

EXECUTIVE SUMMARY

Exec. Summary
of Adoption 2002
report & remarks
from event

Adoption 2002 responds to President Clinton's Executive Memorandum and takes its name from one of its central goals -- to double by the year 2002 the number of children adopted or placed in other permanent homes each year. On December 14, 1996, the President directed the Secretary of Health and Human Services to conduct wide consultations and report to him with specific recommendations for strategies to move children more quickly from foster care to permanent homes and to meet the goal of at least doubling adoptions and other permanent placement over the next five years.

The Department developed *Adoption 2002* as a blueprint for bipartisan Federal leadership in adoption and other permanency planning for children in the public child welfare system. To prepare this report, the Department of Health and Human Services consulted with child welfare professionals, policy experts, advocates, and foster and adoptive parents at the national, State and local levels. *Adoption 2002* first examines the existing barriers to expediting the placement of children from foster care to permanent homes. Delays in making timely permanency decisions result from high caseloads for judges and caseworkers; incorrect beliefs and outdated assumptions about the adoptability of children; the limited pool of permanent families for children with special needs; and the varied interpretation of the "reasonable efforts" requirement to reunify a child in foster care with his or her birth family before another goal, such as adoption, can be pursued for the child.

Adoption 2002 outlines an agenda to help overcome these barriers and to accelerate the path to permanency for all waiting children in the public child welfare system. First, the report articulates a guiding set of principles centered on the needs of the child to give direction to the overall agenda. These principles include that every child deserves a safe, permanent family; that the child's health and safety should be the paramount considerations in all placement and permanency planning decisions; and that foster care is a temporary situation -- it is not an appropriate place for children to grow up. *Adoption 2002* establishes unequivocally that the Federal goals for children in the child welfare system are safety, permanency, and well-being.

The *Adoption 2002* agenda is multifaceted to address the range of barriers and challenges that exist in the child welfare system. The report presents strategies to establish, track, and meet State-by-State annual, numerical targets for adoptions and other permanent placements -- targets that will bring us to a national doubling of adoptions and permanent placements in the year 2002. To help States reach their targets, the Department commits to providing expanded technical assistance, rewarding States for incremental increases in adoption levels with per-child financial bonuses, and otherwise recognizing successful performance. The bonus system proposed in *Adoption 2002* is an example of common-sense government, as it not only provides an incentive for increasing the number of adoptions, but also pays for itself, with the cost of the bonuses offset by savings in foster care costs. *Adoption 2002* also includes a proposal to establish competitive grants available to States for dismantling barriers to permanency.

In addition to providing incentives to States to meet new targets, *Adoption 2002* outlines ways in which the Federal government can assume leadership in breaking down barriers to permanency for children in foster care. The Department will issue strong guidance on the implementation of the law signed by President Clinton which established penalties for denying or delaying the placement of a child based on race, color, or national origin.

Perhaps most important, while working with Congress on its legislative proposals that seek to define the "reasonable efforts" provision, the Department will issue guidance that clarifies its meaning. This guidance will make it clear that in determining whether and when to remove a child from his or her family and whether and when to reunify the family, Federal law requires that the child's health and safety shall be the paramount concern.

The Department also will issue model guidelines for State legislation to emphasize that the child's health and safety is the paramount concern in decisions to terminate parental rights. In addition, the Department commits to exploring alternative permanency options for children for whom adoption is not possible. Furthermore, the *Adoption 2002* report urges that the Administration seek legislation that shortens the time before a child's first dispositional hearing -- the hearing in which a permanency decision is first made -- from 18 months to 12 months and changes its name to a "permanency planning hearing."

Information gained by the Department in developing the details of the *Adoption 2002* agenda will form the basis of the public awareness campaign that the President directed the Secretary of Health and Human Services to undertake, in cooperation with other heads of Federal Departments or Agencies, as part of his Executive Memorandum. The strategies outlined in *Adoption 2002*, coupled with a strong public information campaign and joined by efforts by State and local officials and by community, business and religious leaders, will ensure that we live up to President Clinton's call that "no child should be trapped in the limbo of foster care; no child should be uncertain about what the word 'family' or 'parent' or 'home' means, particularly when there are open arms waiting to welcome these children into safe and strong households where they can build good, caring lives." (12/14/96)

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

February 14, 1997

REMARKS BY THE PRESIDENT
AND THE FIRST LADY
AT PRESENTATION OF ADOPTION 2002 REPORT

The Oval Office

12:51 P.M. EST

MRS. CLINTON: I want to welcome all of you to the White House and wish you a happy Valentine's Day. I am delighted that we are holding this event on a day when we think about all kinds of love, and we are gathered to announce a plan that we hope can bring the love of a permanent family to the hundreds of thousands of children waiting in our foster care system.

Two months ago the President directed Health and Human Services Secretary Donna Shalala to investigate the barriers that keep so many of our children in the limbo of foster care. He asked the Secretary to report to him with specific recommendations on how best to move children more rapidly from foster care to permanent homes, and how to meet a national goal of doubling the number of children placed annually in permanent homes by the year 2002.

In a few minutes, Olivia Golden, Acting Assistant Secretary of Health and Human Services, will present her department's findings to the President. I'm very impressed by the hard work that went into this report. It is based on extensive interviews, surveys and consultations with placement agencies, adoption and child welfare advocates, and social workers nationwide. I'm particularly pleased that careful attention was paid to the thoughts and observations of adoptive and foster parents because they know better than anyone the strengths and shortcomings of our system.

This report makes it very clear that foster care should never be a permanent solution. No child should grow up in foster care. Children deserve prompt, efficient decision-making from the adults who serve them. They deserve schedules for permanent placement that respect their developmental needs. And they deserve federal leadership to make that happen.

Ensuring the safety and timely placement of a child with a permanent loving family should be the mission of our foster care system. But for too many years this mission has been obscured as too many children have literally grown up or spent the majority of their childhoods in the system. They have led transient lives, moving from one foster family to the next, experiencing few constants but growing case files and dreams for permanent families. We can no longer afford these delays.

In recent years we have learned much about the tremendous influence that adults caring for children in their earliest years can have on their intellectual, neurological, and emotional development. Children who have adults to talk to them, read to them, make them feel secure and loved throughout their earliest years will thrive. And we cannot afford to let any child who could be in such a loving situation go without it.

That is why steps to secure permanent, safe, and loving homes for children, whether they are with their biological families

or others, should begin as soon as a child enters the foster care system, not after four days or five months or six years of shuttling from placement to placement.

We have already witnessed important steps to remedy the situation. Two years ago, the President and Congress made it illegal to deny or delay an adoption simply because the adoptive parents and children were not of the same race. Last year, the administration and Congress strengthened that legislation. The President also signed a \$5,000 tax credit for families who adopt. And families who adopt children with special needs can receive \$6,000.

Decorating the Oval Office today are valentines created by some of the 600 children waiting in Iowa in foster care. Each valentine, sponsored by the Iowa Citizens Foster Care Review Board, tells the story of a child waiting to be adopted. The paper hearts list the age the child came into the foster care system, the age the child became free for adoption, and the number of days they have been waiting for a family.

Every year these valentines are placed on trees at the Iowa State Capitol. This Valentine's Day, the children decided to send their valentines to the White House, as well. Some of them sent letters to accompany their valentines -- letters such as this one: "Dear President, my name is Rollie. I am 12. I live in Iowa. I like to play football and basketball. I've been waiting eight years for an adoptive family. I'm hoping for a family with pets, a brother and a sister, and nice parents."

Let's all work together so that Rollie and thousands of other children waiting in foster care can see their dreams come true.

Now, it is my great pleasure to introduce the acting Assistant Secretary of Health and Human Services, Olivia Golden, who will tell us more about today's report.

ASSISTANT SECRETARY GOLDEN: Mrs. Clinton, thank you for that introduction and for your leadership. And thank you, Mr. President, for giving us the opportunity to be here today. Secretary Shalala wished she could be here, and it's an honor for me to be here in her place.

Mr. President, in December you told us that you wanted

to double the number of children who are adopted or permanently placed from foster care by the year 2002. You wanted to move children more rapidly from foster care to permanent homes, and you told us to come back in 60 days with a plan for how to do it. Let me tell you what we've done.

To prepare our report to you we consulted with leaders in Congress, in state and local governments, child welfare experts, community leaders and foster and adoptive parents. Hundreds of people talked with us; 200 sent us letters. It was an enormously exciting process, because what we heard was a sense of joy and excitement from all over the country that under the leadership of the President and the First Lady the nation was ready to join together to address this issue. And we learned a tremendous amount from this process. What we learned from this consultation will guide our work on this initiative and on all of our work with children in the child welfare system.

So again, I want to thank you, Mr. President, for the opportunity to do this work.

The report, Adoption 2002, that I have the honor to present today is an action plan to make sure that all of the 450,000 children in foster care have a real chance for a loving, permanent home, and that we're able to meet the President's goal of doubling by the year 2002 the number of children adopted or placed in permanent homes.

Let me give you just a few highlights of the report. The report begins with the 10 principles that we learned from our consultations and that will guide our work. The first, as the First Lady said, is that every child deserves a safe, permanent family. The report commits us to setting goals with every state to double adoptions by the year 2002. And for the first time that we know of in federal child welfare spending, we've put dollars behind results, paying for performance to make sure that states receive incentives if they in fact move ahead on adoption.

The report proposes several major changes in federal legislation to help more children find permanent homes and remove procedural barriers. And it proposes targeted funding for states to help them dismantle procedural and other barriers to permanency. And it proposes activities to break down racial and ethnic barriers to adoption. And finally, the report proposes a comprehensive technical assistance plan to bring the best talent in the nation to help the

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

November 13, 1997

STATEMENT BY THE PRESIDENT

I am pleased that the Senate and the House of Representatives have passed historic, bipartisan legislation to promote adoption and improve our nation's child welfare system, giving our nation's most vulnerable children what every child deserves -- a safe and permanent home. I very much look forward to signing the Adoption and Safe Families Act of 1997 into law.

This legislation makes clear that children's health and safety are the paramount concerns of the public child welfare system. I am particularly pleased that the bill incorporates my Administration's recommendations to provide states with financial incentives to increase the number of children who are adopted and to make other changes in federal law that will make adoption easier and move children more rapidly out of foster care and into permanent homes. The legislation also strengthens support to states for services that help families stay together when that is possible and promote adoption when it is not. Most important, this legislation will help us meet the goal of doubling, by the year 2002, the number of children who are adopted or permanently placed each year.

I want to thank the many members of the Senate and the House of Representatives who worked so hard on this bipartisan achievement, but I particularly want to thank the congressional leadership and the sponsors of this legislation, Senators Chafee and Rockefeller and Representatives Camp and Kennelly, for their commitment. And I would like to add a special word of thanks to the First Lady for her tenacity and dedication to this important issue.

I can think of no better way to celebrate National Adoption Month than to sign this legislation into law.

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11/12, 5 pm

DRAFT

Adoption and Safe Families Act of 1997
November 13, 1997

This bill will protect children's health and safety, move children out of foster care faster, increase adoptions and support adoptive families.

Reasonable Efforts. The requirement that States make "reasonable efforts" to preserve and reunite families that have maltreated their children is rewritten to ensure that such efforts make the health and safety of the child paramount. States are not required to make efforts to keep families together in cases of "aggravated circumstances" (such as abandonment, torture, chronic abuse, and sexual abuse) or murder or assault of another of their children. States are required to make reasonable efforts to place the child for adoption or with a legal guardian in a timely manner.

Termination of Parental Rights (TPR). States must initiate proceedings to terminate parental rights after a child has been in foster care for 15 of the previous 22 months, except in specified circumstances.

Adoption Incentive Payments. \$20 million is authorized for each of 5 years (FY 1999-2003) for bonus payments to states that increase adoptions of foster children above prior levels. Incentive payments equal \$4,000 for each adoption of a foster child above the base number, plus an additional \$2,000 for a total of \$6,000 per special needs adoption.

State Report Cards. The Secretary will annually rate State performance on a number of factors including the number of adoptions and length of stay in foster care.

Reauthorization and Renaming of the Family Preservation Program. This capped entitlement grant program to the States is substantially revised and reauthorized for 3 years. The goals of the program are expanded to include time-limited family reunification and adoption promotion. The 3-year total reauthorization of funding is \$875 million, \$65 million in outlays above the current funding level.

Health Care Coverage for Adopted Children with Special Needs. States are required to provide health insurance coverage for any child with an adoption assistance agreement who has special needs and who the State has determined would not be adopted without medical assistance.

Eligibility for Adoption Assistance in Cases of Dissolved Adoptions. Children with special needs will no longer lose their eligibility for federally subsidized adoption agreements because their adoption dissolves or their adoptive parents die.

Child Welfare Demonstration Projects. HHS is permitted to approve up to 10 additional child welfare and foster care demonstration projects each year.

Adoptions Across Geographic Lines. States may not postpone or deny adoption while looking for an in-state placement when a suitable out-of-state adoption is possible.

Criminal Record Checks. States are required to make criminal records checks for prospective foster or adoptive parents. States could opt out of this provision through written notice from the Governor or through state law.

Technical Assistance to Promote Adoption. The legislation authorizes \$10 million per year for 3 years for the Secretary of HHS to provide technical assistance to the states to promote adoption, half of which must be used to help courts facilitate permanent placements.

fyi - memo to
POTUS re:
legislation.

WEEKLY SUBMISSION

On Thursday, November 13, the Senate and the House of Representatives passed the Adoption and Safe Families Act of 1997, which represents an enormous victory for your agenda to promote adoption and improve our nation's child welfare system. The legislation includes your priorities for child welfare reform, as outlined in your executive memorandum on adoption to members of your Cabinet (which you issued in a radio address on December 14, 1996), and in the *Adoption 2002* report that HHS presented to you last Valentine's Day, February 14, 1997. We are working on a bill signing ceremony with key Members of Congress, advocates and foster and adopted children in the East Room next Thursday, November 20.

Staff from the DPC, the First Lady's Office, and HHS have worked with bi-partisan congressional staff on this legislation since you issued the executive memorandum on adoption less than a year ago. As you know, Representatives Camp and Kennelly sponsored an adoption bill which passed in last Spring and which you strongly endorsed. The Senate passed its bill, sponsored by Senators Chafee and Rockefeller, on Saturday, November 8, 1997 -- after much deliberation and negotiation. As you know, the First Lady was intimately involved, helping to shape the substance of the legislation and making important calls to Members of Congress (her leadership was noted in the public statements of the Members before the final passage of the legislation).

The legislation:

- Makes clear that children's health and safety are the paramount concerns of the public child welfare system;
- Clarifies the "reasonable efforts" standard;
- Speeds up court hearings for children in foster care and requires that States initiate proceedings to terminate parental rights after a child has been in foster care for 15 of the previous 22 months, except in specified circumstances;
- Provides States with financial incentives to increase the number of children who are adopted (through bonus payments to States that increase adoptions of foster children above prior levels -- \$4,000 for each adoption above the base number, plus an additional \$2,000 for a total of \$6,000 per special needs adoption (the full bonus outlined in the *Adoption 2002* report);
- Directs the Secretary of HHS to rate State performance on a number of factors including the number of adoptions and length of stay in foster care;
- Reauthorizes the Family Preservation Program (staving off an expected battle next year), while also expanding the goals of the program to include time-limited family reunification and adoption promotion and increasing its funding levels.
- Ensures health coverage for adopted children with special needs (by requiring states to provide coverage through Medicaid or the new child health program);
- Expands HHS authority to authorize child welfare waivers to states through child welfare and foster care demonstration projects (the Republicans had wanted to

- authorize unlimited waivers, and compromised at 10 additional waivers per year);
- Breaks down barriers to adoptions across State lines by making clear that States may not postpone or deny adoption while looking for an in-state placement when a suitable out-of-state adoption is possible;
- Requires States to check criminal records of prospective foster or adoption parents (but allows Governors to request to opt out of requirement); and
- Authorizes HHS to provide \$10 million per year of technical assistance to States to promote adoption, half of which must be used to help courts facilitate permanent placements.

The bill authorizes \$76 million over five years of additional funding (principally representing an increase in the Family Preservation Program, the requirement of health coverage for special needs adoptions, and technical assistance funding). The cost were off-set by a temporary adjustment of contingency fund for State welfare programs, which the Congress plans to take up next year for reform.

INTERNAL TALKING POINTS: ADOPTION LEGISLATION

- With the strong urging and support of the President and the First Lady, the Congress is working to pass historic, bipartisan legislation on adoption before the congressional recess.
- Last spring, the House of Representatives passed the Adoption Promotion Act of 1997, sponsored by Representatives Camp and Kennelly, with the strong support of the President.
- On Saturday evening, November 8, 1997, with the strong urging of the Administration, the Senate passed by unanimous consent the Promotion of Adoption, Safety, and Support for Abused and Neglected Children Act, sponsored by Senators Chafee and Rockefeller.
- With the close involvement of the Administration, the House of Representatives and the Senate are working to resolve the differences in their two bills and pass an adoption bill before the recess to ensure that a bill reaches the President's desk this year.
- The pending legislation builds on the commitment of the President to at least double the number of children from the child welfare system who are adopted or placed in permanent homes by the year 2002. It incorporates recommendations made by the Administration's *Adoption 2002* report to provide states with financial incentives to increase the number of children adopted and to make other changes in federal law that will make adoption easier and move children more quickly out of foster care and into permanent homes.
- The President and the First Lady are committed to improving our nation's child welfare system for the thousands of children who come to rely on it because their own homes jeopardize their health or well-being. Today, approximately 500,000 of America's children live in our nation's foster care system.
- The President and the First Lady have worked hard on this legislation. Last December, the President directed the Secretary of Health and Human Services to conduct wide consultations and report to him with specific recommendations for legislative and administrative strategies to move children more rapidly from foster care to permanent homes and to meet the goal of at least doubling adoptions and other permanent placements by the year 2002.
- Issuing the Executive Memorandum on adoption in a radio address, the President said, "With this effort we're saying no child should be trapped in the limbo of foster care; no child should be uncertain what the word "family" or "parent" or "home" mean, particularly when there are open arms waiting to welcome these

children into safe and strong households, where they can build good, caring lives." [December 16, 1997]

- On Valentine's Day, 1997, the President received the formal recommendations for legislative and administrative action --in a report called *Adoption 2002* --in an Oval Office ceremony. There, he committed to (1) making sure that children's health and safety are the paramount concerns of the child welfare system; (2) meeting the goal of doubling the number of adoptions each year by working with states to set state-by-state annual targets and to provide assistance for innovative strategies; (3) proposing legislation to give bonuses to states for each adoption over the prior year's total, with larger bonuses for adoptions of children with special needs; (4) working with Congress to shorten the time a child in foster care waits for a court hearing; (5) establishing national awards for excellence in promoting adoption; and (6) redoubling efforts to make sure that no child of one race is deprived of a loving home when a child of another race is prepared to give it.
- Committing to aggressive legislative and administrative action, the President said "Putting this plan into place today will mean that we are ensuring that no child will languish in foster care." [February 14, 1997]
- The Adoption Promotion Act of 1997, which the House of Representatives passed last spring and the President's strongly supported, reflects the President's priorities. The Senate bill currently under consideration also reflects the President's priorities and commitment to improving our nation's child welfare system. The Administration is very hopeful that a bill will reach the President's desk this year.
- If passed, this legislation would build on the President's strong record on promoting adoption. For example, the President has:

Made adoption more affordable for families by signing into law the Small Business Job Protection Act of 1996, which provides a \$5,000 tax credit for families adopting children and a \$6,000 tax credit for families adopting children with special needs;

Broke down racial and ethnic barriers to adoption by signing the Multi-Ethnic Placement Act in 1994 and by strengthening it through the Small Business Job Protection Act of 1996 to ensure that the adoption process is free from discrimination and delays on the basis of race, culture and ethnicity; and

Provided supports for child protection and adoption by signing into law the Family and Medical Leave Act in 1993, which enables parents to take time off to adopt a child without losing their jobs or health insurance and ensuring that the welfare reform law maintained the guarantee of child protection and adoption, and

did not reduce funds for child welfare, child abuse, foster care and adoption service.

- November is National Adoption Month. Last week, the President issued an proclamation, which urged, "As a Nation, we have before us an opportunity to make a real difference in the lives of our most vulnerable children. As we observe National Adoption Month, we reaffirm our commitment to adoption as a new beginning for thousands of children, and we celebrate the many American families who have embraced these children by accepting the rewards and responsibilities of adoption." [November 4, 1997]

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WHSO LAYOUT DRAFT 3

a/o 11/18/97; S. Warren

ADOPTION BILL SIGNING

Wednesday, November 19, 1997

Gates Open: 12:45 p.m.

Invite Time: 1:15 p.m.

Principal Time: 1:30 p.m.

Approx. 180 Guests/Open Press/Business Attire

12:30 p.m.

IN PLACE TIME

Set-up Notes: Volunteer at Coat Check at Family Theater, Volunteer at East Entrance, Social Aid at Stair Top to greet guests, Social Aid at Stair Bottom, Grand Foyer, and East Room.

12:45 p.m.

East Visitors Gate opens and guests proceed to East Room to be seated.

Note: 9 Social Aids; String and Piano in Grand Foyer.

Gate SIC:

Seating SIC:

Press Pool Contact: Kris Engskov

Press/Media Contact: Kara Gerhardt

1:10 p.m.

THE PRESIDENT, THE FIRST LADY, and THE VICE PRESIDENT are briefed in the Map Room.

1:30 p.m.

THE PRESIDENT, THE FIRST LADY, AND THE VICE PRESIDENT proceed to Blue Room to greet guests:

Blue Room SIC:

Secretary Donna Shalala

Ms. Sue Ann Badeau

Brother/Sister of Sue Ann Badeau

Mr. Dave Thomas

Sen. Jay Rockefeller

Rep. Barbara Kennelly

Sen. John Chafee

Rep. Clay Shaw

Sen. Mary Landrieu

Rep. Dave Camp

Sen. Mike DeWine

Rep. James Oberstar

Sen. Larry Craig

Rep. Carolyn Maloney

Rep. Connie Morella

Rep. Sandy Levin

Note: Upon conclusion of meet and greet, the Blue Room guests who are not speaking will be seated in the East Room.

Note: Sen. Rockefeller, Sen. Chafee, Rep. Kennelly, and Rep. Camp are seated on stage.

COMPARISON OF ADOPTION 2002 PROPOSALS AND ADOPTION LAW AS ENACTED

Topic	Adoption 2002 Report	Law as Passed (enrolled version of H.R. 867)
Numerical Targets to Double Adoptions	Work with States on numerical goals and targets to double the number of adoptions and other permanent placements by 2002.	No additional legislative authority needed.
Technical Assistance	Provide technical assistance to State agencies, courts and communities to improve the timeliness of permanency decisions and to increase the number of adoptions and other permanent placements (requested \$10 million per year).	Authorized (but not appropriated) at \$10 million per year for each year FY98 through 2000 (section 201(a)). Specific priority topics for TA are specified, and half the funds must be spent on TA for courts to improve their handling of adoption issues.
Financial Incentives for Increased Adoptions	Financial incentives to states to increase the number of adoptions from the public child welfare system (per child bonuses).	Authorized (but not appropriated) at \$20 million per year for each year FY1999 through 2003 (section 201(a)). The discretionary spending cap is adjusted for amounts that may in the future be appropriated for these purposes. Bonuses are in the amounts requested by the Administration (\$4000 per adoption plus an additional \$2000 for each special needs adoption.)
MEPA Implementation	Continued aggressive implementation of the Multiethnic Placement Act, as amended.	No additional legislative authority needed.
State-by-State Progress Report	Publish an annual State-by-State report on success in meeting numerical targets for adoption.	Requires HHS to develop outcome measures and a rating system for child welfare services, based as much as possible on AFCARS data. Requires an annual report to Congress based on such data beginning in May 1999. In addition, the law requires that HHS develop a performance based incentive system for IV-B and IV-E payments (feasibility study due 6 months after enactment and final report due 15 months after enactment). All of these efforts are to be undertaken in consultation with outside partners (section 203).
Recognize Success	Recognize successful state efforts.	No additional legislative authority needed.

COMPARISON OF ADOPTION 2002 PROPOSALS AND ADOPTION LAW AS ENACTED

Topic	Adoption 2002 Report	Law as Passed (enrolled version of H.R. 867)
Barrier Removal Grants	Provide States with funding to identify and remove barriers to permanency and adoption.	No provision for such grants, although child welfare waiver demonstrations on this topic are explicitly encouraged.
Hearing Timelines	Clarify the purpose of dispositional hearings by renaming them permanency planning hearings and shorten the timeframe until such a hearing is required from 18 months to 12 months. A variety of other steps/approaches to improve timeliness are discussed, but no specific timelines for terminations of parental rights (TPRs) are proposed.	Renames the hearings as permanency hearings and moves them to no later than 12 months after a child enters foster care (section 302). In addition, provides that the state shall file to terminate parental rights for any child in foster care 15 of the past 22 months, for abandoned infants and for children whose parents have been determined by a court of competent jurisdiction to have committed any of a series of specified offenses against the child or a sibling. Exceptions are provided for children in kinship care, cases where the state agency has documented a compelling reason why such action would not be in the child's best interests, or where the state has not provided appropriate services in cases where reasonable efforts are required (section 103). For children whose parents have committed an offense which obviates the need for reasonable efforts, a permanency hearing is required within 30 days (section 101).
Reasonable Efforts Clarifications on Safety	Clarify "reasonable efforts" requirements to emphasize that child health and safety should be the paramount concern in making child welfare decisions and to illustrate circumstances in which reunification is not appropriate.	Adds language on child health/safety and reasonable efforts along the lines envisioned in Adoption 2002 and specifies several types of cases in which reasonable efforts are not required (section 101). Also adds safety language to provisions regarding the contents of case plans and requirements for case reviews (section 102).

COMPARISON OF ADOPTION 2002 PROPOSALS AND ADOPTION LAW AS ENACTED

Topic	Adoption 2002 Report	Law as Passed (enrolled version of H.R. 867)
Reasonable Efforts Regarding Adoption	Establish a reasonable efforts requirement to secure an adoptive home when reunification has been ruled out.	Requires reasonable efforts to find an adoptive home or other permanent living arrangement for children whose permanency plan is other than return home (section 101) and requires documentation of such efforts (section 107). Clarifies that efforts toward adoption may be made concurrently with reunification efforts.
Use of FPLS in Child Welfare Cases	Encourage States to use the Federal Parent Locator Service to locate absent parents and relatives who might provide a permanent home for the child and to terminate parental rights when appropriate.	Specific authority to use the FPLS for these purposes is provided (section 105).
Child Welfare Waivers	Increase the number of child welfare demonstration waivers.	The Secretary may authorize 10 demonstration projects per year for each of FYs 1998-2001. The Secretary is particularly required to consider applications regarding the removal of barriers to adoption, regarding substance abuse treatment and placing children in residential facilities with their mothers, and regarding kinship care. The Secretary further is granted the authority to extend the duration of demonstration projects beyond their initial 5 year period (section 301).
Kinship Care	Suggests this is an issue that needs further study. Commits to establishing kinship demonstration projects as provided for in the reauthorized CAPTA legislation, and through child welfare demonstration waivers.	HHS must produce a draft report on kinship care which is to be reviewed by an advisory panel on kinship care (to be convened by June 1, 1998), and then issue a final report by June 1, 1999 (section 303). The advisory panel's primary purpose is to review the Secretary's draft report. See also mention of kinship care under the topic of child welfare waivers.

COMPARISON OF ADOPTION 2002 PROPOSALS AND ADOPTION LAW AS ENACTED

Topic	Adoption 2002 Report	Law as Passed (enrolled version of H.R. 867)
Interjurisdictional Issues	Proposes technical assistance to support the development of collaboratives that encourage placements across geographical boundaries.	The law explicitly prohibits states from delaying or denying adoptive placements outside State or county jurisdictional lines. In addition, title IV-E state plan requirements are amended to include an assurance that the state shall develop plans for the effective use of cross-jurisdictional resources. The GAO is also required to study the issue and to submit a report to Congress within one year of the date of enactment (section 202).
Notice of Hearings and Right to Be Heard for Foster Parents, Preadoptive Parents, or other Caretakers	Not addressed.	Foster parents, preadoptive parents, and relative caretakers of children must receive notice of and an opportunity to be heard at reviews and hearings regarding the child's status. They do not, however, become a party to the case (section 104).
Criminal Background Checks	Not addressed.	Each state's IV-E plan must include procedures for conducting criminal background checks for foster parents and adoptive parents. For some crimes, approval would be denied if the crime were committed during the last five years, while for other crimes, approval would be denied regardless of the date of the criminal act. States may opt out of this provision (section 106). —
Clarification of Independent Living Services Eligibility	Not addressed.	Clarifies that children shall continue to be eligible for independent living services even if they have accumulated assets up to \$5,000 which would otherwise be counted for eligibility purposes (section 304).

COMPARISON OF ADOPTION 2002 PROPOSALS AND ADOPTION LAW AS ENACTED

Topic	Adoption 2002 Report	Law as Passed (enrolled version of H.R. 867)
Family Preservation and Support	Not addressed, except to note the need for family services.	Reauthorizes Family Preservation and Support (FP/S) for three years (FY99 through FY2001) at essentially the same levels as in current law with minor increases each year. The program is renamed "Promoting Safe and Stable Families" and two additional categories of services are added, time-limited family reunification services and adoption promotion and support services. In addition, the state plans for the program must include an assurance that the safety of the child shall be of paramount concern in services provided under this program (section 305).
Health Insurance Coverage for Adopted Special Needs Children	Not addressed.	States' IV-E plans must provide for health insurance coverage for special needs children for whom there is a non-IV-E adoption assistance agreement in place (IV-E children already are eligible for Medicaid). Such coverage may be provided either through Medicaid or other means but must be comparable to Medicaid coverage. States may make cost sharing arrangements with adoptive parents for such coverage, taking into account adoptive parents' circumstances and the child's needs (section 306)
IV-E Eligibility for Special Needs Children Whose Adoptions Disrupt	Not addressed.	If a child placed in an adoptive home under a IV-E adoption assistance agreement comes back into the care of the state, the child's IV-E eligibility shall continue (section 307).
Quality Guidelines	Not addressed.	Each state shall, by January 1, 1999, develop and implement standards assuring that children are provided with quality services that protect their health and safety (section 308). This becomes a IV-E plan requirement.
Preservation of Reasonable Parenting	Not addressed.	Clarifies that nothing in this act is intended to intrude upon reasonable methods of parenting (section 401).

COMPARISON OF ADOPTION 2002 PROPOSALS AND ADOPTION LAW AS ENACTED		
Topic	Adoption 2002 Report	Law as Passed (enrolled version of H.R. 867)
Standby Guardianships	Not addressed.	Provides a sense of the Congress that states should have standby guardianship laws (section 403).
Welfare Contingency Fund	Not addressed.	In order to pay for the various provisions of the bill, the welfare contingency fund is reduced by \$40 million spread over 5 years. This includes \$2 million in FY98, \$9 million in FY99, \$16 million in FY2000 and \$13 million in FY2001.
Report to Ways and Means and Finance Committees on the Coordination of Substance Abuse and Child Protective Services	Not addressed except to note the importance of substance abuse issues to the child protection field and the need for substance abuse services for families in the child welfare system.	Requires HHS to submit a report to Congress on this topic by one year after the date of enactment (section 405).
Sense of Congress Regarding the Purchase of American-Made Equipment and Products	Not addressed.	To the extent practicable all equipment and products purchased with funds under this act should be American-made (section 406).

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

November 19, 1997

REMARKS BY THE PRESIDENT
AND FIRST LADY
AT ADOPTION BILL SIGNING

The East Room

1:53 P.M. EST

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

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

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

There were also a number of members of the White House staff who worked very hard with members of Congress and with members of the HHS contingent, and I'd like to acknowledge just a few of them

-- John Hilley, Bruce Reed, Elena Kagan, and in particular Jen Klein and Nicole Rabner. I want to thank all of them. (Applause.)

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

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

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

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

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

health and safety of our children is always the first priority.

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

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

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

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

* * * * *

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

Secretary Shalala, I thank you and your staff for your remarkable work on this. And I thank the members of the White House staff, all the members of Congress who are present here. And especially I thank Senators Rockefeller and Chafee and Congressmen Camp and Kennelly for their work and for what they said here.

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

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

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

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

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

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

welcome them into permanent homes.

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

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

With these measures we help families stay together where reunification is possible and help find safe homes for children much more quickly when it is not. We've come together in an extraordinary example of bipartisan cooperation to meet the urgent needs of children at risk. We put our differences aside, and put our children first.

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

We have put in place here the building blocks of giving all of our children what should be their fundamental right -- a

chance at a decent, safe home; an honorable, orderly, positive upbringing; a chance to live out their dreams and fulfill their God-given capacities.

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

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

Thank you very much. (Applause.)

END

2:19 P.M. EST

PRESIDENT CLINTON SIGNS THE ADOPTION AND SAFE FAMILIES ACT OF 1997

November 19, 1997

Today, President Clinton signs into law the Adoption and Safe Families Act of 1997 to help thousands of children waiting in foster care move more quickly into safe and permanent homes. This overwhelmingly bipartisan legislation was based in large part on the recommendations of the Administration's "Adoption 2002" report. The report takes its name from one of the President's central goals -- to at least double, by the year 2002, the number of children adopted or permanently placed each year.

The Act makes sweeping changes in federal law on adoption and foster care enacted in 1980. The new law makes clear that the health and safety of children must be the paramount concerns of state child welfare services. It sets swifter time frames for making permanent placement decisions and terminating parental rights for children. For the first time, states will have financial incentives to increase adoptions. Children with special needs and ongoing medical needs are ensured health care coverage. Federal funds will continue for programs that work to keep families together when it is appropriate and safe to do so.

Ensuring that Children are Safe

Clarifies Reasonable Efforts: As the President proposed, the new law ensures that children's health and safety are the paramount concerns of the public child welfare system. It clarifies that there are instances when states are not required to make "reasonable efforts" to keep children with their parents, such as when a parent has been convicted of murdering another child or a child has been abandoned, tortured, or chronically abused.

Doubling the Number of Children Adopted or Permanently Placed by 2002

Creates Financial Incentives: The new law contains the President's plan to offer a financial bonus to states that increase the number of children who are adopted from the public foster care system. These incentives will help to double the number of children adopted. For every additional child adopted, a state will receive \$4,000, with an additional \$2,000 paid for each child with special needs. The Act authorizes \$20 million for each of 5 years (FY 1999 to FY 2003) for the bonuses, though eventually the bonuses will be offset by savings in foster care expenses.

Establishes Tighter Time Limits: Children who cannot safely return to their own families often wait far too long in foster care -- typically over 3 years, but for many much longer. Under the new law, permanency hearings will now be held no later than 12 months after a child enters foster care, 6 months earlier than under previous law, and states must initiate termination of parental rights proceedings, except in specified circumstances, for any child who has been in foster care for 15 of the previous 22 months.

Breaking Down Barriers, Promoting Safe and Stable Families, and Achieving Accountability

Eliminating Obstacles: The new law prohibits delaying or denying adoptions across state or county lines, thereby breaking geographic barriers to adoption.

Providing Supportive Services: The new law ensures that children with special needs keep health insurance coverage when they are adopted, either through Medicaid or through the new children's health program. In addition, the new law reauthorizes the Family Preservation and Family Support Services Program, renamed Promoting Safe and Stable Families, which provides services to strengthen families before crises occur and to ensure safe, stable homes for children who return to their families.

Emphasizing Results for Children: The new law authorizes HHS, in consultation with states, to develop new measures to track and rate state performance efforts in providing child welfare services to ensure successful results for children.

Recognizing Success: Prior to the bill signing today, HHS recognized 13 awardees for significant achievement in helping both adopted children and those waiting for adoption. Among the awardees are families, foundations, members of the media and states that have improved the management of child welfare programs.

THE CLINTON ADMINISTRATION RECORD ON ADOPTION

November 19, 1997

"I am pleased that the Senate and the House of Representatives have passed historic, bipartisan legislation to promote adoption and improve our nation's child welfare system, giving our nation's most vulnerable children what every child deserves -- a safe and permanent home." -- Statement by President Clinton, November 13, 1997

Today, President Clinton signs into law the Adoption and Safe Families Act of 1997 to help thousands of children waiting in foster care move more quickly into safe and permanent homes. This overwhelmingly bipartisan legislation was based in large part on the recommendations of the Administration's "Adoption 2002" report. The report takes its name from one of the President's central goals -- to at least double, by the year 2002, the number of children adopted or permanently placed each year.

The Act makes sweeping changes in federal law on adoption and foster care enacted in 1980. The new law makes clear that the health and safety of children must be the paramount concerns of state child welfare services. It sets swifter time frames for making permanent placement decisions and terminating parental rights for children. For the first time, states will have financial incentives to increase adoptions. Children with special needs and ongoing medical needs are ensured health care coverage. Federal support will continue for services to keep families together when it is appropriate and safe.

The Clinton Administration has previously taken several important steps to encourage and increase adoptions and to support the families who choose to open their hearts and their homes to these children. Since taking office in 1993, the President has championed programs that find and assist adoptive families, and has committed his Administration to breaking down barriers, including high adoption costs and complex regulations. These steps include:

MAKING ADOPTION AFFORDABLE FOR FAMILIES. Last year, President Clinton signed into law the Small Business Job Protection Act of 1996, which provides a \$5,000 tax credit to families adopting children, and a \$6,000 tax credit for families adopting children with special needs. This provision has alleviated a significant barrier to adoption, helping middle class families for whom adoption may be prohibitively expensive and making it easier for families to adopt children with special needs. Since President Clinton took office, the number of children with special needs who have been adopted with federal adoption assistance has risen by 60 percent. This year, in signing the Balanced Budget Act of 1997, President Clinton ensured more support for families who adopt children with the \$500 Per-Child Tax Credit.

GIVING STATES FLEXIBILITY AND SUPPORT. To test innovative strategies to improve child welfare systems, the Clinton Administration has granted child welfare waivers to California, Delaware, Indiana, Illinois, Maryland, North Carolina, Ohio and Oregon, giving the states more flexibility in tailoring services to meet the needs of children and families. Up to two more states will receive approval for waivers under previous authority. Under the new Adoption and Safe Families Act, HHS will grant up to 10 waivers per year to states. In addition, this Administration has provided states with enhanced technical support and helped improve court operations. In September, HHS awarded 40 demonstration grants to states, local agencies, courts, private organizations, and others committed to promoting adoption, a total of \$7.9 million, for innovative programs to increase adoptions and reduce the number of children in foster care. To prevent children from entering foster care in the first place, in 1993 the Clinton Administration secured federal funding for the Family Preservation and Family Support Program to help states, local governments and service providers develop effective programs to serve children and families at risk.

BREAKING DOWN RACIAL AND ETHNIC BARRIERS TO ADOPTION. The Small Business Job Protection Act of 1996 also ensures that the adoption process is free from discrimination and delays on the basis of race, culture and ethnicity by strengthening the Multi-Ethnic Placement Act which the President signed in 1994.

PROVIDING SUPPORTS FOR CHILD PROTECTION AND ADOPTION. In 1993, President Clinton signed into law the Family and Medical Leave Act which enables parents to take time off to adopt a child without losing their jobs or health insurance. In addition, the welfare reform bill that the President signed into law maintains the guarantee of child protection and adoption, and does not reduce funds for child welfare, child abuse, foster care and adoption services.

RAISING PUBLIC AWARENESS. Through speeches, writings, events and public service announcements, the President and First Lady have promoted the importance and benefits of adoption.

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

November 13, 1997

STATEMENT BY THE PRESIDENT

I am pleased that the Senate and the House of Representatives have passed historic, bipartisan legislation to promote adoption and improve our nation's child welfare system, giving our nation's most vulnerable children what every child deserves -- a safe and permanent home. I very much look forward to signing the Adoption and Safe Families Act of 1997 into law.

This legislation makes clear that children's health and safety are the paramount concerns of the public child welfare system. I am particularly pleased that the bill incorporates my Administration's recommendations to provide states with financial incentives to increase the number of children who are adopted and to make other changes in federal law that will make adoption easier and move children more rapidly out of foster care and into permanent homes. The legislation also strengthens support to states for services that help families stay together when that is possible and promote adoption when it is not. Most important, this legislation will help us meet the goal of doubling, by the year 2002, the number of children who are adopted or permanently placed each year.

I want to thank the many members of the Senate and the House of Representatives who worked so hard on this bipartisan achievement, but I particularly want to thank the congressional leadership and the sponsors of this legislation, Senators Chafee and Rockefeller and Representatives Camp and Kennelly, for their commitment. And I would like to add a special word of thanks to the First Lady for her tenacity and dedication to this important issue.

I can think of no better way to celebrate National Adoption Month than to sign this legislation into law.

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**PRESIDENT WILLIAM J. CLINTON
REMARKS AT SIGNING OF ADOPTION BILL
THE WHITE HOUSE
November 19, 1997**

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Acknowledgments: Sue Ann Badeau [bah-DOE], who will introduce you; Donna Shalala; bill sponsors Sens. Chafee and Rockefeller, Reps. Camp and Kennelly, and other Members of Congress present; Adoption 2002 Excellence Award winners; children, families, advocates, leaders in audience; the First Lady, for her commitment and leadership.

Before I begin, let me say a few words about the situation in Iraq. As I've said before, we prefer to resolve this situation peacefully -- and with our friends and allies. That is what we are working to do. But let me be clear about the necessary objective of any diplomacy: Iraq must comply with the unanimous will of the international community and let the weapons inspectors resume their work in Iraq without interference. That is our top line. That is our bottom line. I hope we can achieve this diplomatically. But we are taking every step to ensure we are fully prepared to pursue other options if necessary.

A little less than a year ago, as a vital part of our efforts to help children seize the bright future the new century holds, I directed my Administration to develop a plan to double the number of children we move from foster care to permanent homes by the year 2002. We know that the well-being of our children depends upon safety and stability and a sense of order. We know that the foster care system, a vital system intended to protect children, too often leaves them in limbo. While we know foster parents provide safe and caring families for children, we also know that there is no substitute for the love of parents who will always be there -- and the discipline and values they impart over a lifetime. Children should not be trapped in the foster care system, especially when there are open arms waiting to welcome them into permanent homes.

Thanks to the hard work of so many of you here today -- and the guiding principles that we set forth in the Adoption 2002 report -- we have now set the nation on course to meet our adoption goals. In a few minutes I will sign the bipartisan Adoption and Safe Families Act into law -- fundamentally altering the nation's approach to foster care and adoption, fundamentally improving the well-being of hundreds of thousands of our most vulnerable children.

The new legislation makes clear that children's health and safety are the paramount concerns of the public child-welfare system. It also makes clear that foster care, while providing an important safe haven for children, is by definition a temporary setting and not a place for children to grow up.

For example, the new law will help us speed children out of the foster care system and into permanent families by setting meaningful time limits for child-welfare decisions, and by clarifying which family situations call for reasonable reunification efforts -- and which do not. It will provide states with financial incentives to increase the number of children who are adopted each year. It will ensure that adopted children with special needs will never lose their health coverage. It reauthorizes federal funding for timely services that alleviate crises before they become serious, that

aid the reunification of families, and that help meet post-adoption needs.

With these measures, we are helping families stay together when reunification is possible but also helping find safe homes for children quickly when it is not. We have come together with extraordinary bipartisan cooperation to meet the urgent needs of families at risk. We have put our differences aside and put our children first.

And we are building on a solid foundation of progress on these issues. For example, the adoption tax credit I signed into law in August makes adopting children more affordable for families -- especially those who adopt children with special needs. The Multi-Ethnic Placement Act I signed two years ago ensures that adoption is free from discrimination and delay on the basis of race, culture, or ethnicity. And the very first law I signed as President, the Family and Medical Leave Act, enables parents to take time off to adopt a child without losing their jobs or their health insurance.

We've worked hard to do our part, but our efforts also require the participation of warm and giving parents in every community. As we approach Thanksgiving, when families all across America come together to give thanks for their blessings, I'd like to encourage families to consider opening their homes and their hearts to children who need stable, loving homes. And to those of you here today and around the country who have already done so -- either as foster or adoptive parents -- I say thank you. By giving of yourself, you have given new hope and a new future to your children -- and that is the greatest blessing of all. Thank you and God bless you.

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**FIRST LADY HILLARY RODHAM CLINTON
STATEMENT FOR THE SIGNING CEREMONY OF
THE ADOPTION AND SAFE FAMILIES ACT OF 1997
THE WHITE HOUSE
NOVEMBER 20, 1997**

ACKNOWLEDGMENTS: Donna Shalala; bill sponsors Sens. Chafee and Rockefeller, Reps. Camp and Kennelly, and other Members of Congress present; Governor Romer; children, families, advocates, leaders in audience.

Welcome to the White House.

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

Today, we make good on that pledge.

And for the thousands of American children who wait for a stable, loving home that will always be there --It is not a moment too soon.

Right now, there are nearly half a million children in foster care. For most, foster care is a safe haven on the road to a permanent home. Too many, however, make countless detours along the way, shuffling from family to family, without much hope that they'll ever find permanent parents to love them and take care of them. These are children who will enter this holiday season unsure about whether the family they celebrate with this year will be there with them next year.

We know it makes a difference for children to have permanent, loving homes. Research shows us this. We also know it by intuition. And I have seen it firsthand. I will never forget the transformation of one girl named Deanna [Dee-Ann-A], who was with me two years ago as a child waiting to be adopted and came back to the White House last year with her new adoptive family. I almost didn't recognize her. From a shy, withdrawn, 13-year-old, she had blossomed into a cheerful, outgoing, confident teenager with a brilliant smile.

The landmark legislation that the President is about to sign will see to it that there are more stories like Deanna's. This legislation is the result of extraordinary bipartisan cooperation. And it stands as proof of what we can accomplish when we overcome differences to stand together.

As we see today, the national government has an important role to play in reforming our foster care system --in giving guidance to courts and states, in offering incentives to speed up and increase the number of adoptions, and in making sure that the health and safety of children is always the first priority. But we know that all Americans have a role to play, too. Businesses can make it easier for their employees to adopt a child. Religious leaders can help spread the word about the joys of adoption. Parents thinking about adoption can expand their search to reach out to kids in foster care.

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

Bill and I have met many children over the years. They may have been of different ages, different religions or different races. But they had one important thing in common. All of them needed stable parents in their lives. Someone to pick them up when they'd fallen. Someone to teach them right from wrong. Someone to tuck them into bed at night. Someone simply to love them.

That's what we are giving these children today. And I can think of no better way to begin the season of hope and thanks.

[Introduce Members of Congress, who will speak in the following order:

- Congresswoman Barbara Kennelly (D-CT)
- Congressman Dave Camp (R-MI)
- Senator John Chafee (R-RI)
- Senator Jay Rockefeller (D-WV)]

[Following the remarks by the Members of Congress, you will return to podium to introduce Sue Ann Badeau]

Now it is my great pleasure to introduce someone else who has done her part to move this issue forward. When she was seven years old, Sue Ann Badeau [baa-DOE] and her four siblings were adopted by Sue and Hector Badeau. Not only was her family kept together, but they joined a great big new family. Today, Sue Ann --who is now attending college --has 20 brothers and sisters. Sue and Hector have 2 biological children and have adopted 19 children as their own. The children range in ages from 7 to 29 and come from all different backgrounds --this family looks like America. Sue Ann personally nominated her parents for the 1997 Adoption 2002 Excellence Award Winners, and they received one this morning. Sue Ann is here today with her 7 year old brother Aaron, who truly has an unbeatable understanding of what it means to be the youngest child. Please welcome Sue Ann and Aaron Badeau.

WEEKLY SUBMISSION

On Thursday, November 13, the Senate and the House of Representatives passed the Adoption and Safe Families Act of 1997, which represents an enormous victory for your agenda to promote adoption and improve our nation's child welfare system. The legislation includes your priorities for child welfare reform, as outlined in your executive memorandum on adoption to members of your Cabinet (which you issued in a radio address on December 14, 1996), and in the *Adoption 2002* report that HHS presented to you last Valentine's Day, February 14, 1997. We are working on a bill signing ceremony with key Members of Congress, advocates and foster and adopted children in the East Room next Thursday, November 20.

Staff from the DPC, the First Lady's Office, and HHS have worked with bi-partisan congressional staff on this legislation since you issued the executive memorandum on adoption less than a year ago. As you know, Representatives Camp and Kennelly sponsored an adoption bill which passed in bill last Spring and which you strongly endorsed. The Senate passed its bill, sponsored by Senators Chafee and Rockefeller, on Saturday, November 8, 1997 -- after much deliberation and negotiation. As you know, the First Lady was intimately involved, helping to shape the substance of the legislation and making important calls to Members of Congress (her leadership was noted in the public statements of the Members before the final passage of the legislation).

The legislation:

- Makes clear that children's health and safety are the paramount concerns of the public child welfare system;
- Clarifies the "reasonable efforts" standard;
- Speeds up court hearings for children in foster care and requires that States initiate proceedings to terminate parental rights after a child has been in foster care for 15 of the previous 22 months, except in specified circumstances;
- Provides States with financial incentives to increase the number of children who are adopted (through bonus payments to States that increase adoptions of foster children above prior levels -- \$4,000 for each adoption above the base number, plus an additional \$2,000 for a total of \$6,000 per special needs adoption (the full bonus outlined in the *Adoption 2002* report);
- Directs the Secretary of HHS to rate State performance on a number of factors including the number of adoptions and length of stay in foster care;
- Reauthorizes the Family Preservation Program (staving off an expected battle next year), while also expanding the goals of the program to include time-limited family reunification and adoption promotion and increasing its funding levels.
- Ensures health coverage for adopted children with special needs (by requiring states to provide coverage through Medicaid or the new child health program);
- Expands HHS authority to authorize child welfare waivers to states through child welfare and foster care demonstration projects (the Republicans had wanted to

- authorize unlimited waivers, and compromised at 10 additional waivers per year);
- Breaks down barriers to adoptions across State lines by making clear that States may not postpone or deny adoption while looking for an in-state placement when a suitable out-of-state adoption is possible;
- Requires States to check criminal records of prospective foster or adoption parents (but allows Governors to request to opt out of requirement); and
- Authorizes HHS to provide \$10 million per year of technical assistance to States to promote adoption, half of which must be used to help courts facilitate permanent placements.

The bill authorizes \$76 million over five years of additional funding (principally representing an increase in the Family Preservation Program, the requirement of health coverage for special needs adoptions, and technical assistance funding). The cost were off-set by a temporary adjustment of contingency fund for State welfare programs, which the Congress plans to take up next year for reform.



Summary of the Adoption and Safe Families Act of 1997 (H.R. 867)

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Promotes safety of children at home and in out-of-home care

Safety in the home. Clarifies that a child's health and safety are paramount concerns in making decisions about the removal of a child from, and the child's return to, his home. Specifies situations where "reasonable efforts" are not required, including where a court determines that a parent has committed murder or voluntary manslaughter of another of their children or a felony assault that results in serious bodily injury to their child; a parent has subjected the child to aggravated circumstances such as abandonment, torture, chronic abuse, and sexual abuse; or the parental rights of the parent to a sibling have been involuntarily terminated. (Sec. 101)

Safety while out of the home. Clarifies that safety must be considered in implementing case plans and case reviews for children in foster care. (Sec. 102)

Criminal background checks. Requires a state to provide criminal record checks for final approval of prospective foster and adoptive parents to increase the safety of children in out-of-home placements. Allows states to opt out of this provision through a written notification from the governor to the Secretary of Health and Human Services (HHS) or passage of state legislation. (Sec. 106)

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Provides incentives for adoption and other permanency options

Reasonable efforts toward permanence. Requires that when a court determines that reasonable efforts to reunify are not required, a permanency planning hearing must be held within 30 days of such determination. Reasonable efforts also must be made to place the child in a timely manner in accordance with the permanency plan and to complete whatever steps are necessary to finalize the plan. Specific recruitment efforts and other steps taken to achieve permanence for the child must be documented in the child's case plan. (Secs. 101 and 107)

Concurrent planning. Clarifies that reasonable efforts to place a child for adoption or with a legal guardian may be made concurrently with reasonable efforts to reunify a child. (Sec. 101)

Adoption incentive payments. Authorizes adoption incentive

payments (not to exceed a total of \$20 million a year) to states that increase the number of adoptions of foster children in a given fiscal year (FY) over a base year. The bonuses are \$4,000 for each foster child adopted above the base and an additional \$2,000 (\$6,000 total) if the child has special needs and is eligible for the federal adoption assistance program. To be eligible for incentive payments in FY 2001 and FY 2002, a state must provide health insurance to any adopted child with special needs who cannot be adopted without such assistance. Ten million dollars a year also is authorized for technical assistance to states and local communities and to the courts to assist in increasing adoptions or other permanent placements for children in foster care. At least 50 percent of any technical assistance funds appropriated must be reserved for technical assistance to the courts. (Sec. 201)

Expanded health coverage for adopted children with special needs. As a condition of receiving funds under the Title IV-E Foster Care and Adoption Assistance Programs, a state must provide health insurance coverage for any child with special needs for whom there is an adoption assistance agreement and who according to a state determination cannot be placed with adoptive parents without medical assistance because of the child's special needs for medical, mental health, or rehabilitative care. Such coverage may be provided through the Medicaid option or through a state health insurance program, but, if the latter, the medical benefits, including mental health, must be of the same kind and type provided under Medicaid. Should sufficient funds not be available in the state health insurance program, the child may be deemed a recipient for IV-E adoption assistance and be eligible for Medicaid. (Sec. 306)

Continued IV-E eligibility for dissolved adoptions. Continues IV-E Adoption Assistance eligibility for a child adopted after Oct. 1, 1997, who was previously adopted and eligible for IV-E Adoption Assistance, but whose earlier adoption was dissolved (meaning the parental rights of the adoptive parents were terminated) or whose adoptive parents died. (Sec. 307)

Permanency planning hearings. Establishes a permanency planning hearing within 12 months of a child's placement rather than within 18 months as in current law. At the hearing, there must be a determination whether and when a child will be returned home, placed for adoption and a termination of parental rights petition will be filed, or referred for legal guardianship or, when the other options are not appropriate, another planned permanent living arrangement. For children for whom a court determines reasonable efforts to reunify are not required, a permanency planning hearing must be held within 30 days of such determination. (Sec. 302)

Initiating termination of parental rights. Requires that a termination of parental rights petition must be filed, except in certain cases, when a child of any age is under the responsibility of the state for 15 months out of the most recent 22 months. (The clock starts to run on the date of the first judicial finding of abuse or neglect or 60 days after the child is removed from the home, whichever is earlier.) It also requires that a termination petition be filed when a court has determined a child to be an abandoned infant, or in cases where a parent has committed murder or voluntary manslaughter of another of his or her children or a felony assault that has resulted in serious bodily injury to the child or another child.

Exceptions can be made to these requirements if the child is in the care of a relative; a state agency documents in the case plan (available for court review) a compelling reason why filing is not in the best interest of the

child; or the state agency has not provided to the child's family, consistent with the time period in the case plan, the services deemed necessary to return the child to a safe home. The requirement applies to children entering care in the future and to children already in care. For children already in care, states are required to phase in the filing of termination petitions beginning with children for whom the permanency plan is adoption or who have been in care the longest. One-third must be filed within six months of the end of the first legislative session, two-thirds within 12 months, and all of them within 18 months. (Sec. 103)

Geographic barriers to adoption. Requires states as a condition of Child Welfare Services (Title IV-B, Part 2) funding to develop plans for the effective use of cross-jurisdictional resources to facilitate timely adoptions and permanent placements for waiting children. Funding for IV-E Foster Care and Adoption Assistance is also conditioned on a state's not denying or delaying a child's adoptive placement when an approved family is available outside of the jurisdiction with responsibility for the child, and on a state granting fair hearings for alleged violations of this requirement. The General Accounting Office must conduct a study to consider how to improve procedures and policies to facilitate the timely and permanent adoptions of children across both state and county jurisdictions and forward the study and any recommendations on how to improve such procedures to Congress by Nov. 19, 1998. (Sec. 202)

Standby guardianship. Establishes a "sense of the Congress" that states should have laws and procedures that would permit parents who are chronically ill or near death to designate a standby guardian for children without surrendering their own rights. (Sec. 403)

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Enhances capacity for safety and permanence

Continues the Family Preservation and Support Services Program (FPSSP). Continues the program now called the Promoting Safe and Stable Families Program through FY 2001, with funding at \$275, \$295 and \$305 million for FYs 1999, 2000, and 2001, respectively (increases of about \$20 million each year over the current baseline). In addition to funds to prevent child abuse and neglect and assist families in crisis, the uses of the program funds are expanded to include time-limited reunification services and adoption promotion and support services. States are required to assure that the safety of the children to be served will be of paramount concern in administering and conducting services under this program. Also clarifies that for the purposes of the maintenance of effort requirement in the program, "non-federal funds" may be defined as either state or state and local funds. The current set-asides are maintained for the State Court Improvement Program, evaluation, research, training, and technical assistance, and Indian tribes. (Sec. 305)

Report on coordination of substance abuse and child protective services. Requires the HHS Secretary, by Nov. 13, 1998, to prepare and submit to the House Ways and Means Committee and the Senate Finance Committee a report that describes the scope of the problem of substance abuse in child welfare families, the types of services provided to such families, and the outcomes resulting from the provision of such services, including any recommendations for legislation to improve coordination in providing services to such families. (Sec. 405)

Federal Parent Locator Service. Authorizes state child welfare

agencies to use the Federal Parent Locator Service to assist in locating absent parents for the purposes of making or enforcing child custody or visitation orders involving such parents. (Sec. 105)

Extension of Independent Living Services. Extends services to help more young people prepare for living independently when they leave foster care. Young people who are no longer eligible for federal foster care assistance because their savings and other assets are in excess of \$1,000 will still be eligible for independent living services, provided their assets do not exceed \$5,000. (Sec. 304)

Expansion of child welfare demonstration waivers. Allows HHS to grant up to 10 states a year federal waivers to demonstrate new approaches to child welfare reform, provided that the state provides health insurance to adopted children with special needs who cannot be adopted without such assistance. Requires special consideration of the appropriateness of waivers where there are court orders relating to the administration of public child welfare programs. Requires the HHS Secretary to consider certain sorts of applications, if submitted, including demonstrations regarding reductions in adoption barriers, innovative approaches to substance abuse treatment, and kinship care. (Sec. 301)

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Enhances accountability for safety and permanence

Notice and right to be heard for foster parents, preadoptive parents, and relatives. Requires that the foster parents and any preadoptive parent or relative caring for a child must be given notice of, and an opportunity to be heard in, any review or hearing involving the child. (Sec. 104)

State standards for quality care. Requires states by Jan. 1, 1999, to develop and implement standards to ensure that children in foster care placements in public or private agencies are provided quality services that protect the safety and health of the children. (Sec. 308)

Report on state performance in protecting children. Requires the HHS Secretary, in consultation with public officials and child welfare advocates, to establish outcome measures, and a system for rating states based on the outcomes that can be used to assess the performance of states in operating the child welfare programs under Titles IV-B and IV-E. On May 1, 1999, and annually thereafter, the secretary must issue an annual report to Congress on the performance of each state on each outcome measure and that explains the reasons for such performance and how such performance might be improved. Also requires the HHS Secretary, in consultation with public officials and child welfare advocates, to submit to the House Ways and Means Committee and the Senate Finance Committee a final report on a performance-based incentive system for providing payments under Titles IV-B and IV-E of the Social Security Act by Feb. 19, 1999, and to submit a progress report on the feasibility, timetable and consultation process for conducting such a study by May 19, 1998. (Sec. 301)

Kinship care report. Requires the HHS Secretary to prepare and submit by June 1, 1999, a report for Congress on the extent of the placement of children in foster care with relatives and to convene an advisory panel on kinship care to review and comment on the report before it is submitted. (Sec. 303)

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Other provisions

Preservation of reasonable parenting. States that nothing in this act is intended to disrupt the family unnecessarily or to intrude inappropriately into family life, to prohibit the use of reasonable methods of parental discipline, or to prescribe a particular method of parenting. (Sec. 401)

Purchasing of American-made equipment. Establishes a sense of the Congress that to the greatest extent possible, all equipment and products purchased with funds provided under this act should be American made. (Sec. 406)

Funding source. Takes \$40 million (over four years) from a temporary adjustment to the Contingency Fund for State Welfare Programs. The HHS Secretary also is required to make recommendations to the Congress by March 1, 1998, for improving the operation of the Contingency Fund for State Welfare Programs. (Sec. 404)

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