

Foster Care and Adoption

BACKGROUND

Foster care and adoption have long served as society's way of providing alternative care to children who—on either a temporary or a permanent basis and for a variety of reasons—cannot live with their families of origin. Although child placement institutions have provided needed assistance for many children, they have been subject to problems that have limited their potential for meeting children's needs.

During the past 20 years, the social services systems that provide alternative care to children have changed significantly. The Child Welfare League of America (CWLA) has estimated that there are approximately 500,000 children in foster care (CWLA, 1996). With the passage of the 1997 Adoption and Safe Families Act (ASFA; P.L. 105-89), state child welfare agencies were mandated to improve their foster care systems. ASFA emphasized the safety of children as a priority and established time lines relating to permanency and termination of parental rights after the first 15 months that a child is in placement. Additionally, ASFA mandated state child and family services reviews and program improvement plans for states that failed the federal review process. NASW supports the use of child and family services reviews to improve child welfare practice and adequate fiscal resources for states to improve systemic factors.

Legislative reforms include the Chafee Foster Care Independent Living Act (Foster Care Independence Act of 1999, P.L. 106-169) to address aging-out youths transitioning to adulthood. Every year in the United States approximately 200,000 youths transition from foster care to adulthood. Studies have shown that education is a significant factor in deter-

mining a successful transition. Social workers must take a proactive role to improve education outcomes for youths in foster care.

Today more than ever states are relying on alternatives to foster care. Twenty-six percent of children in foster care are in kinship placements. Despite the increase in the use of relative caregivers, many children continue to enter foster care or remain in foster care because of the lack of family resources and prevention services in their communities. State agencies need to promote more services to maintain children in the context of their extended families when parents are not able to take care of their own children. NASW supports public policies that encourage the development of legislative, administrative, and community efforts that support grandparents and kinship caregivers in the best interests of the child. NASW also supports subsidized adoption, guardianship, and financial support equivalent to foster care.

The foster care population has changed. There is an increase in the proportion of hard-to-place children and children with special needs, including children of ethnic and racial groups who are disproportionately represented in the foster care system, older children, sibling groups, developmentally disabled children, medically fragile children, children with AIDS or who are HIV positive, children with disabling conditions or difficulties, children born to substance exposure, and undocumented children. Each group presents unique challenges to systems designed to care for children.

The presence of gay, lesbian, bisexual, and transgender adolescents in the child welfare system, and their unique psychosocial needs, is often overlooked. They may be excluded from

placement options because of a provider's discomfort with the youth's sexual orientation or gender identity. The lack of accurate information among child welfare professionals about sexual orientation, gender identity, and the challenges facing sexual minority youths undermines the provision of competent services delivery to youths, their families, and other caretakers.

Federal standards governing the removal of American Indian children from their families were implemented under the Indian Child Welfare Act (ICWA) of 1978. The act preserved the "existence and integrity of Indian Tribes" and their resources by protecting American Indian children and requiring placement of children in homes that reflect their unique culture and values and the rights of tribes and tribal courts.

Current federal legislation rests on a foundation of public policy that includes the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272), which prioritized family preservation and permanency as major goals of child welfare, and ICWA, which acknowledged the sovereignty of children of federally recognized American Indian tribal governments and was designed to ensure the rights of American Indian children. The Multiethnic Placement Act (MEPA) of 1994 (P.L. 103-382; U.S. Department of Health and Human Services, Children's Bureau, 2001) was intended to remove barriers to permanence for children who are members of racial and ethnic groups. The Interethnic Adoption Provisions of the Small Business Jobs Protection Act of 1996 (P.L. 104-188, §1808; U.S. Department of Health and Human Services, Children's Bureau, 2001) clarified the intent of MEPA to eliminate placement searches to match by race or culture, decrease the length of time that children are in foster care, facilitate the recruitment and retention of foster parents, and establish specific financial penalties for noncompliance with MEPA.

Considering the major role that the social work profession plays in the development of foster care and adoption services, it has a responsibility to assist in assessing public social policy and best practice standards with regard to social services. Social workers should ensure that the services reflect the best and

most current knowledge in the field to meet consistently the needs of children and the community. Social workers who participate in the development of foster care and adoption policy and in the delivery of services must be knowledgeable about national standards in foster care and adoption and must uphold professional standards of practice.

ISSUE STATEMENT

Poverty and racism profoundly affect the entire child welfare system. Consequently, children of racial and ethnic groups, particularly African American and American Indian children, are disproportionately represented in the child welfare system. In addition, the presence of gay, lesbian, bisexual, and transgender children and youths in the child welfare system and their unique needs are often overlooked.

Safety is the primary goal for children in out-of-home care. ASFA underscores the importance of safety and child well-being as outcomes. This not only implies keeping children safe from abusive parents, but also it acknowledges that children may be at risk in foster homes, group homes, or other placements. Social workers and agencies have an absolute obligation to monitor the safety of these vulnerable children and to provide resources that promote child well-being.

The "continuum of care" refers to a range of out-of-home placement options for children. Such options include kinship care with relatives or close friends of the child. Other placement resources include general foster family care, specialized foster family care, treatment foster care, group homes, residential treatment facilities, and supervised independent living programs. A continuum of care should be maintained to meet the diverse and unique needs of children in the foster care system.

Recognition must be given to children's needs for security, continuity of parenting relationships, education, and nurturing in foster care and adoption services systems. In addition, families must be strengthened and supported as the primary and preferred source for meeting children's physical and psychological needs. Therefore, societal intervention into the parent-child relationship must be considered

carefully so that the intervention meets the child's needs, both immediately and over time. The child's enduring ties to a family must be recognized. Child welfare practice cannot be separated from a family systems approach.

Appropriate and adequate information regarding resources, rights, and responsibilities must be available to all parties in foster care and adoption proceedings. Specifically, it is society's responsibility to ensure comprehensive, high-quality services, with particular attention to the special needs of high-risk children and the resources necessary to meet them. A growing population of children in need of services is children with HIV/AIDS. The complex interplay of social and medical factors that are implicit in the care of these children presents particular challenges to foster care and adoption services. They require a renewed commitment to ensure children with HIV/AIDS the same opportunities to have permanent families as other children, without isolation and segregation. Comprehensive, high-quality services are of particular concern in the provision of services to children with AIDS-related conditions. All services provided to this special population must be grounded in a multidisciplinary approach and include well-thought-out medical treatment when needed.

State agencies and social work professionals must take a proactive role to improve educational outcomes for children in foster care by fostering communication with local school districts and school social workers in developing case plans that include services to help foster children achieve their educational potential. Research, training, and evaluation of foster care and adoption delivery systems and services must be funded and disseminated. A national information system is essential for providing information for policy development and the allocation of resources.

An emerging issue is the privatization and use of managed care in the child welfare arena. NASW can play a vital role in monitoring the quality of services in the transition to new models of services delivery through feedback from its members. The Child Welfare Section can take a leadership role at the state and national levels in reporting to the profession outcomes of children and family well-being.

POLICY STATEMENT

NASW supports a child welfare policy designed to provide the best care for all children in need of foster care and adoption services that is predicated on the following six fundamental principles:

1. Every child has the right to a permanent, continuous, and nurturing relationship with a parenting person or people who convey to the child an enduring sense of love and care. The child should perceive himself or herself as a valued family member. The paramount concern shall be the health and safety of the child. This concern shall supersede the right of birth parents to maintain legal custody when such custody is physically or emotionally harmful.

2. The opportunity to provide such a nurturing environment is the primary responsibility of the child's family. Thus, it becomes society's primary responsibility to provide the necessary services and supports required to safeguard and enhance, with every available means, the ability of all families to fulfill this essential role. Failing this, it becomes society's responsibility to provide for expeditious, alternative arrangements that are permanent and meet the child's physical, mental, emotional, and educational needs.

3. The termination of parental rights, whether voluntary or involuntary, should never be undertaken without due process. Societal intervention into the parent-child relationship is an extremely serious action, which should be pursued only when the child's right to a safe, secure, and nurturing home is seriously threatened. Services should be provided with sensitivity, professional skill, regard for the legal rights of the parties involved, and a sense of the limitations and potential outcomes of such an intervention.

4. The best interest of the child is the primary consideration when developing the permanency plan. When a child enters the foster care system there should be concurrent planning for family reunification or preparation for adoption through termination of parental rights.

5. Policy and budget leaders need adequate data and research based on a national information system that informs policy development and the allocation of resources.

6. The intensity and complexity of social work in the field of child welfare, including foster care and adoption, requires highly qualified personnel with specialized education and knowledge of both the micro and the macro systems associated with the delivery of services. Out of this knowledge must emerge accompanying skills for working effectively with the complex interaction of individuals; families—biological, nuclear, and extended; foster care, adoption, mental health, and private and public child welfare agencies; and educational and legal organizations with which the agencies are most closely involved.

A child's family should receive sufficient and timely support services to prevent the need for substitute care. Neither foster care nor adoption services should be used merely because they provide a convenient choice in a difficult situation.

All people should have the right to employment opportunities or income supports that enable them to meet basic family needs, including:

- The objective of every child's placement is to provide a safe, nurturing, and secure alternative home when it is not possible for the child to remain with his or her family.
- Placement decisions should reflect a child's need for continuity, safeguarding the child's right to consistent care and to service arrangements. Agencies must recognize each child's need to retain a significant engagement with his or her parents and extended family and respect the integrity of each child's ethnicity and cultural heritage. When placing children, agencies must first consider placing the child with kin.
- Social work professionals must take a proactive role to enhance the educational outcomes for children in foster care. Child welfare agencies should work to develop collaboration and communication among the courts, the social worker, and the local school system to focus on the child's educational needs and stability.
- People involved with the foster care system, adoption proceedings, or child and family services have the right to receive adequate information from the appropriate agency, court,

or community sources, especially regarding their rights, prerogatives, responsibilities, and adequate legal representation.

- Ongoing research and evaluation, with input from clients, should be used by service providers to form and guide policies and practices in foster care and adoption.
- Decision makers in child placement services always should be sensitive to the inherent trauma resulting from removing a child from family surroundings and family members. The child's need for an improved environment must be balanced against the possible damage that could result from the separation. The decision makers also must explore alternatives to out-of-home placement and actualize the concept of "reasonable efforts" to prevent removal from the home. The decision-making process must include the development and implementation of a permanent plan for the child. This permanent plan must include a timely decision to terminate parental rights when it is clear that the child cannot remain in or return to his or her family. For some children permanent planning would include preparation for independent living.
- All efforts should be made to keep siblings together in placement. When children have been neglected, the bonds between siblings are often more significant than the parent-child bond. Separating siblings should be done only for the purpose of child safety. Sibling therapy can be used to repair sibling ties and to change dysfunctional sibling interactions. When siblings must be separated, regular sibling visits must be maintained. Lack of placement resources is not sufficient justification for separating siblings.
- All independently made arrangements for children should conform to and be judged by the same principles of care established throughout this policy and should conform to national standards of foster care and adoption practices.
- Barriers that prevent children from being placed in permanent homes must be removed. Financial barriers can be breached by the complete use and expansion of existing adoption

subsidy programs. Barriers that are unsupported by tested experience—such as resistance to using single parents, foster parents (for adoption), and nontraditional family patterns (including lesbian and gay, bisexual, and transgender parents) as potential foster care and adoption resources—must be removed.

- Legislation legitimizing second-parent adoptions in same-sex households should be supported. Legislation seeking to restrict foster care and adoption by gay, lesbian, bisexual, or transgender people should be vigorously opposed.

- Child and Family Services Reviews should be used to improve child welfare practice, and adequate fiscal resources should be provided to states to improve systemic factors.

- Professionals at various levels in the government must monitor aggressively and carefully foster care and adoption services, whether provided by the public or the voluntary sector. Professionals in both the public and the private sectors should have expertise in child welfare to ensure that caring, comprehensive, permanent planning, and services for children are provided.

- Funding of foster care and adoption services should guarantee high-quality services to all children, regardless of their race, ethnicity, language, capabilities, religion, sexual orientation, gender identity, geographic location, or socioeconomic status. Additional recruitment alternatives are needed for gay, lesbian, bisexual, and transgender adolescents for whom existing resources are not accepting or are inadequate, such as family foster care using gay, lesbian, bisexual, and transgender adults as foster parents and group homes designed specifically for gay, lesbian, bisexual, and transgender adolescents. Recruitment efforts should be made to bring families in the child welfare system who are willing to be trained to work with this population and also who are willing to adopt.

- Foster care and adoption agencies must be administered and staffed by trained social workers.

- Caseloads should not exceed the ability of workers to provide reasonable, full, and careful attention to each child and his or her family.

- Community services and foster care that enable children to remain in their neighborhoods and schools should be supported.

- The long-range advantage to society in providing high-quality family services—including, but not limited to, foster care and adoption—should be promoted. This promotion means advancing the concept of community responsibility for all children's needs and seeking to improve the public image and understanding of foster care and adoption.

- The social work profession stresses the importance of ethnic and cultural sensitivity. An effort to maintain a child's identity and his or her ethnic heritage should prevail in all services and placement actions that involve children in foster care and adoption programs, including adherence to the principles articulated in the Indian Child Welfare Act.

Foster Care

NASW supports principles related to foster care that include the following:

- Research-based risk and safety assessment tools should be used as decisions are being made to remove children from or return children to their homes.

- When foster care becomes the intervention of choice, services to reunify the child with his or her family should begin immediately. These services should work toward improving the conditions in the home and facilitating the child's return. Services should be limited by time and planned.

- NASW supports public policies that encourage legislative, administrative, and community efforts to support grandparents and other kinship caregivers in meeting the needs of children in their care (Generations United, 2000). Those kinship caregivers whose children are part of the formal foster care system should receive the following supports, as needed:

- reimbursement equal to that received by nonrelative foster parents

- initial emergency start-up funds to meet licensing and certification requirements or to provide concrete resources for care of the children

- subsidies for guardianship or adoption
 - access to legal resources and representation for helping to obtain permanence

- support groups, training, or both

- kinship resource lines to provide support and information, counseling, and so forth

- treatment resources to meet the special needs of the children

- caseworkers trained in the unique aspects of kinship care.

- Vigorous recruitment, mutual selection, initial and ongoing training of foster parents, and adequate financial support are seen as prerequisites to a successful foster care system. Foster parents need to be particularly sensitive to the special needs of children in their care and to be able to work with and support birth parents who are making appropriate efforts to ensure the return of their children.

- Comprehensive and specialized training of foster parents should be required as a precondition to the licensure of foster homes, and in-service training should be required as a condition for continuing licensure.

- Foster parents should be viewed as partners on the services delivery team. Therefore, resources are needed to assist the foster parents in providing care to the child. Resources for foster families should include day care, respite care, peer support counseling, and parent education.

- Liability insurance for foster parents should be the responsibility of the placement agencies.

- The full and prompt reimbursement of actual maintenance costs and fees for services provided by foster parents should be viewed as an essential part of the agency's plan of care for the child and an investment in both the child and society. The agency also should acknowledge that there are children with spe-

cial needs of all ages and establish a cost schedule accordingly.

- A variety of foster care arrangements should be available to the child welfare agency, including family foster care, group home care, therapeutic foster care, day treatment foster care, and residential treatment, so that appropriate placements can be made for all children who need temporary, emergency, planned long-term, and specialized foster care. The spectrum of arrangements should include supervised independent living programs for children who are making the transition from foster care to living on their own.

- Some of these services should include subsidized tuition from state colleges and universities for youths who are younger than 25 years, youths who are or were in the custody of a state agency for no less than 12 consecutive months, youths who were in the custody of a state agency because they were in need of care and protection, and youths who were never returned home or adopted.

- Social workers must be knowledgeable and proactive about the services available to youths aging out of the foster care system under the Chafee Foster Care Independent Living Act. Social workers should advocate in their state for a full range of services such as state-supported tuition assistance for postsecondary education and vocational training.

- Child welfare agencies should ensure that each child in foster care has a case plan. The plan should include the reasons the child was removed from the home; the special needs of the child while in and out of home care; and the services to be provided to the parents, child, and foster parents. This is the process of "concurrent planning." The plan will assist in reunifying the family or, if that is not feasible, will result in adoption or another form of permanence. The agency's six-month case-planning review or foster care review panel process should involve all parties, including the caseworker and supervisor, the birth parents and other relatives of the child, foster parents, and the child (if of an appropriate age). In addition, an objective party who is not involved in the management of the case or delivery of services

may be involved in the review of the status of the child in care. An attorney or guardian ad litem should participate in the process to represent and advocate for the best interest of the child. Each party to the service-planning process should receive a copy of the initial case plan and subsequent revised plans and agreements. As mandated by ASFA, case plans must be reviewed by the court and adequate legal representation provided for all parties, including the child.

- The placement of choice should be within the child's family of origin, among relatives (kinship placement) who can provide a more stable environment for the child during the period of family crisis. If no such relatives are available, every effort should be made to place a child in the home of foster parents who are similar in racial and ethnic background to the child's own family. The recruitment of foster parents from each relevant racial and ethnic group should be pursued vigorously to meet the needs of children who require placement.
- Every effort should be made to maintain a safe, secure, stable, and caring environment for the child with the minimum number of placements.
- NASW advocates policies that support the systematic involvement of child welfare agencies with foster parents. Foster parents should be trained and compensated and receive continuous support commensurate with their level of skills.

Adoption

NASW supports principles related to adoption that include the following:

- All parties to adoption are individuals whose needs and rights should be respected and considered to the greatest extent possible. Full recognition must be given to a child's right to and need for ties to his or her birth family and to the right of the birth parents, regardless of their condition, to the services they may need to parent their child and prevent the need for adoption. The child must, nevertheless, be seen as the primary client whose need for a permanent plan must take priority.

- Adoption policy and practice should recognize that services should be extended to all parties involved in the adoption and should be made available for as long as they are needed and desired.

- Postadoption services should be provided, if needed, long beyond the legal consummation of the adoption.

- Special attention should be given to children with special needs, including children of racial and ethnic groups, children who are older, children with disabilities, children who have been subjected to sexual abuse and other trauma, children who are HIV positive or medically fragile, and members of sibling groups, to ensure protection of their right to a caring environment. This care extends to the recruitment of appropriate families and professional services throughout the adoption process and beyond legalization.

- Publicly funded subsidies should be available in all cases in which the cost of the child's permanent care becomes a barrier to appropriate adoptive placement. If adoption subsidies are needed throughout the child's minority years and transition into adulthood, the subsidies must be adequate to meet the child's special needs.

- NASW supports social workers' compliance with state and federal statutes and best practice standards regarding confidentiality and sharing of information regarding adoption.

- The needs and rights of adoptees to know their birth origin should be recognized and respected. This right extends to requests from adult adoptees for identifying information. Open adoption should be considered if it is in the best interest of the child.

- Active and continuous recruitment of adoptive parents from diverse ethnic or racial groups should be aggressively pursued to ensure all the needs of all children awaiting placement are met.

- NASW supports the need to protect the rights of the child. NASW opposes placements made by third parties who are not related to

the child or who are not licensed as placement agencies and do not ensure the welfare of children through careful preplacement selection and early monitoring of placement by qualified professionals. However, in states in which placements by third parties, including international adoptions, are legally recognized, NASW advocates that the assessment and supervision of adoptive families and children be carried out by professionally trained social workers. In such states, NASW will continue to support appropriate legislation to eliminate third-party placement.

Education and Retention of Social Workers in Child Welfare

- Foster care and adoption agencies must be administered and staffed by professionally educated social workers, licensed social workers, or both.
- Child welfare agencies should actively recruit graduates from BSW and MSW programs.
- NASW supports partnerships between schools of social work and child welfare agencies in working to promote BSW and MSW education for child welfare employees.
- Child welfare agencies should provide ongoing professional training in cultural competence, changes in laws, policies, and new developments to uphold best practices that are based in research.

- Child welfare agencies should provide competitive salary levels and professional opportunities to recruit and retain social workers.
- Child welfare agencies should provide a healthy environment, competent supervision, and case consultation.
- NASW supports partnerships between schools of social work and child welfare agencies in the development of child welfare curricula.

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Policy statement approved by the NASW Delegate Assembly, August 2002. The 2002 Delegate Assembly also decided not to combine this policy statement with the policy statements on Public Child Welfare and Child Abuse and Neglect. This policy statement supersedes the policy statement on Foster Care and Adoption approved by the Delegate Assembly in 1979 and 1987. For further information, contact the National Association of Social Workers, 750 First Street, NE, Suite 700, Washington, DC 20002-4241. Telephone: 202-408-8600; e-mail: press@naswdc.org