

Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. paper	Profile Conna Craig; RE: birthplace [partial] (1 page)	ca. 1996	P6/b(6)
002. paper	A Reprint From Policy Review; RE: phone numbers [partial] (1 page)	ca. 1995	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

Child Welfare Chat Sessions [6]

2011-1010-S

ms192

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]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
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Kids on the Block

The government now spends \$4 billion-\$5 billion a year to underwrite foster care, some adoptions and, to a much smaller extent, other child protection programs. The future of federal assistance—and how changes might help or hurt children in need—is the focus of a sharp debate.

BY ROCHELLE L. STANFIELD

Elisa and Deanna never knew each other. But those two little girls from different parts of the country shared the terror of being abused by their families and the frustration of being trapped by a system that is supposed to protect them.

Late last fall, both of them also captured headlines—Elisa for a tragic end, Deanna in a hopeful beginning.

Their stories attach faces to the foster care and adoption aspects of Washington's debate over welfare reform and a balanced federal budget—a debate that has focused mostly on the dollar amounts of tax cuts versus spending programs and the abstract concepts of federalism and federal entitlements.

The prevailing theme of the debate has been more flexibility for state governments. As the issues of foster care and adoption make clear, however, flexibility can mean very different things to those responsible for assuring the safety of children and finding them permanent homes.

The federal government spends \$4 billion-\$5 billion a year to subsidize foster care, some adoptions and, to a much smaller extent, other child protection programs. Foster care and adoption assistance are entitlements: Any child who qualifies gets aid regardless of the number of other children in the country who have qualified. Welfare reform might convert all this child protection assistance into block grants. The states would get less money, and the amount wouldn't automatically increase if the number of caseloads rose. But each state would receive a lump sum that it could spend as it chooses.

The current White House-congressional stalemate prolongs uncertainty for nearly a half-million children in foster care across the country and several times that number who—like Elisa—were at physical risk at home.

Elisa Izquierdo was the battered and tortured 6-year-old who died in November in New York City, allegedly beaten to death by her mother, even though teachers, extended-family members and others had repeatedly reported her peril to a

child-abuse hotline and the city's Child Welfare Administration.

Her case got national media attention, including extensive coverage in *The New York Times* and *Time* magazine. It prompted New York Mayor Rudolph W. Giuliani to overhaul the child welfare agency, the New York Legislature to consider rewriting state laws on child protection and Connecticut Gov. John G. Rowland to propose his own radical reforms.

Elisa's case also raised the decibel level in an angry debate over managing child protection programs. Some advocates, pointing to the heavy caseloads of New York City social workers, contended that the case demonstrated the deadly results of budget cuts on child welfare agencies and decried the proposed block grant and federal budget reductions.

Others used the case to denounce an experimental approach to child protection called family preservation, although this technique was not formally in use in New York City. Family preservation programs aim to keep families together through intensive counseling and other services designed to head off problems before they escalate into crisis, neglect or child abuse.

Even the President's wife, Hillary Rodham Clinton, weighed in on the subject in her new book, *It Takes a Village: And Other Lessons Children Teach Us*: "A child's safety must take precedence over the preservation of a family that allowed abuse to occur."

A small fraction of federal child protection dollars is now spent on family preservation programs in about half the states, a proportion that might rise in some states if a block grant is enacted. By far the largest chunk of federal aid is devoted to foster care, the traditional step of removing endangered children and placing them with a foster family or in a group home.

Foster care is supposed to be a stopgap until a family is ready to care properly for a child or until a youngster is adopted. But "temporary" foster care often lasts for years, with a child shunted from one home to another.

At a Los Angeles shelter for abused and neglected children, "what we saw over many years were the same kids coming back again and again," recalled Nancy M. Daly, a Los Angeles County Children and Family Services commissioner. "They'd go out to a foster home, and the foster parents weren't prepared to deal with their problems, so they'd come back. And each time a child comes back, they're a little bit more damaged from each time that they are rejected."

As Deanna's hopeful story illustrates, the traditional route of child protection is a pretty rocky path.

DEANNA'S STORY

Deanna Lea Moppin's news media moment was briefer and more localized than Elisa's, but not without dramatic impact. She is a 13-year-old from Kansas City, Kan., who was featured at a Nov. 13 White House ceremony for National Adoption Month.

Standing beside Hillary Clinton in the East Room, Deanna read a poem she had written about her anguish in foster care and her longing to be adopted. It included the lines:

"I don't want to be here forever. I want a home./

Please get me out of this system and out of this dome."

She then told a roomful of teary-eyed Members of Congress, government officials and adoption advocates, "I want a family I could love that would love me back."

Child protection officials had removed Deanna from her family at age 3 because she was abused. Joan Wagon, who brought Deanna to the White House ceremony, said in a subsequent interview, Deanna had spent 10 years in foster care, first with a family and then in a group home.

In the aftermath of the White House ceremony, Deanna got her wish. She is now being adopted.

But the happy ending shouldn't have taken 10 long

years—forever to a child, complained Wagon, executive director of Kansas Families for Kids, a private, nonprofit agency in Topeka that is trying to overhaul the state's foster care and adoption system. "If [federal and state policies] had helped her adoption early on," she said,

"it could have been a very different story."

Everyone in the child protection debate agrees that the first priority is to assure the child's safety; the second priority is to find the child a permanent home.

But of the children in foster care in 1990 (the latest year for which there

are reliable figures, compiled by the American Public Welfare Association), more than two-thirds had been in state custody for more than a year and more than a fourth for more than three years. Of those who left state custody that year, two-thirds returned to their birth families and fewer than 8 per cent were adopted.

In theory, at least, everyone is for adoption. The President's wife and Speaker Newt Gingrich, R-Ga., who see eye to eye on little else, agree that adoptions need to be made easier and cheaper, as does the Congressional Coalition on Adoption, an organization headed by two unlikely pairs: Sens. Larry E. Craig, R-Idaho, and Paul Simon, D-Ill., and Reps. Thomas J. Bliley Jr., R-Va., and James L. Oberstar, D-Minn.

But not all adoptions are equal or even similar. The out-of-pocket cost to a family adopting a child from the foster care system is minimal. In addition, federal and state governments often provide a subsidy until the child reaches age 18. But those children are difficult to place. They are typically older and disproportionately minority, and many have severe physical, emotional and mental problems. Nonetheless, these children account for two-fifths of the 51,000 adoptions that take place each year, according to the National Council For Adoption, the largest Washington-based organization representing private adoption interests.

On the other hand, adopting a healthy infant through a private agency or a lawyer, the council figures, costs a family a minimum of \$17,725 for agency fees, legal fees and prenatal care for the mother. For years, the council and other adoption activists had pressed in vain for a tax credit to ease the financial burden. The House Republicans' Contract With America included a tax credit proposal, and the budget and tax package that Congress passed but the President vetoed would have provided a onetime, nonrefundable \$5,000 credit for out-of-pocket expenses associated with adopting a child. Whether the provision will survive is in doubt.

No one openly opposes the credit, but many children's organizations are ambivalent about it. President



The current White House-congressional stalemate over welfare reform and the budget prolongs uncertainty for nearly a half-million children in foster care across the country.

Clinton's various balanced budget proposals, for example, haven't included a credit. Child welfare lobbyists view it as a nice idea, but a luxury.

"Certainly an adoption tax credit can be very useful to families," said MaryLee Allen, director of child welfare and mental health for the Children's Defense Fund (CDF). "But at the very time Congress is saying we have to cut back in these other areas, does it make sense to provide tax credits?"

Then quoting her boss, CDF president Marion Wright Edelman, Allen continued, "If you can't pay the rent, you shouldn't go on vacation."

SAFETY FIRST

The first and foremost priority of child welfare is keeping youngsters safe—a task that gets harder to accomplish every year. Whether a child welfare block grant would make it easier or next to impossible to achieve that goal is at the heart of the debate over flexibility and entitlements.

The numbers on child abuse are even sketchier than those on foster care, but most studies conclude that abuse is on the rise. In a December speech, Health and Human Services (HHS) Secretary Donna E. Shalala cited preliminary findings from a department survey showing that the incidence of child abuse had doubled from 1986-93. The most widely quoted figures are those from the National Center on Child Abuse and Neglect, a unit of HHS, estimating one million confirmed cases of child abuse in 1991, out of three million reported. A 1995 report by the U.S. Advisory Board on Child Abuse estimated that 2,000 children die each year from abuse or neglect and 18,000 are permanently disabled.

A great many of these abused and neglected children land in foster care.

"More youngsters are coming into foster care, primarily due to the explosion of crack cocaine, unemployment and homelessness," Judith Goodhand, director of the Cuyahoga County Children and Family Services Department in Cleveland, said in a recent interview. "Poverty has the highest correlation with child abuse of any factor, and the epidemic of drug abuse has exacerbated that enormously."

Welfare reform, medicaid cuts and changes contemplated in other federal programs such as supplemental security income for the disabled poor are likely to compound the problem.

If a five-year per lifetime limit is put on aid to families with dependent children—an approach that is common to all versions of welfare reform—360,000 children would be dropped from the rolls in Los Angeles County, Peter Digre, direc-

tor of children's services for the county, estimates.

"Even if I assume that 19 out of 20 of their families went into the economy, got good jobs and raised their own kids—and that would be a real miracle—we would end up with 18,000 more kids who would become destitute . . . and come into the foster care system," he said. That would represent nearly a 50 per cent increase in his current population of about 40,000

director of Michigan's Social Services Department and a consultant to the House Republicans, had for his state. Not only is Miller—like his boss, Republican Gov. John M. Engler—an outspoken advocate of block grants, he is also one of the foremost practitioners of family preservation. As he saw it, Washington's programs hampered his efforts.

"The federal government focus is to remove the child," he said in a recent



Richard A. Bloom

MaryLee Allen, Children's Defense Fund's child welfare and mental health director
"Does it make sense to provide tax credits" when Capitol Hill is pushing for broad cuts?

youngsters in foster care. "How would I handle a 50 per cent increase with a capped block grant?"

The Congressional Budget Office figures that the dozen or so federal child protection programs provided about \$4 billion in fiscal 1995, most of it in three pots: \$3.28 billion for the foster care and adoption assistance entitlements, \$295 million for child welfare services and \$150 million for family preservation programs. Should those programs be consolidated and capped?

The Contract With America was silent on child welfare. At the prompting of Republican governors, however, House Republicans decided to merge all the child welfare programs into a block grant as part of the welfare reform package that the House adopted last March. With one stroke, they could provide flexibility, advance federalism, remove an entitlement and cut costs.

Important politically, a child welfare block grant was even more vital to the particular plans that Gerald H. Miller,

interview. "If I go into a home and want to help that family—remove the risk [to the child]—the federal government will not help me. But if I remove the child and put the child in foster care, the federal government will pay me money. I think that's just wrong."

Michigan's statewide family preservation program is the largest in the nation. Essentially, it provides a four-six-week crash course in domestic problem solving to families at risk of abusing their children. A caseworker is constantly on call to mediate disputes and secure other services such as child care or emergency money to pay overdue rent.

The Michigan program, called Families First, is financed primarily by the state and the New York City-based Edna McConnell Clark Foundation. The federal family preservation program "is minor money," Miller said. "It's good. I worked harder than anybody with the Clinton Administration to get it through [Congress in 1993], but it's small dollars compared to the [foster care] entitlement."

Family preservation is also cheaper than foster care, although Miller doesn't talk about that aspect. When asked for financial comparisons, he responded: "I never looked at that. It's not one of our objectives."

But the Clark Foundation touts the financial advantage as one of the program's benefits. Citing a report by the

Center for the Study of Social Policy, a think tank in Washington, a Clark Foundation fact sheet contrasts an average annual expenditure of \$4,500 per family for family preservation services with \$17,500 to maintain a child in foster care and \$100,000 for institutionalization.

Missouri also has an ambitious family preservation program supported primarily by the Clark Foundation and state funds. But Gary Stangler, Missouri's social services director, has a view of federal programs that is radically different from Miller's.

"I've been a staunch opponent of a block grant," he said in an interview. Missouri's Gov. Mel Carnahan is a Democrat, but Stangler was hired by Carnahan's predecessor, Republican John D. Ashcroft.

"There's not much I would gain by increased flexibility," he continued. "It would clearly be on the margins in the child welfare program, which is, to me, unlike cash welfare [such as aid to families with dependent children], where I would like a great deal more flexibility."

For each eligible child, the federal entitlement program guarantees three kinds of payments: room and board in foster care, the local agency's administrative expenses and training. To Stangler and to Digre of Los Angeles County, the latter two categories increase flexibility rather than inhibit it. A block grant would "wipe out the core infrastructure of flexibility you need to run the system and to reform the system," Digre said.

Whether they support a block grant or oppose it, child welfare experts agree on the need for change. More than 20 child welfare systems are already operating under court decree following lawsuits brought to contest the state or local system's ability to care for children safely.

Opponents of block grants insist that the only way to buy reform is to keep the administrative and training funds as part of the entitlement. The Youth Law Center in San Francisco sued the Los Angeles County child welfare system about five years ago. Digre was hired in the resulting overhaul and made dramatic changes in management and training.

"If the block grant went through, it would be impossible to improve that system today," said Carol Shauffer, executive director of the law center. "You wouldn't be able to bring up the number of workers or bring up the training."

In the wake of the House vote on a child welfare block grant, Stangler and Digre joined a loose coalition of child welfare administrators, advocates and organizations to fight block grants. They hired Marina Weiss, a lobbyist with the law firm of Powers, Pyles, Sutter & Verville, who had been an aide to Texas Democrat Lloyd Bentsen when he was chairman of the Senate Finance Committee and during his later tour as Treasury Secretary. They soon discovered some surprising bedfellows among conservatives and right-to-life groups.

"We had working with us a really broad spectrum, everybody from the Catholic Charities and Lutheran ministers and Baptists, who [all] have an orientation toward adoption, all the way to the more liberal, social-work-type groups that had an interest in policies related to kids," Weiss said.

In the Senate, the campaign against a child welfare block grant was led by such Republicans as John H. Chafee of Rhode Island and Christopher S. (Kit) Bond of Missouri. But staunch conservatives such as Craig joined in.

"My concern is that we have a safety net available to ensure that the children who may be affected will be adequately taken care of through our foster care and adoption assistance programs," Craig wrote last May to Bob Packwood, R-Ore., who was then the Finance Committee's chairman. "A block grant with a limited inflation adjuster," he continued, would provide "no flexibility in the system to protect children."

The Senate passed a welfare reform bill in September that didn't include a child welfare block grant. But the attempt to allay Senate concerns while retaining the flexibility that the House demanded resulted in a conference committee compromise that both sides denounced.

The compromise would have left room and board payments for foster care as an entitlement but blocked and capped everything else, including the administrative and training funds. "So all the fiscal incentive would be to take kids away from their parents," Stangler said.



John Eisele

Opponents of federal child welfare block grants hired Washington lobbyist Marina Weiss, a former aide to Texas Democrat Lloyd Bentsen.

Clinton vetoed the whole package, citing in his veto message "massive structural changes in a variety of programs, including foster care and adoption assistance."

Neither the veto nor the budget stalemate has been met with any cheers. "Do I think a block grant is going to pass? No," Miller said. "And I think it's very unfortunate for kids."

The CDF's Allen is no more sanguine. She said, "I certainly have gotten no hard assurances that the child protection program will be protected."

A PERMANENT HOME

Assuring the physical safety of children is a prerequisite for child welfare programs, but it is not their ultimate goal. "The issue of protecting children has sometimes been seen in a vacuum, and therefore we forget that children have other needs besides not being abused," Cuyahoga County's Goodhand said. And Missouri's Stangler added, "In my mind, the primary consideration should be that every kid needs a family."

But what can and should the federal government do about that? Even the most passionate defenders of child welfare can't seem to agree.

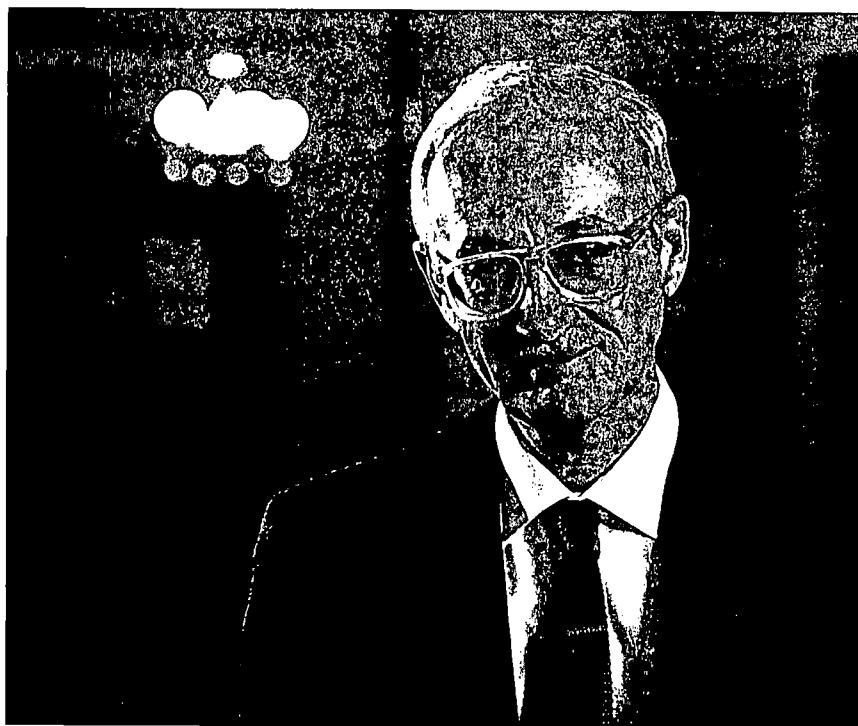
For William L. Pierce, executive director of the National Council for Adoption, part of the answer should be the adoption tax credit. Families that adopt children from the foster care system aren't likely to benefit from the tax credit, however, because the credit covers only out-of-pocket expenses that are minimal when dealing with a public agency.

"So the typical question is raised: Why would you give a tax credit for someone to adopt a healthy infant? There's plenty of people who want to adopt healthy kids," Pierce said. "My answer is: Yeah. But they're not all rich. A lot of white and black folks who have modest incomes would like to adopt, and they need help. Not everybody can adopt through public agencies, and the public agencies don't do healthy kids."

Even before the Contract With America, an adoption tax credit was popular with Republicans. Thus, many child welfare professionals fear that the Republican Congress would trade off the child welfare entitlement for a tax credit.

"You get a lot of denials about tradeoffs, but you know that the rules of the game are that you've got to find income offsets [for tax cuts]," said Joe Kroll, executive director of the Minneapolis-based North American Council on Adoptable Children, an agency that seeks adoptive parents for foster care children. "So the tradeoffs are there, folks."

The congressional Joint Committee on



John Escile

"A lot of white and black folks who have modest incomes would like to adopt, and they need help."

—National Council for Adoption's William L. Pierce

Taxation figures that the tax credit would cost about \$1.3 billion over five years. The Congressional Budget Office estimates that the version of the child welfare proposal that Clinton vetoed would cost about \$400 million less.

Money is only one of a formidable array of barriers to adoption. All adoptions, public and private, are mired in paperwork and legal obstacles. Many judges are reluctant to terminate parental rights, especially of older children in foster care.

"The whole issue . . . is a vast conspiracy," Los Angeles County's Digre said. "The laws are pathetic, and the system is set up so that long-term foster care becomes the route of least resistance. Adoption is set up in the law to be the hard path."

Legal reform is a state issue, he and others concede. But federal child protection dollars can help state officials navi-

gate through the administrative and legal maze. So, Digre and others argue that by keeping child welfare an entitlement, Congress would spur adoption.

Other analysts, however, note that Michigan's family preservation program has speeded adoption. Because foster care is really a last resort for those programs, by the time a child enters state custody the way is clear for termination of parental rights and a serious search for an adoptive family. And Miller, who runs the Michigan program, opposes the entitlement in favor of a block grant that would expand his family preservation program.

Thus the argument about budget and tax cuts, federalism and entitlements comes full circle. And there's not likely to be much agreement on anything other than that everyone wants children to be safe and to find a permanent home—somehow. ■

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INSTITUTE FOR CHILDREN

[001]

PROFILE: CONNA CRAIG

Conna Craig is President and a Trustee of the Institute for Children, Inc. Ms. Craig brings to the Institute a solid commitment to promoting effective and humane approaches to substitute care. She advises governors, other policy makers and opinion leaders on practical steps that must be taken to restructure foster care and adoption and help tens of thousands of children find permanent families.

P6(b)(6)

Ms. Craig graduated with honors from Harvard College. At Harvard she wrote her honors thesis on the relationship between research and legislation on child abuse. In the course of her research, she traveled across the United States, meeting not only with experts in child protective services but also with children in foster care, group homes and shelters. She met many children who, temporarily or permanently separated from their families of origin, languished for months or even years in state-run care. Her deep and abiding interest in discovering how best to serve these children led her to investigate how other countries approach substitute care. Ms. Craig has lived in Japan as a Harvard Graduate Fellow; there she studied child abuse and related issues. She has traveled throughout the world to research foster care and adoption practices; most recently, she has advised legislators and scholars in China, Hong Kong, Papua New Guinea and the United Kingdom.

Ms. Craig's published articles include "What I Need Is a Mom: The Welfare State Denies Homes to Thousands of Foster Children," published in the Summer 1995 issue of *Policy Review* and published in condensed version in the November 1995 issue of *Reader's Digest*; "What Will Happen to the Children?" (a written symposium for which Ms. Craig was one of seven contributors), published in the Winter 1995 issue of *Policy Review*; and various op-eds including "Adoptable children go wanting," *USA TODAY*, 14 March 1996.

Ms. Craig's commitment to rebuilding foster care and adoption is rooted in her belief that children get a better start in life with a family and a loving, permanent home and that indeed every child deserves such a foundation. Adopted into a family that has to date cared for 110 foster children, Ms. Craig has spent her entire life involved in and very much aware of the "client" side of the foster care equation.

Institute for Children, Inc. 1996

INSTITUTE FOR CHILDREN

FACSIMILE TRANSMITTAL

2 pages total

TO: Lyn Hogan
White House Domestic Policy Council

fax: (202) 456-7028

FROM: Derek Herbert
Institute for Children

tel: (617) 491-4691

fax: (617) 491-4673

DATE: 9 July 1996

Dear Ms. Hogan,

Conna Craig asked me to send you the following profile.

M E M O R A N D U M

To: Carol Rasco
Jeremy Ben-Ami

cc: Elizabeth Drye
Carol Williams, HHS

From: Lyn Hogan

Date: July 17, 1996

Re: July 18 Child Welfare Chat Session
Briefing Memo

Following is a list of those attending the child welfare chat session. Also attached is a one-page list of questions we sent to the participants. (Several participants called me asking for more structure, so Jeremy and I drafted the attached memo with questions and faxed it out.) Finally, the last attachment is a draft agenda. Please let me know if you'd like changes.

Thanks.

Confirmed Participants

Marylee Allen
Senior Program Advisor
Children's Defense Fund
Washington, DC
Expertise: Child Welfare Policy

Conna Craig
President and Founder
Institute For Children
Cambridge, MA
Expertise: Foster Care and Adoption, author of "What I Need Is A Mom: The Welfare State Denies Homes to Thousands of Foster Children," published in Policy Review.

Kathleen Feely
Associate Director
Casey Foundation
Baltimore, MD
Expertise: Child and Family Systems Reform

Mark Hardin
Director, Child Welfare
ABA Center On Children and the Law
Washington, DC
Expertise: Juvenile and Family Court Reform

M E M O R A N D U M

To: Child Welfare Discussion Participants

From: Lyn Hogan
Senior Policy Analyst
Domestic Policy Council

Date: July 16, 1996

Re: Questions To Consider for The White House
Child Welfare Discussion

As I said in the fax I sent yesterday, we are delighted that you are able to join us on Thursday, July 18 from 3:00 p.m. to 5:00 p.m. in Carol Rasco's office at the White House to discuss the child welfare system.

This meeting is an informal opportunity for Carol Rasco to discuss with you your views about the state of the child welfare system and your recommendations to improve the system.

Several of you have called asking for more detail on the structure of the discussion. We want to keep the conversation open and creative so have tried to keep it unstructured. However, we have put together a list of questions for you to consider to help guide your thinking and drive the discussion.

- 1) What is your area of expertise and from your work, what have you found to be the most troubling aspect of the child welfare system?
- 2) In your opinion, what role should the federal government play in addressing the problems in the child welfare system? Should it be simply financial? Should it be financial and programmatic? To what extent should the federal government prescribe child welfare policy to the states? In what ways can the federal government make the biggest contribution?
- 3) What is and/or should be the end product of the child welfare system? How do we measure success or failure?
- 4) If you were in charge of child welfare policy, what would be your first action?
- 5) What interesting solutions or approaches to the child welfare system problems have you come across in your work?

Please arrive at the Northwest Corner Gate of The White House, closest to 17th Street, N.W. *Remember, you must bring a photo I.D. with your birthdate to be admitted to The White House.*

Dr. Alfred Kahn
Professor Emeritus and Special Lecturer
Columbia University School of Social Work
Distinguished Visiting Professor
Fordham University Graduate School of Social Work
Co-Director
Cross-National Studies
New York, NY
Expertise: Family and Child Welfare, Child Welfare Systems,
Social Service Planning, Income Maintenance

Jane Spinak
Attorney In Charge of
Juvenile Rights Division
Legal Aid Society
New York, NY
On leave from Columbia University School of Law where she teaches
Family Law and runs a legal clinic for children and families
Expertise: Family Court, Family Law, Juvenile Justice

From the White House

Carol Hampton Rasco
Assistant to the President
for Domestic Policy

Jeremy Ben-Ami
Deputy Assistant to the President
for Domestic Policy

Lyn A. Hogan
Senior Policy Analyst

From Health and Human Services Staff

Carol Williams
Associate Commissioner
The Children's Bureau
Administration On Children, Youth and Families
Department of Health and Human Services

Draft Agenda

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

I. Welcome
Carol Rasco

II. Brief Self-Introductions

III. Discussion

(Carol--Here we can leave it open-ended; we can follow the questions above; or we can break the discussion into topic areas, e.g. legal system, foster care and adoption programs, etc. What's your preference?)

IV. Closing Remarks

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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]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- 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)]

- 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]

A reprint from

[002]

policy REVIEW

P6/(b)(6)

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P6/(b)(6)

SUMMER 1995

Editorial Office:
Policy Review
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-546-4400

To subscribe:
Subscriptions Department
Policy Review
P.O. Box 638
Mt. Morris, IL 61054-8207
1-800-304-0056

“WHAT I NEED IS A MOM”

The Welfare State Denies Homes to Thousands of Foster Children

CONNA CRAIG

John, 10, is one of America's children who waits. He waits for a home, and he has been waiting nearly all of his life. When John was a toddler, his drug-addicted mom lost her parental rights, and claimed not to know who the father was. John has been legally free to be adopted since he was three, but instead has lived in state-run foster homes and group homes. While his childhood slips away, John's social workers debate his best interests and the programs they hope will address them. But this skinny kid who loves baseball knows better: "I'm all wrapped up in programs," he says. "What I need is a mom."

Across the country, there are 50,000 foster children like John, who no longer live with their mother or father and have been declared by courts as free to be adopted, but who languish for months or years in state-run, state-funded substitute care. On any given day, nearly 400,000 other children—none of them eligible for adoption—can be found in government foster homes, group homes, and shelters. Many of them are kept there by absentee parents clinging to the legal rights to their children.

Foster care and adoption in America have sunk to a state of near-catastrophe.

According to the American Public Welfare Association, the population of children in substitute care is growing 33 times faster than the U.S. child population in general. During each of the past 10 years, more children have entered the system than exited. Every year, 15,000 children "graduate" from foster care by turning 18 with no permanent family; 40 percent of all foster children leaving the system end up on welfare, according to the American Civil Liberties Union.

What was for most of America's history an entirely private endeavor has become a massive, inefficient government system. State agencies consistently fail to recruit enough families for the children eligible for adoption every year; potential parents often are turned down because of racial considerations, or turned off by protracted and unnecessary waiting periods; cumbersome state regulations extend to private adoption agencies and can even prohibit private attorneys from handling adoptions. The result is that tens of thousands of children are now free to be adopted but have nowhere to go.

This is the dirty little secret of the welfare state: Every child is adoptable, and there are waiting lists of families

ready to take in even the most emotionally troubled and physically handicapped children. Government adoption policies are utterly failing in their most basic purpose—to quickly place children who are free to be adopted into permanent homes.

The problem lies not with the children. What keeps kids like John bound to state care are the tentacles of a bureaucratic leviathan: a public funding scheme that rewards and extends poor-quality foster care; an anti-adoption bias that creates numerous legal and regulatory barriers; and a culture of victimization that places the whims of irresponsible parents above the well-being of their children.

I can identify with these kids. I was a foster child in a family that cared for 110 children. That family—my family—adopted me in the early 1970s. Years later, as a student at Harvard, I happened upon a book of statistics on children in state care. I was stunned to learn that decades of research, policymaking, and government funding had only intensified the system's failures. I was one of the lucky ones, but luck will not stem the tide of parentless children. By the year 2000, well over a million children will enter foster care, and tens of thousands of kids will become eligible for adoption. Unless the government apparatus of foster care and adoption is dismantled, these children could spend their childhoods wishing for what most people take for granted: stability, a family that will last longer than a few months, a last name.

SUBSIDIZING FAILURE

For years the rallying cry of many children's activists has been: "More money!" The National Commission on Family Foster Care, convened by the Child Welfare League of America, says that "family foster care and other child welfare services have never been given the resources necessary" to meet federal standards, and calls for a "fully funded array of child and family welfare services." When it comes to child welfare, rare is the research article that does not call for more money and further research.

America already is spending \$10 billion a year on foster

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care and adoption services through public agencies. Federal dollars now account for nearly a third of all foster care funding, with most of the rest coming from state coffers. California alone spends at least \$635 million a year on substitute care; the District of Columbia spent \$53 million last year on a system that was so poorly run it recently was taken over by a federal court.

According to the ACLU, a year in foster care costs

At least 90,000 children have been

in foster care longer than three years.

One in ten foster children remains

in care longer than 7 years.

All photos by Archive Photo

about \$17,500 per child, including per-child payments to foster families and administrative costs of child welfare agencies. That does not include counseling and treatment programs for biological parents or foster parent recruitment and training. The *San Francisco Chronicle* reports that per-child costs for foster home or group home care have increased more than fourfold in the past decade.

The problem with foster care is not the level of government spending; it is the structure of that spending. The funding system gives child-welfare bureaucracies incentives to keep even free-to-be-adopted kids in state care. State-social-service agencies are neither rewarded for helping children find adoptive homes nor penalized for failing to do so in a reasonable amount of time. There is no financial incentive to recruit adoptive families. And as more children enter the system, so does the tax money to support them in substitute care.

By contrast, private adoption agencies are paid to find suitable families quickly, even if it means going out of state. The public social-service bureaucracy, nearly overwhelmed by other urban problems, has little to gain by devoting extra resources to adoption. Private adoption agencies are free to focus on finding homes for kids and are financially motivated to do so. Private adoption agencies are paid according to the number of successful placements; public agencies, in a sense, are paid for the number of children they prevent from being adopted.

There is a similar reward for foster parents to keep kids in state care. By law, adoption subsidies cannot exceed foster care payments, and in practice they are almost always lower. According to the National Foster Parent Association, foster families in 1993 received anywhere from \$200 to \$530 a month for each child under age 10, plus additional money from states and counties. The sub-

sidies are tax free, and foster parents receive more money as the children under their care get older. So the longer the system fails to find permanent homes for kids, the more money flows to those fostering.

In some states, payments to foster parents caring for four kids equal the after-tax income of a \$35,000-a-year job. The money is tax free. It doesn't take much imagination to see that paying people to parent can lead to mischief. Parents are not held accountable for how they spend their federal and state allocations; for too many foster parents, the children in their homes are reduced to mere income streams. If foster parents don't wish to adopt the children under their care, what incentive do they have to alert other parents hoping to adopt?

Let me be very clear: There are many dedicated and compassionate people in the foster care system, serving as case workers, counselors, and foster parents. My own experience in foster care was a positive one. But I have seen and heard of too many that were heartbreaking failures.

SPECIAL-NEEDS STIGMA

I have heard perhaps a thousand times that the children who wait cannot be adopted because they have "special needs." Of course they do—they need parents. They require love and nurturing that endures. But the "special needs" referred to by advocates come with federal dollars attached. In 1980, Congress started offering states matching funds to assist the adoption of children with special needs, which included children of various ages, ethnic backgrounds, and those with severe mental and physical handicaps who may require expensive care. The subsidy was to become available only after a state determined that it could not reasonably expect to place a child without it.

As with so many other federal subsidies, states quickly expanded their slice of the government pie by broadening the criteria for receiving money. Today, nearly two-thirds of all foster children qualify. In some states, special-needs children include kids who have a sibling; are black, biracial, Hispanic, or Native American; are "older," as defined by the state; or have been in foster care longer than 18 months.

Two leading adoption organizations report that there are no national figures available that break down the type of need, or indicate the number of children who have physical or emotional handicaps that would require extra expenses by their new parents. This leaves the door wide open to all sorts of graft and fiscal abuse.

But there are other unintended and unconscionable consequences of this masquerade. One is that the needs of very vulnerable children are downplayed. The plight of a teenage girl in a wheelchair who requires constant attention is trivialized when she is included in the same group as children whose "needs" are that they are eight years old. Another result—one I see often—is that local social-services departments discourage families from adopting by telling them, "Oh, these kids aren't for you. We only have *special-needs* children." This emphasis on kids with the most challenging emotional and physical handicaps unwittingly contributes to the false notion that foster children are "unadoptable." Ironically, the Adoption Assistance and Child Welfare Act of 1980 that established

special-needs matching funds warned that children must not be "routinely classified as 'hard-to-place.'" Government funding has had just that effect, and it is helping to delay the placement of children ready for adoption.

I am convinced that the entire incentive structure for foster care and public agency adoption helps perpetuate the system's failure. It is a failure rooted in the notion that government funding is the panacea for family disintegration. The National Commission on Family Foster Care claims the foster care crisis is "the logical result of two decades of national neglect in providing funding and services for children, youths, and their families." On the contrary, as long as these children come with tax money attached—with little in the way of accountability—those invested in perpetuating the system will do little to reform it. As one foster child put it: "Everywhere I go, somebody gets money to keep me from having a mom and dad."

ANTI-ADOPTION BIAS

Government funding schemes and inefficiencies that prevent adoption exist within a larger framework: a steadily growing bias against adoption. Despite all the sociological evidence of the benefits of adoption, the conviction that a child does best in a permanent, loving, and stable home is all but missing from the ethos of state-run substitute care. How can this be?

In both the popular and elite media, a deep suspicion of adoption is all too evident. Marvin Olasky, a professor at the University of Texas at Austin, has noted that a *New York Times* series on adoption included such headlines as "The Ties that Traumatize" and "Adoption is Getting Some Harder Looks." And what do *Playboy*, *Mirabella*, and *Good Housekeeping* have in common? As Olasky says, each has joined the offensive with an article that warns readers against the "distasteful . . . bartering of lives" that supposedly is adoption.

Television writers would have us believe that adoption has no happy endings. TV portrays adoption as shady, risky, and shameful. Over the last year, a dozen programs featured adoption in their plots, and in every case the adoption agency was depicted as callously profit-driven. The adopting families were white, middle-class couples who kept secrets from the authorities or from each other. Birth mothers were unfairly portrayed as selfish or disturbed. The programs paid little attention to the well-being of the children.

Groups such as Concerned United Birthparents (CUB) help give legal expression to this bias. CUB was behind the "Baby Jessica" case that led to the removal of a two-year-old from her adoptive family. Groups like CUB claim that adoption is a feminist issue, that only the outmoded ideal of a two-parent family makes the notion of adoption palatable. As Olasky notes, Joss Sawyer's book *Death by Adoption* calls adoption "a violent act, a political act of aggression toward a woman."

Perhaps more significant, however, is the battle against transracial adoption that has been waged by the National Association of Black Social Workers (NABSW) for more than two decades. Its 1972 position paper reads: "Black children belong physically, psychologically, and culturally in Black families in order that they receive the total sense

of themselves." Otherwise, the group claims, black children "will not have the background and knowledge which is necessary to survive in a racist society." Our institute has received letters from adoptive families in many states who have been barred from adopting transracially. According to the North American Council on Adoptable Children, state adoption laws may allow for race-matching, but "their preferencing policy isn't written down."

When it comes to transracial adoptions, there is no longer much doubt that current policies are bringing the greatest harm to the very community they were intended to help: African Americans. Just consider the numbers: Though black families adopt at very high rates, black children represent nearly half of foster kids waiting to be adopted. Fifteen percent of all children in America are black; but 40 percent of the children in foster care are black. State delays in finding homes for black children, as case workers search for "culturally consistent" placements, can keep kids languishing in state care for years.

"These policies are seriously harmful to black children, requiring that black kids who could get good homes be left in foster care," Harvard law professor Elizabeth Bartholet told the *New York Times*. "There is not an iota of evidence in all the empirical studies that transracial adoption does any harm at all. . . . There is plenty of evidence that delay in adoption does do harm."

Such policies reveal a profound misunderstanding of the nature and effects of adoption. To insist that successful adoption means placing a child in a family of his racial or ethnic heritage is to overlook what every adopted child understands intuitively: Adoption is not easy. No matter how much a child's family looks like him, it does not alter the fact that someone gave him up. Having the same skin

The population of children in substitute care

is growing 33 times faster than the overall

U.S. child population. Every year, 15,000 foster

children turn 18 with no permanent family.

color as the people in his household doesn't automatically erase that. Only love does. As someone who grew up in a multi-ethnic family, I find it incomprehensible when people tell me that I cannot love my siblings the way I could if our skin color matched.

THE FALLOUT

Attitudes against adoption, whether racially motivated or not, share at least two flaws. First, they ignore all the best

The Myth of Alienation

A common view is that adopted children do not enjoy a healthy relationship with their adoptive parents. Yet a survey by the Search Institute, in Minneapolis, indicates that these children tend to rate their relationships with

their parents more positively than does a national sample of adolescents, as measured by affirmative answers to a number of statements about communication and parental involvement.

	Adopted Adolescents 78 %	National Sample 70 %
Warmth: <i>There is a lot of love in my family.</i>		
Communication: <i>I have lots of good conversations with my parents.</i>	65 %	48 %
Family Harmony: <i>My family life is happy.</i>	77 %	68 %
Discipline: <i>If I break one of my parents' rules, I usually get punished.</i>	61 %	54 %
Parental Involvement: <i>My parents attend meetings or events at my school.</i>	52 %	36 %
Support: <i>If you had an important concern about drugs, alcohol, sex, or some other serious issue, would you talk to your parents about it?</i>	52 %	47 %

Source: Search Institute.

evidence indicating that adoption leads to positive outcomes for kids. Last year, the Search Institute of Minneapolis released the largest study ever of adopted adolescents and their families (see table above). The study, in which 881 adopted children and 1,262 adoptive parents were surveyed, found that children who were adopted fared as well as or better than a national sample of non-adopted adolescents in self-esteem, mental health, school achievement—even the amount of time spent each week helping others. Adopted adolescents were more likely to agree or strongly agree with the statement “There is a lot of love in my family” than were non-adopted children.

Sociological studies of transracial adoptions are equally encouraging. Rita Simon of American University has conducted a 20-year longitudinal study of transracial adoption. She found that such adoptions cause none of the problems alleged by the NABSW. Rather, black children adopted into white families typically “grow up with a positive sense of their black identity and a knowledge of their history and culture.” Simon notes that transracial adoption may produce adults with “special interpersonal talents and skills at bridging cultures.”

Second, the anti-adoption movement fortifies the legal and bureaucratic obstacles that are keeping children from finding permanent homes. There are numerous state laws that needlessly complicate or block the process. In Minnesota, for example, if filing deadlines and other technical requirements of state adoption law are not precisely met, parents can be prevented for months or years from finalizing a child's adoption. Thanks to horror stories of baby-selling, four states have laws that ban independent adoptions (though exceptions are permitted). Despite this, more than 45,000 adoptions in 1992 were conducted through private agencies or independent agents—the vast majority of them successfully.

My office receives numerous letters from people eager

to adopt but frustrated by laws and bureaucrats. One woman recently wrote: “My husband and I decided we would like to adopt a little girl, thinking we had a lot of love, nurturing, and stability to give a child who had been abandoned or abused. Almost immediately I hit a brick wall.” Her local department of social services—in a state with more than 5,000 foster children free to be adopted—told her it was “not taking new cases” of families willing to adopt foster children. A couple wrote that of their three adopted children, “two [had] lingered in foster care, one of whom we were not able to adopt until he was age 18.”

ADOPTABLE YOU

There is at least one other mistaken notion that feeds the legal and cultural bias against adoption—the idea that many of the children in foster care are simply not adoptable. My own experience suggests otherwise, as I was an older child when my foster parents adopted me. And my experience with parents in and outside the foster care system tells me that every child is adoptable.

For every child who is ready for a permanent home, there are families waiting. It is time to shatter the myth that adoptive parents are interested only in “healthy white babies.” There are waiting lists to adopt white children, black children, Hispanic children, infants and teens, children with Down's syndrome and with AIDS. Private agencies for years have found families for all types of children. Adopt a Special Kid, a California-based service, receives more than 1,500 inquiries annually from families interested in adopting children with disabilities. The National Adoption Center maintains a computerized listing of 650 qualified families waiting to embrace disabled “older” children. The center reports that infants, even the most severely disabled, are adopted almost immediately.

Outside of the thousands of families who have successfully completed home studies and have registered with

with their states, there are no hard figures for the number of parents able and willing to adopt. Certainly there are families who would come forward if public agencies recruited more aggressively. Beginning in November, 1993, Massachusetts stepped up its recruitment efforts with public-service announcements, an aggressive media campaign, adoption "open houses," and community-based recruitment. Such efforts helped increase foster child adoptions by 17 percent in one year.

Most people know someone who has gone to heroic lengths to adopt. Americans adopted more than 7,300 children from other countries in 1993, according to the U.S. Immigration and Naturalization Service. The INS estimates that the 1994 figure exceeds 8,000. Others have spent their life savings to offer permanence to a child: domestic adoption through private agencies or independent attorneys can cost more than \$30,000. It is not unusual for foster parents to adopt two, five, or even 10 children under their care. Clearly, the barriers to adoption are neither the characteristics of children who wait nor the parents who want to care for them.

THE ROUTE TO FOSTER CARE

In addition to the 50,000 children who today are legally free to be adopted, there are hundreds of thousands more who drift for days, months, or years within the state-run system—a system that too often guarantees a parentless future for some of society's most vulnerable members.

Children enter foster care for a variety of reasons. Mom abuses or neglects one of her kids, dad is using drugs or is arrested for a felony, or perhaps the parents are just having a hard time coping with the responsibilities of parenthood. The American Public Welfare Association reports that 70 percent of foster children enter the system because of abuse, neglect, or "parental conditions"—including drug addiction, incarceration, illness, or death. More than 600,000 kids will spend all or part of 1995 in substitute care, up from 434,000 in 1982.

A profile of children in state care belies the stigma that foster children are mostly "unadoptable" troubled teens. Researchers at the Chapin Hall Center for Children at the University of Chicago studied five states whose foster care children make up about half of the U.S. foster care population. They found that from 1990 to 1992, nearly 25 percent of all first admissions to foster care were babies less than one year old. Between 1983 and 1992, the proportion of 12- to 15-year-olds entering substitute care in those states declined. The American Public Welfare Association cites similar trends in national data.

Sadly, the youngest children remain in the system the longest. The University of Chicago study revealed that, after controlling for other factors, children who enter foster care as infants remain in the system 22 percent longer than other young children.

The fact remains, however, that foster care is failing children of all ages. The ACLU reports that one in 10 foster children remains in state care longer than 7.4 years. At least 40,600 foster children have been in care for five years or longer; another 51,300 have been in care between three and five years. System kids, on average, live with three different families, though 10 or more placements is

not uncommon. "Every new placement is a loss," says Michael B. Pines, a psychologist specializing in attachment disorders. "The result is that these kids begin not to trust anyone."

PAID TO PARENT

One of the reasons that foster care tends to ensnare children in a legal and emotional limbo is that its bureaucracy and incentive system attract parents who are unable or unwilling to adopt or help find homes for the children in their care.

Whether adopting through private or public adoption agencies, would-be parents must undergo a home study. Private agencies, which must successfully place children in homes to stay in business, are free to set higher standards for parents than public agencies do. Christian or other faith-based adoption agencies typically emphasize tough standards of behavior. But this is not so for state-run substitute care. In many states, adults who fail the adoption home study get a consolation prize: They can become foster parents. Deemed unworthy to serve as legal adoptive parents, these adults are then paid handsomely to raise children in state care.

Foster homes, group homes, and public orphanages share another vice: Their government money comes with regulations attached. This often guarantees confusion and conflict. Private orphanages always have been driven by a mission: keep girls from getting pregnant, keep children in school, expose children to the Christian faith, and so on. They use a combination of rules and rewards, dis-

A year in foster care costs taxpayers

\$17,500 per child.

Last year, California spent \$635 million

on foster and group home care.

cipline and love to fulfill their mission. Often, this isn't allowed in a state-run group home, where it may be against the law to hug a child, or to lock the door after midnight, or even to advertise for a married couple to serve as housemasters.

If a permanent, loving family is the surest route to producing happy, well-adjusted children, then what effect does the foster care system, at its worst, have on countless kids? The result of the system's delays, incentive structure, and regulatory grip is that many former foster children ultimately remain dependent on state services. They are wildly over-represented among welfare recipients, the

homeless, and in juvenile and adult prison populations. In Los Angeles County, 39 percent of homeless youth are former foster children. In New York, 23 percent of the homeless were once in foster care; in Minneapolis, the figure is 38 percent. According to the Bureau of Justice Statistics, former foster children make up nearly 14 percent of America's prison population.

CULTURE OF VICTIMIZATION

The financial disincentives to adoption and the legal and societal biases against it do not exist in a vacuum; they are rooted in the soil of victimization. More than half of the children who enter foster care were abused or neglected in their families of origin. But the current system grants "victim status" to these parents. It often allows them to cling to their parental rights as they move in and out of social service programs. As a result, tens of thousands of

More than half of

all foster children

were abused or neglected by

their biological parents.

children remain trapped in foster care, never free to be adopted into stable, loving homes.

Take the case of Halie (not her real name), a two-year-old girl who one day wouldn't eat her dinner. Her mother and mother's boyfriend tied her to an electric heater. Hours passed, until Halie's face, chest, and arm were disfigured. Her mother then threw her into a cold shower, dressed her, and took her to a hospital—claiming the child had spilled hot water on herself. After weeks of hospitalization, Halie entered foster care. For the next 10 years, her biological mother—coached by the local department of social services—maintained her legal rights to the child. Case workers helped Halie's mom to toe the official line to prove she somehow was still capable as a parent: She married her boyfriend and had a child with him.

When Halie was 12, her case workers and a judge approved overnight and extended visits between Halie and her biological mother. Halie's mother rejected a judge's offer to regain custody. She didn't want to raise Halie, but didn't want to let her go, and the state gave her all the legal and financial help she needed. Halie spent her teen years in group homes and foster homes. She turned 18 in foster care.

Most states give biological parents every possible

chance to prove they are fit—while their babies grow up in state care. A family recently wrote me about their two-year-old foster daughter: "She is precious beyond belief, and her parents are being given chance upon chance to clean up their lives—at her expense, as we see it. She is so adoptable by the right family, but the system will keep her under lock and key for years if necessary for her parents' benefit."

In our social-work schools, counseling centers, and government-funded research, the culture of victimization insists that the most despicable behavior by abusive parents has its causes in economics, racism, broken homes—anything but the consciences and moral choices of men and women. We have devised a foster care system that puts a vogue pop psychology ahead of the well-being of children. This helps explain why roughly a third of all the foster children who are reunited with their families of origin soon return to state care. Indeed, it is the only explanation for some of the bizarre attempts I have seen to reunite a foster child with a parent who is clearly unwilling or unfit.

Under federal law, states cannot obtain federal funds for foster care unless "reasonable efforts" are made to keep members of the family of origin together ("family preservation") or to reunite the family ("family reunification"). But the federal government nowhere defines "reasonable efforts," and only a few states have specific statutes. It's a classic Catch-22: Children are not free to be adopted until every reasonable effort is made to return them to their biological parents. But almost no one seems to know what constitutes a reasonable effort, that is, what services must be offered to parents who need outside help.

When, for example, a public agency reports to a judge that a mother has failed her drug-treatment program, the judge is likely to insist that the mom enter *every* drug treatment program available. So biological parents are given multiple chances to fail at parenting, while children may bounce between state care and their family of origin. The Department of Health and Human Services (HHS) admits that the inability to meet "reasonable efforts" standards is the primary barrier to foster child adoption.

From my own experience in foster care, the most difficult part was watching my brothers and sisters return to biological parents who had burned or beaten them, or put out cigarettes on their children's bottoms. I felt like an accomplice. It must have been hard for my parents, who could do nothing to stop it.

Most foster parents, at one point or another, must relinquish a child to a home situation that is precarious. One foster mother of five years wrote: "I have been seriously reconsidering my position as a foster parent because when we started this it was to try to help these children, and I am finding out that I am not able to do that. The pain and heartbreak of not being able to protect these children is a heavy burden to bear." Until the system is reshaped, it is a burden that every one of us carries.

ASSIGNMENT: ADOPTION

It is one thing to tolerate inefficiencies and bureaucratic delays in other areas of public life—public toll

roads, for example. Such inefficiencies don't cost children 18 years of their lives. We do not need another study, or blue-ribbon commission, or congressional subcommittee hearing. When I was four years old, it didn't matter to me that someone was getting a research grant to study the effects of foster care on childhood development. What I wanted was a last name.

I am convinced that there are more parents willing to adopt than there are children ready to be adopted. But the market for adoption is frustrated by the regulatory system now in place. To create a more efficient system, one with incentives to help rather than abandon innocent children, we must get Big Government out of the business of parenting. I do not mean we should create a market in babies. I am not talking about baby-selling. I am talking about serving babies and children by removing the barriers to their enjoyment of stable, loving homes.

Where parts of foster care and adoption are privately run, competition and incentives have led to better outcomes for children. In Michigan, where two-thirds of foster care management is privatized, private providers spend less per child, yet have achieved better social worker-to-child ratios than those of state-run agencies. Adoption is, in fact, the ultimate form of privatization: wresting authority over children's lives from the state and allowing children to be free, to be raised not by government but by parents.

We must reform, state by state, our system of transferring parental rights—from the government, which can never be a parent, to parents who are eager and able to bring these children into their hearts and lives. Congress recently has taken interest in adoption reform by proposing a \$5,000 tax credit for adoptive parents. But will that tax credit get children out of foster care more quickly? No. Does it stimulate a market in private adoptions? No. Does it allow independent adoptions in states where they are now outlawed? No.

Tax credits might make adoption a little easier for some parents, but they will not make adoption work. To do that, we need reform at the federal and state levels—bureaucratic reform that will shatter the incentive structure that traps kids in foster care, and legal reform that will free children who already have spent years in substitute care. In Massachusetts, we call it "Assignment: Adoption," a comprehensive plan that our institute is bringing before federal lawmakers and state governors:

Hold states accountable for reporting their progress in finding homes for children in foster care. Here is one federal mandate that states ought to be obliged to take on. Washington should require that states make publicly available, within 30 days of the close of each fiscal year, the following information: (1) the number of foster children in state care; (2) the number of foster children free to be adopted and still in state care, but not in pre-adoptive placements; (3) the number of state-recruited families with completed home studies.

Most conservatives right now wouldn't touch a federal mandate with a 10-foot pole. I would prefer to see an entirely private system that includes a strong charitable element. Until that happens, a few basic requirements on the states are in order. We're talking about giving children

a mother and a father. And until we know the depth of the problem in each state, until the number of kids waiting for homes becomes part of our thinking and vocabulary, state agencies are unlikely to change. There are people in our state departments of social services who know these numbers, but we're not hearing them.

Prohibit race-based delays in adoption. Congressional attempts to outlaw race-matching in adoption have yet to free tens of thousands of children of color from foster care. This summer, the U.S. Senate will consider a welfare-reform bill that prohibits race-based delays in adoption. Even if Congress approves the bill, its impact could be minimal.

Recall that the Multiethnic Placement Act of 1994, sponsored by former U.S. Senator Howard Metzenbaum, had a similar goal, but it was watered down. Under guidelines released by HHS in April, the new law allows adoption agencies to consider the child's "cultural, ethnic, and racial background." As reported by the *Washington Post*, the guidelines "stopped far short of requiring that adoption must be colorblind."

It is at this point that the discrepancies between legal precedent, public policy, and social-work practices become painfully clear. The HHS guidelines have not overturned any state laws requiring that race be considered in adoption. And with vaguely written state statutes, case workers will continue to have a lot of power over whether a child will be adopted or languish in long-term "temporary" care.

Suppose every state had adoption policies that were truly colorblind. We at the Institute for Children are challenging governors to remove any and all restrictions to adoption based on race. What would happen if thousands

Fifteen percent of all children

in America are black,

but 40 percent of the children

in foster care are black.

of children of color grew up in white or mixed-race families? It would produce an amazing generation of young people who, instead of growing up without a last name or a permanent home, were raised by loving parents in a diverse, multicultural environment. Why are some black leaders so afraid of that? If their real agenda is the well-being of children, then the evidence is in. Children are infinitely better off in a loving, interracial home than as virtual orphans in foster care.

End government funding that creates incentives to keep children in substitute care for longer than 12 months. Part of the problem is that government money extends indefinitely, with no sanctions enforced against bureaucratic delays. The Adoption Assistance and Child Welfare Act of 1980 required a "permanency plan" for every child within 18 months of entering foster care. This means that case workers decide whether to reunite a child with his family, place him in long-term fostering, an independent living arrangement, a group home, or make him free for adoption. Adoption is the permanency plan for 100,000 foster children, but no one knows how often these plans result in permanent homes for children.

Deadlines for permanency plans come and go, court dates are postponed, files are lost as children are shuffled among foster families. A federal study reveals that children spend, on average, 30 to 42 months in foster care before adoption is even decided on as a permanency plan. Once that happens, the state files a petition to terminate parental rights; the filing can take another six months or more. A report by HHIS admits that in some states "children had an official plan of adoption for more than three years, but no petitions had been filed."

The result is that in probably every state there are children who have been in foster care longer than 10 years. Meanwhile, the money to support children in state-run care keeps coming, with no consequences to the state bureaucracies that fail to place children.

Require that states find adoptive homes for children within 30 days after the termination of parental rights. The foster child who is freed for adoption typically has been in the system for at least two years and has had a permanency plan of adoption for at least one year. Yet, as children become legally free to be adopted, states claim to need more time to find families for them! Our institute recommends a 30-day window: If the state does not have a qualified family waiting, one who has met the child and is

program with public and private adoption agencies to get kids into permanent homes more quickly. Since then, total adoptions are up, and the number of black children adopted has increased by 121 percent—about 700 kids in the past year alone.

Critics call this baby-selling and claim that government should not act like a business. As someone who has seen the machinery of the state from the inside, I argue that government could promote children's well-being much more effectively if it acted more like a business. I am not alone in noting the failure of foster care management. The director of the ACLU's Children's Rights Project recently wrote, "If the foster care system were considered a business, with its profit-and-loss statements judged in terms of unnecessary human suffering inflicted by mismanaged systems, in terms of misspent dollars, or even in terms of how far these systems depart from their own goals, it would have been forced into bankruptcy long ago."

GETTING KIDS OUT OF LIMBO

All of the above reforms are aimed at getting the children now eligible for adoption into permanent homes as quickly as possible. But there are more than 600,000 children in foster care at some point during the year. Most of those kids are happily reunited with their parents. Many of them, however, become trapped in the state-run system—children who are never free to be adopted, but who will not or should not return to their biological parents. There are at least three steps every governor could take to rescue these children from the worst effects of foster care and help them find a home:

Make entrance requirements for foster families as stringent as those for adoptive families. In the wake of a wave of child deaths in foster care, people are beginning to speak out about the need to raise the standards for being licensed as a foster parent. As one advocate put it, to be a foster parent "all you need is a clean criminal record and an extra bed." People who have failed an adoption home study can sign up with the state as foster parents. Foster children deserve better than that.

Critics argue that if we raise the requirements for foster families, there won't be enough qualified people to take care of the kids. I have more confidence in the generosity of the American people. I think if you raise the requirements, you'll see more foster parents and better care. Look, for example, at private schools with higher requirements and lower teacher salaries than public schools; they continue to attract excellent teachers and deliver a quality education. By maintaining a separate set of standards for foster parents than those for adoptive parents, we are saying to a half-million kids that it is not important where they spend the most formative years of their lives.

But this is not the only disgrace in foster-parent licensing and training procedures. In state-sponsored training courses, foster parents are admonished, "Do not get too close to your foster children. Do not form a bond." Foster parents are instructed that their main task is to facilitate a child's return to his or her biological parents. From day one, good foster parents are discouraged from adopting.

Certainly there is a stigma attached to being a foster

*More than 600,000 kids
will spend all or part of 1995
in substitute care—
up from 434,000 in 1982.*

ready to proceed with the adoption, then state officials must contract out the adoption process to a private agency. Qualified families exist in large numbers, and private adoption agencies are pretty good at finding them. Three years ago, Michigan launched a carrot-and-stick

parent—the system has created it. It is that stigma that discourages many capable and loving people from fostering. If the entrance requirements for fostering were as high as those for adopting, foster children would be better cared for. The anti-adoption establishment wouldn't like it, because it would ruin the standard argument that foster parents are not adequate to adopt.

Allow no more than 12 months for biological parents to prove their fitness to resume custody of their children. This may be the most difficult law to pass at the state level, but it also may be the most desperately needed. State laws can be so vaguely written and so easily assailable that termination of parental rights is always a last resort and can take years of court hearings. There are many in the field who believe it is almost always better to send children back to their natural parents. The Child Welfare League promotes the notion that "no one can truly substitute for the family of origin."

I agree that nature provides every child with two protectors—a man and a woman—and that we're meant to be with our biological parents. But nature didn't design women's bodies to endure crack cocaine; it didn't design children to be shaken until they suffer cerebral hemorrhages. Family preservation doesn't work in these cases because there is nothing left to preserve.

State governors should take the lead in setting tough sanctions against parents who neglect or abuse their kids. By setting a deadline for parents to get their lives together—to get off drugs, get out of jail, find a place to live, and even get a job or go to school—we remind them that they really are responsible for their actions. But the deadline must be final and incontestable; otherwise, irresponsible parents will continue to imprison their children in a labyrinth of legal battles and parentless foster care. The 12-month limit has yet to be adopted by any state and is indeed a radical departure from the years it can now take to legally separate a child from unfit parents.

Allow no more than 30 days from the birth of the child for biological fathers to formalize paternity. The "Baby Jessica" and "Baby Richard" cases have demonstrated the law's allowance for biological fathers who come out of the woodwork to claim their children after they've been adopted. In the now pending "Baby Emily" case, a little girl born in 1992 was soon placed for adoption after the father's rights were terminated for abandonment (he was doing jail time for a rape conviction). But now the father is out of prison and has sued for custody of his daughter. The adoptive family's finances have been completely exhausted as the case awaits adjudication in Florida's supreme court.

Governor William Weld of Massachusetts has sent to the legislature a proposal that, if passed, will prevent such tragic cases in Massachusetts. The proposal requires every unwed biological father to formalize paternity within 30 days of the child's birth, and to maintain contact with the child and provide financial support to the best of his ability—or forfeit his right to contest the child's adoption. Ideally, that would mean no appeals, no hearings, no state

officials pulling children out of their adoptive homes. The legislation, if not severely amended, could serve as a model for state reform.

A LIFE THAT MATTERS

A teenage girl—we'll call her Sarah—who worked for our institute last summer was a system kid; she had turned 18 in foster care. This was her first job and she was surprised when she noticed that taxes had been taken out of her paycheck. She asked me what the government would do with her money. In my usual non-partisan spirit, I explained how the federal government would spend the \$300 withheld from her summer earnings. She actually started to cry. She looked at me and asked, "Will it go to pay for foster care?" She said it hurt her that she had worked so hard only to help the government keep some

After Massachusetts launched

an aggressive pro-adoption campaign,

foster child adoptions

increased by 47 percent.

other child from being adopted.

That's what the system is doing to our children. Though my own experience in foster care was a good one, it opened my eyes to the real hardships of countless children. My foster brothers and sisters who might have gone back safely to their families of origin too often and for too long were delayed from doing so. Others lived the saddest stories of rejection—they had been burned, beaten, sodomized or battered, left in a doorway or in a fruit field, but later sent "home" to their abusers. Like foster children everywhere, many who could have been adopted were denied the chance to be loved and cherished by a family who would always be there.

Let's be honest: Adoption is no fairy tale. It is a risk. Kids don't always go home and live happily ever after. But every parentless child knows the alternative: the feeling that there is no one to whom her "case"—that is, her life—really matters.

When parents adopt, they can accomplish something government cannot: They can convince a child she matters. That's what makes adoption such a great gift, an expression of unconditional love and compassion. Don't we, as a society, owe that gift to our children? 

About the Author

Conna Craig is co-Founder and President of the Institute for Children. Ms. Craig advises governors, other policy makers and opinion leaders on practical steps that must be taken to restructure foster care and adoption and help tens of thousands of children find permanent families. Born and raised in Northern California, Ms. Craig graduated with honors from

Harvard College. At Harvard she wrote her honors thesis on the relationship between research and legislation on child abuse. In the course of her research, she traveled across the United States, meeting not only with experts in child protective services but also with children in foster care, group homes and shelters. She met many children who, temporarily or permanently separated from their families of origin, languished in state-run care for months, often years. Ms. Craig's commitment to rebuilding foster care and adoption is rooted in her belief that children get a better start in life with a family and a loving, permanent home and that indeed every child deserves such a foundation. Adopted into a family that has to date cared for 110 foster children, Ms. Craig has spent her entire life involved in and very much aware of the "client" side of the foster care equation.

About the Institute for Children

The Institute for Children, Inc. is a private, nonprofit, 501(c)3 organization dedicated to measurably improving the outcomes of foster care and adoption in America. Today tens of thousands of children languish in state-run substitute care, often remaining for months or years, while thousands of loving families wait to adopt them.

These children must wait because private adoption the world over has slumped as government funding mechanisms have created incentives for keeping children in "temporary" state care; the Institute's mission is to stop and then reverse the huge growth of state-run, state-funded foster care and to rehabilitate private adoption.

We Welcome Your Support

The Institute for Children is promoting much-needed approaches to reshaping foster care and adoption in America. Please join the Institute in its efforts to help the children. The

Institute for Children — a private, independent organization — accepts no government funding and is supported solely by the generosity of individuals, foundations and corporations.

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JB-A

MOTHERS IN PRISON: WHAT BECOMES OF THEIR CHILDREN?

May 1996

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Produced with the support of The Winthrop Rockefeller Foundation

Preface

In 1991, volunteers and staff from The Parent Center, a division of Centers for Youth and Families, began teaching parent education courses for mothers at the Arkansas Department of Correction facility for women. Research shows that approximately 80% of these women were victims of childhood physical and sexual abuse. Since a person's parenting skills tend to resemble those of their parents, it made sense to teach these mothers the healthy, nurturing parenting skills they may not have learned as children. In teaching parent education classes for mothers in prison, our staff and volunteers became aware of the dire circumstances of the children these women leave behind while they serve their sentences. The policy recommendations made in this report are based on our experience working with these families and on research that was conducted with the support of the Winthrop Rockefeller Foundation.

*Susan Phillips, LMSW
Parenting from Prison
Community Resource Coordinator*

MOTHERS IN PRISON: WHAT BECOMES OF THEIR CHILDREN?

Blessing on the hand of women!
Angels guard its strength and grace,
In the palace, cottage, hovel,
Oh, no matter where the place;
Would that never storms assailed it,
Rainbows ever gently curled;

***For the hand that rocks the cradle
Is the hand that rules the world.***

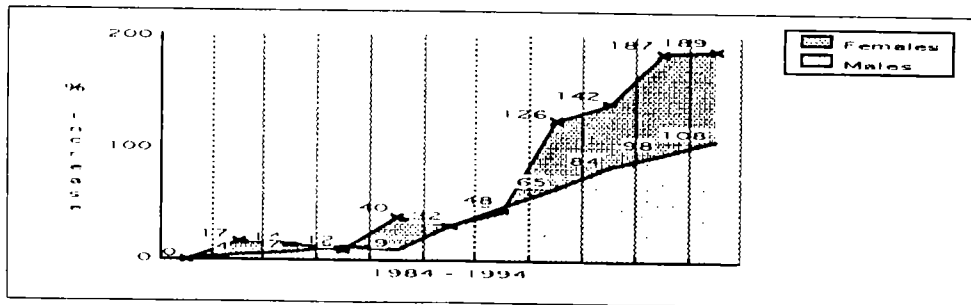
William Ross Wallace

The prison population in Arkansas has reached unprecedented numbers. In the decade between 1984 and 1994, the total number of inmates in Department of Correction facilities more than *doubled* (table 1). In anticipation of continued growth, the State of Arkansas plans to add two new 600-bed facilities to its inventory. *The number of women being sent to prison in Arkansas is increasing at an even faster rate than the total prison population.* While the overall prison population doubled in the decade between 1984 and 1994, the number of women in prison nearly tripled. There was a 189% increase in the female prison population compared to a 108% increase in the male population during that time period (figure 1).

Table 1.

Year	# OF INMATES PER YEAR		
	Total # of Inmates	# Male Inmates	# Female Inmates
1984	4368	4170	198
85	4595	4362	233
86	4682	4456	226
87	4866	4651	215
88	5361	5085	276
89	5759	5500	259
90	6455	6168	287
91	7341	6892	449
92	8165	7687	478
93	8732	8163	569
1994	9249	8676	573

Fig. 1



Comparison of rates of increase in female and male prison population.

This expansion of the prison population has been driven by policies aimed at taking a 'bite out of crime' and fighting a 'war on drugs'. Whether or not increased incarceration actually reduces crime is questionable. Some experts contend that factors such as shifting demographics, changing patterns of drug use and drug trade, and changes in police tactics may have a greater influence on crime rates than incarceration (The Edna McConnell Clark Foundation, 1995).

Women in prison differ from male inmates in a number of significant ways that suggest that, at best, criminal justice policies emphasizing incarceration as the solution to crime may be misdirected when it comes to female offenders. Even more alarming than the fact that these policies may be an ineffective deterrent to crime is evidence that suggests that by incarcerating record numbers of mothers, policy makers are exacerbating factors that place children at risk for child neglect, substance abuse, juvenile delinquency and future incarceration.

Women and Violent Crime

One factor that fuels the increase in the prison population is a trend towards harsher punishments in an attempt to reduce violent crime. While criminologists debate whether violent crime has actually increased or not (table 2), it is clear that female offenders most often commit non-violent offenses. Exacerbating the incarceration of non-violent offenders to combat violent crime clearly misses the mark.

Table 2

According to a 1995 report prepared for The Edna McConnell Clark Foundation it is "fear of crime, rather than rising crime itself, that has fueled the nation's rising incarceration rates." They cite the following:

National Crime Victimization Survey (NCVS) shows that between 1980 and 1992 the rate of rape, robbery and assault went down by 3.6%; crime against households (burglary and larceny) dropped 33.1%; and crime against individuals (theft without force or threat of force) declined 28.7%.

Uniform Crime Report (UCR) indicates that the rate of violent crime (murder/non-negligent manslaughter, rape, robbery and aggravated assault) increased by 27% between 1980 and 1992. Almost all of this increase is in the category of aggravated assault which involves serious injury and includes all assaults or threats of injury with a deadly or dangerous weapon. According to UCR figures the murder rate in 1993 was 9.9 per 100,000 people. This rate is slightly higher than the rate of 9.4 in 1973 and lower than the 1980 rate of 10.2.

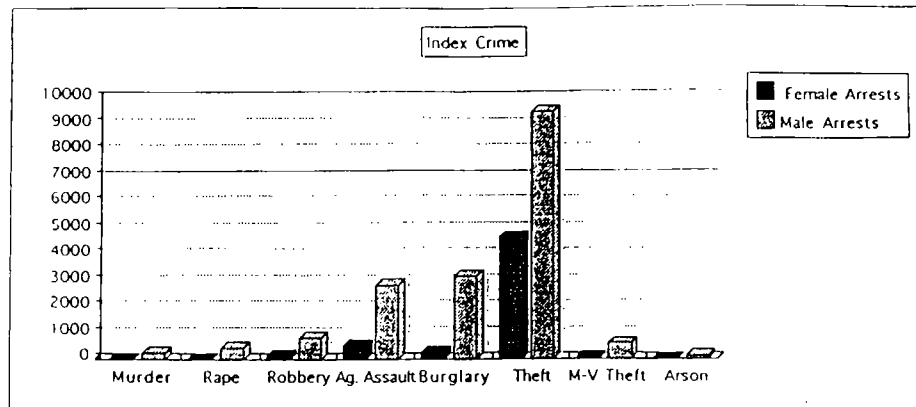
The National Academy of Sciences concluded that greater gun availability leads to an increase in the percent of murders and felonies where guns are used, but does not affect general violence levels.

Center for Media and Public Affairs found that even though crime rates had remained essentially unchanged between 1992 and 1993, television coverage of crime and violence on the evening news doubled during this period.

A profile of crimes called *index crimes* are commonly used to measure crime. Figure 2 compares the number of females arrested for index crimes in Arkansas in FY 1994-95 with the number of males arrested for those same crimes. Figure 3 compares the crimes for which women are most often arrested with the number of men arrested for those same crimes. These crimes - forgery, theft, fraud - are nonviolent crimes.

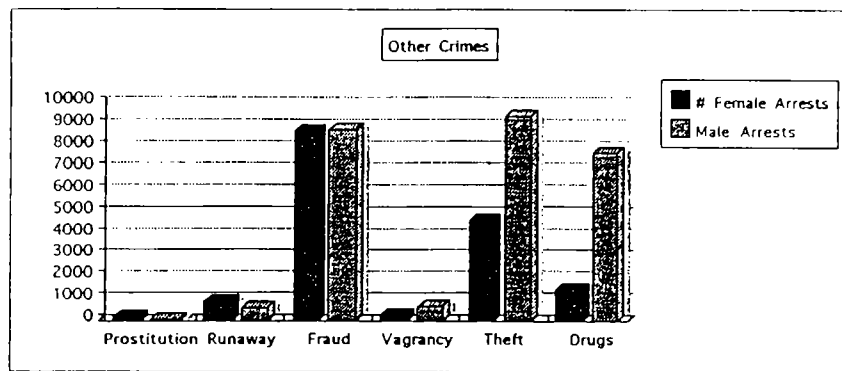
It is important for policy makers to understand the difference in violent crimes committed by men and those committed by women. According to the Bureau of Justice Statistics Bulletin, "Women in Prison", of the minority of women serving sentences for violent offenses, nearly two-thirds committed the offense against a relative, intimate, or someone else they knew. In contrast, the majority of violent crimes committed by men are committed against someone with whom they were not previously acquainted. Very often women who are serving time for violent offenses committed those offenses against someone who previously victimized them. Those women who commit violent acts are not a high risk to public safety.

Figure 2



Comparison of female and male arrests for index crimes for year ending June 1995

Figure 3



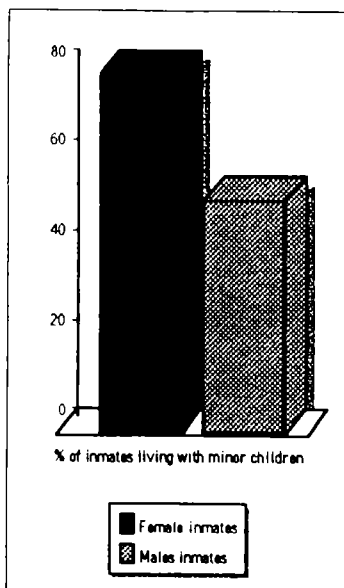
Comparison of female and male arrests for crimes most typically committed by females - year ending June 1995

Women and the 'War on Drugs'

Much of the growth in the prison population in the United States has resulted from a doubling of the number of arrests for drug law violations and a tripling of the rate of incarceration for convicted drug offenders (BJS, 1991). Anti-drug policies tax the criminal justice system's ability to handle the increased number of arrests and convictions but have little appreciable impact on reducing the drug trade (EMCF, 1995). Based on a survey of inmates in State prisons across the nation, the Bureau of Justice Statistics found that women are substantially more likely than men to be serving time for a drug offense and, that regardless of the measure of drug use, women who reported using drugs were less likely than nonusers to be serving a sentence for a violent offense (BJS, 1994).

What Becomes of the Children ?

One of the unintended consequences of criminal justice policies that send unprecedented numbers of mothers to prison is the impact on the children these women leave behind while they serve their sentence. A frequently overlooked difference between women in prison and male inmates is their relationship to their children. According to Bureau of Justice statistics, 80 percent of female inmates, but only 56 percent of male inmates, lived with their children prior to being incarcerated (figure 4). Other studies found that the mean number of children per incarcerated mother ranges from 2.3-2.4 and the mean number of children per incarcerated father is 2.0. If we assume that these figures are valid for individuals on parole, then it is estimated that there were nearly 18,000 children in Arkansas last year alone who are,

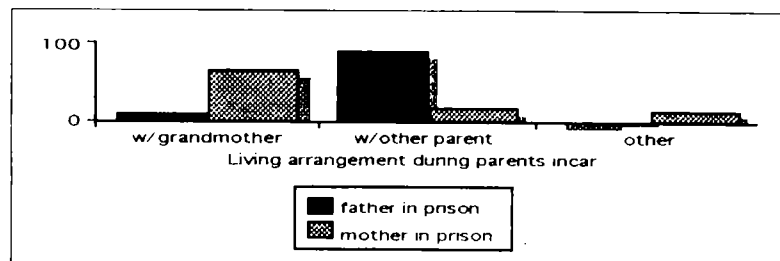


or have been, separated from a parent because of the parent's incarceration.¹ This figure is undoubtedly an underestimate. It does not include children who experienced the incarceration of a parent if the parent was paroled prior to 1994-95 and it does not include children whose mother may have served her sentence in jail rather than prison. The difficulty in determining the size of this population reflects the lack of attention this group of children has received.

Any family with an incarcerated member faces problems adjusting to the loss of a family member (Hannon, Martin, & Martin, 1984). Children of women inmates suffer even more trauma since the mother is usually the primary caregiver (Fishman, 1983). While children may experience the incarceration of a father more frequently than the incarceration of a mother, the children of incarcerated mother's are more likely to experience displacement and problems associated with separation from their mothers (Bloom, unpublished).

When fathers go to prison, mothers generally assume primary responsibility for their children. A Bureau of Justice Statistics survey reports that 90 percent of the children of male inmates lived with their mothers and 10 percent lived with their grandparents or other caregivers (BJS, 1988). When mothers go to prison, however, fathers do not generally assume primary care of their children. Results of a recent study found that about 65 percent of the children of imprisoned mothers were placed with a relative other than their father, usually the maternal grandmother; 17 percent were placed with fathers; and 14 percent in foster homes and other placements (Bloom & Steinhart, 1993). A survey of 44 incarcerated mothers in Arkansas suggests that this trend may hold true for children in this state. The survey found that 60 percent of the children were living with a grandmother, 25 percent with another family member, and 15 percent with their father or stepfather (Harm & Thompson, 1995).

Fig. 5



The phenomenon of grandmothers and other family members raising a relatives' children is not a new one, but the numbers are increasing. Nationally, since 1980 there has been a 44 percent increase in the number of grandchildren living in homes maintained by their grandparents. Approximately 12 percent of African-American children live in the home of a grandparent, compared to 6 percent of Hispanic children and 4 percent of white children. It is

The following formula was used to estimate this number:

$$(\# \text{ incarcerated females} \times .80 \times 2.4) + (\# \text{ incarcerated males} \times .56 \times 2.0) + (\# \text{ female parolees} \times .80 \times 2.4) + (\# \text{ male parolees} \times .56 \times 2.0) =$$

$$(573 \times .80 \times 2.4) + (9,249 \times .56 \times 2.0) + (563 \times .80 \times 2.4) + (4,593 \times .56 \times 2.0) = 17,684$$

estimated that in some cities with large low-income African-American populations, between 30 and 70 percent of the children are living with grandparents. A 1993 study by Margaret Platt Jendrek found that 34.4 percent of the caregivers studied had assumed responsibility for the care of a grandchild because of the mother 'being in trouble with the law' -- 52.4 percent because the mother had a drug problem, and 44.1 percent because the mother had a problem with alcohol.

Parenting is never an easy job, but relatives who care for children while the child's mother is incarcerated face complex and unresponsive systems. The challenges facing these families are immense, and the programs that might help them often make a difficult situation impossible. Relatives who are raising a family member's children are frequently the round peg trying to fit into a square hole. These families may qualify for help but it is a difficult process. Tasks as seemingly simple as enrolling children in school or providing necessary medical care can be complicated.

A Composite of the Needs of Incarcerated Mothers, Their Children and Substitute Caregivers in Arkansas

Table 3 presents information obtained from mothers at the Department of Correction Facility for Women in Tucker, Arkansas and interviews with children of incarcerated mothers and caregivers from around the state (Harm & Thompson, 1995).

Table 3

Mothers in Prison

- 65% of the incarcerated mothers who were interviewed were in prison for non-violent property offenses.
- 87% of these incarcerated mothers reported experiencing physical abuse as adults.
- 52% had also experienced sexual abuse as adults.
- On the average, these mothers have 10.6 years of schooling.

Children

- For the most part, the children surveyed lived with another family member, usually the grandmother.
- Counseling for the children, Medicaid, day care, Food Stamp, and transportation were listed as primary needs.
- Almost all of the children knew where their mother was and all the children wanted to visit their mother.
- Only 50% of these children actually visited their mother at least once a month. The distance to the prison and lack of transportation were frequently reported barriers to visiting.
- 29% of the children had been separated from siblings.

Caregivers

- About half of the caregivers interviewed had been the children's primary caregiver before the mother went to prison.
 - About 1/3 of the caregivers received the children when the mother was arrested and incarcerated.
 - 13% of the caregivers entered into court proceedings to obtain custody of the children.
 - Caregivers & children confirm that a mother's incarceration is emotionally and psychologically difficult for children.
 - Caregivers reported school problems, behavior problems at home, difficulty with the law, feelings of anger, shame and despair.
-

Risk Factors

Studies estimate that children of inmates are five to six times more likely than their peers to become incarcerated (Barnhill & Dressel, 1991). Three factors that place children of inmates at greater risk in comparison with their peers have been suggested (Bloom, 1993):

Factor #1: These children are traumatized by events relating to parental crime and arrest.

- Children of offenders have often been parented by adults who themselves were raised in families where intergenerational problems such as child physical and sexual abuse, domestic violence, and substance abuse were common.
- Often present at the arrest of their parents, these children may suffer the trauma of separation in a context of violence and brutality (Kagan & Weissbourd, 1994).

Factor #2: These children are more vulnerable as a result of separation from their parents.

- Children of incarcerated mothers experience special problems. In most cases where mothers are living with children prior to incarceration, the separation caused by imprisonment is a major trauma for the children. Separation between mothers and their young children may lead to emotional, psychological, and physical problems for children (McGowan & Blumenthal, 1978, and Bowlby, 1983).
- Young children do not recognize their parent as a completely separate individual; they tend to experience injuries or threats to the parent as injuries or threats to themselves. Events that result in parent/child separation, like parental arrest, are especially traumatic because they eliminate the opportunity for children to observe their parents following trauma and be reassured of their well-being (Johnston, n.d.).
- In middle childhood, the development of children's abilities to work and to get along with others, including achievement in school and the control of emotions, may be significantly impaired by parental crime, arrest and incarceration. The development of trauma-related behaviors, particularly aggression, is characteristic of children of offenders in middle childhood (Johnston, n.d.).
- Teenage children of prisoners typically have experienced a lifetime of disruptions related to their parent's criminal activities, arrests and incarcerations. The cumulative effects of repeated parent-child separations, enduring trauma, and/or inadequate care may be expressed in their school performance, legal socialization or other conduct. Intergenerational crime and incarceration begin to appear as a significant pattern in families when children reach this age (Johnston, n.d.).
- A number of studies document that children of incarcerated parents suffer emotional stress related to the separation caused by a parent's imprisonment (Sack, Seidler & Thomas 1976; McGowan & Blumenthal 1978; Stanton 1980; Sametz 1980; Fishman 1982). These children often exhibit behavior patterns that include anxiety, depression, aggression, and learning disorder. More recent research indicates some children of inmates may suffer from post-traumatic stress syndrome (Kampfner 1990).

Factor #3: Poverty

- A recent study noted that the caregivers of these children were unprepared psychologically and economically to initially assume the substitute parental role (Hungerford, 1993).
- According to the Director, Center for Children with Incarcerated Parents, poverty is associated with increased rates of every type of trauma that children suffer and is also at least partly responsible for the high levels of stress that prevent caregivers from providing children of offenders with adequate care and support.
- Most incarcerated mothers plan to reunite with some or all of their children when they are released from prison. The majority of these mothers enter prison lacking marketable skills, education and employment opportunities. Upon release from prison, parents are

expected to find suitable housing for their families and become employed. Lack of affordable housing and employment issues can present major obstacles to family reunification following incarceration.

Policy Recommendations

Criminal justice policy must begin to take into account the effect that mother-child separation has on the children of female inmates. The following policy recommendations will reduce factors which place children with incarcerated mothers at increased risk for child abuse/neglect, substance abuse and juvenile delinquency.

- **Law enforcement officers are in a key position to minimize the trauma that a child experiences when a parent who is the child's primary caregiver is arrested in the child's presence. Law enforcement officers should be trained to respond to the needs of children who witness their parent's arrest.**

In field studies conducted with mothers who had been arrested while their children were present, mothers repeatedly reported that, as a consequence of witnessing their arrest, their children were subsequently fearful of law enforcement officers. While some mothers indicated how appreciative they were of officers not handcuffing them in the presence of their children, other mothers related stories to interviewers about children being present while officers had their weapons drawn. Others told of not being allowed to talk to their frightened children. Still another told of an officer with his weapon drawn demanding she lay face down on the floor while she was holding an infant in her arms (Harm & Phillips, 1996).

Law enforcement officer's must act to ensure their safety when making an arrest. However, once their safety is assured they are in a key position to help children make the initial adjustment to the arrest of their mother. Witnessing the arrest of a mother can have a profound impact on children's psychological development and subsequent attitudes toward law enforcement officers (Johnston, n.d.). Interventions as simple as taking time to explain to a child that the child is in no way responsible for what has happened can potentially have a significant impact on the child. Mental health professionals and law enforcement need to work together to develop appropriate protocols for officers when arresting a mother in the presence of her children.

- **Make alternatives to incarceration the sentencing standard for non-violent offenders who are the primary caregiver for minor children.**

An expanded range of sentencing options gives judges greater latitude to exercise discretion in selecting punishments that more closely fit the circumstances of the crime and the offender (EMCF, 1995). Where mothers of minor children are concerned, community alternatives to incarceration make tremendous sense as a way to minimize the trauma of mother-child separation for the children of female offenders. Sentencing options which allow mothers to remain in the community with their children should emphasize drug treatment, mental health groups for survivors of abuse, parent education, and job skill development. They should take into account mothers' needs for daycare for young children as well as provide therapeutic interventions for children.

In Arkansas, one promising alternative to incarceration is the Supervised Treatment and Education Program (STEP) currently operating within the Sixth Judicial District. This program, which diverts first-time offenders to drug treatment, provides remediation of the problem which brought the offender into the criminal justice system while allowing the offender to remain in the community.

The Choices program, operated by the Department of Community Punishment at the Southeast Arkansas Community Punishment Center in Pine Bluff, provides another promising alternative to traditional incarceration for mothers with a substance abuse problems. While

this program is available to women from anywhere in the state, the program exists only in Pine Bluff at this time. If this program were available regionally it would be more feasible to incorporate family members in the treatment process. Studies show that family support during incarceration reduces the risk of recidivism. Other studies show the family involvement reduces the risk of relapse. Where minor children are at stake, it becomes increasingly important to involve families in the recovery process so that children do not experience repeated trauma.

At the Federal level, The Omnibus Crime Bill of 1994 authorized funds for Family Unity Demonstration Projects. These projects involve housing certain non-violent offenders who are the primary caregivers of children under age 7 in facilities with their children. Drug treatment, parent education and other services that strengthen families and are rehabilitative in nature would be provided. Funding for projects of this nature could help to demonstrate the efficacy of alternatives to a 'lock 'em up longer' approach to criminal justice.

- **Make drug treatment programs for mothers with dependent children more widely available.**

It is not sufficient to leave mothers in the community with their children if help is not available to address the root causes of the problems which lead to their involvement in the criminal justice system. Drug abuse is a significant precursor of incarceration. It is critical that the criminal justice system be part of a continuum of drug and alcohol abuse interventions within the larger community. In order to do this, however, Arkansas needs to increase drug treatment options for mothers with minor children. The Center for Substance Abuse Treatment (CSAT) advocates a comprehensive treatment approach for women with drug and alcohol abuse problems that addresses women's substance abuse in the context of her health and her relationship with her children and other family members (CSAT, 1994). Treatment that addresses alcohol and other drug abuse only may well fail and contribute to a higher potential for relapse (CSAT, 1993). The National Institute of Drug Abuse shows that treatment programs where women can live with their children at a treatment center, or safe, drug-free residence, are especially successful (HHS, 1994).

Drug and alcohol treatment programs designed for women, if available, could be used in coordination with intermediate sanctions such as intensive supervised probation, day reporting, or electronic monitoring as alternatives to incarceration. Drug and alcohol treatment programs that address the special needs of women are equally important to women returning to the community from prison. A treatment and relapse prevention plan, designed while the mother is incarcerated, should be continuously in place as she reenters the community (CSAT, 1993).

- **The criminal justice system and existing prevention programs should coordinate efforts to target children who have a parent in prison.**

In a 1995 study conducted by researchers from the UALR Graduate School of Social Work and UAMS College of Nursing (Harm & Thompson, 1995), relatives who were caring for children while their mother was incarcerated reported that these children were experiencing school problems, behavior problems at home, difficulty with the law, and feelings of anger, shame and despair. Studies show that children with incarcerated parents are 5 to 6 times more likely than their peers to become incarcerated. Nationally, 50% of juveniles in the correction system have had a parent in prison. The preview of a study being conducted by the National Institute of Justice shows that in addition to child abuse, child neglect is a strong predictor of future violent behavior. These facts point to a clear need for existing prevention programs to work collaboratively with the criminal justice system to target children who have a parent in prison.

- **Provide supportive services to caregivers.**

There are five general parenting functions that a relative assumes when they take responsibility for children while their mother is in prison: breadwinning, home care, child protection, child guidance and advocacy (OSAP, 1988). When the provision of basic necessities

is a serious and chronic problem, caregivers have less energy and ability to fulfill other parental responsibilities. Although the number of relatives caring for children who have a mother in prison is increasing, assistance for these relatives is fragmented at best.

In January 1996, the Parent Center piloted a program for children of incarcerated parents and the relatives who were caring for them. Among the more common problems reported by the caregivers were issues that related to obtaining AFDC, medicaid and food stamps to help with the expense of raising the children. One caregiver was being turned down for AFDC because eligibility was being calculated on the household's income rather than the children's income alone. Another caregiver was being denied AFDC because Child Support Enforcement was reporting her as uncooperative -- her daughter had been released from prison and the caregiver did not know an address. Because the grandmother was not able to furnish a permanent address for the mother, she was denied AFDC and medicaid for the child who was obviously experiencing developmental delays. Still another caregiver would not apply for assistance because she was afraid that if Human Services knew she had eleven grandchildren in her home they would remove the children (Phillips & Newell, 1996).

The children who participated in this program needed acute support. The children in one family had witnessed numerous episodes of violence concluding with the death of their father. Another family was trying to meet the needs of a child born addicted to crack cocaine. During the course of this program, one of the children was the victim of a rape; and still another was threatening suicide. Children in one family were separated because the caregiver was not able to support both of them without assistance.

The following recommended actions would help increase the capacity of caregivers to meet the basic needs of children during the period of their mother's incarceration:

- Create a centralized point of service delivery within communities with high rates of arrest where caregivers can get information and applications for a broad range of services (e.g. AFDC, medicaid, food stamps, case management, mental health, medical services, Kinship Care, disability services, WIC, immunizations, legal services, FINS) in anticipation of the parent's incarceration.
- The Kinship Care Act provides a mechanism for relatives to become foster care providers. As foster care providers, relatives could receive income to offset the expense of housing the children in their care. This could potentially lessen the financial hardship relatives assume and, perhaps, even decrease the number of siblings who are separated. As it stands now, in order to become a kinship foster care provider, the child must be in the legal custody of the state. When a mother goes to prison, most of the time the state never becomes involved in the custody of the child. In order for relatives who care for a child while their mother is in prison to benefit from Kinship Care they would have to first ask the state to take custody of the children. There is no guarantee that the child would then be placed with the relative. Extending eligibility for Kinship Care so that relatives who care for children while their primary caregiver is in prison will help relatives to be able to support these children.
- **Provide programs that strengthen the mother-child bond during the mother's incarceration**

Children often respond to a mother's incarceration with a host of conflicting feelings -- anger, hurt, grief, loss, shame. Similarly, the relatives caring for a mother's children experience feelings associated with the task they have taken on. These feelings do not just go away during the mother's incarceration. In fact, these feelings can fester and hinder reunification of the family. Mental health providers should be encouraged to work with families of offenders to provide counseling services to address these issues. Services might be provided in coordination with the parole division of the Department of Community Punishment or they might be integrated into the visitation process within the Department of Correction.

Programs which minimize the trauma of separation for children during their mothers

incarceration help set the stage for successful reunification. The stress and anxiety a child experiences when separated from a mother can be relieved through visitation. The visitation area should provide an environment that is child-friendly and encourages interactions between mother and child.

Finally, a staggering number of women in prison have been victims of physical or sexual abuse. Without intervention, a person's parenting style tends to mimic the style of their parents. Parent education, then, is an essential part of laying the groundwork for improved family functioning following a mother's release from prison. Mental health services that address the needs of survivors of abuse are necessary since abuse is often a predictor of substance abuse.

- **Provide supportive services for family reunification.**

In recent years a number of states have developed programs and adopted policies that address the needs of incarcerated mothers and their children. However, a recent survey of social agencies in Arkansas indicated that, while many agencies serve formerly incarcerated parents, their children, and substitute caregivers, "it is clear that most agency directors and supervisors have not developed special services for this unique population. Furthermore, few plans for future programming for this population appear to be in place . . ." (Mercer, 1995).

Programs and services which help mothers to readjust to the 'free world' and re-establish their parenting role are essential to successful reintegration into the community. Women are at an economic disadvantage to men returning to the community. Typically women leaving prison have less years of education and fewer years of work experience than men. Services which help formerly incarcerated mothers meet their economic responsibility to their children are critical. Programs that help these families with the role changes that mothers, children and caregivers experience are also important for all concerned. Support for the reunification process can reduce the stress of reintegrating into the community and decrease the risk of relapse and recidivism.

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E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

18-Jul-1996 12:33pm

TO: Lyndell Hogan
FROM: Carol H. Rasco
 Domestic Policy Council
CC: Jeremy D. Benami
SUBJECT: developed list

SOrry I keep forgetting to bring name from home of Cal. attorney,
will keep trying to remember.

There is a guy named Frank Farrow who may be with Tom Joe's group
that should be on the list for consideration...thanks.

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Press RETURN to continue, GOLD MENU for options or EXIT to cancel