

RUSH!

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IT TAKES A FAMILY: THE ADOPTION PROMOTION ACT OF 1997

Congress soon will consider the Adoption Promotion Act of 1997 (H.R. 687), sponsored by Representatives Dave Camp (R-MI) and Barbara B. Kennelly (D-CT). This bipartisan legislation is a responsible attempt to speed up the adoption process, especially for children who have been abused and neglected. It also seeks to change federal policy from one that, through fiscal incentives, rewards ineffective methods that merely expand the current system to one that promotes adoption and provides many more children with a chance to enjoy a normal family life.

Foster care has been a black hole for many of America's neediest and most neglected children. During each of the past 10 years, more children have entered the foster care system than have left it. Congress now has the opportunity to ensure that these children will be placed with stable families. The policies embodied in H.R. 687 offer solid solutions to some of the most serious problems in the U.S. foster care system. Specifically:

Increasing the Ability to Protect Children. At present, foster care is controlled by the Adoption Promotion and Child Welfare Act of 1980, which established family preservation as the goal of child welfare services. This law required states to make "reasonable efforts" at family reunification while making it very difficult to terminate the custodial rights of habitually abusive natural parents, even when the best interests of the child demanded it. The result: Every year, 1,500 children have "graduated" from the foster care system at age 18, after a childhood spent bouncing between abusive parents and different foster care families, with no permanent families to call their own.

The Camp-Kennelly bill, however, requires expeditious termination of parental rights in chronic cases of abuse or neglect. If a child under the age of 10 has spent 18 of the past 24 months in state foster care, the state must file a petition with the court on that child's behalf for termination of parental rights.

Cutting the Cord of Abusive Parents. That the policy of family preservation has become increasingly dangerous to children is confirmed by disturbing trends revealed in the Third National Incidence Study of Child Abuse and Neglect. Although *moderate* abuse did not grow significantly during the seven years between 1986 and 1993, *severe* abuse nearly quadrupled. In many cases, efforts to reunify the child with the abusing adult have been lethal. According to the National Committee for the Prevention of Child Abuse, 39 percent of the children who died of abuse or neglect between 1989 and 1991 were known to child welfare agencies before their deaths.

The Adoption Promotion Act clarifies the "reasonable efforts" requirement. When it is determined that a child has been subjected to such chronic, serious mistreatment as abandonment, torture, repeated injury, and sexual abuse, the state no longer would be required to make any effort to reunite that child with the abusive parent or parents. States also could forego efforts for children whose parents already have been

convicted of killing or seriously injuring another child—an exemption, incredibly, not allowed under the current system.

Removing Perverse Federal Disincentives. Federal incentives currently reward states for keeping children in foster care rather than finding adoptive homes for them. Not only do states *not* have the financial incentive to place children in adoptive homes, but as more children enter the foster care system more federal tax money flows into the state to support them. Even though private adoption agencies are paid for each successful placement, public agencies make money by keeping children from being adopted.

The Adoption Promotion Act changes these incentives and offers payments to the states for adoptions. Each state that increases its annual finalized adoptions of children in the foster care system would receive \$4,000 for each adoption and an additional \$2,000 for special needs adoption. The Congressional Budget Office (CBO) has determined that the cost of these incentives would be offset by reductions in federal spending on foster care.

Removing Restrictions. States have been slow to respond to the needs of foster children, even when there are many generous couples who offer them homes and families. While thousands of children are bounced around a failing system, thousands of stable families await the opportunity to adopt. Couples who want to adopt are not always looking for healthy or Caucasian infants, despite assumptions to the contrary. Many organizations across the country—such as the National Down’s Syndrome Adoption Exchange and California’s Adopt a Special Kid—have lists of literally hundreds of couples willing to adopt children who are more difficult to place because of disabilities or background characteristics.

The Adoption Promotion Act requires states to document their efforts (for example, their use of state, regional, and national adoption exchanges) to find permanent homes for children who are legally free to be placed with adopting families, regardless of background or condition. This is a reasonable measure of accountability to expect in return for the \$5 billion in federal money that is sent to the states each year for foster care programs. The bill also provides grants to states to promote adoption through such means as concurrent planning to enable family preservation and adoption to be pursued simultaneously; developing risk-assessment tools to identify children who would be at risk of harm if returned to their natural homes; arranging a fast-tracking system for placing children under one year of age into pre-adoptive families; and developing programs to place children in pre-adoptive families before the termination of parental rights. The CBO believes the cost of these grants also would be offset by reductions in federal spending on foster care.

The new policy embodied in the Camp–Kennelly bill could cause well-intentioned states to refocus their efforts on the well-being of children, ensuring that the neediest, most neglected, and most abused are no longer denied permanent, safe, and stable homes. The Adoption Promotion Act addresses many of the deeply ingrained problems of the current foster care system. Most important, it offers hope to children who now are trapped in an outdated system burdened with unintended consequences and plagued by tragedy.

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