Testimony on 2011 SB 63, 2011 SB 64, and 2011 SB 65
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Good morning Madam Chair and members of the Committee. My name is Fredi-Ellen Bove and I am the Administrator for the Division of Safety and Permanence in the Department of Children and Families. Thank you for the opportunity to testify today.

The three proposed bills, SB 63, 64, and 65 make significant changes to current child protective services and adoption practices, and thereby have the potential to significantly affect the well-being of many children and families in the state. The Department has a number of concerns with the bills as currently drafted, which we have discussed with the author of the bill. The Department plans to work with Senator Lazich to explore ways to address these concerns. I am testifying today for informational purposes.

Of the three bills, Senate Bill (SB) 63 proposes the most dramatic changes to the child protective services system. For this reason, my remarks today will focus on SB63.

SB 63 would require a Termination of Parental Rights (TPR) petition to be filed for a child who has been in foster care or another type of out–of–home placement for six months if the child is under age eight or if the child is over age eight and meets certain criteria. Certain exceptions to filing a TPR for a case, specified in current law, would continue to apply.

The bill represents a significant departure from current state law and practice which requires, subject to specified exceptions, that a TPR be filed for a child of any age who has been in out-of-home care for 15 months. Current state law is consistent with the federal Adoption and Safe Families Act, which requires TPRs to be filed at 15 months of out-of-home care. The bill primarily affects children under age 8 who are in out of home care.

For children who are removed from their homes for safety reasons, the goal of the child protective services system is to identify and transition the child to a permanent, safe, stable, and loving home that is in the best interests of the child. Possible permanency outcomes for children temporarily in out-of-home care include reunification with their family, living with a relative who serves as the child's guardian, and adoption, which requires the termination of parental rights. The policies and processes of the child protective services system are designed to achieve a permanency outcome for the child on as timely a basis as possible, while striving to ensure that the outcome is in the best interests of the child.

The vast majority, 75%, of children who are temporarily removed from their homes for safety reasons are either reunified with their family or remain permanently with a relative guardian. In these cases, parental rights are not terminated and the parent and child remain connected.

Under federal and state law, with certain exceptions, a child welfare agency that has removed the child from the home must make reasonable efforts to provide services and supports to the family that could result in returning the child to the parent's home. These reasonable efforts often include connecting parents with counseling, drug or alcohol treatment, resources for behavior management, housing, public benefits, and more. In the case of Indian children, the agency must meet the higher standard of making active efforts to provide services that could result in the return of the child to the parent's home. It can often take over 6 months for a parent to achieve access to and complete appropriate

programs and to learn and adopt behavior changes needed to maintain a safe and stable environment for the child. For example, there are waiting lists for many treatment programs, meaning that parents that are ready to enter treatment may have to wait two to three months to even enter treatment. The treatment program itself is likely to take several months to complete.

Of the family reunifications in 2010 for children under eight, slightly more than half, 53% or 652 children, achieved family reunification within the first six months. However, for slightly less than half, 47% or approximately 577 children, family reunification required more than six months to achieve.

Accelerating the TPR step to the six month point as proposed under this bill imposes a significant emotional impact on the child. A permanent separation is emotional and traumatic for children. At the six month point in out of home care, a child is often still traumatized, grieving, and strongly hoping and planning to return home. Research has shown that children benefit by maintaining a connection with family and community, wherever possible. As the state experience demonstrates, proceeding with TPR at six months is, in many cases, unnecessary and ill-founded because family reunification can be successfully achieved after six months.

An important feature in our child protective services process is concurrent planning. Under this approach, child protective services staff work on two possible permanence goals for a child at the same time; for example, the caseworker may be planning for both family reunification and for an alternative permanency option, such as adoption, if family reunification is not possible. Concurrent planning helps assure that a timely permanent outcome is achieved for the child, even in cases where family reunification is not possible.

Current law allows child welfare agencies to file for TPR in less than 6 months, in those infrequent cases where it is clear by the sixth month that a family cannot be reunified .

The bill has other problematic features. The bill would increase the number of TPR petitions filed, creating an additional workload for the court system that it is not equipped to handle with existing resources. Also, for all additional TPR cases generated under this bill, a permanent adoptive home would have to be found for the child. County child welfare agencies and the Department experience difficulties recruiting a sufficient number of adoptive parents to meet the current need.

In addition to the significant programmatic impacts, the proposed bill also creates a large financial liability for the Department. Individuals who adopt children who were in out-of-home care are eligible for adoption assistance payments under the state's Special Needs Adoption Program. The average monthly payment for a child under the Special Needs Adoption Program is $934 per month or $11,200 per year, of which approximately half is funded with state GPR and half with federal IV-E revenue. An adoptive parent is eligible for adoption assistance until the child is 18, or until the child finishes high school, if the child is enrolled in high school at age 18. For each additional adoption created under this bill that would not have taken place under current law, the increased cost of adoption assistance payments until the child reaches 18 years old is approximately $162,400 All Funds. As noted above, under the bill up to 577 children per year could be diverted from living permanently with families without child-related payments from the state and into adopted families with adoption assistance provided by the state.

Again, thank you for the opportunity to appear before the Committee.