



June 19, 2019

To: Assembly Task Force on Adoption

From: Oriana Carey, CEO, Coalition for Children, Youth & Families

On behalf of the Coalition for Children, Youth & Families, I thank the Task Force for the opportunity to share our experience and knowledge regarding the role we play in helping interested families learn more about adoption in Wisconsin, with the intent of helping them navigate the process as smoothly as possible.

The Coalition for Children, Youth, and Families, Inc. (the Coalition) was founded in 1984 by parents concerned about children waiting for adoptive homes. We are a nonprofit organization serving all 72 counties of Wisconsin. A portion of our funding comes from the State of Wisconsin Department of Children and Families, under the Foster Care and Adoption Resource Center project grant.

What is most unique about the Coalition is that it is specifically organized to provide neutral, compassionate, objective, and timely information and support for individuals and families as they initially seek to learn about adoption, foster care, or caring for a child touched by our child welfare system.

The Coalition does not provide direct services such as licensing, home studies, or case management services, which has earned us the trust of families and allied service providers across the state of Wisconsin. Families and workers know that, when concerns or grievances arise, the Coalition will give them a balanced answer and suggest possible solutions and resources.

Concerns Potential Adoptive Families Share with Our Team

As part of the invitation to speak today, the Coalition was asked to share a summary of the questions and concerns prospective families share with us. The following is a summarized list provided by our team of Resource Specialists, the people who answer phone calls and work to help provide the answers and support families are seeking.

1. Why does it take so long to adopt?
2. Why does private adoption cost so much?
3. Why was my friend/neighbor/relative/etc. able to adopt a baby when the agencies I have spoken with say there are no babies available to foster or adopt?
4. Why do I need training if I have raised children already?
5. Why is it faster to adopt from other states compared to adopting in Wisconsin?

COALITION FOR CHILDREN, YOUTH & FAMILIES

6682 W. Greenfield Avenue, Suite 310 • Milwaukee, WI 53214-4960 • Phone: 414-475-1246 • V/TDD: 800-762-8063 • Fax: 414-475-7007

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The Coalition understands the questions and concerns raised by prospective families. We know that, when families are ready to begin exploring their options or to make the decision to begin an adoption journey, they want to have a path that is as smooth and steady as possible. We believe that, while it may not always seem that way, the larger system currently in place is not intentionally trying to make the process arduous. The crux of the issue is that we believe that all kids deserve a family and a home in which to grow and develop into adulthood. We believe that all children deserve what we call a “no matter what” family; a family that is flexible, accepting, hopeful, and enduring. All of the individuals and families (birth, foster, adoptive, and relative) on an adoption journey deserve to be treated with dignity and given accurate information. They deserve to have access to coaching and support that helps them make a well-informed decision and prepares them for the journey ahead.

With that in mind, we see a need for additional financial resources and services that provide:

- Pre-adoption counseling and coaching services for all involved
- Adoption preparation for children and their prospective families
- Clinicians that fully understand the special dynamics of adoptees and their parents
- Specialized mentorship programs for adoptees over their lifetime
- Specialized respite providers both pre and post adoption

Thank you, again, for the invitation to speak with and present to you today.

Sincerely,

Oriana Carey
Chief Executive Officer
Coalition for Children, Youth & Families



The Coalition for Children, Youth & Families (the Coalition) is a non-profit organization funded in part by grants from the State of Wisconsin Department of Children and Families (DCF). We consider ourselves to be a trusted, reliable, and continuing source of information, resources, and support for all adoptive and foster families in Wisconsin. We have worked in partnership with DCF since 1984, and also strive to be good stewards of public funds, through outreach to donors, foundations, corporations, and businesses to maximize the services we can provide.

“I always get the help and support I need from the Coalition.”
—a Wisconsin adoptive parent

We believe that every child needs a champion and every champion needs support. Through our work, we:

- Provide accessible and reliable information at every stage of a family’s journey
- Inspire others to consider becoming adoptive or foster parents
- Offer a compassionate, responsive, and safe place for families who have questions and concerns
- Support family stability and resilience by creating opportunities for ongoing learning and social connections to help families improve their confidence

Families who engage with the Coalition report:

- Consistently getting the information they need—90%
- A stronger network of support—82%
- Feeling more confident in their ability to face challenges going forward—88%

“I just want to say thank you. In your emails, I often find solutions and help with our daily hurdles.”
—a Wisconsin foster family

We support individuals, families, and professionals, equipping them with the tools and resources they need to promote family resilience and stability.

Information and Support for Families and Professionals Touched by Adoption and Foster Care

- Serving as a trusted, continuing presence for a family's foster or adoptive journey
- Acting as a central, comprehensive knowledge hub
- 112 informational tip sheets—downloaded over 7,000 times in 2018
- Family of websites containing comprehensive resources and information—33,761 visits in 2018
- Weekly email newsletter with approximately 6,000 subscribers
- Resources and information for birth parents considering adoption

“I am thankful that there is a place to find help and resources when your family needs them. The Coalition is our security blanket.”

Building Awareness of the Need for Adoptive and Foster Parents

- Inspiring more families to foster or adopt
- Long-time relationship with Outdoor Advertising Association of Wisconsin and new partnership with the Wisconsin Broadcasters Association
- Travelling Heart Gallery sharing images of children and youth from around Wisconsin waiting for permanency. Twelve locations in six counties (2018).
- Operating a searchable database of strengths-based profiles and pictures of children and youth waiting for permanency. Currently, there are 53 children listed.
- Answered 2,200 calls and emails about how to get started as an adoptive or foster parent in 2018

“[The Coalition] is a great resource—for any type of adoption!”

Ongoing Training Opportunities for Foster and Adoptive Parents

- Providing a compassionate, responsive, and safe place
- Ensuring more families persist “no matter what”
- Trained 667 parents in various course offerings
- 99% of attendees say that, as a result of their training attendance, they have increased their knowledge on a topic
- Providing support for professionals and counties working with adoptive, birth, and foster families
- Created an “Adoption is an Option” package of tools and resources for professionals and birth parents

“Coalition conferences give us the opportunity to gain confidence in our parenting skills, and to connect with other families just like ours and share experiences. It's made a world of difference just to know we're not alone.”



Adoption in Wisconsin
June 2019



Katie Sepnieski, *Adoption & Interstate Service Section Chief*
Fredi-Ellen Bove, *Senior Policy Advisor*
Jeff Pertl, *Deputy Secretary*

Presentation Overview

1. An Adoption Story
2. Adoption & Permanency in Wisconsin
3. Public Adoption Process
4. Adoption Cost
5. Adoption Resources & Records
6. Considerations Moving Forward

Jeff's Adoption Journey



Marcus,
Bethany &
Gov. Evers
@ DPI



Matthew,
Bethany &
Gov. Evers
@ Mallard's
Game

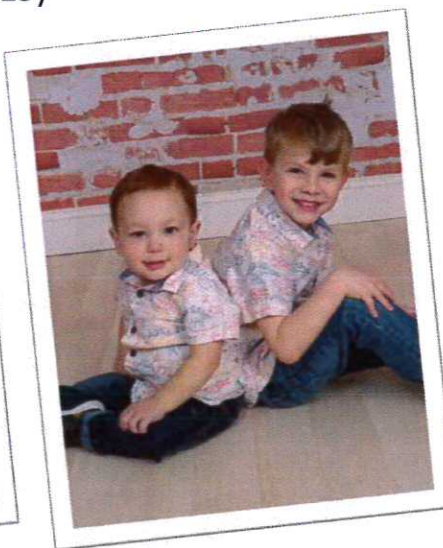


Marcus' adoption finalization (6/11/14)



Matthew's adoption finalization (5/14/18)

Family Photos (2019)



(2) ADOPTION & PERMANENCY IN WISCONSIN

Permanency

Principles of Adoption

Children deserve and need a safe, stable, and nurturing permanent home

Prevention: Child welfare increasingly focuses on prevention efforts and keeping children in their homes when possible.

Reunification: The primary goal is to reunify a child with his/her birth family whenever it is safe to do so.

Legal Protections: Wisconsin extends a robust framework of legal protections to birth parents before terminating parental rights (TPR).

Healing: TPRs are traumatic experiences for birth parents and children; birth parents and children need support to help them heal from their trauma.

Relatives: As familiar, caring adults relatives play an important part in children's lives as caregivers (placements) or ongoing supports.

Permanency

Other Considerations

Many Viewpoints & Voices

A broad range of stakeholders are involved in adoptions

- The Child(ren);
- Birth parent(s)
- Adoptive parent(s);
- Relatives;
- Tribes
- Counties;
- Courts;
- Legal partners; and
- Child placing agencies



Federal adoption requirements

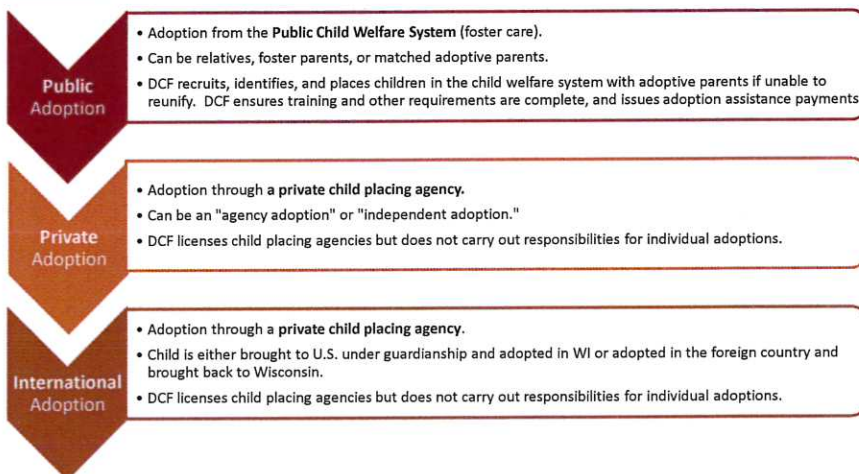
Adoption and Safe Families Act (ASFA): TPR timeline

Title IV-E of the Social Security Act: Adoption Assistance payments

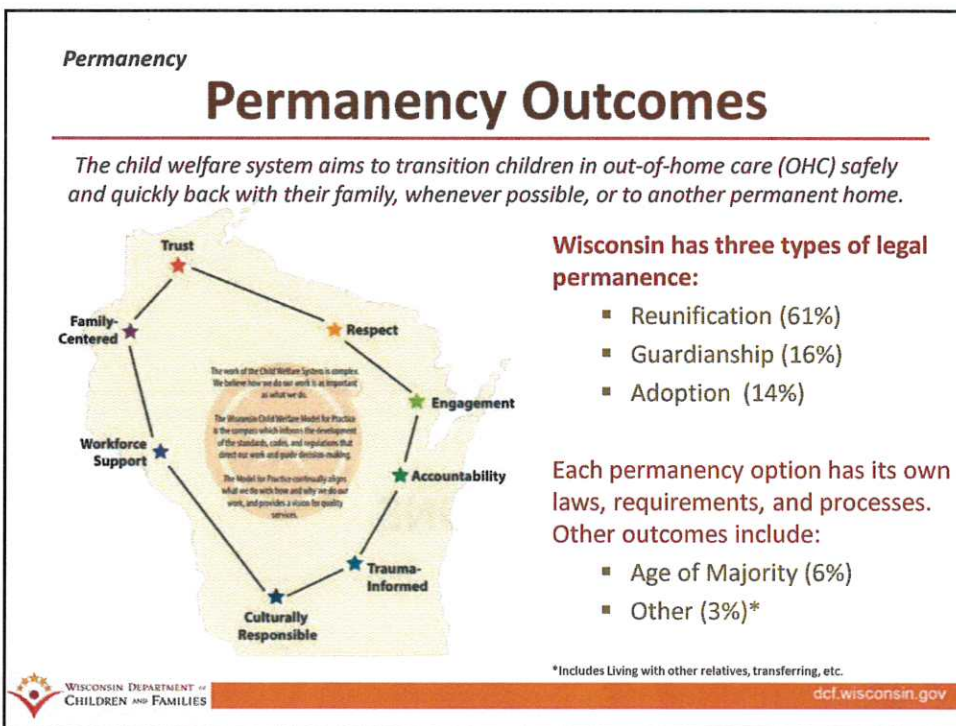
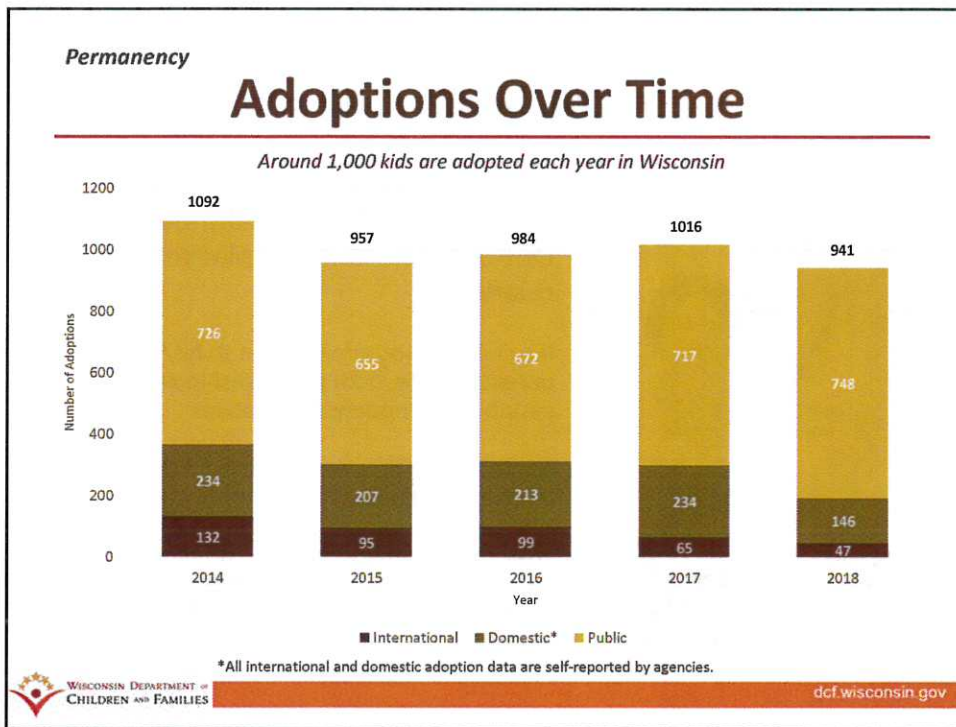
Family First Prevention Services Act: Funding guidelines for prevention and out-of-home care

Permanency

Types of Adoption



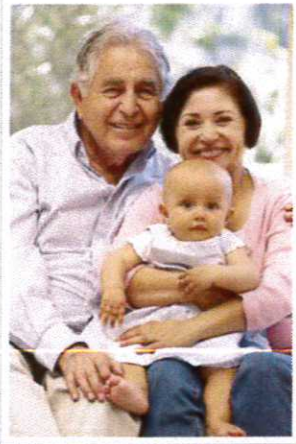
Other types of adoption include relative, stepparent, safe haven, and customary



Permanency

Placement with Relatives

Child welfare prioritizes a child's connection to his/her family of origin (birth family)



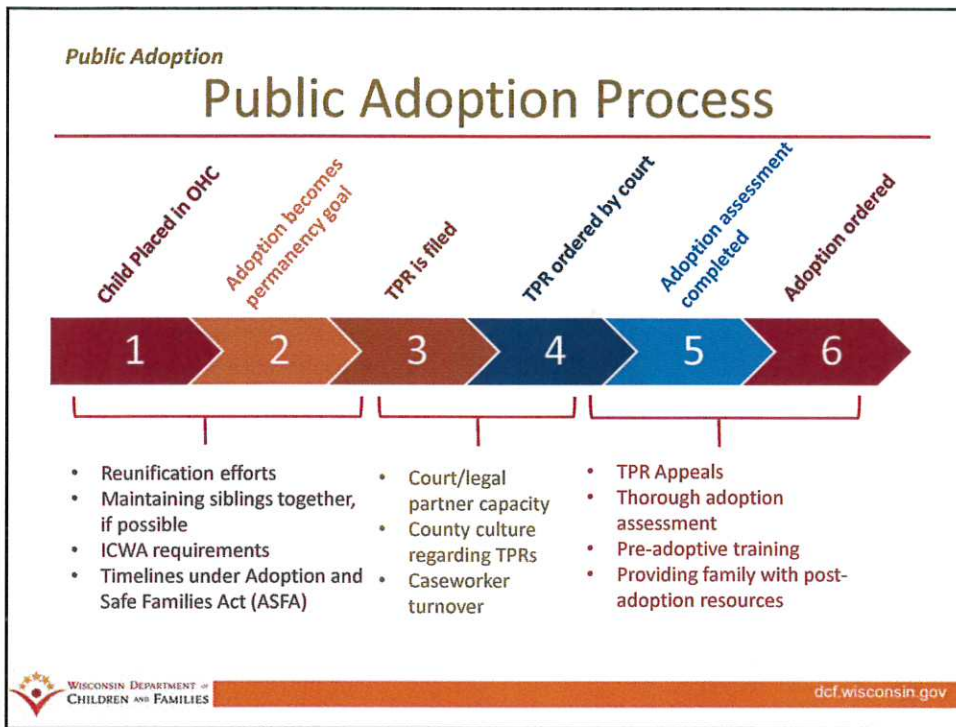
In Wisconsin, 39% of children in Out-of-Home Care are placed with relatives.

If a child cannot safely return to his/her parents' home, both guardianship and adoption are options for relatives

Guardianship may be subsidized if the relative meets eligibility requirements

Foster care and pre-adoptive training includes information on **maintaining family connectedness** and encourages **shared parenting**.

(3) PUBLIC ADOPTIONS



Public Adoption

Public Adoption Timeline

Average Time (in months) to Adoption			
	Statewide	Milwaukee	Balance of State
Removal to TPR Order	27.9	25.8	29
TPR Order to Adoption	8	10.5	6.5
TOTAL	35.9	36.3	35.5

DCF is collaborating with the Children’s Court Improvement Program (CCIP) on a TPR Timeliness Quality Improvement Project to identify barriers that cause delays.

As part of project, UW-Madison researchers completed detailed data analysis of each stage in TPR process. Key findings to date:

- Timeline to adoption varies widely across counties*
- Timeline to adoption is not correlated with the size of county*

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Public Adoption

Assessing Prospective Parents

Assessments for foster care (temporary) and for adoption (permanent) are different.



Adoptive Parents receive 25 hours of training:

- Impact of adoption on parenting and family dynamics
- Common issues for children in adoptive placements
- Loss and grief
- Attachment
- Cultural sensitivity
- Effects of abuse or neglect (including sexual abuse)
- Legal issues
- Educational issues
- Childhood development stages

Adoption workers use Structured Analysis Family Evaluation (SAFE)* to assess the adoptive parents for:

- The ability to care for the child past the age of majority
- The health and age of the prospective adoptive parents
- The financial ability to care for the child
- The prospective parents understanding of adoption issues
- If the prospective adoptive parents meet the foster care licensing administrative rule

**Required under 2015 Wisconsin Act 378*

(4) ADOPTION COSTS

Cost

Private Adoption Costs

Private adoption agency set their own fees (limited by Ch. 48.913)

Services provided by a child-placing agency	Legal services	Expenses paid to birth parent
<ul style="list-style-type: none"> • Home Study • Matching • Training • Post-placement services 	<ul style="list-style-type: none"> • Attorney fees • Court fees 	<ul style="list-style-type: none"> • Pre-adoptive counseling for the birth parent • Post-adoptive counseling for the birth parents • Birthing Classes • Medical costs • Local transportation • Living expenses for birth mother (\leq\$5000) • Maternity clothes (\leq\$200) • A gift to the birth mother ($<$ \$100)



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Cost

Public Adoption Costs

Adoptions from the child welfare system have little or no monetary costs for adoptive parents.

However, all adoptions require significant time and efforts, including:

- SAFE Home Study
- Training
- Time/travel for visitation with birth parents (pre-TPR)
- Time/travel for services for the child



All adoption costs (regardless of type) are eligible for a federal tax credit

- A state adoption tax credit is not currently in place, but has been proposed (AB 201)



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Cost

Adoption Assistance

As specified in Ch. 48 and DCF Rule 50, Wisconsin has one of the most restrictive definitions of special needs in the country.

Type	Description	Eligibility
Monthly Subsidy	Adoption Assistance (AA) may include a monthly subsidy to help meet a child's special needs. Average subsidy is \$900/month. Annual cost: \$94 million (48% FED) Covers 9,300 children	Not all families receive a monthly subsidy under their AA Agreement. Eligibility and subsidy are based on the child's special needs (max \$2,000).
Medical Assistance	Eligibility provided through Wisconsin's Medicaid Program. <u>Note:</u> Families are not required to place their child on their private health insurance plan.	All families with an approved and signed AA Agreement.
One Time Reimbursement of Adoption Expenses	Reimbursement for reasonable and necessary adoption fees, court costs, attorney fees and other expenses directly related to the adoption.	Any family with an approved and signed AA Agreement can submit claims within two years from adoption finalization. Costs may be reimbursed up to a maximum of \$2,000.

(5) ADOPTION RESOURCES

Adoption Resources

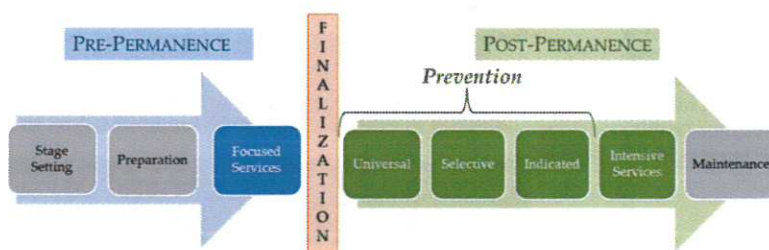
Post- Adoption Overview

DCF's role post-adoption is limited:

- Administer Adoption Assistance payments
- Support Wisconsin Adoption and Permanency Support Program (WIAPS)

Adoptive children and families have the **same legal status** as birth families

While our role with families changes, **adoption is not the end**



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Adoption Resources

Post- Adoption Services

Adoption & Guardian Enhanced Support (AGES)

Five year federal Quality Improvement Center-Adoption/Guardianship (QIC-AG) grant
Piloted in NE Wisconsin, serving 42 families with caseworker support.



WI Adoption & Permanency Supports Program (WiAPS)

Catholic Charities holds the contract for WiAPS, (formerly the Post-Adoption Resource Centers - PARCs)

- Toll-free telephone line available 24/7
- Education, support, activities and services to adoptive families
- Support groups
- Training
- Promotion of community awareness of adoption
- Advocacy services

Annual funding: \$700,000



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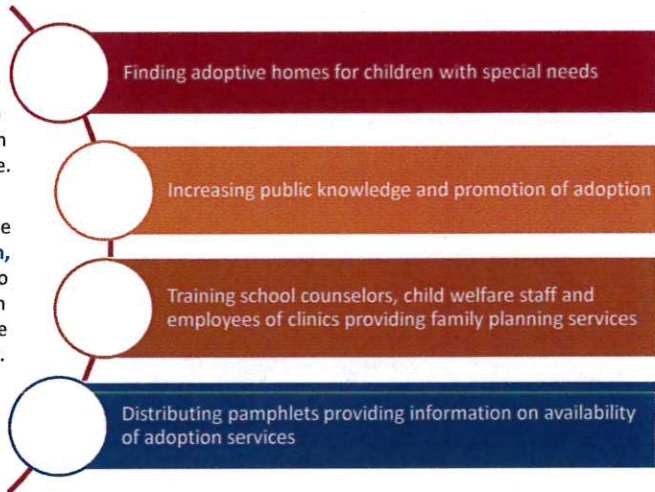
Adoption Resources

State Adoption Exchange & Center

Ch. 48.55 provides \$171,300 each FY to operate the Adoption Information Exchange.

DCF contracts with the Coalition for Children, Youth and Families to operate the Adoption Information Exchange and Adoption Center.

The purpose is:



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Adoption Resources

Open Adoptions

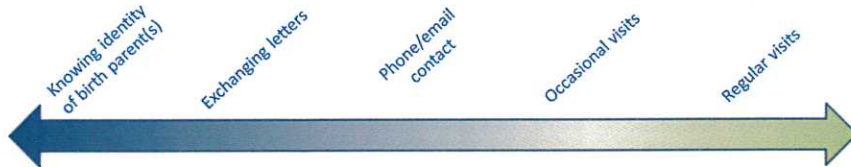
An **open adoption** is a **choice** made by the adoptive parents, birth parents, and sometimes the child to have ongoing interaction with each other post-adoption.

The adoptive parents and birth parents **negotiate** the level of engagement they wish to have with each other and the child. Some birth parents do not wish to be known or play an active role in their child's.

Maintaining family connections, including with siblings and open communication can have positive impacts on the family and the child, especially for children from child welfare, who have existing connections to family.

Open adoption is a choice **encouraged** by most Wisconsin agencies, but adoptive and birth parents make their own choice.

"Openness" is a continuum and may change over time or based on life stage



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Adoption Resources

Adoption Record Search Program

Wisconsin encourages open adoptions, but **adoption records are closed** (WSS § 48.94).

This balances the value of openness in adoption, but protects the **privacy of birth parents and adoptees**.

Over the last five years, the Adoption Search program has responded to **2,200 requests**.

- Adult adoptees can **request adoption records** (disclosure requires birth parent consent)
- Outreach on behalf of the adoptee to birth parents for updated **medical records**
- **Updating and securing identification documents** for Social Security, citizenship, passports, tribal enrollment



(6) CONSIDERATIONS MOVING FORWARD

Issues for Further Review

Possible Recommendations

- Broaden Adoption Assistance eligibility criteria
- Provide support for AGES program
- Increase funding for adoption support and awareness efforts (WiAPS and the State Adoption Exchange)
- Broaden the Adoption Search program to include sibling searches
- Require the same training for all international adoptions

Thank you for your engagement around adoption.

DCF is pleased to assist the Task Force through all stages of its process

QUESTIONS AND COMMENTS?

Termination of Parental Rights (TPR) and Public Adoption Steps and Factors Influencing the Timeline to Adoption Finalization

The process to conclude a Public Adoption includes a number of steps and involves both the child welfare and court systems. The systems work together to ensure both the parents' rights and the best interest of the child are respected, however the systems may work at different speed. In addition, factors unique to the child, birth parent(s) and prospective adoptive parent(s) affect the process. There is no single step or factor that determines how quickly a TPR or adoption will be completed.

This document outlines the steps required in both systems to get through the TPR process and subsequent adoption. Each step outlines factors influencing the process and timelines. Please note that these factors are not unique to the step they are grouped with, and most could occur at any point in the process.

1. **Removal:** A child is removed from the home and placed in out-of-home care (OHC) due to safety concerns, such as abuse or neglect.
 - Caseworkers begin to identify and explore possible relative placements and connections.
 - Wisconsin Indian Child Welfare Act (WICWA) requirements are followed at this stage and throughout the case and can impact timelines and trajectory of the case.
2. **Child in Need of Protection and Services (CHIPS):** CHIPS Petition and Dispositional order process occurs to find the child in need of protection and services.
 - If not established, paternity is explored and established as possible.
 - Caseworkers work with the parents and child to find appropriate services and treatment.
3. **Permanency Planning:** The caseworker and parents work on reasonable efforts to reunify the child or pursue other permanency outcomes at the same time (concurrent planning).
 - Working towards reunification can be complicated, especially if the parents are incarcerated, have limited functioning or capacity to parent, have a pending criminal case, and make inconsistent progress on return conditions. Caseworkers must also help parents obtain services to assist with reunification, such as substance use or mental health services, which may be unavailable or have waitlists. If the child has needs, caseworkers must also find services for the child and foster parents to help them manage the needs.
 - Legal considerations and delays may also occur, such as county jurisdiction issues, no CHIPS disposition order, or contested change of placements.
 - Federal law requires "concurrent planning", which is working towards more than one permanency option simultaneously to ensure timely permanence. At times, a county culture may be to work on one plan at a time rather than concurrently, which can create delays as one plan ends and a new one starts.
 - OHC Placement stability can impact a case, as a child's moves can impact his/her permanency options and influence the parents' ability to work on return conditions due to travel issues, incarceration, work and school schedules, etc.
 - In general, change in caseworker, attorney, and/or judge delays progress on a case. National research has shown that a change in caseworker can impact the time to permanency by 6-12 months.
 - Caseworker workload and priorities have a large impact on cases. High caseloads hamper a caseworker's ability to move forward quickly on all cases.
4. **Adoption Becomes Permanency Goal:** If adoption becomes the child's permanency goal (or one of them), the caseworker determines if there is an identified adoptive resource or if one needs to be found.
 - If the child does not have an adoptive resource identified, or if the adoptive resource changes their mind, the caseworker must work to recruit an adoptive family for the child.
 - If an adoptive resource has been identified, they may express they need more support before moving forward with the adoption.

5. **TPR Petition filed:** The caseworker will work with the District Attorney (DA) or Corporation (Corp) Counsel to determine if grounds exist to file a TPR petition. For many TPR grounds, documentation is required throughout the case, such as written notices, reasonable efforts, etc.

The DA or Corp Counsel will file the TPR Petition. After filing, there may be extensive trial preparation, depositions, status conferences, motion hearings, evaluations ordered, or mediation.

- **County culture on TPR and Adoption** may play a role in whether the attorney is willing to file a TPR, a judge is willing to proceed with adoption, or under what circumstances a TPR and adoption may proceed (example: some judges will not grant a TPR without an adoptive resource, even though it is not prohibited by statute).
- Legal partners also face high workload and competing priorities. Filing of a TPR may be delayed because of **legal partner and court capacity**.
- A TPR may be delayed due to technical reasons such as a **failure to provide TPR warnings** in writing, **improper TPR notices** to required parties, or an **insufficient petition** that will get dismissed or need modification (often due to lack of grounds or legal counsel does not believe the TPR would be successful), or **prior failed TPR**.

6. **TPR Fact-finding and Disposition:** Fact finding (Grounds for TPR) hearing and Disposition (Best Interest) may be heard on the same day or within 45 days of the first hearing.

- Additional delays may occur during this process if there is a **substitution or disqualification of a judge**, a **voluntary TPR changes to involuntary**, or an **attorney requests continuance**. Hearings **may need to be rescheduled**, for example, due to **“no-show” by the parents**, and the **court’s calendar** may delay hearings.
- **Parent or child evaluations** may be ordered or **visits may be modified** as another effort for parents to demonstrate their capacity to parent their children.

7. **TPR is Granted (can be dismissed)**

- A **TPR appeal** may be initiated. While the case continues to move to the next step, an adoption will not be finalized until a TPR appeal is resolved.

8. **Case Transfers:** The case is transferred to the State Department of Children and Families for guardianship and case management. In Milwaukee, the same caseworker assigned prior to TPR continues the case management and completes the adoption process. Public adoption workers manage the case, complete a home study and assessment on the pre-adoptive family, prepare the pre-adoptive family for adoption, and ensure all adoption requirements are met.

- There are times when **pre-adoptive parents change their mind** post-TPR or are **not approved for adoption**. The public adoption worker must find a new adoptive resource for the child.
- A child’s **relative may come forward** to pursue adoption after TPR. The public adoption worker will need to explore this connection.
- Families often **need additional treatment services and support** post-TPR, but there may be waitlists or availability constraints.
- The **pre-adoptive family or child may initiate a delay** for adoption because they are not ready.
- Public adoption workers spend extensive time **ensuring that families are ready to adopt**, as they will no longer have the services of the child welfare system after the adoption.

9. **Adoption is Finalized:** The process is finalized by a court order, establishing the legal relationship of parent and child, with the same mutual rights, obligations, and legal consequences that exist between the child and the child’s biological parents.

TO: Speaker's Task Force on Adoption
FROM: Julie Zidek, Adoption Supervisor at Lutheran Social Services of WI and
Upper MI
DATE: June 19th, 2019
RE: Private and Public Adoption Barriers and Process

Thank you for the invitation to speak with regard to the barriers facing biological and adoptive parents in the adoption process. Thank you Speaker Vos for creating this task force and thank you to the chair Rep. Dittrich and vice-chair Rep. Subeck for leading us in this process.

This testimony will touch on both private domestic adoption as well as public adoption. I will lift up barriers as well as explain our current practices in both private and public adoption. Lutheran Social Services of Wisconsin and Upper Michigan, Inc. is a statewide, nonprofit, social service agency that touches over 40,000 lives each year. LSS's services include Treatment Foster Care, Public Adoption, and residential facilities for youth, runaway services, community-based family preservation services, and outpatient therapy. We recently made the decision to transfer our Private Adoption program of over 50 years to another agency. I will speak to that decision process later. We also provide a variety of other services to adults and children throughout Wisconsin, many that have been touched by adoption.

We cannot discuss adoption without acknowledging trauma. The State of Wisconsin has made great strides to improve the awareness of the impact trauma has on children. It is now common knowledge that trauma impacts not only mental health but physical health leading to a variety of illness such as cancer, diabetes and heart disease. As a provider of services, LSS recognizes that we play a role in supporting families to not only minimize and treat the impact of trauma but also prevent trauma from occurring. We also recognize that within our public adoption system we are working with the most vulnerable children, and perhaps the most traumatized as they are unable to reunify with their families. We need to remember throughout our discussions that these children need more than an adoptive resource (adoptive family); they need services to help them heal the mental and physical scars trauma has left. Many individuals hear happy adoption stories, and yes, we are happy when we assist a child in finding a family especially when perhaps they had given up HOPE; however the road is just beginning at that point and the scars trauma has created don't disappear.

Private Adoption and Public Adoption - are different. They are different processes and different factors influence them. The wait times and costs associated with the services are different.

LSS's has provided adoption services to thousands of families. We have a strong history in domestic infant adoption, international adoption and public adoption. All three have different challenges for families. I will focus first on Private Domestic Infant Adoption.

Private Adoption, Domestic Infant Adoption: Where birth parents voluntarily create an adoption plan for their infant. The adoptive parents have been through a home study process and education and typically in a wait process for a birth parent to select them. After decades

of providing this service LSS has made the decision to transfer their program to another private adoption agency. We had practiced open adoption as it is less traumatic for all involved. The wait can be several years in a birth parent driven program. For example, a pre-adoptive couple may have been approved for adoption in 2016 and still waiting for a birth parent to select them for their child. Agencies already limit the amount of families they study and there continues to be more couples requesting to adopt versus birthparents creating an adoption plan. Birthparents making placements have decreased over the years and this is positive. Birth rates are down, grandparents are parenting and it is just more acceptable to be a single parent or live with support until a young parent can parent alone. For many of these reasons we decided to exit this program.

So in private adoption the wait is mainly due to the number of families wanting to adopt a young child versus number of infants to be adopted. This is all voluntary.

Regarding the Expenses and Cost of Private Adoption. There are legal expenses required in all adoption and in private adoption this expense is paid by the adoptive family. Currently the birth mother must appear in court and our adoption workers prepare the birth mother for this experience. There are also times legal council is required if a birth father is contesting or other situations arise that complicate the proceedings. If the TPR process did not require a birth mother to be in court some expenses would be reduced and it would be less traumatic for the birth mother. We have assisted many birth mothers through this process and it can be very emotionally painful on top of experiencing grief and loss. We would want to assure that the birth mother can be located in adoption search requests if not having to appear in court. We also want to share that although this process (TPR process for birthparents) can be difficult it also assures that the birth parent is making this decision without coercion and thus there is less of a chance an adoption can be overturned.

Other factors that contribute to the expense of a private adoption include maintaining the family's license over several years, staff to maintain caseloads that span over several years and birthparent services. The birth parent in private domestic adoption often calls to discuss options. It is our job to be objective and supportive, allowing a birthmother and hopefully father to thoughtfully consider options. Many choose not to place, but the expense is still present during the time the mother takes to make the decision and provide support to the mother in preparing to parent. In the past United Way often offset these expenses, however that has not been our experience in the recent past.

If a birthparent changes their mind after a legal risk placement there are expenses that the agency assumes. That occurs when a baby is placed with an adoptive family and then within the wait time to TPR the birth parent changes their mind. Obviously the adoptive family does not then pay for the services that had been provided by the agency. We have experienced several of those situations yearly and have seen an increase in legal risk placements returning to biological parents in the recent past. This is another reason it is difficult for agencies to plan for the future and meet the fiscal needs of the program.

Public Adoption Testimony

Public Adoption is the adoption of a child who is under the guardianship of the State of Wisconsin. These children generally come through the foster care system due to abuse or neglect situations. The biological parents are given conditions they need to meet in order to have their children returned to their care. These children are often placed in county licensed foster homes that provide daily care for these children and work with the biological parents to support the reunification efforts. Once the county determines, the biological parents have not met the conditions and timeframes to meet those conditions, a termination of parental rights is filed with the court. The timeframe of this process varies greatly by county and the circumstances of the case. If biological parents are in agreement with the plan, they may choose to voluntarily terminate their rights and the county can move forward more quickly without the need for a trial. However, counties don't always have resources to move them quickly to TPR even if it is the clear path for that child. There is also the timeline of reunification efforts given to birth parents that still needs to be honored. When the termination of parental rights occurs, guardianship and custody is granted to the State of Wisconsin Department of Children and Families. DCF, then contracts with Lutheran Social Services and Children's Hospital of Wisconsin Community Services to work with the child and family and help move the child to permanency through adoption.

A majority of the children in the Public Adoption system are adopted by their foster parents. If the foster parents are not interested in adoption, the county works with the State Permanency Consultant assigned to their region as well as the assigned public adoption agency, to recruit an adoptive home for the child. This is sometimes done Pre-TPR and other times will occur after the TPR. The timing of this varies based on the availability of the case workers, time frames of when the foster parents make the decision they do not want to be the permanent resource for the child, and the specifics of the case. Although you might be surprised a foster family would make a decision not to adopt, when that is why they became foster parents to begin with, you must understand that the trauma these children have experienced is often expressed in very challenging ways. It is our job to also assure the match of adoptive family and child is positive and that the child will be safe and thrive with their new family.

There is a misconception about the work adoption workers do after the termination of parental rights occurs and the State becomes guardian of the child. There is a belief that all the adoption worker has to do is complete an adoption court report and then finalize the adoption. However, there are many steps prior to finalizing the adoption.

It is the responsibility of the adoption worker to make sure the child and family are both ready for this next step. Many of these children, still have a relationship with their birth parents. They have divided loyalties to their birth families and foster families. When the termination of parental rights occurs, the children will have goodbye visits with their birth parents. These are kids that have experienced a lot of trauma in their lives already and are now needing to process the grief and loss that comes with the termination of parental rights and knowing they cannot return to their birth parents and may not see them again. These are just a couple of examples of why children are not always ready to immediately move to adoption after TPR.

The adoption worker will gather information from the county social workers, the foster family, the school, and any service providers about the needs of the children. They discuss the needs with the team and must determine if the child and family has had the assessments and supports in place to allow them to parent these children successfully to adulthood. If more information is needed or services needing to be put in place, the adoption worker will assist in getting these in place.

In some circumstances, the families are hesitant to move forward with adoption. They may see the children struggling emotionally and behaviorally; this reflects the needs that comes with the trauma and grief and loss they are experiencing. Parents also express concerns regarding the lack of support and services available to them after the adoption.

The adoption workers at LSS then also complete an adoption home study on the foster parents for a foster home conversion adoption. The county may have studied and licensed this family for foster care previously. The adoption program also needs to assess the families with a different focus. In foster care, families are assessed for meeting the needs of the children on a temporary basis and in adoption we look at the families' capacity to parent this child to adulthood. The adoption program likes to get involved with the child and family Pre-TPR so that some of this work can be done prior to the termination of parental rights. This is not always possible based on the capacity of the adoption program and the worker's caseloads as well as the family not comfortable moving forward until the termination of parental rights goes through and they are certain that the child will be available for adoption. Social workers have also experienced an increase in issues within the adoptive family that need to be addressed prior to moving towards adoption. These include legal concerns, marital and communication issues including separation between the adoptive parents, one parent wanting to move forward with adoption and the other parents isn't ready, active substance abuse and such. The adoption worker is also working with the family to set up services to address and resolve these issues as well. There are also times a child does not want to be adopted and then we also arrange services for the child and accompany them through the journey of adoption.

As mentioned previously the adoption worker also works with the family to determine the needs of the child and services necessary to help the adoption be successful. An adoption assistance agreement will be signed that determines the financial support that is given to the adoptive parent on a monthly basis. The adoption assistance eligibility is based on the needs of the child. The adoption assistance can include medical assistance coverage, a monthly stipend, and a reimbursement for any adoption related expenses. The adoption worker is responsible to manage this process between the adoptive family and the State.

The adoption worker is responsible to get all of the child's service provider records, medical records, dentist records, and social history of the child for the time they have been in out of home care. All of this information is then shared with the adoptive family to ensure they know all the information available about the child they plan to adopt. This information is also very important to the adoption search record so that a child can have access to this medical & social history information as an adult if they choose.

Our public adoption program also is responsible to recruit, train, and assess prospective adoptive parents that are not involved in the foster care system. We hold regularly scheduled information meetings for prospective adoptive parents to attend to learn about the Public Adoption Program and the children that are available for adoption. An issue that we see is that many of the families that attend these meetings are more interested in the younger children that may have less trauma and behaviors. Most of these children are adopted by their foster parents. The greatest need for adoptive families is our older children who have more moderate to severe needs. We believe that some families are choosing the public adoption program as a default program as they would be more interested in a private agency domestic infant or international program but either can't afford the high costs of the private adoptions or feel frustrated by the long wait times to be selected by a birth parent or get through the international process. Another reason families come straight to Public Adoption is that many also express wanting the children to be legally free for adoption and are not interested in foster care and assisting the counties with reunification efforts. There is a fear that they will become attached to the child in county foster care and then reunification happens. Currently the counties and public adoption program have been collaborating to place children in approved adoptive homes prior to TPR if the foster parents are not interested in adoption or have requested the children be moved. We are emphasizing this with new adoptive families and providing education about the process in hopes of expanding the pool of families willing to take legal risk placements where the child is still working on reunification efforts with the biological family. We have also found that the foster care agencies and even residential facilities in the State also do not have homes or placements available to meet the level of needs our kids have. This lack of resources and trying to recruit for placements for our difficult kids is a challenge and great strain on the adoption workers. We do have children in our public adoption program that have been placed in residential facilities out of state for example. We also have youth that were unable to find an adoptive resource and return to the county for supervision and preparation for independence. There is an increase of children in out of home care as well as increased caseloads for county and adoption workers. On top of that the trauma and behaviors of these children is also greater which requires more case management and services to provide the family and children with the tools to make the adoption successful. The public adoption program and workers would love to have more time and resources to prepare our children and families for the TPR and adoption earlier in the process, but due to higher caseloads and lack of resources within the county system and adoption program, this has been a challenge. Family teaming, genograms as well as a numerous other practices strengthen families and prepare families for adoption. Assisting families in creating their own family rituals to build identity are key to long term parent and child satisfaction. Realistically, with the demands on adoption case workers not enough of this occurs and we want to stress to this task force that it is imperative the State of WI finds a way to support the families in adoption preparation. In 2016, The Wisconsin Department of Children and Families (DCF) received a four-year grant from The Spaulding Foundation to pilot the Adoption and Guardianship Enhanced Supports (AGES) program. LSS was at the table through the development phases and was awarded the contract to staff the trial program. AGES provides services to families in post-adoption that are at a breaking point of relinquishing their adoption. Through this program, families have been able to receive assessment, support and wraparound services. Through the AGES pilot program, our staff has assisted more than 25 children and families from public

and international adoption and guardianship programs. DCF and LSS provided these families with assessments, counseling, parenting education and resources related to trauma and other special needs experiences. The feedback from this program has been very positive and workers have been able to stabilize families and provide the necessary support to prevent adoption disruptions.

As mentioned previously, services such as this are severely needed to provide the services and support families are requesting. We feel if adoptive families knew supports like this would be available post adoption, families may be more comfortable moving toward adoption with some of our more challenging youth.

We sincerely appreciate this committee's desire to consider the barriers facing biological and adoptive parents in the adoption process. We hope the committee will also see the need for additional resources that would allow agencies to have lower caseloads so the social workers can be more involved in adoption readiness activities and support the county agencies as they move cases towards adoption. We also believe it is necessary to increase supportive services available to adoptive families, so they have the assistance and tools to make the adoptions successful.

Thank you, again, for allowing us the opportunity to provide testimony today.



Speaker's Task Force on Adoption – June 19, 2019

Malorie Peter, Permanency Services Supervisor
Janine Gruber, Public Adoptions Program Manager





Quick facts

Children's Hospital of Wisconsin is a private, independent, not-for-profit health care system dedicated solely to the health and well-being of children. Each year, our interactions with kids and families include:

1 million + Community health and safety program touchpoints	8,900 Children supported through family preservation, foster care and adoption programs	132,000 Kids and adults enrolled in health plans
394,000 Specialty care visits	277,000 Primary care visits	nearly 2 million connections with kids and families in Wisconsin and beyond.
71,400 Kids in our emergency rooms and trauma centers	26,400 hospital visits 20,000 surgeries	



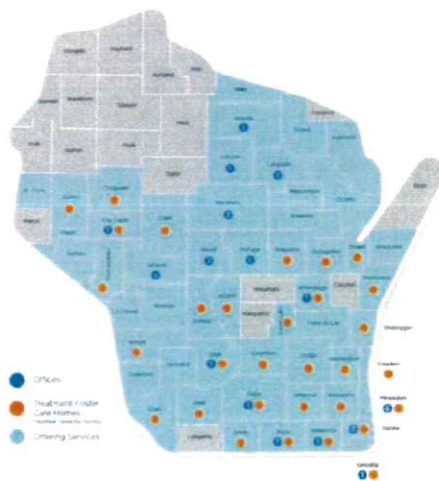



Care beyond our hospital walls

- Multi-faceted approach to improve the quality of care available to children and address the issues with greatest impact on the health of kids



Children's Hospital of Wisconsin Community Services



- Over 125 years of experience caring for children and families
- Provide services in more than 50 counties in Wisconsin
- Community-based prevention and health education programs
 - Family preservation and support
 - Child and family counseling
 - Community health education
- Child welfare programs
 - Child advocacy and protection centers
 - Foster home licensing
 - Treatment foster care
 - Care4Kids foster care medical home
 - Public adoption contract in southern WI
 - Case management contact with DMCPs



Child welfare programs and services

- **Family case management - Milwaukee:** Through DCF contract, work with families where children have been determined to be unsafe and removed from their home in Milwaukee County, with a goal of reunifying children with their parents whenever possible
 - When reunification is not possible, coordination of alternative permanency including adoption and transfer of guardianship
 - Using a Family Teaming model, provide safety assessment, permanency planning and coordination, and family interaction planning
 - Finding and engaging relatives for placement and support
- **Out-of-home care:** Offered regionally throughout the state
 - Recruit, educate, license and support foster parents
 - Foster care and treatment foster care
 - Public Adoption Program



Child welfare goals

- **Safety, permanency, well-being**
- Community partners
- We can often achieve these goals by providing the child's family with supports and resources, however we also find foster and adoptive families to achieve these goals, as well



Child-focused permanency

- Important for children in out-of-home care to find a meaningful connection and establish relationships with biological family members
- Children placed with biological family members are more likely to grow and develop with improved well-being; often those family members are more willing to emotionally invest the time and energy to work with children who may have unique challenges
 - Family Finding
 - Wendy's Wonderful Kids



Benefits of finding family for kids in out-of-home care

- Increased likelihood of achieving legal permanency
- Increased placement stability
- Fewer formal interventions/services needed
- Decreases trauma for children and families
- Increased or maintained sense of belonging and understanding of their history as children get older
- Decreased sense of rejection or abandonment for children



2018 adoption outcomes

- In 2018, there were **278 adoptions** facilitated by Children's:
 - 149 children were ages 0-4
 - 102 children were ages 5-11
 - 26 children were over age 12+
 - By comparison, for youth ages 12+, 57 had a guardianship and 175 were reunified



Overview of current adoption environment challenges

- Kinship licensure and support
- Legal and court process
- Closed adoptions
- County - CPS; State – Adoption
 - Varying processes which can delay permanency



Strengthen & support kinship placements

- Multitude of licensing barriers/issues for family members
- Subsidized kinship payments
 - In 2019, kinship payments are \$244/month
 - A tiered payment system, similar to our basic foster care payments, would provide better support to kinship families and create quicker and easier paths to permanency – especially for older youth
- Client example



Streamlining court/TPR process

- Concern with Wisconsin courts' unique process of considering a child's "adoptability" prior to TPR - Wis. Stat. § 48.426 (1979)
 - The belief that children who age out of foster care with parental rights intact have better life outcomes than those children who age out as legal orphans is not demonstrated in practice
- Lack of adoption for older children (age 12+)
 - When a child is in a long-term foster care placement, but that placement is unable to provide permanency, that child is at risk of languishing in foster care; Youth who age out of foster care often have few, if any, informal/familial supports



Benefits of open adoption

- State standard is closed adoption
- Children face struggles when they are separated from their birth families, even when adoptive parents have the best intentions
 - Regardless of their situation, children feel strong connections to biological parents, siblings and other relatives
 - As children grow, they may wish to learn about their heritage or connect with their biological families when appropriate
- Children and families need easier access to the child's history and medical/genetic information, as well as to sibling information
- Client example



Suggested areas of focus for overall system improvement

- Improve support and remove barriers for relative caregivers to become placement resources/adoptive parents to their family members
 - Decrease foster care/adoption licensing barriers, especially for families open to youth ages 12+
 - Consider a tiered kinship payment system based on a child's age, similar to basic foster care
- More resources for agencies to engage in child-focused recruitment for older youth, especially for family/like-kin connections, as well as foster families who are willing take foster-to-adopt older youth



Suggested areas of focus for overall system improvement

- Increased accountability, especially to court, for permanency for older youth
- Encourage courts, as permitted by Wisconsin statute, to TPR before an adoptive resource is identified to allow for easier identification of potential adoptive families
 - Remove language about a child's adoptability from state statute - Wis. Stat. § 48.426
- Create a court-approved process to allow for open adoptions to better support kids and adoptive parents having appropriate contact with biological family members



Life after foster care

- Video from the Dave Thomas Foundation for Adoption
- https://www.youtube.com/watch?v=2nizhDL_i68&t=2s



Questions?

- Malorie Peter, mpeter@chw.org
- Janine Gruber, jgruber@chw.org
- Jodi Bloch, jbloch@chw.org





**Wisconsin State Assembly
Speaker's Task Force on Adoption**

Testimony of Jennifer Schmeichel

**Branch Director
Bethany Christian Services of Wisconsin
Informational Hearing - June 19th, 2019**

Madame Chair and members of the Task Force:

Thank you for the opportunity to appear today before the Task Force.

I. Introduction

My name is Jennifer Schmeichel, and I have been the branch director of Bethany Christian Services of WI since January of this year but have worked with Bethany since 2005. Today, I wanted to offer our ideas about improvements in finding adoption homes, both privately and through foster care, for Wisconsin children.

Bethany is a global agency providing services for vulnerable children and families with a presence in 34 states. Founded in 1944 in Grand Rapids, MI, Bethany is the largest adoptions agency in the world. In 2018, Bethany placed over 1,100 children for adoption placement in private domestic, international, and foster care. Foster Care adoptions represented just under half of all placements. Additionally, we provide foster care services in nine states and foster care adoption services in 15.

Our Wisconsin branched opened in 1984 in Waukesha with initial services mainly in the international adoptions program. Over the last three years, we have placed 75 children in private domestic and international adoption. Over the last 10 years, we have been a sub-contractor with Lutheran Social Services of WI under the state's foster care adoption program, providing support to over 50 families each year looking to finalize adoptions from foster care.

II. A Focus on Finding Homes Faster for Children

It is our understanding that Wisconsin, via its court practices, does not like to move forward on Termination of Parental Rights (TPR) unless a potential adoption placement is lined up. We believe this practice is not only inconsistent with statute but is also not in the best interests of children.

Children who are deemed by a court to never return to their biological caregivers should not be left in limbo in the system. Over 80% of Wisconsin's foster care adoptions occur for children who were adopted in their current placement. For others, we believe there is opportunity to have enhanced child-specific recruitment strategies. Such strategies that can only move forward upon TPR.

Our experience in other states demonstrates that when private agencies are asked to step with more child-specific recruitment strategies, they do so. The Dave Thomas Foundation, for example, has changed its



prior focus of grant-making of the Wendy's Wonderful Kids program to one of greater partnerships with states and private agencies. Several states, including county-based systems such as North Carolina and Ohio, are significantly scaling WWK recruitment efforts to fully institutionalize their proven model.

III. A Focus on Transitional Supports from Fostering to Adoption

Our experience with foster parents and children moving toward the adoption process shows that challenges remain after placement and through finalization. Families that look forward to having less state supervision upon adoption placement are also concerned about lack of support and responsiveness. The ongoing case management process is not sufficient with a full transition to permanence.

Our recommendation is that the state consider a robust pre-adoption planning process prior to adoption permanency for both children and families. One such model in another county-based system is Pennsylvania's Statewide Adoption Network – known as SWAN. Bethany is the largest SWAN provider in Pennsylvania which provides units of service in assisting children and families to prepare. For example, we conduct up to 10 sessions with children over a six-month period as part of child preparation. Such preparation is hoped to prevent placement disruption and reduce the time to reach finalization.

In turn, we conduct a detailed profile on children – a child profile is a comprehensive summary of the child's life history, current functioning and special needs. It can be referred for all children and older youth regardless of their permanency goal. The child profile assists in making decisions about selection of a resource family, provides a history the child may review with their resource, kinship, custodial or adoptive family when they reach the age of majority.

IV. Decrease in Private Adoptions in WI

Consistent with national trends, we have seen the number of private adoptions in WI decline over the last 10 years. The number of live births in WI has decreased, from a reported 72,757 in 2007 to 64,994 in 2017. This could be explained by the increase of options and access to both prevent and terminate pregnancy (morning after pill, implants, abortions).

The following are some societal changes observed appearing to impact the number of adoptions: Pro-choice movements have been perceived as pro-abortion movements by many young women. Women have the right to choose abortion, but adoption is not mentioned as a choice. It appears to be more socially acceptable to be a single parent, far less shame or scrutiny for single parents. Some cultures openly oppose adoptions, pressure moms to parent and promises that family will help. We have found when a mom makes the decision to parent for the wrong reasons, the child has a higher risk of being placed in foster care due to abuse or neglect.

The TPR process requires cooperation from both biological parents. Birth mothers are required to testify. They are asked questions about feeling "sure" or "positive" about their decision to terminate their rights, when in reality, this may never be an absolute for them. The father's involvement is far less involved. The agency challenge is finding or communicating with someone who does not want to be found. Our social workers become private investigators just to notify a potential father of his rights, most avoid involvement at all costs. Waiting period between birth and TPR is difficult for everyone involved. Birth parents need closure so they can begin grieving. Second guessing and outside influences impact the



mom's decisions to make and adoption plan. It takes an emotionally strong person to choose adoption and complete it. It tends to be those who are not emotionally strong enough who parent and probably should not.

We have become aware of an increase in surrogacy in Wisconsin. (50% of a well-known adoption attorney's case load is now for surrogacy cases.) Instead of finding good homes for children that already exist in WI, families are taking matters into their own hands and choosing surrogacy. It is important to note that currently this is strictly a legal process with no requirements for education or training. Children who enter this world through a surrogate, have many of the same adoption related issues as do children who are adopted.

V. Increase Adoption Awareness

There appears to be a general lack of understanding and awareness around adoption. Confusion and misinformation about adoption is prevalent. Private agencies provide education on adoption, adoption language and adoption process to hospital staff, clinic staff, schools, social workers and to pregnant women on a daily basis. Outreach on such activities is largely face-to-face. While the internet has a plethora of information, much of it is not trusted. In turn, hospitals are looked toward for information, but have limited knowledge. All education and outreach are funded through private donations. All of the services our pregnancy counselors provide are free (paid for by donations). Our pregnancy support staff provide ongoing support and education through the decision-making process around what to do with an unplanned pregnancy. They continue support and education after birth of the child if the decision is adoption or parenting. The coordination of these services could impact the level of understanding, awareness and acceptance around adoption and foster care.

VI. Cost of Private Adoption

There are many factors that go into the final cost of adoption. Education, SAFE HS, Services to pregnant women, screening, licensing, decrease in numbers makes it more costly to provide services. It is important to note that for Bethany, adoption in WI and the recorded productivity of our pregnancy counselors has always ranked lower than other states within Bethany. After years of scrutiny, a likely conclusion points to the current TPR process in our state vs most of the other states. The length of time and work necessary to assist birth parents in making an adoption plan is far greater. WI required more involvement from birth parents as well as a high level of due diligence from the agency. We are required to work with almost 4 moms for every one adoption placement, losing many after they learn of the process that lays ahead.

VII. Safe Haven

We need to raise the challenge experienced with our current Safe Haven Law. Every County (or hospital) operates differently with some bringing children into care unnecessarily. There appears to be some misunderstanding and misinterpreting of the law. Placement in county foster homes is a misuse of a resource for an older child or sibling group. Foster homes are specifically prepared for foster care of an older child. In Michigan and Illinois, for example, private agencies are in a rotation to handle all adoption-related activities for such children.

Unadoptable — IS — Unacceptable

Removing Legal Barriers to
Permanency for Older Youth

A GUIDE FOR LEGAL PARTNERS IN THE CHILD WELFARE SYSTEM



Dave Thomas
Foundation
for Adoption

Finding Forever Families for Children in Foster Care



ABOUT THE DAVE THOMAS FOUNDATION FOR ADOPTION

The Dave Thomas Foundation for Adoption is a national nonprofit public charity dedicated exclusively to finding permanent homes for the nearly 155,000 children waiting to be adopted in North America's foster care systems. Created by Wendy's® founder Dave Thomas, who was adopted, the Foundation implements evidence-based, results-driven national service programs, foster care adoption awareness campaigns and innovative grantmaking. Learn more at davethomasfoundation.org, or call 1-800-ASK-DTFA.



@DaveThomasFoundationforAdoption



@DTFA

The Foundation would like to thank:

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A Message from the President & CEO

More than 25 years ago, Wendy's® founder Dave Thomas, who was adopted, created the Dave Thomas Foundation for Adoption with a clear vision — every child will have a permanent home and a loving family.

Today, the Foundation continues its pursuit of Dave's vision through signature programs, partnerships, and awareness-building campaigns focused on finding forever families for the nearly 155,000 children waiting to be adopted in North America's foster care systems.

Through our signature program, Wendy's Wonderful Kids, the Foundation provides grants to public and private adoption agencies to train recruiters in an evidence-based, child-focused recruitment model, which focuses on achieving permanency for youth who are most at risk of aging out of foster care. This includes children aged nine and older, sibling groups, and children with mental or physical challenges as well as children who have given up hope for a family or been labeled *unadoptable* by the professionals charged with their care. The model is proven to be up to three times more effective at serving youth who have been in foster care the longest. To date, Wendy's Wonderful Kids adoption recruiters across North America have found permanent homes for more than 8,500 children.

In 2017, the Foundation launched an ambitious 12-year plan to scale Wendy's Wonderful Kids in all 50 states and Washington, D.C. This work has provided unique insight into systemic barriers that consign too many children to leaving foster care without the security of a permanent family.

The legal system plays a crucial role in safeguarding vulnerable youth who are placed in foster care through no fault of their own. When the system is unsuccessful at reunifying these children with their biological parents, judges, guardians ad litem, and agency attorneys all have an impact on whether these children find a safe, permanent home.

This guide explores the most common legal challenges that Wendy's Wonderful Kids adoption recruiters encounter as they move children from foster care into their adoptive families and offers solutions for how legal partners can help remove the barriers that threaten permanency efforts.

We believe every child, no matter their age or the circumstances surrounding their journey through the child welfare system, is adoptable. Please join us in the movement to make *unadoptable unacceptable*.

All good wishes,



RITA L. SORONEN, PRESIDENT & CEO

Require Evidence-Based Recruitment Efforts

REASONABLE EFFORTS REQUIREMENT

Judges, agency attorneys, and others representing children must require and advocate for evidence-based adoption recruitment efforts for older youth and children with special needs.

Federal law requires states to make reasonable efforts to finalize the permanent placement of a child in foster care.¹ Many court opinions discuss the reasonable efforts requirement in the context of removal and reunification of children with their biological parents. Yet, very little case law addresses or defines reasonable efforts in the context of timely permanency for children with an adoption case plan goal.²

In the absence of case law, courts should require, and those representing children should advocate for, services that are proven to achieve timely permanency to meet the reasonable efforts requirement. This requires attorneys working in the child welfare field to understand trends in foster care adoption and current adoption recruitment services.

Traditional recruitment methods have not proven to be effective at serving the hardest-to-place children.

TRADITIONAL ADOPTION RECRUITMENT TYPES

Child welfare systems have traditionally used some combination of general recruitment, targeted recruitment, and child-specific recruitment in an attempt to secure adoptive homes for children in foster care.

General recruitment: General recruitment focuses on increasing the pool of people interested in adopting from foster care. In theory, this approach should result in more youth being adopted. However, individuals and families contacted through general recruitment are not always interested in or equipped to parent older youth or children with special needs.

Targeted recruitment: Targeted recruitment involves identifying families that reflect the ethnic and cultural needs of children awaiting adoption, as required by the Multi-Ethnic Placement Act.³ Like general recruitment, targeting strangers based solely on their similarity to the pool of children in need of adoptive homes does not necessarily ensure permanency for older youth or children with special needs.

Child-specific recruitment: Child-specific recruitment uses public displays, including online profiles, videos, and pictures of waiting children, to recruit adoptive families. Wednesday's Child campaigns, for example, feature waiting children on the news.

Heart galleries and adoption exchanges post profiles of children for prospective families to view online. Child presentations involve social workers sharing profiles of waiting children to prospective parents with completed home studies.

Federal law requires child welfare agencies to use child-specific recruitment efforts for every child with a permanency plan of adoption, relative placement, legal guardianship, or another planned permanent living arrangement (APPLA).⁴

The Foundation has discovered two major disadvantages to child-specific recruitment. First, the publicity used in child-specific recruitment can be stigmatizing for youth. A child's consent is not always required for their name, photo, and personal information to be displayed for anyone to see. Children may find the publicity to be deeply embarrassing, as they may not want people in their local community to know they are in foster care. This invasion of privacy is exacerbated by the lasting nature of information in the digital age. Additionally, if a child is not chosen by a family after having their information displayed publicly, it can increase the child's feelings of being unwanted and the trauma associated with feeling *unadoptable*.



Second, child-specific recruitment is not as effective for children most at risk of aging out of the foster care system. Most prospective adoptive families are not looking for older youth with complex trauma histories. This can be seen in the decreased adoption rate for older children.⁵ For older youth and children with complex needs, general recruitment, targeted recruitment, and child-specific recruitment are not likely to succeed in the search for permanency.

⁴ 42 U.S.C. § 675(1)(E) (2018).

⁵ 24 The AFCARS Report: S.U.S. DEPT. HEALTH & HUMAN SERVICES, CHILD BUREAU (2017), <https://www.acf.hhs.gov/sites/default/files/cb/afcarsreport24.pdf>.

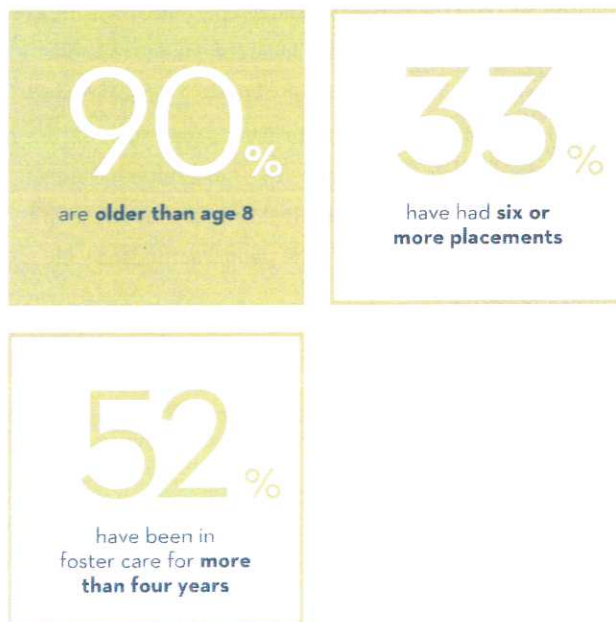


CHILD-FOCUSED RECRUITMENT AND THE WENDY'S WONDERFUL KIDS PROGRAM

In 2004, the Foundation created Wendy's Wonderful Kids to address the ineffectiveness of business-as-usual adoption recruitment strategies and help find forever families for the approximately 20,000 children emancipating from foster care each year.⁶

Adoption agencies repeatedly told the Foundation that more dedicated resources were needed to get the hardest-to-place children adopted. Through Wendy's Wonderful Kids, the Foundation provides grants to public and private adoption agencies to train recruiters in an evidence-based, child-focused recruitment model. Wendy's Wonderful Kids recruiters work with smaller caseloads of children, ensuring they have the time and resources to give each child as much attention as he or she deserves.

By the time these children are referred to a recruiter:





Require Evidence-Based Recruitment Efforts

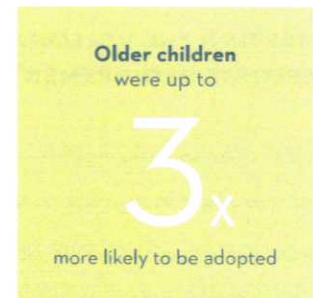
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The evaluation found this method of recruitment to be dramatically more successful than business as usual:

A key strategy in the child-focused recruitment model is to explore the child's history and contact people with whom the child has a pre-existing relationship (such as relatives, neighbors, mentors, teachers, former foster parents, etc.) who may serve as potential adoptive placements or as sources of information to find a permanent home for that child. Finding an adoptive parent who the child already knows, when possible, can increase the child's comfort with and openness to adoption. Instead of working to find the right child for adoptive parents, Wendy's Wonderful Kids recruiters strive to find the right adoptive parents for the child.

Wendy's Wonderful Kids recruiters are expected to meet with each child on their caseload at least once a month, thoroughly review the child's case file, and contact people previously known to the child to build a network dedicated to finding the child a permanent, adoptive family. The Foundation also requires recruiters to record data monthly on children served and recruitment activities to ensure adherence to the child-focused recruitment model and measure its success.

In 2011, Child Trends released results from a rigorous, five-year evaluation of the child-focused recruitment model, which used monthly data collected by Wendy's Wonderful Kids recruiters.



Backed by research proving its effectiveness at achieving permanency for youth in foster care, the Foundation worked to expand Wendy's Wonderful Kids across the United States and in Canada. In 2012, the Ohio Department of Job and Family Services funded a statewide expansion of the program to include 54 Wendy's Wonderful Kids recruiters who serve the state's longest-waiting children. In 2017, with a significant investment from Blue Meridian Partners,⁷ the Foundation launched an ambitious 12-year plan to continue expanding Wendy's Wonderful Kids in all 50 states. With a fully executed plan, the Foundation will have enough recruiters in each state to serve all the children in its target population (typically youth nine and older, sibling groups, and those with mental or physical disabilities).

⁷Blue Meridian is a partnership of results-oriented philanthropists seeking to transform the life trajectories of our nation's young people and families living in poverty by investing in strategies that work.



Require Evidence-Based Recruitment Efforts

continued

MEETING THE REASONABLE EFFORTS REQUIREMENT

With evidence proving the effectiveness of the child-focused recruitment model, advocates, attorneys, and judges in the child welfare system should consider this approach for youth without an identified permanency option to meet the agency's reasonable efforts obligation.

Judges may order, or attorneys may file, a request for the services of Wendy's Wonderful Kids recruiters like any other service they would order on behalf of a youth in foster care.

These legal filings may be particularly helpful at certain hearings, including:

Termination of parental rights (TPR)

Case plan change to adoption, APPLA, or placement with a fit and willing relative

Subsequent permanency reviews

Legal filings can also be drafted to gather information necessary for future proceedings. For example, one innovative judge in Florida issues an order to the agency to produce all documentation necessary for adoption following the TPR order. This simple order avoids potential future barriers to adoption and enables a smoother and quicker adoption process, benefiting both the child and adoptive family.

Child-Focused Recruiter Involvement in Court

The legal system should view a Wendy's Wonderful Kids recruiter as a valuable part of the youth's team. The recruiter's close relationship with the youth and intensive recruitment work is a crucial source of information for judges, attorneys, and others advocating for children in court. Judges should invite the recruiter to permanency hearings and receive updates from the recruiter directly to identify any potential barriers in getting the child adopted.

Traditional recruitment methods have not proven to be effective at serving the hardest-to-place children lingering in the foster care system. Judges and legal partners should ensure that agencies are using evidence-based, adoption recruitment practices, such as the child-focused recruitment model, to meet the reasonable efforts threshold set by federal law.

Believe All Children are Adoptable

THE INFLUENCE OF “ADOPTABILITY” ON PERMANENCY GOALS

It is crucial to the success of permanency efforts that those involved in the child welfare system believe that all children are adoptable.

The belief that some children in foster care are *unadoptable* often ends a child’s opportunity for permanency before recruitment even begins by inappropriately influencing a child’s permanency goal.

This is especially true for older children or those with special needs. Children in these categories tend to be given more “realistic” permanency goals, such as placement with a fit and willing relative, legal guardianship, or a variation of APPLA (e.g., emancipation, planned permanent living arrangement, other planned permanent living arrangement, long-term foster care, etc.). These goals are not ideal because they deprive youth of the possibility to obtain the most legally secure type of permanency: *adoption*.

Adoption is the preferred permanency goal when a family cannot be reunified because it is the most stable and long-lasting legal status. Additionally, both parents and adopted children are given increased legal rights. Parents obtain the legal responsibilities and constitutional rights to the care, custody, and control of the child.⁸ Adopted children gain inheritance rights and next-of-kin status.⁹ Therefore, courts and attorneys should carefully consider permanency goals to ensure each child is given the opportunity to find their adoptive family.



⁸ Troxel v. Granville, 550 U.S. 57 (2000).

⁹ Child Welfare Information Gateway, Intestate Inheritance Rights for Adopted Persons, U.S. DEPT HEALTH & HUMAN SER., CHILD BUREAU (2016), <https://www.childwelfare.gov/pubPDFs/ininheritance.pdf>

TERMINATION OF PARENTAL RIGHTS AND THE PROBLEM WITH LEGAL ORPHANS

The decision to terminate parental rights (TPR) should not be influenced by the belief that a child is *unadoptable*.

Many states, either by statute or case law, refuse to TPR if the child is believed to be *unadoptable*. A Wisconsin statute, for example, asks the court to consider the child's adoptability as a threshold issue to TPR.¹⁰

Many courts are reluctant to TPR due to the fear of creating "legal orphans." The term "legal orphan" refers to children who age out of the system without familial ties because no adoptive family was found and the legal relationship with their biological family was severed through TPR. Yet, the harm created by a failure to TPR is greater than the perceived risk of aging out as a legal orphan. The underlying assumption is that aging out with parental rights terminated is worse than aging out with parental rights still intact. Whether or not parental rights are terminated, both groups age out of foster care without critical supports necessary to navigate young adulthood.

As demonstrated by the 2010 Midwest Study, youth who aged out of foster care were significantly more disadvantaged than typical young adults on a number of domains, including post-secondary education, employment, housing instability, public assistance, early parenting and involvement in the criminal justice system.¹¹



There is no demonstrable evidence that these outcomes are better for youth who lingered in foster care with an APPLA goal. If the biological parents were not a safe placement at age 17, it is unlikely that they will be appropriate to parent the child in early adulthood.

Ironically, unwillingness to TPR based on the child's perceived adoptability leads to more children aging out of foster care. Delaying or denying TPR requires an adoptive family to be recruited before the child is legally free. Wendy's Wonderful Kids recruiters find it more difficult to recruit for legally unfree children because adoptive families fear the child will return to their biological parents. Even when families are willing to risk attachment to a child who has parental rights intact, the length of multiple court proceedings can add additional stress for adoptive families and youth. TPR and adoption proceedings could take years before finalization. During that time, adoptive family circumstances may change making it harder for the adoption to move forward.

¹⁰ Wis. Stat. § 48.426(1)(979)

¹¹ Mark P. Courtney et al., Midwest Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Age 23 and 24. CHARIN – ALL U. CHICAGO 95-96 (2010)



Youth can also become unsettled by being in an intermediate legal state. When TPR is not finalized, youth may feel a tension between loyalty to their biological family and potential adoptive placements. Before adoption occurs, youth must have space to grieve the loss of their biological family. Separating the TPR proceeding from the adoption proceeding gives youth time to heal and feel more comfortable moving forward. Delaying the process also leaves room for adoptive placement disruption to occur. The stress created by the prolonged court process may feed into a child's anxiety that they are unwanted and cannot rely on anyone but themselves.

Finally, practical concerns should be considered when delaying or denying TPR. The long legal process between TPR and adoption leaves less time to finalize before youth age out of care. While adult adoption is an option in most jurisdictions, adoptive families may find it difficult to adopt without the support of the child welfare system.

Another concern is that appropriately finding and serving disengaged biological parents, as required for TPR proceedings, may be difficult, which could further delay the process. Basing the decision to TPR on the child's perceived adoptability is often what frustrates efforts to find the adoptive family that each child deserves.

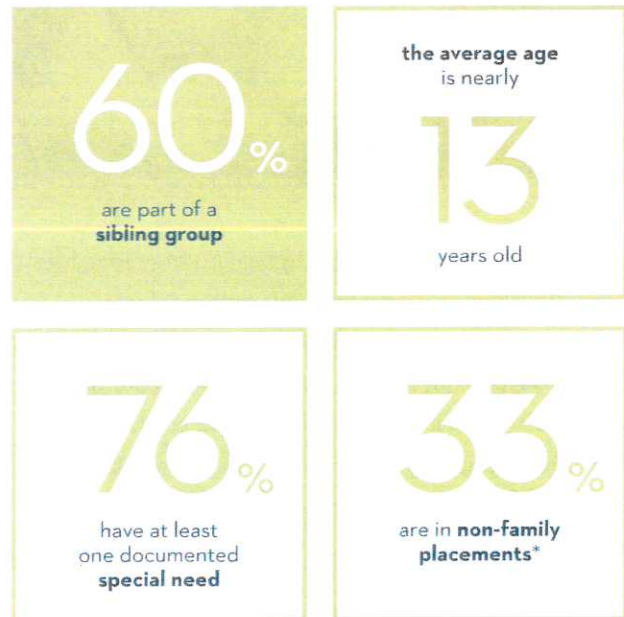


**A CHILD'S CHARACTERISTICS SHOULD NOT
DETERMINE LIKELIHOOD OF ADOPTION**

The concept that a child's characteristics determine his or her adoptability is inconsistent with the Foundation's experience in finding adoptive homes for children waiting in foster care. Wendy's Wonderful Kids recruiters have successfully found forever families for the most difficult-to-place children when business-as-usual adoption tactics failed.

Despite challenges that may qualify these children as *unadoptable*, Wendy's Wonderful Kids recruiters have employed the child-focused recruitment model to find permanent, loving homes for more than half of the children served by the program since 2004.

Of the children currently served by
Wendy's Wonderful Kids:



*such as group homes, treatment centers, or juvenile detention centers

The program's success shows that a child's likelihood of adoption should not be determined by their characteristics. All children are adoptable, but they must be served with adoption recruitment methods that are child-focused and evidence-based to be effective. In states where adoptability is considered, legal allies can rely upon the success of Wendy's Wonderful Kids to make arguments and encourage decisions that all children are adoptable despite their characteristics.

Prioritize Permanency Over Placement Stability

ONLY LEGAL PERMANENCY OFFERS LIFELONG STABILITY

An essential path to successful adoptions is prioritizing permanency for children above achieving placement stability.

Placement stability is initially appealing for children who have had multiple placements and are doing well at a particular group home or foster placement. “No removal” orders can even be issued by the court to ensure the child stays in this placement and is protected from upheaval. While placement stability is appropriate in some circumstances, it is not a proper substitution for adoption.

The Dave Thomas Foundation for Adoption has witnessed many youth who are left with little to no stability or support after aging out of the system. Foster families, or other seemingly stable relationships, often are not able to offer long-term support. For example, when the youth leaves a foster family, they are likely replaced by another foster child needing care. Consequently, youth are left with the void of undefined family, and without the stability and support all young adults need — a place to come home to for Thanksgiving dinner; a grandparent for their children; sound advice on relationships, jobs, and other important markers of adulthood; and a safety net during life’s inevitable challenges.

Adoption recruitment services do have the potential to uncover difficult emotions that could create instability in an otherwise seemingly stable child. However difficult, it is necessary to process these emotions for the youth to heal and move forward. While the child welfare system should anticipate upheaval during this process, it is worth stepping outside of comfort zones by both the system and the child so that every child can find a legally permanent, lifelong family.



FEDERAL LAW FAVORS PERMANENCY

Federal law increasingly recognizes the importance of permanency over placement stability for youth in foster care. Congress has eliminated long-term foster care, continued to narrow eligibility for APPLA, and restricted the placement of youth in congregate care settings.

In 1997, Congress passed the Adoption and Safe Families Act (ASFA) to end the plight of youth lingering in foster care by putting in timelines for the termination of parental rights and replacing long-term foster care with APPLA as an acceptable goal.¹² In the years following ASFA's passage, it became clear that APPLA was being used as a mere substitution for long-term foster care. In response, Congress again acted with the Preventing Sex Trafficking and Strengthening Families Act of 2014 to restrict the usage of APPLA to children age 16 and above.¹³ Congress further restricted the unnecessary placement of children in congregate care settings through passage of the Family First Prevention Services Act in 2018.¹⁴ These actions recognize that youth should be in permanent family settings when at all possible. Federal law and a concern for the wellbeing of children require that the legal community prioritize long-term permanency over temporary placement stability.



Youth should be
in permanent family
settings when at
all possible.

¹² Adoption and Safe Families Act of 1997, Pub. L. No. 105-89, 111 Stat. 2115 (1997).

¹³ Preventing Sex Trafficking and Strengthening Families Act of 2014, Pub. L. No. 113-183, 128 Stat. 1919 (2014) (42 U.S.C. § 675(5)(C)(ii)).

¹⁴ Bipartisan Budget Act of 2019, Pub. L. No. 115-123, 132 Stat. 64 (2018) (42 U.S.C. § 672(k)).

Support Biological Family's Role in Permanency Efforts

BIOLOGICAL FAMILY AS ADOPTIVE PLACEMENT

Biological family members play a crucial role in becoming or recruiting appropriate adoptive families for older youth and children with special needs.

The law has started to recognize instances where changed circumstances result in the biological parents, whose rights have previously been terminated, becoming the most appropriate placement. This is particularly true when the child has been in foster care for many years. Thus, states have begun creating legislation that allows courts to reinstate parental rights.¹⁵ The legal system must analyze these cases through the lens of what is best for the child rather than whether a parent is deserving of their child's return.

Likewise, biological family outside of the parents can serve as beneficial and appropriate adoptive placements. Biological relatives can be viewed skeptically when bad habits of the unfit parents are assumed to extend to other relatives. Birth relatives can also be overlooked if they were unable to take placement when the child first entered care. However, biological relatives' circumstances can change, including the relative's age, financial resources, marital status, or time commitment. Changing circumstances could make it possible for the relative to be an adoptive resource later in the case. Biological relatives can help the child escape from toxic family relationships while still maintaining biological ties.

BIOLOGICAL FAMILY ROLE IN ADOPTION PREPARATION

Even when the biological family is not an appropriate adoption placement, they can be a valuable resource in finding a permanent home for the child.

The biological family is often an excellent source of information about the network of people who had an impact in the child's early life (e.g., teachers, coaches, faith-based connections, etc.), and who may be a prospective adoptive parent. Additionally, information provided by the biological family about the child's past could offer insight into the type of family that would best meet the child's needs. Wendy's Wonderful Kids recruiters have also found that the biological family can support the recruiter's efforts to prepare a child for adoption. The biological family may give the child permission to be adopted, or share information that allows the child to come to terms with their inability to go back to the biological family, or help the child understand their past.

¹⁵Reinstatement of Parental Rights State Statute Summary, NAT'L CONF. ST. LEGISL. AT LIPS (Apr. 21, 2016), <http://www.ncsl.org/research/human-services/reinstatement-of-parental-rights-state-statute-sum>

LEGAL BARRIERS AROUND BIOLOGICAL FAMILY IMPACT RECRUITMENT EFFORTS

The legal community should reduce barriers that discourage recruiter communication with a child's biological family.

No contact orders issued by the court to prevent contact with the biological family can impact adoption recruitment efforts. While the order may be appropriate for the child, applying such an order broadly could prevent the recruiter from obtaining essential information. Adoption recruiters need the ability to reach out to the biological family to better understand the child's history, needs, and connections.

Sealed adoption records are an additional legal barrier that Wendy's Wonderful Kids recruiters encounter. Laws in some states require a child's entire child welfare case file to be sealed after the child is adopted. This can be problematic for children whose adoption dissolves, leading children back into foster care. Approximately a quarter of all children served by the Wendy's Wonderful Kids program have previously experienced a disrupted pre-adoptive placement or adoption dissolution. This leaves recruiters in some jurisdictions without access to the child's original case file, and therefore unable to get important information about the child's history, relatives, or potential adoptive resources. Courts should ensure that recruiters have access to the child's original case file, particularly in cases with a previously dissolved adoption.



Biological family has an essential role in the adoption recruitment process. It is critical that judges and child welfare attorneys reduce barriers that prevent recruiters from learning information that could help in finding each child the permanent family they deserve.

Understand Children's Reluctance to Adoption

UNPACKING THE "NO"

Courts and legal partners must understand and explore why children in foster care are often hesitant about the idea of adoption.

The Foundation supports the National Council of Juvenile and Family Court Judges' recommendation that all children in foster care attend court hearings unless there is an individual assessment that attendance is not safe or appropriate for the child. The child's presence at court hearings can complement adoption readiness efforts by educating the child as to what is happening in their case and empowering the child to have input in the outcome. However, this means that all parties involved in a child's case must be prepared for the child to initially say "no" to adoption and understand why that should not foreclose adoption recruitment efforts.

The underlying fear of many youth is that no one will want them.

Wendy's Wonderful Kids recruiters have found that most older youth initially express concerns with being adopted, and, in fact, recruiters expect that the youth will oppose adoption efforts on their behalf. Once recruiters build a relationship with the youth, they begin to explore the youth's fears about adoption, which is referred to as "unpacking the no."

The most common fears include:

Fear of **the unknown**

Fear of **being re-abused**

Changing schools and **last names**

Leaving communities and friends

Being separated from siblings

Wondering if they **will be safe and happy** with their new family

Fear of rejecting or hurting their biological family

Normal teen feelings of **wanting independence**

Wondering what **new family rules** will be

Not trusting adults because of past abuse, trauma, grief, and loss in their lives



Understand Children's Reluctance to Adoption

continued

The underlying fear of many youth is that no one will want them. This fear is affirmed by the reality that many of these children have been in care for five years or more, and no one has stepped forward to adopt them.

By building a trusting relationship with the child, Wendy's Wonderful Kids recruiters gain key insight into the youth's specific fears concerning adoption. Recruiters consider these fears when developing an adoption recruitment plan.

ADOPTION CONSENT LAWS

Adoption consent laws should not be used as a basis to deny adoption recruitment efforts.

Many states have adoption consent laws that require a child over a certain age to consent before an adoption is finalized.¹⁶ If a child initially does not want to be adopted, states can rely on these statutes to deny TPR or prevent the child from receiving an adoption case plan goal. This reasoning is invalid because these statutes only require consent after a specific adoptive parent has been identified. Before a parent is identified, there is nothing to which the child can consent.

For example, if a youth's resistance is out of fear that they will be forced to change their last name, the recruiter will seek a family comfortable with the youth keeping their last name. Because adoption recruitment can be specifically tailored to each child's needs, the initial reluctance to consider adoption should not influence case plan goals or the decision to refer adoption recruitment services. Courts and legal partners should be sure that youth opposed to adoption are given specialized services to work through their fears and are given a chance at finding a loving family.

Courts and other legal partners should not deny a child the opportunity to be adopted based on the child's current feelings about adoption. Rather, children opposed to adoption should receive specialized services that are tailored to meet their specific needs.

Recruiters trained in the child-focused recruitment model help youth to overcome their hesitancy to being adopted by validating their fears, helping them process their emotions, and empowering them in the recruitment process.



Recognize that Youth are Never Too Old for Family

FOSTER CARE TO 21: HOMELESSNESS DELAYED, NOT PREVENTED

Despite most states increasing foster care benefits to age 21, the child welfare legal system should continue its urgent push to find adoptive families for youth aging out of foster care.

The Fostering Connections to Success Act of 2008 has led the majority of states to extend foster care benefits until age 21 by providing financial assistance to those who meet federal eligibility requirements.¹⁷ Though this has the potential to benefit youth, a 2010 study on states that extended foster care to age 21 prior to the Act revealed that the percentage of youth aging out into homelessness did not decrease — it merely postponed homelessness by three years.¹⁸ The financial benefits that are given for an extra three years in foster care can never replace the intangible support of a lifelong family.

IN CLOSING

With the help of legal partners in the child welfare system, the Dave Thomas Foundation for Adoption will continue its work to prevent youth from aging out of foster care without a permanent home. The system must dismiss the notion that these youth are too old, too damaged, or too dangerous to deserve a family. All children are adoptable with the appropriate adoption recruitment services. **Together, we can make unadoptable unacceptable.**

ADULT ADOPTION

Although extending foster care cannot take the place of a permanent family, it provides a key benefit for adoption recruitment: additional time to find an adoptive home.

Most states permit youth who have aged out to be adopted as an adult.¹⁹ Yet many times, recruiters are prevented from working with youth ages 18 and older. Extended foster care gives the child welfare system a unique opportunity to find permanent families for vulnerable young people entering adulthood, even after they turn 18 years old. Families interested in adopting a foster youth over age 18 still need supportive services to walk them through the legal and emotional process.

Courts can play a key role in coordinating these services. Adoption should be pursued for young adults in extended foster care programs to ensure that they are equipped to successfully navigate adulthood with the support of a family.

¹⁷ Extending Foster Care Beyond 18, NAT'L CONF. ST. LEGISLATURES (July 28, 2017), <http://www.ncsl.org/research/human-services/extending-foster-care-to-18>.

¹⁸ Amy Dworsky & Mark Courtney, Assessing the Impact of Extending Care Beyond Age 18 on Homelessness: Emerging Findings from the Midwest Study, CHAGIN HILL U. CHICAGO 7 (2010).

¹⁹ Child Welfare Information Gateway, Who May Adopt, Be Adopted, or Place a Child for Adoption?, U.S. DEPT. HEALTH & HUM. SER., CHILD. BUREAU (2016), <https://www.childwelfare.gov/pubPDFs/partas.pdf>.



**JOCKEY
BEING FAMILY®**
Strengthening Adoptive Families

The Dave Thomas Foundation for Adoption developed this guide and is providing it to the legal community in partnership with Jockey Being Family®.

Adoption is not a single event; it's a lifelong journey. Post-adoption services are essential to offer families the guidance and diversified support they need to thrive.

Parenting is difficult in the best of circumstances, and often more challenging when a child has had a difficult start. Children who spend time in foster care often have experienced abandonment, abuse, neglect, and other traumas that require extra support. It's normal for every family to face challenges. These challenges often appear during the child's developmental stages, with some challenges presenting themselves long after the adoption is finalized.²⁰ For more than 13 years, Jockey Being Family® (Jockey) has been a leader in providing post-adoption support to strengthen adoptive families for successful futures. Jockey connects adoptive parents and children with education and resources to help prevent failed adoptions, which result in thousands of children returning to foster care each year.

The Jockey Being Family National Backpack Program provides newly adopted children with a backpack personalized with their initials. Each backpack includes a bear and blanket, which for many children, are the first belongings of their own. This small gesture can have a big impact on a child's life. Jockey also provides parents with a tote bag of resources to help navigate the adoption journey.

Post-permanency (adoption) support programs are vital to helping preserve families. However, the availability of these programs is not always communicated clearly during the adoption process. Legal professionals are essential to encourage the use of these services. As permissible by law, judges, court clerks, and adoption agencies can order backpacks through the Jockey Being Family website to ship to the courthouse for adoption day. The Jockey Being Family Foundation is proud to partner with the Dave Thomas Foundation for Adoption and is committed to providing support to families nationwide to help shape these forever homes into lasting places of love.

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