

MEMORANDUM

TO: MARY SMITH

FROM: RAVEN MONTGOMERY

**RE: FOSTER CARE, STANDBY GUARDIANSHIP, AND
MULTI GENERATIONAL FOSTER CARE**

DATE: JUNE 12, 1997

Handwritten notes:
Note to JJ
Foster Care

FOSTERCARE

Good Housekeeping March 1997

Institute for Children

- Small non profit organization in Cambridge, MA dedicated to reforming foster care and removing barriers to adoption procedures nationwide. The co founder, Conna Craig, worked with the staff of MA governor, William Weld, on series of reform. The states' adoption rates have nearly doubled this past year.

The New York Times April 29, 1997

Priority on Safety Is Keeping More Children in Foster Care

- Child welfare officials in Richmond and across the country have been delaying the return of children to potentially abusive or neglectful families. The result is that more children are in foster care which leads to an overwhelming foster care population. Since '85 the population has almost doubled to 500,000 from 276,000. Children stay in foster care for 3 years on average.
- The Federal cost is \$3.3 billion annually from \$546 million because of the cost of treating children born with a variety of ailments because of parents' addictions.
- Two bills going through Congress would urge juvenile courts to make children's safety their most important goal. They would offer states money for increasing the number of adoptions from foster care
- The shift in Federal policy began last year, when Congress approved a \$5,000 tax credit for each child adopted by a family with an income below \$115, 000. It also removed barriers to interracial adoptions.
- Late in '96 President Clinton ordered the Department of Health and Human Services to find ways to double the number of adoptions of foster care

The New York Times February 15, 1997

Clinton Urges Plan to Speed Adoptions

- President Clinton proposed bonus payments for states that increase their adoption rate. The Clintons accepted the Department of Health and Human Services' goal of placing 54,000 children into new homes in 5 years by reducing bureaucratic barriers to adoption

More recommendations:

- A total of \$10 million for technical assistance and grants for state agencies, courts and communities to help find ways to recruit parents and place children
- Legislation requiring a court hearing no later than 12 months after a child enters that foster care system, instead of 18 months prior to the hearing
- People who adopt hard-to-place children are eligible for a \$6,000 credit

The Washington Post February 15, 1997

Clinton Offers Plan to Speed Adoptions; Goal is to Double Number of Children Moved From Foster Care

- Proposals would cost \$21 million annually. It would speed up adoption process by shortening from 18 months to 12 months the time children wait in foster care before hearings are held to determine their future. It sets a goal of doubling by 2002 the number of children moved each year from foster care to permanent homes, from 27,000 to 54,000. It pays states a bonus if they increase over the previous year the number of children adopted out of foster care. The bonuses would eventually pay for themselves because foster care cost more than adoption. It would also provide funds for technical assistance to states and communities to help recruit adoptive families and set numerical goals aimed at increasing adoptions. It would express to states that they should place the safety of children before any effort to keep family together

The New York Times December 15, 1996

President Tells Government to Promote More Adoptions

- There are 450,000 children in the nation's foster care system which is run by states with Federal aid and supervision. Of those children, 100,000 are considered to have no parent to go to and are ready to be placed in a permanent new home. Only 27,000 of those children a year are moved from foster care to adoption.

The Wall Street Journal May 13, 1996

Politics & Policy: Bill To Encourage Adoptions Wins Easy House Approval

- House approved bill that would encourage adoptions by providing \$5,000 tax credit for expenses and removing the barriers to interracial adoptions. Legislation prevents "race matching" of children in foster care. The full tax credit would be available to families earning \$75,000 or less, and a portion of the credit would be given to families with incomes up to \$115,000

The Washington Post January 2, 1997

Texas Interracial Adoption Case Reflects National Debate; Family Waged a Legal Fight For Two Black Youngsters

- In August Congress enacted legislation that could deny states a percentage of federal funds for foster care if race is used to delay or deny adoptions
- Race matching is supported by those who believe that ethnic identity and pride can best be preserved in same race families

National Association of Black Social Workers

- Suggest that interracial adoption is a form of genocide and that black children in white homes are cut off from the healthy development of themselves as black people
- Black families who want to adopt are often at a disadvantage because of the expenses involved in public adoption, including minimum of \$1,500 in court costs said Diane Riggs from the North American Council on Adoptable Children
 - This woman also said that black culture has a belief that there should be a family-to-family thing, a community effort, and a child is not something that is paid for
- Of the estimated 500,000 children in foster care more than half are minorities
- Texas, since '93 have a law that states a county agency may not deny or delay the placement of a child for adoption or otherwise discriminate on the basis of their race or ethnicity of the child or prospective parents

The Washington Post August 10, 1996

Wage Bill Includes Provisions Intended to Increase Adoptions

- Bill bans the states or any agency that receives federal funding for adoption(except Indian Tribes) from denying or delaying placement of a child based on race

MULTI GENERATIONAL

The Commercial Appeal December 1, 1991

- Foster care program matching older people with medically fragile or drug exposed children. During this time 4 youngsters would be placed in foster care through the Stepping Stones Program of the Senior Citizens Services Inc. This program only wanted foster parents that were 50 and over
- The elderly foster parents received a minimum of 15 hours of training, including special training necessary to cope with a child's medical problems. The state provided funds for child's living expenses. Medical and dental care were provided through the Medicaid program.

US News January 26, 1976

Foster Grandparent Program

- 13,600 older people serve as foster grandparents to 30,000 children with special needs. Each volunteer was assigned at least 2 children for 4 hours a day, five days a week.
- To qualify, senior citizens had to be over the age of 60, in good health, and below the poverty line in income. Participants received a stipend of \$32 a week. The Government ACTION committee that administers the program provided transportation, training, uniforms, medical examination, and meals while on the job
- Cost-benefit study of this program found economic advantages to foster grandparents in the form of a net increase in income and fringe benefits to society through the reduction in public-assistance payments and to

institutions in the form of staff time saved by foster grandparents, and cost savings from early release of children

Los Angeles Times March 3, 1995

Program in Oxnard Union High School District

- Students with severe learning problems matched with low-income senior citizens from various towns. The foster parents help disabled students in special education and mainstream classes by explaining assignments in simpler terms. This program is funded by the federal grants. The seniors receive \$49 a week.

STANDBY GUARDIANSHIPS

The Boston Globe March 26, 1995

- Discusses bill that would allow a parent to appoint a standby for a child for up to 90 days without giving up her parental rights

Standby guardianship Bill

- Cosponsored by Rep. Salvatore F. Dimasi and Sen. Cheryl A. Jacques
- Constructed in part because of the AIDS epidemic. States like New Jersey have adopted this policy
- Under this bill standby guardianship, would remain in effect for up to 90 days and could be renewed with court approval. The guardianship ends when parent is able to resume parental responsibilities

Another Part of the Bill

- The emergency guardian proxy, allows the parent to appoint a guardian in writing, before 2 adult witnesses under 2 circumstances:
 1. When a parent becomes seriously ill unexpectedly
 2. Death is imminent and parent has not yet had the court issue a standby guardianship

Current Law

- Parent may petition the Court to have another guardian or co-guardian appointed during periods of incapacity, but parent immediately gives up exclusive parental rights, and rights are hard to regain

The Record January 20, 1995

- Bill was approved by the Assembly Senior Citizens and Social Services Committee 6-0, now it awaits the Assembly floor

Business, parties split over proposal

By Lorraine Woellert
THE WASHINGTON TIMES

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President Clinton yesterday endorsed a sweeping plan to eliminate soot and smog that would establish the toughest air pollution standards in U.S. history.

Backyard barbecue grills and lawn mowers might be forbidden under the regulations, industry groups say.

Speaking at a family conference in Nashville, Tenn., Mr. Clinton tried to quiet critics by promising a flexible, long-term approach to meeting the new pollution limits.

Reaction from the business community, however, was swift and blunt.

"It's going to be tragic," said Harry Alford, president of the National Black Chamber of Commerce. "It's a sad day."

Mr. Clinton acknowledged the new standards would be "somewhat controversial" but appealed to opponents to hold their criticism.

"Those who have opposed the higher standards, I want to just tell you, read the implementation schedule, work with us," he said. "We will find a way to do this in a way that grows the American

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EPA

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economy."

He pledged to give states and businesses time, flexibility and technical support to meet the new rules. The health of the nation, particularly children, is at risk, he said.

"We have to keep having a clean environment if we want healthy children," Mr. Clinton said, noting the rising incidence of asthma among schoolchildren. "Children with asthma don't do very well in school."

His announcement follows criticism at the Group of Seven summit in Denver, where Mr. Clinton successfully blocked strong language calling for global clean-air standards.

The proposed U.S. regulations, which would be the first in a decade, have been under fire since November, when they were first revealed by Administrator Carol Browner, head of the Environmental Protection Agency.

After the regulations are published July 19, Congress will have 60 days to review them, and a bipartisan group already is working to derail the proposal. A 1996 law designed to cut red tape also permits "aggrieved" businesses or towns to sue to block the regulations from taking effect.

The standard would put hundreds of counties and cities, including the Washington region, out of compliance with the Clean Air Act and force states to impose costly controls on emissions.

The plan limits ozone, an ingredient of smog, to 0.08 parts per million, compared with 0.12 parts per million now, and makes other changes to more accurately measure air quality. The government also would regulate microscopic soot particles that are 1/28th the width of a human hair. Health experts say these particles become lodged in the lungs and might be more dangerous than larger particles already regulated.

It will be up to states and cities, not the EPA, to decide how they meet the new standards, whether restricting utility emissions, car exhaust, or the use of old lawn mowers.

The move has split nearly every constituency imaginable, including scientists, environmentalists and even local governments; none agree on the need for or impact of the new regulation.

Many states, particularly those in the Midwest, say the new standards will damage economies by pushing manufacturing companies, and their jobs, to other countries where pollution standards are less strict. The U.S. Conference of Mayors opposes the EPA plan.

But some urban areas, especially those along the East Coast, back the proposal because it would bring Midwestern states under the same pollution restrictions. Sen. Alfonse M. D'Amato, New York Republican, yesterday pledged to resist attempts to delay or weaken the standards. Rep. John Dingell, Michigan Democrat, vowed to block the new rules.

"The administration has chosen to ignore the legitimate concerns expressed by ... nearly 80 Democratic members of the House and several of the president's own Cabinet," Mr. Dingell said.

Health groups claimed bipartisan support for their cause and were confident in their victory.

"The public still overwhelmingly supports these standards, despite this multimillion-dollar campaign. They know the air is dirty," said Paul Billings, deputy director of government relations at the American Lung Association.

He dismissed claims that the regulations would drastically alter the suburban lifestyle as "scare tactics," saying technological advances will accomplish most of the reductions. He noted the introduction of clean-burning gasoline and catalytic converters in recent years.

"The public isn't going to see dramatic changes in the way they live," Mr. Billings said. "We're going to see incremental changes, and technology is going to carry the day."

Mrs. Browner said the plan will focus on electric utility emissions and will allow areas at least until 2004 to comply.

Because this is the first time the EPA has tried to regulate soot, the agency will spend five years just to build a system to monitor the fine dust. The plan includes an emissions trading program, in which states that exceed standards would be able to sell their "pollution credits" to other states.

"As important as the public health protections are, equally important is sensible, reasonable implementation," Mrs. Browner said yesterday.

Industry groups said the fight against the proposal is just beginning. "I think you'll see an even larger coalition developing as more and more people understand how bad a decision this is," said Jerry Jasinowski, president of the National Association of Manufacturers. "The standards, if implemented, would have a devastating effect on businesses and jobs."

• Warren P. Strobel, traveling with the president in Nashville, contributed to this article.

The Washington Times

THURSDAY, JUNE 26, 1997



Our foster care system urgently needs reform

The reality of foster care was brought home to Bill and me when we met a teen-age boy at the White House this winter. Bill asked him where he was from. "Fairfax County," the boy said. When Bill asked where in the county, the boy shrugged and answered, "All over."

Because of the complex regulations, outdated assumptions, and understaffed and overwhelmed agencies of our child welfare system, many children spend their formative years shuttling from one foster home to another. Today, even children lucky enough to find adoptive families will have waited an average of three years or more in a series of temporary homes.

But that can change. The Senate and the House of Representatives are both considering bills that will take important steps toward making sure that no child languishes in foster care.

Currently, a child's case can drag on for years in the foster care system as authorities make repeated attempts to reunite a child with his or her biological parents. Often these parents, for a variety of reasons, are unable to change the behavior that caused them to lose their child in the first place. If either bill becomes law, "reasonable efforts" to return a child to his or her family would not be required in extreme cases such as torture, abandonment or physical or sexual abuse. Court hearings to determine the placement of a child would be required within 12 months — instead of the current 18 months — of his or her arrival in the foster care system. To make clear their purpose, these hearings would be renamed "permanency planning hearings."

As a children's advocate and lawyer who has represented parents and children in their struggles with the foster care system for more than 25 years, I believe these steps are long overdue. In 1973, I wrote an article about children's rights under the law, specifically their rights in family situations that pose serious threats to their health and safety. Even a few years ago, some considered this view controversial. Critics suggested that by supporting a child's right to a loving family, I advocated giving government more power to break up biological families and giving children the right to bring trivial disputes with their parents — such as bedtime or who takes out the garbage — to court.

Thankfully, that erroneous interpretation of my views has given way to a new bipartisan consensus around the idea that protecting our children from harm and working to provide them with permanent, loving

families — even when that may entail separating them from their biological parents — should be a priority of our child welfare system. Finally, we are recognizing that there are parents who will never be able to care for their children. And, in order to secure a foster child's well-being and stable development, we as a society have the responsibility to decide as quickly as possible whether a child can return home safely.

Many of the provisions in the House and Senate bills reflect recommendations made in Adoption 2002, a report prepared by the Department of Health and Human Services in response to the president's directive to identify the barriers to adoption and double the number of children placed annually in permanent homes by the year 2002.

Over the years, my husband has dedicated a great deal of time and energy to improving foster care and promoting adoption. As a result of the administration's efforts, it is now illegal to deny or delay an adoption simply because the prospective parents and child are not of the same race. And last year, the president signed into law a \$5,000 tax credit to help families adopt children.

Federal leadership is crucial, but it will take the commitment of people from all corners of our country to bring about the sweeping change our child welfare system requires. This week, I'll be speaking at a national conference on adoption and child welfare reform sponsored by the W.K. Kellogg Foundation. The conference will bring together business and religious leaders, policy-makers, elected officials, judges, child advocates, and foster and adoptive families to discuss strategies to reduce the number of waiting children and limit the time a child spends in foster care to no more than one year.

The Kellogg Foundation has been working to reform child welfare systems in 11 states and localities. Last year alone, the foundation helped find permanent families for 7,000 children. This was possible because the foundation worked with churches and mounted aggressive media campaigns to recruit prospective adoptive families. And it helped child welfare agencies reform casework procedures, consolidate records and modernize data collection methods so that no child becomes lost in the system.

Now we must build on their work. With thousands of children leading transient lives in foster care, we cannot afford any more delays. We need to encourage Congress to pass the best adoption bill possible. Thousands of innocent children are counting on us.

The Washington Times

THURSDAY, JUNE 26, 1997