every 6 months thereafter, instead of the current 12. In addition, the name of the proceeding would be changed to "permanency planning" hearing. The purpose of the hearing would be to determine the child's permanency goal, which could include returning home, referral for adoption and termination of parental rights, guardianship, or another planned, permanent arrangement — Section 302.
Participation in Case Reviews and Hearings	Administrative reviews are open to the participation of a child's parents — Section 475(5).	Foster parents and relatives providing care for a child would be given notice and an opportunity to be heard at any review or hearing held with regard to the child — Section 6.	No provision.

Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
Documentation of Efforts to Adopt	No provision.	For every child whose permanency goal is adoption or another permanent placement, states would be required to document the steps taken to find an adoptive family or permanent home; to place the child with the adoptive family, legal guardian, or other permanent home (including the custody of a fit and willing relative); and to finalize the adoption or guardianship. The documentation must include child-specific recruitment efforts such as use of adoption information exchanges, including electronic exchange systems — Section 7.	Virtually identical to H.R. 867, except S. 511 contains no reference to the custody of a fit and willing relative — Section 301(b).

Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
Kinship Care	No provision.	The Secretary of HHS would be required to convene an advisory panel on kinship care no later than March 1, 1998. By the same date, the Secretary would submit an initial report to the advisory panel on the extent to which foster children are placed with relatives. The advisory panel would review the Secretary's initial report and submit comments by July 1, 1998. Based on these comments and other information, the Secretary would submit a final report, by Nov. 1, 1998, to the Committees on Ways and Means and Finance, containing recommendations — Section 8.	No provision.
Federal Parent Locator Service	The Federal Parent Locator Service is authorized under the Child Support Enforcement program to assist in locating absent parents for purposes of collecting child support — Section 453 of the Social Security Act.	Child welfare agencies would be authorized to use the Federal Parent Locator Service to assist in locating absent parents — Section 9.	No provision.

Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
Performance Measures for State Child Welfare Programs	No provision.	The Secretary of HHS (in conjunction with the American Public Welfare Association, National Governors Association, and child advocates) would be required to develop outcome measures to assess state child welfare programs, and to rate state performance according to these measures. HHS would submit an annual report to Congress, with recommendations for improving state performance; the first report would be due on May 1, 1999 — Section 10.	No provision.
Child Welfare Demonstrations	HHS is authorized to approve child welfare demonstrations in up to 10 states, in which states may request waivers of provisions under Titles IV-B and IV-E — Section 1130 of the Social Security Act.	The number of child welfare demonstrations would be increased to 15 states. At least one of the additional demonstrations would have to address the issue of kinship care — Section 11.	The number of child welfare demonstrations would be increased to 15 states — Section 402. (In addition, funding would be authorized for innovation grants to states — see below.)

Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
Technical Assistance to Promote Adoption	No provision.	HHS is authorized to provide technical assistance to states and localities to promote adoption for foster children, including: • guidelines for expediting termination of parental rights; • encouraged use of concurrent planning; • specialized units and expertise in moving children toward adoption; • risk assessment tools for early identification of children who would be at risk of harm if returned home; • encouraged use of fast tracking for children under age 1 into pre-adoptive placements; • programs to place children into pre-adoptive placements prior to termination of parental rights. For technical assistance, \$10 million would be authorized for each of fiscal years 1998-2000 — Section 12.	No provision.

Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
Reports on Substance Abuse and Child Protection	No provision.	The Secretary of HHS would be required to submit a report to the Committees on Ways and Means and Finance on the problem of substance abuse in the child welfare population, services provided, and the outcomes of such services. This report would be based on information from the Substance Abuse and Mental Health Services Administration and the Administration for Children and Families within HHS, and would be due within 1 year of enactment. The report would include recommendations for legislation — Section 13.	The Secretary of HHS would be required to provide to state substance abuse and child welfare agencies an inventory of federal programs that could be used to provide substance abuse services to families in the child welfare system. The Secretary would develop the report through the Administration for Children, Youth and Families, the Center for Substance Abuse Prevention, and the Center for Substance Abuse Treatment. The report would be due within 12 months of enactment, and would be updated biennially. State substance abuse and child welfare agencies would be required to jointly prepare a report on joint activities, due to HHS within 12 months of enactment. Within 18 months of enactment HHS would report to Congress on substance abuse and child welfare issues, including recommendations for legislation — Section 201.

Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
Priority for Substance Abuse Treatment	Pregnant women are given priority for substance abuse treatment under a federal substance abuse block grant — Section 1927 of the Public Health Service Act.	No provision.	All caretaker parents who are referred for substance abuse treatment by a state or local child welfare agency would also be given priority for such services — Section 202.
Eligibility for Independent Living Services	Federal grants for independent living services are authorized to assist: children 16 and older who are eligible for foster care subsidies under Title IV-E; at the option of the state, all other foster children age 16 and older; and at the option of the state, former foster children who are not yet 21 years old — Section 477.	The primary target population for independent living services would be revised to include children who are no longer eligible for foster care subsidies under Title IV-E, because they have accumulated assets of up to \$5,000 — Section 14.	No provision.

Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
Criminal Record Checks	No provision.	At state option, states could provide (as a component of their Title IV-E plan) procedures for criminal records checks and checks of a state's child abuse registry for any prospective foster parents or adoptive parents, and employees of child care institutions, before the parents or institutions are finally approved for a placement of a child eligible for federal subsidies under Title IV-E — Section number not yet assigned.	Identical to H.R. 867, except the provision would be mandatory for states, rather than optional — Section 205.
Standby Guardianship	No provision.	It would be the sense of Congress that states should have laws and procedures that would permit a parent who is chronically ill or near death to designate a standby guardian for their minor child, without surrendering their own parental rights. The standby guardian's authority would take effect upon the parent's death, mental incapacity, or physical debilitation and consent — Section 16.	No provision.

Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
Purchase of American-Made Equipment and Products	No provision.	It would be the sense of Congress that, to the greatest extent possible, all equipment and products purchased with funds provided under the Adoption Promotion Act should be American-made — Section number not yet assigned.	No provision.

Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
Child Death Review Teams	No provision.	No provision.	No later than 5 years after enactment, states would be required to certify that they have established and are maintaining a multidisciplinary state child death review team (and, if necessary, regional and local teams) to investigate child deaths, including those where there has been a prior report of abuse or neglect or there is reason to suspect that the death was related to abuse or neglect, or the child was a ward of the state or otherwise known to the child welfare agency, or the death was a suicide, or the cause of death was unexplained or unexpected. In addition, HHS would be required to establish a federal child death review team to investigate deaths on federal lands, review the status of state and local teams, and make recommendations to reduce the number of child deaths — Section 104.

Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
Foster Care Payments for Children with Parents in Residential Institutions	Federally subsidized foster care maintenance payments may be made on behalf of eligible children who are placed in a licensed foster family home, or a licensed child care institution — Section 472(b).	No provision.	Federally subsidized foster care payments could also be made on behalf of eligible children who are placed with their parent in a residential program that provides services for parents and children, including parenting services, in cases where: • the parent is trying to overcome substance abuse, domestic violence, homelessness, or has special needs due to teenage parenthood; • the child's safety can be assured; • the program provides appropriate services for parent and child; • the child's permanency plan is family reunification within a specified period; and • the parent has not previously been treated in a residential program serving children and parents together — Section 203.

Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
Staff Training	Federal reimbursement is available to states for 75% of expenditures for training state and local child welfare personnel, individuals preparing for employment as state and local child welfare personnel, current or prospective foster or adoptive parents, and staff of child care institutions serving children eligible for Title IV-E subsidies — Section 474(a)(3)(A) and (B).	No provision.	Federal reimbursement could also include training directed at staff maintenance and retention, and training provided to personnel employed by courts, law enforcement agencies, substance abuse agencies, mental health providers, domestic violence agencies, health agencies, child care agencies, schools, and other agencies that are working with state or local child welfare agencies. Training expenditures could be reimbursed regardless of the primary provider and regardless of the proportion of Title IV-E-eligible children in the state. HHS would be required to issue guidelines for such training; states would document that their expenditures conform to these guidelines; and states could not reduce their own spending on training below FY1996 levels — Section 204.

Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
Guidelines for Out-of-Home Care	States are required to have an agency responsible for establishing and maintaining standards for foster homes and child care institutions, in accord with recommended standards of national organizations, including standards related to safety and sanitation. States must periodically review these standards, and federal funds may only be provided on behalf of children placed in licensed or approved homes and institutions — Sections 471(a)(10) and (11) and 472(b).	No provision.	States would also be required to develop and implement guidelines to ensure safe, quality care for children in out-of-home settings, such as guidelines issued by a nationally recognized accrediting body; to assist providers in meeting these guidelines; to articulate the guidelines against which agency performance will be judged; monitor progress made toward meeting the guidelines; and judge agency compliance with the guidelines by measuring improvements in child and family outcomes and other appropriate measures — Section 206.

Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
Eligibility for Adoption Assistance	Federally subsidized adoption assistance payments are made on behalf of children with special needs as defined by the state. Eligible children must have been eligible for Aid to Families with Dependent Children (AFDC) at the time adoption proceedings began (except that they had been removed from their family as a result of a voluntary agreement or judicial determination that remaining with the family would be contrary to their welfare), or must be eligible for Supplemental Security Income (SSI), or must be living in foster care with a minor parent who is eligible for foster care subsidies under Title IV-E — Section 473(a)(2).	No provision.	Federally subsidized payments would continue to be made on behalf of children with special needs as defined by the state. AFDC and SSI eligibility provisions would be deleted. Eligible children would be those who, prior to termination of parental rights and initiation of adoption proceedings, were in the care of a public or nonprofit agency or Indian tribe as a result of a voluntary agreement or judicial determination that remaining in the home would be contrary to their welfare, or were living in foster care with their minor parent. An otherwise eligible child who is not a U.S. citizen or resident would be eligible for assistance, except for children who were adopted outside the U.S. or brought to the U.S. to be adopted. An otherwise eligible child whose adoptive parent dies or whose adoption is disrupted would remain eligible for assistance — Section 303.

Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
Payment for Reunification Services	Foster care maintenance payments that are eligible for federal reimbursement are defined as payments for the costs of food, clothing, shelter, supervision, school supplies, personal incidentals, liability insurance with respect to the child, and reasonable travel to the child's home for visitation — Section 475(4).	No provision.	Foster care maintenance payments would also include costs of reunification services for up to 1 year after a child is removed from home. Reunification services would include services and activities provided to a child who has been removed from home, and the child's parents or primary caregiver to make family reunification possible, and would be limited to individual, group, and family counseling, inpatient, residential, or outpatient substance abuse treatment, mental health services, assistance to address domestic violence, and transportation to and from such services — Section 304.

Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
Interstate Adoption	No provision.	No provision.	The Secretary of HHS would be required to appoint an advisory panel to study interjurisdictional adoption issues. The panel would submit a report to the Secretary within 12 months of their appointment, including recommendations for improvements. The Secretary would forward the report to Congress, and, if relevant, make recommendations for legislation — Section 305.

Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
Innovation Grants	No provision.	No provision.	Up to \$50 million in entitlement funding would be available in each of fiscal years 1998 and 1999 for grants to states for innovation projects. Projects would last for 5 years, could not require waivers from federal law, would include evaluations, and would address the following goals: • reduce backlogs of children awaiting adoption; • ensure permanent placements within 1 year of foster care; • identify and address barriers to permanent placements; • implement community-based permanency initiatives and child protection activities that involve partnerships; • assist with state safety guidelines; • develop new staffing approaches — Section 401.

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TO: Jennifer Klein

ORGANIZATION: _____

RECIPIENT'S FAX NUMBER: _____

FROM: Carol Williams

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NUMBER OF PAGES, INCLUDING COVER SHEET: 2

REMARKS: _____

CHILD WELFARE PROPOSALS

Permanency Planning Funds

Rationale: To assure safe and expeditious permanent placement for children entering the foster care system, appropriate services for both the family and the child must be available as soon as a child enters care. These services are critical to determining the ability of the biological family to safely resume care of their child or the need for an alternative permanent family.

Currently title IV-E funds can be used to pay the cost of foster care maintenance and related administrative costs. Services which could facilitate permanency (i.e. the child's return home, adoption, or guardianship) for the child cannot be funded through the IV-E program.

Strategy: Fund one year of permanency planning services for children entering foster care through the title IV-E program. These funds will be used to identify and resolve family problems that led to the out of home placement or to develop adoption or other alternative permanent arrangements for the child.

Cost: \$480 million for five years

Grants to States to Remove Barriers to Permanency

Rationale: The "Adoption 2002" report proposed a number of strategies to improve the timeliness of decision making and permanency outcomes for children in foster care. These recommendations, as embodied in pending federal legislation, will establish new permanency standards for the States. States will be required to make reasonable efforts to secure a permanent family for children who cannot return home.

To achieve the intent of "Adoption 2002," States will have to make significant changes in policy and operations to achieve one or more of the following goals:

- reduce the backlog of children in long-term foster care or awaiting adoption placement;
- develop and implement community-based child protection activities that involve partnerships among State and local governments; and
- develop a regional approach to use resources of several States to conduct recruitment, placement, adoption and post-adoption services.

Strategy: Provide funds for five year grants to States to remove barriers to adoption and improve the permanency outcomes for children in foster care.

Costs: Chafee/Rockefeller legislation - not to exceed \$50 million per year for five years

**NANCY M. DALY
ANNA M. MURDOCH
ELIZABETH LOWE**

June 6, 1997

First Lady Hillary Rodham Clinton
Office of the First Lady
O.E.O.B. Room 100
Washington, D.C. 20500

Dear Mrs. Clinton:

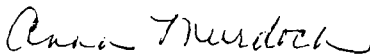
Thank you for the opportunity to meet with members of your staff, Melanne Verveer, Jennifer Klein and Nicole Rabner. Their advice proved most helpful as we met with members of Congress.

You have been at the forefront of insisting that all children grow up safe and nurtured. We share your desire and, therefore, urge you to continue your strong support for S. 511 (the S.A.F.E. Act) and H.R. 867 (the Adoption Promotion Act). We believe that taking the best of each of these bills will make permanent families a priority by speeding up the adoption process and providing services to reunified families so that children remain safe. It is critical at this time that you voice your support for this bill in order to protect America's most vulnerable children. Thank you again for your outstanding commitment.

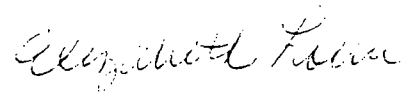
Sincerely,



NANCY M. DALY
Commissioner,
L.A. County
Commission for
Children & Families



ANNA M. MURDOCH
President,
Children's Institute
International



ELIZABETH LOWE
Commissioner,
L.A. County
Commission for
Children & Families

cc: Melanne Verveer
Jennifer Klein
Nicole Rabner

Gerry Adams Runs Out of Excuses

Gerry Adams, the president of Sinn Fein, cannot complain about recent political developments in Britain and Ireland. His own party, the political wing of the Irish Republican Army, did well in the recent Irish and British parliamentary elections. More significantly, the new British Prime Minister, Tony Blair, and the probable new Irish Prime Minister, Bertie Ahern, are likely to push for a Northern Ireland peace settlement.

With Bill Clinton in the White House, all three Governments sponsoring the Northern Ireland peace effort are now led by men with whom Mr. Adams has declared he can work. That auspicious alignment puts a powerful burden on Mr. Adams to deliver promptly the unequivocal I.R.A. cease-fire he has long promised if the sponsoring Governments demonstrate good faith.

Since the I.R.A. broke an earlier cease-fire in early 1996, suspected or confirmed I.R.A. attacks have killed at least five people and injured hundreds. The I.R.A.'s return to violence forced the exclusion of Sinn Fein from the all-party Northern Ireland peace talks that began a year ago and resumed last week. Little progress can be expected without Sinn Fein's participation, which in turn depends on a resumption of the I.R.A. cease-fire. Britain's new Government has already made a conciliatory gesture by allowing its officials to meet

with Sinn Fein representatives twice last month. It is also working to minimize provocations in Northern Ireland's coming season of parades celebrating past sectarian battles.

But it is unreasonable to expect any British government to admit Sinn Fein to the peace talks until the I.R.A. repudiates its terror tactics and demonstrates that a new cease-fire will be reliably maintained. Nor can representatives of Northern Ireland's Protestant majority, whose participation is essential to any peace agreement, be expected to sit down with Sinn Fein until they can be assured that a new cease-fire will be lasting.

Mr. Adams's attempts to put primary blame on former Prime Minister John Major of Britain for the breakdown of the I.R.A. cease-fire was a crude attempt to deflect blame from the I.R.A. itself. Similarly, Mr. Adams's implication that John Bruton, the defeated Irish Prime Minister, was responsible for the negotiating stalemate conveniently ignores the Bruton Government's efforts to win new British inducements for an I.R.A. cease-fire.

However sympathetic Mr. Blair and Mr. Ahern are to legitimate Catholic or Republican grievances in Northern Ireland, they cannot move the peace talks forward in the face of continued I.R.A. terror. Now is the time for Mr. Adams to show he can deliver a cease-fire.

Playing Politics With Adoption

With Congress's summer recess looming, and a paltry legislative record so far, the Senate majority leader, Trent Lott, is casting about for some easy victories. He seems to think he has one in an adoption bill that breezed through the House last month by a vote of 416 to 5. In what amounts to a procedural end run, Mr. Lott would substitute the House version for the Senate's own superior adoption bill. That may look like good politics to Mr. Lott, but it won't be good for children.

Congress and the White House are rightly pushing for more adoptions because half a million abused and neglected children are languishing in foster care. President Clinton has called for a doubling of the adoption rate within the next five years, and both the House and Senate have generated bills to facilitate more adoptions.

The House bill, sponsored by the Michigan Republican Dave Camp and a Connecticut Democrat, Barbara Kennelly, emphasizes procedural reforms. It would speed up hearings to terminate parental rights, and it would provide about \$100 million in incentive money to states that show annual increases in adoptions.

Behind the push for procedural reforms is a philosophical debate about how much effort should be made to keep abused and neglected children with their families. Current law requires states and child welfare agencies to make "reasonable efforts" to help the biological family before children in foster care can be freed for adoption. The House bill would jettison that requirement if a court finds that the biological parents had abandoned, tortured or re-

peatedly abused their children. That sentiment clearly does not favor family preservation at the expense of doing what is best for the child.

Many child-welfare advocates recognize that the choices are seldom so stark. True, some biological parents are hopelessly dysfunctional and their children would be better served by guidelines that shorten the legal and emotional limbo that foster care often becomes. But many families could be held together with critical services, like drug treatment and counseling. They deserve at least a fighting chance to keep their children.

That is the approach of the Senate bill, which would provide more services to troubled families. It would also give subsidies to families adopting children who are older, disabled or otherwise hard to place. The estimated cost of the Senate bill is about \$1 billion a year, while the House bill is projected to be budget-neutral.

The Senate bill is to be considered by the Finance Committee in the next few weeks, before a debate on the floor. The bill, whose principal sponsors are Jay Rockefeller, Democrat of West Virginia, and John Chafee, Republican of Rhode Island, has a wide range of co-sponsors, including several conservative Republicans.

That should make Mr. Lott think twice about substituting the House bill, in hopes of registering a quick "yes" vote, and pre-empting Senate consideration of its own bill. The differences in the two bills can be thrashed out in conference. Mr. Lott should not risk hurting already abused children by short-circuiting the legislative process.

The New York Times

TUESDAY, JUNE 10, 1997

Jennifer Roth

LA County Dept of Children
+ Family Services

(213) 351-5668

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OA/Box Number: 13525

FOLDER TITLE:

SAFE [Safe Adoptions and Family Environments] Act [1]

2014-0536-S

kc1463

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

[001]



**COUNTY OF LOS ANGELES
DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

425 Shatto Place - Los Angeles, California 90020
(213) 351-5602

PETER DIGRE
Director

May 19, 1997

BOARD OF SUPERVISORS:

**GLORIA MOLINA
YVONNE BRATHWAITE BURKE
ZEV YAROSLAVSKY
DON KNABE
MICHAEL D. ANTONOVICH**

TO: Jennifer Klein
Office of the First Lady
Phone No: (202) 456-6266
Fax No: (202) 456-6244

FROM: Vivian B. Ortiz
Phone No: (213) 351-5740

**SUBJECT: WHITE HOUSE CLEARANCE INFORMATION
FOR JUNE 2, 1997 APPOINTMENT**

This is to confirm the appointment scheduled with you for Monday, June 2, 1997 at 11:00 am to discuss S.511, the Safe Adoptions and Family Environment Act. Provided below are the Social Security Numbers and birthdates for each person who will be attending the meeting as requested for White House clearance.

NAME	BIRTHDATE	SOCIAL SECURITY NUMBER
Anna Murdoch	(b)(6)	(b)(6)
Nancy Daly		
Elizabeth Lowe		
Gerald Peter Digre		
Paul Fredlund		
Jessica Brody		
Jennifer Roth		

Should you have any questions or if you need additional information, please don't hesitate to call me at the phone number above.

I appreciate your time and assistance to this matter. Thank you.

vbo

John Bueh

879

9315

—

PHOTOCOPY
HRC HANDWRITING

THE WHITE HOUSE

May 27, 1997

Hon. John D. Rockefeller IV
United States Senate
Washington, D. C. 20510-4802

Dear Jay:

Thank you for your letter encouraging me to join you in your efforts to pass the Chafee-Rockefeller SAFE Act. I have forwarded a copy and accompanying materials to my staff for consideration. As always, I appreciate your commitment to promoting adoption and to the plight of abused and neglected children.

With warm regards, I remain

Sincerely yours,

Hillary Rodham Clinton

cc: Jennifer Klein
Special Assistant to the President
for Domestic Policy

Pam -
Ask Jan
Nicole to
review & advise
me before I
respond - how
does this fit
into our
plans

re
adoption
reform?

2) Either Jan or
Nicole should
call Jay's staff &
tell appropriate
person who
reviewing
etc

United States Senate

WASHINGTON, DC 20510-4802

May 13, 1997

Dear Mrs. ^{Hillary,} Clinton,

I continue to admire your deep commitment to children and families, and I am eager to work closely with you on efforts to make further and needed progress.

This letter is to call your attention to the Chafee-Rockefeller SAFE Act, a bill cosponsored with strong, varied bipartisan support. Resulting from extensive work and consultation with experts of all kinds, our bill seeks to clarify reasonable efforts, encourage adoptions, and strengthen services for abused and neglected children who, based on their permanency hearing, are to be reunified with their families safely.

Senator Chafee and I began working on this initiative during the last Congress as an alternative to the House Republican plan to block grant all child welfare programs and eliminate the entitlement to foster care under welfare reform. Given the fact that more than twenty states are under court order for inadequate efforts to protect abused and neglected children, we strongly felt that a state block grant was the wrong approach to protect such vulnerable children.

Recently, the press reported the House's strong vote for an adoption promotion bill, the Adoption Promotion Act of 1997, with some similarities to the SAFE Act. It is important for the Administration to recognize that there are key differences and ones that will affect children and families. Our Senate bill is the result of careful work to address a range of areas in need of reform to achieve the best possible results in helping neglected children and troubled families.

Senator Chafee and I have succeeded in obtaining a Finance subcommittee hearing on our legislation scheduled for May 21, 1997. Our bill has won endorsements from more than twenty child advocacy and adoption groups. Our goal is to work on our legislation in the Senate as part of reconciliation, then merge our initiative with the bipartisan adoption bill passed by the House. If we combine our efforts, we can develop a strong bipartisan, bicameral approach that will have tremendous support and help abused and neglected children, across the entire continuum of care, including prevention and

Mrs. Hillary Rodham Clinton
May 13, 1997
page 2

training, services to help reunify families, but only when safe and appropriate, and adoption.

Your leadership on adoption is vital. I hope you will review and consider some of our special initiatives to encourage adoptions, and I want to report that I am reviewing the Administration's bonus incentives with the hope of working with you.

Working together, we could develop a dramatic program to help all of the nearly half million children in foster care. This includes the 400,000 children that are expected to return home or into kinship care and the 100,000 children that courts believe would be best if adopted. I know we share the belief that every child deserves a safe, permanent home, and I would appreciate whatever help you can provide to our legislative effort to reform the system in order to move them into such a stable environment.

I am proud of the SAFE legislation we have developed, as a proposal that is based on careful thought and genuine bipartisanship. Your special interest in our legislation could help greatly in the weeks ahead. I am sending a detailed package of materials about our bill for your consideration.

Let us be in touch on this and the other issues that we both care so much about. Warmest regards.

Sincerely,



John D. Rockefeller IV

Mrs. Hillary Rodham Clinton
First Lady
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

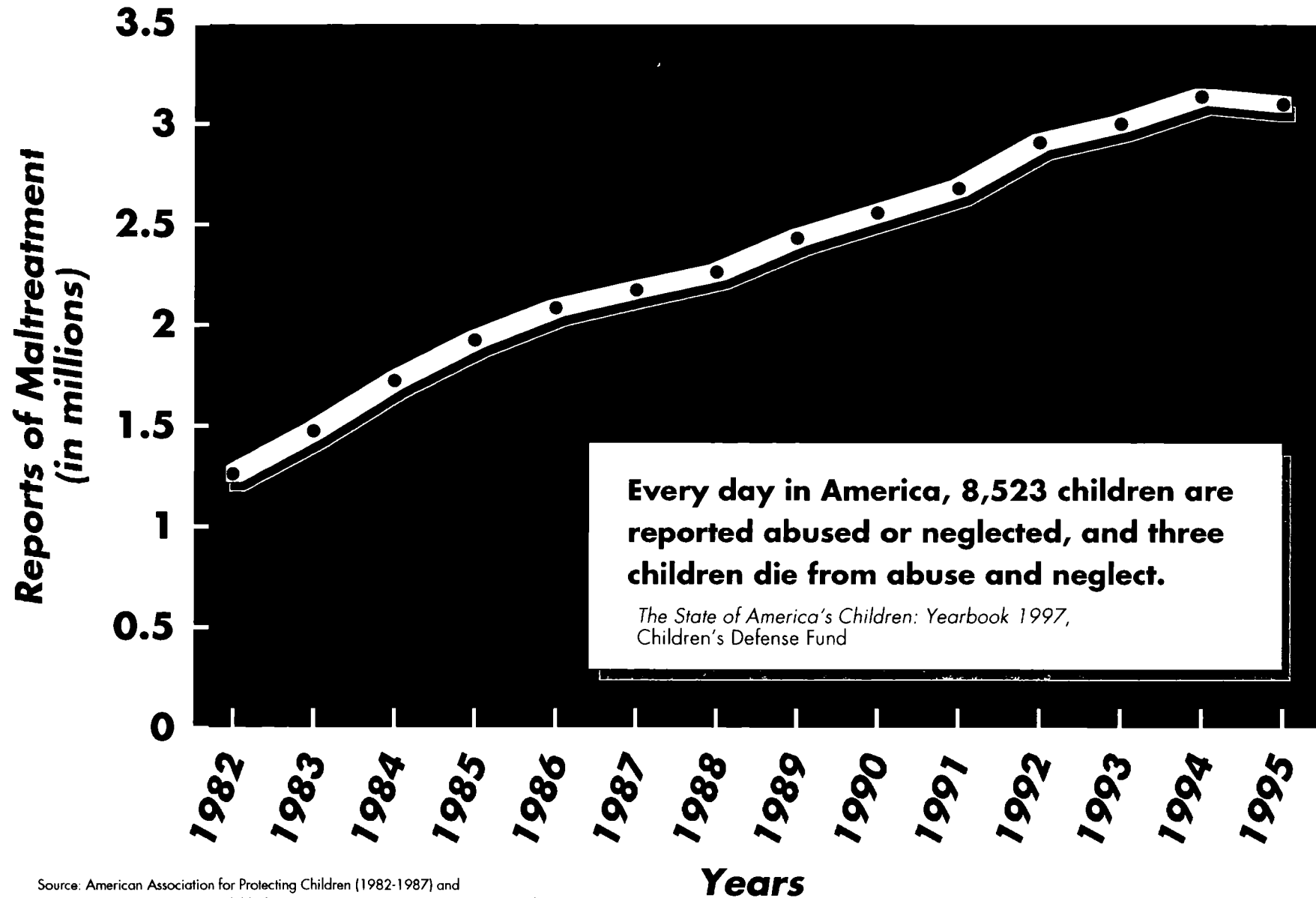
Hillary, let's make this work.

Miss falling with you.

I hope all is relatively well.

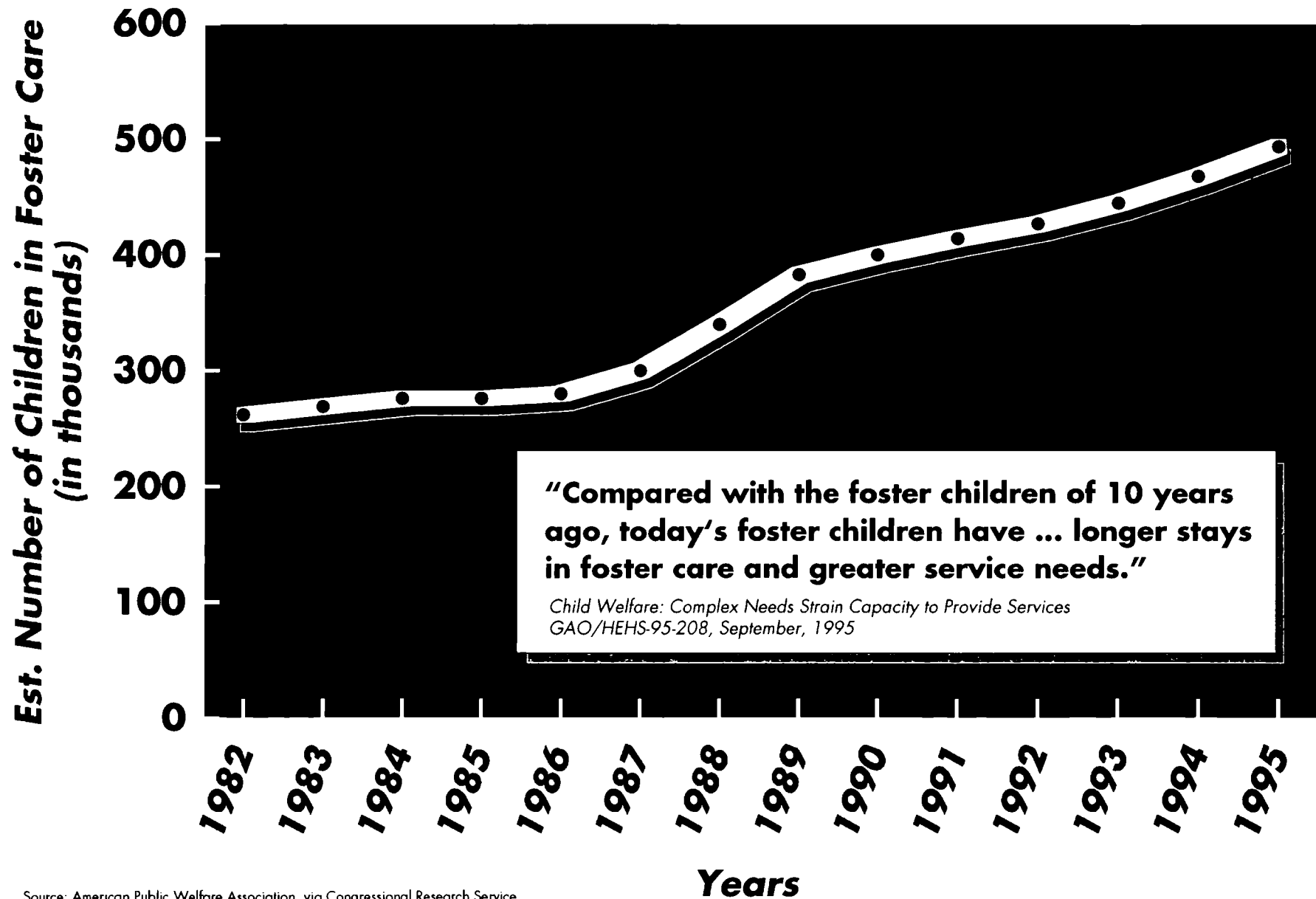
A friend, Jay

Child Abuse and Neglect Are Rising...



Source: American Association for Protecting Children (1982-1987) and National Committee to Prevent Child Abuse (1988-1995) via Congressional Research Service

...Leading to More Children in Foster Care



**LIST OF NATIONAL ORGANIZATIONS SIGNING-ON
TO THE S.A.F.E. BILL (S.511)**

5/13/97

Adoption Exchange
Adoption Exchange Association
American Association of Children's Residential Centers
American Humane Association
American Psychological Association
Bazelon Center for Mental Health Law
Catholic Charities, U.S.A.
Child Welfare League of America
Children's Defense Fund
Children Awaiting Parents
Evan B. Donaldson Adoption Institute
Family Advocacy Program, Stanford Law School
Family Service America
General Federation of Women's Clubs
Girl Scouts of the U.S.A.
Legal Action Center
National Adoption Center
National Association of Child Advocates
National Association of Council for Children
National Association of Foster Care Reviewers
National Association of Homes and Services for Children
National Association of School Psychologists
National Association of Social Workers
National Center for Prosecution of Child Abuse
National Committee to Prevent Child Abuse
National Court Appointed Special Advocates Association
National Education Association
National Exchange Club Foundation for Prevention of Child Abuse
National Foster Parent Association
National Independent Living Association
National Mental Health Association
National Respite Coalition
North American Council on Adoptable Children
Voice for Adoption

**SUMMARY OF S. 511
THE SAFE ADOPTIONS AND FAMILY ENVIRONMENTS (SAFE) ACT
MARCH 20, 1997**

A. Putting safety first

- 1) Clarify the federal requirements for reasonable efforts by requiring that the safety and health of the child be the paramount concern when deciding where to place an abused or neglected child. This includes decisions to return the child home or to place the child in foster care.
- 2) Clarify that it is not reasonable to reunify families when children's safety and health are jeopardized; illustrate the types of cases in which such determinations and early termination of parental rights may be appropriate; and require states, within three years, to enact legislation which specifies the situations in which reunification efforts are presumed to be not reasonable.
- 3) Establish multi-disciplinary/multi-agency death review teams in all states to conduct investigations into child deaths where there has been a prior report of child abuse or neglect, where there is reason to suspect that the death is caused by or related to child abuse or neglect, or where the child is a ward of the state or otherwise known to the child welfare agency.

B. Enhancing Public Agency and Community Accountability for the Safety of Children

- 1) Require the Administration for Children and Families and the Substance Abuse and Mental Health Services Administration to assess the extent of substance abuse problems among child protection clients and the collaborative efforts underway by child protection and substance abuse treatment agencies to address these problems, and make recommendations to Congress about federal legislative changes that will help promote collaboration and appropriate attention to these problems.
- 2) Establish priority for substance abuse treatment for mothers/parents with children who are clients of child welfare service agencies.
- 3) Increase treatment options for families by allowing Title IV-E dollars to be used for the care of a child (who otherwise would be placed in out-of-home care) with a parent in a residential program that provides safe care and appropriate treatment and services for families coping with the problems of substance abuse, domestic violence, homelessness or teen parenting when the child welfare agency's goal is reunification of the child with the child's family.
- 4) Enhance the resources for training staff who work with abused and neglected children by allowing Title IV-E training funds to be used for cross-agency training of

child welfare staff and staff of substance abuse, mental health, education, juvenile justice, probation, and welfare agencies and the courts and for promoting the retention of staff, and by allowing training funds to benefit all children who are in foster care or who are adopted.

5) Require criminal and child abuse record checks of foster parents, other foster care providers and adoptive parents.

C. Providing Incentives for Permanent Families for Children

1) Clarify that states must make reasonable efforts to move children toward adoption when reunification is not reasonable.

2) Establish a permanency planning hearing for children in care within 12 months of a child entering out-of-home care, with follow-up reviews at least at 6 month intervals, and substitute it for the dispositional hearing currently required within 18 months of placement.

3) Provide increased fiscal support for the adoption of children with special needs by delinking eligibility for IV-E Adoption Assistance from eligibility for AFDC, SSI, and Title IV-E Foster Care Assistance. This would mean that all special needs children who are adopted would receive some federal assistance for their adoptive families.

4) Allow a state to include, for at least one year, reunification services within its definition of foster care maintenance payments for purposes of Title IV-E reimbursement.

D. Rewarding Innovation to Promote Safety and Permanence for Children

1) Provide \$50 million per year for time-limited innovation grants to states or communities that have prepared a plan to reduce the backlog of children in long-term foster care and ensure permanency for children entering care.



NATIONAL COUNCIL OF STATE HUMAN SERVICE
ADMINISTRATORS

Resolution on Child Welfare and Adoption Legislation

Whereas, Congress will be acting on child welfare and adoption legislation in the 105th Congress that affects public child welfare programs and policy;

Whereas, two bills have been introduced -- S. 511, the Safe Adoptions and Family Environments (SAFE) Act and H.R. 867, the Adoption Promotion Act of 1997;

Whereas, these bills both aim to protect the safety of children; provide permanency; clarify reasonable efforts; remove barriers to adoption, and increase the number of foster children adopted;

Whereas, these goals are consistent with the goals of public human service programs and many states have state initiatives to accomplish these goals; and

Whereas, public human service agencies are working to protect children, strengthen families and provide permanency for children and there is a need for resources to prevent child abuse and neglect and assure permanency in a timely manner when abuse and neglect has occurred;

Therefore, be it resolved, that the National Council of State Human Service Administrators supports congressional efforts to reflect in federal law pertaining to child and family services and foster care and adoption assistance, that the fundamental principle of child safety is paramount. In conjunction with this principle, the NCSHSA supports state multi-agency child death review teams and criminal records and child abuse registry checks of foster and adoptive parents and group home providers.

Be it further resolved that the NCSHSA supports the principles of safety and permanency in S. 511 and to H.R. 867 as consistent with the goals of public human service programs to protect children, strengthen families and promote permanency.

Be it further resolved that the NCSHSA supports congressional intent to allow states to identify specific instances where reasonable efforts are not necessary;

Be it further resolved that the NCSHSA supports congressional proposals for federal incentives for permanence including those below. However, if such proposals result in increased expenditures for Title IV-E, funding for such incentives should be in addition to current Congressional Budget Office (CBO) projections for growth in the Title IV-E entitlement.

- “Reasonable efforts” to move children toward adoption or other permanent arrangements when reunification is not reasonable;
- A permanency hearing for a child within 12 months and not less than every 12 months thereafter;
- Expand eligibility for federal adoption assistance for children with special needs by delinking Title IV-E adoption assistance from AFDC and SSI,
- Provide adoption bonuses to states, but ensure that the formula and base year for determining such bonus is fair and equitable to states, that funding is an entitlement to the states and that states have flexibility in the scope of services under Title IV-B and IV-E for which they may use bonus funding;
- Title IV-E foster care funding for reunification services for one year, to promote prompt permanency decisions. The NCSHSA strongly supports this provision as critical to accomplishing the objectives of the bill to assure that states can achieve permanent and safe outcomes for children. In addition, any costs attributed to this legislation should not come at the expense of other programs for vulnerable children and families. Furthermore, a maintenance of effort (MOE) should apply to state spending for such reunification services provided before enactment of this provision. However, if federal dollars are saved in IV-E as a result of this provision, states should be allowed to expand the use of their MOE dollars to reflect this.
- Authorize use of the parent locator service by state child welfare agencies to locate absent parents to notify them of termination of parental rights proceedings, and removal and placement decisions concerning their children,

Be it further resolved that the NCSHSA supports congressional proposals to enhance accountability and capacity for child safety and permanence, including:

- The concept of collaboration between state substance abuse and child welfare agencies and the recognition of the critical link between substance abuse and child abuse and neglect. However, collaboration should be encouraged through a substance abuse treatment priority for referrals from the child welfare agency. Confidentiality in drug and alcohol regulations are a barrier to collaboration and integration of services, a potential barrier to child safety, and should be waived in child protection cases. Unless there is funding appropriated to support the data collection required for a joint report by state substance abuse and child welfare agencies, data should be limited to that required or contained in AFCARS,
- Expansion of resources for Title IV-E training for cross-agency training because highly trained staff are essential to supporting the goals of safety and permanence, and elimination of the cost allocation requirement for reimbursement of IV-E training,

- Title IV-E funding to allow a child to remain with a parent while a parent is in residential treatment;
- Reports on state performance in protecting children;
- State benchmarks for safe and quality care;
- Grants to states for innovation projects in child protection and permanence.

Be it further resolved that the NCSHSA supports expanding the number of child welfare demonstration waivers by making all states eligible for such waivers; enable more flexibility concerning duration, application and evaluation; and enable states to duplicate successful demonstrations operating in other states.

Be it further resolved that NCSHSA looks forward to working with Congress as the legislation moves forward to ensure that the legislation is crafted in a way that ensures the appropriate resources and flexibility to carry out the objectives of the legislation in a manner consistent with best practices for protecting children and serving children and families safely and effectively.

Be it further resolved that the NCSHSA recommends that Congress address changes to provisions such as those pertaining to reasonable efforts; mandatory termination of parental rights; data collection on the state child welfare and substance abuse collaboration report; and adoption bonuses. The NCSHSA looks forward to working with Congress to include additional measures that support state efforts and infrastructure to accomplish these goals.

Adopted by the Executive Committee of the NCSHSA, March 25, 1997



Memorandum

May 6, 1997

SUBJECT : Side-by-Side Comparison of H.R. 867, S. 511, and Current Law

FROM : Karen Spar
Specialist in Social Legislation
Education and Public Welfare Division

Legislation is moving through the 105th Congress that is intended to promote adoption for foster children who are unable to return home, and to make general improvements in the nation's child welfare system. The House passed the Adoption Promotion Act, H.R. 867, on April 30, 1997, by a vote of 416-5. In the Senate, the Safe Adoptions and Family Environments Act, S. 511, was introduced on March 20, 1997, with bipartisan sponsorship.

The pending legislation responds to concerns that the number of children in foster care is at record high levels, that children remain in foster care unnecessarily long, and that their adoption rate is low. In addition, there is concern that additional safeguards are needed to protect children who come to the attention of the child welfare system, and especially to ensure that children are not returned to the homes of parents who are known to be unsafe.

Most provisions in the pending bills would amend current law under Titles IV-B and IV-E of the Social Security Act. These titles authorize grants to states for child welfare activities, including foster care, adoption assistance, and independent living services for older foster children. To receive federal funds, states must comply with requirements designed to ensure that services are provided to the families of children who are at risk, to enable the children to remain safely with their families or to return home after they have been placed in foster care. States also must conduct administrative and court hearings on every child's case, and establish a permanent placement goal for each child.

This memo compares the provisions of H.R. 867 and S. 511 with current law. Unless otherwise noted, references to current law are to Titles IV-B and IV-E of the Social Security Act. For a detailed discussion of the issues addressed in the pending legislation, see *Adoption, Foster Care, and Child Welfare: Issues for Congress* (CRS Report 97-256 EPW). For a description of existing federal programs, see *Federal Child Welfare Programs: Description, Funding, History* (CRS Report 96-883).

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Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
“Reasonable Efforts” to Preserve and Reunify Families	In every case, states must make “reasonable efforts” to avoid the need to remove a child from home, and to make it possible for a child to return home after placement in foster care — Sections 471(a)(15), 472(a)(1).	States would continue to be required to make reasonable efforts to preserve and reunify families; however, this requirement would not apply in cases in which a court has found that: • a child has been subjected to “aggravated circumstances” as defined in state law (examples would be abandonment, torture, chronic abuse, sexual abuse); • a parent has killed or assaulted another of their children; or • a parent’s rights to a sibling have been involuntarily terminated. In these cases, states would not be required to make reasonable efforts on behalf of any parent who has been involved in subjecting the child to these circumstances — Section 2.	States would be required to make reasonable efforts to preserve families when possible without endangering the child’s health or safety; and to reunify families unless a court determines that reunification would endanger the child’s health or safety, or in cases specified in state law: • cases in which a court has found that a parent has killed or assaulted another of their children; or • cases in which a court has found that a parent has abandoned, tortured, chronically abused, or sexually abused the child. By Oct. 3, 1999, states must enact and enforce laws that specify cases (such as those listed above) in which reunification efforts would not be required, and in which grounds exist for expedited termination of parental rights without efforts to reunify the family — Section 102.

Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
“Reasonable Efforts” to Place Children for Adoption or Other Permanent Arrangement	No provision.	If reasonable efforts to preserve or reunify a family are not made because of the reasons cited above (or are no longer consistent with the child’s permanency goal), then states would be required to make reasonable efforts to place the child for adoption, with a guardian, or in another planned, permanent arrangement. Reasonable efforts to preserve or reunify families could be made concurrently with efforts to place the child for adoption or guardianship — Section 2.	When a child’s permanency goal is adoption or another permanent placement, states would be required to make reasonable efforts to place the child in a timely manner for adoption, guardianship, or in another planned, permanent arrangement, and to take necessary steps to finalize the adoption or guardianship — Section 301(a).
Consideration of Child Health and Safety	No provision.	In determining and making reasonable efforts on behalf of a child, the child’s health and safety must be of paramount concern — Section 2.	In determining reasonable efforts, the child’s health and safety must be the paramount concern — Section 102. In addition, S. 511 would add references to child safety to several provisions in current law dealing with child welfare services, case plan and case review procedures — Sections 101(a) and 103.

Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
Termination of Parental Rights	No provision.	In the case of children who are younger than 10 and have been in foster care for 18 of the most recent 24 months, states would be required to initiate proceedings (or join any existing proceedings) to terminate parental rights, unless: • at the option of the state, the child is being cared for by a relative; • a state court or agency has documented a compelling reason for determining that such a petition would not be in the best interests of the child; or • the state has not provided the family with services deemed appropriate by the state (in cases where reasonable efforts to preserve or reunify the family have been required). This provision would only apply to children who enter foster care on or after Oct. 1, 1997— Section 3.	No directly comparable provision. (However, as described above, states would be required to enact and enforce laws specifying cases where grounds exist for expedited termination of parental rights without first requiring family reunification efforts.)

Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
Adoption Incentive Payments	No provision.	The Secretary of Health and Human Services (HHS) would be authorized to make adoption incentive payments to eligible states for any adoptions of foster children in a given fiscal year that exceed the number of such adoptions in FY1997, or in a subsequent base year. Adoption incentive payments would equal \$4,000 for each adoption of a foster child above the base number, plus an additional \$2,000 for each adoption of a foster child with special needs. For these incentive payments, \$15 million would be authorized for each of fiscal years 1999-2003 — Section 4.	No provision.

Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
Foster Care Case Review System	The status of every child in foster care under state responsibility must be reviewed by a court or administrative review at least every 6 months. In addition, no later than 18 months after the child enters care (and at least every 12 months thereafter), the court or a court-appointed body must hold a “dispositional” hearing to determine the child’s future status, which can include returning home, continuing in foster care for a specified period, adoption, or, if warranted by the child’s special needs or circumstances, long-term or permanent foster care — Section 475(5).	States would be required to hold a first dispositional hearing within 12 months of a child’s placement, instead of the current 18, and the name of the proceeding would be changed to “permanency” hearing. The purpose of the hearing would be to determine the child’s permanency goal, which could include returning home, referral for adoption and termination of parental rights, guardianship, or another planned, permanent arrangement, which could include the custody of a fit and willing relative — Section 5.	States would be required to hold a first dispositional hearing within 12 months of a child’s placement, instead of the current 18, and at least every 6 months thereafter, instead of the current 12. In addition, the name of the proceeding would be changed to “permanency planning” hearing. The purpose of the hearing would be to determine the child’s permanency goal, which could include returning home, referral for adoption and termination of parental rights, guardianship, or another planned, permanent arrangement — Section 302.
Participation in Case Reviews and Hearings	Administrative reviews are open to the participation of a child’s parents — Section 475(5).	Foster parents and relatives providing care for a child would be given notice and an opportunity to be heard at any review or hearing held with regard to the child — Section 6.	No provision.

Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
Documentation of Efforts to Adopt	No provision.	For every child whose permanency goal is adoption or another permanent placement, states would be required to document the steps taken to find an adoptive family or permanent home; to place the child with the adoptive family, legal guardian, or other permanent home (including the custody of a fit and willing relative); and to finalize the adoption or guardianship. The documentation must include child-specific recruitment efforts such as use of adoption information exchanges, including electronic exchange systems — Section 7.	Virtually identical to H.R. 867, except S. 511 contains no reference to the custody of a fit and willing relative — Section 301(b).

Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
Kinship Care	No provision.	The Secretary of HHS would be required to convene an advisory panel on kinship care no later than March 1, 1998. By the same date, the Secretary would submit an initial report to the advisory panel on the extent to which foster children are placed with relatives. The advisory panel would review the Secretary's initial report and submit comments by July 1, 1998. Based on these comments and other information, the Secretary would submit a final report, by Nov. 1, 1998, to the Committees on Ways and Means and Finance, containing recommendations — Section 8.	No provision.
Federal Parent Locator Service	The Federal Parent Locator Service is authorized under the Child Support Enforcement program to assist in locating absent parents for purposes of collecting child support — Section 453 of the Social Security Act.	Child welfare agencies would be authorized to use the Federal Parent Locator Service to assist in locating absent parents — Section 9.	No provision.

Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
Performance Measures for State Child Welfare Programs	No provision.	The Secretary of HHS (in conjunction with the American Public Welfare Association, National Governors Association, and child advocates) would be required to develop outcome measures to assess state child welfare programs, and to rate state performance according to these measures. HHS would submit an annual report to Congress, with recommendations for improving state performance; the first report would be due on May 1, 1999 — Section 10.	No provision.
Child Welfare Demonstrations	HHS is authorized to approve child welfare demonstrations in up to 10 states, in which states may request waivers of provisions under Titles IV-B and IV-E — Section 1130 of the Social Security Act.	The number of child welfare demonstrations would be increased to 15 states. At least one of the additional demonstrations would have to address the issue of kinship care — Section 11.	The number of child welfare demonstrations would be increased to 15 states — Section 402. (In addition, funding would be authorized for innovation grants to states — see below.)

Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
Technical Assistance to Promote Adoption	No provision.	HHS is authorized to provide technical assistance to states and localities to promote adoption for foster children, including: • guidelines for expediting termination of parental rights; • encouraged use of concurrent planning; • specialized units and expertise in moving children toward adoption; • risk assessment tools for early identification of children who would be at risk of harm if returned home; • encouraged use of fast tracking for children under age 1 into pre-adoptive placements; • programs to place children into pre-adoptive placements prior to termination of parental rights. For technical assistance, \$10 million would be authorized for each of fiscal years 1998-2000 — Section 12.	No provision.

Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
Reports on Substance Abuse and Child Protection	No provision.	The Secretary of HHS would be required to submit a report to the Committees on Ways and Means and Finance on the problem of substance abuse in the child welfare population, services provided, and the outcomes of such services. This report would be based on information from the Substance Abuse and Mental Health Services Administration and the Administration for Children and Families within HHS, and would be due within 1 year of enactment. The report would include recommendations for legislation — Section 13.	The Secretary of HHS would be required to provide to state substance abuse and child welfare agencies an inventory of federal programs that could be used to provide substance abuse services to families in the child welfare system. The Secretary would develop the report through the Administration for Children, Youth and Families, the Center for Substance Abuse Prevention, and the Center for Substance Abuse Treatment. The report would be due within 12 months of enactment, and would be updated biennially. State substance abuse and child welfare agencies would be required to jointly prepare a report on joint activities, due to HHS within 12 months of enactment. Within 18 months of enactment HHS would report to Congress on substance abuse and child welfare issues, including recommendations for legislation — Section 201.

Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
Priority for Substance Abuse Treatment	Pregnant women are given priority for substance abuse treatment under a federal substance abuse block grant — Section 1927 of the Public Health Service Act.	No provision.	All caretaker parents who are referred for substance abuse treatment by a state or local child welfare agency would also be given priority for such services — Section 202.
Eligibility for Independent Living Services	Federal grants for independent living services are authorized to assist: children 16 and older who are eligible for foster care subsidies under Title IV-E; at the option of the state, all other foster children age 16 and older; and at the option of the state, former foster children who are not yet 21 years old — Section 477.	The primary target population for independent living services would be revised to include children who are no longer eligible for foster care subsidies under Title IV-E, because they have accumulated assets of up to \$5,000 — Section 14.	No provision.

Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
Criminal Record Checks	No provision.	At state option, states could provide (as a component of their Title IV-E plan) procedures for criminal records checks and checks of a state's child abuse registry for any prospective foster parents or adoptive parents, and employees of child care institutions, before the parents or institutions are finally approved for a placement of a child eligible for federal subsidies under Title IV-E — Section number not yet assigned.	Identical to H.R. 867, except the provision would be mandatory for states, rather than optional — Section 205.
Standby Guardianship	No provision.	It would be the sense of Congress that states should have laws and procedures that would permit a parent who is chronically ill or near death to designate a standby guardian for their minor child, without surrendering their own parental rights. The standby guardian's authority would take effect upon the parent's death, mental incapacity, or physical debilitation and consent — Section 16.	No provision.

Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
Purchase of American-Made Equipment and Products	No provision.	It would be the sense of Congress that, to the greatest extent possible, all equipment and products purchased with funds provided under the Adoption Promotion Act should be American-made — Section number not yet assigned.	No provision.

Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
Child Death Review Teams	No provision.	No provision.	No later than 5 years after enactment, states would be required to certify that they have established and are maintaining a multidisciplinary state child death review team (and, if necessary, regional and local teams) to investigate child deaths, including those where there has been a prior report of abuse or neglect or there is reason to suspect that the death was related to abuse or neglect, or the child was a ward of the state or otherwise known to the child welfare agency, or the death was a suicide, or the cause of death was unexplained or unexpected. In addition, HHS would be required to establish a federal child death review team to investigate deaths on federal lands, review the status of state and local teams, and make recommendations to reduce the number of child deaths — Section 104.

Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
Foster Care Payments for Children with Parents in Residential Institutions	Federally subsidized foster care maintenance payments may be made on behalf of eligible children who are placed in a licensed foster family home, or a licensed child care institution — Section 472(b).	No provision.	Federally subsidized foster care payments could also be made on behalf of eligible children who are placed with their parent in a residential program that provides services for parents and children, including parenting services, in cases where: • the parent is trying to overcome substance abuse, domestic violence, homelessness, or has special needs due to teenage parenthood; • the child's safety can be assured; • the program provides appropriate services for parent and child; • the child's permanency plan is family reunification within a specified period; and • the parent has not previously been treated in a residential program serving children and parents together — Section 203.

Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
Staff Training	Federal reimbursement is available to states for 75% of expenditures for training state and local child welfare personnel, individuals preparing for employment as state and local child welfare personnel, current or prospective foster or adoptive parents, and staff of child care institutions serving children eligible for Title IV-E subsidies — Section 474(a)(3)(A) and (B).	No provision.	Federal reimbursement could also include training directed at staff maintenance and retention, and training provided to personnel employed by courts, law enforcement agencies, substance abuse agencies, mental health providers, domestic violence agencies, health agencies, child care agencies, schools, and other agencies that are working with state or local child welfare agencies. Training expenditures could be reimbursed regardless of the primary provider and regardless of the proportion of Title IV-E-eligible children in the state. HHS would be required to issue guidelines for such training; states would document that their expenditures conform to these guidelines; and states could not reduce their own spending on training below FY1996 levels — Section 204.

Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
Guidelines for Out-of-Home Care	States are required to have an agency responsible for establishing and maintaining standards for foster homes and child care institutions, in accord with recommended standards of national organizations, including standards related to safety and sanitation. States must periodically review these standards, and federal funds may only be provided on behalf of children placed in licensed or approved homes and institutions — Sections 471(a)(10) and (11) and 472(b).	No provision.	States would also be required to develop and implement guidelines to ensure safe, quality care for children in out-of-home settings, such as guidelines issued by a nationally recognized accrediting body; to assist providers in meeting these guidelines; to articulate the guidelines against which agency performance will be judged; monitor progress made toward meeting the guidelines; and judge agency compliance with the guidelines by measuring improvements in child and family outcomes and other appropriate measures — Section 206.

Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
Eligibility for Adoption Assistance	Federally subsidized adoption assistance payments are made on behalf of children with special needs as defined by the state. Eligible children must have been eligible for Aid to Families with Dependent Children (AFDC) at the time adoption proceedings began (except that they had been removed from their family as a result of a voluntary agreement or judicial determination that remaining with the family would be contrary to their welfare), or must be eligible for Supplemental Security Income (SSI), or must be living in foster care with a minor parent who is eligible for foster care subsidies under Title IV-E — Section 473(a)(2).	No provision.	Federally subsidized payments would continue to be made on behalf of children with special needs as defined by the state. AFDC and SSI eligibility provisions would be deleted. Eligible children would be those who, prior to termination of parental rights and initiation of adoption proceedings, were in the care of a public or nonprofit agency or Indian tribe as a result of a voluntary agreement or judicial determination that remaining in the home would be contrary to their welfare, or were living in foster care with their minor parent. An otherwise eligible child who is not a U.S. citizen or resident would be eligible for assistance, except for children who were adopted outside the U.S. or brought to the U.S. to be adopted. An otherwise eligible child whose adoptive parent dies or whose adoption is disrupted would remain eligible for assistance — Section 303.

Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
Payment for Reunification Services	Foster care maintenance payments that are eligible for federal reimbursement are defined as payments for the costs of food, clothing, shelter, supervision, school supplies, personal incidentals, liability insurance with respect to the child, and reasonable travel to the child's home for visitation — Section 475(4).	No provision.	Foster care maintenance payments would also include costs of reunification services for up to 1 year after a child is removed from home. Reunification services would include services and activities provided to a child who has been removed from home, and the child's parents or primary caregiver to make family reunification possible, and would be limited to individual, group, and family counseling, inpatient, residential, or outpatient substance abuse treatment, mental health services, assistance to address domestic violence, and transportation to and from such services — Section 304.

Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
Interstate Adoption	No provision.	No provision.	The Secretary of HHS would be required to appoint an advisory panel to study interjurisdictional adoption issues. The panel would submit a report to the Secretary within 12 months of their appointment, including recommendations for improvements. The Secretary would forward the report to Congress, and, if relevant, make recommendations for legislation — Section 305.

Provision	Current Law	H.R. 867 (House-Passed)	S. 511 (Introduced)
Innovation Grants	No provision.	No provision.	Up to \$50 million in entitlement funding would be available in each of fiscal years 1998 and 1999 for grants to states for innovation projects. Projects would last for 5 years, could not require waivers from federal law, would include evaluations, and would address the following goals: • reduce backlogs of children awaiting adoption; • ensure permanent placements within 1 year of foster care; • identify and address barriers to permanent placements; • implement community-based permanency initiatives and child protection activities that involve partnerships; • assist with state safety guidelines; • develop new staffing approaches — Section 401.