

Adoption

ACTION

- Preserve the federal guarantee of Title IV-E Adoption Assistance as an entitlement for children who have been abused and neglected.
- Change the income eligibility criteria so more adoptive families can receive the support needed to adopt children from foster care.
- Reauthorize the Promoting Safe and Stable Families (PSSF) program while maintaining it as a source of guaranteed support for adoption services.
- Strengthen federal support for post-adoption services to better support and strengthen adoptive families.
- Provide \$43 million for the Adoption Incentive Program in FY 2007, and reinvest unused incentive funds into adoption support activities.
- Increase funding to \$50 million in FY 2007 for the Adoption Opportunities Program.

HISTORY

Federal policy recognizes the importance of adopting children from foster care and supports such adoptions in several ways.

Title IV-E Adoption Assistance

The Title IV-E Adoption Assistance program is the primary federal support for adopting children from foster care, providing subsidies to eligible families who adopt children with special needs (as defined by the state) from the foster care system. In FY 2006, the federal government will provide a projected \$1.8 billion for adoption assistance payments, services, and administrative costs associated with making those payments. In 2002, adoption assistance payments served an average of 285,600 children a month.

A child's eligibility for Title IV-E Adoption Assistance is currently linked to the outdated 1996 Aid to Families with Dependent Children (AFDC) income standards. Eliminating this eligibility criteria will allow more children in foster care to become part of an adoptive family. This improvement must be part of any comprehensive child welfare financing reform that Congress considers in 2006.

The Deficit Reduction Omnibus Reconciliation Act of 2005 passed, in February 2006, somewhat simplifies the eligibility for Title IV-E federal adoption assistance. The past policy required that the AFDC eligibility criteria had to be met at two points: when the child was removed from his home and placed in foster care, and when adoption proceedings were initiated. The new law eliminates the second AFDC test.

Adoption Incentive Program

The Adoption Incentive Program was first enacted as part of the Adoption and Safe Families Act of 1997 (P.L. 105-89) to promote greater permanence for children. In 2003, Congress passed the Adoption Promotion Act of 2003 (P.L. 108-145) to reauthorize this program with modifications.

The Adoption Incentive Program is designed to encourage states to finalize adoptions of children from foster care, with additional incentives for adopting foster children with special needs. States receive incentive payments for adoptions that exceed an established baseline. FY 2006 funding for the program is \$18 million, \$13.8 million less than FY 2005.

All states have received an adoption incentive payment during at least one year out of the past six. In 2005, 23 states and Puerto Rico qualified for \$14.5 million. Many states experienced their greatest increase in adoptions in 1997-1999, the initial years incentives were

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provided. A state must always exceed its highest year to continue to receive an incentive payment.

In 2003, the incentive formula was revised to provide payments in four categories. A state may receive a maximum of \$8,000 per child:

- \$4,000 for each foster child adopted above the established baseline of children adopted from foster care;
- \$6,000 for each foster child adopted whom the state classifies as having special needs, as long as the state also increases the total number of children adopted;
- \$8,000 for each older foster child (age 9 or older) adopted above the baseline of older foster child adoptions, as long as the state also increases the total number of children adopted; and
- \$4,000 for each older foster child adopted above the baseline of older foster child adoptions when the number of older foster child adoptions increases, but the overall number of children adopted from foster care does not increase.

The new law also reset the target number of adoptions a state must reach to receive a bonus payment. Under the new formula, to receive a payment in any of the categories (overall adoptions, special-needs adoptions, or older-child adoptions), a state must exceed the number of adoptions in these categories set in FY 2002. For any subsequent year, the baseline is the highest number of adoptions in 2002 or later. The new law allows Congress to approve \$43 million annually for the payments. If states are not able to draw down all the funds, the funds are returned to the federal government and not reallocated for other adoption efforts. In 2005, 24 states, the District of Columbia, and Puerto Rico were awarded \$14.5 million for 2,700 more adoptions.

Adoption Support under Promoting Safe and Stable Families (PSSF)

Congress will be reauthorizing the Promoting Safe and Stable Families Program (PSSF) in 2006. The program, formerly the Family Preservation and Support Services Program, is an important source of federal funding for an array of services for families with children, including support for adoptive families. Funds are allocated to states according to their relative shares of children receiving food stamps, subject to a 25% nonfederal match. Prior to the 1997 reauthorization, at least 90% of the funds had to be used for family preservation and community-based family support services.

The 1997 reauthorization added two additional categories of service: time-limited reunification services, and

adoption promotion and support services. Since 1997, program guidance to states issued from the U.S. Department of Health and Human Services (HHS) stated that the allocation of less than 20% to the four types of services would require a strong rationale. In FY 2006, funding for PSSF is \$434 million, with at least 20% available for adoption support.

Adoption Opportunities Program

The Adoption Opportunities Program provides discretionary grants for demonstration projects that eliminate barriers to adoption and aim to provide permanent, loving homes for children who would benefit from adoption, particularly children with special needs. Congress approved \$27.1 million for the program in FY 2006. This represents the same funding level since FY 2003.

The Adoption Opportunities Program provides several resources and supports to help in the adoption of children, including the Collaboration to AdoptUSKids that recruits families for children waiting to be adopted through its National Recruitment Campaign. As of December 2005, 5,428 children had been listed and placed in adoptive homes on the www.AdoptUSKids.org website.

One of the major successes has been the number of sibling groups of children families were able to adopt. Of the total number of children adopted from foster care through AdoptUSKids efforts, 2,440 children were from 992 sibling groups. The average sibling group size was 2.7 children and more than 100 of these sibling groups included groups of 4 or more siblings. Of all the children placed through AdoptUSKids, the average age of a child at placement was 10.1 years old and the ages of the children placed spanned from 2 months to 20 years old.

Other examples of how the Adoption Opportunities Program funding has helped include:

- The National Resource Center on Special Needs Adoption, which provides technical assistance and training to state, tribal, and other child welfare organizations on current issues in special-needs adoption, such as compliance with federal laws and regulations, permanency planning, and cultural competence.
- The National Adoption Information Clearinghouse, a comprehensive information center on adoption.
- The National Adoption and Foster Care Recruitment Campaign; the You Gotta Believe program, which seeks permanent placements for older children; and the National Partnership Summits for Adoption and Foster Care Professionals.

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Interstate Barriers to Adoption

Due to differing state requirements and standards (including the contents of a home study and the training of parents), adoptions across state lines generally take longer than adoptions within a state. For a child to be placed with an adoptive or foster family in another state, the state requesting that adoptive placement must request that the family's state of residence conduct a home study of the prospective adoptive family. This can sometimes take a very long time and delay the adoption. The Interstate Compact on the Placement of Children (ICPC) governs these interstate procedures. States are now in the process of updating the ICPC, which was enacted more than 40 years ago.

In 2004, the House of Representatives passed legislation (H.R. 4504) introduced by Representative Tom DeLay (R-TX) that attempted to expedite the process by which children are placed in foster care or adoptive homes across state lines. The Senate introduced similar legislation (S. 279), but action was not taken. H.R. 4504 would have created an incentive fund to states that could meet certain timelines in responding to one state's request to another state for a home study. The legislation also set maximum timelines states would have to meet when receiving a request for such studies. In 2005, Congressman DeLay did not reintroduce his legislation. Senators DeWine (R-OH) and Rockefeller (D-WV) introduced legislation (S. 1679) in 2005, the Working to Enhance Courts for At-Risk and Endangered Children Act, which attempts to improve the coordination between state child welfare systems and courts. That bill includes many of the provisions contained in H.R. 4504. The Senate has not yet taken any action on S. 1679.

KEY FACTS

Current federal adoption supports are important and should continue; more needs to be done, however. Despite strides to promote adoptions, the need continues:

- The number of children adopted from foster care has increased in recent years: 28,000 in 1996; 31,000 in 1997; 37,000 in 1998; 46,000 in 1999; 51,000 in 2000; 50,000 in 2001; and 52,000 in 2002. In 2003, there was a decrease of 3.8%, with 50,000 adopted.
- Of the 523,085 children in foster care in 2003, approximately 119,000 were waiting to be adopted and 68,000 were free for adoption (parental rights had been terminated).

- Of the children waiting to be adopted from foster care as of September 2003, 40% were black non-Hispanic, 37% were white non-Hispanic, 14% were Hispanic, and 4% were of undetermined ethnicity.
- In 2001, the median age of children waiting to be adopted was 8.7 years; 3% of the children waiting to be adopted were younger than 1 year; 32% were ages 1 to 5; 28% were ages 6 to 10; 30% were 11 to 15; and 6% were 16 to 18.
- Of the children adopted from foster care in 2003, 2% were younger than age 1; 47% were ages 1 to 5; 30% were ages 6 to 10; 18% were 11 to 15; and 3% were 16 to 18.
- Of the children adopted from foster care in 2003, 62% were adopted by their foster parents, 15% were adopted by a nonrelative, and 23% were adopted by a relative.
- Of the children adopted from foster care in 2003, 50% waited more than one year from the time they became legally free for adoption until they were adopted.

Sources for statistical information are provided in the online version of this fact sheet. See www.cwla.org/advocacy/2006legagenda.htm.

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