

CAROLYN B. MALONEY
14TH DISTRICT, NEW YORK

1330 LONGWORTH BUILDING
WASHINGTON, DC 20515-3214
(202) 225-7944

COMMITTEES:
BANKING AND FINANCIAL
SERVICES

GOVERNMENT REFORM AND
OVERSIGHT

JOINT ECONOMIC COMMITTEE



Adolph

DISTRICT OFFICES:

☐ 110 EAST 68TH STREET
2ND FLOOR
NEW YORK, NY 10022
(212) 832-6531

☐ 28-11 ASTORIA BOULEVARD
ASTORIA, NY 11102
(718) 932-1804

☐ 619 LORIMER STREET
BROOKLYN, NY 11211
(718) 349-1260

Congress of the United States
House of Representatives
Washington, DC 20515-3214

Family Rights Amendment

Problem

Currently, the status of father (or in some cases the mother) and child in family court is a lose-lose situation. When a child is removed from a mother's home, little effort is usually made to locate and evaluate the father for custody of the children. Only after the child has been in foster care for 18 months and the mother is still unwilling or unable to provide a safe and secure home is the father considered as a possibility. Nonetheless, courts require an extended effort to locate and evaluate the father as a possible plan for the child's removal from the foster care system.

Solution

My amendment would require that state child protective services locate and evaluate the biological father when the child is removed from the mother's care or conversely, the biological mother when the child is removed from the father's care. During the initial 18 month placement in foster care, both mother and father would be offered supportive services. Then, at the time of the dispositional hearing, both mother and father would be evaluated at the same time. If the mother had made progress, she could regain custody. If not, the father would be considered. If neither are capable of providing care, then the state could proceed immediately with another permanency plan in a more timely manner.

Points

- * This provision would promote unification with a natural parent and increase timely adoptions.

Background

Thus, the current situation does not provide for the father to have initial custody in protective cases, nor does it offer supportive services in cases where the father is unable to provide a safe and secure home for his child. These services, however, must be offered after the mother

has been abandoned as an option. This translates into a delay in implementing permanency plans for children in the system which benefits neither father nor child. It also costs the state and the federal government money by keeping children in the expensive foster care system.

Example A: Henry, a school teacher, had always loved his son, Ricky. But 2 years ago after a bitter divorce, Ricky moved out of state away from Henry. 10 months later, when Ricky's mom became an alcoholic, the state placed Ricky into a foster home. After two years, the state decided that Ricky's mom showed no progress which subsequently led to the decision to evaluate Henry. From the time that the state gave up on Ricky's mom to when the state gave custody of Ricky to his father, 22 months had elapsed. For six year old Ricky, that 22 months seemed forever. To the state and federal government, that 22 months meant \$22,277 in excess foster care costs.

Savings

This provision would save state and federal money by decreasing the time a child would spend in foster care for all those fathers that are capable of supporting children after the state decides to terminate the parental right of the mother.

Adoption Preference Amendment

Questions and Answers

Q1: This amendment would lead to an increase in cross-racial adoptions.

A1: The goal of child welfare is to care for children, not to address cultural and political issues

Q2: This amendment would decrease the number of available foster homes.

A2: The number of homes is an administrative and recruitment issue and should not factor into decisions on permanency for a child's life.

Q3: Would this amendment sever ties with the child's extended family?

Q4: Will foster families oppose this because of loss of funding?

CAROLYN D. MALONEY
14TH DISTRICT, NEW YORK

1330 LONGWORTH BUILDING
WASHINGTON, DC 20515-3214
(202) 225-7944

COMMITTEES:
BANKING AND FINANCIAL
SERVICES

GOVERNMENT REFORM AND
OVERSIGHT

JOINT ECONOMIC COMMITTEE



Congress of the United States

House of Representatives

Washington, DC 20515-3214

☐ 110 EAST 59TH STREET
2ND FLOOR
NEW YORK, NY 10022
(212) 832-6531

☐ 28-11 ASTORIA BOULEVARD
ASTORIA, NY 11102
(718) 932-1804

☐ 619 LORIMER STREET
BROOKLYN, NY 11211
(718) 349-1280

Caseworker Competency Amendment

Problem

The current enormous lack of trained caseworkers in child protective services has been generally acknowledged by all experts in the field. Most states do not require a related degree. In fact, some states require no degree at all. This problem has been cited by organizations as diverse as the Child Welfare League of America, the National Association of Social Workers, the American Humane Association, and the Office of the Inspector General of HHS as a major cause of many of the problems that beset foster care delivery systems across the country.

Solution

My amendment would require that states administer qualifying exams to all caseworkers who deal with child protective services. States currently require relevant exams for dog groomers, beauticians, and exterminators. We should not do less for children. The exam would include such subjects as, but not be limited to, child development, family dynamics, dysfunctional behavior, substance abuse, child abuse, and community advocacy.

Points

- * 15% of all caseworkers have a bachelors degree in social work, 13% have a masters.
- * Some states have a 90% turnover rate per year for caseworkers.

Background

Example A: Rena has a degree in music and whose experience with children consists of a six week job as a camp counselor. As a child protective service caseworker, Rena is told to review a case of a three year boy named Wesley. When she sees the circular marks on Wesley's arm, she accept the explanation from Wesley's mother that the marks were signs of ringworm. In fact, they are classic human bite marks, but Rena lacked the training or experience to recognize clear signs of abuse.

Example B: Morton G. worked in the food stamp division until cutbacks, transferred him to a job with child welfare. When he responded to a report of abuse, he failed to realize that the healthy child in the living room, was younger than the call to the hotline had mentioned. The EMS worker who had received extensive training and had two years field experience, was suspicious. Searching the apartment, they found a badly beaten a five year old hidden in the closet.

Caseworker Competency Amendment

The lack of trained caseworkers in child protective services is a major cause of the problems that beset our foster care delivery systems. Most states do not require a related college degree or appropriate experience. Some states require no degree at all. My amendment would require states to administer qualifying exams for child protective services workers, raising the standards of those who care for this country's most vulnerable children.

Savings

Since caseworkers are central to child protective services, better training and education for caseworkers would greatly improve the child welfare system as a whole.

CAROLYN D. MALONEY
14TH DISTRICT, NEW YORK

1330 LONGWORTH BUILDING
WASHINGTON, DC 20515-3214
(202) 225-7044

COMMITTEES:
BANKING AND FINANCIAL
SERVICES

GOVERNMENT REFORM AND
OVERSIGHT

JOINT ECONOMIC COMMITTEE



Congress of the United States

House of Representatives

Washington, DC 20515-3214

☐ 110 EAST 59TH STREET
2ND FLOOR
NEW YORK, NY 10022
(212) 832-6531

☐ 28-11 ASTORIA BOULEVARD
ASTORIA, NY 11102
(718) 932-1804

☐ 619 LORIMER STREET
BROOKLYN, NY 11211
(718) 349-1260

Family Rights Amendment

Problem

Currently, the status of father (or in some cases the mother) and child in family court is a lose-lose situation. When a child is removed from a mother's home, little effort is usually made to locate and evaluate the father for custody of the children. Only after the child has been in foster care for 18 months and the mother is still unwilling or unable to provide a safe and secure home is the father considered as a possibility. Nonetheless, courts require an extended effort to locate and evaluate the father as a possible plan for the child's removal from the foster care system.

Solution

My amendment would require that state child protective services locate and evaluate the biological father when the child is removed from the mother's care or conversely, the biological mother when the child is removed from the father's care. During the initial 18 month placement in foster care, both mother and father would be offered supportive services. Then, at the time of the dispositional hearing, both mother and father would be evaluated at the same time. If the mother had made progress, she could regain custody. If not, the father would be considered. If neither are capable of providing care, then the state could proceed immediately with another permanency plan in a more timely manner.

Points

- * This provision would promote unification with a natural parent and increase timely adoptions.

Background

Thus, the current situation does not provide for the father to have initial custody in protective cases, nor does it offer supportive services in cases where the father is unable to provide a safe and secure home for his child. These services, however, must be offered after the mother

has been abandoned as an option. This translates into a delay in implementing permanency plans for children in the system which benefits neither father nor child. It also costs the state and the federal government money by keeping children in the expensive foster care system.

Example A: Henry, a school teacher, had always loved his son, Ricky. But 2 years ago after a bitter divorce, Ricky moved out of state away from Henry. 10 months later, when Ricky's mom became an alcoholic, the state placed Ricky into a foster home. After two years, the state decided that Ricky's mom showed no progress which subsequently led to the decision to evaluate Henry. From the time that the state gave up on Ricky's mom to when the state gave custody of Ricky to his father, 22 months had elapsed. For six year old Ricky, that 22 months seemed forever. To the state and federal government, that 22 months meant \$22,277 in excess foster care costs.

Savings

This provision would save state and federal money by decreasing the time a child would spend in foster care for all those fathers that are capable of supporting children after the state decides to terminate the parental right of the mother.

CAROLYN B. MALONEY
14TH DISTRICT, NEW YORK

1330 LONGWORTH BUILDING
WASHINGTON, DC 20515-3214
(202) 225-7944

COMMITTEES:

BANKING AND FINANCIAL
SERVICES

GOVERNMENT REFORM AND
OVERSIGHT

JOINT ECONOMIC COMMITTEE



Congress of the United States

House of Representatives

Washington, DC 20515-3214

☐ 110 EAST 59TH STREET
2ND FLOOR
NEW YORK, NY 10022
(212) 832-8531

☐ 28-11 ASTORIA BOULEVARD
ASTORIA, NY 11102
(718) 532-1804

☐ 619 LORIMER STREET
BROOKLYN, NY 11211
(718) 349-1200

Kinship Guardianship Amendment

Problem

Children placed in foster care arrangements with their relatives are often in an awkward legal position. In general, current federal law requires that permanency plans be developed for all children to either be adopted or returned to their parents. If the kinship care provider does not want to adopt the child, the child is often removed from the home, or the kinship guardian must face a loss of foster care assistance.

Solution

My amendment would give new permanent legal status to Kinship guardianship. When a child has been in care for two years and the state has decided that a permanent arrangement outside the parental home is necessary, the kinship home is evaluated by the same standards as for adoption. Legal custody is then permanently assigned to the kinship guardian without revoking all parental rights.

Points

- * This provision would save state and federal administrative foster care costs because the regular six month reviews would not be necessary and case workers could concentrate on other more pressing cases. Subsidized kinship guardianship would likely move 7,000 to 21,000 children in kinship foster care out of the system. (Estimated savings \$17 state, \$51 million total)
- * This provision would provide permanency to the children who were unable to live with their biological parents but had come to find a home with another relative. It would also be easier for a biological parent to regain custody as long as the parent proved to be capable of providing a suitable home for the child and had the consent of the kinship guardian.
- * Finally, it would aid states that have promoted kinship guardianship arrangements as a solution to the explosion in children thrust into the foster care system - states like New

York. HHS has so far allowed Illinois, North Carolina and Delaware to establish subsidized or supported guardianship demonstration programs. 11 additional states have requested waivers.

- * Kinship placements constitute 35% of New York State's foster care case load, 40% of California's and 50% of Illinois'.

Background

This has become a problem because most kinship guardians are unwilling to adopt at the point when the state has abandoned plans to return the child to its biological parents. Both African American and Hispanic families have a long tradition of informal adoption. They are uncomfortable with the state terminations of parental rights that is a prerequisite for court approved adoptions. They do not want to give up on their own adult children and terminate their parental rights.

Example A:

Mary is an alcoholic and becomes unable to care for her two-year-old daughter Rosa. The state removes Rosa from her mother and then places Rosa with her grandparents through the foster care program. As a foster parent, the grandparents receive a foster care subsidy. For the next 2 years, the state attempts to return Rosa back to her mother or looks to have Rosa adopted. Unfortunately, two years later, the mother disappears and the grandparents decide not to adopt. The Federal government ends the foster care subsidy. The state sees this and has two options: 1) force the grandparents into poverty by ending the subsidy, or 2) change foster homes. The state decides the latter and Rosa is moved into another foster care family. Rosa spends the next 6 years moving from one family to another.

Kinship Guardianship Amendment

Children placed in foster care with relatives are often in an awkward and unstable legal position. This section would create a new legal status equivalent to kinship adoption. It would provide a legal floor for the transfer of legal custody to the kinship guardian that would allow this guardian to collect an adoption level subsidy as though he or she had adopted the child. Therefore, this new status would provide stability to children who desperately need it, while cutting state and federal protective service administrative costs.

Savings

Adoption subsidies save state and federal governments substantial sums. About half the cost of foster care is for child safety and adoption costs, which include preplacement activities such as recruiting foster and adoptive parents, providing casework services for foster children, and working with the court. These costs disappear when a child is adopted. With subsidized adoption, the federal government's contribution drops to about 30 percent of the total cost of raising a child; without it, government continues to pay for 100 percent of a child's needs. The provision would save state and federal administrative foster care costs because the regular six month reviews would not be necessary and case workers could concentrate on other more pressing cases. Furthermore, adoption legal costs would be saved.

Cons

- 1) Under kinship guardianship, the Federal government would have to pay an adoption level subsidy when it does not have to otherwise.

Rebuttal: Rather than lose the foster care reimbursement from the Federal government after 2 years with a foster parent, states typically move the child to another family. Moving a child from family to family is emotionally devastating to a child. It is one reason why 60% of New York City inmates and 60% of New York City homeless are former foster children.