

# A National Dialogue to Build On Adoption Progress

It was an eclectic White House gathering: Liberal Democratic lawmakers Ben Cardin, Maxine Waters and Sandy Levin, moderate Republicans Dave Camp and Nancy Johnson and conservative stalwart, House Whip Tom DeLay.

"This," President Clinton observed at the fall gathering, "may be the only issue all six of these people agree on." Mr. DeLay nodded. The "this," of course, is adoption; the ceremony was to celebrate states that have done good jobs of moving children out of foster care into adoption.

In a decade marked by bitter divisions, adoption is one of the few issues that's en-



## Politics & People

By Albert R. Hunt

joyed political consensus. The major presidential contenders are all pointing to their past support of adoption and promising to do more in the future. Sen. John McCain has made much of the fact that he has an adopted daughter.

Support on Capitol Hill has also been remarkably widespread. Bill Clinton is the most pro-adoption president in history, having advocated and pushed through major changes.

These include the family leave legislation that gave the parents of adopted children the same mandated time-off rights as for those who give birth; legislation outlawing racial or ethnic discrimination in adoption that puts pressure on social workers who have tried to prevent interracial adoption of African-American children; and a \$5,000 tax credit—\$6,000 for children with special needs—that has made adoption more affordable for middle- and working-class families.

Meanwhile, legislation designed to streamline the cumbersome foster care

system and provide incentives to states that show the most progress appears to be working. Last year 36,000 kids moved out of foster care into adoption, up almost 30% in just two years. President Clinton has set a goal of moving 56,000 kids from the public child welfare system into adopted homes by 2002.

All of this is heartening. Yet problems and controversies persist, too many myths remain and adoption still is much harder than it should be. A national dialogue on these issues would be healthy. (In the interest of full disclosure, this is a non-objective column. My wife and I are the parents of a ten-year-old daughter, Lauren, whom we adopted from Korea more than a decade ago. She, along with our two biological sons, has enriched our lives immeasurably.)

Somewhere between 2% to 4% of the population is adopted. But inexplicably, the federal government no longer collects reliable data on overall adoptions. "The government can tell you how many hogs were slaughtered last year but not how many kids were adopted," complains E. Wayne Carp, a Pacific Lutheran University historian who specializes in adoption.

It's estimated there will be about 133,000 adoptions this year. About 40% of these will be stepparent or relative adoptions, another 12% international adoptions and about 30% from foster care. Yet there are still half a million kids in foster care, disproportionately African American or Hispanic, and the average length of time children spend in foster care is almost three years. Both domestically and internationally, kids with special needs—usually major disabilities—have to wait even longer. Older kids with disabilities have a particularly tough time of it.

Despite the increased awareness of the problems of adoption and interracial adoption law, Harvard law school professor

Elizabeth Bartholet and others persuasively argue that social workers continue to impede such transactions, often trying to keep dysfunctional families intact. Kids should not be kept in environments plagued by sexual assaults, drugs and other abuses.

Too often adoption gets caught up in the abortion fight. "An adoptee doesn't want to be viewed as an alternative to abortion," says Susan Soon-Keun Cox, a top official at the Holt International Adoption Agency

	1990	1998 Est.
Number of adoptions	116,138	133,000
International adoptions	7,091	13,774
Number of kids in foster care	406,000	520,000
Number of kids adopted from foster care	13,362	36,000
Average age of kids adopted out of foster care	4 1/2 yrs	6 1/2 yrs

Sources: Evan B. Donaldson Adoption Institute, National Council on Adoption

in Eugene, Oregon. She herself was adopted from Korea right after the Korean War. "It is unfortunate when it becomes all muddled up in religious and moral arguments instead of the simple principle that every child needs a loving family."

Adoption also has become ensnared in major debates over openness. It used to be common not to tell kids they were adopted until they were adults, sometimes never. Adoption was a stigma. Now there's even a growing movement towards "open adoptions," in which birth parents, adoptive parents and adoptees all grow up together. That may work for some but for many other members of this triad, it poses more problems than opportunities.

More vexing is the controversy over open records. Should adoptees have an automatic right to contact their birth parents

or vice versa? If we celebrate adoption as a positive option then it's difficult to argue against openness. But Bill Pierce of the National Council For Adoption warns that many mothers put babies up for adoption expecting confidentiality. If that trust is violated it could discourage some young women from trying adoption. There are horror stories about breaches of confidentiality, many of them the result of the aggressive tactics of some search groups. Yet it is understandable that adult adoptees should want to know about their birth parents.

What may be a sensible middle ground is something like the Tennessee law mandating open records to allow an adult adoptee to learn the identity of birth parents, but giving those birth parents the right to veto any contact with them.

Finally, while we don't hide adoption in the closet, myths still abound, notes Madelyn Freundlich, Executive Director of the Evan B. Donaldson Adoption Institute, a non-profit organization that seeks to improve the quality of adoption information and promote understanding. Some of the recent publicized cases, she says, have created the misimpression that birth parents could face legal action if they attempt to contact their children later in life. In reality, this affects less than 1% of adoptions.

Another myth which continues to give pause to some potential adoptive parents is that parental attitudes toward adopted kids are different, more strained. Of this, I know the answer. I have been in the Georgetown Hospital delivery room for two sons, both wondrous moments. Our three-and-a-half month old daughter arrived in an airplane at Newark airport. The MacNeil-Lehrer NewsHour, where my wife was working, sent a camera crew to capture the moment. We watch that tape regularly; no delivery room has ever been more magical.

Adoption

## Believe Your Eyes. The New Economy Is Real.

By Bob McTeer

My favorite economists these days are Richard Pryor and Yogi Berra. Mr. Pryor once asked, "Who are you going to believe? Me or your own lying eyes?" Yogi is alleged to have said, "You can observe a lot just by watching."

In the past five years, our economy's paradigm has been shifting for the better, but the change is so gradual that many of us haven't noticed or have underestimated its significance.

The defining feature of the new paradigm is faster productivity growth. From the early 1970s to the mid-1990s, productivity grew just over 1% a year. Since then, it has averaged more than 2% annually, meaning it has grown twice as fast as before.

This is a significant change. After two decades of 1% productivity growth, with a similar rise in employment, the economy's presumed noninflationary growth potential was just over 2%. Many policy makers came to regard a 2% to 2.5% supply-side growth potential as a "speed limit" and gave themselves over to the Keynesian focus on the demand side.

As faster productivity growth raised this speed limit, some policy forbearance was needed to find and test the new limits. The Fed's wait-and-see policy was a calculated risk, but it was ultimately rewarded with 4% real growth, 4.2% unemployment and core inflation below 2%—all better levels than most models had predicted. My dissent from the June and August Fed lightnings, as reflected in the published minutes, was based on my desire to test the growth limits of the new economy.

I believe that the way to minimize inflation risk is to focus directly on inflation indicators, regardless of the strength of real growth and employment. What the indicators show is no sign of inflation but plenty of welcome growth. Figures released last Friday indicate that the unemployment rate fell to 4.1%—its lowest level since

1970—while hourly wages rose the smallest amount since August. Squeaky tight labor markets have facilitated welfare reform and reduced poverty, crime and minority unemployment. In Texas, businessmen tell me they are now hiring and training the "unemployable." And most of our cities bordering Mexico have single-digit unemployment for the first time in years.

Globalization has been a key in reducing the inflation risk of faster growth. The churn of creative destruction and growth is accelerating. The collapse of communism, socialism and protectionism brought many

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new countries, their workers and consumers into the market economy. Deregulation, privatization and consolidation spread. World-wide, cheap labor and capital are coming together, bypassing national capacity constraints. Technology and trade are mutually reinforcing.

Many analysts believe such factors reduce the inflationary impact of rapid growth. But rapid growth itself is deflationary if it comes from the supply side. If the price level is total spending divided by output, then output growth resulting from new discoveries, inventions, innovations, deregulation, freer trade and tax cuts should be the opposite of inflationary. If I'm right about that, an unfortunate corollary is that a slowdown in growth from the supply side could *curse* inflation.

Many new-paradigm skeptics argue that the economy's improved performance

is based on temporary factors, including a strong dollar, the Asian crisis and falling energy prices. As such factors reverse, nonbelievers predict, the new economy will morph back into the old economy.

Perhaps. But the real key to our growth in productivity is information technology and the Internet revolution. Computer chips augment the brain power of our third-wave information economy, just as electricity and motors added brawn to the manufacturing economy. The new economy features low marginal costs and potentially increasing returns. In the industrial economy, additional cars are expensive even after the prototype is developed. But once software is developed, its duplication is cheap and using it doesn't use it up. As networks grow, their value multiplies.

The Internet changes everything. To my dad, business was buying wholesale and selling retail. Sorry, Willy Lomart, but the Internet's disintermediation is squeezing it all down to wholesale.

Measuring productivity in a service economy is difficult. Even after its recent rise due to a calculation adjustment, the productivity gauge is no doubt still understated. Many of the fruits of high-tech, especially biotech, raise our living standards without showing up in the numbers. Preventing and curing disease and faster and better treatments may actually reduce measured GDP. The activities replaced or made easier by the Internet probably contributed more to GDP. Mass customization, which gives us made-to-order goods at mass-production prices, increases our satisfaction by replacing more stuff with the right stuff.

There is no good model to account for why we have been enjoying rapid, noninflationary growth. But I believe what I see with my own eyes, and I don't think things will change anytime soon.

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*Mr. McTeer is president and CEO of the Federal Reserve Bank of Dallas.*

*Adoption*

## FY 1998 ADOPTION INCENTIVE BONUSES

State	3 Year Adoption Average (FY 95-97)	FY 98 Adoptions	% Increase	Bonus
Arkansas	138	251	82%	\$280,320
California	3,287	3,958	20%	\$1,841,837
Colorado	417	560	34%	\$419,540
Connecticut	207	229	11%	\$41,390
Florida	987	1,549	57%	\$1,290,603
Georgia	493	672	36%	\$449,642
Hawaii	85	297	249%	\$518,311
Illinois	2,200	4,656	112%	\$6,869,733
Indiana	495	774	56%	\$842,843
Iowa	350	517	48%	\$371,566
Maine	108	112	4%	\$11,288
Maryland	342	420	23%	\$317,947
Massachusetts	1,116	1,137	2%	\$39,508
Michigan	1,905	2,254	18%	\$942,554
Minnesota	258	427	66%	\$480,684
Mississippi	114	169	48%	\$187,194
Missouri	557	616	11%	\$110,999
Montana	115	144	25%	\$54,559
New Hampshire	45	50	11%	\$9,407
New Jersey	621	755	22%	\$409,193
New Mexico	147	197	34%	\$94,067
New York	4,716	4,822	2%	\$199,423
North Dakota	47	83	77%	\$67,728
Oklahoma	338	456	35%	\$280,320
Oregon	445	665	49%	\$586,980
Pennsylvania	1,224	1,494	22%	\$592,624
South Carolina	256	465	82%	\$500,438
South Dakota	56	58	4%	\$3,763
Texas	880	1,365	55%	\$1,350,806
Utah	225	250	11%	\$47,034
Vermont	75	116	55%	\$100,652
Washington	607	759	25%	\$291,609
West Virginia	182	211	16%	\$60,203
Wisconsin	467	589	26%	\$301,015
Wyoming	15	30	100%	\$28,220

Adoption

## PRESIDENT CLINTON ANNOUNCES FIRST ADOPTION BONUS AWARDS TO STATES, UNVEILS REPORT THAT SHOWS ADMINISTRATION STRATEGY IS WORKING

September 24, 1999

Today, the President and First Lady announced bonus awards of \$20 million to 35 states that have increased the number of children adopted from the public foster care system. These bonuses, awarded for the first time today, were first proposed by President Clinton's Adoption 2002 initiative and included in the Adoption and Safe Families Act of 1997. The President today also announced \$5.5 million in grants to innovative programs that remove barriers to adoption, and he unveiled a national progress report on adoption that documents the success of the Administration's strategy. From 1996 to 1998, the number of adoptions nationwide rose 29 percent – from 28,000 to 36,000 – and is on a pace to meet the President's goal of 56,000 adoptions in 2002. This is the first significant increase in adoptions since the national foster care program was established nearly 20 years ago.

**INCENTIVE AWARDS SUCCEED IN INCREASING ADOPTIONS.** In the Administration's Adoption 2002 proposal and the adoption law of 1997, the President created the first-ever financial incentive for states to increase adoptions of children from the foster care system. Today, the President released \$20 million in bonus awards to 35 states that in 1998 had exceeded their average adoption rate from 1995-1997. The \$20 million in bonuses provide for up to \$4,000 per adopted child, and \$6,000 for each child with special needs. In fact, the states' performance in 1998 entitled them to an additional \$22.5 million.

**INNOVATIVE GRANTS REDUCE BARRIERS TO ADOPTION.** The President today also announced \$5.5 million in new awards under the Adoption Opportunities program. This program provides grants to public and private organizations to eliminate barriers to adoption, particularly for children with special needs. This year's grants reward a variety of initiatives, including efforts to increase adoptions of minority children, targeted field research, and awards for collaborative planning to increase adoptions across jurisdictional lines.

**REPORT SHOWS CLINTON ADMINISTRATION STRATEGY IS WORKING.** Since taking office, the President has championed efforts to make foster care work better, to find and assist adoptive families, and to break down barriers to adoption. Today the President received a progress report from the Department of Health and Human Services that documents the effectiveness of the Administration's strategy.

- **Reforming the Child Welfare System.** In 1997, the President signed the Adoption and Safe Families Act. This landmark law was based largely on recommendations from the Administration's Adoption 2002 report, which the President requested by executive memorandum in order to meet his goal of doubling adoptions by 2002. The law expedited permanent placement decisions for children, ensured health insurance coverage for all special-needs children in subsidized adoptions, and created the bonus awards released today.
- **Making Adoption Affordable for Families.** The Small Business Job Protection Act of 1996, signed by the President in 1996, provides a \$5,000 tax credit to families adopting children, and a \$6,000 tax credit for families adopting children with special needs. This provision helps middle class families for whom adoption – particularly of children with special needs – might have been prohibitively expensive.
- **Giving States More Flexibility and Support.** The Administration has granted waivers to 20 states and the District of Columbia to test innovative strategies for improving child welfare systems. In addition, it has secured new funds to support state implementation of the 1997 law and has, through the Adoption Opportunities program, supported local initiatives to promote adoption and provide post-adoptive services.
- **Using the Internet to Make Adoption Easier.** In 1998, the President directed HHS to develop Internet tools to link children in foster care more quickly to possible adoptive families. Secretary Shalala reported that HHS will launch a national web site by September 2001 to break down geographic barriers to adoption.

- **Removing Racial and Ethnic Barriers to Adoption.** New inter-ethnic adoption provisions, passed as a part of the Small Business Job Protection Act of 1996, help ensure that the adoption process is free of delays and discriminatory practices driven by race, culture and ethnicity. They do so by strengthening the Multi-Ethnic Placement Act which the President signed in 1994.
- **Providing Supports for Child Protection and Adoption.** The Family and Medical Leave Act, signed by the President in 1993, enables working parents to take time off to adopt a child without losing their jobs or health insurance coverage. The 1996 welfare reform law signed by the President also maintains child protection and adoption guarantees.

**NOW IS THE TIME TO TAKE IMPORTANT NEXT STEPS.** To follow through on this record of achievement, the President and First Lady today urged Congress to provide new support for young people leaving foster care. Under the current system, federal financial assistance for young people in foster care ends just as they are making the critical transition to independence. The President's FY 2000 budget request increases funding by nearly \$300 million to help these youth secure health care, life skills training, and educational opportunities. With the Administration's strong support, the House has already passed bipartisan legislation to address these needs. The President today urged the Senate to take prompt action on the companion measure and to safeguard the interests of vulnerable young people leaving foster care.

Adoption

# Unprecedented surge in adoptions of foster kids

## Incentives offered to families, states

By Susan Page  
USA TODAY

WASHINGTON — Adoptions of foster children across the country surged 29% in two years, boosted in part by tax credits for adoptive parents and cash incentives for states.

The increase in adoptions to 36,000 in 1998 from 28,000 in 1996 is the first significant increase since the national foster care program was established nearly two decades ago.

"There has been an increased emphasis on adoption that has been quite widespread," says Karabelle Pizzigati, director of public policy at the Child Welfare League of America, a nonprofit organization that works with agencies serving families in crisis. Tax credits and bolstered state services have made it possible for more families to adopt chil-

dren, especially those with disabilities or special needs.

"There are many families willing to do it, but they need a little help," Pizzigati says.

At a White House event today, President Clinton and Hillary Rodham Clinton will announce the first adoption "bonus awards" of \$20 million to 35 states that have increased the number of adoptions in 1998, compared with their average number of adoptions in 1995-97. The bonuses -- up to \$4,000 per child and \$6,000 per child with special needs -- are part of a program established in a 1997 bill.

A 1996 law also provided a \$5,000 tax credit to families adopting children, and a \$6,000 credit for families adopting children with special needs.

Hawaii scored the largest percentage increase in adoptions, 249%, by placing 297 children in 1998 compared with an average of 85 per year in the previous period.

New York had only a 2% in-

crease, but 4,822 children were placed in adoptive homes in 1998, the largest number of any state.

The Department of Health and Human Services estimates that another 110,000 children still are waiting for adoption in the foster care system.

Dawn and Steven Keane of Hershey, Pa., went to an adoption site on the Internet in January 1998, filled out a form and saw Sarah's picture fill the screen. By June, after several visits, they had adopted Sarah and her brother Brian from foster homes in West Virginia. Both children have developmental disabilities.

Brian, now 11, Sarah, 7, and the Keanes' biological son, Sean, 10, will be in the audience today when their mother introduces Clinton.

"It hasn't been a completely smooth road," Dawn Keane, 39, says. But "I was very fortunate to have two children come into my home with adoption.

"All children are a blessing."

## Hawaii's increase leads USA

The overall number of children adopted from foster care has jumped 29% as the federal government has begun offering financial incentives to states and tax breaks to families. The 35 states with increases:

	'95-'97	1998	Change		'95-'97	1998	Change
Ark.	138	251	82%	N.J.	621	755	22%
Calif.	3,287	3,958	20%	N.M.	147	197	34%
Colo.	417	560	34%	N.Y.	4,716	4,822	2%
Conn.	207	229	11%	N.D.	47	83	77%
Fla.	987	1,549	57%	Okla.	336	458	35%
Ga.	493	672	36%	Ore.	445	665	49%
Hawaii	85	297	249%	Pa.	1,224	1,494	22%
Ill.	2,200	4,656	112%	S.C.	258	465	82%
Ind.	495	774	56%	S.D.	56	58	4%
Iowa	350	517	48%	Texas	880	1,365	55%
Maine	108	112	4%	Utah	225	250	11%
Md.	342	420	23%	Vt.	75	116	55%
Mass.	1,116	1,137	2%	Wash.	607	759	25%
Mich.	1,905	2,254	18%	W.Va.	182	211	16%
Minn.	258	427	66%	Wis.	467	589	26%
Miss.	114	169	48%	Wyo.	15	30	100%
Mo.	557	616	11%				
Mont.	115	144	25%				
N.H.	45	50	11%				

1 - Average number of adoptions per year. Increases to states are based upon increasing their number of adoptions above the average.  
Source: U.S. Department of Health and Human Services

# Moynihan's defection to Bradley is latest gore

Senator's concern that the vice president can't win the election is echoed by some Democrats. The doubts are wounding his campaign.

By Susan Page  
USA TODAY

WASHINGTON — When Sen. Daniel Patrick Moynihan endorsed Bill Bradley for president on Thursday, one of the reporters who jammed the #2nd Street Y in New York asked the obvious question: Why wasn't he endorsing Vice President Gore, the front-runner and Democratic Party favorite?

"Nothing is the matter with Mr. Gore," Moynihan replied, pausing dramatically. "Except he can't be elected president."

Concern that Moynihan's view just might be correct is rippling through the Democratic Party and complicating Gore's beleaguered campaign.

Bradley's unexpected strength in key states and Gore's weakness in poll matchups against Republican front-runner George W. Bush have made party regulars increasingly anxious over whether the horse most have chosen to ride is stumbling at the starting gate.

The impact on Gore: Some hoped-for endorsements have been delayed, fund-raising is more difficult than expected and the cloak of inevitability that once enveloped the vice president has been shredded.

"He's no longer the imperial front-runner," says Democratic strategist James Carville, a Gore supporter and occasional adviser. "Now he's got to get in

there and slug it out."

The next public round in that slugfest opens here Saturday morning at the Democratic National Committee meeting. The vice president and the former New Jersey senator are scheduled to make back-to-back speeches — though their entrances and exits have been choreographed to avoid actually crossing paths.

The audience is part of Gore's natural base, the activists he's been cultivating since winning the vice presidency seven years ago.

By and large, they are Clinton loyalists who appreciate the rubber-chicken dinners Gore has keynoted for their organizations and the patronage appointments the administration has delivered.

But they also are the down-stream victims when the party's presidential candidate fails at the ballot box.

"If we elect a Democratic president, which I believe we will, we will help ourselves with congressional races and Senate races and other statewide races around the country," says Sen. Jeff Blagman, D-N.M., who is running for a fourth term next fall and is neutral in the presidential contest.

"If we're not able to do well in the presidential race, I'll drag us down somewhat."

Concern that Gore fails to connect with union rank-and-



By Brad Peckerty, Reuters

Gore "can't be elected president": Sen. Daniel Patrick Moynihan, D-N.Y., right, announces his endorsement for Bill Bradley, left, for the Democratic nomination on Thursday in New York City.

file has been one factor in the reluctance by some labor leaders to deliver the prized early endorsement he's seeking from the AFL-CIO at its convention next month in Los Angeles.

The calculation that Bradley might be more electable than Gore — in large part because he's a fresh face not associated with the scandals and turmoil of the Clinton years — also is giving Bradley a more receptive audience at the DNC.

"I think the Democrats are eager to hear what we have to

say," Bradley spokesman Eric Hauser says, "and they're very eager to have a winner in 2000."

In three recent statewide polls, Bradley has pulled neck-and-neck with Gore in New Hampshire, which holds the nation's first primary on Feb. 8. A Marist Institute Poll conducted last week put the two men in a perfect 42%-42% tie in New York, which votes in a set of March 7 primaries that many analysts believe will be decisive in determining the nominees

for the parties.

Though the most recent nationwide USA TODAY/CNN/Gallup Poll showed Gore leading Bradley 24-1 among Democrats, Bradley had significantly more appeal to Republican and swing voters. In the Sept. 10-14 survey, the two Democrats fared about the same in matchups against Bush, who beat Gore 56%-39% and Bradley 57%-37%.

An NBC *Wall Street Journal* Poll released last week was more dramatic: Bush beat

## Senate supporters

Al Gore has been endorsed by 92 members of the House of Representatives; one has endorsed Bill Bradley. Gore also leads in endorsements by Democrats in the Senate:

### GORE

Blanche Lambert Lincoln, Ark.  
Barbara Boxer, Calif.  
Dianne Feinstein, Calif.  
Joe Lieberman, Conn.  
Max Cleland, Ga.  
Daniel Akaka, Hawaii  
Daniel Inouye, Hawaii  
Evan Bayh, Ind.  
Tom Harkin, Iowa  
Barbara Mikulski, Md.  
Paul Sarbanes, Md.  
Frank Lautenberg, N.J.  
Ron Wyden, Ore.  
Jack Reed, R.I.  
Tom Daschle, S.D.  
Tim Johnson, S.D.  
Patty Murray, Wash.

### BRADLEY

Paul Wellstone, Minn.  
Bob Kerrey, Neb.  
Daniel Patrick Moynihan, N.Y.

Source: Gore and Bradley campaigns

Gore by 17 points but Bradley by only 9.

"Democrats are sort of asking themselves the question whether or not Bill Bradley doesn't have a better chance to win this race," says Sen. Paul Wellstone, D-Minn., the first member of Congress to endorse Bradley. "I think that is becoming much more important for Democrats."

But Sen. John Breaux, D-La., who supports Gore, says the vice president would fare better in the general election. "Bradley as a candidate is run-

ning too far to the left," he says. "The Republicans would be able to run to the center. Gore has the best chance to win."

However he adds, "This is my opinion. It's not shared by everybody."

Some note with dark humor that Bradley's surge carries benefits for Gore.

"The expectations game has changed," notes New Hampshire Democratic Chairman Kathy Sullivan, who is neutral in the contest. Now, even the narrowest of wins in the primary probably would be seen as a victory and boost for Gore.

Political insiders in both camps are waiting for financial reports for the three-month period ending next Thursday that will show how much money the campaigns have raised and spent. In the last reporting period, which ended June 30, Gore had out-raised Bradley but was also spending money at more than double Bradley's pace on consultants and staffers.

Close attention will be paid to third-quarter financial reports, due by Oct. 15, to see whether Bradley narrows or even erases Gore's lead when it comes to money in the bank.

Meanwhile, the Gore campaign had a sharp retort Thursday to Moynihan's jab.

"I'm sure President Bob Kerrey appreciated his support in 1992," spokeswoman Kiki Moore said, a reference to Moynihan's endorsement of the Nebraska senator in the last contested Democratic race.

An opponent named Bill Clinton ended up prevailing.

Contributing: Kathy Kiely, Drinkard

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

September 24, 1999

REMARKS BY THE PRESIDENT  
AND THE FIRST LADY  
ON ADOPTION

Presidential Hall

10:00 A.M. EDT

MRS. CLINTON: Thank you, and please be seated. And welcome to the White House for a celebration and a wonderful announcement for so many children and families around our country.

I'm delighted that we've been joined by members of Congress, including Senator Carl Levin and Representative Dave Camp and Representative Nancy Johnson and Representative Tom DeLay and Representative Ben Cardin and Representative Maxine Waters.

This is an issue that has been at the real heart of our efforts in the last several years to do what we could to give every child a chance to have a permanent loving home. And there are many people who have played a role in bringing us to this day. I want to acknowledge Olivia Golden and Pat Montoya, from HHS. I want to acknowledge the Brown, the Manis, the Keane and the Vasquez family. Carol Williams, the former Children's Bureau director and a champion of adoption; the many adoption advocates who are here.

And there's one very special champion of foster children who I would like to introduce to you. She is an eight-year-old girl who heard about how many foster children could not afford to use anything but garbage bags for luggage when they were told they had to move. So she decided to collect suitcases for them, and so far she has collected 1,000. And I'd like to ask MacKenzi Snyder to stand, please. (Applause.)

This summer I saw a photograph that reminded me why the work we're doing to promote adoption in our country is so vitally

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important. It was a picture of a young woman in a green silk evening gown, with high heels and a lace shawl, and you could see the anticipation and excitement in her eyes. That was a picture of 17-year-old Deanna Collins. It was taken by her parents, her adoptive parents, on the night of her high school prom.

Looking at that picture, it was difficult for me to believe that the smiling, confident young woman was the same girl I had welcomed to the White House just four years ago. Back then, she was 13, and she'd already spent eight years in foster care. With her shoulders slumped forward, and her eyes downcast, she told the audience gathered in the East Room for National Adoption Month about her dreams of living in a place she could call home, with a room of her own and a family she could love.

Not long after that visit, Deanna's dream came true. And it's been my privilege to watch this young woman's life transformed by her adoption. With the love of her parents and the confidence that comes from knowing that, indeed, she always will have a place to call home, no matter what else happens to her in life, she is thriving. She's a senior in high school, now, and plans to go to college and major in social work.

Every time I need inspiration for our fight to strengthen and increase adoption in America, I think of Deanna. I think of so many of the other children whom I've know. I think of the adult adoptees, who are telling us their stories, including Washington D.C.'s own Mayor, Tony Williams, who told us at another Adoption Month commemoration last year how, at the age of three, he was about to be declared unadoptable, and institutionalized by the state, when Virginia Williams opened her arms and welcomed him into her family.

Mrs. Williams is here today, and all of us are grateful for the love you gave that young three-year-old boy, and the second chance you gave to him. And I'd like to ask Mrs. Williams to please stand. (Applause.)

But we can't gather today and celebrate Dianna or Mayor Williams without thinking of the thousands of foster children in America who are still waiting for the same chance, either to go back safely to their own families where they will be given the love and the attention and the discipline that every child needs, or be given the chance in a new family.

For more than 25 years, as an advocate and an attorney, I have tried to work with so many others to address the challenges of foster care and adoption. I've represented

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perspective parents in court. I've represented foster children. I've worked on behalf of changes in legislation. I've listened to the frustrations that social workers and judges and police officers and parents and others feel about the red tape that so often keeps them from sharing their lives with children who badly need their love.

I've met foster children who have spent childhoods feeling alone and unloved, moving from home to home. Children such as the teenage boy the President and I met in the Oval Office two years ago. When we asked him where he lived, he looked down and he said, "All over Fairfax County."

In many ways, giving more of our children the chance to know the love and support of a family is a personal crusade for us. I know that many of you have been at the meetings and the roundtables and the celebrations of National Adoption Month that we've held here at the White House. And I've been very pleased and grateful to work with so many advocates like Wendy's founder, or Dave Thomas, who as an adopted child himself has dedicated much of his time and personal resources to promoting adoption.

With each meeting I became, along with all of you, more and more convinced that it was past time to reform our foster care system, to identify and eliminate the obstacles to change the placement procedures so that we could expedite the movement of children either home or into new homes.

We've made a lot of progress. We've helped adoptive parents carve out the time they need to care for their new children. The first bill the President signed into law was the Family and Medical Leave Act, which allows new parents -- including adoptive parents -- to take time off and care for their children without fear of losing their jobs or health insurance.

We've put an end to racial discrimination in adoption. The President signed and strengthened the Multiethnic Placement Act, prohibiting adoption agencies from keeping children of one race from the safe and loving arms of parents of another. We have made adoptions more affordable, putting in place tax credits for new adoptive families. And we're taking steps to use the Internet to help match waiting children with loving homes.

And most importantly, we've crafted legislation to dramatically reduce the amount of time a child spends in foster care. We've said that no child would have to wait longer than 12 months -- down from 18 months -- before the court considered his or her permanent placement. For the first time, we have offered

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states financial incentives to move more children out of foster care and into permanent homes. And we have given states the flexibility to try new strategies to accomplish that goal.

And we set an ambitious national goal of doubling the number of children adopted annually, from 28,000 to 56,000, by the year 2002. And though there were some moments when it looked like it wouldn't pass, we fought hard to make the Adoption and Safe Families Act the law of the land in 1997. In a few minutes, the President will offer new evidence of our continued success.

But we still have more to do. Two weeks after the President signed the Adoption and Safe Families Act, I went to California to meet with a group of young people, who were aging or had already aged out of foster care. They told me about their struggles -- about being forced out of foster homes on their 18th birthdays; about living in homeless shelters, seeking sleep in emergency rooms while trying to finish school; about getting sick and having no one to turn to for medical care or comfort. These young people are our responsibility. We cannot ignore the potential of any one of these children.

One of the young women I met that day in California is now a student at the Yale Law School. And that's why I was pleased to announce a new proposal in the President's balanced budget, to help former foster children make the transition to independence. And I'm very happy that the House, under the bipartisan leadership of Representative Nancy Johnson and Representative Ben Cardin, both of whom are with us today, has passed the bill that will allow former foster children to remain on Medicaid until age 21 and will -- (applause) -- and will give them the extra help they need to finish high school, find work and a place to live.

Now I would call on the Senate to take action on the companion bill that is sponsored by Senators Chafee and Rockefeller. There is no reason we cannot pass this bill this year for the good of all of our children. And I hope every one of us here will do everything we can to make sure that the Senate does that, and then we can have, I think, another celebration to sign a bill that will make such a difference in the lives of older children in foster care.

The progress we celebrate today is due to the work of countless people, and many of you are here, and others are working on the front lines around our country and others are caring for children who are newly adopted in their homes.

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I remember very well that a few years ago on Mothers Day, we had a roundtable for mothers and their adopted children. And at the end of the discussion, I went around the room asking the children if they had anything else to say, because some of them had not yet spoken up, and I didn't want them to leave and not have been heard. The final boy to speak looked up at the woman sitting next to him and said quietly, "I just want to thank my mother."

With that simple statement, and that adoring look, he summarized what all of us had been trying to say all afternoon. So, to all of those of you who have been the mothers and fathers that have helped move our children into homes, and into a sense of love and security, we say thank you -- for opening your homes and your hearts.

And now it's my privilege to introduce someone who has done just that -- who with her husband, Steven, and her son Sean, have just finalized the adoptions of Sarah and Brian. Please join me in welcoming Dawn Keane. (Applause.)

\* \* \* \* \*

THE PRESIDENT: Thank you very much. When we have events here in this room, with people who have come to share their experiences, very often I feel like a fifth wheel. I think everything that needs to be said has already been said.

(Laughter.) But I want to begin by thanking Dawn Keane for her wonderful statement; her husband, Steve; and Sean, Brian and Sarah. They're beautiful children. They did a good job at the microphone, didn't they? (Laughter.) I want to thank Olivia Golden and Pat Montoya for their work at HHS on this important issue.

I'd like to thank this remarkable bipartisan delegation from the House of Representatives here -- Dave Camp and Nancy Johnson and Ben Cardin and Maxine Waters, Sandy Levin and Congressman DeLay. This may be the only issue all six of these people agree on. (Laughter.) And -- Tom's nodding his head up and down. (Laughter.)

I'll tell you a funny story -- this is a true story. The other day I was reading a profile of Tom DeLay in the newspaper. And I got about halfway through, and he was giving me the devil for something; you know, he's very good at that. (Laughter.) And he started grinding on my golf game and saying that I didn't count my scores and all this, and I was getting really angry. (Laughter.) And then I get to the next part of

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the story, and it talks all about his experience and his commitment to adoption and to foster children, and the personal experience that he and his wife had. And my heart just melted. And all of a sudden, I didn't care what he said about my golf game. (Laughter.)

And I say that to make this point: The Keane family -- the Manis, the Brown, the Vasquez families who are behind me today -- they represent what we all know is basic and fundamental about our families and our country -- more important than anything else we can think of. And they open their homes and their hearts to children, and they open our hearts to them -- and to each other as we work for more stories like those we celebrate today.

I'd also like to say a special hello to the Badeau family. Some of you may remember this. Two years ago, almost, Sue and Hector Badeau joined us at the White House when I signed the Adoption and Safe Families Act. They brought 18 of the 22 children they have adopted. Now, you need to know that, as if they didn't have enough to deal with, this summer they also welcomed into their home a family of eight Kosovar refugees. So if you ever need proof that there's no limit to human goodness, you can look at Sue and Hector Badeau.

I'd like for them to stand. Where are they? There you go. They've got some of their kids here. Stand up. (Applause.) Thank you. God bless you. Thank you. (Applause.)

I would also like to say just a very brief word to Hillary. You heard her tell the story of her involvement in this, but when we were in law school together, before we were married, she was talking to me about how messed up the foster care and adoption laws were in the country, how many ridiculous barriers there were. And not long after we moved to Little Rock and I became Attorney General of our state, she took a case for a young couple who had had a child from foster care for three years that they desperately wanted to adopt -- this is over 20 years ago. And together they changed the law in our state so that foster parents could be considered for adoption, something that used to be verboten in most states in the country.

So I've watched her work on these issues now for almost 30 years, and I am very grateful that one of the many blessings of our time in the White House has been the chance to make a difference on these adoption and foster care issues, and I thank her for making it possible. (Applause.)

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Finally, let me say, again, I want to say a special word of thanks to the members of Congress in both parties who have come to this event today. We have had a raging, often stimulating, occasionally maddening, debate on what should be the role of government over the last five years in this town. But we have all agreed that government has a role to try to protect children, but to facilitate the most rapid, reasonable, orderly process for both foster care and for transition to adoption.

Hillary said that the House had adopted this provision to let kids coming out of foster care keep their Medicaid until they're 21. I'll just give you one more example of how these issues unify us. Within a 36-hour period, about six months ago, my cousin, who runs the public housing unit in the little town where I was born in Arkansas -- which has 8,000 or 10,000 people -- came up to a HUD conference. And she spent the night with me and were having breakfast, drinking coffee, and she says, you know, you've got to do something about these foster kids. They keep going out of the -- they come out of the foster homes and they've got no money and they need to do some things. And then the next day, literally within 36 hours, I'm talking to these people from New York City who tell me it's maybe the biggest social problem they have now, with all these kids coming out of foster care.

So this is an issue that spans the experience of America, the whole sweep of it. And I'm very grateful -- I'm grateful that we have this consensus and I'm grateful that they've acted on it. I urge the Senate to follow suit.

Now, you've already heard about the things that we're doing to try to double the number of children we help move into permanent homes. We have new evidence that these efforts are bearing fruit. The Department of Health and Human Services has just given me a report that tracks our progress in meeting our adoption goals. It shows that the number of adoptions from the foster care system increased from 28,000 in 1996, to 36,000 in 1998. That is the first significant increase in adoptions since the National Foster Care Program was created almost 20 years ago.

Now, that's an amazing thing. That's more than -- it's about a 30-percent increase. That's a very impressive increase in two years. And we are well on our way to meeting our goal of 56,000 in 2002, doubling the number. For all of you that had anything to do with that, I say thank you. You should be very proud of yourselves.

Now, if you look at this HHS report -- and I urge those

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of you who are interested in it to actually get it and scan it, at least -- you will see how much this bipartisan cooperation I talked about and the work that's being done by people in the trenches to clear away the barriers is making a difference -- a stunning example of what we can do when we put our children first. You will see that we have acted on each and every one of the 11 recommendations set forth in the original Adoption 2002 report. Breaking down barriers to adoptions, ensuring accountability, rewarding innovation, supporting adoptive families themselves.

One of the key recommendations we adopted into law in 1997 was to give states, for the first time, financial incentives to help children move from foster to adoptive homes. Under the new bonus system, states are entitled to up to \$4,000 or \$6,000, depending on whether the child has special needs, for each adoption above their previous average.

Today, I have the honor of presenting the first round of these awards, worth \$20 million, to 35 of our 50 states. The good news is that these states did this, using creative new approaches and exceeding their own high goals. Illinois, for example -- listen to this -- the state of Illinois increased its options by 112 percent -- 112 -- yes, you can clap for Illinois. That's good. (Applause.)

Now, the bad news, if you can call it that, is that even though we believed this would work, we didn't think it would work this well this quickly -- (laughter) -- and we didn't put enough money in to give all the states all the money to which they're entitled. So I hope we can rectify that, because I think we all think that we want to give the states the incentives to figure out how best to do this.

But the fact is, I think all of us are very proud of what these states have done for some of their most vulnerable citizens. And I look forward to working with the Congress to make up this shortfall and get the other 15 states above their goals as well.

Today, I am also awarding \$5.5 million in adoption opportunity grants to outstanding public and private organizations in 16 of our states to help fund research and new ways of increasing inter-state adoptions, and adoptions of minority children. Together these efforts will help to accelerate the remarkable progress we've seen.

Now, again let me say, I think the big goal we ought to

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have for this legislative session is to get the Senate to follow the lead of the House, and schedule a vote on the Chafee-Rockefeller bill to ensure that the foster children are not cast out in the cold when their time in foster care ends. I hope -- I know if we can get it up and get it on the calendar, it will pass with the same overwhelming bipartisan support that we've seen in the House. So I urge all of you to do what you can to make sure that that is a big priority for the Senate, and I will do my part.

Together, we can help our foster children -- all of them -- first grow up in good homes, and, if they turn 18 as foster children, to make a good transition from transit to independence -- with health care, education, counseling and housing.

Now, ultimately, let me say the credit in all this does not really belong to all of the political leaders, even though they've worked very hard, all of us have together. It does not belong to all the public servants, even though there is a real new attitude, I think, in the organizations, the social services organizations, to try to do the right thing and move this along.

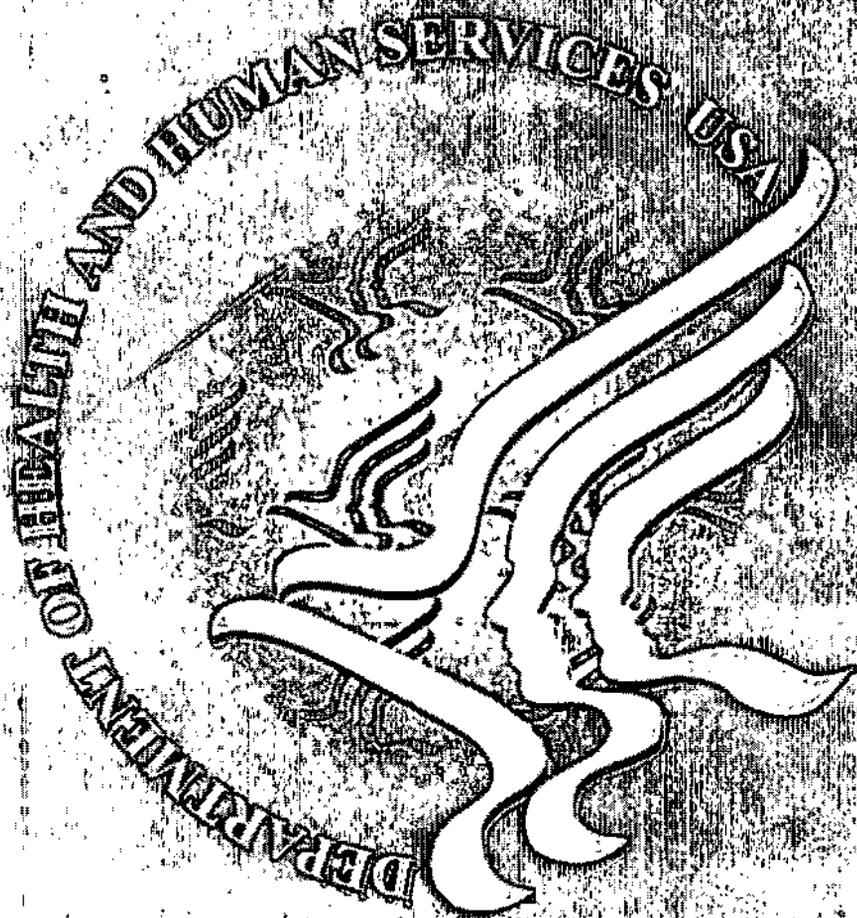
But none of this will work if there aren't good people in every community like the Keanes, the Manises, the Browns, the Vasquezes, the Badeaus, who are willing to give a child unconditional love and a good upbringing. They are the proof of the unlimited goodness of the human heart. All the rest of us are trying to do is to unleash it. And we need to keep right on doing that.

Thank you and God bless you all. (Applause.)

END

10:30 A.M. EDT

# Progress Report To The President On Adoption



U.S. Department of Health and Human Services  
Administration for Children and Families

September 24, 1999



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

SEP 23 1999

The President  
The White House  
Washington, D.C. 20500

Dear Mr. President:

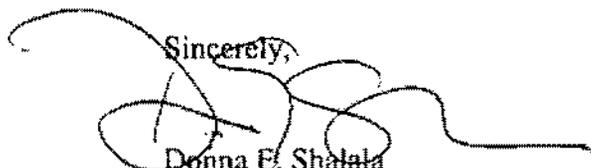
I am pleased to take this opportunity to report on the notable progress that we have made in the past few years to increase the number of children moved from our nation's foster care system into adoptive and permanent homes.

In December of 1996, you laid out ambitious goals for the adoption of vulnerable children. You also called on the Department of Health and Human Services to devise ways to make adoption easier and faster, to move more children out of the foster care system and into safe, permanent and loving homes. Central to these efforts was the enactment of the Adoption and Safe Families Act of 1997, designed both to remove barriers to adoption and to provide incentives to the States for increasing the number of children adopted each year. The Department responded with the Adoption 2002 report, which outlined specific recommendations on how to achieve the goals that you laid out for the country's child welfare system. We are happy to report that we are already seeing significant results from the implementation of those recommendations.

Because of your strong commitment to these goals, the unwavering dedication of the First Lady, diligent work here at the Department, bipartisan congressional leadership and truly outstanding efforts by State and local adoption agencies, we are well on our way toward meeting your goal of doubling the number of adoptions and permanent placements for these children by 2002. In fact, the total number of adoptions rose to over 36,000 in 1998 from 28,000 in 1996. We are especially pleased to announce today that thirty-five States earned adoption incentive awards for their exceptional achievements.

While we recognize and applaud these successful efforts, it is also important to underscore that more work needs to be done. The Department is committed to continuing to work in partnership with the States to promote adoption and improve our child welfare system, giving our nation's most vulnerable children what every child deserves – a safe, stable home and a loving family environment.

Sincerely,



Donna E. Shalala

**PROGRESS REPORT TO THE PRESIDENT ON ADOPTION**

# PROGRESS REPORT TO THE PRESIDENT ON ADOPTION

## INTRODUCTION

This report follows up on the Department of Health and Human Services' (HHS) 1997 report to the President entitled *Adoption 2002*, which provided a bold blueprint of recommendations for reaching the President's ambitious goal of doubling the number of adoptions from the nation's child welfare system in the year 2002. Today, just two years later, the Department is delighted to report that:

- The number of adoptions from the public child welfare system nationwide has already increased from 28,000 in 1996 to 36,000 in 1998, fully on track for the President's target of 56,000 in the year 2002.
- The President signed into law the Adoption and Safe Families Act of 1997 (ASFA), bipartisan legislation that incorporates many of the critical recommendations from the 1997 blueprint.
- Across the country, with leadership and support from HHS, States, courts and adoption agencies are moving rapidly not only to implement the national legislation but also to develop creative ways to overcome barriers and move children to loving permanent homes as rapidly as possible.
- Adoption is more accessible and affordable to families, because of the Family and Medical Leave Act and the investments in adoption assistance and in adoption tax credits made under this Administration.

These results are especially impressive because, like the *Adoption 2002* report, this report focuses on a specific group of the nation's most vulnerable children: approximately 110,000 children in the nation's public foster care system who cannot return safely to their own homes and need adoptive families if they are ever to experience a safe, loving, permanent home. Many of these children have "special needs," that is, characteristics that historically have made them more difficult to place in adoptive homes. For example, they may be older children rather than infants, children who are part of a sibling group, children of minority heritage, or children who have physical, intellectual, or emotional disabilities. Yet in response to the call by the President and the Congress for a clear commitment to permanent, loving homes for all children, we are proud to report that the response across the nation has been extraordinary.

The remainder of this report outlines the four strategies that we believe lie behind the results reported here:

- Aiming high and ensuring accountability for results
- Reforming national and State legislative frameworks to remove barriers to adoption
- Supporting and rewarding innovation
- Making adoption more accessible and affordable for families.

In addition, the appendix provides a detailed chart of the recommendations from the *Adoption 2002* report with their completion dates.

### **AIMING HIGH AND ENSURING ACCOUNTABILITY FOR RESULTS**

The President set an ambitious goal for this Administration: to increase the number of children adopted out of the public child welfare system to 56,000 adoptions in the year 2002. Each year since the national commitment to the goal, the number of adoptions has risen. In 1997, the total number of adoptions rose to 31,000 from 28,000 in 1996. In 1998, we are pleased to announce that States achieved 36,000 adoptions. This represents an unprecedented 29 percent increase in the number of adoptions nationwide over a three-year period (FY 1996-FY 1998).

As recommended in *Adoption 2002*, the Department followed up on the national goal by working with State partners to develop individual State goals that would add up to a national doubling of adoptions. For many States, the outcome focus has become a central part of their own approach to adoption. Iowa, for instance, has put in place a system to track key measures for the adoption program on a monthly basis and to closely monitor progress toward outcome goals. This outcome focus, a renewed utilization of adoption specialists and other targeted efforts, has resulted in a substantial increase in the number of adoptions in Iowa.

In addition, the enactment of the Adoption and Safe Families Act of 1997 (ASFA) provided an extraordinary new tool for focusing the nation and individual States on adoption outcomes. As a result of the commitment of the President and strong bipartisan Congressional leadership, ASFA included the first-ever outcome-based financial award in the child welfare field: an incentive to States to increase the number of adoptions for children waiting in the foster care system. The bonuses—up to \$4,000 per child and \$6,000 for each child with special needs—are awarded for States that exceed the number of children adopted compared to the previous year.

States are to use these awards to further improve services, including post-adoption services, that are provided to children and families in the foster care system.

In FY 1999, 35 States will receive a share of the \$20 million in adoption incentive awards based on their FY 1998 performance. The numbers of adoptions have increased so dramatically, that, as specified in the law, we have made prorated adjustments in the awards to States. In this first award of bonuses, the 1998 numbers are compared to a 3-year average baseline. The 35 States are Arkansas, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin and Wyoming. The following table indicates the increases in adoption by State.

#### **REFORMING NATIONAL AND STATE LEGISLATIVE FRAMEWORKS TO REMOVE BARRIERS TO ADOPTION**

In order to create the broad-based changes that were needed to support the President's goal, the Administration and a broad bipartisan majority in the Congress made significant changes in the legislative framework that undergirds the child welfare system.

In 1997, President Clinton signed into law the Adoption and Safe Families Act (ASFA) of 1997, a legislative milestone for child welfare reform. The key provisions of the Act closely followed the central recommendations of *Adoption 2002* to ensure that children's safety is paramount in child welfare decision making, that foster care is a temporary setting and not a place for children to grow up, and that the speed of decision making in the child welfare system respects a child's developmental needs and sense of time. Key provisions in the law shorten the time frame for making permanency planning decisions, establish a time frame for initiating proceedings to terminate parental rights, clarify reasonable efforts, and call for every State to ensure that its laws and regulations comply with the new provisions, so that children in the State's child welfare system are able to move to permanent placements or adoptive homes more quickly. To date, 49 States and Puerto Rico have made the required changes.

## FY 1998 ADOPTION INCENTIVE BONUSES

State	<u>3-yr average baseline<sup>1</sup></u>	<u>FY 98 Adoptions</u>	<u>% Increase</u>	<u>Bonus<sup>2</sup></u>
Arkansas	138	251	82%	\$280,320
California	3,287	3,958	20%	\$1,841,837
Colorado	417	560	34%	\$419,540
Connecticut	207	229	11%	\$41,390
Florida	987	1,549	57%	\$1,290,603
Georgia	493	672	36%	\$449,642
Hawaii	85	297	249%	\$518,311
Illinois	2,200	4,656	112%	\$6,869,733
Indiana	495	774	56%	\$842,843
Iowa	350	517	48%	\$371,566
Maine	108	112	4%	\$11,288
Maryland	342	420	23%	\$317,947
Massachusetts	1,116	1,137	2%	\$39,508
Michigan	1,905	2,254	18%	\$942,554
Minnesota	258	427	66%	\$480,684
Mississippi	114	169	48%	\$187,194
Missouri	557	616	11%	\$110,999
Montana	115	144	25%	\$54,559
New Hampshire	45	50	11%	\$9,407
New Jersey	621	755	22%	\$409,193
New Mexico	147	197	34%	\$94,067
New York	4,716	4,822	2%	\$199,423
North Dakota	47	83	77%	\$67,728
Oklahoma	338	456	35%	\$280,320
Oregon	445	665	49%	\$586,980
Pennsylvania	1,224	1,494	22%	\$592,624
South Carolina	256	465	82%	\$500,438
South Dakota	56	58	4%	\$3,763
Texas	880	1,365	55%	\$1,350,806
Utah	225	250	11%	\$47,034
Vermont	75	116	55%	\$100,652
Washington	607	759	25%	\$291,609
West Virginia	182	211	16%	\$60,203
Wisconsin	467	589	26%	\$301,015
Wyoming	15	30	100%	\$28,220

Source: HHS Administration for Children and Families

<sup>1</sup> Based on FY 1995 - 1997.

<sup>2</sup> As specified in ASFA of 1997, HHS has made pro-rated adjustments in the awards to States.

As States move to reform their own legislation, policy, and practice to come into compliance with ASFA and meet their adoption goals, the Department has played a forceful role both in holding States accountable for the rapid change called for in ASFA and supporting them, through hands-on assistance, information, and expertise. For example:

- To provide State policymakers in general and State legislators in particular with information that would help them reform their own State legislative frameworks, the Department convened a cross-disciplinary group of experts who produced Guidelines for Public Policy and State Legislation Governing Permanence for Children. The guidelines are a technical assistance tool reflecting the best thinking of child welfare administrators, lawyers, judges, advocates, and front-line workers. This document offers guidelines and model legislation that are intended to help those at the State and local levels examine their current processes and consider new directions to promote permanency.
- To help local and State experts share information and solutions, the Department convened 10 technical assistance conferences across the country focused on ASFA implementation.
- To help States work on the implementation of ASFA, the Department increased training and technical assistance to States regarding ASFA implementation through the Adoption Information Clearinghouse and the Child Welfare Resource Centers.

Another key element of these reforms is the elimination of racial and ethnic barriers to adoption required by the Multi-Ethnic Placement Act of 1994 (MEPA), and the Inter-ethnic Adoption Provisions (IEP), enacted as a part of the Small Business Job Protection Act of 1996. These laws ensure that the adoption process is free from discrimination and delays on the basis of race, culture, and ethnicity. In order to support the success of the provisions, the Department has issued guidance and provided training and technical assistance that has helped the States in the implementation of this legislation. The Children's Bureau and the Office of Civil Rights at HHS have worked closely at the national and regional levels to help States examine their legislation and administrative practices to make sure they are in compliance with these laws.

## **SUPPORTING AND REWARDING INNOVATION**

The Department recognizes that broad-based reform must happen at all levels—in federal legislation and policy, in State legislatures, in local court systems, and with public and private child welfare agency managers and line workers around the country. Creative leaders and programs throughout the country are working to ensure that foster care is a short-term safe haven for children as they move into a stable, permanent home. The Department has worked to spark

new models by giving States the flexibility to test new practices through its child welfare waiver system and by funding innovations through its grant programs and specialized technical assistance. We have captured the spirit of the success stories and promoted their replication through our Adoption Incentives Bonuses and Adoption Excellence Awards.

The Administration also forged partnerships with States to launch child welfare waiver demonstration projects, which allow States to test and evaluate child welfare service delivery and financing strategies. The Department approved 17 child welfare waiver demonstrations in FY 1997 and 1998 and will expect to approve up to eight by the end of FY 1999. The Department encouraged States to focus on adoption and post-adoptive services, to ensure that adoptive placements are successful and prevent re-entry into the foster care system. Maine, for instance, will provide training on special-needs adoption to mental health and other professionals who work with adoptive families, adoptable children, and public and private adoption providers, and subsequently provide post-adoptive services.

The Department also has provided financial support to stimulate innovation in State and private child welfare agencies and with other key child welfare partners, including court systems.

- The Adoption Opportunities Program, increased by \$10 million in FY 1998, funds a variety of service innovations that seek not only to increase the number of adoptions but also to support the success of adoptive placements. In FY 1999, the Department is awarding grants to recruit more minority adoptive families; to test new innovations in the placement of sibling groups, children with disabilities, and adolescents; and to provide post-legal adoptive services to prevent adoption disruptions. The Program also funds work to improve the system for interstate placement of children.
- The Promoting Safe and Stable Families program (formerly known as the Family Preservation and Support Services), signed into law in 1993, was revised to allow States to use the funds to promote and support adoptions.
- The Department's Court Improvement Program (CIP) provides funding to State courts to improve the handling of foster care and adoption proceedings. The CIP has strengthened the focus on judicial decisionmaking and the key role that courts play in attaining safe, permanent homes for children.

In response to the President's request to recognize the numerous changes in policy and practice that bolster adoptions, the Department established the annual Adoption Excellence Awards. For the past two years, the Department has honored those States, organizations, businesses, individuals, and others who have demonstrated excellence in providing adoption and other permanency outcomes for children in foster care. Winners have exhibited tireless commitment

and creativity in recruiting adoptive families and moving children to permanent placement more quickly. Eight winners were recognized in 1998 and 13 in 1997:

- The 1998 winners were: Tim O'Hanlon, Ohio North American Council on Adoptable Children; Governor James and Brenda Edgar, IL; Georgia Department of Human Resources; Illinois Department of Children and Family Services; Hope for the Children, Inc., IL; Three Rivers Adoption Council, PA; Kansas Association of Broadcasters; and Judge Max Baer, PA.
- The 1997 winners were: North American Council on Adoptable Children, MN; Resources for Adoptive Parents, MN; Athens County Children's Services, OH; National Adoption Center, PA; Jack Williams, Senior News Anchor for WBZ-TV 4, MA; Sherry Coy, Adoptive Mother, NV; The Badeau Family, PA; The Scott Family, AZ; The Neal Family, NC; Wendy's International and Dave Thomas Foundation, OH; South Carolina Families for Kids; and Lucas County Children's Services, OH.

Finally, at the President's request, the Department is exploring innovations in the use of technology to increase adoptions. In 1998, the President directed HHS to develop a plan to expand use of the Internet to share information about children who are legally free for adoption in order to shorten the time needed to find them adoptive families. An effective national registry will help to break down geographic barriers to adoption and assist in meeting the President's adoption goal. HHS will launch a national Web site by September 2001, working with States, some of whom have already launched Internet registries, to reach all children who need a home and eliminate the delays in interstate adoptions.

#### **MAKING ADOPTION MORE ACCESSIBLE AND AFFORDABLE FOR FAMILIES**

The Administration has taken a several steps to make adoption more affordable for families and to support the formation of adoptive families. In 1993, President Clinton acted to help new adoptive families through the Family and Medical Leave Act, which enabled parents to take time off to adopt a child without fear of losing their jobs or health insurance coverage. The Administration also has secured important financial support for adoptive families. In 1996, President Clinton signed into law the Small Business Job Protection Act of 1996, which provides a \$5,000 tax credit to families adopting children and a \$6,000 tax credit for families adopting children with special needs. This provision has alleviated a significant barrier to adoption, helping middle class families for whom adoption may be prohibitively expensive, and making it easier for families to adopt children with special needs. Since President Clinton took office, the number of children with special needs who were adopted with federal adoption assistance has risen by over 60 percent. In addition, adoptive families are eligible to receive the \$500-per-child tax credit, which President Clinton enacted in the Balanced Budget Act of 1997.

## ON TRACK TO MEET OUR GOALS

The early progress of the *Adoption 2002* Initiative is an example of the way that an ambitious, common goal can galvanize a system to create widespread change. The challenges in the child welfare system are daunting. More than 520,000 of America's children live in our nation's foster care system. Our most recent data indicate that the average time that these children are in out-of-home care is 2 years and 9 months. These sobering statistics underscore the need to continue the significant progress that has been made to date to move our country's most vulnerable children into safe, permanent, and loving homes more quickly.

The Administration also is working with Congress on another critical front to protect children for whom the child welfare system is not able to secure adoption and permanency. The President's Independent Living Program aims to help the nearly 20,000 young people who leave foster care each year, having reached the age of 18 without an adoptive family or other permanent relationship. The Independent Living Program, run through the States, assists older foster care children with the transition to independence by helping them earn high school diplomas, participate in vocational training or education, and learn daily living skills like budgeting and securing housing and employment. Bipartisan legislation to increase funding for the Independent Living Program and provide health coverage for these young people to the age of 21 is moving through the 106<sup>th</sup> Congress.

The President recognized the critical importance of this issue when he challenged us all to undertake the *Adoption 2002* Initiative, with a goal that was bold enough to require fundamental changes throughout the child welfare system. In response, all of the partners in the system have demonstrated a commitment that has put the country confidently on track to meet the President's goal of our target of 56,000 adoptions in 2002. At the federal level, we have exercised leadership by creating a policy framework for child welfare reform, promoting and rewarding innovations at all levels, and providing financial assistance to individual families who choose to adopt. States and localities have responded by taking advantage of federal flexibility to design and implement policies that support permanence and adoptions and services that recruit adoptive families and provide ongoing support for adoptive placements. Moreover, non-profits and foundations have served as important partners in working to promote permanency, serving as contractors for the States, independent advocates for children and families, and sponsors of critical activities such as research for the National Adoption Exchange. Together, we have made tremendous progress in ensuring the safety, permanence, and well-being of our most vulnerable children.

**APPENDIX  
ACHIEVEMENT OF ADOPTION 2002 RECOMMENDATIONS**

<b>Adoption 2002 Recommendations</b>	<b>Actions Completed</b>	<b>Description</b>
Increase the Number of Adoptions	✓	Numerical targets leading to a doubling of adoptions over five years were set at the National and State levels. Adoptions are up 38% from FY 1995 to FY 1998, keeping us on track to reach our goal of 56,000 adoptions in 2002.
Provide Technical Assistance to States and Communities	✓	Ten regional conferences were held in 1998, as well as technical assistance on drafting the Adoption and Safe Families Act (ASFA) State legislative requirements. The eight Resources Centers funded by the Children's Bureau, including the Resource Centers on Permanency Planning and Special Needs Adoptions, have provided critical information and expertise to the States.
Provide Financial Incentives	✓	In September 1999, \$20 million was awarded to 35 States that successfully increased adoptions in FY 1998.
Implement the Multiethnic Placement Act (MEPA)	✓	Guidance was issued in June 1997 and significant training and technical assistance was provided by the Children's Bureau and Office of Civil Rights to at least 40 States. The Office of Civil Rights has reviewed all State policies and practices for MEPA compliance and continues to work with States to ensure the appropriateness of any law changes in this area.
Track the Progress of States	✓	Through the Adoption Incentives component of ASFA, the Department is collecting data through the Adoption and Foster Care Automated Reporting System and reporting on State progress.
Recognize Successful States	✓	The Department initiated the Adoption Excellence Awards in 1997 to honor States, organizations, businesses, and individuals who have demonstrated excellence in providing adoption and other permanency outcomes for children in foster care. Eight winners were recognized in 1998 and thirteen in 1997.

**APPENDIX**  
**ACHIEVEMENT OF ADOPTION 2002 RECOMMENDATIONS (CON'D)**

<b>Adoption 2002 Recommendations</b>	<b>Actions Completed</b>	<b>Description</b>
Promote Permanency for Children who Cannot Return Home	✓	<p>The enactment of the ASFA of 1997 was a major achievement in promoting permanency for children. As of September 1999, 49 States and Puerto Rico have passed legislation to comply with ASFA.</p> <p>With \$10 million in additional funding for the Adoption Opportunities program, the Department has increased training and technical assistance to the States, and has supported new initiatives to achieve increased adoptions of children in foster care, provide post-legal adoptive services and build effective collaborations for timely adoptions.</p> <p>Finally, ASFA extended the Court Improvement Program for an additional three years. The Department has supported State efforts, and in early 1999, the Department issued a program instruction to help clarify elements of the program.</p>
Address Permanency Planning Earlier Through Timely Hearings	✓	The Department's proposed regulation (published September 1998) expands on the provisions in ASFA that called for immediate permanency planning and shorter time frames for hearings. The Children's Bureau also convened a group of experts from throughout the field to draft <i>Guidelines for Public Policy and State Legislation Governing Permanence for Children</i> , which were published in June 1999.
Clarify "Reasonable Efforts" and Other Federal Policies Related to Permanency and Safety	✓	Both the ASFA legislation and the Department's proposed regulations have clarified "reasonable efforts" and other elements of promoting permanency.
Set Standards for Securing Permanency	✓	<p>The ASFA legislation and subsequent Department proposed regulations require "reasonable efforts" to secure a permanent home for a child in foster care and clarify that plans for reunification and for alternate permanency options can be concurrent.</p> <p>The Department also encouraged States to use the Federal Parent Locator Service through the publication of an Information Memorandum in January 1999.</p>
Examine Alternative Forms of Permanency	✓	Seven states and the District of Columbia have waivers to examine assisted guardianship/kinship permanence. In addition, a group of experts has convened several times in 1999 around kinship care issues, and a report to Congress is pending.

Adoption

... an appointment of physician-assisted suicide, N. Gregory Hamilton of Portland, Ore., said Kevorkian "is manipulating the legitimate press. . . . This videotape should not be shown anywhere except in a courtroom where Jack Kevorkian is being prosecuted for murder."

On the other side, Faye Girsch, director of the Denver-based Hemlock Society and an advocate of physician-assisted suicide, said 60 Minutes "did a public service. . . . I think we need to see death more often on television" to help others understand the pain elderly and terminally ill patients endure. "We've kept it so sterilized."

death." Marvin Kalb, director of the Shorenstein Center of the Press, Politics and Public Policy at Harvard, was especially critical: "To me, it is sad that death has become a form of news-entertainment."

Ben Bagdikian, retired dean of the journalism school at the University of California-Berkeley, questioned airing the segment in the early evening, when children were certain to be watching. "Young children would find it puzzling and frightening," he said, perhaps adding to the fear many youngsters have of vaccinations.

The show — which earned 60 Minutes its highest ratings

... insured for advertisers. The program, opened with Kevorkian and 60 Minutes correspondent Mike Walla, watching a homemade videotape of Kevorkian's final interview with Youk. Youk, an accountant and classic car collector from Waterford Township, Mich., was described as being in the final stages of Lou Gehrig's disease.

Kevorkian was shown presenting Youk Sept. 15 with consent form to sign. You signed it. Then the doctor asked Youk whether he needed more time to think about his decision to end his life.

Two days later, Kevorkian

# Internet registry to help adoption of foster children

By Bill Nichols  
USA TODAY

WASHINGTON — President Clinton will announce today plans to create a national Internet registry for children in foster care who are eligible for adoption.

The goal, White House officials say, is to match people who want to adopt children with the 100,000 children in foster care nationwide who are legally eligible for adoption.

Adoption advocates applauded Clinton's instruction to Health and Human Services Secretary Donna Shalala to develop plans for the computer registry within 60 days.

"Anything we can do to help kids who need a loving home find a wonderful loving home goes in the right direction," says David Liederman, executive director of the Child Welfare League.

Several states offer their own in-state computer registries, and a few small nonprofit groups have national registries. But White House officials say the existing registries can handle only 1,000 children altogether, a fraction of those in foster care who are available for adoption.

White House aides say a great appeal of the registry is that it would allow potential parents to see the faces of children they might adopt.

Prospective parents would have to meet state adoption requirements and any restrictions states might have on interstate adoptions.

White House aides and adoption advocates say there were several hurdles to be cleared before such a registry could be set up.

Shalala and the task force she creates would have to decide what sort of information to make available about each child while still maintaining his or her privacy. Also, before children could be put in the registry, all parental rights would have to have been terminated.

Another concern is that the registry could generate such a strong response that understaffed state agencies could be overwhelmed.

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Bruce -  
FYI The USA Today article did run on Tuesday 11/24, but was not in our clips.  
Ten P. Nichols

# Web Site to List Foster Children for Adoption

By BARBARA VOBEJDA  
Washington Post Staff Writer

President Clinton announced yesterday a plan to create an Internet site that will carry photographs and information on as many as 100,000 children in the nation's foster care system in hopes of matching them with adoptive parents.

The president announced the initiative during a White House ceremony marking the first anniversary of the Adoption and Safe Families Act, which revamped the foster care sys-

tem to speed the placement of children in permanent homes after they are taken from abusive or neglectful parents.

The law established bonuses of \$4,000 to be paid by the federal government to states for every child who is adopted out of the child protection system, and \$6,000 for the adoption of a child considered hard to place because of age, handicap or other circumstances.

Clinton hopes the new Internet effort will enable the administration to reach its goal of doubling the

number of foster care adoptions by 2002. "We can use the Internet to promote adoptions while protecting the confidentiality of children and families," Clinton said. "Technology has given us an important tool and we should use it."

The ceremony also honored 24 families who adopted children yesterday through the D.C. Superior Court, an annual "Adoption Day" event traditionally held at the court but transferred to the White House at the request of first lady Hillary Rodham Clinton. Among the speakers was

District Mayor-elect Anthony Williams, who was adopted at the age of 3 (Details, Page B8).

Currently, 18 states—including Maryland—maintain their own sites on the World Wide Web to promote adoptions of children in foster care, while other states provide information to private social service agencies that have created similar sites. But the result is a cumbersome and haphazard system that makes it difficult for prospective families to learn about available children across the country.

Under the president's plan, Health and Human Services Secretary Donna E. Shalala will determine over the next two months the best way to create one Internet site that will link the other sites and essentially serve as a clearinghouse for interested parents. HHS officials said the site would protect the privacy of children by posting information only after permission is received from the children's legal guardians.

The nation's foster care system includes about 500,000 children, of whom 100,000 are available for adoption because social workers have determined that they cannot be returned to their birth parents. In the past, just a fraction of those children

have been adopted—the figure was 20,000 in 1995.

By creating financial bonuses and other incentives, the federal law was designed to increase that number. It also was intended to shorten the legal process for determining that a child is free for adoption and to shift the emphasis in cases of severe abuse away from attempts to reunite biological families.

Figures are not yet available to show whether the number of adoptions has increased since passage of the law. But from 1996 to 1997, the number of adoptions increased by more than 10 percent, from 28,000 to 31,000, according to federal statistics.

# For Williams, Influential Support

## Mayor-Elect Meets With First Lady After Adoption Ceremony

By MICHAEL H. COTTMAN  
Washington Post Staff Writer

Mayor-elect Anthony A. Williams emerged from the White House yesterday after a 30-minute meeting with Hillary Rodham Clinton, saying the first lady understands the needs of the District and supports his philosophical plan to invest in the District's education and human services.

"I was happy to have a meeting with the first lady. I do believe she is really committed to our city and she has a deep, rich understanding of its problems, its issues and its opportunities," Williams said.

Williams said he and the first lady discussed education, bringing accountability to the District and investing in the city.

The mayor-elect said that speaking with the first lady about issues that affect the District's residents amounts to more than simply a photo opportunity and could transform into tangible support.

"The White House can play a leadership role in the president's plan with the Congress in supporting investment in our city by the federal government," Williams said. "... This will help move us forward."

Williams and Clinton met after taking part in the 12th Annual Adoption Day ceremony in the East Room of the White House, where 24 families completed their adoptions of 30 children.

Eugene N. Hamilton, chief judge of D.C. Superior Court—who has adopted four children himself—signed papers that formally completed the adoption process for a roomful of smiling families just in time for Thanksgiving.

Williams, who was adopted himself and until age 3 could not speak, told the crowd that he would not be standing in the White House if two people had not taken a chance on him.

"Forty-four years ago, my parents brought me into their home, people from the institution telling my mother, 'You can bring Tony in, but you're always going to have trouble with Tony and he's never going to make it,'" the mayor-elect said. "... They brought me into their home and she did have trou-



PHOTOS BY SUSAN BOGUE—THE WASHINGTON POST



Adoption Day at the White House united 30 children with their parents for good. One new adoptee, Charday Mays, 12, of Prince George's County, introduced the president and got a hug from the first lady. At right above is Dave Thomas, founder and chairman of Wendy's International, an adoptee himself.

ble with me, but I did make it."

The District's child welfare system, with a history of turmoil, has been operated by a federal receiver since 1995, when a U.S. District judge ruled that the city government was not caring adequately for thousands of abused and neglected children. The nine-year-old legal fight continues, with the city filing court papers just yesterday to oppose the current receiver's strategic plan.

Adoptions of foster children increased to a record number in the year ending Sept. 30. The court-appointed monitor called the 168

adoptions a "spectacular accomplishment," although hundreds of children are still waiting.

Edward and Rochelle Mays attended the ceremony and were taking 12-year-old Charday and her brother, Steven, 11, home for good.

"It's something we've always talked about and something we've always wanted to do," said Rochelle Mays, 36. Edward Mays, 41, simply said: "We wanted to give something back to the community."

Staff writer Peter Slevin contributed to this report.

Jovania Phillips, with daughter Donnisha 'India' Woodard, has earned a high school equivalency degree and a new job in recent months. The 21-year-old says she had to learn to be patient and to work hard for what she wanted.

ointments for a local y. She then moved into , where she lives with of the youngest baby. Christmas. rrible year for me that I as, and my first thought apartment was to go out he things that they had id. o that. are not over yet, and I ney and pay some bills ng stuff," she said. urchased is stationery. rough for us, and I want tes," she said. he has been thinking a ts that she and her ith the windows rolled eep warm. To show rom that, she gets down bout where we will sleep oming from," she said py to be alive."

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**FIRST LADY HILLARY RODHAM CLINTON ANNOUNCES NEW EFFORTS  
TO SUPPORT TRANSITIONING FOSTER CARE YOUTH**

**January 29, 1999**

Today at the White House, First Lady Hillary Rodham Clinton, accompanied by Mrs. Tipper Gore and Secretary Donna Shalala, announces that the President's FY 2000 budget will include \$300 million over five years in new support for young people who leave our nation's public foster care system at age 18 without an adoptive family or other permanent relationship.

**Foster Care Youth Reaching Adulthood Face Tough Challenges.** Nearly 20,000 young people leave foster care each year having reached the age of 18 without an adoptive family or other permanent relationship. Today, federal financial support for these young people ends just as they are making the critical transition to independence. Without the emotional, social and financial support that families provide, many of these youth are not adequately prepared for life on their own. Studies show that within two to four years of leaving foster care, only half have completed high school, fewer than half are employed, one-fourth have been homeless for at least one night, 30 percent did not have access to needed health care, 60 percent of the young women have given birth, and less than one-in-five are completely self-supporting.

**New Support For Youth Leaving Foster Care.** The President's FY 2000 budget will include \$300 million over five years to provide a framework for enhanced federal support to these young people:

- **Increasing the Federal Independent Living Program by 50 Percent.** The Independent Living Program, run through the States, assists older foster care children to prepare for independence by helping them to earn a high school diploma, participate in vocational training or education, and learn daily living skills such as budgeting, career planning and securing housing and employment. Since 1992, the program's funding has been frozen at \$70 million. The President's budget will increase the program by 50 percent, investing \$175 million over five years in these services.
- **Offering Time Limited Economic Support.** Young people often transition from foster care with no economic support. The President's budget will include \$50 million over four years to create new competitive grants to States to complement the Independent Living program services by providing time-limited financial support for these young people as they develop the skills and education needed to move into the workforce.
- **Providing Health Insurance.** Today, when young people emancipate from foster care, they face numerous health risks, but too often lose their health

insurance. The President's budget will propose that these young people remain eligible for Medicaid up to age 21. His budget will include \$50 million over five years for this purpose.

- **Increasing the Transitional Living Program.** The President's budget will include a 33 percent increase in the Transitional Living program, which provides competitive funds to local community-based organizations for residential care, life skills training, and other support services to homeless adolescents, ages 16-21. The program is currently funded at \$15 million; the President's budget will increase that funding to \$20 for FY 2000, and increase of \$25 million over five years.

**CLINTON ADMINISTRATION ACCOMPLISHMENTS  
ON FOSTER CARE AND ADOPTION  
January 29, 1999**

Today's announcement builds on a deep commitment by the President, the First Lady, and the Administration to facilitate adoptions and improve the child welfare system. Since taking office, President Clinton has championed efforts to make foster care work better for the children it serves, to find and assist adoptive families, and to break down financial, racial, geographic and bureaucratic barriers to adoption:

✓ **Achieving Landmark Legislative Reform.** On November 19, 1997, the President signed the Adoption and Safe Families Act, reforming our nation's child welfare system and making it clear that the health and safety of children must be the paramount concerns of state child welfare services. This landmark legislation was based in large part on the recommendations of the Clinton Administration's *Adoption 2002* report, which the President requested by executive memorandum on December 14, 1996, to meet his goals of doubling adoptions and permanent placements by the year 2002 and moving children more quickly from foster care to permanent homes. The Act tightened time frames for making permanent placement decisions for children and ensured health insurance coverage for all special needs children in subsidized adoptions. Also, it created new financial incentives for states to increase adoptions, and continued funding for services to keep families together when it is appropriate and safe.

✓ **Making Adoption Affordable for Families.** In 1996, President Clinton signed into law the Small Business Job Protection Act of 1996, which provides a \$5,000 tax credit to families adopting children, and a \$6,000 tax credit for families adopting children with special needs. This provision has alleviated a significant barrier to adoption, helping middle class families for whom adoption may be prohibitively expensive and making it easier for families to adopt children with special needs. Since President Clinton took office, the number of children with special needs who were adopted with federal adoption assistance has risen by over 60 percent. In the Balanced Budget Act of 1997, President Clinton ensured more support for families who adopt children with the \$500 per-child tax credit.

✓ **Giving States Flexibility and Support.** To test innovative strategies to improve state child welfare systems, the Clinton Administration has granted waivers to 18 states, giving them more flexibility in tailoring services to meet the needs of children and families. In addition, the Administration has provided states with enhanced technical support and helped improve court operations. The President secured \$20 million in FY 1999 in new funds to support state efforts to implement the new adoption law. In addition, through the Adoption Opportunities program, the President has supported state and local innovative demonstration

projects to promote adoption, provide post-adoptive services, and build new public-private partnerships. To prevent children from entering foster care in the first place, in 1993 the Clinton Administration enacted and secured federal funding for the Family Preservation and Support Program (renamed in 1997 the Preserving Safe and Stable Families Program) to help states, local governments, and service providers develop effective programs to serve children and families at risk.

✓ **Using the Internet to Promote Adoption.** In November, 1998, the President issued a new directive to the Department of Health and Human Services to expand the use of the Internet as a tool to find homes for children waiting to be adopted from foster care. Effective use of the Internet will help to meet the President's goal of doubling, by the year 2002, adoptions and other permanent placements from the public child welfare system.

✓ **Breaking Down Racial and Ethnic Barriers to Adoption.** New inter-ethnic adoption provisions, passed as a part of the Small Business Job Protection Act of 1996, ensure that the adoption process is free from discrimination and delays on the basis of race, culture and ethnicity by strengthening the Multi-Ethnic Placement Act which the President signed in 1994.

✓ **Providing Supports for Child Protection and Adoption.** In 1993, President Clinton signed into law the Family and Medical Leave Act, enabling parents to take time off to adopt a child without losing their jobs or health insurance. In addition, the welfare reform legislation signed by the President maintained the guarantee of child protection and adoption, and did not reduce funds for child welfare, child abuse, and foster care and adoption services.

## Talking It Over

By Hillary Rodham Clinton



# Foster children over 18 need our support, too

I met the most extraordinary young woman last week. Joy Warren had just begun her first week at Yale Law School. But what's remarkable is that Joy grew up in foster care, and like more than 20,000 foster-care children each year, she "aged out" of the system when she turned 18.

This means Joy has been entirely on her own, without the traditional support system so many families provide, for the past seven years — years in which she managed to receive a college degree, work as an advocate to improve foster care and begin law school.

Children who grow up in foster care face many of the same challenges as other children and have many of the same needs. But they also have special challenges that demand special attention — and too often they just don't get it.

One 13-year-old foster child told me what she wants most: "I want a place that I can call home; a room that I can call my room; a family that I can love and would love me back." Is this too much to ask?

Although my own mother was never in formal foster care, her teen parents were unable to care for her when she was born. They sent her to live with her grandparents, but when that didn't work out, she went to live in the home of a family where she helped take care of the children for room and board.

My mother has often told me how grateful she is to the woman with whom she lived because she got to see what a real family was like. She watched what happens inside a home where parents and children go through all they should go through as a family. And she wanted to pass that opportunity on.

When I was growing up, she invited young women from a group home to come and work for us, spending time with our family, much as my mother had done so many years before.

I'm proud that this administration has cared enough to improve and reform our nation's foster-care system, including passing the Family and Medical Leave Act, which gives time off for parents to adopt a child. Tax credits are now available for families who adopt, and foster care and adoption have been freed from discrimination and delays based on race, culture and ethnicity.

I was especially proud when, last year, the president signed the Adoption and Safe Families Act of 1997, a historic step toward improving the lives of children in foster care. The aim of this bill is to place this country's 500,000

foster-care children in safe, stable, loving and permanent homes. And it will help us meet our national goal of doubling the nation's annual adoption rate.

But, as important as this bill is, it doesn't address all the needs of the children who "age out" of the system each year and who, like Joy Warren, have to make the tough transition to living on their own.

Last year, at a roundtable in Berkeley, Calif., I spent an afternoon listening to young people describe the challenges of leaving the foster-care system. A disproportionate number are homeless and have trouble finishing school, finding jobs and receiving adequate health care. And, often, they don't get the life skills they need to survive in today's world.

There are many programs that work, several of which exist as a result of the advocacy and leadership of former foster kids like Joy. One national conference, Destination Future, where I met Joy last week, brings together older foster children and homeless young people to teach them life skills and advocacy techniques. Programs in Texas and Florida provide college-tuition assistance for young people in foster care. In Los Angeles County, set-aside entry-level jobs are available for young people aging out of foster care. Massachusetts has a teen parent transitional living program. And the California Youth Connection has become a national model of how to bring young foster teens together to form a network of support and advocacy.

One of the most critical challenges remaining is to make sure that children who age out of foster care gain access to health care. It is outrageous that these young people should find themselves among the uninsured. Some states are addressing this issue, but there is still far to go.

We must also strengthen the Federal Independent Living Program, which provides 85,000 young people critical assistance in their transition to independent living, helps them earn their high school diplomas and offers access to vocational training.

Federal legislation and state programs have put us on the right track. But we must do better. Now is the time to make sure that the 20,000 young people who each year become too old to remain in foster care receive the help they need to become independent and productive members of society.

• To find out more about Hillary Rodham Clinton and read her past columns, visit the Creators Syndicate Web page at [www.creators.com](http://www.creators.com).

The Washington Times

THURSDAY, SEPTEMBER 24, 1998

# Alaskans to vote on marriage terms

## Join Hawaiians in determining gays' rights to nuptials

By Cheryl Weitzstein  
THE WASHINGTON TIMES

The Alaska Supreme Court has ruled that a constitutional amendment upholding traditional marriage can appear on the November ballot.

The decision means that citizens of two states — Alaska and Hawaii — will be voting this fall on whether marriage should be reserved for a man and a woman.

The issue moved to the ballot box because of lawsuits filed by homosexual couples in those states claiming they were wrongly denied civil marriage licenses.

A third lawsuit, filed by homosexual couples in Vermont last year, is scheduled to go before the state's high court in November.

In Alaska, a right-to-marry lawsuit filed in 1995 by a homosexual couple did not garner much attention until a Superior Court judge ruled in February that Alaska couldn't deny marriage licenses to same-sex couples unless it proved it had a compelling need to do so.

The Alaska legislature responded to the ruling and wrote a constitutional amendment that said, "To

be valid or recognized in this state, a marriage may exist only between one man and one woman."

The amendment originally had a second sentence that said that nothing in the Alaska constitution could be interpreted to allow same-sex marriage.

On Tuesday, the Alaska Supreme Court ruled that the amendment could proceed to a vote but without the second sentence.

The high court's decision is "a total victory," said Kevin Clarkson, an attorney in Anchorage, Alaska, who represents the legislature.

Seventy percent of Alaskans support traditional marriage and are likely to vote for the amendment, he said. If it is ratified, he added, it will "trump" the courts' ability to interpret other provisions to allow same-sex "marriage."

Alaskans for Civil Rights, an Anchorage group that supports same-sex "marriage," could not be reached for comment. Evan Wolfson of the Lambda Legal Defense and Education Fund in New York said that the court's decision was "unfortunate" but that constitu-

tional changes would not end the issue.

This is a "long-haul" fight, Mr. Wolfson said.

In Hawaii, the November ballot will ask voters whether the constitution should be changed to say that "the legislature shall have the power to reserve marriage to opposite-sex couples."

Hawaii has been roiled in the same-sex "marriage" controversy since 1991, when three homosexual couples filed a lawsuit saying the state discriminated against them by denying them marriage licenses.

In a landmark 1993 decision, the Hawaii Supreme Court agreed with the couples and sent the case to a lower court, asking that the state prove it had compelling reasons to deny them marriage licenses.

In December 1996, the lower court judge handed the homosexual couples a victory by ruling that the state didn't prove its case.

The lawsuit returned to the Hawaii Supreme Court, where it has languished. Observers on both sides believe the court is waiting for the Nov. 3 vote.

# Former secretary of state finds fault with Clinton policy toward N. Korea

By Chiharu Kamimura  
THE WASHINGTON TIMES

Former Secretary of State James A. Baker III yesterday said he considers U.S. policy toward North Korea to be one of the major failures of the Clinton administration's foreign policy.

Mr. Baker, at a luncheon at the National Press Club, said North Korea was a "regime built on force" that does not understand "accommodation, negotiation and compromise."

In 1994, the United States, Japan and South Korea agreed on a framework to provide 500,000 tons of U.S. fuel oil annually, funds and two light-water nuclear reactors by 2003 in return for North Korea's pledge to freeze its nuclear program.

"That wasn't a good agreement for us at the time . . . primarily be-

cause it depended upon trusting the North Koreans," he said.

"And now we've seen what has happened. They are lobbing missiles over Japanese airspace and sending submarines to South Korea. The framework agreement is about to fall apart," said Mr. Baker, who was secretary of state from 1989 to 1992.

On Aug. 31, North Korea launched a missile that flew over Japan and landed in the Pacific Ocean. The reclusive nation claimed it had tried to launch a satellite with the rocket, a claim later confirmed by Washington. However, the launch raised concerns by proving North Korea could produce a missile capable of hitting other nations in the region.

Asked to assess the Clinton's administration's other foreign policy initiatives, Mr. Baker said, it deserved an "A" in its first term on

international economic policy when free trade was expanded in the world.

However, Mr. Baker gave the administration demerits for its second-term performance for backing off sending "fast-track trade-negotiating authority to the Congress until after the '96 elections, in order not to alienate an important constituency of the Democratic Party," alluding to organized labor.

Although, Mr. Baker praised the U.S. initiative on the peace agreement in Northern Ireland, he said the Middle East peace process is "tragic."

"I think there was a real agreement to be had there," he said. "I think the Oslo agreement could have been implemented with the proper kind of American leadership."

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BYLINE: Barbara Vobejda, Washington Post Staff Writer

DATELINE: CINCINNATI

BODY:

Seventeen-year-old Carrie Lucas has spent the past two years in the embrace of the state. Her mother was mentally ill, her father in jail, and Ohio's child protection officials considered it their business to place Carrie in a safe foster home.

Now she's about to be dropped. At the toll of her 18th birthday next spring, Carrie will be released from the state's child protection system. The federal and state bureaucracies that fashioned themselves into a substitute family will declare themselves done. And like 20,000 other young people across the country each year, Carrie will be left to pay her own rent, fill her own refrigerator, manage her own budget. In essence, she will be expected to become her own parent.

"It's sort of scary to think I have to do this on my own," Carrie said. "I don't want to think about it too much."

If ever there was proof that, for many children, the foster care system does not offer a stable, surrogate family, it comes at the point they turn 18. The day the money stops, the care stops too.

While a minority of teenagers stay on for some time with their foster families, most grow up knowing exactly when their funding will end. They accept that they will be forced to leave on or near that birthday, knowing they'll be replaced by a younger child, who comes with money attached. If the foster families had wanted to make a permanent commitment to one child, experts say, they would have adopted. Most don't.

"We can't dump them fast enough at 18," said Robin Nixon, director of youth services at the Child Welfare League of America, referring to the federal-state system that has responsibility for more than 500,000 children, most of them abused or neglected by their parents. "But kids in the average community are 25 and 26 years old before they're expected to live alone."

It is this large but mostly forgotten population of America's disadvantaged that social researchers now believe makes up a significant component of the

nation's homeless population: One study found four of 10 of the nation's homeless are former foster children. Experts on homelessness say it is predictable -- that young people isolated from their families, often suffering from emotional problems, many of them former runaways, would end up in an emergency shelter. While some of these teenagers can go to grandparents or siblings for help, most are on their own.

The most recent study on the fate of foster children, conducted by University of Wisconsin researcher Mark Courtney, found that 12 to 18 months after they left foster care, just half were employed, one-third were receiving public assistance, one-fifth of the girls had given birth and more than one-quarter of the boys had been incarcerated.

Most of the teenagers had less than \$ 250 in savings when they went out on their own.

Yet while other subgroups among the disenfranchised -- the mentally ill, victims of domestic violence, welfare workers -- have their vocal advocates in policy debates, there is little public attention focused on how to keep foster children from migrating from their bureaucratic family to the streets.

For Carrie Lucas, the journey to independence has already begun. It is both tangible and psychological. She is a 17-year-old constantly aware of a clock ticking: Nine more months of financial help. That's it. One minute she's sure she can handle it. The next, she's in a panic about what lies ahead.

The state will keep paying an agency more than \$ 1,000 a month to help her until her 18th birthday. But after that, she can make no mistakes. Blow her rent money on a car, she may be sleeping in that car. Anger her landlord, she could be looking for a place to sleep. The same mistakes other kids make, but nobody to bail her out.

A month ago, she moved into a tiny attic apartment by herself. It is stifling, with no air conditioner, and the stairway leading up smells of cat urine. But she chose it because she loved the bathtub -- an antique with claw feet and flowers painted on the side.

Carrie had trouble sleeping when she first moved in, frightened of the nighttime sounds echoing around her old building. But now she's more relaxed, cuddled on the living room carpet beside her worn, thrift store couch, or in her narrow bedroom, surrounded by stuffed toys.

When Carrie was 4, her grandmother took her in because Carrie's mother would stay away from home for long periods of time, leaving Carrie and her three siblings to care for themselves. Carrie grew up cooking for herself, washing her own clothes.

"I think my mother is mentally insane," Carrie said. "She was never reliable, always working, or out with whoever."

But Carrie's grandmother died of cancer two years ago, and the child protection system took over. Carrie moved in with a foster mother, a woman in her late sixties who had raised 10 children of her own. Her message was, "I'm here for you," Carrie said, "but there was distance between us."

Under the state's policy, her foster mother received more than \$ 400 a month to keep Carrie, but that ended when Carrie asked to move out. She had heard of a program that would help her move into her own apartment, and her foster care money would go toward rent and utilities. So she left her foster mother's home and moved into her apartment. And since then, neither has picked up the phone to stay in touch.

In fact, Carrie says she's lucky. She lives in one of the few places around the country -- Hamilton County, Ohio -- where the child protection system places people as young as 16 in apartments to prepare them to live on their own. The program pays rent and sets up a savings account with a \$ 60 weekly stipend -- until she's 18.

Carrie likes living by herself. But already, her days play out with the rhythms of an adult, not a girl of 17.

This summer, she gets herself up at 6 each morning, eats a bowl of cereal and leaves her apartment by 7, catching a bus to work as an intern at a downtown bank, where she spends her days checking account numbers and ATM receipts. At 5 p.m., she heads home and fixes her own dinner. She is in bed by 9 p.m. On the weekends, she works a second job at a restaurant.

For now, she has \$ 594 in savings, and in the fall, she'll return to finish her senior year in high school. The county and the judge overseeing her case could extend her funding long enough to help her get her high school diploma. But even if that happens, she'll be cut loose in less than a year.

She worries most about how she will pay her \$ 240 monthly rent, or if she'll be able to afford college.

"I pray I can go to college," she said. "I'm going to try everything in my power to get a scholarship."

Some of the half-million children in the child protection system are allowed to stay with their biological families. But for those who are taken out of their homes, a combination of federal and state funds provides payments -- averaging \$ 431 a month for 16-year-olds -- to foster families. The government may pay much more for group homes or residential treatment facilities, where many foster teens reside.

In 1986, after researchers began to notice the link between foster care and homelessness, Congress reacted by establishing an "independent living program" for states to help prepare foster children for life after 18. States can extend the program to older teens, which is common for those with disabilities.

While states have established these programs, many are cursory -- occasional weekend seminars on housekeeping and budgeting, for example. And Courtney's study in Wisconsin found that one out of four teenagers had received no help in preparing for independence before they left the system.

In a handful of jurisdictions, however, welfare offices have gone to great lengths to ease this passage.

Los Angeles County, where about 800 young people leave foster care each year, has pulled together a package of subsidized housing, job training and some entry-level employment to help those moving out of the system.

And in Hamilton County, Ohio, where Carrie lives, dozens of teenagers, some as young as 16, are living in apartments as a transition to independence.

"Independent living without housing experience is like driver's education without the car," said Mark Kroner, who runs an independent living program for Lighthouse Youth Services, a nonprofit agency contracted by Hamilton County to put young people in apartments.

"You learn to budget food money when you go a day without food. You learn to budget utilities when you come home to a dark apartment," he said.

When young people come into his program, having been referred by county social workers or juvenile judges, they are matched with an adult on Kroner's staff who helps them find an apartment, shops with them for furniture and helps them move. The social worker stops by weekly, and the agency becomes the newest surrogate family.

But this family is dedicated to a daunting goal: sending a child, often one with emotional difficulties, out into the world.

It is not uncommon for Kroner to get a call saying one of his teenagers has been arrested. He has had kids knocking on a landlord's door asking for money just a week after moving in. Some have been kicked out of the program for failing to follow the rules.

Despite the problems, studies have found that placing kids in their own apartments is probably the most effective way to help them become independent.

One of Kroner's newest "clients," as the former foster children are called, is 16-year-old Ricky Bryant, who has dropped out of high school.

He lives in a second-floor, two-room apartment, where he sleeps on the living room floor. The dishes are carefully soaking in soapy water, and the refrigerator is virtually empty.

In just over a month of living on his own, it has become clear to Ricky that some things are beyond him: "My laundry. I cannot afford to do it. And keeping groceries in my house," he said. "I buy it and it's gone."

He says this on a Wednesday, five days until he gets his paycheck from Wendy's, where he works nights. He has cereal in the cupboard, but no milk to pour on it. A loaf of bread, but nothing to put between the slices. He has, literally, one penny in cash.

When Kroner hears this, he gives Ricky a dollar and tells him to take the bus to the agency office and someone there will give him an advance on his weekly \$60 stipend.

"I was afraid to ask," Ricky said. "I don't want to aggravate nobody."

Ricky landed here after years in the child welfare system, where he lived in 12 to 15 places, he estimates.

"My mom is the type who is a bar hopper," he said. "She was never home. She left us kids wherever." He was often home alone when he was just 7 and 8 years old. When his mother brought home a new boyfriend, and Ricky saw him abusing her, he left to live with his dad.

But that didn't work out either, "because I was a 'hood rat." And child protection workers moved Ricky to his first foster home. That began a long and sad list of fighting, running away, ending up in juvenile detention, until he was finally allowed this spring to return to his father.

That was the home Ricky had wished for all the years he was in foster care, he said. But three months later, in May, his father died of pulmonary disease.

Once again, a caseworker was ready to put him with a foster family, but Ricky wanted no more.

"I've never had a mother-father type deal in my life, so I wouldn't be ready for it," he said.

The next step for Ricky was his own apartment.

Last week, he sat huddled over a spiral notebook, the kind most kids his age would use for geography or math. He is no longer in any math classes, but the notebook is perfect for managing his money.

He budgets \$ 144 for two weeks of groceries, \$ 6 for "hygiene," \$ 50 for "recreation," \$ 20 for miscellaneous and \$ 20 to pay back a debt. But when he totals up his expenses, he compares it with the paycheck he expects to get and realizes he's \$ 3 short. He decides he will take it out of groceries.

He has written all this out carefully, underscoring the totals in pink highlighter.

Ricky has two years before his safety net is folded up.

He hopes he'll get a high school equivalency degree and a better job. In the meantime, he is learning to navigate the adult world. He lost his electricity in the middle of the night recently when he plugged in an old air conditioner he had found in the basement. But when he called the power company and heard they weren't going to send over any help right away, he told them he was blind. That got them over.

But for every victory, he discovers another trap. He is out of money because he blew a bundle on a Fourth of July cookout. He and his friends bought food and cases of soda pop and cigarettes, and that sent him way over budget.

"It was the first night of really enjoying myself," he said. It was Independence Day.

Struggling in the Adult World

Children leaving foster care at age 18, when federal and state funding ends, face a difficult future. Many suffer from emotional problems and are without financial help from relatives, making them vulnerable to homelessness and other problems. One study found that nearly four in 10 of the homeless population are former foster children.

12 to 18 months after leaving foster care system:

Average weekly wage

\$ 210 for males

\$ 157 for females

Physical injury

26% of the males had been beaten or otherwise seriously injured.

15% of the females had been beaten.

10% of the females had been raped.

Incarceration

27% of the males had been incarcerated.

10% of the females had been incarcerated.

Other

33% were receiving some public assistance.

19% of the females had given birth to children.

37% had not finished high school.

50% were unemployed.

Mental health treatment

Before leaving foster care:

47 percent were receiving some kind of counseling or medication for mental health problems

After leaving foster care:

21 percent were receiving treatment, although there was no reduction in mental problems

SOURCE: Mark Courtney, Irving Piliavin, School of Social Work, University of Wisconsin

## FACSIMILE TRANSMITTAL

Adoption

DATE/TIME:

1-8-97

TO:

Bruce Reed

FROM:

Don HestinsRE: As promised in our phone call of 1-7-97,I look forward to working closely with you  
and hearing from you in this regard.

NUMBER OF PAGES (including this page)

**Draft**  
**Tentative Legislative Proposals To Promote Adoption.**  
**November 7, 1996**

**Background:** The Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272) was enacted primarily because children were stuck in the limbo of foster care. Many children were not being returned safely to their families nor were they being placed with permanent families through adoption. Despite the considerable accomplishments of P.L. 96-272, problems still exist. What follows is a set of policy proposals that would promote adoption. These proposals have either been recommended to the Committee during hearings or have been given to Committee members or staff by various individuals and organizations interested in adoption.

**1. When "reasonable efforts" become unreasonable; when reunification is impossible.** This provision would define in statute the conditions under which efforts to reunify children with their family should not be pursued. The legislative language would state that only in the following circumstances can the states not pursue "reasonable efforts". The circumstances include when a child has been:

- abandoned;
- tortured;
- severely physically abused;
- sexually penetrated by a parent;
- sibling has been murdered by a parent;
- parental rights to siblings have been terminated.

States can specify additional circumstances where "reasonable efforts" to reunite the child with the family need not be pursued, but these additional circumstances must be approved by the Secretary.

**2. Federal law must make child safety paramount.**

Clarify that the "reasonable efforts" requirement for placement in foster care includes consideration of the health, safety, and well-being of the child. (This provision has been introduced in the Senate by Sen. DeWine, R-OH.)

**3. Provide more timely protections for children in foster care.**

Amend section 427 of the Social Security Act which provides safeguards for children in foster care. Since 1980, States have not been eligible for their Federal IV-B funds unless these safeguards have been implemented. The safeguards include a case review system to assure that procedural safeguards are being followed and a dispositional hearing to assure placement in a setting that is the least restrictive. The amendment would change the timing of the review and dispositional hearing so that it would be based on the age of the child:

- for children under 1 year of age, the current 6 month court or administrative review would be changed to monthly with the dispositional hearing moved

- from 18 months to 3 months, with a follow-up every 3 months;
- for children 1 to 3 years of age, the court or administrative review would be changed to every 3 months with the dispositional hearing at 6 months, with a follow-up every 6 months;
- for children above age 3, the court review would be every six months with the dispositional hearing at 18 months, with follow-up every 9 months.

**4. Expedite adoption for abandoned babies.**

The purpose of this provision, which has been introduced as legislation by Harris Fawell (R-ILL), is to prevent abandoned babies from experiencing prolonged foster care. States would be required to place the baby in a preadoptive home within 30 days after the State gets custody; within 90 days, the preadoptive parents would have the right to petition the court for an expedited hearing to obtain termination of parental rights and to become the adoptive parents. These provisions apply only to children who are 18 months of age or less.

**5. Eliminate State statutory or regulatory waiting period for termination of parental rights.**

Require states to review their state laws and to eliminate any statutory or regulatory waiting period for the initiation of termination of parental rights proceedings.

**6. Give foster parents the standing to go into court and bring to the court's attention circumstances in which court reviews or dispositional hearings have been delayed or in which a change in circumstance has occurred.**

Require state courts to grant foster parents a hearing regarding the child in their care in the following two circumstances: if there has been a substantial delay in setting the court review or dispositional hearing, or if there has been a significant change in circumstance.

**7. Require states to begin termination of parental rights after 18 months in foster care.**

Require state statutes to mandate the initiation of adoption proceedings of a child under the age of 10 who has spent 18 of the last 24 months in state foster care, unless the court determines that adoption is not in the best interest of the child. (Rhode Island has a similar law in place.)

**8. Require reasonable efforts be made to find adoptive homes.**

Require that reasonable efforts be made to establish legal permanency or adoption, where appropriate (currently, states are only required to make reasonable efforts to reunify and not to find adoptive homes).

**9. Tie child safety standards to Title IV-E state plan requirements.**

Specific child safety standards would be applied to Title IV-E state plan requirements. These include: forensic pediatric examination for physically and sexually abused children; regular pediatric care for foster children; a criminal and abuse background screening of foster and relative caretakers.

**10. Require a State Directory of Services**

States would be required, at least every 2 years, to compile a directory of child welfare service programs available in the State. The list would be arranged geographically and made available to the Secretary, judges, judicial administrators and all State agencies involved in child protection, foster care and adoption cases.

**Other Initiatives**

Request a GAO investigation to: (1) study how the states are using funds for the new capped entitlement under title IV-B for a broad range of family preservation services. Include in this study an examination of the impact of these services on achieving permanency for children; and, (2) study the impact of the set-aside grants to State courts for assessments and improvements of judicial child welfare proceedings.

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

November 19, 1997

REMARKS BY THE PRESIDENT  
AND FIRST LADY  
AT ADOPTION BILL SIGNING

The East Room

1:53 P.M. EST

MRS. CLINTON: Thank you and welcome to the East Room. Please be seated. We are delighted to have all of you join us today for this very important event and one that many of you in this room have worked for and looked for for many years.

There are some people that I would like to acknowledge and introduce before we get started. You will hear from the four members of Congress who are here on the stage, Representative Kennelly, Representative Camp, Senator Chafee and Senator Rockefeller. Also attending are Senator Craig, Senator DeWine, Senator Landrieu, Representative Levin, Representative Oberstar, Representative Maloney, and Representative Morella. And I'd like to ask all the members of Congress to please stand. (Applause.)

This was truly a bipartisan piece of legislation. It could not have been passed without the strong support of the members whom you see, including the sponsors who are here on the stage. It was also a work that was very much in the heart of Secretary Donna Shalala and her team from HHS -- Richard Tarplin, Mary Bourdette, and Carol Williams. And I'd like to ask the Secretary and her team to stand please. (Applause.)

There were also a number of members of the White House staff who worked very hard with members of Congress and with members of the HHS contingent, and I'd like to acknowledge just a few of them -- John Hilley, Bruce Reed, Elena Kagan, and in particular Jen Klein and Nicole Rabner. I want to thank all of them. (Applause.)

I'm also pleased that we have Governor Romer of Colorado. We have children, families, advocates, and leaders of the child welfare constituency here in our audience.

Nearly a year ago, the President and I met with children waiting in the foster care system for caring families to call their own. There the President pledged to reform the child welfare system to work better for the children it serves, to put their health and safety first, and to move children more quickly into safe and permanent homes. Today we as a nation make good on that pledge.

And for the thousands of American children who wait for a stable, loving home that will always be there, it is not a moment too soon. Right now there are nearly half a million children in foster care. For most, foster care is a safe haven on the road to a permanent home or back home. Too many, however, make countless detours along the way, shuffling from family to family without much hope that they will ever find permanent parents to love and take care of them. These children who will enter this holiday season unsure about whether the family they celebrate this year will be there with them next year deserve better.

MORE

We know it makes a difference for children to have permanent loving homes. It's not only research that tells us this; we know it by our intuition, by our own experience and we have all seen it firsthand. It was here in this room two years ago that a young woman named Deanna -- a child waiting to be adopted in foster care stood up and read a poem about what she wanted in life, and it wasn't real complicated. It is what all of us want. I'm happy that because of that event here in the East Room, she was able to meet a family who did adopt her. And I saw her last year at an event in Kansas City and almost didn't recognize her -- from a shy, withdrawn 13-year-old, she had blossomed into a cheerful, outgoing, confident teenager with a brilliant smile.

This landmark legislation that the President is about to sign will see to it there are more stories like Deanna's. This legislation stands as proof of what we can accomplish when we come together. As we see today, the national government does have an important role to play in reforming our foster care system, and giving guidance to courts and states in offering incentives to speed up and increase the numbers of adoptions, and in making sure that the health and safety of our children is always the first priority.

But we know even more, all Americans have a role and a responsibility. Businesses can make it easier for their employees to adopt a child. And I want to single out Dave Thomas of Wendy's, who has led the way in showing all of us how that can be done.  
(Applause.)

Religious leaders can help spread the word about the joys of adoptions. Parents thinking about adoption can expand their search to reach out to kids in foster care. And if we reform the system so that it works the way that it should, more Americans will look to American children to adopt and not feel compelled to go overseas to adopt children. (Applause.)

With us today are some extraordinary Americans who have answered this call. This morning, the Department of Health and Human Services observed National Adoption Month by honoring outstanding achievements with the 1997 Adoption 2002 Excellence Awards. Secretary Shalala developed these awards at the request of the President. The winners are dedicated individuals and organizations, both large and small, who have worked to move children out of the foster care system and into permanent, loving homes. Some of them have been at the forefront of this issue for years; some have promoted and supported adoption in their communities; and some are parents who have opened their homes and hearts to our nation's most vulnerable children.

I'd like to ask all the honorees who were honored this morning to please stand. (Applause.) We want to thank you for the work you have done, for the example you have set. And we hope that through these awards, in conjunction with this legislation, there will be many, many more in your ranks in the years to come.

\* \* \* \* \*

THE PRESIDENT: Thank you, Sue Ann. Thank you, Aaron (phonetic). And I want to thank the Badeau family for showing up. I think it's fair to say it was a greater effort for them than for anyone else here. (Laughter.) I appreciate the rest of your presence. It was easier for me than anybody; I just had to come downstairs. (Laughter.) But I'm grateful that they're here.

Secretary Shalala, I thank you and your staff for your remarkable work on this. And I thank the members of the White House staff, all the members of Congress who are present here. And

especially I thank Senators Rockefeller and Chafee and Congressmen Camp and Kennelly for their work and for what they said here.

Congratulations to the Adoption 2002 Excellence Award winners. I thank all the advocates who are here. And I say a special word of thanks, along with all the others who have said it, to the First Lady, who has been passionately committed to this issue for at least 25 years now that I know. Thank you, Governor Romer, for coming. And thank you, Dave Thomas, for what you've done.

Again let me say to all the members of Congress who are here, Republicans and Democrats alike, I am very grateful for what you've done. This, after all, is what we got in public life for, isn't it?

Before I make my brief remarks, if you'll forgive me and understand, I have to make one public statement today about the situation in Iraq.

As I have said before, I prefer to resolve this situation peacefully, with our friends and allies, and I am working hard to do just that. But I want to be clear again about the necessary objective of any diplomacy now underway. Iraq must comply with the unanimous will of the international community and let the weapons inspectors resume their work to prevent Iraq from developing an arsenal of nuclear, chemical and biological weapons. The inspectors must be able to do so without interference. That's our top line; that's our bottom line. I want to achieve it diplomatically. But we're taking every step to make sure we are prepared to pursue whatever options are necessary.

I do not want these children we are trying to put in stable homes to grow up into a world where they are threatened by terrorists with biological and chemical weapons. It is not right. (Applause.)

It's hard to believe now, but it was just a little less than a year ago when I directed our administration to develop a plan to double the number of children we move from foster care to adoptive homes by the year 2002. We know that foster parents provide safe and caring families for children. But the children should not be trapped in them forever, especially when there are open arms waiting to welcome them into permanent homes.

The Adoption and Safe Families Act, which I am about to sign, is consistent with the work of the 2002 report and our goals. It fundamentally alters our nation's approach to foster care and adoption. And fundamentally, it will improve the well-being of hundreds of thousands of our most vulnerable children. The new legislation makes it clear that children's health and safety are the paramount concerns of our public child welfare system. It makes it clear that good foster care provides important safe havens for our children, but it is by definition a temporary, not a permanent, setting.

The new law will help us to speed children out of foster care into permanent families by setting meaningful time limits for child welfare decisions, by clarifying which family situations call for reasonable reunification efforts and which simply do not. It will provide states with financial incentives to increase the number of children adopted each year. It will ensure that adopted children with special needs never lose their health coverage -- a big issue. Thank you, Congress, for doing that. It will reauthorize federal funding for timely services to alleviate crisis before they become serious, that aid the reunification of families that help to meet post-adoption needs.

With these measures we help families stay together where reunification is possible and help find safe homes for children much more quickly when it is not. We've come together in an extraordinary

example of bipartisan cooperation to meet the urgent needs of children at risk. We put our differences aside, and put our children first.

This landmark legislation builds on other action taken in the last few years by Congress: the Adoption Tax Credit I signed into law August to make adopting children more affordable for families, especially those who adopt children with special needs; the Multiethnic Placement Act, enacted two years ago, ensuring that adoption is free from discrimination and delay, based on race, culture, or ethnicity; and the very first law I signed as President, the Family and Medical Leave Act of 1993, which enables parents to take time off to adopt a child without losing their jobs or their health insurance.

We have put in place here the building blocks of giving all of our children what should be their fundamental right -- a chance at a decent, safe home; an honorable, orderly, positive upbringing; a chance to live out their dreams and fulfill their God-given capacities.

Now, as we approach Thanksgiving, when families all across our country come together to give thanks for their blessings, I would like to encourage more families to consider opening their homes and their hearts to children who need loving homes. You may not want to go as far as the Badaeus have -- (laughter) -- but they are a shining example of how we grow -- (applause) -- they are a shining example of how we grow when we give, how we can be blessed in return many times over. We thank them and all -- all of the adoptive parents in the country.

For those who are now or have been foster or adoptive parents, I'd like to say thank you on behalf of a grateful nation, and again say at Thanksgiving, let us thank God for our blessings and resolve to give more of our children the blessings they deserve.

Thank you very much. (Applause.)

END

2:19 P.M. EST

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

November 19, 1997

PRESS BRIEFING BY  
SPECIAL ASSISTANT TO THE PRESIDENT FOR  
DOMESTIC POLICY JENNIFER KLEIN

The Briefing Room

12:46 P.M. EST

MR. TOIV: Good afternoon. As you know, the President is going to sign the adoption legislation today, and here to brief on that is Jennifer Klein, who is Special Assistant to the President for Domestic Policy, works closely with the First Lady's Office on these issues.

MS. KLEIN: As Barry said, today the President is going to sign historic legislation to change the nation's child welfare system. It's a fitting time to do this because November is National Adoption Month. The bill passed Congress with really hard work on both sides of the aisle and intense work by the administration and overwhelming bipartisan support.

I want to just take a step backward and tell you where this started. First and foremost, the First Lady has been committed to this issue for more than 25 years and has really been a leading force in the administration on adoption and child welfare and particularly on many of the provisions that are actually in this bill. A little less than a year ago, the President issued an executive memorandum directing Secretary Shalala to come back within 60 days with specific recommendations on strategies to move children from foster care to permanent homes and to double the number of children adopted or permanently placed by the year 2002.

The report came back to the President on February 14 of this year and it outlined a very ambitious agenda with three key principles -- the first was that every child deserves a safe, permanent family; second, that children's health and safety should be the paramount concern; and third, that foster care is not -- is by definition a temporary situation, not a place for children to grow up.

The Adoption and Safe Families Act that the President is going to sign today reflects those principles and includes many of the specific recommendations in that report. First, in terms of the goal, the bill actually in its preamble makes very clear that the health and safety of children must underlie all decisions in the child welfare system. And there's a number of provisions to that end.

A key one is the clarification of the reasonable efforts standard. The law both reaffirms the importance of making reasonable efforts to reunify families before children are placed in an adoptive or other permanent placement. But it also makes clear that there are certain circumstances where the child's safety is at stake where states are not required to keep children with their parents, such as cases where the child has been abandoned or tortured or chronically abused. At the same time, the legislation also reauthorizes the Family Preservation and Family Support Services program, which provides services to help families stay together whenever possible.

Second, the legislation ensures that foster care is temporary, as it should be. It sets time limits and it promotes the

MORE

adoption of children who can't return to their homes. In that vein, it includes the President's plan to provide financial incentives to states to increase the number of children who are adopted each year, and it authorizes \$20 million for each of five years to do that.

And in addition, the time that children must wait for hearings is shortened. Currently, there is an 18-month length of time for children before any permanency hearing is held. That's shortened to 12, and even shortened further for children who have been in the foster care system for a longer period of time. And finally, the law ensures that children with special needs will keep health insurance when they are adopted. Those are the outlines of the bill, and I'm happy to take any questions you have.

Q Don't you expect all of this to go through court litigation to actually take children away from their parents? I mean, I'm speaking from a lack of knowledge, but wouldn't there be all these obstacles every inch of the way?

MS. KLEIN: Well, the purpose of this bill is actually to help courts do their job better. For example, the reasonable effort standard that I mentioned, that's a standard that has been imposed in law, and in many cases, although this was not the intention of that provision which came into law in 1980, it has prevented courts from actually getting children moving to the right place, either back with their birth parents or in another situation if that's not going to work. And what this law does is clarify that standard so courts have more of a clear direction of what to do and how to do it more quickly.

Q There's a move in some states to restrict adoption to married couples only. Does the President have any thoughts on any restrictions that should be placed on who adopts?

MS. KLEIN: We haven't addressed that yet.

Q Does he intend to?

MS. KLEIN: I think the President feels strongly that -- first of all, I think that's a state decision. But, second of all, that states decide who the appropriate families for adoptive children to go to, and the most important thing is to look from the perspective of the child, of where that child is going to be the most safe and loved.

Q Who decides that?

MS. KLEIN: Basically, that's a state decision.

Q Is there a special system set up to check and make sure that more children are getting adopted? How are you going to monitor this law?

MS. KLEIN: Part of what was in Adoption 2002, the President's report, which is now in this law, is to set a goal of doubling the number of children that are adopted by the Year 2002. Last year it was 27,000 children by 2002; it would be 54,000 children out of the foster care system. And one of the things that's part of that provision is a tracking system. And it's actually sort of interesting because it's the first time there's ever been performance-based standards in the child welfare system.

Q Were there federal adoption laws before this one?

MS. KLEIN: Yes. The first federal adoption law, the one before this, which was also the first, was passed in 1980. Thank you.

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## OPTIONS ON DE-LINKING TITLE IV-E ADOPTION ASSISTANCE PROGRAM

### Background

The Federal Adoption Assistance Program under title IV-E of the Social Security Act was enacted in 1981 to support the adoption of children with special needs who have been permanently removed from their homes due to abuse or neglect. The program provides reimbursement to the States for a portion of the adoption subsidies used to support the adoption of children whom the State has determined meet the definition of having "special needs" that make them hard to place in adoptive homes. To be eligible to receive the Federal adoption assistance subsidy, the children must meet the statutory definition of special needs and either be eligible for Supplemental Security Income or be removed from a family that meets the eligibility criteria for Aid to Families with Dependent Children (AFDC), as it was in effect on July 16, 1996.\*.

The title IV-E adoption assistance program provides reimbursement to the States at the Federal Medical Assistance Percentage (FMAP) for the monthly adoption subsidies to parents who adopt these eligible special needs children, the one-time non-recurring adoption expenses incurred by such parents, and State administrative and training costs associated with the adoption of such children. These children are also eligible for medical assistance under title XIX (Medicaid), and for social services under title XX. While the adoptive parents do not have to meet any financial eligibility criteria in order to receive a title IV-E adoption subsidy, the income of the adoptive parent may be considered in determining the subsidy level. The program supports approximately 150,000 children at an annual cost to the Federal government of over \$700 million.

Special needs children who do not meet the requirements for title IV-E reimbursement -- because they neither meet SSI eligibility criteria nor were removed from AFDC-eligible families -- may be eligible for State-funded adoption assistance subsidies. All but three States (PA, SD and WV) provide adoption assistance payments on behalf of adopted special needs children not meeting the Federal title IV-E eligibility requirements, although in several States the State-funded adoption assistance is tied to the adoptive parents' financial eligibility. Most States (all but 6) also provide Medicaid coverage for at least some children receiving State-funded adoption assistance. Such coverage, however, may not be automatic. In addition, families receiving State-funded adoption assistance subsidies may lose access to Medicaid and other State-funded post-legal adoption services when they move from one State to another. These families should continue to receive their State-funded adoption assistance cash subsidies from the State in which the adoption took place.

\*The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) bases eligibility for title IV-E adoption assistance on standards for title IV-A (AFDC) as they existed in a State on July 16, 1996. Additionally, PRWORA amended the definition of "childhood disability" under SSI, making the eligibility criteria more restrictive. Therefore, the title IV-E adoption assistance subsidy will not be available to some special needs children who, prior to the passage of PRWORA, would have been eligible for this program, based on their SSI eligibility.

### De-linking Adoption Assistance

The Promotion of Adoption, Safety and Support for Abused and Neglected Children Act (PASS), S. 1195, would amend title IV-E to provide Federal reimbursement (at the FMAP) for all children meeting the Federal statutory definition of special needs criteria who are adopted from the public child welfare system. The proposal would apply retroactively to children in families now receiving State-funded adoption assistance payments, as well as to all special needs children adopted in the future.

This proposal would focus eligibility for all children who may be difficult to adopt on the child's special needs irrespective of the birth parents' financial status or whether the child had a disability severe enough to meet the SSI program eligibility criteria. It would also ensure that adopted children would retain Medicaid coverage when families move from one State to another.

The Congressional Budget Office (CBO) has initially estimated the proposal to cost approximately \$2.3 billion over the next five years. The legislation also includes a provision intended to redirect savings accruing to the States to the variety of child welfare and adoption services allowed under title IV-B of the Social Security Act.

### Budget Offsets

In order to finance the de-linking adoption assistance provision in S. 1195 or any alternative to that provision, such as Options 1 and 2, below, appropriate budget offsets will need to be identified. (The cost allocation offset identified in the bill is not likely to be available.) In addition, the reauthorization of the Family Preservation and Support Services Act contained in Section 307 of S. 1195, will also require a budgetary offset totaling \$200 million over five years. Therefore, in considering the costs of the options presented below it is assumed that the offsets identified to cover any of the de-linking options must be large enough to cover the costs associated with the reauthorization of the Family Preservation and Family Support Services program, as well.

### Alternatives to the De-linking Proposal in S. 1195

Following are four policy options, presented as alternatives and/or complementary components to the language in S. 1195. They are designed to achieve the following goals:

- **Provide Medicaid Coverage for All Adopted Children with Special Needs and Prevent Interjurisdictional Loss of Benefits** - Ensure that all special needs children adopted from the public child welfare system (regardless of their eligibility for title IV-E adoption assistance) have access to health care by providing them Medicaid eligibility. Address interjurisdictional issues to prevent adopted children from losing Medicaid benefits when they move from one State to another;

- **Continued title IV-E Eligibility in Cases of Disrupted Adoption** - Ensure that in cases of disrupted adoptions, children who were determined eligible for title IV-E adoption assistance at the time of the original adoption continue to retain their eligibility for title IV-E for adoption assistance and Medicaid;
- **Promoting More Equitable Treatment of Children with Special Needs** - Encourage increased numbers of adoptions and promote greater equity by ensuring that all children meeting special needs criteria are eligible to receive adoption assistance subsidies and health care through Medicaid;
- **Prevent Supplantation of State Adoption Dollars** - Ensure that any savings accruing to the States from de-linking be used for child welfare purposes, especially for providing post-legal adoption services to ensure the stability of adoptive placements and for reunification in those situations where a child can safely return home.

For each option below, the discussion of strengths and limitations details how or whether each option addresses the above goals.

#### OPTION 1

- ◆ **GUARANTEE MEDICAID COVERAGE FOR ALL SPECIAL NEEDS, ADOPTED CHILDREN AND**
- ◆ **CONTINUE TITLE IV-E ADOPTION ASSISTANCE ELIGIBILITY FOR DISRUPTED ADOPTIONS**

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- Proposal:
- Amend Federal law to make eligible for Medicaid all children who are adopted from the public child welfare system and who meet the special needs criteria.
  - Amend title IV-E to ensure that any child who was determined to be eligible for title IV-E adoption assistance and was subsequently adopted would continue to retain that eligibility should the adoption disrupt.

#### Discussion:

Under current law, children receiving adoption subsidies that are reimbursed by the Federal government under title IV-E are categorically eligible to receive medical assistance under title XIX. Adopted children with special needs who receive State-funded adoption assistance may or may not be eligible for Medicaid, at State option. Under this option, all children adopted from the public child welfare system who meet the special needs criteria would be eligible to receive Medicaid. The Medicaid eligibility would apply to children already adopted and to children adopted in the future.

In addition, this option includes a proposal to protect adopted children's entitlement to adoption assistance in the event the adoption disrupts. Under current law, a child may be determined eligible for title IV-E reimbursed adoption assistance on the basis of the birth

family's eligibility for AFDC. If the child is then adopted, but the adoption is disrupted, the child could be found no longer eligible for title IV-E adoption assistance because the previous adoptive family's income exceeds AFDC eligibility criteria. Under this proposal, title IV-E would be amended to ensure that any child who was determined to be eligible for title IV-E adoption assistance and was subsequently adopted would continue to retain that eligibility should the adoption disrupt.

**Cost:** The Congressional Budget Office has estimated that providing Medicaid coverage to all adopted children with special needs would cost approximately \$30 million over five years. (Most of this cost would come from extending Medicaid coverage to non-title IV-E eligible adopted children in the six States that do not now provide Medicaid coverage for adopted children receiving State-funded adoption assistance.)

The Department's preliminary estimate of the cost of protecting the title IV-E eligibility for children in disrupted adoptions is \$4.4 million over five years, and \$19.4 million over ten years. (This estimate is subject to revision based on further analyses.)

**Strengths:** This option addresses the goals of ensuring Medicaid coverage for all adopted children with special needs, including continued coverage when the family moves from one jurisdiction to another. It also ensures continued title IV-E eligibility in cases of disrupted adoption.

The option also partially addresses the goal of promoting more equitable treatment of children with special needs by ensuring Medicaid coverage for all children with special needs adopted from the public child welfare system, regardless of their title IV-E eligibility status.

**Limitations:** The option does not address the goal of ensuring more equitable treatment of children in the payment of adoption subsidies, since eligibility for non-Federal adoption assistance would continue to be determined by the State. This most directly affects children in the States of Pennsylvania, South Dakota and West Virginia, which do not operate State-funded adoption assistance programs.

## **OPTION 2 De-link Adoption Assistance Prospectively Only.**

**Proposal:** • De-link Federally reimbursed Adoption Assistance from AFDC eligibility criteria for all future adoptions from the public child welfare system.

**Discussion:**

This option is similar to the de-linking proposal in S. 1195, except that the de-linking of title IV-E Federally reimbursed adoption assistance from AFDC criteria would apply prospectively only (i.e. it would only affect future adoptions; it would not affect

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reimbursement of adoption subsidies now being paid by the States with State-only funds.) The proposal would ensure that all children with special needs who are adopted in the future will be eligible to receive a Federally-reimbursed adoption subsidy. By definition, this would make all of these children eligible for Medicaid, as well.

**Cost:** The Department estimates the cost of prospective de-linking at approximately \$377 million over five years. However, it should be noted that the cost would continue to rise for a number of years before leveling off. The cost over ten years is estimated at approximately \$2.0 billion.

**Strengths:** This option addresses the goal of promoting more equitable treatment of children with special needs. It would ensure that in the future all children meeting Federal special needs criteria are treated the same in terms of eligibility for adoption assistance subsidies and Medicaid health care coverage, regardless of the financial status of their birth parents.

For all future adoptions, this option also addresses the goals of providing interjurisdictional Medicaid coverage and ensuring continued title IV-E eligibility in cases of disrupted adoption, since children would no longer be at risk of losing Medicaid coverage when a family moves or title IV-E eligibility when an adoption disrupts.

This option also substantially reduces the Federal costs associated with de-linking over the next five years.

**Limitations:** The option does not address Medicaid coverage or continued title IV-E eligibility for children in disrupted adoption for children who have **already** been adopted. However, if Option 2 were combined with Option 1, these goals would be met as well.

### **OPTION 3 De-link Adoption Assistance, but Reduce Federal match**

- Proposal:**
- De-link Federally reimbursed Adoption Assistance from AFDC eligibility criteria both prospectively and retrospectively.
  - Pay for de-linking by lowering the rate of the Federal match for title IV-E adoption expenses.

#### **Discussion:**

This proposal would follow the proposal in S. 1195 to de-link adoption assistance from AFDC eligibility standards. Like S. 1195, it would apply not only prospectively to future adoptions, but retroactively to provide Federal reimbursement for adoption subsidies now being paid through State-only funds. However, the proposal would be made cost-neutral by

adjusting the level of the Federal match paid to States for adoption subsidies.

Under current law, States are reimbursed at the Federal Medical Assistance Percentage (FMAP) for a portion of the cost of adoption subsidies paid to the families of title IV-E eligible children. The rate of reimbursement varies by State, but the national average is about 55 percent. To make the de-linking proposal cost neutral the Federal match for adoption assistance reimbursements would either need to be set at 35 percent across the board, or each State's current FMAP would need to be adjusted downward proportionately by about 37 percent.

**Cost:** The extension of Medicaid coverage that occurs as a result of the de-linking is estimated by CBO to cost approximately \$30 million over five years. The de-linking of adoption assistance would be cost neutral under this proposal.

**Strengths:** The proposal addresses the goal of equitable treatment of all adopted children with special needs in terms of both adoption subsidies and Medicaid coverage, as well as the issues of interjurisdictional Medicaid coverage and continued adoption assistance for children in disrupted adoptions. The proposal also addresses concerns about the cost in Federal dollars of de-linking, by making the de-linking cost-neutral.

**Limitations:** Changing the Federal match formula could be politically difficult, since it would create definite "winners and losers" among the States, depending on their current FMAP rate and the number of children in their caseload who have traditionally been title IV-E eligible.

**OPTION 4 Develop a Maintenance of Effort (MOE) Provision that Captures Savings in State Costs and Uses them for Children and Families served by the Child Welfare System**

- Proposal:**
- Establish a Maintenance of Effort (MOE) requirement for the States, either on the basis of a baseline dollar amount or as a percentage of the Federal title IV-E adoption assistance expenditures
  - Require the States to spend these funds for services for children and families served by the child welfare system.
  - Require the States to document their MOE and plans for spending the funds through the title IV-B planning process.

**Discussion:**

This proposal identifies a mechanism to ensure that any savings achieved by the State through de-linking are used to support post-legal adoption services and reunification services. The proposal could be applied in conjunction with either the de-linking provision currently in

S. 1195 or with Option 2 above. Under this option, States would be required to meet a Maintenance of Effort (MOE) requirement. The requirement could be based either on a baseline dollar amount of what was being spent by the State previously on State-only funded adoption assistance (if the de-linking applies retrospectively), or on the basis of a percentage of the Federal title IV-E adoption assistance expenditures (based on the State's historic State vs. Federal expenditures). Whichever of these methods was used, the States would be required to spend these funds for services for children and families served by the child welfare system. The States would be required to document their MOE and plans for spending the funds through the title IV-B planning process.

**Cost:** No added Federal costs associated with the MOE provision.

**Strengths:** The proposal meets the goal of ensuring that Federal dollars do not simply supplant State dollars in supporting adoptions. The proposal would also increase the availability of an array of much needed child welfare services.

**Limitations:** Because the States vary considerably in what they now expend on State-only adoption assistance, in some States there would be little or no expansion of services.

### Discussion

In evaluating any of the above options or the original proposal for de-linking in S. 1195, it is important to be cognizant of the different effects of each proposal on the individual States and the adoptive children and families who live in them. The de-linking of title IV-E adoption assistance from AFDC eligibility criteria will most benefit adopted children and their families in those States that do not now provide State-only adoption subsidies and/or provide Medicaid coverage. Families residing in States that already provide both State-funded adoption assistance and Medicaid coverage will not receive any additional benefits under de-linking.

The financial effects on State budgets will depend on their current State policies with respect to providing Medicaid coverage and State-funded adoption assistance, their current percentage of adopted children that are title IV-E eligible, and their current matching percentage (FMAP). For instance, States that do not now provide State-funded adoption subsidies (or that have more restrictive eligibility criteria for adoption subsidies) will see increased costs, since they will need to cover a percentage of the matching costs for the increased numbers of children who will become eligible for adoption assistance subsidies.

States that have higher FMAP rates (e.g. Arkansas, Mississippi and West Virginia) will benefit more from de-linking than States with a lower FMAP rate (e.g. Illinois and Pennsylvania).

States that have a high percentage of current cases that are title IV-E eligible will benefit relatively less from de-linking than States with lower percentages. For instance, in New

York approximately 90 percent of children adopted from the child welfare system are determined to be title IV-E eligible, whereas in Rhode Island the percentage is only 29. Likewise, States with a high percentage of title IV-E eligible children or no State-only funded adoption assistance program will have an MOE which may be relatively small or even non-existent. To ensure greater equity in the availability of services to children and families funded through an MOE provision, it might be necessary to establish a MOE at a minimum baseline dollar amount or as a percentage (for example, 25 percent) of the Federal title IV-E adoption assistance expenditures for a State.

Adoption

**BACKGROUND ON 9/24/97 ADOPTION MEETING**

The purpose of the meeting is to be briefed by HHS on the recently introduced Senate child welfare bill and explore Administration strategy.

On Thursday, September 18, a bi-partisan group of Senators -- including Senators Rockefeller, Chafee, Craig, Jeffords, Dewine, Bond, Coats, Levin and Landrieu -- announced an agreement on child welfare legislation, called the Promotion of Adoption, Safety and Support for Abused and Neglected Children Act (PASS). The PASS Act represents the Senate version of the House adoption legislation which passed this past Spring, which the Administration endorsed. Through the Spring and Summer, Rockefeller had prevented speedy Senate consideration of the House bill, in order to work on more ambitious Senate legislation. The PASS Act incorporates many elements of the Administration's *Adoption 2002* initiative, including the principle of health and safety for children in foster care, financial incentives for states to meet adoption targets, clarification of the "reasonable efforts" standard, and shortened waiting times for children in foster care. The PASS Act also includes other measures, including judicial reforms and health coverage for special needs children who are adopted (effectively de-linking adoption assistance from IV-E eligibility). Unlike the House bill, the Senate Act has budget implications (roughly estimated at \$2.4 billion -- CBO has not yet scored), paid for by savings from "cost-allocation" -- ensuring that states do not shift TANF administrative costs to other federal entitlement programs, such as Medicaid and food stamps.

Attached are: a one-page description of PASS, the Congressional Research Service side-by-side of introduced legislation, and the PASS legislation, as introduced on 9/18/97.

Meeting Participants

The First Lady  
McInanne Verveer  
Bruce Reed  
Elena Kagan  
Gene Sperling  
Janet Murguia  
Jennifer Klein  
Nicole Rabner  
OMB TBD

Donna Shalala  
Olivia Golden  
Rich Tarplan  
Mary Burdette

**Promotion of Adoption, Safety and Support for Abused and Neglected Children Act  
(PASS)**

The result of a comprehensive bi-partisan effort on behalf of children and families, the purpose of PASS is to promote adoptions and safety for abused and neglected children by clarifying that a child's health and safety are the paramount considerations when a state makes any decision concerning the well-being of a child in the foster care system.

**I. PROMOTES ADOPTIONS**

- Rewards States that increase adoptions with bonus of \$2000 for adoptions of foster children and \$4000 for adoptions of children with special needs
- Requires States to use "reasonable efforts" to move eligible foster care children towards safe adoptions
- Promotes adoption of all special needs children and ensures health coverage for special needs children who are adopted
- Breaks down unnecessary geographic barriers facing adoptive families
- Requires States to document and report adoption efforts

**II. ENSURES SAFETY FOR ABUSED AND NEGLECTED CHILDREN**

- Ensures that health and safety are paramount concerns when a State determines placements for abused and neglected children
- Adds "safety of the child" to every step of the case plan and review process
- Requires criminal records checks for all foster and adoptive parents
- Allows children to be freed for adoption more quickly in extreme cases such as murder or severe abuse by their parents

**III. ACCELERATES PERMANENT PLACEMENTS**

- Cuts by 1/3 the time a child must wait for a plan to achieve a safe and permanent home
- Requires states to initiate court proceedings to free a child for adoption once that child has been waiting in foster care for one year or more
- Gives judges the discretion not to initiate legal proceedings in special circumstances such as when a child is safely placed with loving relatives
- Shortens a child's wait for adoption by allowing states to develop a standby (or concurrent) permanency plan
- Prevents long, legal delays through the appeals process

**IV. INCREASES ACCOUNTABILITY AND REFORMS**

- Establishes new outcome measures to monitor and improve state performance
- Requires states, for the first time, to document child-specific efforts to move children into adoptive homes
- Introduces innovation grants to reduce backlogs of children awaiting adoption
- Strengthens and integrates substance abuse treatment with protections for children
- Continues investments in strengthening families at the community level
- Establishes a plan for public oversight of suspicious child deaths

# PASS Act language

September 18, 1997

CONGRESSIONAL RECORD — SENATE

S9645

would support an expanded harvest level. However, New England's past has taught us that in an unregulated environment, this current healthy condition could rapidly be reversed. Given the present lack of a Federal fishery management plan for herring and questionable scientific information on the status of the stocks, the uncontrolled expansion of this fishery could have devastating consequences.

We need to slow down the increase in fishing power entering the herring fishery, and we need to give the New England Council the time to develop a thoughtful Federal management plan for herring that responds to local interests and needs. While I had hoped that the council and the Secretary of Commerce would be able to accomplish these goals through the process established by the Magnuson-Stevens Act and other fishery laws, it has become clear in recent weeks that we must impose temporary legislative safeguards until that process is complete.

The bill which Senators SNOWE, KEY, WEDY, and I are introducing today, the North Atlantic Fisheries Resource Conservation Act, provides those safeguards. First, by September 30, 1998, the New England and Mid-Atlantic Councils and the Secretary of Commerce are required to develop and implement both a fishery management plan for herring and a plan amendment for Atlantic mackerel. Second, a fishing vessel that is longer than 165 feet or has engines that exceed 3,000 horsepower is prohibited from harvesting either herring or mackerel until the councils and the Secretary have addressed the potential impact of such vessels in the management plan.

While the provisions of the North Atlantic Fisheries Resource Conservation Act are specific to two Northeast fisheries, the issues which they address should become part of a broader national policy debate about our vision for the American fishing industry in the 21st century. For over two decades, our fishery policies have focused on two goals: conservation and management of U.S. fishery resources and development of the domestic fishing industry. We have succeeded beyond our expectations in achieving the second goal of developing the U.S. fishing industry. I am optimistic that the Sustainable Fisheries Act will move us toward achieving the first goal of improving conservation and management. With the achievement of those goals, however, come new questions. What do we want our fishing industry to look like in the years to come? What should we as a nation do to preserve traditional coastal communities centered on small-boat fishermen? What restrictions if any should be placed on enormous factory trawlers? In New England, these large ships conjure up memories of foreign factory trawlers vacuuming up and destroying U.S. fishery resources in the days before the Magnuson-Stevens Act. Are such ships an appropriate element in other U.S. fisheries?

The legislation before us today focuses on the actions needed to safeguard the Atlantic herring and mackerel fisheries. However, I look forward to the broader debate. By the prompt enactment of this legislation I hope we can contribute to that debate and begin to shift the national example set by New England fisheries from one of overfishing and painful rebuilding toward one of conservative management that is successful in preserving both the fishermen and the fish.

By Mr. CHAFEE (for himself, Mr. CRAIG, Mr. ROCKEFELLER, Mr. JEFFORDS, Mr. DEWINE, Mr. COATS, Mr. BOND, Ms. LANDRIEU, and Mr. LEVIN):

S. 1195. A bill to promote the adoption of children in foster care, and for other purposes, to the Committee on Finance.

**THE PROMOTION OF ADOPTION SAFETY AND SUPPORT FOR ABUSED AND NEGLECTED CHILDREN ACT**

Mr. CHAFEE. Mr. President, I am pleased to introduce the Promotion of Adoption, Safety and Support for Abused and Neglected Children Act, the so-called PASS Act. This legislation will make critical reforms to the Nation's child welfare and foster care system and will go a long way toward improving the lives of the hundreds of thousands of abused and neglected children across America. These are children without a safe family setting. They are children who face abuse and neglect every day of their lives. They are America's forgotten children. And, all too often, they are children without hope.

This chilling picture has brought the sponsors of this bill together to take immediate action. The goals of the PASS Act are twofold: to ensure that abused and neglected children are in safe settings, and to move children more rapidly out of the foster care system and into permanent placements.

While the goal of reunifying children with their biological families is laudable, we should not be encouraging States to return abused or neglected children to homes that are clearly unsafe. Regrettably, this is occurring under current law.

About 500,000—half a million—abused or neglected children currently live outside their homes, either in foster care or with relatives. In Rhode Island alone, there are nearly 1,500 children who have been removed from their homes and are in foster care. The Rhode Island Department of Children and Families has an active case load of about 7,700 children who have been abused or neglected.

Many of these children will be able to return to their parents, but many will not. Too often, children who cannot return to their parents wait for years in foster care before they are adopted. In today's child welfare system, it has become a lonely and tragic wait with no end. To us, that is an unacceptable way of life for any child to have to endure.

The PASS Act seeks to shorten the time a child must wait to be adopted, all the while ensuring that wherever a child is placed, his or her safety and health will be the first concern.

The PASS Act also contains important new financial incentives to help these children find adoptive homes. State agencies will receive bonuses for each child that is adopted, and families who open their hearts and their homes to these children will be eligible for Federal financial assistance and Medicaid coverage for the child.

I believe the PASS Act is a good bipartisan, compromise package. The sponsors of this bill have worked hard to come together in support of a child welfare reform bill. And we expect this new, revised legislation to move quickly through the Senate, as the Majority Leader has indicated that adoption legislation is one of a select few priorities to be dealt with before expected adjournment in early November.

But the real reason we need to move this bill is not because of legislative haste. It is because each passing day we do not act to bring hope and relief to abused and neglected children is a dark day for Congress and the Nation.

Finally let me thank my friend JAY ROCKEFELLER, who has worked so tirelessly on these issues and whose leadership was key to this bill. I also want to pay special tribute to LARRY CRAIG—without his commitment to these children this agreement would not have been possible. I am proud of this bipartisan effort, and I hope all of my colleagues will support this measure. I ask unanimous consent that the full text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1195

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SECTION 1. SHORT TITLE. TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Promotion of Adoption, Safety, and Support for Abused and Neglected Children (PASS) Act".

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

- Sec. 1. Short title; table of contents.
- TITLE I—REASONABLE EFFORTS AND SAFETY REQUIREMENTS FOR FOSTER CARE AND ADOPTION PLACEMENTS**
- Sec. 101. Clarification of the reasonable efforts requirement.
- Sec. 102. Including safety in case plan and case review system requirements.
- Sec. 103. Multidisciplinary/multiagency child death review teams.
- Sec. 104. States required to initiate or join proceedings to terminate parental rights for certain children in foster care.
- Sec. 105. Notice of reviews and hearings; opportunity to be heard.
- Sec. 106. Use of the Federal Parent Locator Service for child welfare services.
- Sec. 107. Criminal records checks for prospective foster and adoptive parents and group care staff.

Sec. 107. Development of State guidelines to ensure safe, quality care to children in out-of-home placements.

Sec. 109. Documentation of efforts for adoption or location of a permanent home.

#### TITLE II—INCENTIVES FOR PROVIDING PERMANENT FAMILIES FOR CHILDREN

Sec. 201. Adoption incentive payments.

Sec. 202. Promotion of adoption of children with special needs.

Sec. 203. Technical assistance.

Sec. 204. Adoptions across State and county jurisdictions.

Sec. 205. Facilitation of voluntary mutual reunions between adopted adults and birth parents and siblings.

Sec. 206. Annual report on State performance in protecting children.

#### TITLE III—ADDITIONAL IMPROVEMENTS AND REFORMS

Sec. 301. Expansion of child welfare demonstration projects.

Sec. 302. Permanency planning hearings.

Sec. 303. Kinship care.

Sec. 304. Standby guardianship.

Sec. 305. Clarification of eligible population for independent living services.

Sec. 306. Coordination and collaboration of substance abuse treatment and child protection services.

Sec. 307. Reauthorization and expansion of family preservation and support services.

Sec. 308. Innovation grants to reduce backlog of children awaiting adoption and for other purposes.

#### TITLE IV—MISCELLANEOUS

Sec. 401. Preservation of reasonable parenting.

Sec. 402. Reporting requirements.

Sec. 403. Report on fiduciary obligations of State agencies receiving SSI payments.

Sec. 404. Allocation of administrative costs of determining eligibility for medical and TANF.

#### TITLE V—EFFECTIVE DATE

Sec. 501. Effective date.

#### TITLE I—REASONABLE EFFORTS AND SAFETY REQUIREMENTS FOR FOSTER CARE AND ADOPTION PLACEMENTS

##### SEC. 101. CLARIFICATION OF THE REASONABLE EFFORTS REQUIREMENT.

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

"(15) provides that—

"(A) in determining reasonable efforts, as described in this section, the child's health and safety shall be the paramount concern;

"(B) reasonable efforts shall be made to preserve and reunify families when possible—

"(i) prior to the placement of a child in foster care, to prevent or eliminate the need for removing the child from the child's home when the child can be cared for at home without endangering the child's health or safety; or

"(ii) to make it possible for the child to safely return to the child's home;

"(C) reasonable efforts shall not be required on behalf of any parent—

"(i) if a court of competent jurisdiction has made a determination that the parent has—

"(I) committed murder of another child of the parent;

"(II) committed voluntary manslaughter of another child of the parent;

"(III) aided or abetted, attempted, conspired, or solicited to commit such murder or voluntary manslaughter; or

"(IV) committed a felony assault that results in serious bodily injury to the child or another child of the parent;

"(ii) if a court of competent jurisdiction determines that returning the child to the home of the parent would pose a serious risk to the child's health or safety (including but not limited to cases of abandonment, torture, chronic physical abuse, sexual abuse, or a previous involuntary termination of parental rights with respect to a sibling of the child); or

"(iii) if the State, through legislation, has specified cases in which the State is not required to make reasonable efforts because of serious circumstances that endanger a child's health or safety;

"(D) if reasonable efforts to preserve or reunify a family are not made in accordance with subparagraph (C), and placement with either parent would pose a serious risk to the child's health or safety, or in any case in which a State's goal for the child is adoption or placement in another permanent home, reasonable efforts shall be made to place the child in a timely manner with an adoptive family, with a qualified relative or legal guardian, or in another planned permanent living arrangement, and to complete whatever steps are necessary to finalize the adoption or legal guardianship; and

"(E) reasonable efforts of the type described in subparagraph (D) may be made concurrently with reasonable efforts of the type described in subparagraph (B)."

##### SEC. 102. INCLUDING SAFETY IN CASE PLAN AND CASE REVIEW SYSTEM REQUIREMENTS.

Title IV of the Social Security Act (42 U.S.C. 601 et seq.) is amended—

(1) in section 424(b)(10)(B) (as redesignated by section 5302(a)(1)(A)(iii) of the Balanced Budget Act of 1997 (Public Law 105-33; 111 Stat. 644))—

(A) in clause (iii)(I), by inserting "safe and" after "where"; and

(B) in clause (iv), by inserting "safely" after "remain"; and

(2) in section 475—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting "safely and" after "discussion of the"; and

(ii) in subparagraph (B)—

(I) by inserting "safe and" after "child receives"; and

(II) by inserting "safe" after "return of the child to his own"; and

(B) in paragraph (5)—

(i) in subparagraph (A), in the matter preceding clause (i), by inserting "a safe setting that is" after "placement in"; and

(ii) in subparagraph (B)—

(I) by inserting "the safety of the child," after "determine"; and

(II) by inserting "and safely maintained in" after "returned to".

##### SEC. 103. MULTIDISCIPLINARY/MULTIAGENCY CHILD DEATH REVIEW TEAMS.

(a) STATE CHILD DEATH REVIEW TEAMS.—Section 471 of the Social Security Act (42 U.S.C. 671) is amended by adding at the end the following:

"(g)(1) In order to investigate and prevent child death from fatal abuse and neglect, not later than 2 years after the date of the enactment of this subsection, a State, in order to be eligible for payments under this part, shall submit to the Secretary a certification that the State has established and is maintaining, in accordance with applicable confidentiality laws, a State child death review team, and if necessary in order to cover all counties in the State, child death review teams on the regional or local level, that shall review child deaths, including deaths in which—

"(A) there is a record of a prior report of child abuse or neglect or there is reason to

suspect that the child death was caused by, or related to, child abuse or neglect; or

"(B) the child who died was a ward of the State or was otherwise known to the State or local child welfare service agency.

"(2) A child death review team established in accordance with this subsection should have a membership that will present a range of viewpoints that are independent from any specific agency, and shall include representatives from, at a minimum, specific fields of expertise, such as law enforcement, health, mental health, and substance abuse, and from the community.

"(3) A State child death review team shall—

"(A) provide support to a regional or local child death review team;

"(B) make public an annual summary of case findings;

"(C) provide recommendations for system-wide improvements in services to investigate and prevent future fatal abuse and neglect; and

"(D) if the State child death review team covers all counties in the State on its own, carry out the duties of a regional or local child death review team described in paragraph (3).

"(4) A regional or local child death review team shall—

"(A) conduct individual case reviews;

"(B) recommend followup procedures for child death cases; and

"(C) suggest and assist with system improvements in services to investigate and prevent future fatal abuse and neglect."

(b) FEDERAL CHILD DEATH REVIEW TEAM.—Section 471 of the Social Security Act (42 U.S.C. 671), as amended by subsection (a), is amended by adding at the end the following:

"(d)(1) The Secretary shall establish a Federal child death review team that shall consist of at least the following:

"(A) Representatives of the following Federal agencies who have expertise in the prevention or treatment of child abuse and neglect:

"(i) Department of Health and Human Services.

"(ii) Department of Justice.

"(iii) Bureau of Indian Affairs.

"(iv) Department of Defense.

"(v) Bureau of the Census.

"(B) Representatives of national child-serving organizations who have expertise in the prevention or treatment of child abuse and neglect and that, at a minimum, represent the health, child welfare, social services, and law enforcement fields.

"(2) The Federal child death review team established under this subsection shall—

"(A) review reports of child deaths on military installations and other Federal lands, and coordinate with Indian tribal organizations in the review of child deaths on Indian reservations;

"(B) upon request, provide guidance and technical assistance to States and localities seeking to initiate or improve child death review teams and to prevent child fatalities; and

"(C) develop recommendations on related policy and procedural issues for Congress, relevant Federal agencies, and States and localities for the purpose of preventing child fatalities."

##### SEC. 104. STATES REQUIRED TO INITIATE OR JOIN PROCEEDINGS TO TERMINATE PARENTAL RIGHTS FOR CERTAIN CHILDREN IN FOSTER CARE.

(a) REQUIREMENT FOR PROCEEDINGS.—Section 475(b) of the Social Security Act (42 U.S.C. 675(b)) is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(3) by adding at the end the following:

"(E) in the case of a child who has been in foster care under the responsibility of the State for 13 of the most recent 18 months, or for a lifetime total of 24 months, or, if a court of competent jurisdiction has determined an infant to have been abandoned (as defined under State law), or made a determination that the parent has committed murder of another child of such parent, committed voluntary manslaughter of another child of such parent, aided or abetted, attempted, conspired, or solicited to commit such murder or voluntary manslaughter, or committed a felony assault that results in serious bodily injury to the surviving child or to another child of such parent, the State shall file a petition to terminate the parental rights of the child's parents (or, if such a petition has been filed by another party, seek to be joined as a party to the petition), and, concurrently, to identify, recruit, process, and approve a qualified family for an adoption, unless—

"(1) at the option of the State, the child is being cared for by a relative; or

"(1) a State court or State agency has documented a compelling reason for determining that filing such a petition would not be in the best interests of the child."

(b) DETERMINATION OF BEGINNING OF FOSTER CARE.—Section 475(5) of the Social Security Act (42 U.S.C. 675(5)), as amended by subsection (a), is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(3) by adding at the end the following:

"(F) a child shall be considered to have entered foster care on the later of—

"(1) the first time the child is removed from the home; or

"(2) the date of the first judicial hearing on removal of the child from the home."

(c) ELIMINATION OF UNNECESSARY COURT DELAYS.—

(1) ONE-YEAR STATUTE OF LIMITATIONS FOR APPEALS OF ORDERS TERMINATING PARENTAL RIGHTS.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 5591(b) of the Balanced Budget Act of 1997, is amended—

(A) by striking "and" at the end of paragraph (18);

(B) by striking the period at the end of paragraph (19) and inserting "; and"; and

(C) by adding at the end the following:

"(20) provides that an order terminating parental rights shall only be appealable during the 1-year period that begins on the date the order is issued."

(2) ONE-YEAR STATUTE OF LIMITATIONS FOR APPEALS OF ORDERS OF REMOVAL.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by subsection (a), is amended—

(A) in paragraph (19), by striking "and" at the end;

(B) in paragraph (20), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(21) provides that a court-ordered removal of a child shall only be appealable during the 1-year period that begins on the date the order is issued."

(d) RULES OF CONSTRUCTION.—Nothing in part E of title IV of the Social Security Act (42 U.S.C. 679 et seq.), as amended by this Act, shall be construed as precluding State courts or State agencies from initiating or finalizing the termination of parental rights for reasons other than, or for timeliness earlier than, those specified in part E of title IV of such Act, when such actions are determined to be in the best interests of the child.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall apply to children entering foster care under the responsibility of the State after the date of enactment of this Act.

(2) TRANSITION RULE FOR CURRENT FOSTER CARE CHILDREN.—Subject to paragraph (3), with respect to any child in foster care under the responsibility of the State on or before the date of enactment of this Act, the amendments made by this section shall not apply to such child until the date that is 1 year after the date of enactment of this Act.

(3) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—The provisions of section 501(b) shall apply to the effective date of the amendments made by this section.

**SEC. 106. NOTICE OF REVIEWS AND HEARINGS; OPPORTUNITY TO BE HEARD.**

Section 475(5) of the Social Security Act (42 U.S.C. 675(5)), as amended by section 104(b), is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting "; and"; and

(3) by adding at the end the following:

"(G) the foster parents (if any) of a child and any relative providing care for the child are provided with notice of, and an opportunity to be heard in, any review or hearing to be held with respect to the child, except that this subparagraph shall not be construed to make any foster parent or relative a party to such a review or hearing solely on the basis of such notice and opportunity to be heard."

**SEC. 106. USE OF THE FEDERAL PARENT LOCATOR SERVICE FOR CHILD WELFARE SERVICES.**

Section 453 of the Social Security Act (42 U.S.C. 653), as amended by section 5534 of the Balanced Budget Act of 1997, is amended—

(1) in subsection (a)(2)—

(A) in the matter preceding subparagraph (A), by inserting "or making or enforcing child custody or visitation orders" after "obligations"; and

(B) in subparagraph (A)—

(i) by striking "or" at the end of clause (ii);

(ii) by striking the comma at the end of clause (iii) and inserting "; or"; and

(iii) by inserting after clause (iii) the following:

"(iv) who has or may have parental rights with respect to a child," and

(2) in subsection (c)—

(A) by striking the period at the end of paragraph (3) and inserting "; and"; and

(B) by adding at the end the following:

"(4) a State agency that is administering a program operated under a State plan under subpart 1 of part B, or a State plan approved under subpart 3 of part B or under part E."

**SEC. 107. CRIMINAL RECORDS CHECKS FOR PROSPECTIVE FOSTER AND ADOPTIVE PARENTS AND GROUP CARE STAFF.**

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 1046(x)(2), is amended—

(1) by striking "and" at the end of paragraph (20);

(2) by striking the period at the end of paragraph (21) and inserting "; and"; and

(3) by adding at the end the following:

"(22) provides procedures for criminal records checks and checks of a State's child abuse registry for any prospective foster parent or adoptive parent, and any employee of a residential child-care institution before the foster parent or adoptive parent, or the residential child-care institution may be finally approved for placement of a child on whose behalf foster care maintenance payments or adoption assistance payments are

to be made under the State plan under this part, including procedures requiring that—

"(A) in any case in which a criminal record check reveals a criminal conviction for child abuse or neglect, or spousal abuse, a criminal conviction for crimes against children, or a criminal conviction for a crime involving violence, including violent drug-related offenses, rape, sexual or other physical assault, battery, or homicide, approval shall not be granted, unless the individual provides substantial evidence to local law enforcement officials and the State child protection agency proving that there are extraordinary circumstances which demonstrate that approval should be granted; and

"(B) in any case in which a criminal record check reveals a criminal conviction for a felony or misdemeanor not involving violence, or a check of any State child abuse registry indicates that a substantiated report of abuse or neglect exists, final approval may be granted only after consideration of the nature of the offense or incident, the length of time that has elapsed since the commission of the offense or the occurrence of the incident, the individual's life experiences during the period since the commission of the offense or the occurrence of the incident, and any risk to the child."

**SEC. 106. DEVELOPMENT OF STATE GUIDELINES TO ENSURE SAFE, QUALITY CARE TO CHILDREN IN OUT-OF-HOME PLACEMENTS.**

Section 471(a)(10) of the Social Security Act (42 U.S.C. 671(a)(10)) is amended—

(1) by inserting "and guidelines" after "standards" each place it appears; and

(2) by inserting "ensuring quality services that protect the safety and health of children in foster care placements with non-profit and for-profit agencies," after "related to".

**SEC. 106. DOCUMENTATION OF EFFORTS FOR ADOPTION OR LOCATION OF A PERMANENT HOME.**

Section 475 of the Social Security Act (42 U.S.C. 675) is amended—

(1) in paragraph (1)—

(A) in the last sentence—

(i) by striking "the case plan must also include"; and

(ii) by redesignating such sentence as subparagraph (D) and indenting appropriately; and

(B) by adding at the end, the following:

"(E) in the case of a child with respect to whom the State's goal is adoption or placement in another permanent home, documentation of the steps taken by the agency to find an adoptive family or other permanent living arrangement for the child, to place the child with an adoptive family, legal guardian, or in another planned permanent living arrangement, and to finalize the adoption or legal guardianship. At a minimum, such documentation shall include child specific recruitment efforts such as the use of State, regional, and national adoption exchanges including electronic exchange systems"; and

(2) in paragraph (5)(B), by inserting "(including the requirement specified in paragraph (1)(E))" after "case plan".

**TITLE II.—INCENTIVES FOR PROVIDING PERMANENT FAMILIES FOR CHILDREN**

**SEC. 201. ADOPTION INCENTIVE PAYMENTS.**

Part E of title IV of the Social Security Act (42 U.S.C. 670-679) is amended by inserting after section 473 the following:

**"SEC. 473A. ADOPTION INCENTIVE PAYMENTS."**

"(a) GRANT AUTHORITY.—Subject to the availability of such amounts as may be provided in advance in appropriations Acts for this purpose, the Secretary may make a grant to each State that is an incentive-eligible State for a fiscal year in an amount

equal to the adoption incentive payment payable to the State for the fiscal year under this section, which shall be payable in the immediately succeeding fiscal year.

**(b) INCENTIVE-ELIGIBLE STATE.**—A State is an incentive-eligible State for a fiscal year if—

(1) the State has a plan approved under this part for the fiscal year;

(2) the number of foster child adoptions in the State during the fiscal year exceeds the base number of foster child adoptions for the State for the fiscal year;

(3) the State is in compliance with subsection (c) for the fiscal year; and

(4) the fiscal year is any of fiscal years 1998 through 2002.

**(c) DATA REQUIREMENTS.**—

(1) **IN GENERAL.**—A State is in compliance with this subsection for a fiscal year if the State has provided to the Secretary the data described in paragraph (2) for fiscal year 1997 (or, if later, the fiscal year that precedes the first fiscal year for which the State seeks a grant under this section) and for each succeeding fiscal year.

**(2) DETERMINATION OF NUMBERS OF ADOPTIONS.**—

**(A) DETERMINATIONS BASED ON APPEARS DATA.**—Except as provided in subparagraph (B), the Secretary shall determine the numbers of foster child adoptions and of special needs adoptions in a State during each of fiscal years 1997 through 2002, for purposes of this section, on the basis of data meeting the requirements of the system established pursuant to section 479, as reported by the State in May of the fiscal year and in November of the succeeding fiscal year, and approved by the Secretary by April 1 of the succeeding fiscal year.

**(B) ALTERNATIVE DATA SOURCES PERMITTED FOR FISCAL YEAR 1997.**—For purposes of the determination described in subparagraph (A) for fiscal year 1997, the Secretary may use data from a source or sources other than that specified in subparagraph (A) that the Secretary finds to be of equivalent completeness and reliability, as reported by a State by November 30, 1997, and approved by the Secretary by March 1, 1998.

**(3) NO WAIVER OF APPEARS REQUIREMENTS.**—This section shall not be construed to alter or affect any requirement of section 479 or any regulation prescribed under such section with respect to reporting of data by States, or to waive any penalty for failure to comply with the requirements.

**(4) ADOPTION INCENTIVE PAYMENT.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the adoption incentive payment payable to a State for a fiscal year under this section shall be equal to the sum of—

(A) \$2,000, multiplied by amount (if any) by which the number of foster child adoptions in the State during the fiscal year exceeds the base number of foster child adoptions for the State for the fiscal year; and

(B) \$2,000, multiplied by the amount (if any) by which the number of special needs adoptions in the State during the fiscal year exceeds the base number of special needs adoptions for the State for the fiscal year.

**(2) PRO RATA ADJUSTMENT IF INSUFFICIENT FUNDS AVAILABLE.**—For any fiscal year, if the total amount of adoption incentive payments otherwise payable under this section for a fiscal year exceeds the amount appropriated for that fiscal year, the amount of the adoption incentive payment payable to each State under this section for the fiscal year shall be—

(A) the amount of the adoption incentive payment that would otherwise be payable to the State under this section for the fiscal year, multiplied by

(B) the percentage represented by the amount appropriated for that year, divided by the total amount of adoption incentive payments otherwise payable under this section for the fiscal year.

**(5) 2-YEAR AVAILABILITY OF INCENTIVE PAYMENTS.**—Payments to a State under this section in a fiscal year shall remain available for use by the State through the end of the succeeding fiscal year.

**(6) LIMITATIONS ON USE OF INCENTIVE PAYMENTS.**—A State shall not expend an amount paid to the State under this section except to provide to children or families any service (including post adoption services) that may be provided under part B or E. Amounts expended by a State in accordance with the preceding sentence shall be disregarded in determining State expenditures for purposes of Federal matching payments under section 474.

**(7) DEFINITIONS.**—As used in this section:

(1) **FOSTER CHILD ADOPTION.**—The term "foster child adoption" means the final adoption of a child who, at the time of adoptive placement, was in foster care under the supervision of the State.

(2) **SPECIAL NEEDS ADOPTION.**—The term "special needs adoption" means the final adoption of a child for whom an adoption assistance agreement is in effect under section 473.

(3) **BASE NUMBER OF FOSTER CHILD ADOPTIONS.**—The term "base number of foster child adoptions for a State" means, with respect to a fiscal year, the largest number of foster child adoptions in the State in fiscal year 1997 (or, if later, the first fiscal year for which the State has furnished to the Secretary the data described in subsection (c)(2)) or in any succeeding fiscal year preceding the fiscal year.

(4) **BASE NUMBER OF SPECIAL NEEDS ADOPTIONS.**—The term "base number of special needs adoptions for a State" means, with respect to a fiscal year, the largest number of special needs adoptions in the State in fiscal year 1997 (or, if later, the first fiscal year for which the State has furnished to the Secretary the data described in subsection (c)(2)) or in any succeeding fiscal year preceding the fiscal year.

**(8) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—For grants under this section, there are authorized to be appropriated to the Secretary \$15,000,000 for each of fiscal years 1999 through 2003.

(2) **AVAILABILITY.**—Amounts appropriated under paragraph (1) are authorized to remain available until expended, but not after fiscal year 2003.

**SEC. 502. PROMOTION OF ADOPTION OF CHILDREN WITH SPECIAL NEEDS.**

(a) **IN GENERAL.**—Section 473(a) of the Social Security Act (42 U.S.C. 673(a)) is amended by striking paragraph (2) and inserting the following:

(2)(A) For purposes of paragraph (1)(B)(ii), a child meets the requirements of this paragraph if such child—

(i) prior to termination of parental rights and the initiation of adoption proceedings was in the care of a public or licensed private child care agency or Indian tribal organization either pursuant to a voluntary placement agreement (provided the child was in care for not more than 180 days) or as a result of a judicial determination to the effect that continuation in the home would be contrary to the safety and welfare of such child, or was residing in a foster family home or child care institution with the child's minor parent (either pursuant to such a voluntary placement agreement or as a result of such a judicial determination); and

(ii) has been determined by the State pursuant to subsection (c) to be a child with spe-

cial needs, which needs shall be considered by the State, together with the circumstances of the adopting parents, in determining the amount of any payments to be made to the adopting parents.

(B) Notwithstanding any other provision of law, and except as provided in paragraph (7), a child who is not a citizen or resident of the United States and who meets the requirements of subparagraph (A) and is otherwise determined to be eligible for the receipt of adoption assistance payments, shall be eligible for adoption assistance payments under this part.

(C) A child who meets the requirements of subparagraph (A) and who is otherwise determined to be eligible for the receipt of adoption assistance payments shall continue to be eligible for such payments in the event that the child's adoptive parent dies or the child's adoption is dissolved, and the child is placed with another family for adoption.

(b) **EXCEPTION.**—Section 473(a) of the Social Security Act (42 U.S.C. 673(a)) is amended by adding at the end the following:

(7)(A) Notwithstanding any other provision of this subsection, no payment may be made to parents with respect to any child that—

(i) would be considered a child with special needs under subsection (a);

(ii) is not a citizen or resident of the United States; and

(iii) was adopted outside of the United States or was brought into the United States for the purpose of being adopted.

(B) Subparagraph (A) shall not be construed as prohibiting payments under this part for a child described in subparagraph (A) that is placed in foster care subsequent to the failure, as determined by the State, of the initial adoption of such child by the parents described in such subparagraph.

(c) **REQUIREMENT FOR USE OF STATE SAVINGS.**—Section 473(a) of the Social Security Act (42 U.S.C. 673(a)), as amended by subsection (b), is amended by adding at the end the following:

(B) A State shall spend an amount equal to the amount of savings (if any) in State expenditures under this part resulting from the application of paragraph (2) on and after the effective date of the amendment to such paragraph made by section 202(a) of the Promotion of Adoption, Safety, and Support for Abused and Neglected Children (PASS) Act to provide to children or families any service (including post-adoption services) that may be provided under this part or part B."

**SEC. 503. TECHNICAL ASSISTANCE.**

(a) **IN GENERAL.**—The Secretary of Health and Human Services may, directly or through grants or contracts, provide technical assistance to assist States and local communities to reach their targets for increased numbers of adoptions and, to the extent that adoption is not possible, alternative permanent placements, for children in foster care.

(b) **LIMITATIONS.**—The technical assistance provided under subsection (a) shall support the goal of encouraging more adoptions out of the foster care system, when adoptions promote the best interests of children, and shall include the following:

(1) The development of best practice guidelines for expediting termination of parental rights.

(2) Models to encourage the use of concurrent planning.

(3) The development of specialized units and expertise in moving children toward adoption as a permanency goal.

(4) The development of risk assessment tools to facilitate early identification of the children who will be at risk of harm if returned home.

(5) Models to encourage the fast tracking of children who have not attained 1 year of age into adoptive and pre-adoptive placements.

(6) Development of programs that place children in pre-adoptive families without waiting for termination of parental rights.

(7) Development of programs to recruit adoptive parents.

**SEC. 204. ADOPTIONS ACROSS STATE AND COUNTY JURISDICTIONS.**

(a) **ELIMINATION OF GEOGRAPHIC BARRIERS TO INTERSTATE ADOPTION.**—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 106, is amended—

(1) by striking "and" at the end of paragraph (21);

(2) by striking the period at the end of paragraph (22) and inserting "; and"; and

(3) by adding at the end the following:

(23) provides that neither the State nor any other entity in the State that receives funds from the Federal Government and is involved in adoption or foster care placements may—

(A) deny to any person the opportunity to become an applicant for custody of a child, licensure as a foster or adoptive parent, or for foster care maintenance payments or adoption assistance payments under this part on the basis of the geographic residence of the person or of the child involved; or

(B) delay or deny the placement of a child for adoption, into foster care, or in the child's original home on the basis of the geographic residence of an adoptive or foster parent or of the child involved.

(c) **STUDY OF INTERJURISDICTIONAL ADOPTION ISSUES.**—

(1) **IN GENERAL.**—The Secretary of Health and Human Services (in this subsection referred to as the "Secretary") shall appoint an advisory panel that shall—

(A) study and consider how to improve procedures and policies to facilitate the timely and permanent adoptions of children across State and county jurisdictions;

(B) examine, at a minimum, interjurisdictional adoption issues—

(i) concerning the recruitment of prospective adoptive families from other States and counties;

(ii) concerning the procedures to grant reciprocity to prospective adoptive family home studies from other States and counties;

(iii) arising from a review of the continuity and full faith and credit provided to adoption decrees and termination of parental rights orders from other States; and

(iv) concerning the procedures related to the administration and implementation of the Interstate Compact on the Placement of Children; and

(C) not later than 12 months after the final appointment to the advisory panel, submit to the Secretary the report described in paragraph (3).

(2) **COMPOSITION OF ADVISORY PANEL.**—In establishing the advisory panel required under paragraph (1), the Secretary shall appoint members from the general public who are individuals knowledgeable on adoption and foster care issues, and with due consideration to representation of ethnic or racial minorities and diverse geographic areas, and who, at a minimum, include the following:

(A) Adoptive and foster parents.

(B) Public and private child welfare agencies that place children in and out of home care.

(C) Family court judges.

(D) Adoption attorneys.

(E) An Administrator of the Interstate Compact on the Placement of Children and an Administrator of the Interstate Compact on Adoption and Medical Assistance.

(F) A representative cross-section of individuals from other organizations and individ-

uals with expertise or advocacy experience in adoption and foster care issues.

(3) **CONTENTS OF REPORT.**—The report required under paragraph (1)(C) shall include the results of the study conducted under subparagraphs (A) and (B) of paragraph (1) and recommendations on how to improve procedures to facilitate the interjurisdictional adoption of children, including interstate and intercounty adoptions, so that children will be assured timely and permanent placements.

(4) **CONGRESS.**—The Secretary shall submit a copy of the report required under paragraph (1)(C) to the appropriate committees of Congress, and, if relevant, make recommendations for proposed legislation.

**SEC. 205. FACILITATION OF VOLUNTARY MUTUAL REUNIONS BETWEEN ADOPTED ADULTS AND BIRTH PARENTS AND SIBLINGS.**

The Secretary of Health and Human Services, at no net expense to the Federal Government, may use the facilities of the Department of Health and Human Services to facilitate the voluntary, mutually requested reunion of an adult adopted child who is 21 years of age or older with—

(1) any birth parent of the adult child; or

(2) any adult adopted sibling who is 21 years of age or older, of the adult child.

If all such persons involved in any such reunion have, on their own initiative, expressed a desire for a reunion and agree to keep confidential the name and location of the other birth parent of the adult adopted child and any other adult adopted sibling of the adult adopted child.

**SEC. 206. ANNUAL REPORT ON STATE PERFORMANCE IN PROTECTING CHILDREN.**

(a) **IN GENERAL.**—Part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) is amended by adding at the end the following:

**"SEC. 479A. ANNUAL REPORT.**

(a) **IN GENERAL.**—The Secretary shall issue an annual report containing ratings of the performance of each State in protecting children who are placed in foster care, for adoption, or with a relative or guardian. The report shall include ratings on outcome measures for categories related to safety and permanence for children.

(b) **OUTCOME MEASURES.**—

(1) **IN GENERAL.**—The Secretary shall develop a set of outcome measures to be used in preparing the report.

(2) **CATEGORIES.**—In developing the outcome measures, the Secretary shall develop measures that can track performance over time for the following categories:

(A) The number of children placed annually for adoption, the number of placements of children with special needs, and the number of children placed permanently in a foster family home, with a relative, or with a guardian who is not a relative.

(B) The number of children, including those with parental rights terminated, that annually leave foster care at the age of majority without having been adopted or placed with a guardian.

(C) The median and mean length of stay of children in foster care, for children with parental rights terminated, and children for whom parental rights are retained by the biological or adoptive parent.

(D) The median and mean length of time between a child having a plan of adoption and termination of parental rights, between the availability of a child for adoption and the placement of the child in an adoptive family, and between the placement of the child in such a family and the finalization of the adoption.

(E) The number of deaths of children in foster care and other out-of-home care, including kinship care, resulting from substantiated child abuse and neglect.

(F) The specific steps taken by the State to facilitate permanence for children.

(3) **MEASURES.**—In developing the outcome measures, the Secretary shall use data from the Adoption and Foster Care Analysis and Reporting System established under section 479 to the maximum extent possible.

(c) **RATING SYSTEM.**—The Secretary shall develop a system (including using State census data and poverty rates) to rate the performance of each State based on the outcome measures.

(d) **INFORMATION.**—In order to receive funds under this part, a State shall annually provide to the Secretary such adoption, foster care, and guardianship information as the Secretary may determine to be necessary to issue the report for the State.

(e) **PREPARATION AND ISSUANCE.**—On October 1, 1998, and annually thereafter, the Secretary shall prepare, submit to Congress, and issue to the States the report described in subsection (a). Each report shall rate the performance of a State on each outcome measure developed under subsection (b). Include an explanation of the rating system developed under subsection (c) and the way in which scores are determined under the rating system, analyze high and low performances for the State, and make recommendations to the States for improvement.

(b) **CONFORMING AMENDMENTS.**—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 204(a), is amended—

(1) in paragraph (22), by striking "and" at the end;

(2) in paragraph (23), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

(24) provides that the State shall annually provide to the Secretary the information required under section 479A.

**TITLE III—ADDITIONAL IMPROVEMENTS AND REFORMS.**

**SEC. 207. EXPANSION OF CHILD WELFARE DEMONSTRATION PROJECTS.**

Section 1130(a) of the Social Security Act (42 U.S.C. 1320a-9(a)) is amended by striking "10" and inserting "15".

**SEC. 208. PERMANENCY PLANNING HEARINGS.**

Section 4755(c) of the Social Security Act (42 U.S.C. 6755(c)) is amended—

(1) by striking "dispositional" and inserting "permanency planning";

(2) by striking "no later than" and all that follows through "12 months" and inserting "not later than 12 months after the original placement (and not less frequently than every 6 months); and

(3) by striking "future status of" and all that follows through "long term basis)" and inserting "permanency plans for the child (including whether and, if applicable, when, the child will be returned to the parent, referred for termination of parental rights, placed for adoption, or referred for legal guardianship, or other planned permanent living arrangements)".

**SEC. 209. KINSHIP CARE.**

(a) **REPORT.**—

(1) **IN GENERAL.**—The Secretary of Health and Human Services shall—

(A) not later than March 1, 1998, convene the advisory panel provided for in subsection (b)(1) and prepare and submit to the advisory panel an initial report on the extent to which children in foster care are placed in the care of a relative (in this section referred to as "kinship care"); and

(B) not later than November 1, 1998, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a final report on the matter described in subparagraph (A), which shall—

(i) be based on the comments submitted by the advisory panel pursuant to subsection

(b)(2) and other information and considerations; and

(1) include the policy recommendations of the Secretary with respect to the matter.

(3) REQUIRED COMMENTS.—Each report required by paragraph (1) shall—

(A) include, to the extent available for each State, information on—

(i) the policy of the State regarding kinship care;

(ii) the characteristics of the kinship care providers (including age, income, ethnicity, and race);

(iii) the characteristics of the household of such providers (such as number of other persons in the household and family composition);

(iv) how much access to the child is afforded to the parent from whom the child has been removed;

(v) the cost of, and source of funds for, kinship care (including any subsidies such as medical and cash assistance);

(vi) the goal for a permanent living arrangement for the child and the actions being taken by the State to achieve the goal;

(vii) the services being provided to the parent from whom the child has been removed; and

(viii) the services being provided to the kinship care provider; and

(B) specifically note the circumstances or conditions under which children enter kinship care.

**(b) ADVISORY PANEL REVIEW.**

(1) IN GENERAL.—The advisory board on child abuse and neglect established under section 102 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5102), or, if on the date of enactment of this Act such advisory board does not exist, the advisory panel authorized under paragraph (2), shall review the report prepared pursuant to subsection (a) and submit to the Secretary comments on the report not later than July 1, 1998.

(2) AUTHORIZATION FOR APPOINTMENTS.—Subject to paragraph (1), the Secretary of Health and Human Services, in consultation with the Chairman of the Committee on Ways and Means of the House of Representatives and the Chairman of the Committee on Finance of the Senate, may appoint an advisory board for the purpose of reviewing and commenting on the report prepared pursuant to subsection (a). Such advisory board shall include parents, foster parents, former foster children, State and local public officials responsible for administering child welfare programs, private persons involved in the delivery of child welfare services, representatives of tribal governments and tribal courts, judges, and academic experts.

**SEC. 304. STANDBY GUARDIANSHIP.**

It is the sense of Congress that the States should have in effect laws and procedures that permit any parent who is chronically ill or near death, without surrendering parental rights, to designate a standby guardian for the parent's minor children, whose authority would take effect upon—

(1) the death of the parent;

(2) the mental incapacity of the parent; or

(3) the physical debilitation and consent of the parent.

**SEC. 305. CLARIFICATION OF ELIGIBLE POPULATION FOR INDEPENDENT LIVING SERVICES.**

Section 477(a)(2)(A) of the Social Security Act (42 U.S.C. 677(a)(2)(A)) is amended by inserting "(including children with respect to whom such payments are no longer being made because the child has accumulated assets, not to exceed \$5,000, which are otherwise regarded as resources for purposes of determining eligibility for benefits under this part)" before the comma.

**SEC. 306. COORDINATION AND COLLABORATION OF SUBSTANCE ABUSE TREATMENT AND CHILD PROTECTION SERVICES.**

(A) STUDY AND REPORT ON SOURCES OF SUPPORT FOR SUBSTANCE ABUSE PREVENTION AND TREATMENT FOR PARENTS AND CHILDREN AND COLLABORATION AMONG STATE AGENCIES.—

(1) STUDY.—Not later than 12 months after the date of the enactment of this Act, the Comptroller General of the United States shall—

(A) prepare an inventory of all Federal and State programs that may provide funds for substance abuse prevention and treatment services for families receiving services directly or through grants or contracts from public child welfare agencies; and

(B) examine—

(i) the availability and results of joint prevention and treatment activities conducted by State substance abuse prevention and treatment agencies and State child welfare agencies; and

(ii) how such agencies (jointly or separately) are responding to and addressing the needs of infants who are exposed to substance abuse.

(2) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the study conducted under paragraph (1). Such report shall include—

(A) a description of the extent to which clients of child welfare agencies have substance abuse treatment needs, the nature of those needs, and the extent to which those needs are being met;

(B) a description of the barriers that prevent the substance abuse treatment needs of clients of child welfare agencies from being treated appropriately;

(C) a description of the collaborative activities of State child welfare and substance abuse prevention and treatment agencies to jointly assess clients' needs, fund substance abuse prevention and treatment, train and consult with staff, and evaluate the effectiveness of programs serving clients in both agencies' caseloads;

(D) a summary of the available data on the treatment and cost-effectiveness of substance abuse treatment services for clients of child welfare agencies; and

(E) recommendations, including recommendations for Federal legislation, for addressing the needs and barriers, as described in subparagraphs (A) and (B), and for promoting further collaboration of the State child welfare and substance abuse prevention and treatment agencies in meeting the substance abuse treatment needs of families.

(b) PRIORITY IN PROVIDING SUBSTANCE ABUSE TREATMENT.—Section 1927 of the Public Health Service Act (42 U.S.C. 300i-27) is amended—

(1) in the heading, by inserting "AND CARETAKER PARENTS" after "WOMEN"; and

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting "all caretaker parents who are referred for treatment by the State or local child welfare agency and who" after "referred for and"; and

(ii) by striking "is given" and inserting "are given"; and

(B) in paragraph (2)—

(i) by striking "such women" and inserting "such pregnant women and caretaker parents"; and

(ii) by striking "the women" and inserting "the pregnant women and caretaker parents".

(c) FOSTER CARE PAYMENTS FOR CHILDREN WITH PARENTS IN RESIDENTIAL FACILITIES.—

Section 472(b) of the Social Security Act (42 U.S.C. 672(b)) is amended—

(1) in paragraph (1), by striking "or" at the end;

(2) in paragraph (2), by striking the period and inserting "or"; and

(3) by adding at the end the following:

"(3) placed with the child's parent in a residential program that provides treatment and other necessary services for parents and children, including parenting services, when—

"(A) the parent is attempting to overcome—

"(i) a substance abuse problem and is complying with an approved treatment plan;

"(ii) being a victim of domestic violence;

"(iii) homelessness;

"(iv) special needs resulting from being a teenage parent; or

"(v) post-partum depression;

"(B) the safety of the child can be assured;

"(C) the range of services provided by the program is designed to appropriately address the needs of the parent and child;

"(D) the goal of the case plan for the child is to try to reunify the child with the family within a specified period of time;

"(E) the parent described in subparagraph (A)(i) has not previously been treated in a residential program serving parents and their children together; and

"(F) the amount of foster care maintenance payments made to the residential program on behalf of such child do not exceed the amount of such payments that would otherwise be made on behalf of the child."

**SEC. 307. REAUTHORIZATION AND EXPANSION OF FAMILY PRESERVATION AND SUPPORT SERVICES.**

(a) REAUTHORIZATION OF FAMILY PRESERVATION AND SUPPORT SERVICES.—

(1) IN GENERAL.—Section 430(b) of the Social Security Act (42 U.S.C. 629(b)) is amended—

(A) in paragraph (4), by striking "or" at the end;

(B) in paragraph (5), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

"(6) for fiscal year 1999, \$275,000,000;

"(7) for fiscal year 2000, \$235,000,000;

"(8) for fiscal year 2001, \$315,000,000;

"(9) for fiscal year 2002, \$335,000,000; and

"(10) for fiscal year 2003, \$355,000,000."

(2) CONFORMING AMENDMENT.—Section 430(d)(1) of the Social Security Act (42 U.S.C. 630(d)(1)) is amended by striking "and 1998" and inserting "1996, 1999, 2000, 2001, 2002, and 2003".

(b) EXPANSION FOR TIME-LIMITED FAMILY REUNIFICATION SERVICES.—

(1) ADDITION TO STATE PLAN, MINIMUM EXPENDING REQUIREMENT.—Section 432 of the Social Security Act (42 U.S.C. 623b) is amended—

(A) in subsection (a)—

(i) in paragraph (4), by striking "and community-based family support services with significant portions" and inserting "community-based family support services, and time-limited family reunification services, with not less than 25 percent"; and

(ii) in paragraph (5)(A), by striking "and community-based family support services" and inserting "community-based family support services, and time-limited family reunification services"; and

(B) in subsection (b)(1), by striking "and family support" and inserting "family support, and family reunification services".

(2) DEFINITION OF TIME-LIMITED FAMILY REUNIFICATION SERVICES.—Section 431(a) of the Social Security Act (42 U.S.C. 631(a)) is amended—

(A) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively; and

(B) by inserting after paragraph (4) the following:

**(5) TIME-LIMITED FAMILY REUNIFICATION SERVICES.—**

**(A) IN GENERAL.—**The term "time-limited family reunification services" means the services and activities described in subparagraph (B) that are provided to a child that is removed from the child's home and placed in a foster family home or a child care institution and to the parents or primary caregiver of such a child, in order to facilitate the reunification of the child safely and appropriately within a timely fashion, but only during the 1-year period that begins on the date that the child is removed from the child's home.

**(B) SERVICES AND ACTIVITIES DESCRIBED.—**The services and activities described in this subparagraph are the following:

**(i)** Individual, group, and family counseling.

**(ii)** Inpatient, residential, or outpatient substance abuse treatment services.

**(iii)** Mental health services.

**(iv)** Assistance to address domestic violence.

**(v)** Transportation to or from any of the services and activities described in this subparagraph.

**(3) ADDITIONAL CONFORMING AMENDMENTS.—**

**(A) PURPOSES.—**Section 430(a) of the Social Security Act (42 U.S.C. 623(a)) is amended by striking "and community-based family support services" and inserting "community-based family support services, and time-limited family reunification services".

**(B) EVALUATIONS.—**Subparagraphs (B) and (C) of section 435(a)(2) of the Social Security Act (42 U.S.C. 629d(a)(2)) are each amended by striking "and family support" each place it appears and inserting "family support, and family reunification".

**SEC. 506. INNOVATION GRANTS TO REDUCE BACKLOGS OF CHILDREN AWAITING ADOPTION AND FOR OTHER PURPOSES.**

Part E of title IV of the Social Security Act (42 U.S.C. 679 et seq.) is amended by inserting after section 477, the following:

**SEC. 478. INNOVATION GRANTS.**

**(a) AUTHORITY TO MAKE GRANTS.—**The Secretary may make grants, in amounts determined by the Secretary, to States with approved applications described in subsection (c), for the purpose of carrying out the innovation projects described in subsection (b).

**(b) INNOVATION PROJECTS DESCRIBED.—**The innovation projects described in this subsection are projects that are designed to achieve 1 or more of the following goals:

**(1)** Reducing a backlog of children in long-term foster care or awaiting adoption placement.

**(2)** Ensuring, not later than 1 year after a child enters foster care, a permanent placement for the child.

**(3)** Identifying and addressing barriers that result in delays to permanent placements for children in foster care, including inadequate representation of child welfare agencies in termination of parental rights and adoption proceedings, and other barriers to termination of parental rights.

**(4)** Implementing or expanding community-based permanency initiatives, particularly in communities where families reflect the ethnic and racial diversity of children in the State for whom foster and adoptive homes are needed.

**(5)** Developing and implementing community-based child protection activities that involve partnerships among State and local governments, multiple child-serving agencies, the schools, and community leaders in an attempt to keep children free from abuse and neglect.

**(6)** Establishing new partnerships with businesses and religious organizations to promote safety and permanence for children.

**(7)** Assisting in the development and implementation of the State guidelines described in section 471(a)(16).

**(8)** Developing new staffing approaches to allow the resources of several States to be used to conduct recruitment, placement, adoption, and post-adoption services on a regional basis.

**(9)** Any other goal that the Secretary specifies by regulation.

**(c) APPLICATION.—**An application for a grant under this section may be submitted for fiscal year 1998 or 1999 and shall contain—

**(1)** a plan, in such form and manner as the Secretary may prescribe, for an innovation project described in subsection (b) that will be implemented by the State for a period of not more than 5 consecutive fiscal years, beginning with fiscal year 1998 or 1999, as applicable;

**(2)** an assurance that no waivers from provisions in law, as in effect at the time of the submission of the application, are required to implement the innovation project; and

**(3)** such other information as the Secretary may require by regulation.

**(d) DURATION.—**An innovation project approved under this section shall be conducted for not more than 5 consecutive fiscal years, except that the Secretary may terminate a project before the end of the period originally approved if the Secretary determines that the State conducting the project is not in compliance with the terms of the plan and application approved by the Secretary under this section.

**(e) MATCHING REQUIREMENT.—**A State shall not receive a grant under this section unless, for each year for which a grant is awarded, the State agrees to match the grant with \$1 for every \$3 received.

**(f) NONSUPPLANTING.—**Any funds received by a State under a grant made under this section shall supplement but not replace any other funds that may be available for the same purpose in the localities involved.

**(g) EVALUATIONS AND REPORTS.—**

**(1) STATE EVALUATIONS.—**Each State administering an innovation project under this section shall—

**(A)** provide for ongoing and retrospective evaluation of the project, meeting such conditions and standards as the Secretary may require; and

**(B)** submit to the Secretary such reports, at such times, in such format, and containing such information as the Secretary may require.

**(2) REPORTS TO CONGRESS.—**The Secretary shall, on the basis of reports received from States administering projects under this section, submit interim reports, and, not later than 6 months after the conclusion of all projects administered under this section, a final report to Congress. A report submitted under this subparagraph shall contain an assessment of the effectiveness of the State projects administered under this section and any recommendations for legislative action that the Secretary considers appropriate.

**(h) REGULATIONS.—**Not later than 60 days after the date of enactment of this section, the Secretary shall promulgate final regulations for implementing this section.

**(i) AUTHORIZATION OF APPROPRIATIONS.—**There is authorized to be appropriated to make grants under this section not more than \$50,000,000 for each of fiscal years 1998 through 2003.

**TITLE IV—MISCELLANEOUS**

**SEC. 401. PRESERVATION OF REASONABLE PARENTING.**

Nothing in this Act is intended to disrupt the family unnecessarily or to intrude inap-

propriately into family life, to prohibit the use of reasonable methods of parental discipline, or to prescribe a particular method of parenting.

**SEC. 402. REPORTING REQUIREMENTS.**

Any information required to be reported under this Act shall be supplied to the Secretary of Health and Human Services through data meeting the requirements of the Adoption and Foster Care Analysis and Reporting System established pursuant to section 479 of the Social Security Act (42 U.S.C. 679), to the extent such data is available under that system. The Secretary shall make such modifications to regulations issued under section 479 of such Act with respect to the Adoption and Foster Care Analysis and Reporting System as may be necessary to allow States to obtain data that meets the requirements of such system in order to satisfy the reporting requirements of this Act.

**SEC. 403. REPORT ON FIDUCIARY OBLIGATIONS OF STATE AGENCIES RECEIVING BENEFIT PAYMENTS.**

Not later than 12 months after the date of enactment of this Act, the Commissioner of Social Security shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate concerning State or local child welfare service agencies that act as representative payees on behalf of children under the care of such agencies for purposes of receiving supplemental security income payments under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) (including supplementary payments pursuant to an agreement for Federal administration under section 1616(a) of the Social Security Act and payments pursuant to an agreement entered into under section 212(b) of Public Law 93-60) for the benefit of such children. Such report shall include an examination of the extent to which such agencies—

**(1)** have complied with the fiduciary responsibilities attendant to acting as a representative payee under title XVI of such Act; and

**(2)** have received supplemental security income payments on behalf of children that the agencies cannot identify or locate, and if so, the disposition of such payments.

**SEC. 404. ALLOCATION OF ADMINISTRATIVE COSTS OF DETERMINING ELIGIBILITY FOR MEDICAID AND TANF.**

**(a) MEDICAID.—**Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended—

**(1)** in subsection (a)(7), by striking "section 1919(g)(3)(B)" and inserting "subsection (x) and section 1919(g)(3)(C)"; and

**(2)** by adding at the end the following:

**(X)(1)** Notwithstanding any other provision of law, for purposes of determining the amount to be paid to a State under subsection (a)(7) for quarters in any fiscal year, beginning with fiscal year 1997, amounts expended for the proper and efficient administration of the State plan under this title (including under any waiver of such plan) shall not include common costs related to determining the eligibility under such State plan (or waiver) of individuals in a household applying for or receiving benefits under the State program under part A of title IV unless the State elects the option described in paragraph (2).

**(2)** A State that meets the requirements of paragraph (3) may elect to allocate equally between the State program under part A of title IV and the State plan under this title (including any waiver of such plan) the administrative costs associated with such programs that are incurred in serving households and individuals eligible or applying for benefits under the State program under part A of title IV and under the State plan (or under a waiver of such plan) under this title.

"(3) A State meets the requirements of this paragraph if the Secretary determines that—

"(A) the State conforms the eligibility rules and procedures of, and integrates the administration of the eligibility procedures of, the State program funded under part A of title IV and the State plan under this title (including any waiver of such plan); and

"(B) the State uses the same application form for assistance described in section 1331(e)."

(b) TANF.—

(1) IN GENERAL.—Section 408(a) of the Social Security Act (42 U.S.C. 608(a)) is amended by adding at the end the following:

"(12) DESIGNATION OF GRANTS UNDER THIS PART IN ALLOCATING ADMINISTRATIVE COSTS.—Subject to section 1903(x), a State to which a grant is made under section 403 shall designate the program funded under this part as the primary program for the purpose of allocating common administrative costs incurred in serving households eligible or applying for benefits under such program and any other Federal means-tested public benefit program administered by the State."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) to section 408 of the Social Security Act (42 U.S.C. 608) shall take effect as if included in the enactment of section 103(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193; 110 Stat. 2112).

TITLE V.—EFFECTIVE DATE

SEC. 501. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act, the amendments made by this Act shall take effect on October 1, 1997.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan under part B or E of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such part solely on the basis of the failure of the plan to meet such additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

Mr. CRAIG. Mr. President, I am pleased to join my distinguished colleagues in introducing PASS, the Promotion of Adoption, Safety and Support for Abused and Neglected Children Act.

Foster care was never intended to be anything more than a temporary refuge for children from troubled families. Yet all too often, "temporary" becomes "permanent," and decisions made for children in the system are driven by considerations other than the child's own well-being. Tragically, it's the children who ultimately pay for the flaws in the system—sometimes with their very lives.

The problem does not lie with the vast majority of foster parents, relatives, and caseworkers who work valiantly to provide the care needed by these children. Rather, the problem is the system itself, and incentives built into it, that frustrate the goal of mov-

ing children to permanent, safe, loving homes.

PASS will fundamentally shift the foster care paradigm, without destroying what is good and necessary in the system. For the first time, a child's health and safety will have to be the paramount concerns in any decisions made by the State, for the first time, efforts to find an adoptive or other permanent home will not only be required but documented and rewarded. For the first time, steps will have to be taken to free a child for adoption or other permanent placement if the child has been languishing in foster care for a year or more.

These are only some of the many critical reforms in Pass, designed to promote adoption, ensure the safety of abused and neglected children, accelerate permanent placement, and fix flaws in the system. The package, taken as a whole, will make an enormous difference in the lives of thousands of children.

This comprehensive bill is the product of extensive discussion and negotiation among Senators representing a veritable universe of viewpoints on adoption and foster care reform. Although we may have come to the table from different perspectives, we agreed on a fundamental principle: that reforms are needed to ensure that a child's health, safety and permanency are paramount concerns of the foster care system. In the end, on behalf of the children, we came together and resolved our differences. PASS is the result, and I commend it to all our colleagues.

Change is needed now; every day of delay is an eternity to a child unfairly bearing the burdens of the current system. I hope every Senator will take a careful look at PASS, and work with us to achieve true reforms in this area.

Mr. ROCKEFELLER. Mr. President, abused and neglected children are among the most vulnerable and poorly protected members of American society. Too many of these children are left to wander aimlessly through the foster care system—a system which, from the outset, was never designed or intended to be a permanent home. We can no longer continue to sentence these foster children to endless waits—a legal limbo in which they no longer feel welcome in their biological families but are unable to be adopted into new and loving homes. Despite the thousands of dedicated foster parents and child welfare workers who strive daily to effectively address the many needs of abused and neglected children in an overloaded system, we know that nothing can replace a permanent and loving home made by adults who can be counted on without condition or limitation.

Acknowledging our collective obligation to allow no child to fall between the cracks, I am proud to join together with Senator JOHN CHAFFEE and my other colleagues in a truly extraordinary bipartisan effort to introduce

the Promotion of Adoption Safety and Support for Abused and Neglected Children Act [PASS]. Under Senator CHAFFEE's committed leadership on children's issues, this bipartisan group has worked extremely hard to forge an effective compromise—a compromise which offers concrete, practical strategies to provide permanency in lives of foster children and to ensure that health and safety are built into every level of America's abuse and neglect system. Central to this entire effort was also Senator LARRY CRAIG, who brought focus and determination to the sometimes difficult bipartisan negotiations. I would like to take this opportunity to extend my most sincere thanks to my other colleagues, Senators JEFFORDS, DEWINE, COATS, BOND, LANDRIEU, and LEVIN for making possible this outstanding example of bipartisan teamwork.

The Promotion of Adoption Safety and Support for Abused and Neglected Children Act will fundamentally shift the focus of the foster care system by insisting that a child's health, safety, and opportunity to find a permanent home should be the paramount concern when a State makes any decision concerning the well-being of abused and neglected children. As a comprehensive package based on bipartisan consensus, PASS will accelerate and improve the response to these concerns, promote safe adoptions, and restore safety and permanency to the lives of abused and neglected children.

The main objective of this bill is to move abused and neglected children into adoptive or other permanent homes and to do so more quickly and more safely than ever before. Right now, many foster care children are forced to wait years before being adopted—even in cases where loving families are ready and willing to adopt them. Some children lose their chance for adoption altogether. While PASS preserves the requirement to reunify families where appropriate, it does not require States to use reasonable efforts to reunify families that have been irreparably broken by abandonment, torture, physical abuse, sexual abuse, murder, manslaughter, and sexual assault. The PASS Act maintains the delicate balance in protecting the rights of parents and families while placing primary focus where it should be: on the health and safety of child.

PASS encourages adoptions by rewarding States financial incentives for facilitating adoption for all foster children—especially those with special needs which, sadly, make them more difficult to place. For those situations where children cannot go home again, PASS requires States to use reasonable efforts to place them into safe adoptive homes or into the permanent care of loving relatives. In addition, PASS cuts by one-third the time that an abused and neglected child must wait in order to be placed in such adoptive homes. In response to a candid and focused look at today's foster care crisis,

the bill also seeks to rescue children from the legal limbo of the current system by requiring States to take the necessary legal steps to free for adoption those children who have been forced to linger in the system for a year or more. PASS also prevents further abuse of children in the foster care system by requiring criminal records checks for all foster and adoptive parents. PASS is about helping the individual child but, equally as importantly, fixing the system.

It is always the right time to focus on the needs of children—especially those unfortunate enough to find themselves in the sometimes dysfunctional labyrinth of the abuse and neglect system. Unfortunately, however, reform has never been more necessary. President Clinton's "Adoption 2002 Report" found that there are currently half a million children in temporary foster care placements. One hundred thousand of those children should be adopted, but less than half of that number are legally eligible to become part of an adoptive family. In my home State of West Virginia alone, referrals to Child Protective Services are expected to rise to an all-time high of 17,000 this year. Foster care placements have jumped from 2,900 children in January 1996 to 3,113 children in January 1997. These staggering figures reveal a foster care crisis of unprecedented proportions.

PASS is the first step in a vital, ongoing effort to put children at the very top of our national agenda. It is time that we provide all children with their most profound wish: to live in a safe and loving home with caretakers who treat them with respect and dignity. If we are unable to address this most fundamental need, these children will not be able to grow, learn, and provide a secure place for their own families. It is unthinkable to deny abused and neglected children such vital opportunities.

Mr. BOND, Mr. President, there may not be many things in life on which there is a consensus but I think we all can agree on the vital importance of ensuring the safety of abused and neglected children and moving them out of the foster care system more rapidly and into permanent homes. I am proud to join with my colleagues in this bipartisan effort to develop the new, consensus legislation called the Promotion of Adoption, Safety, and Support for Abused and Neglected Children (PASS) Act.

The reality is that all too often children simply languish in the foster care system. Nationwide, there are more than 500,000 children in foster care. In Missouri, there are 10,361 children in the foster care system. Since 1975, the number of reported incidents of abuse and neglect has increased from less than 10,000 to 52,964 in 1995, an all-time high and frightening statistic. Federal law has hindered State child welfare agencies from moving more quickly to place children who are in

foster care because of abuse and neglect into permanent homes.

The PASS Act will provide incentives to increase adoptions and reduce by one third the amount of time a child lingers in foster care waiting for a permanency plan, with a review required every six months so that foster care is truly viewed as a temporary care system for our most vulnerable children.

The bill clarifies "reasonable efforts" and establishes a federal standard so that the health and safety of the child is the primary concern, above family reunification interest. There are some parents for whom reunification with their children is not reasonable—certainly sustained abuse or neglect or danger of physical harm would fit that category. In those cases, we need to move swiftly to get the children out of harm's way and then quickly to get them into permanent homes.

Just count the number of cases of child abuse and neglect that has been reported over the past few months. One too many! A little, five-year old Kansas City girl named Angel Hart was beaten and drowned to death by her mother's boyfriend because she could not recite the alphabet.

Under the PASS Act, States are encouraged to enact laws that would make it easier to terminate parental rights in abusive cases and prevent abused and neglected children from returning to homes in which their health and safety are at risk. In addition, this legislation promotes adoption of all special needs children and ensures health coverage for special needs children who are adopted.

I am very optimistic that Congress will move this bill forward this year. There are far too many innocent lives at stake and no child should be denied a loving home. Unfortunately, for thousands of kids now caught in permanent limbo in the foster care system, that is exactly what is happening. The PASS Act will improve child safety and permanency, enabling some children to return home safely and others to move to adoptive families more quickly.

By Mr. McCAIN (for himself, Mr. GORTON, Mr. HOLLINGS, and Mr. FORD):

S. 1196. A bill to amend title 49, United States Code, to require the National Transportation Safety Board and individual foreign air carriers to address the needs of families of passengers involved in aircraft accidents involving foreign air carriers; to the Committee on Commerce, Science, and Transportation.

THE FOREIGN AIR CARRIER FAMILY SUPPORT ACT

Mr. McCAIN. Mr. President, I am pleased to join with my colleagues, Senator GORTON, Senator HOLLINGS and Senator FORD, to introduce the Foreign Air Carrier Family Support Act. This bill would require foreign air carriers to implement disaster family assistance plans should an accident involv-

ing their carriers occur on American soil. I would like to recognize my colleagues in the House, especially Representative UNDERWOOD from Guam, who introduced the companion bill in the House of Representatives earlier this week.

The legislation, if enacted, would build on the family assistance provisions that we enacted last year as part of the Federal Aviation Reauthorization Act of 1996. Let me be clear about one point. Domestic air carriers are already operating under the same legislative requirements set out in the legislation before us today.

The need for extending the requirements to foreign air carriers came into a clear focus with the tragic crash of Korean Air Flight 801 in Guam. I do not intend to single out Korean Air for blame. An accident of this magnitude, involving the loss of more than 200 lives, in rough and isolated terrain, is bound to create mass confusion and hysteria. Even so, coverage of the accident made us all acutely aware of the criticisms made by the family members, and the pain they suffered in relation to the search and rescue efforts, as well as the media involvement following the accident.

The U.S. civil, military and Federal personnel at the scene should be commended for their contributions toward the search and rescue efforts. I also praise their attempts to console and assist family members on Guam, as well as those who traveled to the accident site from South Korea and the continental United States. Without a doubt, though, their efforts would have been more productive had there been a prearranged plan in effect. Greater coordination would have made things easier not only for the victims' family members, but also for the National Transportation Safety Board (NTSB) officials and military personnel who were on-site and who had to respond immediately in an emotional and potentially hazardous situation.

The Foreign Air Carrier Family Support Act would require a foreign air carrier to provide the Secretary of Transportation and the Chairman of the NTSB with a plan for addressing the needs of the families of passengers involved in an aircraft accident that involves an aircraft under the control of that foreign air carrier, and that involves a significant loss of life. The Secretary of Transportation could not grant permission for the foreign air carrier to operate in the United States unless the Secretary had received a sufficient family assistance plan.

The family assistance plan required of the foreign air carrier would include a reliable, staffed toll-free number for the passengers' families, and a process for expedient family notification prior to public notice of the passengers' identities. An NTSB employee would serve as director of family support services, with the assistance of an independent nonprofit organization with experience in disasters and post-trauma communication with families. The foreign air



No. S-1195

Memorandum

September 19, 1997

**SUBJECT :** Comparison of Pending Adoption Proposals and Current Law

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

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This memorandum compares provisions of selected adoption-related legislation pending in the 105<sup>th</sup> Congress, with provisions of current law. The pending proposals are intended to promote adoption for foster children and make additional improvements in the child welfare system. The legislation would primarily amend child welfare, foster care, and adoption assistance programs under Titles IV-B and IV-E of the Social Security Act. However, certain provisions of the Child Abuse Prevention and Treatment Act (CAPTA) and other statutes also are relevant and are included in the side-by-side. Unless indicated otherwise, references to current law in the comparison are to Titles IV-B or IV-E of the Social Security Act.

Bills included in the comparison are the:

- Adoption Promotion Act of 1997 (H.R. 867), passed by the House on April 30, 1997, by a vote of 416-5;
- Safe Adoptions and Family Environments (SAFE) Act (S. 511), introduced on March 20, 1997; and
- Promotion of Adoption, Safety, and Support for Abused and Neglect Children (PASS) Act (S. 1195), introduced on September 18, 1997.

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

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Provision	Current law	H.R. 867 (House-passed)	S. 511 (Introduced)	S. 1195 (Introduced)
<b>I. "Reasonable Efforts" and Child Safety Provisions</b>				
<p><b>1. "Reasonable efforts" to preserve and reunify families</b></p>	<p>In every case, states must make "reasonable efforts" to avoid the need to remove a child from home, and to make it possible for a child to return home after placement in foster care — Sections 471(a)(15), 472(a)(1).</p> <p>Under CAPTA, no later than October 3, 1998, states must have provisions, procedures, and mechanisms in effect to assure that the state does not require reunification of a surviving child with a parent who has been found by a court of competent jurisdiction to have killed or assaulted another of their children — Section 106(b)(2)(A)(xii) of CAPTA.</p> <p>States also must assure that conviction of such a felony will constitute grounds under state law for termination of parental rights to surviving children (although the state retains discretion to make case-by-case determinations of whether to seek termination of parental</p>	<p>States would continue to be required to make reasonable efforts to preserve and reunify families; however, this requirement would not apply in cases in which a court has found that:</p> <ul style="list-style-type: none"> <li>• a child has been subjected to "aggravated circumstances" as defined in state law (which may include abandonment, torture, chronic abuse, sexual abuse);</li> <li>• a parent has killed or assaulted another of their children; or</li> <li>• a parent's rights to a sibling have been involuntarily terminated.</li> </ul> <p>In these cases, states would not be required to make reasonable efforts on behalf of any parent who has been involved in subjecting the child to these circumstances.</p> <p>Reasonable efforts to preserve or reunify families could be made concurrently with efforts</p>	<p>States would be required to make reasonable efforts to preserve families when the child can be cared for at home without endangering the child's health or safety; and to reunify families unless a court determines that reunification would endanger the child's health or safety, or in cases specified in state law, such as:</p> <ul style="list-style-type: none"> <li>• cases in which a court has found that a parent has killed or assaulted another of their children; or</li> <li>• cases in which a court has found that a parent has abandoned, tortured, chronically abused, or sexually abused the child.</li> </ul> <p>By October 3, 1999, states must enact and enforce laws that specify cases (such as those listed above) in which reunification efforts would not be required, and in which grounds exist for expedited termination of parental rights without efforts to reunify the family — Section 102.</p>	<p>States would be required to make reasonable efforts when possible, to preserve families when the child can be cared for at home without endangering the child's health or safety; or to make it possible for the child to safely return home. Such reasonable efforts would not be required on behalf of any parent:</p> <ul style="list-style-type: none"> <li>• if a court has determined that the parent has killed or assaulted another of their children; or</li> <li>• if a court has determined that returning the child home would pose a serious risk to their health or safety (including but not limited to cases of abandonment, torture, chronic physical abuse, sexual abuse, or previous involuntary termination of parental rights to a sibling); or</li> <li>• if the state has specified in legislation cases in which</li> </ul>

Provision	Current law	H.R. 867 (House-passed)	S. 511 (Introduced)	S. 1195 (Introduced)
	rights) — Section 106(b)(2)(A)(xiii) of CAPTA.	to place the child for adoption, with a legal guardian, or in another planned permanent arrangement (see item 9) — Section 2.		reasonable efforts would not be required. Reasonable efforts to preserve or reunify families could be made concurrently with reasonable efforts to place a child for adoption, with a qualified relative or legal guardian, or in another planned, permanent arrangement (see item 9) — Section 101.
<b>2. Consideration of child health and safety</b>	No comparable provision in the Social Security Act.  Under CAPTA, states must have provisions or procedures for reporting child abuse and neglect; for screening, assessing, and investigating such reports; and for ensuring and protecting the safety of the abused or neglected child and of any other child under the same care who may be in danger of abuse or neglect and ensuring their placement in a safe environment — Section 106(b)(2)(A)(iii) of CAPTA.	In determining and making reasonable efforts on behalf of a child, the child's health and safety must be of paramount concern — Section 2.	In determining reasonable efforts, the child's health and safety must be the paramount concern — Section 102.  In addition, current law would be amended to include references to child safety in provisions dealing with child welfare services, case plan and case review procedures — Sections 101(a) and 103.	Same as S. 511 — Sections 101 and 102.
<b>3. Termination of parental rights</b>	No comparable provision in the Social Security Act.	In the case of a child who is younger than 10 and has been	As stated in item 1, by October 3, 1999, states would	In the case of: • a child who has been in

Provision	Current law	H.R. 867 (House-passed)	S. 511 (Introduced)	S. 1195 (Introduced)
	<p>Under CAPTA, as stated in item 2, states must (by October 3, 1998) have provisions to assure that they will not require reunification of a surviving child with a parent who the court finds has killed or assaulted another of their children; and after such provisions are in effect, the state must assure that conviction of such a felony will constitute grounds under state law for termination of parental rights to surviving children (although the state retains discretion to make case-by-case determinations of whether to seek termination of parental rights) — Section 106(b)(2)(A)(xii) and (xiii) of CAPTA.</p> <p>In addition, by October 3, 1998, states must have provisions, procedures, and mechanisms for expedited termination of parental rights in the case of infants determined to be abandoned under state law — Section 106(b)(2)(A)(xi)(I) of CAPTA.</p>	<p>in foster care for 18 of the most recent 24 months, states would be required to initiate a petition (or join any existing petition) to terminate parental rights, unless:</p> <ul style="list-style-type: none"> <li>• at the option of the state, the child is being cared for by a relative;</li> <li>• a state court or agency has documented a compelling reason for determining that filing such a petition would not be in the best interests of the child; or</li> <li>• the state has not provided the family with services deemed appropriate by the state (in cases where reasonable efforts to preserve or reunify the family have been required).</li> </ul> <p>This provision would apply only to children who enter foster care on or after October 1, 1997 — Section 3.</p>	<p>be required to enact and enforce laws specifying cases (such as where a court has found that a parent has killed or assaulted another of their children, or has abandoned, tortured, chronically abused, or sexually abused the child) where grounds exist for expedited termination of parental rights without first requiring family reunification efforts — Section 102.</p>	<p>foster care for 12 of the most recent 18 months; or</p> <ul style="list-style-type: none"> <li>• a child who has been in foster care for a lifetime total of 24 months; or</li> <li>• an infant who is determined by the court to have been abandoned (as defined under state law); or</li> <li>• a court determination that a parent of a child has assaulted the child or killed or assaulted another of their children;</li> </ul> <p>states would be required to initiate a petition (or join any existing petition) to terminate parental rights, and concurrently, to identify, recruit, process, and approve a qualified adoptive family, unless:</p> <ul style="list-style-type: none"> <li>• at the option of the state, the child is being cared for by a relative; or</li> <li>• a state court or agency has documented a compelling reason for determining that filing such a petition would</li> </ul>

Provision	Current law	H.R. 867 (House-passed)	S. 511 (Introduced)	S. 1195 (Introduced)
				<p>not be in the best interests of the child — Section 104(a).</p> <p>A child would be considered as having entered foster care on the later of:</p> <ul style="list-style-type: none"> <li>• the first date that the child is removed from home; or</li> <li>• the date of the first judicial hearing on the child's removal — Section 104(b).</li> </ul> <p>Nothing in Title IV-E, as amended by this legislation, would be construed as precluding state courts or agencies from initiating or finalizing termination of parental rights for other reasons, or according to earlier timetables, than those specified, when determined to be in the child's best interests — Section 104(d).</p> <p>In general, this provision would apply to children entering foster care after the date of enactment. For children in foster care on or before the date of enactment, this provision would not apply</p>

Provision	Current law	H.R. 867 (House-passed)	S. 511 (Introduced)	S. 1195 (Introduced)
				until 1 year after the date of enactment. The provisions of the PASS Act, providing time for state legislatures to enact necessary legislation, would apply to this provision (see item VII) — Section 104(e).
<b>4. Limitations on Appeals</b>	No provision.	No provision.	No provision.	States would be required to provide that orders terminating parental rights, and court-ordered child removals, would only be appealable during the 1-year period beginning on the date the order is issued. The provisions of the PASS Act, providing time for state legislatures to enact necessary legislation, would apply to this provision (see item VII) — Section 104(c).
<b>5. Child death review teams</b>	<p>No provision in the Social Security Act.</p> <p>Under CAPTA, states must designate at least 3 citizen review panels (small states must designate at least 1), which are representative of the local community. Existing entities such as foster care review boards or child death review teams may</p>	No provision.	No later than 5 years after enactment, states would be required to certify that they have established and are maintaining a multidisciplinary state child death review team (and, if necessary, regional and local teams) to investigate child deaths, including those where there has been a prior report of abuse or neglect or there is reason to suspect that	<p>Same as S. 511, except:</p> <ul style="list-style-type: none"> <li>• states would have to certify that they have established and are maintaining child death review teams no later than 2 years after enactment;</li> <li>• death review teams would not be required to investigate deaths resulting from suicide,</li> </ul>

Provision	Current law	H.R. 867 (House-passed)	S. 511 (Introduced)	S. 1195 (Introduced)
	<p>be designated if they can perform the required functions. These panels must examine policies and procedures of state and local agencies, and individual cases if appropriate, to determine if the agencies are operating in accordance with their state CAPTA plan, child protection standards, and any other criteria considered important by the panel, including a review of coordination between state child protection programs and foster care and adoption programs under the Social Security Act, and a review of child fatalities and near fatalities — Sections 106(b)(2)(A)(x) and 106(c) of CAPTA.</p>		<p>the death was related to abuse or neglect, or the child was a ward of the state or otherwise known to the child welfare agency, or the death was a suicide, or the cause of death was unexplained or unexpected. In addition, HHS would be required to establish a federal child death review team (with representatives from other federal agencies) to investigate deaths on federal lands, review the status of state and local teams, provide guidance and technical assistance, review state and local data to identify national trends in child deaths, and make recommendations to prevent child deaths — Section 104.</p>	<p>or cases in which the cause of death was unexplained or unexpected;</p> <ul style="list-style-type: none"> <li>responsibilities of the federal team would be limited to investigating deaths on federal lands, providing guidance and technical assistance to state and local teams upon request, and making recommendations to prevent child deaths — Section 103.</li> </ul>
<p>6. Criminal record checks</p>	<p>No provision.</p>	<p>At state option, states could provide (as a component of their Title IV-E plan) procedures for criminal records checks and checks of a state's child abuse registry for any prospective foster parents or adoptive parents, and employees of child care institutions, before the parents or institutions are finally</p>	<p>Same as H.R. 867, except the provision would be mandatory for states, rather than optional — Section 205.</p>	<p>Same as S. 511 (i.e., provision would be mandatory for states), except:</p> <ul style="list-style-type: none"> <li>S. 511 and H.R. 867 would require states to deny approval in certain cases where there has been a criminal conviction; however, the draft would allow states to</li> </ul>

Provision	Current law	H.R. 867 (House-passed)	S. 511 (Introduced)	S. 1195 (Introduced)
		approved for a placement of a child eligible for federal subsidies under Title IV-E — Section 17.		grant approval in such cases if the individual could provide substantial evidence to law enforcement officials and the state child protection agency, proving extraordinary circumstances — Section 107.
<b>7. Guidelines for out-of-home care</b>	States are required to have an agency responsible for establishing and maintaining standards for foster homes and child care institutions, in accord with recommended standards of nation organizations, including standards related to safety and sanitation. States must periodically review these standards, and federal funds may only be provided on behalf of children placed in licensed or approved homes and institutions — Sections 471(a)(10) and (11) and 472(b).	No provision.	States would also be required to develop and implement guidelines to ensure safe, quality care for children in out-of-home settings, such as guidelines issued by a nationally recognized accrediting body; to assist providers in meeting these guidelines; to articulate the guidelines against which agency performance will be judged; monitor progress made toward meeting the guidelines; and judge agency compliance with the guidelines by measuring improvements in child and family outcomes and other appropriate measures — Section 206.	The current law provision, requiring states to have foster care standards, would be amended to require states to have guidelines as well as standards, and to require such guidelines and standards to ensure quality services that protect the safety and health of children in foster care placements with non-profit and for-profit agencies — Section 108.
<b>II. Adoption Promotion Provisions</b>				
<b>8. Adoption incentive</b>	No provision.	The Secretary of Health and	No provision.	Same as H.R. 867, except:

Provision	Current law	H.R. 867 (House-passed)	S. 511 (Introduced)	S. 1195 (Introduced)
payments		Human Services (HHS) would be authorized to make adoption incentive payments to eligible states for any adoptions of foster children in a given fiscal year that exceed the number of such adoptions in FY1997, or in a subsequent base year. Adoption incentive payments would equal \$4,000 for each adoption of a foster child above the base number, plus an additional \$2,000 for each adoption of a foster child with special needs. For these incentive payments, \$15 million would be authorized for each of fiscal years 1999-2003. Relevant budget acts would be amended to require adjustments in discretionary spending limits — Section 4.		<ul style="list-style-type: none"> <li>• adoption incentive payments would equal \$2,000 for each adoption of a foster child above the base number, and \$4,000 for each adoption of a foster child with special needs;</li> <li>• adjustments to discretionary spending limits would not be required — Section 201.</li> </ul> <p>Information required by the PASS Act would be supplied through the Adoption and Foster Care Analysis and Reporting System (AFCARS), to the extent available (see item 31).</p>
9. "Reasonable Efforts" to place children for adoption or other permanent arrangement	No provision.	If reasonable efforts to preserve or reunify a family are not made because of the reasons cited in item 1 (or are no longer consistent with the child's permanency goal), then states would be required to make reasonable efforts to place the child for adoption, with a legal guardian, or (if adoption or guardianship were not appropriate) in another	When a child's permanency goal is adoption or another permanent placement, states would be required to make reasonable efforts to place the child in a timely manner for adoption, with a legal guardian, or in another planned, permanent arrangement, and to complete necessary steps to finalize the adoption or guardianship —	If reasonable efforts to preserve or reunify a family are not made because of the reasons cited in item 1, and placement with either parent would pose a serious risk to the child's health or safety, or in any case when a child's permanency goal is adoption or another permanent placement, then states would be required to make

Provision	Current law	H.R. 867 (House-passed)	S. 511 (Introduced)	S. 1195 (Introduced)
		<p>planned, permanent arrangement.</p> <p>Reasonable efforts to preserve or reunify families could be made concurrently with efforts to place the child for adoption, guardianship, or in another planned, permanent arrangement — Section 2.</p>	<p>Section 301(a).</p>	<p>reasonable efforts to place the child in a timely manner for adoption, with a qualified relative or legal guardian, or in another planned, permanent arrangement, and to complete whatever steps are necessary to finalize the adoption or legal guardianship.</p> <p>Reasonable efforts to preserve or reunify families could be made concurrently with efforts to place the child for adoption, guardianship, or in another planned, permanent arrangement — Section 101.</p>
<p>10. Documentation of efforts to adopt</p>	<p>No provision.</p>	<p>For every child whose permanency goal is adoption or another permanent placement, states would be required to document the steps taken to find an adoptive family or permanent home; to place the child with the adoptive family, legal guardian, or other permanent home (including the custody of a fit and willing relative); and to finalize the adoption or guardianship. The documentation must include child-specific recruitment efforts such as use of adoption</p>	<p>Same as H.R. 867, except contains no reference to the custody of a fit and willing relative — Section 301(b).</p>	<p>Same as S. 511 — Section 109.</p>

Provision	Current law	H.R. 867 (House-passed)	S. 511 (Introduced)	S. 1195 (Introduced)
		information exchanges, including electronic exchange systems — Section 7.		
<b>11. Eligibility for adoption assistance</b>	Federally subsidized adoption assistance payments are made on behalf of children with special needs as defined by the state. Eligible children must have been eligible for Aid to Families with Dependent Children (AFDC) at the time adoption proceedings began (except that they had been removed from their family as a result of a voluntary agreement or judicial determination that remaining with the family would be contrary to their welfare), or must be eligible for Supplemental Security Income (SSI), or must be living in foster care with a minor parent who is eligible for foster care subsidies under Title IV-E. The amount of the adoption assistance payment made to an adoptive family is based on the needs of the child and the circumstances of the family, but may not exceed the foster care payment that the child would have been	No provision.	Federally subsidized payments would continue to be made on behalf of children with special needs as defined by the state. AFDC and SSI eligibility provisions would be deleted. Eligible children would be those who, prior to termination of parental rights and initiation of adoption proceedings, were in the care of a public or nonprofit agency or Indian tribe as a result of a voluntary agreement or judicial determination that remaining in the home would be contrary to their welfare, or were living in foster care with their minor parent. An otherwise eligible child who is not a U.S. citizen or resident would be eligible for assistance, except for children who were adopted outside the U.S. or brought to the U.S. to be adopted. An otherwise eligible child whose adoptive parent dies or whose adoption is disrupted would remain eligible for assistance — Section 303.	Same as S. 511, except: <ul style="list-style-type: none"> <li>• reiterates current law requirement that the child's special needs, together with the circumstances of the adoptive parents, must be considered in determining the amount of any payment to be made to the adoptive parents;</li> <li>• states would be required to spend an amount equal to any savings resulting from this provision to provide services to children and families (including post-adoption services) that are allowable under Titles IV-B or IV-E; and</li> <li>• otherwise eligible children in the custody of for-profit agencies would be eligible for adoption assistance under Title IV-E — Section 202.</li> </ul>

Provision	Current law	H.R. 867 (House-passed)	S. 511 (Introduced)	S. 1195 (Introduced)
	eligible to receive — Section 473(a)(2).			
<b>12. Technical assistance to promote adoption</b>	<p>No provision in the Social Security Act.</p> <p>Under the Adoption Opportunities program, HHS is authorized to enter into grants and contracts with public and private nonprofit agencies for various activities intended to promote adoption, particularly for special needs children — Title II of the Child Abuse and Adoption Reform Act of 1978.</p>	<p>HHS would be authorized to provide technical assistance to states and localities to promote adoption for foster children, including:</p> <ul style="list-style-type: none"> <li>• guidelines for expediting termination of parental rights;</li> <li>• encouraged use of concurrent planning;</li> <li>• specialized units and expertise in moving children toward adoption;</li> <li>• risk assessment tools for early identification of children who would be at risk of harm if returned home;</li> <li>• encouraged use of fast tracking for children under age 1 into pre-adoptive placements;</li> <li>• programs to place children into pre-adoptive placements prior to termination of parental rights.</li> </ul> <p>For technical assistance, \$10 million would be authorized for each of fiscal years 1998-2000 — Section 12.</p>	No provision.	<p>Same as H.R. 867, except:</p> <ul style="list-style-type: none"> <li>• would also authorize technical assistance for development of programs to recruit adoptive parents; and</li> <li>• no authorization of appropriations would be included — Section 203.</li> </ul>

Provision	Current law	H.R. 867 (House-passed)	S. 511 (Introduced)	S. 1195 (Introduced)
13. Interstate adoption	No provision.	No provision.	The Secretary of HHS would be required to appoint an advisory panel to study interjurisdictional adoption issues. The panel would submit a report to the Secretary within 12 months of their appointment, including recommendations for improvements. The Secretary would forward the report to Congress, and, if relevant, make recommendations for legislation — Section 305.	Same as S. 511, except for minor modifications in membership of advisory panel — Section 204(b).  In addition, states would be required to provide that neither the state nor any other entity in the state that receives federal funds would: <ul style="list-style-type: none"> <li>• deny to any person the opportunity to become an applicant for child custody, licensure as a foster or adoptive parent, or foster care or adoption assistance under Title IV-E on the basis of geographic residence; or</li> <li>• delay or deny the placement of a child for adoption, into foster care, or in the child's original home on the basis of geographic residence — Section 204(a).</li> </ul>
<b>III. Foster Care Provisions</b>				
14. Foster care case review system	The status of every child in foster care under state responsibility must be reviewed by a court or	States would be required to hold a first dispositional hearing within 12 months of a child's placement, instead of	Same as H.R. 867, except: <ul style="list-style-type: none"> <li>• states also would be required to hold subsequent</li> </ul>	Same as S. 511 — Section 302.

Provision	Current law	H.R. 867 (House-passed)	S. 511 (Introduced)	S. 1195 (Introduced)
	<p>administrative review at least every 6 months. In addition, no later than 18 months after the child enters care (and at least every 12 months thereafter), the court or a court-appointed body must hold a "dispositional" hearing to determine the child's future status, which can include returning home, continuing in foster care for a specified period, adoption, or, if warranted by the child's special needs or circumstances, long-term or permanent foster care — Section 475(5).</p>	<p>the current 18, and the name of the proceeding would be changed to "permanency" hearing. The hearing's purpose would be to determine the child's permanency goal, which could include returning home, referral for adoption and termination of parental rights, guardianship, or another planned, permanent arrangement, which could include the custody of a fit and willing relative — Section 5.</p>	<p>dispositional hearings at least every 6 months after the first such hearing, instead of the current 12; and</p> <ul style="list-style-type: none"> <li>• includes no reference to the custody of a fit and willing relative — Section 302.</li> </ul>	
<p>15. Participation in case reviews and hearings</p>	<p>Administrative reviews are open to the participation of a child's parents — Section 475(5).</p>	<p>Foster parents and relatives providing care for a child would be given notice and an opportunity to be heard at any review or hearing held with regard to the child, except that this provision would not be construed to make any foster parent a party to such a review or hearing — Section 6.</p>	<p>No provision.</p>	<p>Same as H.R. 867, except would make explicit that relative caretakers also would not be considered parties to reviews or hearings, and that this provision would not be construed to make foster parents and relative caretakers parties to these proceedings solely on the basis of receiving notice and an opportunity to be heard — Section 105.</p>
<p>16. Reunification services and reauthorization of the family preservation</p>	<p>Foster care maintenance payments that are eligible for federal reimbursement are</p>	<p>No provision.</p>	<p>Foster care maintenance payments would also include costs of reunification services</p>	<p>The family preservation and family support program under Title IV-B, Subpart 2, would</p>

Provision	Current law	H.R. 867 (House-passed)	S. 511 (Introduced)	S. 1195 (Introduced)
program	<p>defined as payments for the costs of food, clothing, shelter, supervision, school supplies, personal incidentals, liability insurance with respect to the child, and reasonable travel to the child's home for visitation — Section 475(4).</p> <p>Capped entitlement grants to states are authorized through FY1998 for community-based family support and family preservation services. States may spend up to 10% of their allotments for administrative costs, and are required to devote significant portions of remaining expenditures to each of the 2 types of services. \$240 million is available in FY1997, and \$255 million is authorized for FY1998. Funds have been set-aside for court improvement grants (\$5 million in FY1995, and \$10 million in each of FY1996-FY1998), and evaluation and research (\$6 million each year) — Title IV-B, Subpart 2.</p>		<p>for up to 1 year after a child is removed from home. Reunification services would include services and activities provided to a child who has been removed from home, and the child's parents or primary caregiver to make family reunification possible, and would be limited to individual, group, and family counseling, inpatient, residential, or outpatient substance abuse treatment, mental health services, assistance to address domestic violence, and transportation to and from such services — Section 304.</p>	<p>be reauthorized through FY2003, at the following levels: \$275 million in FY1999; \$295 million in FY2000; \$315 million in FY2001; \$335 million in FY2002; and \$355 million in FY2003. States would be required to devote at least 25% of their expenditures (after spending no more than 10% of their allotment for administrative costs) to each of the following 3 categories of services: community-based family support services, family preservation services, and time-limited family reunification services. Time-limited family reunification services would be defined as services provided to children (and their parents) who have been removed from home and placed in foster care, for no longer than the 1-year period beginning on the date of their removal from home. The set-aside for court improvement grants would not be continued; the set-aside for evaluation and research would be continued — Section 307.</p>
17. Staff training	Federal reimbursement is	No provision.	Federal reimbursement could	No provision.

Provision	Current law	H.R. 867 (House-passed)	S. 511 (Introduced)	S. 1195 (Introduced)
	available to states for 75% of expenditures for training state and local child welfare personnel, individuals preparing for employment as state and local child welfare personnel, current or prospective foster or adoptive parents, and staff of child care institutions serving children eligible for Title IV-E subsidies — Section 474(a)(3)(A) and (B).		also include training directed at staff maintenance and retention, and training provided to personnel employed by courts, law enforcement agencies, substance abuse agencies, mental health providers, domestic violence agencies, health agencies, child care agencies, schools, and other agencies that are working with state or local child welfare agencies. Training expenditures could be reimbursed regardless of the primary provider and regardless of the proportion of Title IV-E-eligible children in the state. HHS would be required to issue guidelines for such training; states would document that their expenditures conform to these guidelines; and states could not reduce their own spending on training below FY1996 levels — Section 204.	
<b>IV. System Accountability and Innovation Provisions</b>				
<b>18. Performance measures for state child welfare programs</b>	No provision.	The Secretary of HHS (in conjunction with the American Public Welfare Association, National Governors	No provision.	The Secretary of HHS would be required to issue an annual report, containing ratings of state performance in

Provision	Current law	H.R. 867 (House-passed)	S. 511 (Introduced)	S. 1195 (Introduced)
		<p>Association, and child advocates) would be required to develop outcome measures to assess state child welfare programs, and to rate state performance according to these measures. HHS would submit an annual report to Congress on state performance, with recommendations for improving state performance; the first report would be due on May 1, 1999. Outcome measures would include length of stay in foster care, number of foster care placements, and number of adoptions, and, to the maximum extent possible, would be developed from data available from the Adoption and Foster Care Analysis and Reporting System (AFCARS) — Section 10.</p>		<p>protecting children, with the first report due on October 1, 1998. The Secretary would be required to develop outcome measures that could track state performance over time in the following categories:</p> <ul style="list-style-type: none"> <li>• number of placements for adoption, in foster care, with a relative or a guardian;</li> <li>• number of children who "age out" of foster care without having been adopted or placed with a guardian;</li> <li>• length of stay in foster care;</li> <li>• length of time between a child's availability for adoption and actual adoption;</li> <li>• number of deaths and substantiated cases of child abuse or neglect in foster care;</li> <li>• specific steps taken by the state to facilitate permanence for children.</li> </ul> <p>States would be required to provide information on adoption, foster care, and guardianship, as determined</p>

Provision	Current law	H.R. 867 (House-passed)	S. 511 (Introduced)	S. 1195 (Introduced)
				<p>necessary by the Secretary — Section 206.</p> <p>Information required by the PASS Act would be supplied through the Adoption and Foster Care Analysis and Reporting System (AFCARS), to the extent available (see item 31).</p>
<p><b>19. Child welfare demonstrations</b></p>	<p>HHS is authorized to approve child welfare demonstrations in up to 10 states, in which states may request waivers of provisions under Titles IV-B and IV-E — Section 1130 of the Social Security Act.</p> <p>Under CAPTA, HHS is authorized to award demonstration grants to public or private nonprofit entities, including awards in not more than 10 states to develop procedures using adult relatives as the preferred placement for children removed from home — Section 105(a)(3)(B).</p>	<p>The number of child welfare demonstrations would be increased to 15 states. At least one of the additional demonstrations would have to address the issue of kinship care — Section 11.</p>	<p>The number of child welfare demonstrations would be increased to 15 states — Section 402.</p> <p>(In addition, capped entitlement funding would be provided for innovation grants to states — see item 20.)</p>	<p>Same as S. 511 — Section 301.</p> <p>(In addition, appropriations would be authorized for innovation grants to states — see item 20).</p>
<p><b>20. Innovation grants</b></p>	<p>No provision in the Social Security Act.</p>	<p>No provision.</p>	<p>Up to \$50 million in entitlement funding would be available per fiscal year for</p>	<p>Same as S. 511, except funding would be authorized to be appropriated in FY1998</p>

Provision	Current law	H.R. 867 (House-passed)	S. 511 (Introduced)	S. 1195 (Introduced)
	<p>Under CAPTA, HHS is authorized to enter into grants or contracts with public and private nonprofit entities for time-limited demonstration programs and projects for the following purposes:</p> <ul style="list-style-type: none"> <li>• training for professionals and paraprofessionals in various disciplines related to child abuse and neglect, improving use of volunteers, and establishing resource centers to provide information and training related to child abuse and neglect;</li> <li>• mutual support programs for families;</li> <li>• innovative projects that establish a triage system to respond to child abuse and neglect through partnerships among the state and community agencies;</li> <li>• kinship care projects (see item 19); and</li> <li>• supervised visitation</li> </ul>		<p>grants to states for innovation projects. States could submit applications in FY1998 or FY1999. Projects would last for 5 years, could not require waivers from federal law, would include evaluations, and would address the following goals:</p> <ul style="list-style-type: none"> <li>• reduce backlogs of children awaiting adoption;</li> <li>• ensure permanent placements within 1 year of foster care;</li> <li>• identify and address barriers to permanent placements;</li> <li>• implement community-based permanency initiatives and child protection activities that involve partnerships;</li> <li>• assist with state safety guidelines;</li> <li>• develop new staffing approaches — Section 401.</li> </ul>	<p>through FY2003, rather than provided as entitlement funding — Section 308.</p>

Provision	Current law	H.R. 867 (House-passed)	S. 511 (Introduced)	S. 1195 (Introduced)
	<p>facilities for children and parents — Section 105(a) of CAPTA.</p> <p>Under the Adoption Opportunities Program, HHS is authorized to enter into grants and contracts with public and private nonprofit entities for various activities intended to promote adoption, particularly for special needs children — Title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978.</p>			
<b>V. Substance Abuse-Related Provisions</b>				
<p><b>21. Reports on substance abuse and child protection</b></p>	<p>No provision.</p>	<p>The Secretary of HHS would be required to submit a report to the Committees on Ways and Means and Finance on the problem of substance abuse in the child welfare population, services provided, and the outcomes of such services. This report would be based on information from the Substance Abuse and Mental Health Services Administration and the Administration for Children</p>	<p>The Secretary of HHS would be required to provide to state substance abuse and child welfare agencies an inventory of federal programs that could be used to provide substance abuse services to families in the child welfare system. The Secretary would develop the report through the Administration for Children, Youth and Families, the Center for Substance Abuse Prevention, and the Center for</p>	<p>The Comptroller General would be required to prepare an inventory of federal and state programs that could provide funds for substance abuse prevention and treatment for child welfare agency clients; and examine joint activities conducted by substance abuse and child welfare agencies, and the extent to which such agencies are responding to the needs of drug-exposed infants. The</p>

Provision	Current law	H.R. 867 (House-passed)	S. 511 (Introduced)	S. 1195 (Introduced)
		and Families within HHS, and would be due within 1 year of enactment. The report would include recommendations for legislation — Section 13.	<p>Substance Abuse Treatment. The report would be due within 12 months of enactment, and would be updated biennially.</p> <p>State substance abuse and child welfare agencies would be required to jointly prepare a report on joint activities, due to HHS within 12 months of enactment. Within 18 months of enactment HHS would report to Congress on substance abuse and child welfare issues, including recommendations for legislation — Section 201.</p>	Comptroller General would be required to report to Congress within 18 months of enactment, describing: substance abuse needs of child welfare clients and the extent to which these needs are being met; barriers to substance abuse treatment faced by child welfare clients; collaborative state substance abuse and child welfare activities; available data on treatment and its effectiveness for child welfare clients; and recommendations for promoting collaboration among state substance abuse and child welfare agencies — Section 306(a).
22. Priority for substance abuse treatment	Pregnant women are given priority for substance abuse treatment under a federal substance abuse block grant — Section 1927 of the Public Health Service Act.	No provision.	The Public Health Service Act would be amended to provide that all caretaker parents who are referred for substance abuse treatment by a state or local child welfare agency would also be given priority for such services — Section 202.	Same as S. 511 — Section 306(b).
23. Foster care payments for children with parents in residential institutions	Federally subsidized foster care maintenance payments may be made on behalf of eligible children who are	No provision.	Federally subsidized foster care payments could also be made on behalf of eligible children who are placed with	Same as S. 511, except: <ul style="list-style-type: none"> <li>the provision could also apply to a parent trying to overcome</li> </ul>

Provision	Current law	H.R. 867 (House-passed)	S. 511 (Introduced)	S. 1195 (Introduced)
	placed in a licensed foster family home, or a licensed child care institution — Section 472(b).		<p>their parent in a residential program that provides services for parents and children, including parenting services, in cases where:</p> <ul style="list-style-type: none"> <li>• the parent is trying to overcome substance abuse, domestic violence, homelessness, or has special needs due to teenage parenthood;</li> <li>• the child's safety can be assured;</li> <li>• the program provides appropriate services for parent and child;</li> <li>• the child's permanency plan is family reunification within a specified period; and</li> <li>• the parent has not previously been treated in a residential program serving children and parents together — Section 203.</li> </ul>	<p>post-partum depression; and</p> <ul style="list-style-type: none"> <li>• the amount of the foster care maintenance payment that would be made to the residential program on behalf of the child could not exceed the amount that would otherwise have been made on behalf of the child — Section 306(c).</li> </ul>
<b>VI. Additional Provisions</b>				
24. Kinship care report	No provision.	The Secretary of HHS would be required to convene an advisory panel on kinship care no later than March 1, 1998. By the same date, the	No provision.	Same as H.R. 867, except, rather than convening a new advisory panel, the Secretary would be directed to use the Advisory Board on Child

Provision	Current law	H.R. 867 (House-passed)	S. 511 (Introduced)	S. 1195 (Introduced)
		<p>Secretary would submit an initial report to the advisory panel on the extent to which foster children are placed with relatives. The advisory panel would review the Secretary's initial report and submit comments by July 1, 1998. Based on these comments and other information, the Secretary would submit a final report, by November 1, 1998, to the Committees on Ways and Means and Finance, containing recommendations — Section 8.</p>		<p>Abuse and Neglect (ABCAN) authorized under CAPTA. If ABCAN did not exist, then the Secretary would convene an advisory panel as directed by this legislation — Section 303.</p>

Provision	Current law	H.R. 867 (House-passed)	S. 511 (Introduced)	S. 1195 (Introduced)
25. Federal parent locator service	The Federal Parent Locator Service is authorized under the Child Support Enforcement Program to assist in locating absent parents for purposes of collecting child support — Section 453 of the Social Security Act.	Child welfare agencies would be authorized to use the Federal Parent Locator Service to assist in locating absent parents — Section 9.	No provision.	Same as H.R. 867 — Section 106.
26. Eligibility for independent living services	Federal grants for independent living services are authorized to assist children 16 and older who are eligible for foster care subsidies under Title IV-E; at the option of the state, all other foster children age 16 and older; and at the option of the state, former foster children who are not yet 21 years old. (Eligibility for foster care subsidies under Title IV-E is linked to eligibility for the former AFDC program, which limits asset accumulation to \$1,000) — Section 477.	The primary target population for independent living services would be revised to include children who are no longer eligible for foster care subsidies under Title IV-E, because they have accumulated assets of up to \$5,000 — Section 14.	No provision.	Same as H.R. 867 — Section 305.
76. Standby guardianship	No provision.	It would be the sense of Congress that states should have laws and procedures that would permit a parent who is chronically ill or near death to designate a standby guardian	No provision.	Same as H.R. 867 — Section 304.

Provision	Current law	H.R. 867 (House-passed)	S. 511 (Introduced)	S. 1195 (Introduced)
		for their minor child, without surrendering their own parental rights. The standby guardian's authority would take effect upon the parent's death, mental incapacity, or physical debilitation and consent — Section 18.		
28. Purchase of American-made equipment	No provision.	It would be the sense of Congress that, to the greatest extent possible, all equipment and products purchased with funds provided under the Adoption Promotion Act should be American-made — Section 16.	No provision.	No provision.
29. Voluntary reunions between adopted adults and birth parents and siblings	No provision.	No provision.	No provision.	The Secretary of HHS, at no cost to the federal government, would be authorized to use the facilities of HHS to facilitate the voluntary, mutually requested reunion of an adult adopted child (age 21 or older), with a birth parent or adult adopted sibling (age 21 or older), if all individuals involved want the reunion and agree to keep each others' names and locations confidential — Section 205.
30. Preservation of reasonable parenting	No provision.	No provision.	No provision.	Specifies that nothing in this legislation is intended to

Provision	Current law	H.R. 867 (House-passed)	S. 511 (Introduced)	S. 1195 (Introduced)
				disrupt the family unnecessarily or intrude inappropriately into family life, or prohibit the use of reasonable methods of parental discipline, or to prescribe a particular method of parenting — Section 401.
<b>31. Use of AFCARS data</b>	The Secretary is required to develop, through regulation, a mandatory child welfare data collection system in which all states must participate. HHS is currently implementing this system, known as the Adoption and Foster Care Analysis and Reporting System (AFCARS) — Section 479.	No provision.	No provision.	Any information required to be reported by the PASS Act would be supplied through AFCARS, to the extent available. The Secretary would be required to modify the AFCARS regulations if necessary to allow states to obtain data required by the PASS Act — Section 402.
<b>32. Report on fiduciary obligations toward SSI recipients</b>	No provision.	No provision.	No provision.	No later than 12 months after enactment, the Social Security Commissioner would be required to submit a report to Congress on state or local child welfare services agencies that act as representative payees on behalf of children receiving Supplemental Security Income (SSI). This report would examine the extent to which such agencies have complied with their fiduciary responsibilities, and

Provision	Current law	H.R. 867 (House-passed)	S. 511 (Introduced)	S. 1195 (Introduced)
				have received SSI payments on behalf of children that they cannot identify or locate — Section 403.
<p><b>33. Allocation of administrative costs under TANF and other means-tested programs</b></p>	<p>Under Medicaid and food stamps, states are reimbursed for eligible administrative costs at a 50% federal matching rate, on an open-ended basis. Higher open-ended matching rates are provided for child support enforcement costs. Under TANF, states may use up to 15% of their block grant allotments for administrative costs. (Note: TANF replaced Aid to Families with Dependent Children (AFDC), under which states were reimbursed for eligible administrative costs at a 50% federal matching rate.)</p>	<p>No provision.</p>	<p>No provision.</p>	<p>Would require states to designate TANF as the “primary program” when allocating administrative costs incurred in serving those eligible or applying for benefits under TANF and any other state-administered federal means-tested program. This would require that, where TANF individuals also are applicants for or recipients of other federal means-tested programs (e.g., Medicaid, food stamps, child support enforcement), administrative costs would, for the purpose of claiming federal matching money, be allocated such that costs common to all the programs are allocated to TANF and costs specific to a given program are allocated to that program.</p>
				<p>Includes special provisions for states that conform eligibility rules and procedures under Medicaid and TANF and use the same application form.</p>

Provision	Current law	H.R. 867 (House-passed)	S. 511 (Introduced)	S. 1195 (Introduced)
				These amendments would take effect as if included in the welfare reform law of 1996 — Section 404.
<b>VII. Effective Dates</b>	Not applicable.	<p>October 1, 1997.</p> <p>If the Secretary determines that states need to enact legislation to comply with state plan requirements imposed by this legislation, a state plan would not be considered out of compliance solely because it fails to meet these requirements until after the close of the next regular session of the state legislature. In states with a 2-year legislative session, each year would be deemed a separate regular session — Section 15.</p>	October 1, 1997 — Section 501.	Same as H.R. 867, except for provisions dealing with termination of parental rights (see item 3) and allocation of administrative costs under TANF and other means-tested programs (see item 33).

File: Family - Adoption - Legislative  
and  
Family - child care

Bruce -  
Have you seen this?  
Elena  
File Adoption

TO: John Hilley  
CC: Elena Kagan  
FROM: Jennifer Klein J.K.  
DATE: 7/10/97  
RE: Child Care and Child Welfare Proposals

As you consider uses for the tobacco tax funds, you had asked for descriptions of our child welfare and child care priorities.

1. **Child Welfare**

The Administration has stated its strong support for the House child welfare bill sponsored by Camp and Kennelly (H.R. 867). We would recommend supporting two additional provisions in the Senate bill sponsored by Chafee, Rockefeller, Jeffords and DeWine. The first proposal provides funds for services to resolve family problems that have caused the child to be placed in the foster care system as well as to develop alternative permanent arrangements for the child. The second provides grants to states to remove barriers to adoption. I have attached a more detailed description of these proposals.

2. **Child Care**

We are considering three child care proposals.

- The first would make the Dependent Care Tax Credit refundable for child care expenses so that it could be used by the lowest income working families and would increase the amount of credit available on a sliding scale to low and moderate income working families.
- The second would expand Healthy Start programs. This would link child care providers and health care providers to ensure that children are in safe, healthy and high quality environments. (We are waiting for more detail from HHS. Secretary Shalala prefers this option because she thinks the tobacco tax money should be used for initiatives closely tied to health care.)
- The third would provide funding for child care subsidies and create a quality incentive grant fund. It would: (1) increase child care development fund subsidies over the next five years to double the number of children served, reaching 2 million children by 2002; and (2) provide grants to states (with matching funds from the private sector) to improve the quality of child care for young children by modeling programs after the military system.

## CHILD WELFARE PROPOSALS

### Permanency Planning Funds

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

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

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

**Cost:** \$480 million for five years

### Grants to States to Remove Barriers to Permanency

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

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

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

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

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

*adoption*



DEPARTMENT OF HEALTH & HUMAN SERVICES

**Melissa T. Skolfield**

Assistant Secretary for Public Affairs

Phone: (202) 690-7850 Fax: (202) 690-5673

To: Bruce Reed

Fax: 456-2878 Phone: 456-6515

Date: 2/13 Total number of pages sent: 4

Comments:

FYI: Nicole Rabner will circulate these fact sheets on adoption within the WH.

Please either give Nicole your comments or send them directly to me.

Thanks very much!

*Joly*

**DRAFT****ADOPTION 2002  
SAFE AND PERMANENT HOMES FOR ALL CHILDREN IN THE 21<sup>ST</sup> CENTURY**

President Clinton announced today that he will move forward with ambitious legislative and administrative changes to move children more rapidly from foster care to safe, permanent homes. The recommendations are included in "Adoption 2002," a report submitted to the President today by the Department of Health and Human Services, in response to a Presidential directive signed by President Clinton on December 14.

"Adoption 2002" outlines a new action plan to help states set and meet urgent new adoption targets; offer sensible financial incentives for states to increase adoption rates; provide technical assistance to states, courts and communities to move children more rapidly from foster care to permanent homes; and develop a public awareness campaign to promote the importance and benefits of adoption. In developing the report, HHS conducted an extensive consultation process with leaders in Congress, states, child welfare organizations and child welfare experts.

Specifically, the recommended actions to accomplish the President's goal include:

**I. Doubling the Number of Children Adopted or Permanently Placed by 2002:**

Create Incentives for States: To focus on successful outcomes for children, HHS will work with states to set specific numerical targets leading to the doubling of the number of children adopted or found permanent placement by 2002. To assist states in reaching their targets, the President's budget proposal includes \$10 million in the fiscal year 1998 HHS budget for technical assistance and grants to state agencies, courts and communities to help them develop: an outcome-based approach to permanency placement; collaborative efforts to encourage placements across geographical boundaries; and models to recruit adoptive families. To encourage and reward states for their efforts, the Clinton Administration will propose legislation to offer a new monetary per-child bonus to states that increase the number of adoptions from the public welfare system. The bonuses will pay for themselves, as increasing adoptions will reduce spending in foster care. HHS will publish annual reports on the progress states are making toward their adoption targets and will work with foundations and intergovernmental organizations to promote public annual recognition awards to states for successful, innovative accomplishments.

Breakdown Racial and Ethnic Barriers to Adoption: HHS will continue its aggressive implementation of the Multiethnic Placement Act, as amended by the Interethnic Adoption provisions (IEP) of the Small Business Job Protection Act of 1996, that prohibits adoption agencies from denying or delaying placement of a waiting child based on race, color, or national origin. HHS will issue guidance and provide technical assistance to states to ensure that states comply with the laws.

**II. Moving Children More Rapidly From Foster Care to Permanent Homes:**

Decrease Procedural Delays: To speed up the process of reviewing a child's status in foster care, HHS will propose to change the federal law to require that a court hearing is held no later than 12 months after a child enters the foster care system. Current law requires that a court hearing is held within 18 months after a child's placement in foster care. HHS also will propose to change the title of that hearing from "dispositional hearing" to "permanency planning hearing" care to encourage that the focus of deliberations for the child is on a finding a permanent, safe home. Under existing law, states are required to make "reasonable efforts" to both prevent the unnecessary removal of children from their families and to reunify children who have been placed in foster care with their natural families. HHS will propose to change federal law in two ways to clarify the "reasonable efforts" provision: to explicitly include the best interests and safety of the child as the first priority in determining whether a child should be removed from his or her home; and to introduce for the first time that "reasonable efforts" be made by states to secure a permanent home for children in foster care who cannot return safely to their homes and for whom adoption is the goal.

Help States Identify and Address Barriers to Permanency: To encourage and support states to identify and overcome the barriers to permanent placements for children in foster care, the President's FY 1998 budget proposal includes \$10 million for HHS competitive grants to up to 15 states to develop model strategies to reform permanency planning and adoption services. Today President Clinton announced approval of Ohio's innovative managed care demonstration project, the fifth child protection waiver granted by the Clinton Administration. Under existing law, HHS has the authority to conduct demonstrations using waivers to as many as 10 states. HHS will propose a change in federal law to expand the department's authority to grant additional child protection waivers to test alternative permanency arrangements, such as guardianship and kinship care, for children for whom adoption is not a viable option.

### III. Increasing Public Awareness:

Call to American Families, Communities and Business: The President's FY 98 budget plan includes \$1 million for a new national public awareness campaign. The goals of this new campaign are to provide better information about the needs of children in foster care waiting to be adopted; to reinforce the message of the importance of adoption and the rewards and responsibilities to prospective adoptive families; and to recruit more Americans to open their hearts and their homes for children, particularly those with special needs. To spread these important messages, the campaign will include public service announcements, print materials and use of the Internet.

**DRAFT****THE CLINTON ADMINISTRATION RECORD ON ADOPTION**

*"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."*

-- President Clinton, Radio Address, December 12, 1996

Today, President Clinton endorsed a new action plan, "Adoption 2002," designed to double the number of children adopted or permanently placed by 2002 and move children more rapidly from foster care to permanent homes; and increase public awareness on the importance of adoption. These actions are intended to give the 450,000 children in foster care what every child in America deserves -- loving parents and a healthy, stable home.

The Clinton Administration has previously taken several important steps to encourage and increase adoptions and to support the families that choose to open their hearts and their homes to these children. Since taking office in 1993, the President has championed programs that find and assist adopting families, and has committed his Administration to breaking down barriers, including high adoption costs and complex regulations. These steps include:

**GIVING STATES FLEXIBILITY AND SUPPORT**

Today, President Clinton granted Ohio a waiver making it the fifth state to test innovative strategies to improve its child protection system. Delaware, Illinois, North Carolina, Ohio and Oregon have already been given more flexibility in tailoring services to meet the needs of children and families, and up to five more states will receive approval for similar demonstrations. In addition, this administration has provided states with enhanced technical support and helped improve court operations so they can focus on successful outcomes. To prevent children from entering foster care in the first place, in 1993 the Clinton Administration secured federal funding to work with states, local governments and service providers to develop effective programs to serve children and families at risk.

**MAKING ADOPTION AFFORDABLE FOR FAMILIES**

In August, President Clinton signed into law the Small Business Job Protection Act of 1996 which provides a \$5000 tax credit to families adopting children, and a \$6,000 tax credit for families adopting children with special needs. This policy will alleviate a significant barrier to adoption, helping middle class families for whom adoption may be prohibitively expensive and making it easier for families to adopt children with special needs.

**BREAKING DOWN RACIAL AND ETHNIC BARRIERS TO ADOPTION**

Strengthening the Multi-Ethnic Placement Act which the President signed in 1994, the Small Business Job Protection Act of 1996 also ensures that the adoption process is free from discrimination and delays on the basis of race, culture and ethnicity.

**PROVIDING SUPPORTS FOR CHILD PROTECTION AND ADOPTION**

In 1993, President Clinton signed into law the Family and Medical Leave Act which enables parents to take time off to adopt a child without losing their jobs or health insurance. In addition, the welfare reform bill that the President signed into law maintains the guarantee of child protection and adoption, and does not reduce funds for child welfare, child abuse, foster care and adoption services.

**RAISING PUBLIC AWARENESS**

Through speeches, writings, events and public service announcements, the President and First Lady have promoted the importance and benefits of adoption. Today's announcement of a \$1 million public awareness campaign builds on these efforts.

THE WHITE HOUSE  
WASHINGTON

February 13, 1997

**HHS Delivery of the Adoption 2002 Report**

DATE: February 14, 1997  
TIME 12:15 p.m.-1:10 p.m.  
LOCATION: The Oval Office  
FROM: Bruce Reed

**I. Purpose**

On December 14, 1996, you directed the Secretary of Health and Human Services to provide within 60 days specific recommendations for strategies to move children more quickly from foster care to permanent homes and to meet the goal of at least doubling adoptions and other permanent placements over the next five years.

At this event, HHS will deliver to you the report, *Adoption 2002*. The report responds to your Executive Memorandum and takes its name from one of its central goals --to double by the year 2002 the number of children adopted or placed in other permanent homes each year.

At the event will be children waiting to be adopted, adopted children and their families, and representatives from HHS. The children will present you with valentines and you and the First Lady will give the children valentines.

**II. Background**

The Department developed *Adoption 2002* as a blueprint for bipartisan Federal leadership in adoption and other permanency planning for children in the public child welfare system. To prepare this report, the Department of Health and Human Services consulted with child welfare professionals, policy experts, advocates, and foster and adoptive parents at the national, state and local levels.

*Adoption 2002* outlines an agenda to help overcome barriers to adoption and to accelerate the path to permanency for all waiting children in the public child welfare system. The report presents strategies to establish, track and meet state-by-state annual, numerical targets for adoptions and other permanent placements -- targets that will bring us to a national doubling of adoptions and permanent placements in the year 2002. To help states reach their targets, the report commits to providing expanded technical assistance, rewarding states for incremental increases in adoption levels with per-child financial bonuses, and otherwise recognizing successful performance. The bonus not only

provides an incentive for increasing the number of adoptions, but also pays for itself with the cost of the bonuses offset by savings in foster care costs. *Adoption 2002* also includes a proposal to establish competitive grants available to states for dismantling barriers to permanency.

In addition to providing incentives to states to meet new targets, *Adoption 2002* outlines ways in which the Federal government can assume leadership in breaking down barriers to permanency for children in foster care. The Department will issue strong guidance on the implementation of law signed by President Clinton that makes it illegal to deny or delay the placement of a child based on race or ethnicity, and it will outline the penalties for non-compliance.

Perhaps most important, while working with Congress on its legislative proposals that seek to define the "reasonable efforts" provision, the Department will issue guidance that clarifies its meaning. This clarification will make it clear that in determining when to remove a child from his or her family and when to reunify the family, federal law requires that the child's health and safety shall be the paramount concern.

The Department also will issue model guidelines for state legislation to ensure that the child's health and safety is the paramount concern in decisions to terminate parental rights. Furthermore, the *Adoption 2002* urges that the Administration seek legislation that shortens the time before a child's first disposition hearing --the hearing in which a permanency decision is first made --from 18 months to 12 months and changes its name to a "permanency planning hearing."

### **III. Participants**

#### **Children Waiting to be Adopted**

##### Frank Heath

Frank, 15, has had several placements with relatives and in foster care. He is very athletically inclined. Frank enjoys sports and reading.

##### Edward Tauber

Edward, 6, is a very challenging child who has been diagnosed with Attention Deficit Hyperactivity Disorder (ADHD), is emotionally needy, and has significant behavior problems. Edward is currently in a therapeutic foster home which specializes in meeting the needs of "special needs" children.

##### LaToya Miles

##### William Smith

##### Joseph Pickney

LaToya, 8, William, 7, Joseph, 5, are three young children who are awaiting an adoptive home. They are outgoing, active children who enjoy a variety of activities. They need a home which will provide them with a lot of support, structure and nurturing.

## **Children Who Have Been Adopted and Their Families**

James R. Collins, II

Charade Collins

Deanna Collins, 15

Deanna was in foster care since the age of 3 when she was removed due to abuse and neglect. She had had a variety of foster care placements during the ten years she spent in the foster care system.

In November 1995, Deanna left her group foster home at The Villages in Topeka, KS, to travel to Washington to read a poem and give a speech about her foster care experiences at a National Adoption Month event at the White House. She had many articles written on her trip and subsequent publicity in Parade Magazine.

Shortly after returning to Kansas, Deanna was adopted by the Collins family, who had read about her in publicity about the event. Mrs. Clinton was so moved by Deanna's speech and the poem she read, she included Deanna's story in her book, It Takes a Village.

Debra Krauss

Dennis Krauss

Danielle Krauss, 14

Mr. and Mrs. Krauss adopted 14 year old Danielle on July 24, 1996. Danielle was in foster placement with the Krauss's two years before permanent custody. She was not sure she wanted to be adopted. However, six months ago she became finally permanently adopted. This will be her first Valentine's Day with the Krauss's.

Jannice Butler

Tiara Butler, 3

Jannice, a single parent, adopted Tiara, 3. Tiara's adoption was final in December, 1995. Jannice has had Tiara since she was 3 months old. Tiara was in foster care in DC after being abandoned in the hospital.

Edna Moore

Michael Moore

Marcus Moore, 5

Marcel Moore, 5

Calvin Moore, 8

Ebony Moore, 10

Mr. and Mrs. Moore became the foster parents of twins, Marcus and Marcel. When the Moores

discovered there were 2 other siblings, Calvin and Ebony, in foster care, they fostered them also. The Moore's adopted all of the children in late 1994. The Moores are also fostering a 16 year old Hispanic girl.

#### IV. Press Plan

Open press

#### V. Sequence of Events

- 12:15 p.m.-12:30 p.m., pre-event briefing, Oval Dining Room
- 12:30 p.m., enter Oval Office for event
- First Lady speaks, points out valentines on wall from Iowa children waiting to be adopted **(see attachment regarding the Iowa Citizen Foster Care Review Board Valentine Adoptive Child Watch Project)**
- Olivia Golden from HHS presents the report to President
- President makes remarks
- First Lady returns to lectern, introduces Deanna Collins (an adopted child) and the Collins Family
- Deanna speaks and presents a valentine to POTUS and FLOTUS
- President and First Lady present children their valentines
- Event concludes

#### VI. Remarks

Speech writing will give you prepared remarks.

**Iowa Citizen's Foster Care Review Board  
Valentine Adoptive Watch Project**

DeAnn Jones, Division Administrator  
515-242-6392

The Iowa Citizen's Foster Care Review Board is a state agency created in 1984 to monitor the effectiveness of the Iowa foster care system to move children to permanent homes.

The Valentine Adoptive Watch Project is a citizen project created in response to interviews with foster children waiting for adoption. All 1000 waiting Iowa foster children with terminated parental rights are represented by a construction paper heart every Valentine's Day. (In Iowa, there are 5,000 children total in foster care and of those, 1,000 are free for adoption.) The child's story is printed on his or her heart. Those hearts are strung on ribbon and being presented to the President and the First Lady.

Each year when the valentines are made, the children who have been adopted, children who are waiting to be adopted, and citizens volunteering their time, gather at the state capitol to help make the valentines. In getting ready for the event this year, the children decided they wanted the President and the First Lady to know about them. So the children made a special set of valentines to send to the White House so that the President and Mrs. Clinton can see and touch their hearts and know their story of waiting.

Attached is a story of one special boy who has sent the President and Mrs. Clinton a valentine. This 11 year old boy, Raleigh Boesel, has been waiting for an adoptive home for eight years. His story is similar to many of the children involved in this program.



**RALEIGH - EXCHANGE NUMBER 127 - DOB 10/09/84**

**STRENGTHS:** Raleigh is a 11-year-old Caucasian-Native American boy. He enjoys being around animals, likes to be a helper and responds to one-on-one attention. He takes pride in his personal appearance and hygiene. Raleigh can display good manners when he chooses. He is showing growth in play skills and relates best to younger children.

**NEEDS:** Raleigh requires a high level of structure and supervision. In the last six months in residential treatment Raleigh's behaviors have improved and he desperately wants to be part of a family.

**PARENTAL STRENGTHS:** A two-parent family is preferred although a single parent with a strong support system would also be acceptable. Raleigh would do best in a family with no children. He would like to live in the country or small rural community. Resources need to be available to help meet Raleigh's continuing special needs.

Adoption Worker - Karen Andrew - (319) 653-7752  
NATIONAL EXCHANGE # IA 366

Dear President,

My name is Raleigh. I am 12, I live in Iowa.

I like to play football and basketball.

I been waiting for 8 years for an adoptive family. I am hoping for a family with pets, a brother and a sister and nice parents.

Sincerely,

Raleigh Boesel

RALEIGH



**Adoptive Child Watch Project**  
 Teenage Boy

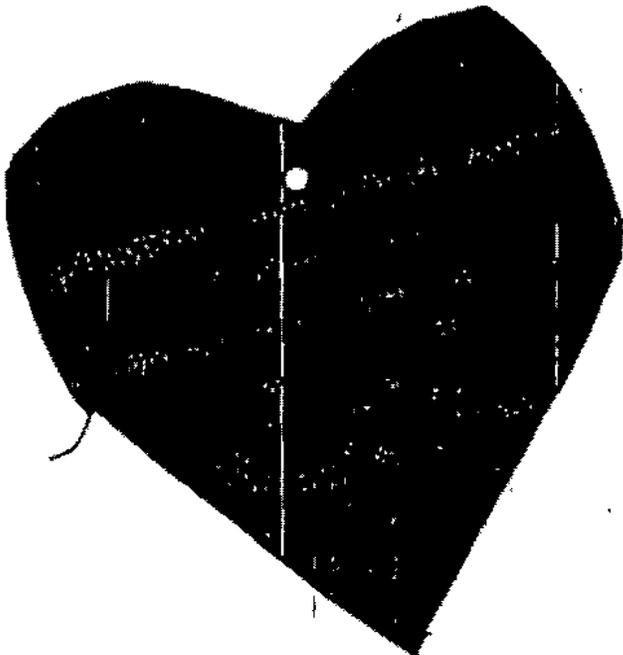
Came into Foster Care System at Age 4  
 Age 6 at TPR  
 Now Age 14  
 Been Waiting 2638 Days

**Adoptive Child Watch Project**  
 Preschool Boy

Came into Foster Care System at Age 2  
 Age 3 at TPR  
 Now Age 4  
 Been Waiting 680 Days

**Adoptive Child Watch Project**  
 Teenage Girl

Came into Foster Care System at Age 7  
 Age 10 at TPR  
 Now Age 14  
 Been Waiting 2387 Days



**Adoptive Child Watch Project**  
 Jr. High Boy

Came into Foster Care System at Age 6  
 Age 7 at TPR  
 Now Age 13  
 Been Waiting 2550 Days

Adoption

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.

JAMES L. OBERSTAR

8TH DISTRICT, MINNESOTA

2366 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-2308

(202) 225-6211

FAX: (202) 225-0899

COMMITTEE:

RANKING DEMOCRAT:

TRANSPORTATION AND  
INFRASTRUCTURE

# Congress of the United States

House of Representatives

Washington, DC 20515-2308

December 16, 1996

DEC 20 1996

*NOT  
Answered*

DISTRICT OFFICES:  
BRAINERD CITY HALL  
501 LAUREL STREET  
BRAINERD, MN 56401  
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CHISHOLM CITY HALL  
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(612) 241-0188

The Honorable William J. Clinton  
President of the United States  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, D.C. 20500

Dear Mr. President:

I want to commend you and the First Lady for your thoughtful and timely remarks this past Saturday concerning your administration's efforts to promote adoption. I was very pleased to see the steps that you are taking to encourage this wonderful life-affirming experience.

As an adoptive parent and as a Co-Chair of the Congressional Coalition on Adoption, I strongly support your call to double the number of foster care children who are placed in adoptive homes. I applaud your presidential directive on adoption, and I look forward to seeing the recommendations of Secretary Shalala on specific ways the federal government can eliminate barriers to adoption.

I strongly believe the federal government can greatly assist families who adopt by ensuring that adoptive families receive the same employee leave benefits that are granted to birth families. When you signed the Family and Medical Leave Act into law, you guaranteed equal treatment for birth families and adoptive families with respect to unpaid leave benefits. Many employers, however, permit birth family employees to use accumulated sick time or provide paid leave benefits, but these employers do not provide those same benefits to adoptive families.

To address this discrepancy, I introduced the "Leave Equity for Adoptive Families Act of 1995" (H.R. 2237). My legislation would not mandate paid leave benefits for adoptive families. This legislation, however, would make it illegal for an employer to maintain a discriminatory leave benefit policy. Employers should be required to provide the same benefits for birth and adoptive families.

The real beneficiary of parental leave for adoption is not the parent, but the adopted child. Parental leave provides time for the new parent to help the adopted child adjust to their new home. Adopted children come into new families with the need to bond to parents not biologically connected to them, and some of these children come to their new families with a host of previous experiences or problems that need resolution. Adoptive parents should be present to help adopted children understand their new environment.

Honorable William J. Clinton  
Page two  
December 16, 1996

During the recent campaign, you expressed support for expanding the Family and Medical Leave Act, and you have also indicated a willingness to examine flexible leave time legislation. As your Administration prepares to draft legislation concerning adoption and employee leave issues, I strongly encourage you to incorporate the provisions of H.R. 2237 into your legislative initiatives.

Mr. President, thank you for your consideration, and I look forward to working with you on effective public policies that promote adoption and strengthen families.

Warmest personal regards.

Sincerely,

A handwritten signature in cursive script that reads "Jim Oberstar". The signature is written in dark ink and is positioned above the printed name.

James L. Oberstar, M.C.

THE WHITE HOUSE  
WASHINGTON

April 4, 1997

WOT  
Sent

The Honorable James L. Oberstar  
House of Representatives  
Washington, DC 20515

Dear Congressman Oberstar:

Thank you for your letter to the President regarding the executive order to reduce barriers to adoption. I appreciate your kind remarks and commend you for your personal and professional commitment to this issue.

As you know, adoption has an important place in the President's Administration. I recognize your concern for adoptive parents who deserve similar benefits which only birth families currently receive. The Family and Medical Leave Act has given birth families and adoptive families equal rights with respect to unpaid leave benefits in the work place.

I am concerned, however, that the purpose of this Act is not being carried out as intended. Given the importance for adopted children to have a parent at home upon arrival into a new environment, parental leave is a key issue for employees. The President will continue to support adoption and break down existing adoption barriers.

Sincerely,

Bruce Reed  
Assistant to the President  
for Domestic Policy

## MEMORANDUM

To: Tom Freedman

From: Mary L. Smith

Re: Adoption/Problems with Foster Care

Date: August 13, 1996

---

1. **Question:** How does the process of adoption work generally?

**Answer:** There are two types of adoption: (1) voluntary placement and (2) involuntary placement. Voluntary placement occurs when a pregnant women voluntarily gives up her child for adoption. Involuntary placement occurs when there is abuse in the family, and eventually state agencies intervene.

For the involuntary adoptions, many children stay indefinitely in foster care because of the difficulty in current law with terminating parental rights, even in cases, where there has been abuse. Further, many children remain in foster care because of problems with transracial adoptions. Specifically, 43 states have interpreted a 1994 federal law, the Howard M. Metzenbaum Multiethnic Placement Act (P.L. 103-382), to allow them to enact some sort of law or regulation to delay placing a child in an adoptive home in order to try to find suitable cultural and ethnic matches.

I recently talked with Bill Pierce, the President of the National Council for Adoption, one of the only organizations that collects statistics regarding adoptions as the federal government stopped collecting this data in 1975. Mr. Pierce reaffirmed that most of the children currently in foster care are "stuck" there because of the difficulty of terminating parental rights under the doctrine of *parens patriae* which recognizes the fundamental liberty interest of parents in the care, custody, and control of their children.

Since 1980, the federal Adoption Assistance and Child Welfare Act has required states that receive federal funds to make "reasonable efforts" both to prevent the unnecessary separation of children from their parents and to facilitate the reunification of foster children with their birth parents.

2. **Question:** How many children are currently "stuck" in the foster care system?

**Answer:** Child-care experts and the National Council for Adoption currently estimate that there are about 500,000 children in the foster-care system. Only about 50,000 of the

500,000, or 10% of the children currently in foster-care, have been legally freed for adoption. Most of the 50,000 children legally freed for adoption are "special needs" children--they are school-age (older) children, part of a sibling group that must be adopted together, a racial or ethnic minority, or have physical, emotional or developmental problems. Less than 50,000 children move from foster care into permanent homes each year. According to the National Council for Adoption, about 15,000 of the approximately 50,000 adoptions each year involve "special needs" children.

3. **Question:** What are the rebuttals to Proposal A?

A. **Terminating Parental Rights After One Year.**

**Proposal A:** One suggestion that raises "serious concerns" is "to terminate parental rights after one year (with an exception if it is not in the best interests of the child). As you know, this touches on one of the most difficult issues in child welfare and would cause great alarm in the children's advocacy community (at [sic] time when, because of the welfare bill, they are sensitive to begin with). In addition, without a big infusion of additional Federal money, it is an unfunded mandate on states and would be impractical given delays and limited capacity in the courts and social services agencies. Finally, the exception for situations that are not in the best interests of the child would create delays as courts tried to reach this determination, effectively eliminating any chance that this rule would speed adoptions."

**Response:** There is a current trend to encourage adoptions and to free children from endless foster care, even in the so-called children's advocacy community which supposedly would be greatly alarmed by this suggestion.

There have been two recent incidents which highlight the problem with the current system of adoption that requires "reasonable efforts" for family preservation. In New York City, there is a class-action lawsuit filed involving a 3-1/2 year old girl named Marisol. Caseworkers took her away from a foster mother who had cared for her since she was a week old, and sent her to live with her birth mother who was a complete stranger. Fifteen months later, a housing inspector found Marisol lying naked and starving beneath a urine-soaked sheet, locked in a closet in her birth mother's apartment. Similarly, in Los Angeles, in 1995, two-year-old Lance Helms was murdered last year by his father's live-in girlfriend after a dependency court ordered his reunification with his father.

Nowadays many child advocates and politicians have begun to question the prevailing family preservation approach. Richard J. Gelles, head of the University of Rhode Island's family violence research program and author of *The Book of David: How Preserving Families Can Cost Children's Lives*, once a strong proponent of family preservation, has become convinced that child safety needs to take precedence over family reunification. Gelles has reached this conclusion based on statistics involving child abuse. According to the National Center on Child Abuse Prevention Research, 45% of the 3,581 children known to have been killed by a parent in

the period 1992 through 1994 were killed after their families had come to the attention of state and local services.

In Gelles' experience, parents "at the high end of abuse," meaning those who have sexually assaulted an infant or broken a child's bones, are not going to be helped by family preservation services. The best way to help these children is to pave the way for adoption by quickly terminating parental rights.

Proposal A also argues that encouraging adoptions would require "a big infusion of additional Federal money," presumably for the courts and social workers to perform the requisite administrative tasks to complete the adoption. However, in the long run, it is probably less expensive to permit children to be adopted versus maintaining a child in foster care for many years at the expense of federal funds.

Finally, Proposal A argues that courts, in construing the standard "in the best interests of the child" to terminate parental rights, would create delays in adoptions. While this may be true, the current standard of "reasonable efforts" has created innumerable delays. Proposal A does not recognize the delays in the current system, and, therefore, does not address whether the alleged delays in construing "in the best interests of the child" standard would be greater or less. In fact, the current "reasonable efforts" standard has been construed by many courts as "every possible effort" and "exhaustion of efforts."

The ABA's Center on Children and the Law also supports the termination of parental rights once it becomes clear that the safety of the child is jeopardized. The congressionally-created U.S. Advisory Board on Child Abuse and Neglect has urged passage of laws to speed up the termination of parental rights in cases where the child's life is endangered.

Some states have already enacted reforms. In Oregon, a new law permits judges to quickly terminate parental rights in cases of "extreme conduct," defined as those instances where a parent seriously injures, sexually assaults, starves or tortures a child, or repeats an act that previously had caused the parent to lose rights to another child under similar circumstances. Oregon also allows foster caretakers who have "fulfilled a child's psychological need for a parent" for at least 18 months to participate in proceedings to terminate parental rights of birth parents. In New Hampshire, foster parents may file their own termination petitions, a prerogative reserved for child welfare officials in most states.

## **B. Transracial Adoptions.**

**Proposal A:** "A second suggestion is to penalize states that are placing low numbers of children in families of different races under the Multi-Ethnic Placement Act. Again, this would cause an uproar in the children's community and would harm waiting children in those states where the most help is needed."

**Response:** As stated above, currently, as many as 43 states have interpreted the Multiethnic Placement Act to permit them to delay placing a child in an adoptive home in an effort to find suitable cultural and ethnic matches. As a result, studies have shown that 41% of black children in foster home care spend more than four years waiting to be adopted while only 17% of white children wait the same amount of time.

Moreover, there is little data to demonstrate that a same-race household is better for a child than a different-race household. The National Committee For Adoption believes that transracial adoptions provide a viable alternative to the thousands of black and bi-racial children who wait for permanent homes. Opponents of this belief, such as the National Association of Black Social Workers, contend that transracial adoption amounts to "cultural genocide" and is a white, imperialistic attempt to rob the black community of its children.

Careful research has shown that transracial adoption does allow for healthy development of children. See generally Adoption Factbook, National Committee for Adoption at 123-24 (1989) (citing several studies of transracial adoptions). In a longitudinal study of children in transracial placements, 71% of 400 transracially adopted children said that being brought up in a white family gave them "no problem."

Currently, black children for whom black homes cannot be found usually end up being bounced around from one white foster care home to another until they grow up. Some studies show that it is better for a child to be raised in a stable, nurturing family--regardless of color or cultural differences.

One final proposal is that once a child is legally free for adoption, the state should be given 30 days to find a family for that child. If the state can't find a family, the child's case should be contracted out to a private agency that is financially motivated to find an adoptive family. Michigan tried a similar plan, and its rate of adoption for black children increased 121%.