

Voice for Adoption

SPEAKING OUT FOR OUR NATION'S WAITING CHILDREN



Testimony by:

Nicole Dobbins,

**Executive Director
Voice for Adoption**

Before the:

**United States House Committee on Ways and Means,
Subcommittee on Human Resources**

For the hearing:

**Increasing Adoptions from Foster Care
February 27, 2013**

**Voice for Adoption
1220 L. Street, NW
Suite #100-344
Washington, DC 20005**

Hello, Chairman Dave Reichert, Ranking Member Lloyd Doggett and members of the Subcommittee on Human Resources. I am Nicole Dobbins, Executive Director of Voice for Adoption (VFA). I am pleased to appear before you today to provide testimony regarding the importance of increasing adoptions for children in our nation's foster care system who are awaiting permanent families. Thank you for having this significant hearing and thank you for the opportunity to be a part of this distinguished panel.

Let me start by saying Voice for Adoption¹ is a membership advocacy organization. We speak out for our nation's 104,000 waiting children in foster care and the families that adopt children with special needs. VFA members, who are spread across the country, recruit families to adopt children and youth in foster care who are waiting for a permanent family. Our members also provide vital support services both before and after adoption finalization to help adoptive families through the challenges they sometimes face in parenting children who have experienced abuse or neglect. VFA members are dedicated to finding permanent, loving families for every waiting child in foster care. We are also committed to ensuring federal policies and funding match the ongoing needs of these children and their adoptive families.

I would like to shed light on four key areas within my allotted five minutes:

1. The rate of adoption from foster care is increasing, but the adoption of older youth continues to be a struggle for States.
2. Youth who "age-out" are a vulnerable population and more must be done to secure permanency for these youth before exiting foster care.
3. Adoption experts—both professionals and families alike—identify post-adoption services as a critical need to support families, but a lack of resources to support these efforts is still a challenge.

¹ Voice for Adoption is a coalition whose Board of Directors is composed of Adopt America Network, Adoption Exchange Association, The Adoption Exchange Inc., Child Welfare League of America, Children Awaiting Parents, Consortium for Children, Family Builders Network, Kinship Center, Lilliput Children's Services, National Adoption Center, New York Council on Adoptable Children, North American Council on Adoptable Children, Spaulding for Children-Michigan, and Three Rivers Adoption Council.

4. State accountability for the use of federal adoption funding should be reviewed to ensure that reinvestment into supporting adopted children and their families' is happening as required by law.

Overall, there have been great improvements since the federal government placed an emphasis on the importance of timelier adoptions of children from foster care when the *Adoption and Safe Families Act* (ASFA) of 1997 (P.L. 105-89) was enacted. Since that time the rate of adoption has increased (by approximately 77 percent) and the average time from removal to adoption has declined (by 14 months)². Additionally, the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351) took great strides to provide additional resources to States to ensure support for increasing adoptions, but more must be done. Through the Fostering Connections Act, the Adoption Incentive Program was improved and reauthorized through fiscal year 2013. The Fostering Connections Act revised the baselines against which adoption increases are measured, and doubled awards for increased adoptions of children age nine and older (increased to \$8,000) as well as for younger children with special needs (increased to \$4,000). Under the law States also have the opportunity to earn incentives for increasing their rate of adoptions (calculated by dividing the total number of adoptions by the total number of children in foster care on the last day of the fiscal year and multiplying by 100).

As you know, the Adoption Incentive program is set to expire at the end of this fiscal year and as States' overall foster care population decline, so are the number of adoption finalizations. Consistent with the national number of children in foster care decreasing so has the number of children waiting to be adopted as well (134,000 in FY2002 compared to 104,000 in FY2011). The number of children adopted from foster care each year has stayed above 51,000 since 2002. The peak was seen in fiscal year 2009, the year after the updated baseline from the Adoption Incentive Program was enacted, with 57,000 children adopted in that year. The number of children adopted in FY 2011, the last year we have data from, was 51,000 adoptions.

² National Resource Center for Adoption, A Service of the Children's Bureau & Member of the T/TA Network. *The Roundtable*, Volume 25: Number 2 (2012).

After the enactment of the Fostering Connections Act, all but six States and the District of Columbia have received an incentive payment in at least one year. In FY2009 all but twelve States received an incentive payment, but by FY2011 twenty-two States did not receive any incentive.³ Since the number of children in foster care and the number of youth waiting to be adopted have declined over 20% in the past five years (this is good news), states can't continue to exceed their FY2007 baseline number of adoptions and will not be able to achieve the adoption incentives. It is important to note that the incentive payments related to the adoption rates are only available to States if there is money left after the initial bonuses have been allocated. Despite foster care population declines, adoption rates have remained stable, which suggests that the rate of adoptions may be a greater indicator of success. Some greater priority should be given to rates of adoption, especially for older youth. For example if a State has increased their adoption rates, but not increased enough over their baseline level to achieve the per child adoption incentives, are we not providing an incentive for the rate increase achievement? The answer to this question is hard to answer, because we don't have adequate reporting on what State achievements are in each of the adoption incentive categories; we encourage this to be examined more closely.

As the Subcommittee is reviewing the reauthorization of this program, **Voice for Adoption recommends adjusting the adoption baseline to more current levels in order to ensure that the Adoption Incentives continue to be an effective approach to increasing the number of adoptions. Additionally, we request detailed reports on the number of adoptions in each category, as well as the State use of the awards. It is hard to have a clear picture of what types of increases in adoption States are receiving the bonuses for, because in recent years HHS has only reported on the total dollar amount States have earned rather than any detail of what was achieved. Additionally States are not required to report the use of the incentive dollars, so tracking use of these funds is also difficult.**

³ U.S. Department of Health and Human Services, Administration for Children and Families (Aug. 2012) *Adoption Incentives Earning History by State: FY 1998-FY2011*. Washington, DC.

The adoption of older youth continues to be a struggle for States

Despite the achievements we've seen in connecting waiting children with adoptive families, states still struggle to meet the needs of older youth waiting for permanent families. In a recent analysis published by the National Resource Center for Adoption, a review of data found that only 26.1 percent of all *adoptions* were of children ages 9 and older, while at the same time 40.6 percent of children *waiting* for adoption were 9 or older. This represents the lowest percentages of older youth adoptions since the enactment of ASFA in 1997. It is critical that we find ways to increase the likelihood of adoption for older youth, because otherwise we will continue to allow legal orphans to exit our nation's foster care system to unfortunate outcomes (and there has been much research dedicated to what happens to youth when they exit foster care without permanent connections). For older youth adoption, promising practices include a variety of efforts that should continue to be strengthened and taken up by states to ensure success for this population. These practices, which you will hear about in depth from my colleagues on the panel, include: youth engagement in permanency planning, smaller caseloads, intensive family finding, kinship connections and reunification efforts. To facilitate these efforts, **Voice for Adoption recommends reauthorizing the funding for the Family Connections grants,⁴ which are also set to expire at the end of this year.**

Another way to continue to promote these effective practices is to encourage States to leverage public-private partnerships to promote adoptions of children in foster care. A key provision of the Fostering Connections Act provides federal Title IV-E reimbursement for training a range of service providers and caregivers (court personnel, attorneys, guardian ad litem, court appointed special advocates, and perspective relative guardians as well as foster and adoptive parents). Funding for this provision was phased in over 5 years with full 75 percent reimbursement in fiscal year 2012 and beyond. The

⁴ Family Connections grants are for projects and integrated programs for intensive family-finding activities and family group decision-making meetings (FDGM), kinship navigator programs and residential family treatment project in supporting connections with family members to build the capacity to meet the needs of children and families.

benefits of the training expansion of the Fostering Connections Act in promoting public private partnerships are yet to be realized. Clarity is needed from HHS on key implementation issues. **Voice for Adoption recommends that States utilize the enhanced Title IV-E training dollars toward the use of effective models that move older children out of foster care and into permanent families and we urge the Subcommittee to encourage HHS to issue guidance or further clarity identifying successful State examples of such opportunities.**

Youth who “age-out” are a vulnerable population and more must be done to secure permanency for these youth before exiting foster care

As a system we are failing older youth. The number of youth who age out of foster care annually is more than 26,000. There is a growing trend in the percentage of emancipated youth whose parental rights have been terminated (16.3 percent in FY2011 compared to 6.1 percent in FY2000)⁵. Youth who leave foster care to live on their own face significant challenges, including homelessness and inadequate housing, limited or no postsecondary education or training, unemployment or underemployment, involvement with the criminal justice system, mental health and substance abuse challenges, and early parenthood⁶. When we take these youth away from their birth families, we have an obligation to create better circumstances for them. As a nation we must do a much better job at connecting these youth to permanency rather than emancipating them to no one and putting them on a trajectory toward poor outcomes.

An area that warrants greater examination for older youth is their designated case plan. Over the years there have been mounting and justified concerns regarding the use of APPLA as a permanency goal for children and youth in foster care. “APPLA” is: Another Planned Permanent Living Arrangement. It replaced “Long Term Foster Care” in legislation 16 years ago. It was intended to be used only when other permanency options such as reunification, adoption, and kinship or guardianship care are ruled out. Roughly

⁵ Analysis prepared by Penelope L. Maza, Ph.D. based on data from the Cornell Data Archive as of February 2013.

⁶ Courtney, M.E., Dworsky, A., Hook, J., Brown, A., et al. (2011). Midwest Evaluation of the Adult Functioning of Former Foster Youth. Retrieved February 22, 2013 from:

http://www.chapinhall.org/sites/default/files/Midwest%20Evaluation_Report_4_10_12.pdf

12 percent of children in care have this case goal, however some State data reflect numbers as high as 20 percent of their foster care population with this goal⁷. The APPLA term was established because far too many children were being given the permanency goal of long-term foster care and Congress made the right decision to remove that as a goal. However there is a growing concern in the field that APPLA has simply replaced long-term foster care, changing the terminology but not the outcomes for youth.

Too many youth report not being asked more than once, if at all, if they would consider being adopted and secondly youth report feeling forced down a path of independence while not fully understanding what permanency is⁸. Youth who have had parents throughout childhood and adolescence have the foundation of family while establishing greater independence. Yet, youth in foster care are asked to make the life altering decision of “choosing to want” to be adopted at the very time that developmentally they are seeking independence. Should youth refuse to consider adoption, they commonly are assigned a permanency goal of APPLA. Additionally, there is a correlation between older youth and their placement settings. Nationally, over one-third (36%) of youth in care who are age 16 and older are in group homes or institutional settings⁹, where typically efforts are not made to connect them with permanent families and other caring adults.

While the APPLA case goal had good intentions and at the time was progressive in thinking, we have learned a lot about what happens to youth when they exit care alone and we have heard from the other panelists that better practices have been developed to serve this population. It is time for the federal government to revisit the use of APPLA as a permanency plan option for older youth. **Voice for Adoption recommends providing incentives to States for the reduction of youth who exit without permanent**

⁷ The case goal APPLA was enacted after AFCARS data reporting, so States still report goals of “Long Term Foster Care” or “emancipation”. Establishment of one of these goals suggests that the other permanent options were ruled out. Congressional Research Service Report, *Another Planned Permanent Living Arrangement (APPLA) as a Permanency Goal for Children in Foster Care* (February 2012).

⁸ U.S. Senate Caucus on Foster Youth, “Call to Action,” October 7, 2010. Retrieved February 21, 2013 from: <http://www.finance.senate.gov/newsroom/ranking/release/?id=98aaed19-1918-41a9-a11a-d6ff11b51990>

⁹ Annie E. Casey, Kids Count, May 2011

connections. Furthermore I urge this Committee to hold future hearings on this topic, to establish a national strategy to address this vulnerable population of youth.

Post-adoption services remain a critical need, yet lack of resources legislated

The federal government has invested millions of dollars into increasing adoptions without adequate assurances that these children and families will be safe and secure post-finalization. These services include assistance, such as: parent and youth support groups, crisis intervention, family therapy, respite care, and educational advocacy. Post-adoption services help adoptive families and children move through the predictable stages of becoming a family – working through past traumas and strengthening the well-being of all family members. A Casey Family Services report stated, “As states have increased the numbers of adoptions with legislative mandates and fiscal incentives, this push for more timely permanence for children in foster care has not been accompanied by parallel mandates or incentives for states to support families once the adoption is legalized.¹⁰” Parents are often faced with seeing practitioners that do not understand the dynamics of adoption and foster care – this only adds to the challenges of families who are seeking assistance to meet their children’s emotional and mental health needs.

Although there has been a great deal of research on the need for quality post-adoption services, funding for such supports are not readily accessible. **Voice for Adoption recommends that a greater emphasis be placed on the access of adoption competent mental health providers and that appropriate funding streams be mandated to accomplish this goal. Specifically, we recommend that states be required to use adoption incentive bonuses for post-adoption support services for children and families.**

¹⁰ Casey Family Services, *The Casey Center for Effective Child Welfare Practice, Promising Practices in Adoption Competent Mental Health Services* (2003) Retrieved February 21, 2013 from: <http://www.aecf.org/upload/publicationfiles/promising%20practices%20in%20adoption.pdf>

Federal adoption funding should be reviewed to ensure reinvestment into child welfare and adoption

The Fostering Connections Act included a major provision that resulted in the federal government taking on a larger share of what States would otherwise be spending on adoption assistance. Before Fostering Connections, tens of thousands of children were not eligible for federal Title IV-E adoption assistance; in FY2008 states reported that just over 20 percent of adopted children who received adoption assistance received no federal support¹¹. When the Congressional Budget Office scored the Fostering Connections Act they projected a \$1.4 billion savings to States over ten years (and \$126 million over 5 years). The federal government required States to reinvest these savings back into child welfare, including post-adoption services. Despite legislative attempts in two federal laws (the Fostering Connections Act and the Child Welfare Improvement and Innovation Act of 2011), HHS has been unable to report what types of services, if any, States are spending the savings on. Initial guidance to States following the Fostering Connections Act stated that States had the flexibility to determine and calculate the savings, but were not required to provide a specific accounting of the funds to the Department of HHS¹². Congress enacted legislation in 2011 reiterating the expectation for an accounting of the Title IV-E adoption assistance savings. An Information Memorandum was issued to States directing agencies to “now document how savings (if any) are spent when using the applicable child eligibility criteria in the title IV-E adoption assistance program (sections 473(a)(2)(A)(ii) and (e) of the Act.¹³” Whether the funds are being reinvested into child welfare and adoption services is unknown because access to the State reports continues to be a challenge.

¹¹ DeVooght, K. Fletcher, M. Vaughn, B., & Cooper, H. (2012). Federal, State, and Local Spending to Address Child Abuse and Neglect in SFYS 2008 and 2010.

¹² U.S. Department of Health and Human Services. (2010). Guidance on Fostering Connections to Success and Increasing Adoptions Act of 2008. ACYF-CB-PI-10-11.

¹³ U.S. Department of Health and Human Services. (2011) Child and Family Services Improvement and Innovation Act; Titles IV-B, IV-E and section 1130 of the Social Security Act; Promoting Safe and Stable Families Program; Child Welfare Services Program. ACYF-CB-IM-11-06.

As States continue to accrue savings on what they would have been spending on state adoption assistance there is an even greater opportunity for an investment in making sure families are stable through the availability of post-adoption support. **Voice for Adoption believes that a percentage of the adoption funds states have saved from the federal adoption assistance de-link should be reinvested into services to support families after they adopt children from foster care, to ensure families are able to meet the ongoing needs of their children. Public reporting on the use of State reinvestment funds should also be required so State advocates have a tool to make sure funds are being reinvested.**

Conclusion

I would like to sincerely thank the Subcommittee for its interest in hearing perspectives for improvements to increasing adoptions from foster care. As you work to improve outcomes for children waiting to be adopted and adoptive families committed to raising children who often come with painful pasts, I hope you will take into consideration the recommendations presented before you today. In closing we appreciate the dedication of this Subcommittee; as demonstrated your work on children's issues remains a priority across party lines. We look forward to your continued efforts on behalf of children and families.

Respectfully Submitted,



Nicole Dobbins,
Executive Director
Voice for Adoption