

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. list	Participants; RE: phone number [partial] (1 page)	09/29/1995	P6/b(6)
002. note	Dr Alfred Kahn; RE: dates of birth [partial] (1 page)	n.d.	P6/b(6)
003. list	Child Welfare Discussions; RE: dates of birth [partial] (1 page)	07/18/1996	P6/b(6)

COLLECTION:

Clinton Presidential Records
Policy Development
Lyn Hogan
OA/Box Number: 10042

FOLDER TITLE:

Child Welfare Chat Sessions [5]

2011-1010-S

ms191

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

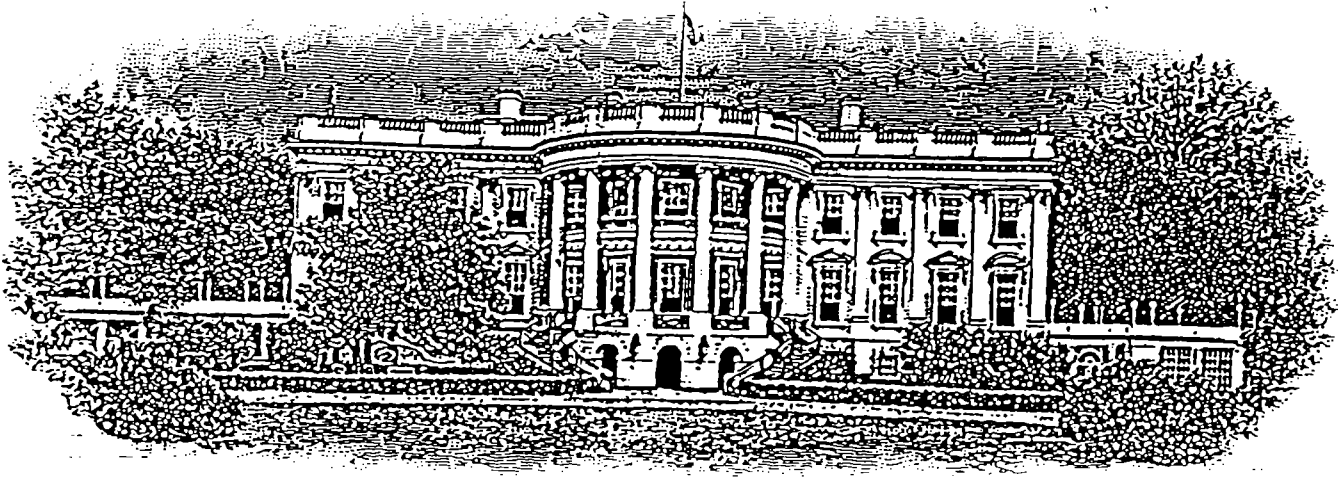
PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

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The White House



DOMESTIC POLICY

FACSIMILE TRANSMISSION COVER SHEET

TO: KATHLEEN FEELY

FAX NUMBER: 410-223-2983

TELEPHONE NUMBER: _____

FROM: Lyn Hogan

TELEPHONE NUMBER: _____

PAGES (INCLUDING COVER): _____

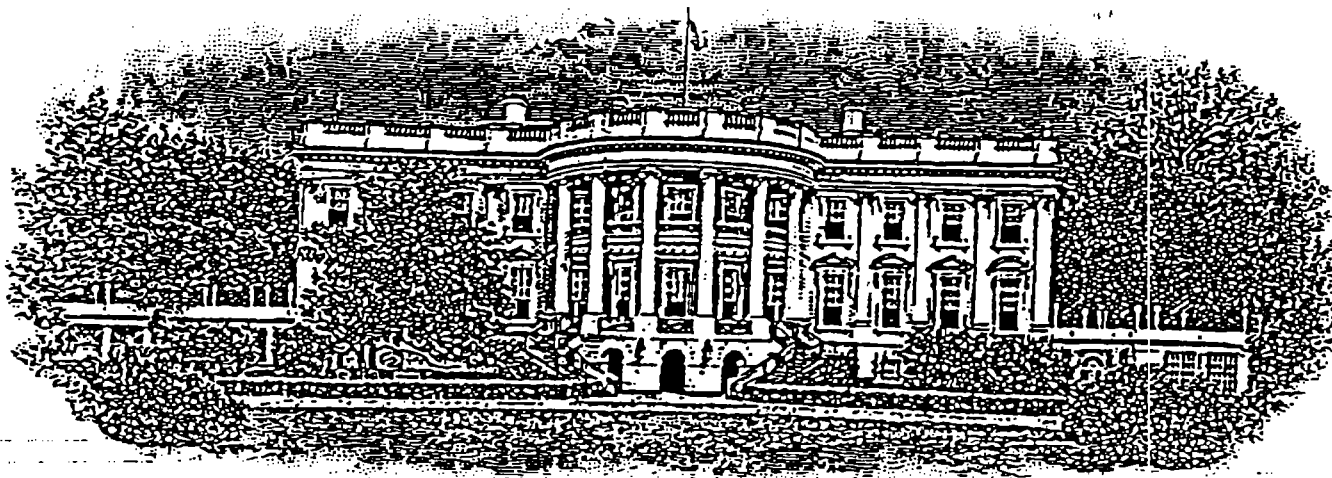
COMMENTS: _____

*** ACTIVITY REPORT ***

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CONNECTION ID ANNIE E. CASEY
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USAGE TIME 01'51
PAGES 4
RESULT OK

The White House



DOMESTIC POLICY

FACSIMILE TRANSMISSION COVER SHEET

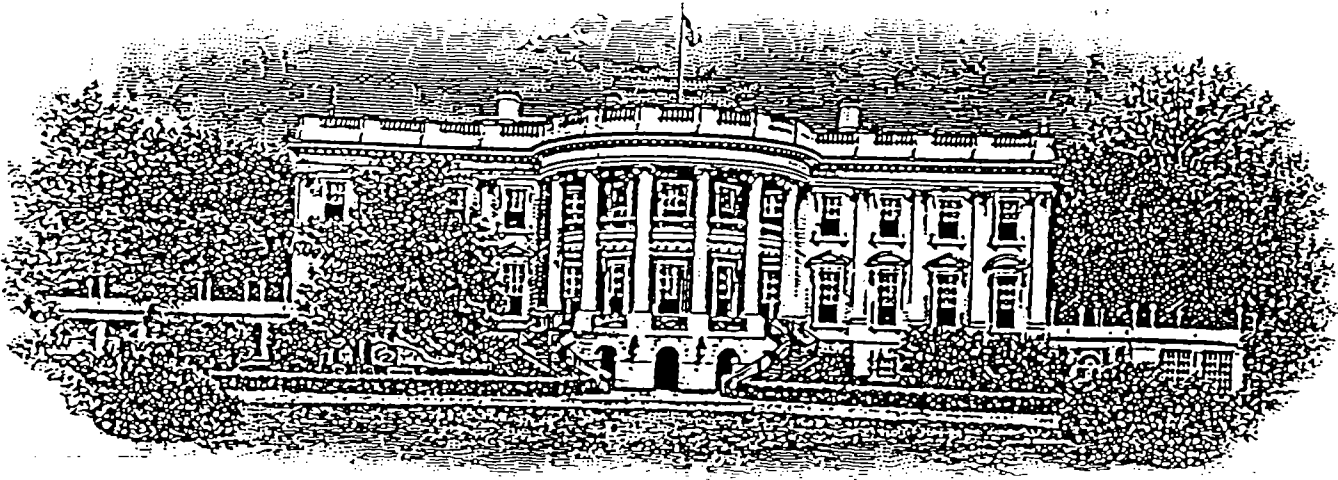
TO: KATHLEEN FEELY

FAX NUMBER: 410-223-2983

TELEPHONE NUMBER: _____

FROM: Lyn Hogan

The White House



DOMESTIC POLICY

FACSIMILE TRANSMISSION COVER SHEET

TO: MARK HARDIN

FAX NUMBER: 202-662-1755

TELEPHONE NUMBER: _____

FROM: Lyn Hogan

TELEPHONE NUMBER: _____

PAGES (INCLUDING COVER): _____

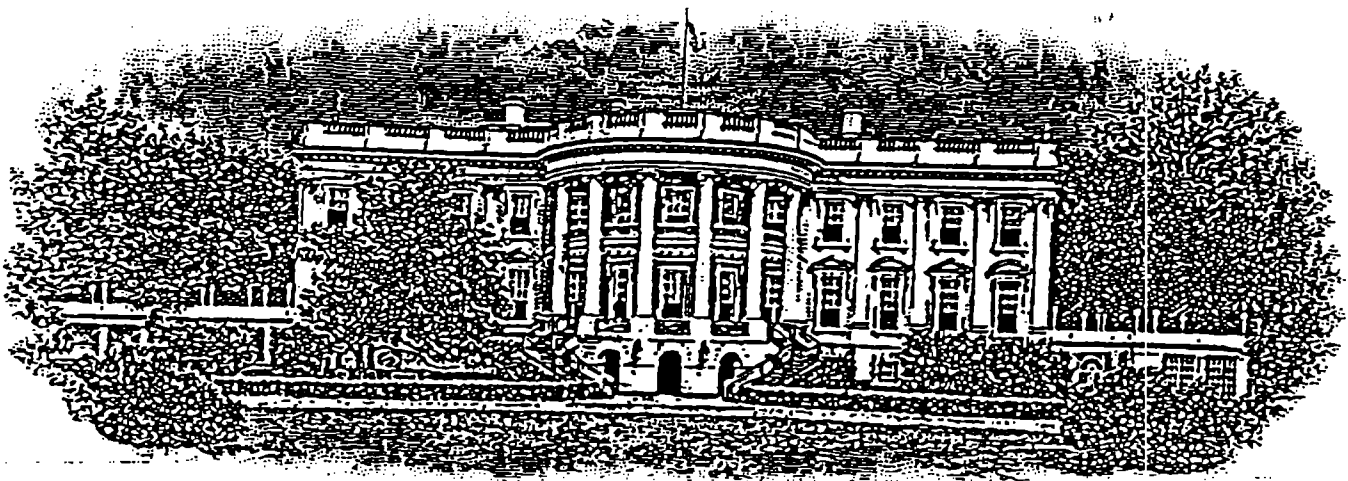
COMMENTS: _____

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RESULT	OK

The White House



DOMESTIC POLICY

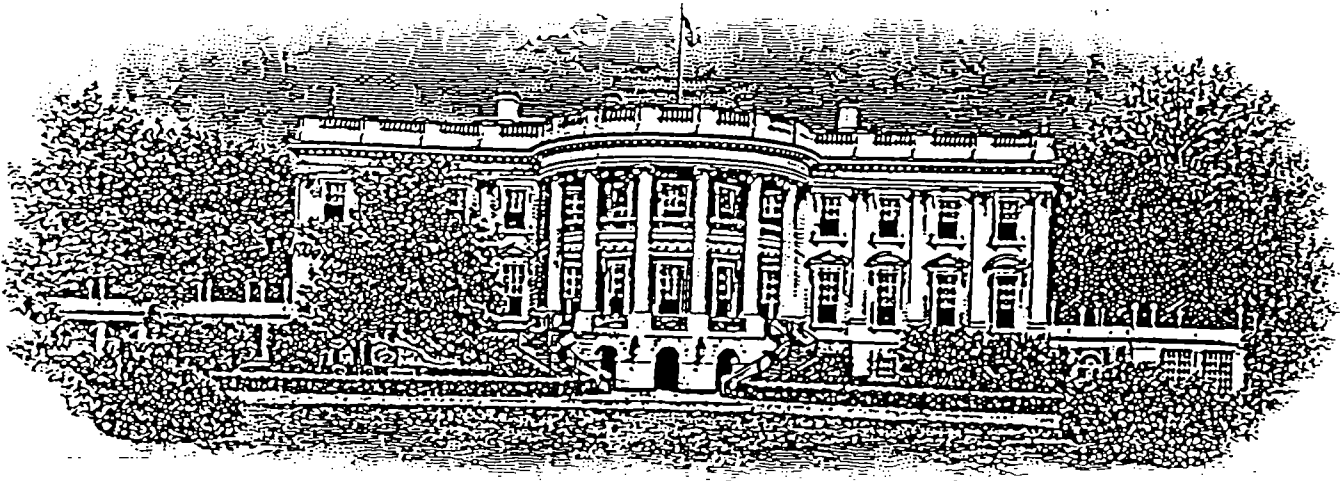
FACSIMILE TRANSMISSION COVER SHEET

TO: MARK HARDINFAX NUMBER: 202-662-1755

TELEPHONE NUMBER: _____

FROM: Lyn Hogan

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DOMESTIC POLICY

FACSIMILE TRANSMISSION COVER SHEET

TO: Dr. ALFRED KAHN

FAX NUMBER: 212-854-4320

TELEPHONE NUMBER: _____

FROM: Lyn Hogan

TELEPHONE NUMBER: _____

PAGES (INCLUDING COVER): _____

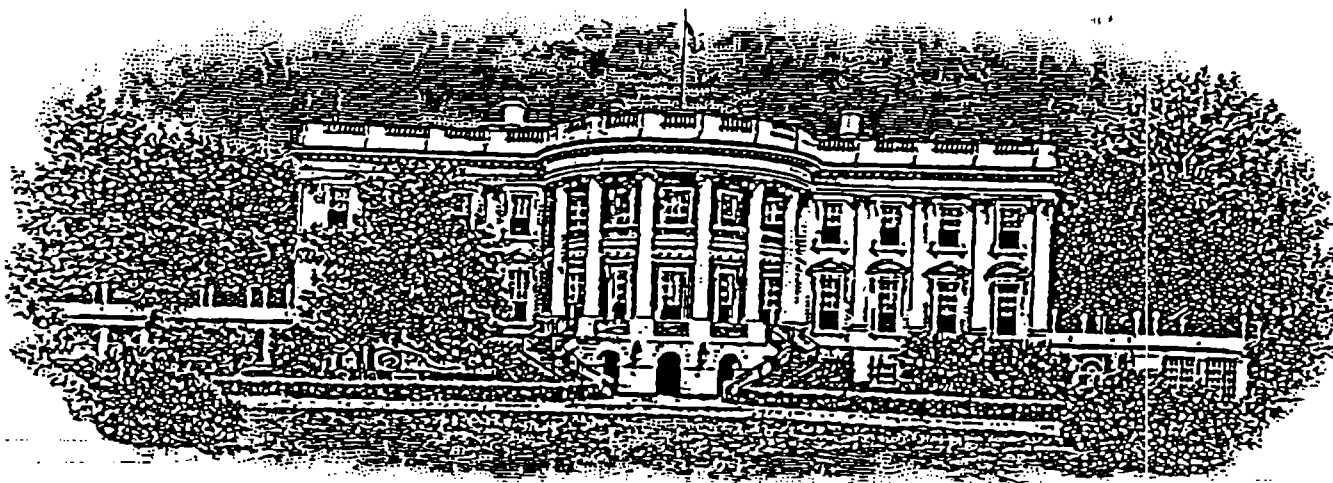
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*** ACTIVITY REPORT ***

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CONNECTION ID
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PAGES 4
RESULT OK

The White House



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FACSIMILE TRANSMISSION COVER SHEET

TO:

DR. ALFRED KAHN

FAX NUMBER:

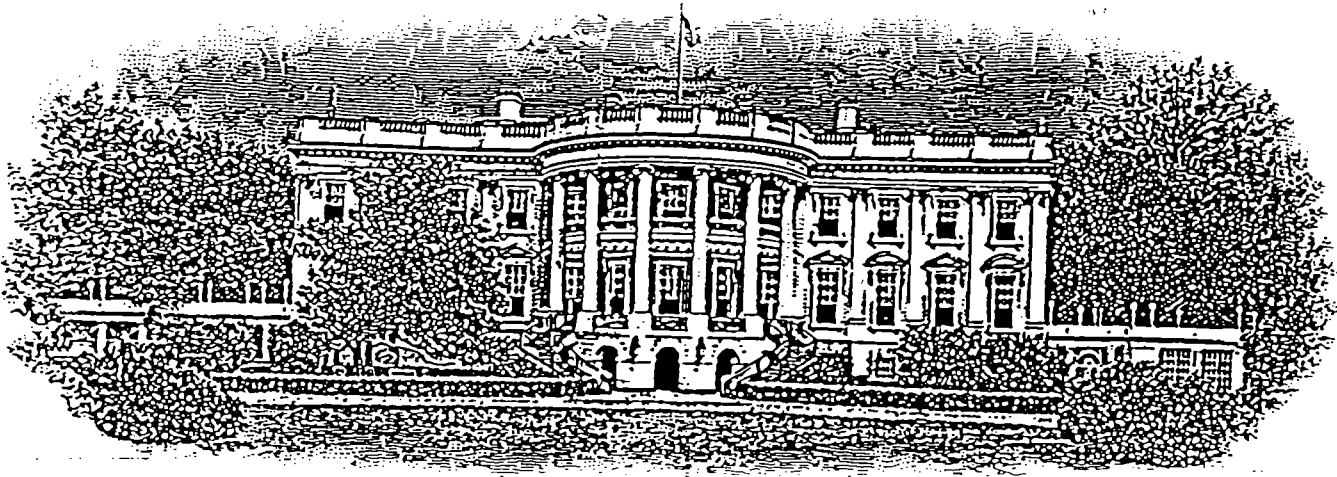
212-854-4320

TELEPHONE NUMBER:

FROM:

Lyn Hogan

The White House



DOMESTIC POLICY

FACSIMILE TRANSMISSION COVER SHEET

TO: MARYLEE ALLEN

FAX NUMBER: 202-662-3550

TELEPHONE NUMBER: _____

FROM: Lyn Hogan

TELEPHONE NUMBER: _____

PAGES (INCLUDING COVER): _____

COMMENTS: _____

*** ACTIVITY REPORT ***

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PAGES	4	
RESULT	OK	

Withdrawal/Redaction Marker

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THE WHITE HOUSE
WASHINGTON

PARTICIPANTS

Meeting On Adoption
September 29, 1995
Washington, DC

[001]

Don't oppose
Don't opt; C will too; then reduce in next not - Acc
Costs
Allen, Marylee: 202/628-8787 Fax: 202/662-3550
Children's Defense Fund, Washington, D.C..

Cole, Elizabeth: 215/598-0414 Fax: 215/598-0414
Private Consultant, Philadelphia, PA.

Cox, Susan Soon-Keum: 503/687-2202 Fax: 503/683-6175
Director of Development, Holt International Children's
Services, Eugene, OR.

Cross, Terry: 503/222-4044 Fax: 503/222-4007
Director, National Indian Child Welfare, Portland, OR.

Fails, Connie: P6/(b)(6) P6/(b)(6)
Little Rock, AR.

Fitzgerald, Judge Richard: 502/595-4998 Fax: 502/595-3270
National Council of Juvenile Court Judges, Louisville, KY.

Freivalds, Susan: 612/535-4829 Fax: 612/535-7808
Executive Director, Adoptive Families of America,
Minneapolis, MN., U.S..

Howze, Karen: 202/291-2290 Fax: 202/291-3130
Attorney, Washington D.C., former editor of USA TODAY.

Kroll, Joe: 612/644-3036 Fax: 612/644-9848
Executive Director, North American Council on Adoptable
Children, Minneapolis, MN.

Bill Peier - white parents

Participants List Continued

Marks, John: 202/265-4300 Fax: 202/232-6718
President, Search for Common Ground, Washington, D.C..

Miskowski, Jim: 201/445-4600 Fax: 201/612-0715
Attorney, Ridgewood, NJ. Member of the Board of Trustees,
American Academy of Adoption Attorneys.

Morgan, Gary: Ramada Inn 708-827-5131 fax: 312-814-6859
Chief of Child Welfare Permanency Planning Division,
Department of Child and Family Services, State of Illinois.

Rosewater, Ann: 202/401-5180 Fax: 202/205-3848
Deputy Assistant Secretary for Children and Families, Health
and Human Services, Washington, D.C..

Salter, Shane: 202/884-4864 Fax: 202/884-2966
Incoming President, Adoptive Families of America,
Washington, D.C..

Sullivan, Ann: 202/638-2952 Fax: 202/638-4004
Adoption Manager at the Child Welfare League, Washington,
D.C..

Williams, Carol: 202/205-8618 Fax: 202/260-9345
Associate Commissioner for the Children's Bureau, Health and
Human Services, Washington, D.C..

White House Participants

Mrs. Hillary Rodham Clinton
Melanne Verveer
Deborah Both

Susana Freval + - ED - Adrophe Fams of America

612 -

Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a publication.

Publications have not been scanned in their entirety for the purpose of digitization. To see the full publication please search online or visit the Clinton Presidential Library's Research Room.

Lyn : Bob Schwartz,
Exec Dir of this
group is a must
to invite to a
"Chat" - inside you
can see ex. of how
this group works
in child welfare,
CWA

1995
Annual
Report

Juvenile Law Center

801 ARCH STREET, 6TH FLOOR
PHILADELPHIA, PA 19107

(215) 625-0551
(215) 625-9589 *via fax*
(800) 875-8887 *in Pennsylvania*
HN2403@Handsnet.org *e-mail/Internet*

INSPECTED BY
JSSC
X-2717

National ~~Look~~ Look at
Child Welfare

Karverman + Kahn

Carol
Rasco
Oct. 11

2 grants from Carnegie + Ford

What can one do to
guide

World of children services
changing dramatically

child health + medical

child care - 30 people
background paper

Oct. 11 - child welfare -

back on Aug. 7 in DC

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[002]

Dr. Alfred Kahn
Columbia University School
of Social Work

P6(b)(6)

212-854-4320 (fax)

IV-A
IV-E
IV-B

wrote on quadhush
no full foster care rights

P6(b)(6)

Child Custody, Divorce, and Foster Care Resources



ABA Family Law Section	312-988-5584
American Academy of Matrimonial Lawyers	312-263-6477
American Divorce Association for Men (ADAM)	708-364-1555
America's Society of Separated & Divorced Men	708-695-2200
ACES - Association for Children for Enforcement of Support, Inc. (nat'l membership org. for parents seeking back child support, help locating nonpayers)	800-537-7072 419-476-2511
Association of Family and Conciliation Courts	608-251-4001
Child Welfare Institute	404-876-1934
Children of Separation and Divorce	410-740-9553
Federal Office of Child Support Enforcement	202-401-9370
Fathers for Equal Rights, Inc.	515-277-8789
For Our Children and US, Inc. (FOCUS) (Child support enforcement group)	212-693-1655
Joint Custody Association	310-475-5352
Men's Defense Association (referral network for lawyers, divorce rights are a focus)	612-464-7887
National Adoption Information Clearinghouse FAX	301-231-6512 301-984-8527
National CASA Association Toll free	206-328-8588 800-628-3233
National Child Support Enforcement Association	202-624-8180
National Committee for Fair Divorce and Alimony Laws	212-766-4030
National Congress for Men and Children	810-354-3080
National Foster Care Resource Center	313-487-0372

National Legal Resource Center for Child Welfare Services (ABA)	202-662-1720
National Organization for Men	212-766-4030
National Organization of Single Mothers	704-888-KIDS
National Resource Center on Family Based Services	319-335-2200
FAX	319-335-2204
Parents Without Partners	800-637-7974
Single Parents Resource Center	212-947-0221
Stepfamily Foundation	212-877-3244
(hotline)	212-744-6924

CHILD WELFARE MEETING

July 8, 1996

Agenda

- I. General Overview of DPC Goals for Next Four Months
 - Carol Rasco

- II. Issues Surrounding Waiver Strategy
 - Open Discussion

- III. Outreach
 - Outline of DPC goals, structure of meetings
 - HHS plans

- IV. Long Term Agenda
 - Likely 1997 Congressional Agenda
 - Commission??

Non-Welfare Reform Pending Child Welfare Legislation In The 104th Congress

H.R. 3286 (Molinari): The Adoption Promotion and Stability Act of 1996. Offers up to a \$5,000 tax credit for adoption expenses incurred during the year that the adoption is formalized. Only families who make less than \$75,000 annually are eligible for the full \$5,000 tax credit. Also removes barriers to inter-ethnic adoption. The Administration issued a SAP on May 9, 1996 strongly supporting HR 3286, without the inclusion of Title III (Title III--would allow state courts to pre-empt tribal governments in decisions regarding the custody of Indian children.) Passed House, pending on the Senate calendar.

H.R. 586 (Maloney): Omnibus Foster Care Improvement Act. Amends Title IV-E, introduced January 19, 1995, referred to Ways and Means, no action.

H.R. 709 (Maloney): Standby Guardianship Act. Amends Title IV-E to allow chronically ill or dying parents to name a standby guardian for minor children without relinquishing parental rights. Introduced January 26, 1995, referred to Ways and Means, no action.

H.R. 1044 (Fawell): At-Birth Abandoned Baby Act, amends title IV-E to prevent abandoned infants from experiencing prolonged foster care. Introduced February 24, 1995, referred to House Ways and Means, no action.

H.R. 1263 (Payne): Abandoned and Medically Fragile Infants Assistance Act, introduced March 16, 1995, referred to House Economics and Educational Opportunities Committee, Subcommittee On Early Childhood, no action.

S. 1201(Coats), similar bill introduced in House, H.R. 2387 (Wyden): Kinship Care Act of 1995. Amends Title IV-E to promote kinship care, and to authorize kinship care demonstrations. Referred to Senate Labor Committee, no action

S 919, (Coats): Child Abuse Prevention and Treatment Act Amendments (CAPTA): Reauthorizes CAPTA and related programs through FY 2000. Originally included in HR 4 on August 11, 1995, passed Senate September 19, 1995, vetoed by President. Introduced as free-standing legislation, reported out of the Labor Committee, pending on Senate calendar.

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I. Monday July 8

Tentative Agenda:

1. Outline of DPC goal for next four months (CHR)
2. Demo Strategy
Olivia has taken our thoughts back to HHS and should have some reactions
3. Chats
Review with HHS our outreach plans. Ensure they understand attendance situation. Coordinate with HHS plans.
4. Review long-term landscape

What is legislative arena likely to yield (Ken/Mary)
What other possible outcomes by year's end

Attendance:

Invited Ken and Nancy Ann from OMB
Let HHS invite 5-6 people (oops!)
CHR, JBA, LH

1 cc 2 Lly

II. Chats

Dates: ~~July 17~~
August 8/7 - 8/9

July 18 - ash

Who: Foundations: Casey, Clark (who to call?)

Academics

- Lyn working with Carol Williams on lists

W. K. Kellogg Foundation

ABA Center on Children
+ the Law

"Improving Courts Handling
of Foster Care + Adoption
Cases"

Improving Courts' Handling of Foster Care and Adoption Cases

This project is a partnership among the W. K. Kellogg Foundation, the federal government, and three national court organizations: The National Center for State

Courts (NCSC); the ABA Center on Children and the Law; and the National Council of Juvenile and Family Court Judges (NCJFCJ), through their research arm,

the National Center for Juvenile Justice (NCJJ). The overall objective of this project

is to help states take advantage of a new federal court improvement program, designed to assist courts improve service delivery to children and their families. A

grant proposal for \$249,850 was funded by the Kellogg Foundation through December 1996.

Key Project Staff:

Gene Flango • (gflango@ncsc.dni.us)

Pam Petrakis • (ppetrakis@ncsc.dni.us)

[Back to the NCSC Home Page](#) [Back to the Research Home Page](#)

Please send any comments to webmaster@ncsc.dni.us

THE WHITE HOUSE

WASHINGTON

April 20, 1995

Barbara Blum, President
Foundation for Child Development
345 E. 46th Street
Suite 700
New York, NY 10017

Daniel Fox, President
Milbank Memorial Fund
1 East 75th Street
New York, NY 10021

Dear Barbara and Dan:

Thank you so much for including me in the meeting this week on the care of children in out-of-home placement. I appreciated the opportunity to think, listen and share with such a terrific group.

I want to particularly applaud you and your staff members involved in the meeting planning for including Paula and Donna...what a significant and meaningful contribution they made!

This meeting also gave me the impetus to bring together prior to the meeting a group of federal officials from several departments to discuss the very topics you covered in your agenda...we need to do more thinking and discussion outside legislative battles and political crisis moments on issues like this one. I hope as one follow up to have my staff member who knows an official with Youth Communication line up a meeting here at the White House with some of the young people.

Further, I am going to be thinking about what a possible next step might be to force us all to think about just what the community rebuilding/redesign might look like in order to maintain children within the family setting into which they are born.

Again, thank you. I sincerely hope to see each of you in the very near future.

Sincerely,



Carol H. Rasco
Assistant to the President
for Domestic Policy

CHR:ram



The Devereux Foundation

Since 1912

Marilyn B. Benoit, M.D.
Medical/Executive Director

Devereux Children's Center of Washington, D.C.
3050 R. Street N.W.
Washington, D.C. 20007
(202) 282-1200 FAX (202) 282-1219

THE WHITE HOUSE
WASHINGTON

April 24, 1995

Marilyn B. Benoit, M.D.
Medical/Executive Director
Devereux Children's Center
3050 R. Street, N.W.
Washington, DC 20007

Dear Dr. Benoit:

I am delighted that I had the opportunity to join with you at the children's conference sponsored by the Foundation for Child Development and the Milbank Memorial Fund. I found the discussion quite helpful as a part of the current debate and hope we will continue the dialogue.

I look forward to visiting with you at your facility in the coming months.

I invite you to share with me your further thoughts on placement and other issues concerning children and families.

Sincerely,



Carol H. Rasco
Assistant to the President
for Domestic Policy

CHR:ram

*bcc this
to Julie w/
card for
pending
file*

Table of Contents

- 1. CHR's long-term schedule**
- 2. Introductory letter & Directions**
- 3. Schedule, Agenda & Participant List for Milbank Seminar**
- 4. Selected Readings & Abstracts (selected by seminar)**
- 5. Materials from internal Child Placement Issues meeting**
- 6. Notes**
- 7. Other**

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RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
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- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Child Welfare Discussions
Thursday, July 18, 1996
3:00 p.m.-5:00 p.m.
The White House

[003]

Come to White House, Arrive at Northwest Corner Gate
Closest to 17 Penn

Bring Photo I.D. with Birthdate
confirmed

Marylee Allen
Senior Program Advisor
Children's Defense Fund
202-662-3573

P6/(b)(6)

Conna Craig
President and Founder
Institute For Children
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617-491-4614

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410-547-6600
Baltimore, MD
Good on dollars to states for reforms

P6/(b)(6)

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TERMINATION OF PARENTAL RIGHTS

Michael S. Wald

INTRODUCTION

This paper examines some of the issues that must be addressed in developing a statutory structure regarding termination of parental rights (termination), in situations where a child has been made a dependent of a juvenile court due to abuse or neglect (maltreatment). Termination entails a legal finding that all connections between the parent and child are permanently severed. The parent no longer has any right to regain custody of, or to visit with, the child.

There are two reasons for terminating parental rights. The primary rationale is to allow for the adoption of children who have been removed from their parent's custody, after it has been determined that reunification with their parent is not feasible or desirable. Termination also may be appropriate when it is determined that a parent should never have a right to contact a child, even if the child will not be adopted, because any contact is likely to be extraordinarily damaging to the child.

Termination laws are necessary because it is generally undesirable to leave children in long-term foster care. Long-term foster care exposes children to multiple placements and inadequate care. Children need the care of adults fully committed to their well-being. Such care is most likely to be provided by adults who consider themselves the child's "parents". Therefore,

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it is a goal of public policy to facilitate adoption when children cannot be reunified with their parent.

Unfortunately, under the practices in many states, maltreated children often are consigned to long-term, unstable foster placements. Consequently, some people see a need to change existing termination laws, in order to increase the number of terminations and adoptions. I agree that some changes are necessary; in fact, I will advocate an entirely new approach with respect to children in long-term care. However, there is a major caveat with respect to my recommendations. I believe that the rules regulating termination cannot be viewed in isolation; they are one part of the overall statutory structure regulating state intervention on behalf of maltreated children. Any rules regarding termination that are developed without relating them to all aspects of the child protection system, including the level of services available to parents and children, are likely to be ineffective and unfair.

In this brief paper, I can outline only the major considerations that should be addressed in developing termination laws. A fuller exploration of the issues is contained in two longer papers available at the conference.

CURRENT LAWS REGARDING TERMINATION

The availability of termination is solely a matter of state law. Every state has a statute which specifies the grounds for termination. Some statutes authorize termination as an immediate option after a child has been made a dependent and removed from

her\his parent's custody. Other states permit termination only after a child has been in foster care for a period of time and efforts at reunification have been unsuccessful.

While these statutes vary substantially, in general they focus on parental conduct, or "conditions", which are thought to indicate parental unfitness to resume custody. The most common grounds are:

- a) Abandonment. This generally involves leaving a child without support or communication for a period of time.
- b) Mental Illness or Disability. In general, these provisions allow termination the parent is unable to provide adequate care for a child due to the parent's mental illness or disability and the situation is unlikely to change, even with treatment, in the foreseeable future.
- c) Incarceration or Conviction of Crimes. Incarceration alone usually is not sufficient; the incarceration must be for an extended period or for a crime that indicates that the parent is unfit to care for children.
- d) Chronic Abuse and Neglect. In many states, termination is permitted if a parent has chronically neglected or abused a child. These provisions often are broad and vague.
- e) Severe Abuse. A number of states authorize termination if the parent has severely abused a child. In a few of these states severity is carefully defined. In other states, vague terms such as "egregious" abuse, are used.
- f) Alcohol or Chemical Dependency. In recent years, a number of states have passed statutes that permit termination if a child has been made a dependent of the court and the parent is unable to provide minimally adequate care due to a chemical or alcohol dependency. These sections generally are similar to those regarding mental illness, in that there must be testimony by experts that the condition is unlikely to be changed by treatment. Although there is little case law interpreting these statutes, it appears that evidence of past treatment efforts may be required before a court will terminate on this ground.
- g) Out of Parental Custody. Finally, most states allow termination if a child has been out of the parents' custody for a specified period of time, usually from six months to two years, and the child cannot be returned to the parent in the near

future. Usually, it must be shown that reasonable efforts have been made to help the parent change the behavior that led to placement and that, despite these services, the parent is unable to resume custody.

In addition to proving one of the grounds specified by the statute, it must be proven that termination will be in the best interests of the child.

There also is substantial variation in the ways termination proceedings can be initiated. In general, the statutes require that a special petition be made to a court, alleging one or more of the statutory grounds. Only one state, California, requires that termination must be considered by the juvenile court after a child has been in care for a specified period. In all other states, the decision to seek termination is left to the discretion of the child welfare agency or would-be adoptive parents.

THE POLICY ISSUES

Several major criticisms have been made with respect to the existing state laws and procedures regarding termination. They are criticised both for making termination too easy and too difficult. The people who believe that termination is too difficult raise two issues. First, they argue that requiring reunification efforts in every case is unrealistic, since, they believe, reunification clearly will be futile in some situations. In such situations, it is in the child's interest to be placed in pre-adoptive homes as quickly as possible. Second, they claim that many states continue to leave too many children in long-term foster care, even after it is clear that reunification efforts

have failed, because it is difficult to bring termination proceedings. As a result, children never get permanent homes.

In contrast, other critics believe that termination occurs too frequently. They claim that many terminations could be avoided if states made better efforts to reunify families. They argue that many parents are being deprived of their children because the states are unwilling to invest in the services that are necessary for reunification efforts to be truly meaningful.

Thus, an examination of the existing laws and procedures requires addressing five questions:

1) Are there any types of situations in which reunification efforts should not be mandated, that is for which immediate termination is appropriate following a finding of maltreatment?

2) When reunification is required, how long must such efforts continue? What type services should be provided?

3) In attempting to provide children with permanent homes, is it preferable to seek adoption or is legal guardianship a better alternative in most cases?

4) Are the existing grounds for termination generally adequate or should new criteria be enacted?

5) Should there be a change in the procedures by which termination cases are initiated? For example, should there be a set time after which the desirability of termination must always be evaluated by a court?

To summarize my conclusions, I believe that termination without reunification efforts should be permissible only in a

very limited category of cases - those where a very young child has been seriously abused, physically or sexually, or in cases where past treatment efforts clearly have failed to change a parent's behavior. This proposal is basically consistent with the present law in many states.

I would, however, entirely change the way termination is approached with respect to children who remain in foster care longer than a year. I would replace the existing grounds for termination, which focus primarily on parental conduct, with a statute that considers only two things -- the length of time the child is in foster care and the question of whether termination is beneficial for the child. Moreover, the juvenile court supervising the child's foster placement would be required to consider termination after the child had been in care for a specific period of time, generally 12 to 18 months, depending on the age of the child. The goal of the system would be to have the great majority of children in a permanent home in no longer than eighteen months.

As indicated previously, I believe that the rules regarding termination cannot be viewed in isolation. Therefore, my proposals are based on certain judgments about how the entire child welfare system would operate. While these judgments are not universally accepted, they have been adopted by all of the organizations sponsoring this conference and, I believe, they represent the dominant thinking among child welfare professionals. These are:

1. That coercive intervention through child maltreatment laws ought to occur only when a child has suffered serious physical or emotional harm or there is a substantial likelihood, based on the past conduct of the parents, that the child is in imminent danger of suffering such harm.

2. When intervention is necessary, it is preferable to try to keep the child with her or his parent(s) through the provision of services. Children should only be removed if they cannot be protected from serious harm without removal. This preference, which is reflected in PL96-272, is based both on values favoring family integrity and on evidence that the well-being of most children is best protected by leaving them at home, provided that good services are available.

3. In most, but not all, instances when a child is removed, every effort should be made to reunite the family. This, too, is codified in 96-272, for the same reasons that the law favors family maintenance initially. Moreover, it should not be required that the parents be able to provide a high level of care before a child is returned. The standard for return is whether the child will suffer serious harm if reunification takes place.

At present, no system in the country approaches compliance with these general goals, especially in cases involving chemically dependent mothers. Due to lack of services, punitive ideologies, inadequate statutes, and poor performance by people in the child protective system, inappropriate interventions often occur, removal is not always a last resort, and reasonable

efforts to reunify often are not made.

The fact that the existing system is woefully inadequate poses practical and ethical issues for legislators drafting termination laws and judges implementing them. Should termination be restricted until the rest of the system functions adequately? If so, children are likely to remain in unstable, long-term foster care, since their parents will never have received adequate services. Yet if termination is made easier before these other deficiencies are corrected, the system may have little incentive to improve. This is both unfair to parents and, in the long-run, harmful to the interests of children.

I have chosen to discuss how termination should work in a properly functioning system. I would not, however, support adoption of my proposals until the rest of the system is in place, even if this meant leaving some children in long-term care. I hope that we can focus on this dilemma at the conference.

FACTORS RELEVANT TO DEVELOPING TERMINATION STANDARDS

In order to assess current termination provisions, and my proposed alternative, it is necessary to have criteria for determining when termination is the best means of promoting the well-being of a maltreated child. The decision to terminate parental rights is the most difficult and serious decision that must be made in connection with the protection of these children. The issue is complicated, even when examined solely from the child's perspective, which is how I will approach it. It is more complex when parents' "rights" are considered.

There is consensus that children should not remain in foster care indefinitely. Lengthy foster care deprives most children of a sense of belonging to a family; moreover, long-term foster care subjects children to the constant threat of multiple placements. However, while children need stability and commitment, there can be negative consequences from inappropriate terminations. Severing all parental ties can be quite harmful to a child, even if the child is adopted by another family. Although studies show that adopted children are as "successful" during adulthood as non-adopted children, at least if the child is adopted during infancy, there also is substantial evidence that many adoptees feel a sense of loss during adolescence and adulthood, related to the fact that they have been adopted. The problems with adoption may be exacerbated when the child is adopted by a family of a different ethnicity, race, or cultural background, an important issue in substance use cases.

There also is some evidence that, even in situations where children cannot be returned to their parents, some children's long-term emotional development is enhanced by allowing them to have contact with their parents. Therefore, some commentators recommend using legal guardianship, without termination, to achieve permanent placements in most cases.

Finally, termination can be detrimental to a child because it does not always lead to adoption or a permanent placement through legal guardianship. It is especially difficult to guarantee adoption of older children or children with physical or

emotional disabilities. This may be especially relevant in substance use cases.

There are, however, a number of potential benefits from termination. Most importantly, termination may be the only way of guaranteeing many foster children the chance of a permanent home and sense of identity. The longer a child remains in foster care, the less likely it is that reunification will ever take place. While the data are limited, it seems likely that fewer than forty percent of children under ten who remain in foster care longer than eighteen months will ever return home; the rate may be as low as 10-20% in cases of chemically dependent parents. Unless these children are adopted (or a legal guardianship established), many will be moved from foster home to foster home.

I believe that termination is preferable to legal guardianship as a means of creating stability, unless the child is placed with a relative. Guardianship does not create the same degree of commitment on the part of the adults; adoption also is the best way of making the child feel part of a family, at least for young children. Moreover, many foster parents are unwilling to become legal guardians, because they do not want to have continued contact with the biological parent. They may view such contact as harmful to the child or as threatening to themselves. They will keep the child only if they can adopt.

Finally, there are some situations where returning a child will always involve a great risk that the child will be maltreated again. Some children may even fear any future contact

with their parents, since they were so badly maltreated. In these cases, termination is needed both to protect the child's physical and emotional security, and to pave the way for providing a new permanent home.

BALANCING THE COSTS AND BENEFITS OF TERMINATION-A NEW STRUCTURE

A. Termination Without Efforts At Reunification

There are no data that allow us to determine the percentage of cases in which termination is granted without any efforts at reunification. Anecdotal evidence indicates that it is quite rare. Under the statutes and caselaw in some states, it may not be possible to terminate at this stage. In those states which do permit such terminations, the process is quite haphazard, a situation which is facilitated by the vagueness of many statutes.

As previously indicated, some commentators suggest that there should be more terminations without reunification, in cases where there is little hope that the parent will be able to resume custody. They believe that it is possible to identify parents whose behavior is so egregious, or who are so unamenable to treatment, that requiring reunification efforts makes no sense. Therefore, they would adopt an approach like South Carolina's, which permits immediate termination if " the parent has a diagnosable condition unlikely to change within a reasonable time such as alcohol or drug addiction, mental deficiency, mental illness, or extreme physical incapacity, and the condition makes the parent unlikely to provide minimally acceptable care of the

child."¹ The statute allows a court to decide that the situation is irremediable solely on the existence of the condition.

Is such an approach desirable? Should there be more initial terminations and, if so, on what grounds? The pros and cons can be examined in the context of cases involving chemically dependent parents.²

(1) Factors Favoring Immediate Termination

There are a number of arguments that might be made for allowing courts to terminate parental rights without

¹. I have appended statutes from several other states which provide alternative approaches to the proposals I recommend.

². In thinking about the desirability of termination in cases involving heavy substance users, it is necessary to keep in mind that two very different types of cases involving substance users are now brought into the abuse/neglect system. The first group are situations where a child who has been living with a parent is reported to protective services because he/she has been abused or neglected by the parent, as those terms are defined by state law. The substance use might be the cause of the parent's behavior, but it is the abusive or neglectful behavior which serves as the basis for intervention.

The second group consists of cases where the mother used drugs or alcohol during her pregnancy. In these cases, the mother has not abused or neglected the child (the issue of fetal abuse is beyond the scope of this paper). Intervention is based solely on the prediction that the mother is likely to abuse or neglect the child in the future because she used drugs during pregnancy.

The first type of case does not pose any special problems with respect to termination laws. The second do. Some people see drug use during pregnancy as especially troubling, in part because of the harm done to the fetus in some instances. It has been argued that we should make less of an effort to attempt reunification in these cases. However, many other people feel that the argument goes in the other direction. Because the mother has never abused or neglected a child, they oppose any intervention and would leave care to the medical system. If intervention did occur, they would strongly oppose ever allowing termination without services. They also believe that in cases where the child may be endangered, residential treatment of the mother and child together is preferable to foster placement.

reunification efforts in some cases where the mother is a substance user. Perhaps surprisingly, the case is strongest with respect to children who must be removed at birth. The main argument might go as follows.

In many cases where a child must be removed from a chemically dependent parent because that parent is unable to provide adequate care, there is a very low probability that the child will be reunited with the parent, unless the parent willingly enters a treatment program. Among heavy drug users, successful treatment is the exception, rather than the rule. Motivation is the critical factor. Therefore, termination ought to be considered in all cases of chemically dependent mothers, unless they are willing to accept treatment and there is evidence that they can benefit from this treatment.

Proponents of this view point to the historically very low reunification rate in cases where the parent is chemically dependent. They contend that the low rate reflects the resistance of substance users to any type of "treatment" program. Since the probability of reunification is very low, and treatment programs are very expensive, it is both a waste of resources and harmful to the child to attempt reunification, unless the parent is highly motivated.

The harm to the child from attempting reunification might take two forms. First, because infants and very young children need to bond with their caretakers, and disruption of these bonds is likely to be harmful, it is undesirable to place infants in

temporary foster care. This is especially true for infants who have been exposed to drugs or alcohol prenatally, who may, as a result, have special needs. Immediate termination would make it more likely that the child can be placed with a family that is willing to make the type of emotional commitment to the child necessary to help the child develop normally.

Moreover, it seems likely that in a number of cases in which reunification does occur, the parent will relapse and the child will have to be removed again -- a potentially devastating experience for the child's emotional growth. In fact, agencies now reunify children in clearly inappropriate situations. If few children, overall, will be reunited successfully with their parents, then it is best to adopt a policy which protects the development of the majority of children.

Finally, there are cases in which the parent has a long history of substance abuse and previous efforts at treatment have failed. Other children of this parent may have been placed in foster care and reunification efforts for them were unsuccessful. Especially in such cases, it is a waste of time, and dangerous, to try reunification with yet another child.

2) Factors Mitigating Against Allowing Termination Without Efforts at Reunification

There are a number of considerations which must be weighed against the previous claims. I basically list them here, because each requires a lengthier discussion than space limits permit.

(a) First, immediate termination may be harmful to a large

number of children -- children who are strongly attached to their parents or children who cannot be placed permanently. It generally is very difficult to obtain sufficient information on one or both of these issues until the child has been in placement for a period of time. For example, it usually requires several months, or longer, to determine whether a child is adoptable. This is especially true with respect to infants who have been exposed to drugs or alcohol prenatally. The time period may be considerably longer if efforts are made to place children with families of the same race, ethnicity or cultural background. If termination occurs and the child is not adopted, the child is parentless. Moreover, the ideal time to begin reunification efforts has passed.

(b) Second, it is very difficult to determine whether a parent is unamenable to treatment, unless treatment is attempted. There is very little research on which to base guidelines indicating who is amenable to treatment, except in the most extreme cases. Absent guidelines, there is a substantial possibility that judges and social workers will act arbitrarily, basing their decisions on their biases or poor information.

Moreover, it is likely that the existing data regarding the probability of successful reunification are very misleading. They reflect the inadequacy of existing treatment efforts or programs, rather than the true potential for reunification. Current practice is deficient in many ways. Social workers often take punitive views towards these women and expect them to do every

thing on their own. Many treatment programs are inappropriate; for example, they often fail to recognize that the mother is also suffering from a mental illness, which requires a separate type of treatment. Courts and social work agencies often make unreasonable demands with regard to treatment "success." Any relapse is viewed as a total failure, even if the parent is providing adequate care.

There is a growing body of evidence supporting the claim that if good programs, including residential programs, were in place, family preservation or reunification are likely to be the norm. Until such programs are widely available, we cannot obtain reasonable estimates of treatability.

c) Third, since our society currently provides very few good treatment alternatives for substance-using parents, especially to pregnant women, it is fundamentally unfair to deprive these women of their children. The lack of fairness is heightened because many of these mothers have grown-up in poverty, often in foster care, and have never been given a real opportunity to lead a different lifestyle. Moreover, permitting termination without requiring reunification attempts would encourage society to continue ignoring the treatment needs of these parents. A requirement that "reasonable efforts" at reunification be attempted, in the vast majority of cases, helps commit our society to developing good treatment programs.

d) Fourth, if good social work practices were followed, including daily visitation, training the parent to handle the

child, using the foster parents to work with biological parents, then many children could become attached to their biological, not foster parents, and temporary foster care would not be so harmful for them.

(e) Fifth, a policy of immediate termination in the case of substance-exposed newborns would certainly lead many women to avoid medical care and hospital births, thus jeopardizing many infants. Moreover, if an infant is taken away permanently, many women will become pregnant again and avoid the medical system during these pregnancies. Treatment efforts may discourage future pregnancies and\or improve the woman's future parenting skills.

I find the arguments against expanding the number of initial terminations persuasive. As a matter of values, and probably in terms of the overall well-being of children, the general legal structure should require reunification efforts in virtually all abuse/neglect cases.

There are three types of case where immediate termination should be authorized: (a) in cases where a child under three has suffered serious physical abuse or sexual abuse; (b) in situations where the parent is totally resistive to any treatment; or (c) in situations where a child has been removed previously, good services were given to the parent, the child has been returned home and is maltreated again.

I select these criteria because they are the only indicators for which there is substantial evidence that reunification is unlikely, even with good services. In these cases, the parents

should have the opportunity to demonstrate that they are amenable to treatment. Absent such a showing by the parent, the court should terminate, provided that termination is otherwise in the child's interest.

B. Termination When Children Have Remained in Foster Care For a Period of Time

While there is not much evidence that the current system is working badly with regard to termination as an initial disposition, there does appear to be a problem with respect to children who have been in foster care for a period of time. Despite the broadly accepted goal of providing permanent homes, it appears that many children still drift in foster care. The situation may be especially bad in cases involving chemically-dependent parents.

From a legal perspective, the problem seems to be primarily one of agency and court practices, since most state laws provide many grounds for termination, including the fact that a child has been in care for one year. However, while the laws authorize termination, there is no requirement that a court actually consider termination, regardless of how long the child has been in foster placement. PL96-272 requires that a court review the status of each child who remains in foster care for eighteen months, in order to establish a permanent plan. But the decision to seek termination or legal guardianship is a discretionary one, left to the child welfare agency, in every state except California. For a variety of reasons, agencies seem unwilling or

unable to institute termination proceedings. Initiating termination actions is time-consuming and requires extra work by the social workers. Given heavy workloads, and predilections against termination, there is an incentive for workers and courts to just leave children in foster care as the "permanent plan."

Even when agencies request termination, the request may be denied because the agency supervising the child has not made reasonable efforts to work with the parent to facilitate reunification. Again, this is not a problem with the statutes; it represents a breakdown in implementation of the statutory structure. Finally, fault concepts may creep into the decision-making. Termination may be refused because the parents are not thought of as blameworthy. Just a little effort by the parent to cooperate with a treatment plan may be enough to avoid termination, regardless of the fact that it is highly unlikely that the treatment will be successful.

While it is possible that current laws could be made to work properly, I believe that a new approach is needed with respect to children who are placed in foster care and who cannot be returned home despite good services. In place of the current fault-based grounds, termination should be based on only two factors: the length of time the child has been in foster placement and the possibility that termination will harm rather than help the child. A court would be required to examine the need for termination after the child has been in care for twelve or eighteen months, depending on the age of the child. Termination

would be the norm if a child under three cannot be returned home within a year of placement; for older children termination would be the norm after eighteen months.

Termination would not be permissible in two situations: (a) when the court finds that termination would be detrimental to the child because of the emotional importance to the child of continuing the parent-child relationship; (b) when the child is placed with a relative and the relative does not wish to adopt. In addition, the court would have to find that the child is presently in preadoptive home or that there is a substantial likelihood that the child will be adopted.

The proposed rules are based on data indicating that the length of time in foster care is the critical variable with regard to the likelihood of the child's being returned home, the amount of harm a child is likely to suffer as a result of being in foster care, and the likelihood of finding a permanent placement following termination. Because the harms of lengthy placements generally are greater when the child is younger, and the potential harms from termination greater for older children, the periods chosen vary with the child's age.

A case could be made for making the period shorter for younger children (six months?) and longer for older children. The exact time frame is not critical; the principle of time frames is. In addition, a statute might allow for earlier termination in cases in which the parent is totally unresponsive to treatment efforts or if the parent fails to maintain contact

with the child. If the agency has been diligent in its efforts to contact and work with the parent in an empathetic manner, and the parent is unresponsive, this is the equivalent of abandoning the child.

The exceptions are designed to preclude termination in cases in which the child will be harmed thereby. Unlike present laws they focus on the child's needs and perspectives rather than parental behavior.

Are there any special factors regarding substance use cases which justify special rules in these cases? One question is whether it is appropriate to adopt a system with relatively rigid time frames in these cases, given the highly individualised patterns of drug use, responsiveness to treatment, and parent-child relationships. Assuming that it is decided to use the time frame approach, a number of other issues might be raised with respect to these cases:

1) Is 12 months too long to wait in some cases, for example those involving removal of infants or cases where the mother is making no progress in treatment after six months?

2) Is eighteen months too short a period in some cases, for example cases where the mother is in making progrees in a residential treatment program, but the treatment requires longer than eighteen months?

3) Should the fact that a parent is incarcerated for a period of time toll the statutory time frame?

These are difficult issues. Perhaps a more discretionary

approach, that authorizes termination after a set period of time, defines reasonable efforts, but allows agencies and courts to decide whether to initiate and grant termination based on all the factors in the case would be fairest to parents and most attuned to the needs of each child. The Minnesota statute, which is appended, is a reasonably good model for such an approach.

Still, I tend to favor the less discretionary approach. It is just too tempting for courts and agencies to let foster care continue forever when a parent seems to be trying. Yet, there is little reason to believe that allowing treatment to continue for longer than 18 months will make a difference in many cases. There is more reason to fear that extending foster care beyond this point jeopardises the well-being of many children. The proposed exceptions to termination should cover situations where the parent has retained a relationship with the child. Moreover, if parent-child residential treatment programs were more widely available, termination would not be an issue in most situations.

It might be reasonable to allow termination after six months in cases involving children removed prior to their first birthday. These children need to bond with a caretaker as soon as possible. Moreover, earlier termination for very young children might facilitate placing these children into foster homes where the foster parent is open to adoption. This exception would have to be applied very cautiously, however, with clearly articulated criteria for when it can be concluded that the mother is failing to make any progress towards reunification. The appropriateness

of the proffered services, and the sensitivity with which they were offered, would need to be reviewed in detail. In fact, the entire structure I propose is justified only if the system really is prepared to make meaningful efforts at reunification.

Otherwise, the goal of reunification is a sham and it would be just as well to terminate immediately. To insure a meaningful process states must provide adequate procedures for reviewing the status of the reunification plan on a regular basis. Although PL96-272 requires a court or administrative review after a child has been in foster care for six months, this process does not occur, on a regular and adequate basis, throughout most of the United States.

CONCLUSION

As I have emphasized throughout this paper, an adequate approach to dealing with child maltreatment cannot be developed piecemeal. This is what we have tried to do for nearly thirty years. As the findings in lawsuits, such as the recent decision in the District of Columbia, indicate the existing system is terribly deficient. Developing a decent system will require substantial changes in attitudes and a substantial investment of money.

Focusing on termination is the wrong place to start. If removal were truly a last resort, it might even make sense to allow early termination in the majority of cases where removal is necessary. But we will never know until the entire system functions properly.

TERMINATION OF PARENTAL RIGHTS.

260.221. Grounds for termination of parental rights

Subdivision 1. Voluntary and involuntary. The juvenile court may upon petition, terminate all rights of a parent to a child in the following cases:

(a) With the written consent of a parent who for good cause desires to terminate parental rights; or

(b) If it finds that one or more of the following conditions exist:

(1) That the parent has abandoned the child. Abandonment is presumed when:

(i) the parent has had no contact or merely incidental contact with the child for six months in the case of a child under six years of age, or for 12 months in the case of a child ages six to 11; and

(ii) the social service agency has made reasonable efforts to facilitate contact, unless the parent establishes that an extreme financial or physical hardship or treatment for mental disability or chemical dependency or other good cause prevented the parent from making contact with the child. This presumption does not apply to children whose custody has been determined under chapter 257 or 518. The court is not prohibited from finding abandonment in the absence of this presumption; or

(2) That the parent has substantially, continuously, or repeatedly refused or neglected to comply with the duties imposed upon that parent by the parent and child relationship, including but not limited to providing the child with necessary food, clothing, shelter, education, and other care and control necessary for the child's physical, mental, or emotional health and development, if the parent is physically and financially able, and reasonable efforts by the social service agency have failed to correct the conditions that formed the basis of the petition; or

(3) That a parent has been ordered to contribute to the support of the child or financially aid in the child's birth and has continuously failed to do so without good cause. This clause shall not be construed to state a grounds for termination of parental rights of a noncustodial parent if that parent has not been ordered to or cannot financially contribute to the support of the child or aid in the child's birth; or

(4) That a parent is palpably unfit to be a party to the parent and child relationship because of a consistent pattern of specific conduct before the child or of specific conditions directly relating to the parent and child relationship either of which are determined by the court to be of a duration or nature that renders the parent unable, for the reasonably foreseeable future, to care appropriately for the ongoing physical, mental, or emotional needs of the child. It is presumed that a parent is palpably unfit to be a party to the parent and child relationship upon a showing that:

(i) the child was adjudicated in need of protection or services due to circumstances described in section 260.015, subdivision 2a, clause (1), (2), (3), (5), or (8); and

(ii) within the three-year period immediately prior to that adjudication, the parent's parental rights to one or more other children were involuntarily terminated under clause (1), (2), (4), or (7) of this paragraph, or under clause (5) of this paragraph if the child was initially determined to be in need of protection or services due to circumstances described in section 260.015, subdivision 2a, clause (1), (2), (3), (5), or (8); or

(5) That following upon a determination of neglect or dependency, or of a child's need for protection or services, reasonable efforts, under the direction of the court, have failed to correct the conditions leading to the determination. It is presumed that reasonable efforts under this clause have failed upon a showing that:

(i) a child under the age of 12 has resided out of the parental home under court order for more than one year following an adjudication of dependency, neglect, need for

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protection or services under section 260.015, subdivision 2a, clause (1), (2), (6), (8), or (9), or neglected and in foster care, and an order for disposition under section 260.191, including adoption of the case plan required by section 257.071;

(ii) conditions leading to the determination will not be corrected within the reasonably foreseeable future; and

(iii) reasonable efforts have been made by the social service agency to rehabilitate the parent and reunite the family.

This clause does not prohibit the termination of parental rights prior to one year after a child has been placed out of the home.

It is also presumed that reasonable efforts have failed under this clause upon a showing that:

(i) the parent has been diagnosed as chemically dependent by a professional certified to make the diagnosis;

(ii) the parent has been required by a case plan to participate in a chemical dependency treatment program;

(iii) the treatment programs offered to the parent were culturally, linguistically, and clinically appropriate;

(iv) the parent has either failed two or more times to successfully complete a treatment program or has refused at two or more separate meetings with a caseworker to participate in a treatment program; and

(v) the parent continues to abuse chemicals.

Provided, that this presumption applies only to parents required by a case plan to participate in a chemical dependency treatment program on or after July 1, 1990; or

(6) That the parent has been convicted of causing the death of another of the parent's children; or

(7) That in the case of a child born to a mother who was not married to the child's father when the child was conceived nor when the child was born the person is not entitled to notice of an adoption hearing under section 259.26 and either the person has not filed a notice of intent to retain parental rights under section 259.261 or that the notice has been successfully challenged; or

(8) That the child is neglected and in foster care.

In an action involving an American Indian child, sections 257.35 to 257.3579 and the Indian Child Welfare Act, United States Code, title 25, sections 1901 to 1923, control to the extent that the provisions of this section are inconsistent with those laws.

Subd. 2. Adoptive parent. For purposes of subdivision 1, clause (a), an adoptive parent may not terminate parental rights to an adopted child for a reason that would not apply to a birth parent seeking termination of parental rights to a child under subdivision 1, clause (a).

Subd. 3. When prior finding required. For purposes of subdivision 1, clause (b), no prior judicial finding of dependency, neglect, need for protection or services, or neglected and in foster care is required, except as provided in subdivision 1, clause (b), item (5).

Subd. 4. Best interests of child paramount. In any proceeding under this section, the best interests of the child must be the paramount consideration, provided that the conditions in subdivision 1, clause (a), or at least one condition in subdivision 1, clause (b), are found by the court. In proceedings involving an American Indian child, as defined in section 257.351, subdivision 6, the best interests of the child must be determined consistent with the Indian Child Welfare Act of 1978, United States Code, title 25, section 1901, et seq. Where the interests of parent and child conflict, the interests of the child are paramount.

Subd. 5. Findings regarding reasonable efforts. In any proceeding under this section, the court shall make specific findings regarding the nature and extent of efforts made by the social service agency to rehabilitate the parent and reunite the family.

Amended by Laws 1983, c. 7, § 8; Laws 1983, c. 243, § 5, subd. 8, eff. June 2, 1983; Laws 1986, c. 444; Laws 1987, c. 187, § 5; Laws 1988, c. 514, § 8, eff. Aug. 1, 1988; Laws 1988, c. 673, § 31; Laws 1989, c. 208, §§ 3, 4, eff. May 20, 1989; Laws 1990, c. 542, § 15.

Historical and Statutory Notes

1986 Amendment. Laws 1986, c. 444, § 1, removed gender specific references applicable to human beings throughout Minn.Stat. by adopting by reference proposed amendments for such revision prepared by the revisor of statutes pursuant to Laws 1984, c. 480, § 21, and certified and filed with the secretary of state on Jan. 24, 1986. Section 3 of Laws 1986, c. 444, provides that the amendments "do not change the substance of the statutes amended."

1987 Legislation

The 1987 amendment added the last paragraph relating to termination of parental rights of an adopted child.

1988 Legislation

Laws 1988, c. 514, designated existing text as subds. 1 and 2 and added subds. 3, 4, and, 5; and, in subd. 1(b)(1), added the instances when abandonment is presumed; added "and reasonable efforts by the social service agency have failed to correct the conditions that formed the basis of the petition" at the end of subd. 1(b)(2); substituted "of a duration or nature that renders the parent unable, for the reasonably foreseeable future, to care appropriately for the ongoing physical, mental or emotional needs of the child" for "permanently detrimental to the physical or mental health of the child" at the end of subd. 1(b)(4); and added the provision to subd. 1(b)(5) relating to failure of reasonable efforts.

Laws 1988, c. 514, § 10, provides that chapter 514 is effective August 1, 1988, and applies to petitions for termination of parental rights filed and placement begun on or after that date.

Laws 1988, c. 673 in subd. 1(a)(5), designated as such by Laws 1988, c. 514, substituted "determination of a child's need for protection or services" for "determination of neglect or dependency".

1989 Legislation

The 1989 amendment in subd. 1(b)(5) added the determination of neglect or dependency as grounds for termination, in subd. 1(b)(5)(i) inserted the clause relating to section 260.015, subd. 2a; and in subd. 3 inserted "need for protection or services".

1990 Legislation

The 1990 amendment, in subd. 1, par. (b), added to the end of clause (4) the factors that would give rise to a presumption that a parent is palpably unfit to be a party to the parent and child relationship, added to the end of clause (5) the factors that would give rise to a presumption that reasonable efforts had failed under clause

(5), designated former clauses (6) and (7) as clauses (7) and (8), inserted a new clause (6), relating to a conviction of causing the death of another parent's children, and added to the end of subd. 1 a sentence relating to actions involving an American Indian child.

Law Review Commentaries

Minnesota adopts a best interests standard in parental rights termination proceedings: In re J.J.B., 71 Minn.L.Rev. 1263 (1987).

Privacy, children, and their parents. Robert B. Keiter. 1982, 66 Minn. Law Review 459.

Surrogate parenthood. 1986, 12 Wm.Mitchell L.Rev. 143.

Treatment decision-making in the neo-natal intensive care unit—Governmental regulation compromises parental autonomy. 13 Wm.Mitchell L.Rev. 951 (1987).

Notes of Decisions

Abandoned child 14.5
Abuse 29
Chemical dependency 15.5
Findings 3.6
Fraud 4.5
Future harm, best interests of children 12.2
Indian children 31
Neglected child in foster care 20.5
Orders 3.5
Reunification, correction of conditions 17.5
Special needs children 12.5
Standard of proof 26.5
Support 14.3
Therapy 30
Validity 1/2

1/2. Validity

Requirement of this section that "reasonable efforts" be shown to have failed to correct the conditions leading to a finding of neglect or dependency is not unconstitutionally vague. Matter of Welfare of A.K.K., App.1984, 356 N.W.2d 337.

This section is neither uncertain nor indefinite concerning behavior which would render a parent palpably unfit, and therefore is not unconstitutionally void for vagueness; it clearly requires proof of specific conditions over a period of time which are permanently detrimental to the child. Matter of Welfare of B.C., App.1984, 356 N.W.2d 328.

consent shall be witnessed by at least two adult persons whose signatures and addresses shall be plainly written thereon.

3. The written consent shall be valid and effective only after the child is at least two days old.

(L. 1985, H.B. Nos. 366, 248, 372 & 393, § A.)

Law Review Commentaries

Termination of parental rights in Missouri.
Shawn R. McCarver, 45 J.Mo.B. 475 (1989).

Library References

Infants ¶155.

C.J.S. Infants §§ 31, 36 to 40, 43, 44, 51, 52, 55, 62.

Notes of Decisions

Admissibility of evidence 5

Best interests of child 4

Petition 3

Voluntariness, consent 1

Withdrawal, consent 2

1. Voluntariness, consent

Father's consent to termination of his parental rights was valid, despite father's claim that he signed under false impression based on conversation with child's foster mother; foster mother testified that she had discussed her philosophy that child should be available for visits after adoption, but that she informed father that he would have no parental rights after they were terminated. In Interest of R.R.T. (App.1988) 744 S.W.2d 829.

Finding that natural mother knowingly, voluntarily, and intelligently consented to termination of her parental rights was supported by evidence that defendant told psychotherapist that she wanted to give her children up for adoption because she recognized that she could not provide for them and that children were too great of

strain on her. In Interest of A.M.K. (App.1986) 723 S.W.2d 50.

2. Withdrawal, consent

Where crux of natural mother's contention regarding consent to termination of parental rights is that her change of mind warrants withdrawal of consent, it is within trial court's discretion to disallow request. In Interest of A.M.K. (App.1986) 723 S.W.2d 50.

3. Petition

Petition for termination of parental rights must be filed by juvenile officer, and may not be filed by parent, even though parent must consent in writing to termination. In Interest of B.L.G. (App.1987) 731 S.W.2d 492.

4. Best interests of child

Parental rights of former husband who had adopted wife's child during marriage could not be terminated, despite evidence that child did not want to see former husband, where child's reaction was induced by former husband's inattention, former husband sought termination of parental rights in order to be relieved of financial obligations toward child imposed on him by dissolution decree, and it was not in best interests of child that support payments stop. In Interest of B.L.G. (App.1987) 731 S.W.2d 492.

5. Admissibility of evidence

Evidence that former husband had been coerced into adopting wife's child during marriage was inadmissible in proceedings to terminate husband's parental rights. In Interest of B.L.G. (App.1987) 731 S.W.2d 492.

211.447. Juvenile court may terminate parental rights, when—investigation to be made—grounds for termination

1. Any information that could justify the filing of a petition to terminate parental rights may be referred to the juvenile officer by any person. The juvenile officer shall make a preliminary inquiry and may file a petition to terminate parental rights. If it does not appear to the juvenile officer that a petition should be filed, he shall so notify the informant in writing within thirty days of the referral. Such notification shall include the reasons that the petition will not be filed. Thereupon, the informant may bring the matter directly to the attention of the judge of the juvenile court by presenting to him the information in writing, and if it appears to the judge that the information could justify the filing of a petition, the judge may order the juvenile officer to take further action, including making a further preliminary inquiry or filing a petition.

2. The juvenile court may terminate the rights of a parent to a child upon a petition filed by the juvenile officer or in adoption cases, by a prospective parent, if it finds that the termination is in the best interests of the child and when it appears by clear, cogent and convincing evidence that one or more of the following grounds for termination exist:

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grounds for termination exist:

(1) The child has been abandoned. The court shall find that the child has been abandoned if, for a period of six months or longer for a child over one year of age or a period of sixty days or longer for a child under one year of age at the time of the filing of the petition:

(a) The parent has left the child under such circumstances that the identity of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child; or

(b) The parent has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so;

(2) The child has been adjudicated to have been abused or neglected. In determining whether to terminate parental rights under this subdivision, the court shall consider and make findings on the following conditions or acts of the parent:

(a) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(b) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control of the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control;

(c) A severe act or recurrent acts of physical, emotional or sexual abuse toward the child or any child in the family by the parent, including an act of incest, or by another under circumstances that indicate that the parent knew or should have known that such acts were being committed toward the child or any child in the family; or

(d) Repeated or continuous failure by the parent, although physically or financially able, to provide the child with adequate food, clothing, shelter, or education as defined by law, or other care and control necessary for his physical, mental, or emotional health and development;

(3) The child has been under the jurisdiction of the juvenile court for a period of one year, and the court finds that the conditions which led to the assumption of jurisdiction still persist, or conditions of a potentially harmful nature continue to exist, that there is little likelihood that those conditions will be remedied at an early date so that the child can be returned to the parent in the near future, or the continuation of the parent-child relationship greatly diminishes the child's prospects for early integration into a stable and permanent home. In determining whether to terminate parental rights under this subdivision, the court shall consider and make findings on the following:

(a) The terms of a social service plan entered into by the parent and the division and the extent to which the parties have made progress in complying with those terms;

(b) The success or failure of the efforts of the juvenile officer, the division or other agency to aid the parent on a continuing basis in adjusting his circumstances or conduct to provide a proper home for the child;

(c) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(d) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control over the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control.

3. When considering whether to terminate the parent-child relationship pursuant to subdivision (1), (2) or (3) of subsection 2 of this section, the court shall evaluate and make findings on the following factors, when appropriate and applicable to the case:

(1) The emotional ties to the birth parent;

(2) The extent to which the parent has maintained regular visitation or other contact with the child;

(3) The extent of payment by the parent for the cost of care and maintenance of the child when financially able to do so including the time that the child is in the custody of the division or other child-placing agency;

(4) Whether additional services would be likely to bring about lasting parental adjustment enabling a return of the child to the parent within an ascertainable period of time;

(5) The parent's disinterest in or lack of commitment to the child;

(6) The conviction of the parent of a felony offense that the court finds is of such a nature that the child will be deprived of a stable home for a period of years; provided, however, that incarceration in and of itself shall not be grounds for termination of parental rights;

(7) Deliberate acts of the parent or acts of another of which the parent knew or should have known that subjects the child to a substantial risk of physical or mental harm.

4. The court may attach little or no weight to infrequent visitations, communications, or contributions. It is irrelevant in a termination proceeding that the maintenance of the parent-child relationship may serve as an inducement for the parent's rehabilitation.

5. In actions for adoption under chapter 453, RSMo, the court may hear and determine the issues raised in a petition for adoption containing a prayer for termination of parental rights filed with the same effect as a petition permitted under subsection 2 of this section.

(Amended by L.1985, H.B.Nos. 366, 248, 372 & 393, § A; L.1990, H.B. Nos. 1370, 1037 & 1084, § A.)

Historical and Statutory Notes

1985 Amendment. Inserted at the end of the third sentence in subsec. 1. "in writing within thirty days of the referral", inserted the fourth sentence in subsec. 1, and rewrote subsecs. 2 and 3 which prior thereto provided:

"2. The juvenile court may, upon a petition filed by the juvenile officer under this section, terminate the rights of parent to a child if it finds that such termination is in the best interest of the child and one or more of the following conditions are found to exist:

"(1) When the parent has consented in writing to the termination of his parental rights;

"(2) When it appears by clear, cogent and convincing evidence that one or more of the following conditions exist:

"(a) The parent has abandoned the child. The court may find that the parent has abandoned the child if, for a period of six months or longer for a child over one year old or a period of sixty days or longer for a child under one year of age at the time of the filing of the petition, either of the following has occurred:

"a. The parent has left the child under such circumstances that the identity of the parent of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child;

"b. The parent has, without good cause, left the child without any provision for support and without any communication or visitation from the parent. Evidence that the parent has acted to support, to communicate with or to visit the child during the period may be disregarded if such acts of the parent appear to have been merely a token effort;

"(b) The parent has neglected, without good cause, the child for a period of six months prior to the filing of the petition. The term 'neglected' as used here is the failure of a parent to provide, on a continuing basis, the care, guidance and control necessary for the physical, mental, and educational well-being of a child; or the failure to provide a child who is in the legal or actual custody of others with a continuing relationship, such as, but not limited to, communication or visitation, and, to the extent the parent is financially able, the failure to provide for the child's care. In those circumstances where the child is not in the legal or actual custody of the parent, the person or agency having legal or actual custody of the child must show that the appropriate plan approved by the court has not been reasonably complied with by the parent or has been unsuccessful, and that the parent was notified of the court approved plan and that at least ten days in which to request a hearing on such plan. Token efforts by the parent shall not be sufficient to defeat a finding of neglect.

"(c) The parent has committed, or knowingly permitted, an act of incest with the child or other sexual molestation of the child;

"(d) The parent has repeatedly or continuously abused the child by causing physical injury, mental injury to the child, or knowingly permitted such abuse by another;

"(e) The parent has knowingly committed, or knowingly permitted a single incident of, threatening or gravely disabling injury or detriment of the child or serious injury or death to a sibling due to parental abuse or willful or wanton neglect;

~~24TH SECTION of Level 1 printed in FULL format.~~

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CHAPTER 49. CHILD WELFARE

ARTICLE 6. PROCEDURE IN CASES OF CHILD NEGLECT OR ABUSE

W. Va. Code @ 49-6-5 (1990)

@ 49-6-5. Disposition of neglected or abused children.

(a) Following a determination pursuant to section two [@ 49-6-2] of this article wherein the court finds a child to be abused or neglected, the department shall file with the court a copy of the child's case plan, including the permanency plan for the child. The term case plan means a written document that includes, where applicable, the requirements of the family case plan as provided for in section three [@ 49-6D-3], article six-d of this chapter and that also includes at least the following: A description of the type of home or institution in which the child is to be placed, including a discussion of the appropriateness of the placement and how the agency which is responsible for the child plans to assure that the child receives proper care and that services are provided to the parents, child and foster parents in order to improve the conditions in the parent(s) home, facilitate return of the child to his or her own home or the permanent placement of the child, and address the needs of the child while in foster care, including a discussion of the appropriateness of the services that have been provided to the child. The term permanency plan refers to that part of the case plan which is designed to achieve a permanent home for the child in the least restrictive setting available. The plan must document efforts to ensure that the child is returned home within approximate time lines for reunification as set out in the plan. If reunification is not the permanency plan for the child, the plan must state why reunification is not appropriate and detail the alternative placement for the child to include approximate time lines for when such placement is expected to become a permanent placement. This case plan shall serve as the family case plan for parents of abused or neglected children. Copies of the child's case plan shall be sent to the child's attorney and parent, guardian or custodian at least five days prior to the dispositional hearing. The court shall forthwith proceed to disposition giving both the petitioner and respondents an opportunity to be heard. The court shall give precedence to dispositions in the following sequence:

- (1) Dismiss the petition
- (2) Refer the child, the abusing parent, or other family members to a community agency for needed assistance and dismiss the petition
- (3) Return the child to his or her own home under supervision of the state department
- (4) Order terms of supervision calculated to assist the child and the abusing parent or parents which prescribe the manner of supervision and care of the child and which are within the ability of the parent or custodian to perform
- (5) Upon a finding that the abusing parent or parents are presently unwilling or unable to provide adequately for the child's needs, commit the child temporarily to the custody of the state department, a licensed private child welfare agency or a suitable person who may be appointed guardian by the court. The court order shall state: (1) That continuation in the home is contrary to the best interests of the child and why and (2) whether or not the state department made a reasonable effort to prevent the placement to include a

statement of what efforts were made or that the emergency situation made such efforts unreasonable or impossible and (3) the specific circumstances of the situation which makes such efforts unreasonable if services were not offered by the department. The court order shall also determine under what circumstances

the child's commitment to the department shall continue. Considerations pertinent to the determination include whether the child should (1) be continued in foster care for a specified period, (2) should be considered for adoption, (3) because of a child's special needs or circumstances, be continued in foster care on a permanent or long-term basis, or (4) be continued in foster care until reunification is achieved. The court may order services to meet the special needs of the child. Whenever the court transfers custody of a youth to the department of human services, an appropriate order of financial support by the parents or guardians shall be entered in accordance with section five [49-7-5], article seven of this chapter or

(6) Upon a finding that there is no reasonable likelihood that the conditions of neglect or abuse can be substantially corrected in the near future, and when necessary for the welfare of the child, terminate the parental or custodial rights and responsibilities and commit the child to the permanent guardianship of the state department or a licensed child welfare agency. If the court shall so find, then in fixing its dispositional order, the court shall consider the following factors: (1) The child's need for continuity of care and caretakers (2) the amount of time required for the child to be integrated into a stable and permanent home environment and (3) other factors as the court considers necessary and proper. Notwithstanding any other provisions of this article, the permanent parental rights shall not be terminated if a child fourteen years of age or older or otherwise of an age of discretion as determined by the court, consents to such termination. No adoption of a child shall take place until all proceedings for termination of parental rights under this article and appeals thereof are final. In determining whether or not parental rights should be terminated, the court shall consider the efforts made by the department to provide remedial and reunification services to the parent. The court order shall state: (1) That continuation in the home is not in the best interests of the child and why and (2) why reunification is not in the best interests of the child and (3) whether or not the state department made a reasonable effort to prevent the placement or that the emergency situation made such efforts unreasonable or impossible and (4) whether or not the state department made a reasonable effort to reunify the family including a description of what efforts were made or that such efforts were unreasonable due to specific circumstances.

(b) As used in this section, "no reasonable likelihood that conditions of neglect or abuse can be substantially corrected" shall mean that, based upon the evidence before the court, the abusing adult or adults have demonstrated an inadequate capacity to solve the problems of abuse or neglect, on their own or with help. Such conditions shall be deemed to exist in the following circumstances, which shall not be exclusive:

(1) The abusing parent or parents have habitually abused or are addicted to alcohol, controlled substances or drugs, to the extent that proper parenting skills have been seriously impaired and such abusing parent or parents have not responded to or followed through the recommended and appropriate treatment which could have improved the capacity for adequate parental functioning

(2) The abusing parent or parents have willfully refused or are presently unwilling to cooperate in the development of a reasonable family case plan designed to lead to the child's return to their care, custody and control

(3) The abusing parent or parents have not responded to or followed through with a reasonable family case plan or other rehabilitative efforts of social,

medical, mental health or other rehabilitative agencies designed to reduce or prevent the abuse or neglect of the child, as evidenced by the continuation or insubstantial diminution of conditions which threatened the health, welfare or life of the child

(4) The abusing parent or parents have abandoned the child

(5) The abusing parent or parents have repeatedly or seriously injured the child physically or emotionally, or have sexually abused or sexually exploited the child, and the degree of family stress and the potential for further abuse and neglect are so great as to preclude the use of resources to mitigate or resolve family problems or assist the abusing parent or parents in fulfilling their responsibilities to the child or

(6) The abusing parent or parents have incurred emotional illness, mental illness or mental deficiency of such duration or nature as to render such parent or parents incapable of exercising proper parenting skills or sufficiently improving the adequacy of such skills.

(c) The court may as an alternative disposition allow to the parents or custodians an improvement period not to exceed twelve months. During this period the parental rights shall not be permanently terminated and the court shall require the parent to rectify the conditions upon which the determination was based. No more than one such post-dispositional improvement period may be granted. The court may order the child to be placed with the parents, a relative, the state department or other appropriate placement during the period. At the end of the period the court shall hold a hearing to determine whether the conditions have been adequately improved, and at the conclusion of such hearing, shall make a further dispositional order in accordance with this section.

HISTORY: (1941, c. 73 1953, c. 17 1970, c. 79 1977, c. 65 1984, c. 27 1988, c. 14.)

NOTES:
EFFECT OF AMENDMENT OF 1988. -- The amendment, in (a), rewrote the first sentence, added the second through seventh sentences in (a)(5), added the second through sixth sentences in (a)(6), added the last two sentences and made other minor changes.

CONSTRUCTION WITH @ 49-6-2. -- In the disposition of neglected or abused children, before a court can begin to make any of the dispositional alternatives under this section, it must have held a hearing under @ 49-6-2 and have determined whether the child is abused or neglected. State v. T.C., 303 S.E.2d 685 (W. Va. 1983).

DISCRETION OF COURT. -- The court is authorized to exercise a discretion conducive to the best interest of the child. Hammond v. Department of Pub. Assistance, 142 W. Va. 208, 95 S.E.2d 345 (1956).

COURT MAY COMMIT CHILD TO SUITABLE PERSON WHO MAY BE APPOINTED GUARDIAN. -- The juvenile court of a county may commit a child to a suitable person who may be appointed guardian of the person of the child. Hammond v. Department of Pub. Assistance, 142 W. Va. 208, 95 S.E.2d 345 (1956).

THE RIGHT OF THE NATURAL PARENT TO THE CUSTODY OF MINOR CHILDREN IS NOT ABSOLUTE, and it may be limited or terminated by the State, as *parens patriae*, if the parent is proved unfit to be entrusted with child care. In re Willis, 157 W. Va. 225, 207 S.E.2d 129 (1973) State v. C.N.S., 319 S.E.2d 775 (W. Va. 1984).

THE WHITE HOUSE

WASHINGTON

April 17, 1995

MEMORANDUM FOR LEON PANETTA
ERSKINE BOWLES
NANCY HERNREICH
WHITE HOUSE/SIGNAL OPERATOR
DPC STAFF

FROM: Carol H. Rasco 
SUBJECT: Travel Itinerary: April 17-18, 1995

Please note, I will be in Chantilly, Virginia this evening and all day tomorrow, attending a seminar on child placement issues.

I will return to the White House at 4:30pm on Tuesday, April 18th. This evening after 6:00pm and Tuesday until 4:30pm, I can be reached by pager: 1-800-921-7576.

MONDAY, APRIL 17

6:00-7:00 pm Drive (in White House car) to Westfields
International Conference Center, Chantilly, VA.
Phone: (800) 635-5666 or (703) 818-0300.

RON Westfields International Conference Center.
Phone: (703) 818-0300, Fax: (703) 818-3655.

TUESDAY, APRIL 18

3:30-4:30 pm Drive in (White House car) from seminar back to
White House.

THE WHITE HOUSE
WASHINGTON

April 24, 1995

Jill Duerr Berick, Director
Child Welfare Research Center
School of Social Welfare
1950 Addison Street #104
Berkeley, Ca 94704

Dear Ms. Berick:

I am delighted that I had the opportunity to join with you at the children's conference sponsored by the Foundation for Child Development and the Milbank Memorial Fund. I found the discussion quite helpful as a part of the current debate and hope we will continue the dialogue.

I invite you to share with me your further thoughts on placement and other issues concerning children and families.

Sincerely,

A handwritten signature in cursive script, reading "Carol H. Rasco".

Carol H. Rasco
Assistant to the President
for Domestic Policy

CHR:ram

THE WHITE HOUSE
WASHINGTON

April 24, 1995

The Honorable Gilda Cobb-Hunter
Member of the House of Representatives
State of South Carolina
304-A Blatt Building
Columbia, SC 29211

Dear Representative Cobb-Hunter:

I am delighted that I had the opportunity to join with you at the children's conference sponsored by the Foundation for Child Development and the Milbank Memorial Fund. I found the discussion quite helpful as a part of the current debate and hope we will continue the dialogue.

Keep up your dedicated work for children and families in my birth state and do please continue to speak out loudly.

I invite you to share with me your further thoughts on placement and other issues concerning children and families.

Sincerely, .

A handwritten signature in cursive script that reads "Carol".

Carol H. Rasco
Assistant to the President
for Domestic Policy

CHR:ram

THE WHITE HOUSE
WASHINGTON

April 24, 1995

Kevin Concannon, Commissioner
Maine Department of Human Services
Station 11
221 State Street
Augusta, ME 04333

Dear Mr. Concannon:

I am delighted that I had the opportunity to join with you at the children's conference sponsored by the Foundation for Child Development and the Milbank Memorial Fund. I found the discussion quite helpful as a part of the current debate and hope we will continue the dialogue.

I invite you to share with me your further thoughts on placement and other issues concerning children and families.

Sincerely,

A handwritten signature in cursive script, reading "Carol H. Rasco".

Carol H. Rasco
Assistant to the President
for Domestic Policy

CHR:ram

THE WHITE HOUSE
WASHINGTON

April 24, 1995

Nan Dale, Executive Director
The Children's Village
Dobbs Ferry, NY 10522

Dear Ms. Dale:

I am delighted that I had the opportunity to join with you at the children's conference sponsored by the Foundation for Child Development and the Milbank Memorial Fund. I found the discussion quite helpful as a part of the current debate and hope we will continue the dialogue.

I invite you to share with me your further thoughts on placement and other issues concerning children and families.

Sincerely,

A handwritten signature in cursive script that reads "Carol H. Rasco". The signature is fluid and elegant, with the first name "Carol" being more prominent than the last name "Rasco".

Carol H. Rasco
Assistant to the President
for Domestic Policy

CHR:ram

THE WHITE HOUSE
WASHINGTON

April 24, 1995

The Honorable Richard J. Fitzgerald
Judge
Kentucky Family Court
Hall of Justice
600 W. Jefferson
Louisville, KY 40202

Dear Judge Fitzgerald:

I am delighted that I had the opportunity to join with you at the children's conference sponsored by the Foundation for Child Development and the Milbank Memorial Fund. I found the discussion quite helpful as a part of the current debate and hope we will continue the dialogue.

I repeat my offer to visit with your daughter should she ever find it helpful!

I also invite you to share with me your further thoughts on placement and other issues concerning children and families.

Sincerely,



Carol H. Rasco
Assistant to the President
for Domestic Policy

*The Cathedral
was breathtaking!
The whole project
is so
exciting.*

THE WHITE HOUSE
WASHINGTON

April 24, 1995

The Honorable Ernestine S. Gray
Judge
Orleans Parish Juvenile Court
421 Loyola Avenue
New Orleans, LA 70112

Dear Judge Gray:

I am delighted that I had the opportunity to join with you at the children's conference sponsored by the Foundation for Child Development and the Milbank Memorial Fund. I found the discussion quite helpful as a part of the current debate and hope we will continue the dialogue.

I invite you to share with me your further thoughts on placement and other issues concerning children and families.

Sincerely,

A handwritten signature in cursive script that reads "Carol H. Rasco". The signature is written in dark ink and is positioned above the typed name and title.

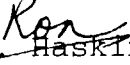
Carol H. Rasco
Assistant to the President
for Domestic Policy

CHR:ram

THE WHITE HOUSE
WASHINGTON

April 24, 1995

Ron Haskins, Staff Director
Human Resources Subcommittee
Committee on Ways and Means
United States House of Representatives
B-317 Rayburn Building
Washington, DC 20515

Dear Mr.  Haskins:

I am delighted that I had the opportunity to join with you at the children's conference sponsored by the Foundation for Child Development and the Milbank Memorial Fund. I found the discussion quite helpful as a part of the current debate and hope we will continue the dialogue.

I invite you to share with me your further thoughts on placement and other issues concerning children and families.

Sincerely,



Carol H. Rasco
Assistant to the President
for Domestic Policy

CHR:ram

THE WHITE HOUSE
WASHINGTON

April 24, 1995

Lorraine Lima, Development Director
Bienvenidos Children's Center, Inc.
205 E. Palm
Altadena, CA 91001

Dear Ms. Lima:

I am delighted that I had the opportunity to join with you at the children's conference sponsored by the Foundation for Child Development and the Milbank Memorial Fund. I found the discussion quite helpful as a part of the current debate and hope we will continue the dialogue.

I invite you to share with me your further thoughts on placement and other issues concerning children and families.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carol", followed by a horizontal line.

Carol H. Rasco
Assistant to the President
for Domestic Policy

CHR:ram

THE WHITE HOUSE
WASHINGTON

April 24, 1995

Ruth Massinga, President
The Casey Family Program
1300 Dexter Avenue North
Seattle, WA 98109-3547

Dear Ms. ~~Massinga~~ ^{Ruth}:

I am delighted that I had the opportunity to join with you at the children's conference sponsored by the Foundation for Child Development and the Milbank Memorial Fund. I found the discussion quite helpful as a part of the current debate and hope we will continue the dialogue.

Hello to Jim, and I'll hope to see you all in the near future!

Sincerely, .



Carol H. Rasco
Assistant to the President
for Domestic Policy

CHR:ram

THE WHITE HOUSE
WASHINGTON

April 24, 1995

Elba Montalvo, Executive Director
Committee for Hispanic Children
and Families, Inc.
140 W. 22nd - Suite 301
New York, NY 10011

Dear Ms. Montalvo:

I am delighted that I had the opportunity to join with you at the children's conference sponsored by the Foundation for Child Development and the Milbank Memorial Fund. I found the discussion quite helpful as a part of the current debate and hope we will continue the dialogue.

It was good to sit next to you, and I'll look forward to receiving the materials from you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carol", followed by a long horizontal flourish.

Carol H. Rasco
Assistant to the President
for Domestic Policy

CHR:ram

THE WHITE HOUSE
WASHINGTON

April 24, 1995

William Pound, Executive Director
National Conference of State Legislatures
1560 Broadway - Suite 400
Denver, CO 80202

Dear Mr. *Bill* Pound:

I am delighted that I had the opportunity to join with you at the children's conference sponsored by the Foundation for Child Development and the Milbank Memorial Fund. I found the discussion quite helpful as a part of the current debate and hope we will continue the dialogue.

I invite you to share with me your further thoughts on placement and other issues concerning children and families.

Sincerely,



Carol H. Rasco
Assistant to the President
for Domestic Policy

CHR:ram

THE WHITE HOUSE
WASHINGTON

April 24, 1995

Ray Rawson, Assistant Majority Leader
and Chair, Human Resources Committee
Nevada State Legislative Building
401 S. Carson Street
Carson City, NV 89710

Dear Mr. Rawson:

I am delighted that I had the opportunity to join with you at the children's conference sponsored by the Foundation for Child Development and the Milbank Memorial Fund. I found the discussion quite helpful as a part of the current debate and hope we will continue the dialogue.

I invite you to share with me your further thoughts on placement and other issues concerning children and families.

Sincerely,

A handwritten signature in cursive script, reading "Carol H. Rasco". The signature is written in dark ink and is positioned above the typed name and title.

Carol H. Rasco
Assistant to the President
for Domestic Policy

CHR:ram

THE WHITE HOUSE
WASHINGTON

April 24, 1995

Gloria G. Rodriguez
President and CEO
Avance Family Support and Education
Program
301 South Frio, Suite 310
San Antonio, TX 78207

Dear Ms. Rodriguez:

I am delighted that I had the opportunity to join with you at the children's conference sponsored by the Foundation for Child Development and the Milbank Memorial Fund. I found the discussion quite helpful as a part of the current debate and hope we will continue the dialogue.

I invite you to share with me your further thoughts on placement and other issues concerning children and families.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carol".

Carol H. Rasco
Assistant to the President
for Domestic Policy

CHR:ram

THE WHITE HOUSE

WASHINGTON

April 24, 1995

Donald L. Schmid, Director
Children and Family Services Division
State Capital - Judicial Wing
600 East Blvd.
Bismarck, ND 58505

Dear Mr. Schmid:

I am delighted that I had the opportunity to join with you at the children's conference sponsored by the Foundation for Child Development and the Milbank Memorial Fund. I found the discussion quite helpful as a part of the current debate and hope we will continue the dialogue.

I invite you to share with me your further thoughts on placement and other issues concerning children and families.

Sincerely,

A handwritten signature in cursive script, reading "Carol H. Rasco".

Carol H. Rasco
Assistant to the President
for Domestic Policy

CHR:ram

THE WHITE HOUSE

WASHINGTON

April 24, 1995

Donna Singletary
Youth Communication
144 W. 27th St. - 8th Floor
New York, NY 10001

Dear Ms. Singletary:

I am delighted that I had the opportunity to join with you at the children's conference sponsored by the Foundation for Child Development and the Milbank Memorial Fund. I found the discussion quite helpful as a part of the current debate and hope we will continue the dialogue.

I applaud your courage as you move forward in your journey of independent living. I am pulling for you!

Sincerely,

A handwritten signature in cursive script that reads "Carol H. Rasco". The signature is written in dark ink and is positioned above the printed name and title.

Carol H. Rasco
Assistant to the President
for Domestic Policy

CHR:ram

THE WHITE HOUSE
WASHINGTON

April 24, 1995

Richard B. Stolley
Senior Editorial Advisor
Time, Inc.
Time Life Building
Rockefeller Center
New York, NY 10020

Dear Mr. Stolley:

I am delighted that I had the opportunity to join with you at the children's conference sponsored by the Foundation for Child Development and the Milbank Memorial Fund. I found the discussion quite helpful as a part of the current debate and hope we will continue the dialogue.

Thank you for sharing your article -- I savor each word, but particularly the last two sentences of the first full paragraph of column 2. The lack of value and honor given children is what petrifies me should the current Congressional scenario become law.

THE WHITE HOUSE

WASHINGTON

Richard B. Stolley
April 24, 1995
Page 2

I invite you to share with me your further thoughts on placement and other issues concerning children and families.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carol".

Carol H. Rasco
Assistant to the President
for Domestic Policy

CHR:ram

THE WHITE HOUSE

WASHINGTON

April 24, 1995

Paula Byrd
Youth Communication
144 W. 27th Street - 8th Floor
New York, NY 10001

Dear Ms. Byrd:

I am delighted that I had the opportunity to join with you at the children's conference sponsored by the Foundation for Child Development and the Milbank Memorial Fund. I found the discussion quite helpful as a part of the current debate and hope we will continue the dialogue.

I know it was not easy for you to speak out with such candor. I applaud your courage and hope that you will continue to help all of us learn more about what you have experienced and changes you recommend. I consider myself fortunate to have met you!

I invite you to share with me your further thoughts on placement and other issues concerning children and families.

Sincerely,

A handwritten signature in cursive script, reading "Carol H. Rasco".

Carol H. Rasco
Assistant to the President
for Domestic Policy

CHR:ram