

NLWJC - Kagan

DPC - Box 023 - Folder 013

Family - Adoption Directive

May 13, 1997

MEMORANDUM

TO: Elena Kagan
Jen Klein
FROM: Nicole Rabner
RE: Adoption

When adoption was considered as a theme for the the President's recent radio address, I had asked HHS to prepare Q&A addressing the department's progress in implementing the objectives spelled out in the *Adoption 2002* report. They sent the attached, which I thought you might like to see before our meeting with HHS tomorrow.

Adoption 2002 questions and answers

** for internal use only **

Q Have you made substantial progress in fulfilling the recommendations in the "Adoption 2002" report?

A Yes. Of the 32 recommended tasks contained in the "Adoption 2002" report, the administration has made progress on nearly all of them. Several of the main recommendations -- including financial incentives to the states that increase adoptions, making child health and safety paramount in placement decisions, and expediting the placement of children in permanent homes -- require action by the Congress. We're pleased to say that the House of Representatives already has passed legislation incorporating these critical changes, and we expect the Senate to consider our recommendations soon. The strong bipartisan leadership on these issues, lead by Representatives Camp (R-MI) and Kennelly (D-CT) and Senators Chafee (R-RI), Rockefeller (D-WV), Dewine (R-OH) and others, is extremely encouraging.

Several of our recommendations require modest new funding. We're hopeful that these initiatives will be funded this year as well.

Q What are the differences between the Senate bill and the House passed one?

A Both the House bill (HR 867) and the Senate bill (S.511) are critically important to meet our goal of doubling the number of children adopted or placed in other permanent homes by the year 2002. In addition, both bills emphasize the paramount importance of a child's safety and clarify that there are circumstances in which family reunification may not be reasonable or appropriate.

The Senate bill also would provide new federal resources for training those who work with abused and neglected children, for reunification services and for substance abuse prevention services. While it would encourage states to increase adoptions, it does not include the financial bonuses included in the House bill.

Q I understand that the Senate bill has included more funding than the House version. Do you support the additional funding?

A The President's budget proposes funds for bonuses for states that increase the number of children adopted and \$21 million to support grants to reduce barriers to adoption and to provide them with increased training and technical assistance. Our first priority is to ensure that these funds are appropriated.

Cost estimates are not yet available for S. 511. We are not in a position to answer this question until we have received the estimates and reviewed them carefully.

Q What have you done on establishing baseline data on the number of adoptions and proposed increased targets to the year 2002 to reach doubling the number of children adopted?

- A The goal that the "Adoption 2002" report seeks is a doubling of the number of children adopted from the public foster care system. To accomplish that goal, HHS drafted guidelines and is developing plans for consulting directly with the states in the near future on the specific target numbers for each state.
- Q What about the financial bonuses for states?
- A There has been enthusiastic support for the financial bonuses, and we're especially pleased that they were incorporated into The Adoption Promotion Act (HR 867).
- Q The report included a recommendation for an annual state-by-state report on the progress of these efforts. When will the first report be issued?
- A The first report will be released in the Spring of 1999. We're also pleased that the Adoption Promotion Act also included a requirement for the report to begin in May 1999.
- Q The report suggested several recommendations on providing technical assistance, including new grants. What is the status?
- A The President's FY98 budget includes a request of \$10 million for grants to states to expand technical assistance to meet the goals of doubling the number of children adopted or permanently placed. These new funds are critically important and will build upon our current Resources Centers and other efforts.
- Q Many have been critical of HHS for dragging its feet in preparing and sending to the states a guidance on the new transracial adoption law. When will it be ready?
- A When the Interethnic adoption provisions were enacted into law, HHS sent a notice to the states that the law has been strengthened to prevent the delay and/or denial of placement of children with foster or adoptive families for reasons related to race or ethnicity. The major change in the new law is states are now subject to specific penalties for failing to comply. HHS will release a guidance shortly to the states on the new provisions.
- Q Also on transracial adoptions, the report recommended several other actions, including revising the way HHS monitors states, providing technical assistance and continuing expeditious reviews of individual complaints. What is the status of these efforts?
- A HHS is working diligently to revise monitoring procedures, which will be published for public comment as a Notice of Proposed Rulemaking. When the guidance is issued, the Department will provide technical assistance on the interethnic adoption provisions to ensure compliance. The HHS Office of Civil Rights has swiftly investigated the few individual complaints presented to the department.

- Q The report suggested recognizing states and others who make significant contributions to increasing adoptions. When will the first awards be made?
- A The administration is looking forward to presenting the first recognition awards in November 1997. There is no funding required for these awards.
- Q The report recommends that HHS issue new and continuing grants under the Adoption Opportunities program to assist states and communities in overcoming the barriers to adoption for special needs children. When will the grants be awarded?
- A We expect that the announcement for up to 25 new awards will be published this month and granted in September 1997.
- Q When will grants be issued to states on innovative ways to reduce barriers to adoption and reform the work of adoption services as proposed by the report?
- A The President's FY98 budget requests \$10 million to support grants for states. The Senate's bill (S. 511) contains a similar proposal.
- Q Are you working with states to fully implement the Court Improvement Program as recommended?
- A Yes. The Court Improvement Project is fully operational in almost every state, and the assessment reports which are now coming in to HHS from the State Courts offer an opportunity to capitalize on the excellent start made by many of the Court systems. In addition, HHS established a work group with the Department of Justice to assist in reviewing the State Courts' self-assessments and to formulate a plan for the identification of promising models.
- Q One of the major recommendations of the report was to change the time frame for a child's hearing from 18 months to 12 and the name of the hearing to "permanency planning hearing." Does the Adoption Promotion Act include these recommendations? Also, when will HHS send a guidance to states on these changes?
- A The administration is very pleased that the Adoption Promotion Act included these core recommendations to changing the way the child protective system works to speed up the time for a child's case and give a child more hope for a timely permanent home. HHS worked closely with the bill's sponsors on the language in the legislation. The department will issue a guidance to the states as quickly as possible following the enactment of the new law.
- Q Has the administration convened the forum of legal professionals to work with the courts to improve their role in getting children permanent homes quicker?
- A HHS and the Department of Justice are working together to convene the forum shortly.

- Q When will the administration disseminate information and examples of reforms derived from the Court Improvement Project and from the HHS/Justice Department work group, as recommended in the report?
- A We expect to receive assessments from the states and courts by the end of June 1997. The programs are funded through fiscal year 1999. At that time, we will have complete information on model programs and practices to share. Formation of the Justice Department/HHS court improvement work group is under way.
- Q The report recommended that the President communicate with state courts and national legal organizations to elevate the importance of child welfare proceedings in courts. What is the status?
- A HHS is working with the Department of Justice to prepare proposed communications for the President.
- Q There were several recommendations in the report to clarify and change the definition of "reasonable effort." What progress has been made on this issue?
- A There was nearly unanimous consensus that the current law does not provide sufficient clarity on how states should interpret "reasonable efforts" for protecting children and reunifying them with their parents. The "Adoption 2002" report noted that there was considerable uncertainty in the field about the meaning of the requirement that reasonable efforts should be made to keep or reunite children with their families, and as a result children in some cases remained in inappropriate circumstances. We are very happy that language which would clarify the purpose and set parameters for such determinations has been included in the Adoption Promotion Act and in the Senate's bill. The bipartisan support for these changes in both the House and the Senate is heartening. Also, the department is working on model guidelines for states on the termination of parental rights.
- Q There was a recommendation to work with states to use the Federal Parent Locator Service to help locate absent parents or relatives who may provide a permanent home for a child when he or she enters foster care. Is this happening?
- A Yes. HHS is working with several states on a pilot. Also, we're pleased that the encouragement for states to use the FPLS -- which is operated by the HHS Office of Child Support Enforcement to track down delinquent parents not paying their child support -- was included in the Adoption Promotion Act bill.
- Q The report contained several recommendations on studying and evaluating alternative placements -- namely guardianship -- for children. What steps has the administration taken in this area?

A Under current law, HHS has authority to approve waivers to develop innovative child welfare programs to up to 10 states. Currently HHS has granted 6 waivers. Three of these states waivers (in Delaware, Illinois and Maryland) will study the potential for guardianship arrangements to ensure permanent homes for abused or neglected children. Also, HHS is completing two research studies on the role of kinship care -- family members as foster parents -- which will be published in June and September 1997. One of the recommendations was to consider a limited expansion of the child welfare waivers authority.

We're pleased that both the House and Senate bills will allow HHS to test innovative child welfare demonstrations in 5 additional states, with one reserved for a demonstration on kinship care.

Q Will there be a public awareness campaign as recommended by the report?

A The President's FY98 budget requests \$1 million for a national public education and awareness campaign on adoption. The campaign will promote the importance and benefits to both children and families of adoption and recruit potential adoptive families. While awaiting the budget decisions, HHS has already installed a new web site which includes information on adoption, how to become an adoptive parent and the "Adoption 2002" report. The site can be reached through the White House web site (www.whitehouse.gov).

Q The report suggested disseminating information about the new adoption tax credits. What is the status?

A Last year, President Clinton signed into law a new tax credit to encourage and help families adopt children. The credit of up to \$5,000 (\$6,000 for special needs children) is available to families who earn up to \$115,000 aggregate gross income. HHS has worked with the IRS to publicize the tax credit. An IRS publication will be sent out this month. Also, the IRS publication about the tax credit can be obtained through the IRS and HHS web sites.

Q What efforts have been undertaken to identify and recognize private companies with model policies to encourage and help families adopt?

A The Departments of Labor and Commerce are the lead agencies in this effort and will begin working together shortly.

Q The report also recommended that information and support be provided to federal employees. What is the status?

A HHS is working with the Office of Personnel Management to develop information and events. An adoption fair for federal employees is scheduled for June.

8-17

Adoptive w/ HHS

1. Legislative

Chafee-Roth: hearing May 21. MTS to send hearing list
HHS not asked to testify - because know we can't say
how their spending: 16 over 5 on range of diff. rows.
But we should be supportive - be fuzzy about H.
Get in soon.

IVE # on reunif services at same time child is in
foster care; delink IVE from TAPF in adoptive side;
innov. grants - bigger than in Admin; several other
above pieces.

Don't have bonus - purely tactical - want to bargain
for this as evidence.
Sen. folks very upset if we said we preferred H. bill.

⊕ 21m-existing request - must
be on Admin's list.

2. Directive

a. ~~Goal~~ Goal - setting process.

By Sept 30 - state-by-state targets that add up to
national #. CMAA b/w regional offices & state
agencies Exec - every state will at least double.

b. Financial incentives.

Working on bonus proposal.

c. MEPA - Guidance sent to DOT 3-4 wks ago.

They are asking for minor changes
states changing laws
Should have placement ^{data} within 4 mos.

d. Recognizing success -

November - awards. Pres / FL participation

Asked for
ideas on
this.

Calendar on
dates relevant
to adoption
inquiry stuff

- e. Annual AdopTi - Ops Announcement
25 new grants in September
- f. Alternative forms of permanency

3. Public Awareness

Ad Council - one of themes in dir's campaign?
need to bring it to table - it is critical

IRS - tax announcement out this week
OPM - staff meeting regularly -
adopTi - fair here.

commerce/labor - discussion broken
down.

Nick to call
in context of awards
pled.

get them to table in
discussion - of this

file: adoption directive

U.S. Department of Labor

Office of the Assistant
Secretary for Policy
Washington, D.C. 20210

cc: Nicole Rabner
Lyn Hogan
+ return



MEMORANDUM TO: ELENA KAGAN

FROM: STEPHANIE SWIRSKY *SS*
Department of Labor

CHERYL BRUNER
Department of Commerce

RE: DOL/DOC Implementation of President's Executive Memorandum
on Adoption

Date: March 26, 1997

This is to follow up on discussions of February 18, 1997 regarding how the Departments of Commerce and Labor will implement the directives contained within the President's Executive Memorandum of December 14, 1996 on Adoption. Specifically, the Memorandum directs the "Secretaries of Labor and Commerce, in consultation with State and civic leaders, to identify and recognize companies in the private sector with model policies to encourage and ease adoption among employees."

In the coming months, the Departments of Commerce and Labor will expand the discussions of corporate citizenship and family-friendly practices, begun last May during the White House Conference on Corporate Citizenship, to focus specific attention on the policies and practices currently being implemented by employers to assist and facilitate adoptions among their employees. The objective of this effort would be to use the leading companies in this area as models for other companies to learn from and emulate.

Initial inquiries indicate that there are a range of practices being used and our work will attempt to catalogue the diversity and encourage greater numbers of employers to provide such benefits to their workers. This representational information on individual company practices will be gathered and made available to other employers for their use and referral through the Department of Labor internet site on corporate citizenship, with linkages from the Department of Commerce's and other business assistance sites. This information will be jointly developed and availability jointly publicized through a number of existing agency programs including the Department of Labor's Women's Bureau Working Women Count Challenge.

To focus attention and highlight the Administration's commitment to encouraging more employers to implement such policies, we will develop talking points that will be provided to and incorporated into broader discussions by Cabinet and sub-cabinet officials regarding corporate citizenship.

Additionally, the Department of Labor will provide and highlight information regarding adoption practices and the appropriate provisions of the Family Medical Leave Act that address adoption in FLMA information outreach to employers and employees.

If you have any questions, please do not hesitate to contact us: Stephanie Swirsky, DOL, 219-6197; and Cheryl Bruner, DOC, 482-3942.

*File -
Adoption
Director*

THE WHITE HOUSE
WASHINGTON

MEMORANDUM FOR THE SECRETARY OF HEALTH AND HUMAN SERVICES
THE SECRETARY OF THE TREASURY
THE SECRETARY OF LABOR
THE SECRETARY OF COMMERCE
THE DIRECTOR OF THE OFFICE OF PERSONNEL
MANAGEMENT

SUBJECT: Steps to Increase Adoptions and Alternate
Permanent Placement for Waiting Children
in the Public Child Welfare System

During this Holiday Season, as we reflect on the importance of family in our own lives, let us remember the tens of thousands of our Nation's children in the public child welfare system who live without permanent and caring families. Foster care provides temporary shelter and relief for children who have been abused or neglected.

I am committed to giving the children waiting in our Nation's foster care system what every child in America deserves -- loving parents and a healthy, stable home. The goal for every child in our Nation's public welfare system is permanency in a safe and stable home, whether it be returning home, adoption, legal guardianship, or another permanent placement. While the great majority of children in foster care will return home, for about one in five, returning home is not an option, and they will need another home, one that is caring and safe. These children wait far too long -- typically over 3 years, but for many children much longer -- to be placed in permanent homes. Each year, State child welfare agencies secure homes for less than one-third of the children whose goal is adoption or an alternate permanent placement. I know we can do better.

I believe we should increase the number of children who are adopted or permanently placed from the public foster care system each year toward the goal of at least doubling that number by the year 2002. Returning home is not an option for about 100,000 of the over 450,000 children in the Nation's foster care system, yet only approximately 20,000 were adopted last year and approximately 7,000 were permanently placed in legal guardianships. While the number of adoptions each year has been constant for many years, I believe that by working

with States to identify and break down barriers to permanent placements, setting annual numerical targets, rewarding successful performance, and raising public awareness, we can meet the target of at least 54,000 children adopted or permanently placed from the public foster care system by the year 2002.

Today, therefore, I direct the Secretary of Health and Human Services, in consultation with State and civic leaders, to report to me within 60 days on actions to be taken to move children more rapidly from foster care to permanent homes and at least to double, by the year 2002, the number of children in foster care who are adopted or permanently placed out of the public foster care system.

- I. To increase the number of children who are adopted or permanently placed each year, this report should include, but should not necessarily be limited to, recommendations in the following areas:
 - (a) Plans to work with States on setting and reaching State specific numerical targets, using the technical assistance of the Department of Health and Human Services National Resource Centers to make information on best practices available to States and to engage community leaders, parents, and the business and faith communities;
 - (b) Proposals to provide per child financial incentives to States for increases in the number of adoptions from the public welfare system. Options considered should have little to no net costs, as increases in the number of adoptions from the public system will reduce foster care costs, thereby offsetting much if not all of the incentive payments;
 - (c) A proposal to ensure continued aggressive implementation of the Multi-ethnic Placement Act, as amended by the Inter-ethnic Adoption Provision of the Small Business Job Protection Act;
 - (d) Plans to compile and publish an annual State-by-State report on success in meeting the numerical targets; and
 - (e) Plans to recognize successful States.

- II. To move children more rapidly from foster care to permanent homes, the report shall also recommend changes to Federal law and regulations and other actions needed to emphasize the importance of planning for permanency as soon as a child enters the foster care system. The Secretary's report should include, but should not necessarily be limited to, recommendations in the following areas:
- (a) Plans to provide States with funding to identify barriers to permanency and to develop targeted strategies to find permanent homes for children who have been in foster care a particularly long time;
 - (b) Proposals to shorten the period of time between a child's placement in foster care and his or her initial hearing at which a permanency determination is made;
 - (c) A proposal to clarify that the purpose of "dispositional hearings" is to plan for permanency and, as appropriate, to consider referrals for family mediation, termination of parental rights, adoption, legal guardianship, or other permanent placements;
 - (d) A proposal to clarify the "reasonable efforts" requirement and other Federal policy as it relates to permanency and safety;
 - (e) Plans to ensure that States give appropriate weight to permanency planning by establishing standards for securing permanency through adoption or guardianship, once a decision has been made that a child cannot be returned home; and
 - (f) Plans to examine alternative permanency arrangements, such as guardianship, when adoption is not possible.

Last month, I signed a proclamation designating November as National Adoption Month -- a time to increase awareness about the tens of thousands of children waiting for families and to encourage all Americans to consider the rewards and responsibilities of adoption. However, adoption must be a national concern throughout the year. Therefore, I direct:

- FY98 activity = PPA
Ad Council
Havnt done anything much.

Pauline -
subcommittee
interest

- (a) The Secretary of Health and Human Services to develop and lead a public awareness effort, including use of public service announcements, print materials, and the Internet;
- (b) The Secretaries of Health and Human Services and the Treasury in consultation with State, civic, and private sector leaders to develop and disseminate information about the new adoption tax credits and other adoption benefits;
- (c) The Secretaries of Labor and Commerce, in consultation with State and civic leaders, to identify and recognize companies in the private sector with model policies to encourage and ease adoption among employees; and
- (d) The Director of the Office of Personnel Management to direct all Federal agencies to provide information and support to Federal employees who are prospective adoptive parents.

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7. Office
more direct
channels

where is
subcommittee
\$10,000
in copies
HHS: st aff
to provide
adoption
advocates

Franked leave
of practices
must identify
for cut

Directive/Events -
when this need?
cor-corr

- Reports on when they are

where each is?
NEXT steps?

TOP 20
across industries
Talking about it?
how?

already done - memo - Dec 23
proposal for conf -
smaller seminars
series of events - keep but hammer.
Adopti - how - actual fed EEs.
Explaining foster care

Ask in report
dissemination...

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

December 14, 1996

December 14, 1996

MEMORANDUM FOR THE SECRETARY OF HEALTH AND HUMAN SERVICES
THE SECRETARY OF THE TREASURY
THE SECRETARY OF LABOR
THE SECRETARY OF COMMERCE
THE DIRECTOR OF THE OFFICE OF PERSONNEL
MANAGEMENT

SUBJECT: Steps to Increase Adoptions and Alternate
Permanent Placement for Waiting Children
in the Public Child Welfare System

During this Holiday Season, as we reflect on the importance of family in our own lives, let us remember the tens of thousands of our Nation's children in the public child welfare system who live without permanent and caring families. Foster care provides temporary shelter and relief for children who have been abused or neglected.

I am committed to giving the children waiting in our Nation's foster care system what every child in America deserves -- loving parents and a healthy, stable home. The goal for every child in our Nation's public welfare system is permanency in a safe and stable home, whether it be returning home, adoption, legal guardianship, or another permanent placement. While the great majority of children in foster care will return home, for about one in five, returning home is not an option, and they will need another home, one that is caring and safe. These children wait far too long -- typically over 3 years, but for many children much longer -- to be placed in permanent homes. Each year, State child welfare agencies secure homes for less than one-third of the children whose goal is adoption or an alternate permanent placement. I know we can do better.

I believe we should increase the number of children who are adopted or permanently placed from the public foster care system each year toward the goal of at least doubling that number by the year 2002. Returning home is not an option for about 100,000 of the over 450,000 children in the Nation's foster care system, yet only approximately 20,000 were adopted last year and approximately 7,000 were permanently placed in legal guardianships. While the number of adoptions each year has been constant for many years, I believe that by working with States to identify and break down barriers to permanent placements, setting annual numerical targets, rewarding successful performance, and raising public awareness, we can meet the target of at least 54,000 children adopted or permanently placed from the public foster care system by the year 2002.

more

(OVER)

Today, therefore, I direct the Secretary of Health and Human Services, in consultation with State and civic leaders, to report to me within 60 days on actions to be taken to move children more rapidly from foster care to permanent homes and at least to double, by the year 2002, the number of children in foster care who are adopted or permanently placed out of the public foster care system.

- I. To increase the number of children who are adopted or permanently placed each year, this report should include, but should not necessarily be limited to, recommendations in the following areas:
 - (a) Plans to work with States on setting and reaching State specific numerical targets, using the technical assistance of the Department of Health and Human Services National Resource Centers to make information on best practices available to States and to engage community leaders, parents, and the business and faith communities;
 - (b) Proposals to provide per child financial incentives to States for increases in the number of adoptions from the public welfare system. Options considered should have little to no net costs, as increases in the number of adoptions from the public system will reduce foster care costs, thereby offsetting much if not all of the incentive payments;
 - (c) A proposal to ensure continued aggressive implementation of the Multi-ethnic Placement Act, as amended by the Inter-ethnic Adoption Provision of the Small Business Job Protection Act;
 - (d) Plans to compile and publish an annual State-by-State report on success in meeting the numerical targets; and
 - (e) Plans to recognize successful States.
- II. To move children more rapidly from foster care to permanent homes, the report shall also recommend changes to Federal law and regulations and other actions needed to emphasize the importance of planning for permanency as soon as a child enters the foster care system. The Secretary's report should include, but should not necessarily be limited to, recommendations in the following areas:
 - (a) Plans to provide States with funding to identify barriers to permanency and to develop targeted strategies to find permanent homes for children who have been in foster care a particularly long time;
 - (b) Proposals to shorten the period of time between a child's placement in foster care and his or her initial hearing at which a permanency determination is made;

more

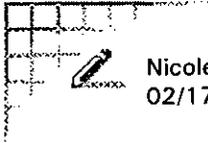
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- (d) A proposal to clarify the "reasonable efforts" requirement and other Federal policy as it relates to permanency and safety;
- (e) Plans to ensure that States give appropriate weight to permanency planning by establishing standards for securing permanency through adoption or guardianship, once a decision has been made that a child cannot be returned home; and
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- (a) The Secretary of Health and Human Services to develop and lead a public awareness effort, including use of public service announcements, print materials, and the Internet;
- (b) The Secretaries of Health and Human Services and the Treasury in consultation with State, civic, and private sector leaders to develop and disseminate information about the new adoption tax credits and other adoption benefits;
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WILLIAM J. CLINTON

#



Nicole R. Rabner
02/17/97 06:41:41 PM

Record Type: Record

To: Elena Kagan/OPD/EOP
cc: Pauline M. Abernathy/OPD/EOP, Lyn A. Hogan/OPD/EOP
Subject: tomorrow's interagency meeting on adoption



Elena AGENDA.F , attached is an agenda for tomorrow's meeting from 2-3pm in Room 211 of the interagency group on adoption.

We will have 3 things to hand out: copies of the "Adoption 2002" report, the transcript from Friday's event, the directive, and the attached agenda, which is just a numbnail sketch of the discussion.

My recommendation is for you to ask for a memo that outlines how the agencies intend to respond the President's directive. We will have to figure out in tomorrow's meeting which agencies will be responsible for what pieces and how they will work together, as the directive asks the agencies to work together to create the public awareness campaign.

FYI, the following people are coming to tomorrow's meeting:

Carol Williams, HHS
Melissa Skolfield, HHS
Stephanie Sworsky, Special Projects, Labor
Cheryl Bruner, Director of Business Liaison, Commerce
Eldie Acheson, Assistant AG, Justice
Janice Lachance, Director of Communications, OPM (T)
Michael Thorton, Deputy Tax Legislative Counsel, Treasury (T)

Ann McGuire, Cabinet Affairs
Pauline
Lyn
Nicole

Text of Presidential Directive on Adoption

WASHINGTON, Dec. 14 /U.S. Newswire/ -- Following is a memorandum from President Clinton to the Secretary of Health and Human Services, Secretary of the Treasury, Secretary of Labor, Secretary of Commerce and the director of the Office of Personnel Management:

During this Holiday Season, as we reflect on the importance of family in our own lives, let us remember the tens of thousands of our Nation's children in the public child welfare system who live without permanent and caring families. Foster care provides temporary shelter and relief for children who have been abused or neglected.

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I. To increase the number of children who are adopted or permanently placed each year, this report should include, but should not necessarily be limited to, recommendations in the following areas:

(a) Plans to work with States on setting and reaching State specific numerical targets, using the technical assistance of the Department of Health and Human Services National Resource Centers to make information on best practices available to States and to engage community leaders, parents, and the business and faith communities;

(b) Proposals to provide per child financial incentives to States for increases in the number of adoptions from the public welfare system. Options considered should have little to no net costs, as increases in the number of adoptions from the public system will reduce foster care costs, thereby offsetting much if not all of the incentive payments;

(c) A proposal to ensure continued aggressive implementation of the Multi-ethnic Placement Act, as amended by the Inter-ethnic Adoption Provision of the Small Business Job Protection Act;

(d) Plans to compile and publish an annual State-by-State report on success in meeting the numerical targets; and

(e) Plans to recognize successful States.

II. To move children more rapidly from foster care to permanent homes, the report shall also recommend changes to Federal law and regulations and other actions needed to emphasize the importance of planning for permanency as soon as a child enters the foster care system. The Secretary's report should include, but should not necessarily be limited to, recommendations in the following areas:

(a) Plans to provide States with funding to identify barriers to permanency and to develop targeted strategies to find permanent homes for children who have been in foster care a particularly long time;

(b) Proposals to shorten the period of time between a child's placement in foster care and his or her initial hearing at which a permanency determination is made;

(c) A proposal to clarify that the purpose of "dispositional hearings" is to plan for permanency and, as appropriate, to consider referrals for family mediation, termination of parental rights, adoption, legal guardianship, or other permanent placements;

(d) A proposal to clarify the "reasonable efforts" requirement and other Federal policy as it relates to permanency and safety;

(e) Plans to ensure that States give appropriate weight to permanency planning by establishing standards for securing permanency through adoption or guardianship, once a decision has been made that a child cannot be returned home; and

(f) Plans to examine alternative permanency arrangements, such as guardianship, when adoption is not possible.

Last month, I signed a proclamation designating November as National Adoption Month -- a time to increase awareness about the tens of thousands of children waiting for families and to encourage all Americans to consider the rewards and responsibilities of adoption. However, adoption must be a national concern throughout the year. Therefore, I direct:

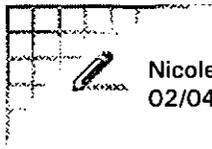
(a) The Secretary of Health and Human Services to develop and lead a public awareness effort, including use of public service announcements, print materials, and the Internet;

(b) The Secretaries of Health and Human Services and the Treasury in consultation with State, civic, and private sector leaders to develop and disseminate information about the new adoption tax credits and other adoption benefits;

(c) The Secretaries of Labor and Commerce, in consultation with State and civic leaders, to identify and recognize companies in the private sector with model policies to encourage and ease adoption among employees; and

(d) The Director of the Office of Personnel Management to direct all Federal agencies to provide information and support to Federal employees who are prospective adoptive parents.

WILLIAM J. CLINTON



Nicole R. Rabner
02/04/97 02:44:02 PM

Record Type: Record

To: Elena Kagan/OPD/EOP
cc: Lyn A. Hogan/OPD/EOP
Subject: adoption

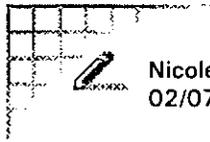
As you know, the final piece of the adoption directive asks several agencies (Treasury, Commerce, HHS, Labor, and OPM) to work on a public information campaign on adoption and disseminate information about the adoption tax credit and other supports for prospective adoptive parents.

I finally have the list of the points of contact from the agencies and am ready to convene a meeting here to get status reports from the agencies and do some brainstorming to ensure that we adhere to the President's directive. I have two questions:

1. Would you like to chair the interagency meeting? I think that Lyn and I could hold it ourselves, but it would have more weight with your being there to set the tone.
2. I think it makes sense to fax a memo to the agency contacts soon setting the meeting and asking them to come to the meeting prepared to discuss the directive and ways that their agency is being responsive. If you want to be involved, can I draft it for your signature?

FYI, the interagency group is:

Treasury: Michael Thornton
HHS: Carol Williams, Melissa Skolfield
Labor: Stephenie Sworsky
Commerce: Cheryl Bruner
OPM: Janice Lachance
Justice: Eldie Acheson (Justice is not specifically directed in the executive memorandum, but is important to the issue)



Nicole R. Rabner
02/07/97 02:05:37 PM

~~Bruce~~
This
is
with
Wally
Melissa S.

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Pauline M. Abernathy/OPD/EOP, Lyn A. Hogan/OPD/EOP

cc:

Subject: HHS adoption report

I talked to Carol Williams and then to Olivia's office about our "where the hell is the draft report" concern, and here's their story: they are finishing the writing of the report as we speak, and want to incorporate comments from their internal clearance process (which they will initiate as soon as the drafting concludes) before sharing it with us so that what we work off of is a consensus HHS document. They want to defer sharing a draft with us until Monday, suggesting that we meet on Tuesday, at which point all WH comments could be taken, discussed and incorporated as appropriate.

I asked about the likelihood that the promise of Monday becomes a promise of Tuesday, and so on, and was assured that Monday was a firm date. I suggested that we may want something by COB today, and Carol said that Bruce/Elena would have to take that up with Olivia. I then raised with Carol my concern that, above all, OMB (Lester Cash) must be in the loop on the development of the bonus proposal, and Carol said that Lester and Matthew in OMB have been engaged. I have since spoken with Lester directly, who said that, having seen some preliminary paper and having been a part of discussions with HHS OMB, they feel okay about the direction of bonus proposal and that if what they have heard is reflected in the draft we receive, Monday would give them enough time to turn things around in OMB. He and I talked through his understanding of the bonus proposal, and I think that we at the WH will have to have a serious discussion about the structure of the bonus, focusing on how much we should enhance the bonus for the adoptions of hard-to-place kids (HHS, as they mentioned when they briefed us, were cautioned during their consultation process not to promote "creaming" of easy-to-place kids with the bonus, i.e. to pay particular attention to special needs kids). This is one of a number of issues we will need to discuss.

My recommendation is for Elena to call Olivia to express our concern that the White House has enough time to consider/analyze their report and comment appropriately before the report is due and transmitted. Perhaps Elena could ask for 2 things:

1. a firm time on Monday when we can expect the draft report
2. excerpts from the draft paper or a memo from Carol or Olivia to her by COB today that outlines what HHS is going to propose on the four areas on which there was no specific policy direction given at our last meeting. Those four areas are: 1) the bonus proposal; 2) the setting of the target -- is it going to be time-specific; 3) the strategy for MEPA "aggressive implementation -- is HHS going to issue guidelines or exact penalties for lack of adhering to statute; and 4) the structure of the grants for TA for "removing barriers."

Please advise.

The White House
Office of the Press Secretary

For Immediate Release

December 14, 1996

Radio Address By The President
The Oval Office

10:06 A.M. EST

Good morning. Today we're taking important new steps to make adoption easier and to move children out of foster care faster. These efforts will help to give even more children what every child needs and deserves, loving parents, and a strong and stable home.

I'm delighted to be joined in the Oval Office today by a remarkable group of children and parents who know firsthand the tremendous possibilities of adoption; and by the First Lady who has worked so long and hard on this issue and whose efforts have made today possible.

I'm especially pleased to be able to take this action now, in this season of hope and light. The holidays we celebrate this month teach us that through faith and love we can truly repair the world. I can think of no better way to fulfill the promise of this season than to bring a child into a family and a family to a child.

There are more than 450,000 children in the nation's foster care system. They are placed there because of abuse, neglect or a home life that is neither safe, nor secure. While most of these children eventually return to their original homes, nearly 100,000 of them simply don't have that option. Those children wait far too long, typically three years or more, to find permanent homes and families to love them.

Promoting adoption has been at the heart of our administration's efforts to protect our children and strengthen our families. Earlier this year I was proud to sign a \$5,000 tax credit to help families adopt children. We put an end to racial preferences for adoption. No longer can laws keep children of one race from nurturing arms of adoptive parents of another. This is a good start, but we must do more.

That is why I have just signed a presidential directive with a clear goal: We will double the number of children we move from foster care to permanent homes, from 27,000 a year today, to 54,000 a year by the year 2002. With this effort we're saying no child should be trapped in the limbo of foster care; no child should be

uncertain about what the word "family" or "parents" or "home" mean, particularly when there are open arms waiting to welcome these children into safe and strong households where they can build good, caring lives.

As part of this initiative, I'm directing the Secretary of Health and Human Services, Donna Shalala, who is also with us today, to launch an extensive effort to determine what steps we must take to meet our goal. I want the Secretary to report back to me with her recommendations in 60 days. This report must tell us how we can help states set and meet urgent new adoption targets. It must describe how we can improve coordination among local, state and federal authorities so that every community has access to the best ways to encourage adoption. And it must outline what sensible financial incentives we can provide states to raise adoption rates.

I also want the Secretary to determine what additional changes we can make in federal laws and regulations to ensure that children won't get trapped in foster care. And I want to know if there are any new provisions we can put in place to move children through the system faster and to protect them when they leave.

There are other steps we are taking immediately. I'm instructing the Departments of Treasury, Labor, Commerce, and Health and Human Services to launch an all-out effort to heighten public awareness about adoption and to recognize those in the private sector who are committing themselves to this important cause.

Let me also say how grateful I am to those in Congress of both parties who are working so hard to make adoption a reality for America's most vulnerable children. I want to thank especially Senators Rockefeller and DeWine, and Representatives Kennelly and Camp for their efforts.

The fact that we are commemorating the birth of a child that began life in a manger and became the Prince of Peace should remind us that the promise of God has been placed in every child. We must work tirelessly to make sure that every boy and girl in America who is up for adoption has a family waiting up to reach him or her. No child should be in foster care for one day longer than he or she needs to be.

This is a season of miracles, and perhaps there is no greater miracle than finding a loving home for a child who needs one.

Thanks for listening.

THE FLOW OF CHILDREN TO ADOPTION THROUGH STATE AND LOCAL CHILD WELFARE AGENCIES

The annual flow of children through State and local child welfare systems involves a series of steps. These systems identify children who have been abused or neglected and investigate these incidents. If the incidents are confirmed, children may receive services in their own homes, or they may be removed to the foster care system. Children removed from their homes may be returned home, may be returned to relatives, may be adopted, or may "age out" of the system or run away. More than one million children each year are confirmed as abused or neglected. Table 1 summarizes experiences of those who enter foster care, how long they stay in care, and how many move to adoption or return home.

Table 1. ESTIMATED ANNUAL FLOW OF CHILDREN THROUGH CHILD WELFARE SYSTEMS	
<i>Foster Care -- Entry and Length of Stay</i>	
1. Number of children who enter foster care each year.	254,000
2. Percentage who leave care within one year.	35%
3. Percentage who leave care within three years.	67%
4. Percentage still in care after three years.	33% 100%
<i>Foster Care -- Where Children Go When they Leave Care</i>	
5. Percentage of children reunified with their parents or relatives.	69%
6. Percentage of children who exit to adoptive families.	11%
7. Percentage of children who exit to other settings (age out, run away, etc.).	20%
<i>Adoption</i>	
8. Number of foster care children adopted or placed in permanent guardianship arrangements.	27,000
9. Percent of children who waited two years or more for adoptive placement.	67%

Sources: Items 1., 2., 3., 4., 6., 7., and 9. Estimates from LTG/American Public Welfare Association, Voluntary Cooperative Information System.

Item 8. Estimate by the U.S. Department of Health and Human Services, Children's Bureau.

CHILDREN IN THE FOSTER CARE CHILD WELFARE AND ADOPTION SYSTEMS AT A POINT IN TIME

A point in time analysis of the child welfare system shows how many children are currently in each status: how many children are in foster care, how many are under adoption plans, and how many are now receiving adoption subsidies. Table 2 summarizes the numbers of children in these situations at a point in time.

Table 2. CHILDREN IN THE FOSTER CARE AND ADOPTION SYSTEMS AT A SINGLE POINT IN TIME	
<i>Children in Foster Care</i>	
1. Number of children in foster care.	486,000
2. Number of children in Title IV-E foster care.	260,737
<i>Foster Care Children Awaiting Adoption</i>	
3. Number of children in foster care with a goal of adoption or guardianship.	100,000
4. Percentage of children with adoption plans who have "special needs."	70%
5. Percentage of children with adoption plans who are over age five.	66%
<i>Adopted Children Receiving Federal Subsidies</i>	
6. Number of children receiving Title IV-E adoption assistance payments.	106,880

Sources: Items 1., 4., and 5. Estimates from LTG/American Public Welfare Association, Voluntary Cooperative Information System.
Items 2. and 6. U.S. House of Representatives, Ways and Means Committee, *Green Book - 1996*, data for 1995.
Item 3. Estimate by Children's Bureau, U.S. Department of Health and Human Services.

February 9, 1997

MEMORANDUM

TO: Elena Kagan ✓
cc: Bruce Reed, Melanne Verveer, Lyn Hogan, Pauline Abernathy
FROM: Nicole Rabner
RE: HHS Adoption Report

Per our discussion, the purpose of this memorandum is to outline the likely policy issues we will have to address in connection with HHS' report to the President on adoption, a draft of which we should receive by COB Monday. It is largely based on our last meetings and a recent conversation with Carol Williams, in which she previewed for me the report's recommendations. The report is twenty-six pages in length, with multiple appendices that include the President's directive, an overview of the themes emerging from the consultation process, a comprehensive list of those HHS consulted, letters of support from states, and information on federal programs that support adoption. While my discussion with Carol gave me greater confidence in the HHS product, we obviously will not have an accurate sense of it until we see the draft. Until then, the following are some issues to consider:

Per-Child Financial Bonus

The bonus structure that HHS will propose is two-tiered, based on the status of the children adopted. A bonus will be paid to the states for every child adopted above the previous year's performance, with an enhanced bonus for special needs children adopted (defined as children coming from 4-E). HHS will propose a \$5,000 per child bonus, with an additional \$3,000 per child bonus for 4-E children who are adopted. HHS projects that over five years, the bonus will pay for itself or produce overall savings. HHS views the division of bonus dollars as providing a baseline sense of equity for all children and an enhanced reward for the level of effort it takes to place special needs children in permanent homes.

Policy Question: How much should the bonus be enhanced for the adoption of special needs children? Does the financial allotment proposed accurately reflect Administration priority?
Alternatives to HHS proposal include: 1) no enhanced bonus for special needs children, but greater per child bonus; 2) greater per child bonus, lesser enhanced bonus for special needs children; 3) greater bonus for special needs children, lesser bonus per child.

State-Specific Numerical Targets

HHS will commit to having the state-specific numerical targets and intermediate benchmarks set before the end of this fiscal year (by 9/30/97).

Policy Question: Is seven months from now to set the targets ambitious enough?

Strategy for Aggressive Implementation of MEPA

In the report, HHS will outline the substantial amount of work that has been done at the federal and state levels toward MEPA compliance and will commit to issuing two guidances to the States in sixty days -- a programmatic guidance and a penalty guidance. Carol reports that while the programmatic guidance is ready to issue now, HHS feels that the two guidances should be issued simultaneously for balance.

Policy Question: Caution to read this section carefully for accurate reflection of the President's position.

Technical Assistance in the Form of Programmatic Grants to States

HHS will propose up to fifteen competitive grants of approximately \$600,000 each (a one year allocation to be used over a two year period) to states willing to create permanent change in adoption-related policy and committed to developing goal-oriented model strategies to improve performance in adoption. They plan to disseminate a "lessons learned" report following the two year grants.

Dispositional Hearing Timeframe

HHS will propose shortening the time before a child's first dispositional hearing from 18 months to 12 months and commit to issuing a guidance to the states that underscores that the 12 months proposed timeframe (as well as the 18 current timeframe) represents an outside timeframe -- that nothing prevents states from having more frequent or earlier reviews.

Policy Question: On the Hill, there is discussion about not only shortening the required timeframe for a foster care child's dispositional hearings, but also making the timeframes age-specific, so that a younger child would be required to have a dispositional hearing sooner than an older foster care child. HHS, in addition to the APWA and some at the White House, has significant concerns about this proposal (that it would promote a sense of "giving up" on older foster care children), but we should consider whether our concerns should be specifically outlined in this report -- we should be cautious about the Administration looking as if we support longer timeframes for foster care children than do Republicans.

Reasonable Efforts Clarification

HHS will propose that we clarify "reasonable efforts" to make the paramount issue child safety.

Policy Question: In the report, should HHS specifically recommend outlining for the States circumstances under which reasonable efforts are not required before parental rights are relinquished e.g. maiming and murder)? HHS, while supportive, does not presently include that recommendation in its report, while it seems to have wide support on the Hill.

HHS Adoption Report Reactions to Draft

Setting Goals (page 10)

1. By what date certain will all States have their targets set? (We had discussed the report committing to ensuring that the targets are set by the end of FY97)
2. Intermediate targets are not specifically mentioned -- we should commit to establishing them as well, enabling us to measure yearly performance, in the "report cards," by the intermediate targets set.
3. Will we reach our target of doubling adoptions by the end or the beginning of FY2002?
4. What letters of support do we have? Are they bipartisan?

Financial Incentive/Bonus Discussion (page 13)

1. The structure of the bonus is not specifically outlined in report -- we need to present a detailed bonus structure, as directive requests.
2. Does the bonus structure require the breakdown of baseline Y97 state-by-state adoption performance statistics in two categories, IV-E and non-IV-E adoptions? Will we then promote classification of all adoptions in those categories?

Clarifying "Reasonable Efforts" (page 21)

1. Report does not suggest how "reasonable efforts" standard will be clarified -- will HHS provide clarification on its own, or will the clarification come as a result of wide consultation or hearings?
2. Are we endorsing legislation (page 22, bullet 1)?
3. How far should we go in outlining the cases in which "reasonable efforts" are not necessary -- do existing standards go far enough? }

Come back to process

2/11 Adoptive Report

P. 10 - targets set by end of FY.
Also - setting intermediate targets end of FY 2002.

P. 11 - letters of support - bipartisan

Value new in report
Need decision by Friday

P. 13 - Bonus -

make clear not creating open-ended entitlement??

amt of bonus in report??

cap OR not
105

Arg: This is cost-neutral.
Great if 4x more, rather than 2x more.

- Rest of adoptive assistance does not have cap.
Poss of vagueness??

P. 14 - Deadline for MEPA - not co. What??

21 - Reas. efforts -

state principle forcefully
recog contrib of Congressmen.

App. 7

Draft

February 6, 1997

MEMORANDUM FOR INTERAGENCY WORKING GROUP ON ADOPTION

FROM: Elena Kagan
Deputy Assistant to the President for Domestic Policy

SUBJECT: Implementation of the President's Executive Memorandum on Adoption

You have been designated by your department as its principal contact for the implementation of the President's December 14, 1996 executive memorandum, in which he directs the heads of certain agencies and departments to take specific steps to increase adoptions and move children more quickly from foster care to permanent homes. The relevant part of the executive memorandum reads:

" Last month, I signed a proclamation designating November as National Adoption Month -- a time to increase awareness about the tens of thousands of children waiting for families and to encourage all Americans to consider the rewards and responsibilities of adoption. However, adoption must be a national concern throughout the year. Therefore, I direct:

- (a) The Secretary of Health and Human Services to develop and lead a public awareness effort, including use of public service announcements, print materials, and the Internet;
- (b) The Secretaries of Health and Human Services and the Treasury in consultation with State, civic and private sector leaders to develop and disseminate information about the new adoption tax credits and other adoption benefits;
- (c) The Secretaries of Labor and Commerce, in consultation with State and civic leaders, to identify and recognize companies in the private sector with model policies to encourage and ease adoption among employees; and
- (d) The Director of the Office of Personnel Management to direct all Federal agencies to provide information and support to Federal employees who are prospective adoptive parents."

Please join a meeting on February xxx at xxx in Room 211 OEOB to discuss the status of your agency or department's efforts to implement the President's directive. Please call Nicole Rabner at 456-6266 to confirm your participation.

Distribution:

Michael Thorton, Deputy Tax Legislative Counsel, Department of Treasury
Carol Williams, Associate Commissioner, Children's Bureau, Department of Health and Human Services
Melissa Skolfield, Deputy Assistant Secretary, Policy and Strategy, Department of Health and Human Services
Stephanie Sworsky, Special Projects, Department of Labor
Cheryl Bruner, Director, Office of Business Liaison, Department of Commerce
Janice Lachance, Director, Office of Communications, Office of Personnel Management
Eldie Acheson, Assistant Attorney General, Department of Justice

1/27 Adoption - Melanne/Ken/Olivia/Mary etc.

HHS/out: Concluded consultations - 20 focus groups

Geog limits / incentives / reass efforts clarif /

etc for securing perm placement / clarify

dispositional hearings / recruitment + outreach /

concern that process not lead to examining

" no unncee disruptions of kids moving into adopt-

Also: interest in reading to etc. (engage DOT)

Mary

Next Mon - meeting w/ Key Hill votes -

give outline of budget? / outline

where we're going

asked for DPC rep.

KA: can't do budget #5.

Chaker / Brock / Moryihan / Roth / Horn?

Looks good for bipart approach.

Kennelly / Camp / Archer / Shaw ← Haskins

→ Most diffc issue - bonus v. penalty on states for kids in long-term foster care (reduced fed match)

Haskins: no intention of revisiting block grant - gov's have said not what they want.

Craving sub in c. w/lt demos - e.g. Ohio - also relieve any pressure for block grants

06

I.A.D.E - Lots of st. support for overall goal (dualing)

Harder for states to commit to specific targets ??

2. of timing

MV: reas timetable? 3 to 6 mos to secure timeline from states

Bonus structure — basic concept: per-child. But may be no levels - depending on complexity of placement, should be targeted to hardest to place kids / or depending on how much exceed

Mary: Have to make sure we have a bonus that's ^{not} paid for by a penalty.

Need to be sure of effects.

\$2,000 per each kid over previous year.

then even more for exceeding target or (chanced)

|| 2) Prob: incentive for state to have low target.

weighted to difficulty of placement?? (eg - maybe can send this signal elsewhere?)

Timing??

Multi-ethnic - issuing guidance on law - ^{simultaneous} part of this or ahead? ^{of report} → no tolerance of denial/delay non-exist stds for any consid. of race penalties - severe.

Lots of controversy on this one, complex practice issues.

Neg reaction from both sides

from those who agree: how do we know you mean it?

11. B. Nurtan Jan 18 to 12. - statutory ^{C Rock - 12 mos} ^{town - age-specific}
Also common - These are outside #s - can do sooner.

we want to common ^{but} ^{shorter time for} ^{younger kids} perm. matters for all kids.

[waiting periods -] state-law driven. ^{Practical to} ^{move in by beds.}

2 say sthng abt urging states to look into their practice - inves whether mandating term makes sense in certain circs.

How to influence practice w/out mandating domination.

We can put this into report.

Term / Reas efforts - must be articulated - balance b/w reas efforts/safety.

p. agree this needs clarification.

interest in def. in proposed leg.

put list of when reas efforts should

not be pursued?

could do "hot interests" words of "safety" words.

2 issues

1. RE to preserve/reunify fam.

need to emph. ^{child} safety - that's the key

2. Expect RE to find perm home -

vt now stat only speaks to reunif. - which is inadequate

Clarify this - can do now, but no one really knows.

Alternative Permanency -

⇒ What are his 2's

Not right time to think about his 2's.

Look for expansion of demo authority.

Technical Assistance / ^{barriers} grants -

Issues: what vehicle to attach it to?

Public awareness campaign.

MV: Beginning is how this report gets out.

Press start from moment of release.

Get Ann Lewis in this meeting.

WH event on receipt of doc.

Nicole - to ref up communc wtz

Get back to us on unresolved issues - remaining recommendations

MV: briefing of FL near to 14th.
(adaptive event on road - 18th)

Still to do

Detail on bonus

TAF grants to states

Multi-ethnic placement act - strategy

State-specific targets - setting.

HHS BRIEFING ON REPORT TO THE PRESIDENT ON ADOPTION
January 27, 1997

AGENDA

- HHS Overview of Consultation/Outreach Process
- Discussion of Directive and Related Policy Questions
 - I. Goal of doubling by 2002 the annual number of adoptions and alternate permanent placements
 - A. Setting state-specific numerical targets
 - 1. Time line for setting targets?
 - 2. Will any states have set targets by submission of report? Perhaps big 8 states (cumulatively with over 75% of children waiting)?
 - B. Per-child financial incentive
 - 1. Bonus structure -- flat per-child payment or annual payment based on increases in certain types of adoptions?
 - 2. Payment to state or local level?
 - 3. Uses of payment -- administrative or programmatic?
 - C. Multi-Ethnic Placement Act Implementation (MEPA)
 - 1. Strategy for "aggressive implementation"?
 - 2. Progress by HHS Office of Civil Rights in designing a compliance review process?
 - D. State-by-state report card
 - 1. Strategy for design and dissemination?
 - E. Recognizing successful states
 - 1. Recommendation for citations?
 - II. Moving children more quickly from foster care to permanent homes
 - A. Identifying barriers to permanency and targeting hard-to-place children
 - 1. Strategy for technical assistance and programmatic grants to states?

B. Shortening time between placement in foster care and first dispositional hearing

1. Recommendation for change in statutory language?
2. Discussion of eliminating waiting periods for the termination of parental rights or mandating termination of parental rights after a certain amount of time in foster care?

C. Clarifying purpose of “dispositional hearings”

1. Recommendation for change in name to “permanency planning hearing”?
2. Legislative action required?

D. Clarifying “reasonable efforts” standard

1. Reaction from consultation process?
2. Process for evaluation and action?

E. Emphasizing permanency planning

1. Plans to devise a standard, equal to the “reasonable efforts” standard, for achieving permanency?

F. Examining alternate permanency arrangements

1. Strategy for review?

• Discussion of Inter-Agency Components of Directive

- Public awareness campaign
- Dissemination of relevant materials
- Recognizing model businesses
- Providing information and support to federal workers

Inter-agency points of contacts:

Department of the Treasury:	Michael Thorton
Department of HHS:	Carol Williams, Melissa Skolfield
Department of Labor:	TBD
Department of Commerce:	TBD
Office of Personnel Management:	Janice Lachance

ZFL
WW

January 24, 1997

MEMORANDUM

TO: Distribution
FROM: Nicole Rabner
RE: Briefing Materials for Meeting on Adoption

Attached please find materials forwarded by Olivia Golden for the HHS briefing on the status of the adoption directive, on Monday, January 27 at 5:30 pm in Room 100 OEOB. Please call me at ext. 67263 with any questions.

Distribution:
Bruce Reed
Melanne Verveer
Ken Apfel
Pauline Abernathy
Lynn Hogan
Lester Cash
Molly Brostrom
Anne McGuire
John Hart

THEMES EMERGING FROM THE ADOPTION 2002 CONSULTATION PROCESS**ELIMINATING BARRIERS TO PERMANENCY****● The Elimination of Geographical Barriers**

A number of geographical barriers to the placement of waiting children were identified, including the lack of dissemination of information on waiting families and children, a reluctance on the part of agencies to conduct home studies to place children who are outside of their jurisdictions, a reluctance of agencies to accept home studies conducted by agencies in other jurisdictions, difficulties in transferring Medicaid benefits, and issues with the Interstate Compact on the Placement of Children.

● Current Funding Streams

Some participants stressed a need to provide more flexibility to spend money in the front end of the service continuum for better family assessment, prevention and reunification activities. They expressed concern that the supportive services required for good child welfare practice are unavailable or inadequate. The unavailability of substance abuse and mental health treatment was specified repeatedly. Finally, they felt that potential adoptive parents were often not informed about the availability of adoption subsidy. The funding stream problems are exacerbated by fragmentation and separation of foster care and adoption in the child welfare system. Some participants felt that the system currently provides rewards to States to keep kids in foster care or reunify them, but not for adoption.

● Multiethnic Placement Act (MEPA)/Interethnic Placement Provision

In discussions about MEPA and the Interethnic Placement provision, groups repeatedly placed a strong emphasis on the recruitment provisions of MEPA. Most participants volunteered no information or opinions on how to better ensure compliance with the nondiscrimination provisions. One group of participants insisted that States continue to ignore MEPA/IEP and that HHS needs only to enforce the current law.

MOVING CHILDREN TO PERMANENCE MORE PROMPTLY**● Reasonable Efforts Requirements**

Participants indicated that the safety of the child was of paramount concern and that the child's best interests should be at the heart of all decisions. In general, participants felt that the reasonable efforts requirements need clarification. In general, the groups reacted positively to proposals to add a requirement that a reasonable effort for permanency standard is needed.

- Improvements in Timely Decision-Making

All focus groups emphasized that the court system is as crucial as the child welfare system for ensuring timely decision-making. They repeatedly called for the education of attorneys and judges about the importance of permanence for children. They cited the Court Improvement Projects, currently under way, as examples of technical assistance and leadership that the Federal government can use with the judiciary. The groups also offered specific proposals including the use of concurrent planning, family mediation, and open adoption particularly for relative placements. Concurrent planning seems to be a growing trend.

DOUBLING THE NUMBER OF CHILDREN WHO ACHIEVE PERMANENCY

- Focus on the Children who are Hardest to Place

The participants repeatedly expressed concern that numerical targets and financial incentives might drive States to focus on children who are easiest to place (e.g., very young children and those already in adoptive placements with foster parents), exacerbating the problems of waiting children who are older or in large sibling groups, who form the large judicial backlog.

- The Incentive Structure Inherent in Adoption 2002 Bonuses

Participants discussed the way that the Adoption 2002 financial bonuses may affect or distort the incentive structure in the child welfare system. The participants wanted to use the Adoption 2002 fiscal incentives to benefit the children who are hardest to place, without resulting in the separation of sibling groups, a disproportionate focus on younger children, or an increase in adoption disruptions. In addition, they indicated that the bonuses should be implemented in ways that are respectful of the rights of birth families and that improve the functioning of the entire child welfare system over the long-term. The groups also were concerned that fiscal penalties might accompany the bonuses, such as reductions in Title IV-E funds for children who remain in foster care for extended periods of time.

- Cross Cutting Principles

All groups agreed that the best interests of the child should be the driving concern in all of our work.

**PARTICIPANTS IN FOCUS GROUPS AND CONFERENCE CALLS
CONDUCTED BY CHILDREN'S BUREAU**

**Conference Call with "Big 8 States"
Tuesday, January 14, 1996**

NEW YORK

Don Smith
Associate Deputy Commissioner
Services and Community Development Division
New York Department of Social Services

FLORIDA

Mrs. Dee Richter, Program Manager
Permanency Planning Division
Florida Department of Health and Rehabilitative Services
[Carolyn Glenn and Linda Harris also on call]

OHIO

Isaac Palmer
Deputy Director
Ohio Department of Human Services
[4 others also to be on call, including rep. from Governor's Office.]

CALIFORNIA

Marjorie Kelly
Deputy Director
Children and Family Services Division
California Dept. of Social Services

MICHIGAN

Richard Hoekstra, Manager -- invited not on call
Division of Adoption Services
Office of Children's Services
Michigan Family Independence Agency

ILLINOIS

Joe Loftus
Executive Deputy Director
Illinois Dept. of Children and Family Services

PENNSYLVANIA

Warren Lewis
Office of Children, Youth and Families
Pennsylvania Dept. of Public Welfare

TEXAS

Jim Hine
Executive Director
Texas Dept. of Protective and Regulatory Services

Conference Call with Urban Child Welfare Administrators
Wednesday, January 15, 1997

Houston/Harris County, TX

Sara Webster
Regional Director
Texas Department of Protective and Regulatory Services

New York City

Nicholas Scopetta
Commissioner
Administration for Children's Services

[Three Deputy Commissioners, Linda Gibbs, Aubrey Featherstone and Joseph Cardieri, also expected to participate.]

Miami/Dade County, Florida

Mr. Imran Ali
District Program Manager
District 11
Florida Dept. of Health and Rehabilitative Services
[Ms. Donna Silverman will also participate.]

Los Angeles County

Renee Powers
Deputy Director
Department of Children and Family Services

Philadelphia, PA

Joan Reeves
Commissioner
Department of Human Services

Chicago/Cook County, IL

Joe Loftus
Executive Deputy Director
DCFS
[Also Alice Castillo and Mark Testa, DCFS]

**National Organization Focus Group
January 15, 1996**

Mary Lee Allen, Children's Defense Fund
Mark Harden, American Bar Association
Karabelle Pizzigati, Child Welfare League of America
Pam Day, CWLA
Ann Sullivan, CWLA
Tom Birch, National Child Abuse Coalition and Voice for Adoption
Bill Pierce and Patrick Purtill, Jr., National Council for Adoption
Mary Sullivan, National Adoption Information Clearinghouse
Brenda Russell Nordlinger and Dan Drolet, National Association of Homes and Services for
Children
Christine Koucher, Washington Metropolitan Council of Governments
Caren Kaplan, National Association of Social Workers
Joyce Thomas, People of Color Leadership Institute
Judy Leavitt, Generations United

**Conference Call with National Organizations
January 16, 1997
3:30 - 5:00 pm**

Peggy Soule, Children Awaiting Parents
Zena Oglesby, Institute for Black Parenting
Carolyn Johnson, National Adoption Center
Mary Ford, North American Council on Adoption
Judith McKenzie, Spaulding for Children
Terry Cross, National Indian Child Welfare Association
Delois Caldwell, National Association of Black Social Workers
Robert Ortega, National Latino Child Welfare Advocacy Group
Shane Salter, Adoptive Families of America
Mark McDermott, American Academy of Adoption Attorneys

**Focus Group with Kellogg Foundation Families for Kids Grantees
January 16, 1997**

Karen Abmann, Arizona Families for Kids (FFK)
Sarah Anderson-Mims, North Carolina FFK
Judge William Byars, South Carolina FFK
Don Duquette, University of Michigan Law Clinic
Brenda Gadson, Massachusetts FFK
Susan Ignelzi, Ohio Governor's Office
Marie Jamieson, Washington FFK
Gloria Hochman, National Adoption Center
Jacquelyn Kidd, North American Council on Adoptable Children
Wendy Lewis Jackson, Grand Rapids FFK
Anotoinette Nelson, New York FFK
Rene Sanders, Ohio FFK
Joan Wagnon, Kansas FFK
Linda West, Mississippi FFK
Ying-Ying Yuan and Gila Shusterman, Walter R. McDonald & Assoc., Inc.
Karen Lake, Valora Washington and Carole Smith - W.K. Kellogg Foundation

**Focus Group with Casey and Clark Foundation Grantees
January 17, 1997**

Edna McConnell Clark Foundation Community Partnership reps.:

Cedar Rapids, Iowa

Anne Grunewald, private social service agency administrator
Jody Weigel, public agency supervisor

Louisville, KY

JoAnn Harrison, public agency administrator
Karen Hawkins, Community Action Agency administrator

Jacksonville, FL

Diane Seymore, public agency administrator
Gwen Vareene, public agency administrator

St. Louis, MO

Tena Thompson, public agency administrator

Casey Foundation Family to Family Initiative reps.:

Terri Ali
Beverly Nelson
Patricia Newell
Marsha Rose Wickliffe

**Focus Group at meeting of
National Association of Child Advocates
January 17, 1997, Baltimore, MD**

(Names to be provided)

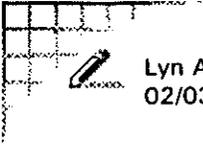
**Conference Call with national experts and advocates
Convened by National Council for Adoption (NCFA)
January 21, 1997**

Elizabeth Bartholet, Harvard Law School
Carol Coccia, National Committee to End Racism in America's Child Care System, Inc.
Phoebe Dawson, New Beginnings (Georgia)
Jane Edwards, Board member, NCFA, Harlem-Dowling West side Service and Episcopal
Mission Society (New York City)
Patrick Fagan, Heritage Foundation
Rene Garfinkel, Adoption Studies Institute
Richard Gelles, University of Rhode Island
Beverly Jimmerson, Policy Advisor to Governor Bush (Texas)
Carol Olwert Reese, Partnership for Adoption Advocacy
Mary Beth Style, NCFA Consultant
Woody Turner, Pnnsylvania Adoptive Family Rights Council
Sam Totaro, American Academy of Adoption Attorneys (invited, not present)

**Intergovernmental Focus Group
January 22, 1997
2:00 - 4:00 pm
(invited, not all confirmed)**

Melissa Baker, APWA
Susan Golonka, NGA
Marilina Sanz, NACO
Sherry Steisel, NCSL
Joe Dimas, Nat. League of Cities
Laura Waxman, U.S. Conference of Mayors
Gene Flango, National Center for State Courts

**Tribal Conference Call
January 23, 1997
(participants not yet confirmed)**



Lyn A. Hogan
02/03/97 03:43:08 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

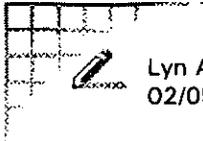
Subject: Re: child welfare

Sure. Just got back from an HHS briefing with hill folks. It was very good. Carol Williams and I discussed a couple of areas over which we differ -- those areas are becoming more narrow as the process moves forward. HHS should have a draft of the Feb. 14 paper by this Friday, at which point we will comment. Just let me know when you're free and we can talk.

(Lyn —

If this is true, we don't
have to talk now. We can
wait until we see a
draft on Friday

Elena



Lyn A. Hogan
02/05/97 01:24:48 PM

Record Type: Record

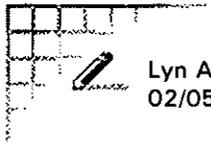
To: Nicole R. Rabner/WHO/EOP

cc: Elena Kagan/OPD/EOP, Pauline M. Abernathy/OPD/EOP

Subject: Adoption Directive

2 Questions:

- 1) Do we definitely have an event scheduled for Feb. 14? Bruce said this wasn't on the schedule for Feb. 14.
- 2) Do you know if HHS plans on announcing the Ohio child welfare when we/they release the adoption report?



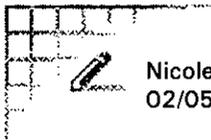
Lyn A. Hogan
02/05/97 04:42:06 PM

Record Type: Record

To: Nicole R. Rabner/WHO/EOP
cc: Elena Kagan/OPD/EOP, Pauline M. Abernathy/OPD/EOP
bcc:
Subject: Re: Adoption Directive

Thanks for the update on the event. I'll pass your note onto Bruce. As for the next meeting, I don't think it makes sense to meet again before we have a draft. If we can get the draft Thursday instead of Friday, we could read it Thurs. and meet Friday.

Nicole R. Rabner



Nicole R. Rabner
02/05/97 04:02:26 PM

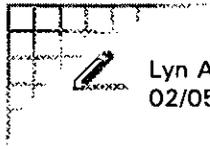
Record Type: Record

To: Lyn A. Hogan/OPD/EOP
cc: Elena Kagan/OPD/EOP, Pauline M. Abernathy/OPD/EOP
Subject: Re: Adoption Directive

Perhaps it would be useful for me to share what I know about discussions around the transmittal of the adoption report. As you may know, the Scheduling office rejected our request for the President personally to receive the report, which Melanne and I think is correct -- our feeling is that the transmittal doesn't warrant the President's time. Others may have a different view. I just spoke with Samara Weinstein in Olivia Golden's office, who said that HHS concurs with that view -- that their preference in fact is a low-key transmittal and perhaps an event down the road. I did not, however, tell HHS definitively that there would be no event, and I think we should let Bruce or Elena do that -- perhaps after we receive a draft of the report. Samara and I also discussed the need to coordinate a transmittal letter and perhaps a WH or HHS press release if there is no event, but that is far less time intensive than an event would be, and we can focus on that next week. FYI, Mrs. Clinton is now NOT going to be in Kansas City on the 13th (because of Amb. Harriman's memorial service), where she had been scheduled to highlight adoption. If it makes sense, we should think about proposing that Mrs. Clinton do something adoption-related on the 13th or 14th in D.C..

About the report itself, since it's due in just over a week, Samara and I spoke about the urgent need for a meeting to follow-up our last meeting -- either this Friday or Monday. I emphasized that our preference is to hold the meeting only once there is paper to which we can respond -- so that it is not another HHS briefing, but rather a meeting to go over specific concerns or suggestions we may have on the report itself. I reminded her that they had promised us a draft by February 1st. Samara is going to get back to me about timing, but my sense is that we won't have the report to

circulate until sometime on Friday, in which case we'll aim to convene on Monday. Stay tuned.



Lyn A. Hogan
02/05/97 04:48:36 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP

cc: Elena Kagan/OPD/EOP, Nicole R. Rabner/WHO/EOP, Pauline M. Abernathy/OPD/EOP

Subject: Adoption event

Bruce,

You were right. The event with POTUS was not approved. Nicole may set up a low key event with the First Lady, or HHS may just transmit the report. No one has told HHS that there may not be an event. Nicole suggested either you or Elena might want to break the news to HHS. I'm sure Melanne could do it as well.

At 9:00 mtg

Ask Lisa -
How we get thing?
Boz or EK call?