

Substitute SB 287, Adoption Bill

Senator Tom Niehaus, Sponsor

Supportive Testimony, Senate Health Committee

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Good afternoon Chairman Coughlin and members of the Senate Health Committee. I am Crystal Ward Allen, the Executive Director of Public Children Services Association of Ohio. PCSAO represents the 88 public child protection agencies here in Ohio, working for safe children, stable families and supportive communities. PCSAO is pleased to provide supportive testimony for HB 529.

As you have heard in recent weeks, the Huron County Juvenile Court Judge awarded permanent custody of the special needs children that had been housed in cages at times, to the Huron County Department of Job and Family Services. In this case, the local agency, county prosecutor, and court have all strongly responded to an unacceptable situation. Now, pending a decision by the appellate court (as the Gravelles, the former adoptive parents, have appealed the decision), Huron CDJFS will seek new adoptive families for the children. It is critical we learn from this case, and put in place policies that will help prevent similar cases from happening in the future.

It is also important to note, approximately 2,000 adoptions of "waiting children" are finalized each year, thus we cannot conclude this case is typical of adoptive families, and we do not want to discourage families from adopting. After all, every child deserves a safe and loving forever home.

Thus, Sub SB 287 (and Sub HB 529, the companion bill) proposes a number of provisions that will improve our efforts for a safe, efficient adoption process, while protecting the integrity of foster and adoptive families. Some of the key provisions are outlined below:

- **Provisions relating to increased sharing of information between ODJFS, Public Children Services Agencies, private adoption agencies, and courts.** The Gravelle family case clearly showed significant voids in sharing

of key information to the right entities at the right time. There are two major processes in the adoption assessment process – initial approval of a family to adopt, and then matching them with a specific child for adoption placement and finalization. PCSAO particularly supports the provisions that will authorize the adoption assessor (regardless of a public agency worker, private provider or court employee) access to, and authority to share, key information in three ways:

- **During the homestudy process**, the adoption assessor will have access to the **prospective family’s history regarding reports where there was evidence of child abuse or neglect report**. The language is careful to ensure unsubstantiated reports are not shared or considered, and language discusses using of this child maltreatment history, in the totality of information collected. Due process rights are currently ensured for all alleged of abuse or neglect, and the bill establishes appeal rights for prospective adoptive families.
- **During the home study process**, the adoption assessor will notify the county child welfare agency where the family resides that an adoption homestudy is in progress. **Sharing of “relevant information” is authorized in the bill**. This information could serve to caution the assessor to look further, or allow the assessor to specifically ask about a question or just serve as notification that the family is interested.
- **At the time of an impending adoption** (the agency with custody of a child is considering placing a specific child in the approved home), **the assessor of that home is once again to notify the county agency of residence that a specific child is being considered for placement**. Again, “relevant information” can be shared. Examples would be that the agency is currently providing significant amount of PASSS (post adoptive special services) to that family with other adopted children; it could be that the current family dynamics caution against placing an older or younger child in at this time; it could be that the child currently being considered has special needs that the home agency can help to facilitate key resource connections for.

These sharing of information provisions will establish a critical, yet efficient sharing of relevant information. Additional language prohibits falsification, indeed makes it a misdemeanor; language indicates ODJFS would provide a form so the relevant information could be shared in writing; appeal rights are afforded the resource families; and any comments would be part of the final information provided to the court.

- **The requirement to complete a multiple child assessment**, when considering placing a child into a home that would have five or more children. We must take a special look at the capacity of any family to care for a large number of children, when adding in another special needs child. This provision will not prohibit families from adopting additional children – many families have an amazing capacity to care for large numbers of children. It will merely “trigger” additional assessment considerations – both to ensure the family and agency are carefully considering the family’s capacity, and perhaps to plan what, if any additional support services may be needed.
- **The bill also proposes to increase the mandated training hours for new public agency caseworkers, reinforces frequent face to face visitations with the child and adoptive parent prior to adoption finalization, and clearly requires persons who are providing child and family services for children service agencies, to be mandated reporters of child maltreatment.**
- **A provision to establish equal sharing of planning and fiscal responsibility when a child comes back into agency custody within 36 months after a finalized adoption**, when the original custodial agency is different than the county of residence. Of course, all reasonable efforts must be made to prevent the child from coming back into custody in the first place.
- **A provision allowing current and former foster youth, ages 18-21 to be adopted** in juvenile court.

According to ODJFS, at the end of FFY 2005, Ohio had 2,612 children in Permanent Custody, with adoption as their identified goal. We know there are even more children in permanent custody and planned permanent living arrangements that also need permanent homes, they just don’t have “adoption” listed as their goal. All of these waiting children desperately need a safe,

stable, loving family as their forever family. I have attached a chart showing the characteristics of these children. I feel it is important to note the following:

- Children of color are disproportionately represented in the child welfare system – 48% of “waiting children” are African American compared to only 11% African American in our general population.
- African American children wait for adoptive homes longer than Caucasian children.
- Older children (53% of the waiting children are 10+ years) also wait longer to be adopted.

Ohio is actively working to address these issues. Like the rest of the nation, the child welfare and juvenile justice communities recognize we have a disproportionate number of minority children and families involved with our system. As a system, and as local communities, the following activities are in progress to address these needs:

- There is an effort to improve on home and community based services aimed at strengthening birth and kinship families, especially in “resource poor” communities. The ABC (Access to Better Care) initiative and the Kinship Permanency Incentive Program began in the current biennial budget is aimed at this, as are Family to Family community partnering efforts, especially in many urban areas throughout the state.
- There are special efforts to increase the number of African American and other minority resource families approved and available for our children needing temporary or permanent homes.
- All public child welfare professionals are trained in cultural diversity and competence.
- Agencies strive to have a workforce that looks like the families they serve – our urban agencies such as Cuyahoga, Stark, Franklin, Montgomery, Lucas and others have a diverse workforce as it is recognized that it is critical.
- Counties are hosting community evaluation teams to examine the local trends and develop local strategies to address issues of disproportionality.

TANF funds can contribute necessary fiscal support for many adoption activities leading to adoption successes. We must find permanent homes for our waiting children, and we support the higher standards proposed by this bill. Ohio has a federally approved TANF plan that allows TANF funds to support the following adoption activities:

- Resource family recruitment, especially with minority families, to match the profile of children who are waiting for adoptive homes
- Child Centered Recruitment practices for older youth and those waiting for 12+ months

- Adoption matching and placement activities, including incentives for families to adopt
- Post Adoption Special Services Subsidies (PASSS) to support families after finalization
- Support for Independent Living Services for our older foster youth that do NOT get adopted is also essential, and fully allowable under TANF regulations.

PCSAO strongly applauds General Assembly, Governor Taft, and ODJFS for the expected announcement to dedicate an additional \$5 Million in TANF funds for adoption activities, as well as additional TANF funds for Independent Living services. Ohio's Public Children Services Agencies have proven there are effective and allowable practices using TANF, the funds are available, and the need – finding safe permanent homes for our children - is important.

Before I sit, I also want to plant the seed that it is time for Ohio to directly provide financial support for special needs children who are adopted, and the wonderful families that adopt them. The \$8.77/day or \$250 standard monthly subsidy for these families was established in 1986 – 20 years ago! Permanently raising children with special needs costs more than \$250 / month. If we expect to match our children with adoptive families, and that these adoptions sustain until the child is an adult, Ohio must adequately support these families.

We appreciate the intense work and leadership by Senator Tom Niehaus, along with Representative Jeff Wagner, in drafting these companion bills, and continuing to solicit input from PCSAO and other interested parties, to ensure the new provisions will indeed improve the safety and permanence of children, while not making the adoption process more burdensome for families willing to foster and adopt our children in Ohio. I am happy to respond to any questions.