

**FOSTERING RESULTS
RELEASES NATIONAL REPORT
ON SUBSIDIZED GUARDIANSHIP**

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**THE CAPITOL
LBJ ROOM
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*Transcript by:
Federal News Service
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TOMMY WELLS: Good morning, everyone. I just wanted to thank you all for coming and ask for your patience for just a few more minutes. There is a film crew that's about to arrive within the next three or four minutes, and we want to give them time to set up. They're from BET Nightly News, and it would be wonderful if your participation in this announcement and the release of this report could reach an even wider audience. So that's why we're asking if you could just be a little more patient and let the crew arrive and set up. And then we'll start and try and get through all of your questions as quickly as we can. Thank you.

MARK TESTA: And that will give you time to read the report. (Laughter.)

(Pause.)

MARK TESTA: Could everyone take your seats? We're going to start.

TOMMY WELLS: Thank you, Mark. We're going to go ahead and get started, and we want to welcome everyone to this – I guess in many ways for us that live and breathe child welfare – a very big occasion and important work that's being done and that is Fostering Results. And again, it's a new national report on subsidized guardianship. And of course the – and you'll hear more about this, but The Pew Charitable Trusts is a group that certainly has taken on a very important role for the nation to move the ball down the field and rethink how we do foster care, which I think is very timely.

Our presenters today will – and my job, of course, is to introduce them, which is quite an honor because, again, this work is so important for children and for families for what we're doing. And I'll start with the Co-Director of the project, Mark Testa.

Dr. Testa is an Associate Professor at the School of Social Work at the University of Illinois at Urbana-Champaign, and Director of the Children and Family Research Center. It's an independent organization created by the University with – also with the Illinois Department of Children and Family Services, which is – should be a model for other states. From 1994 to 2002, Professor Testa held a joint appointment at the University as a Research Director for DCFS where his research was instrumental in policy innovations leading to better services for children and families. His work was awarded the U.S. Department of Health and Human Services – an Option 2002 Excellence Award for applied scholarship and research on kinship care and permanence.

Professor Testa is the Chair of the Board of Directors of Family Focus in Chicago. He's also the Principal Investigator and Co-Director for Fostering Results – and I believe he will be our facilitator today.

MARK TESTA: True.

TOMMY WELLS: The next presenter is someone who I've met before, Judge Nancy Salyers, and she is the Co-Director of Fostering Results, and has spent essentially

her entire career working with children and families. While serving as a Cook County assistant state's attorney she founded and co-chaired the county's first domestic violence task force, a position she held until her election to the bench in 1992. Judge Salyers volunteered to be assigned to domestic relations, where she demonstrated her commitment to families, and that led to her assignment to juvenile court in 1994, hearing cases of abused and neglected children.

Now let me say that in Washington, D.C., many of you know that we have been going through a child welfare reform effort since, I guess, the lawsuit was decided – what we call the LaShawn lawsuit in 1991. As a member of the community, I'm currently the Director of the Consortium for Child Welfare, but I was also one of the people to help bring the lawsuit. And we were looking across the country to see what we could do differently, and what emerging trends were happening across the country.

And I have – I received a call from a friend of mine who was a public defender in Cook County, the largest public defender service in the country. He said, "You need to see my judge. You need to see Judge Salyers. She is really making a difference here in Chicago, and is showing what a court can do to bring permanence for children."

So I went up to Chicago, and she graciously granted me permission to sit in her courtroom for a day. And I was very struck at the role that the court has. Now it's all common knowledge to us now, the role of the court – but the way that a court could provide leadership in changing and improving outcomes for children. So I came back to D.C. motivated.

And, as you know, D.C. just recently got its own family court, and it's still part of our superior court, but from that experience of seeing what a judge could do, we developed and created our own family court. The difference for D.C. is about – I don't know, six or seven years ago, with about 3,000 children in foster care, we completed 67 adoptions for children that were coming out of the foster care system. This year, in our second or third – well, second year of our family court, we're on track to do over 375 adoptions for children coming out of foster care. And since the court has been here, we've been averaging more than 250.

So, on the impact of the court and the court's role, Judge Salyers has provided a leader for the nation and certainly for the district to see how you can change outcomes for children and bring about permanency more quickly. And so thank you for being a part of this.

Also joining us today – our third speaker – is Ms. Katie Sutton from Philadelphia. We're very happy that she and her two granddaughters, Ashley and Amanda – 13-year-old twins – could join us today.

I'm also on the D.C. school board, and I notice you're missing school, but that's – (laughter) – for a very, very important purpose. And thank you for being – yes, you're going to have to write a report on this when you get back.

Ms. Sutton is going to share with us her own experience of caring for Ashley and Amanda and their younger siblings. Nearly six years ago, Katie became the foster mother – foster grandmother to her five grandchildren, and in June of last year – 2003 – she was the very first relative caregiver in Philadelphia to be granted permanent guardianship of her grandchildren. Philadelphia uses the term “permanent legal custodian.”

In the care of their loving grandmother and a permanent home, the children are thriving. The Suttons are a wonderful example of the importance and strength of family ties. We look forward to hearing from her.

Thank you very much.

(Applause.)

MARK TESTA: Thank you, Tommy, for that kind introduction and also for your work on behalf of children in D.C., and nationally as well. And thank you all for joining us today. I see many familiar faces, some new faces – all look friendly so far – (laughter) – but I want to say on behalf of Fostering Results we are grateful for you taking the time to be with us today. It’s my pleasure to join Judge Nancy Salyers and Mrs. Katie Sutton to discuss the importance of legal permanence for the thousands of foster children in the safe and stable care of grandparents, aunts, uncles and other caregivers.

Last year at this time, Fostering Results released its first report. It highlighted state achievements in doubling the number of adoptions out of foster care. Today we are issuing our fourth report, “Family Ties.” It draws attention to the thousands of children in long-term foster care with relatives whose needs for permanence cannot be fully met by the options of guardianship and adoption alone.

There are an estimated 19,250 foster children in the United States who have been in state custody for 17 or more months. They’re living stably with kin, and for them the courts have determined that reunification and adoption are not options for them. These 19,000 children need permanence just as urgently as any other foster child, but a long-recognized permanency goal that the Adoption and Safe Family Act of 1997 reaffirms for turning these safe and stable placements into legally permanent homes is currently being underutilized by the states. This option is permanent legal guardianship. And the problem is that federal child welfare assistance is cut off once a relative takes legal guardianship of a child, unlike foster care and adoption, which are both federally subsidized.

Our report makes a compelling case – at least I think so – that we should be supporting permanence for children in long-term, safe, stable relative care through federally subsidized legal guardianship. The report examines federal data for 1999, 2001 and recently released data for 2002. It finds that, in states with federally supported guardianship programs, especially states with federal waivers, almost 10,000 children

were discharged after one year in foster care to the permanent homes of legal guardians. My experience and Judge Salyers' experience in mounting and evaluating the largest federal child welfare demonstration in the country reinforced the importance of this option.

The Illinois federal waiver demonstration proved that federally subsidized guardianship can bring permanence to the lives of thousands of children who otherwise would have grown up in long-term foster care. Six other states have followed our lead. Two additional states – Wisconsin and Minnesota – have just been approved for guardianship waivers, and five others have applications pending. Support for this option is growing.

The materials that we've included from the Children's Defense Fund and Generations United – thank you for those materials – I think really point out that this is an important option, and the fact that the Pew Commission on Children in Foster Care recommended federally subsidized guardianship as one of their recommendations, I think really indicates that this may be an idea whose time has finally come.

This is not to say that these children should not have been in foster care. Foster care was essential to their protection. But when children are in safe and stable care with relatives, prolonging their time in the system once a court has determined that they cannot be returned to their parents or that adoption is not an option, unnecessarily delays permanence for them, and also diverts limited resources from other children in need.

The far better choice for those children and families is to turn safe and stable kinship placements into legally permanent homes through subsidized legal guardianship. In just a few minutes, you'll hear from Mrs. Katie Sutton, who is guardian to her five grandchildren. Mrs. Sutton's story is unique but also shares common elements with other successful cases of guardianship in places like California, Illinois and Maryland, which show that guardianship can serve as an important pathway for permanence for many, many children.

After we hear from our other speakers, I will come back to the podium, say a little bit more about our report, and invite questions. But now it's my pleasure to turn to Judge Nancy Salyers, who I worked with for many years in her role as Presiding Judge of the Cook County Child Protection Division, and I think if it wasn't for her, we would never have been able to achieve in Illinois what we did in the waiver demonstration. So it's a great pleasure to have her as my Co-Director for Fostering Results.

Thank you, Nancy.

(Applause.)

NANCY SALYERS: Thank you, Mark. And I really appreciate this opportunity to give my perspective. Here in D.C., so much happens that controls what goes on in the states in terms of how foster care is administered, what the goals are in terms of setting

goals for foster care across the country. Most of those discussions – if not all of those discussions – have up until this time involved policymakers and representatives of the social work community in terms of input – no input from the judges, no perspective from the judges. And if there's a group that needs to be heard, it is this group of decision makers; the only group of decision makers who decide which children come into foster care, if at all, and which children leave foster care. Basically the judges are responsible as gatekeepers for the beginning and the end of a foster care case. We see all of it; we, as judges, see every bit: the cases that belong in the system, the cases that don't belong in the system. It's our role to move them along all the way through the court process.

Fostering Results, as an organization, has been working with judges across the country as well as with judicial organizations so that we can get their perspective heard, so that our views and our everyday experiences can be part of this policy discussion. In fact, we conducted a survey earlier this year and the results are on our website. We contacted over 5,000 judges in this country who hear juvenile cases, and their responses were overwhelming. Not only did they respond in an overwhelming number, but their perspective actually crystallized what the problems are in the foster care system. I'm very happy that the judicial perspective is part of our discussion today.

As I said, the final decisions are all left up to the judge. In Cook County, I spent thousands and thousands and thousands of hours listening to the testimony of families, and most importantly, listening to the testimony of children. And so for this report to be captioned "Family Ties" really says it all. Children want to be with their family. Time and time again the kids want to be with their families, and so what can we do when there are families there that are making safe and stable homes for them?

First of all, the courts must decide, as a threshold matter, whether there is a parental home to return to. If it is not an option to safely reunify these children with their parents, then other options have to be looked at.

The law dictates that adoption is the first option to be looked at, and we do. As a group of judges, we do, but we may rule out adoption for any number of reasons. For example, grounds can't be met or the case can't be proven that parents' rights should be terminated; secondly, the safe and stable home that the child is situated in is the best place for the child yet those caretakers who are committed forever to the children, do not want to cut off what ties them to the child as a family. The third reason for not going forward with adoption is that quite often older children themselves do not want to be adopted. State law requires that the wishes of children be taken into consideration. In fact, in most states, children over the age of 12 must consent to an adoption before a judge can go forward. For those children, we firmly believe that they should not be denied permanency just because they do not choose adoption for themselves.

For that reason, when the opportunity came up to demonstrate subsidized guardianship, a permanent, legal guardianship role for caretakers to assume, I embraced it right off the bat. What that meant for me is these families could stay together, as they should; the children could stay with their committed caretakers. Secondly, I looked at my

court docket. I don't think there's a judge who hears child welfare cases who won't tell you how overcrowded their court rooms are. Do we really need to have cases motioned up to give permission to a caretaker to take their children out of state? If a grandmother wants to attend a family event across state lines, do they really need to have to come in to the court in order to get that permission? Why isn't the court's time being used for those children in crisis who really need the attention of the courts?

So I was very, very happy to be able to develop a special calendar and preside over all of the guardianship cases myself so that I could make sure that the right criteria were being applied: that family reunification was ruled out properly; that adoption was ruled out properly. I wanted to make sure that subsidized guardianship wasn't the easier choice; it was the best choice for the children who could actually stay with their caretakers in a committed, permanent relationship of legal guardianship.

Our report will tell you many things, including anecdotal information about what goes on with these families, but I think there's no better way to bring some of those points across than to have you listen to Mrs. Katie Sutton, and we're very lucky to have her here today.

Ms. Sutton?

(Applause.)

KATIE SUTTON: Good morning.

AUDIENCE: Good morning.

KATIE SUTTON: Please bear with me. I'm nervous, and I'm also honored to be here. I'll start off by telling you I have nine grandchildren and five whom are in a legal guardianship with me. Two are with me today, as the judge stated before. That's Ashley and Amanda. And they are 13. Mark, who's not here, he's 12. Amira, she's nine, and Stefan, he's 10. Unfortunately, when they came to live with me, the reason being they had teenage parents. Also unfortunately, they were not mentally or financially able to take care of their children and provide for their needs, and that's why I stepped in as a grandmother. Family is important to me, and I'm sure it's important for a lot of you. I once was a foster child myself, so it's doubly important to me that family stays together, and I said, "Who better than me?"

As has been stated already; yes, the kids that have been in my home - it's soon to be six years, and the last year we had the option to accept permanent legal custody, as opposed to adoption. I chose this - and I'm also happy that I had this option, but I chose this option because adoption was not an option for me, the reason being I did not want to see my son - and these are his children - I did not want to see my son lose all rights to his kids, although he still would have been a part of the family, but all rights would have been terminated. And that's why I did not chose adoption, also hoping that one day he'll become financially, emotionally able to take care of his kids, hopefully before they get to

be adults. If not, I'm still there, and he still has interaction with his kids. Every day he sees the kids.

When legal adoption – not legal adoption, excuse me – when parental legal care became an option for me, I accepted it wholeheartedly because I think that it gives the kids a sense of belonging, that they're not just floating and nobody cares and they possibly could be floating from home to home. Maybe there may come a time when Grandma might not be able to take care of them – I might just say, I can't do this anymore; we may have to move on and go somewhere else. So I think in the children's minds that it gives them a sense of security, knowing that they're there and this is their home and they're not going anywhere.

The other thing in reference to this permanent legal guardianship is that it also allows me – I never had a problem with social workers coming into the home on a monthly basis, and seeing the kids and checking on their well-being and making sure that they're okay and their needs are being attended to, but the good thing for me too is that I get to do the things that I know I'm capable of doing as a parent, and I did for my own children, and that I would also do for my grandchildren, but I did not need someone to come to me and give me a sheet of paper stating that when you take them to the doctor – and you must take them to the doctor every six months, and you also must take them to the doctor – I apologize – to the dentist every six months and to the doctor on a yearly basis, I felt as though, as a parent and as a good parent, I could do these things on my own without having to have someone to say, "This is what you need to do, and this is what is expected of you to do, every six months to a year," as I stated.

Also, getting permission, as stated before, that when the kids may want to spend the night over at a friend's house, we would have to get permission. The family would have to be investigated to make sure that they had no criminal background, whether it be some sexual background history, whatever. And I thought that that was not such a good thing for the kids. I mean, it makes them feel like they've done something wrong that they have to have permission – we know that they need to get permission from parents to spend the night over, but for that family to be investigated – I think it's a way of invading on their privacy and just automatically assuming that they have a bad background, that these kids can't spend the night there. Going out of town – that's stepping over the state line. If I go to Jersey, which is right over there from Philadelphia, I would have to get permission for them to go.

So this program allows me to do all these things as a parent, and make a good judgment on my own that I could take the kids out of town, allow them to go and spend the night, and make good judgment on my own. So I think this is a good advantage, but more importantly for me, the way I look at it, is that these kids have a sense of belonging somewhere, that they don't have to worry about being pushed along, that they're in a home where they know they're loved and that it's permanent. And it doesn't give them a signal either that we're foster care kids, we don't belong anywhere, we have a label and that we're different from everyone else, and that's just not the case.

And for me, I think this is the best thing for me and my family – my children, as I call them. I think this is the best thing, and I just can't stress any stronger that the most important part of this program is that these kids have someone to permanently say it's their home and they're not just floating about.

(Applause.)

MARK TESTA: They're really fortunate that you're able to be in their lives. And I think one point that we want to make clear is that the government oversight is important when the placement away from home is temporary, and folks are working on returning the child to the parental home. But our point is that after a court has determined that reunification is not possible and adoption is not an option, it really doesn't make much sense to keep those children in long-term foster care. The far better choice is to support permanency, first through adoption and secondly, if that's not an option, through guardianship.

Just to go over a little bit of the details around the report – which you'll find in your packet – on the left hand – my left, your right – there is a chart that we produced from data that was released a couple of weeks ago from the Children's Bureau, and it gives our estimates of the number of kids who are in need of permanent homes. You'll see we start out with an accepted figure of 530,000 children in foster care as of September 30th, 2002. We then apply to them this standard of 15 out of 22 months, or 17 when you actually do the calculations – 17 out of 22 months, and we come up with an estimate of 185,700 children who are in this condition of really being in care for long enough that the federal government directs states to pursue termination of parental rights.

Now, this 185,000 figure is larger than most of you will see in public documents because what the federal government does is to exclude the 46,000 children in long-term relative care. They do that because states have the option of exempting these 46,000 children from any requirements to terminate rights, which makes sense in most cases, because these children are already with family. However, we think that these 46,000 children deserve the same attention to permanency as any other child in care, and therefore we're highlighting their particular permanency needs.

We then walk down from the 46,000 to children who have been in the custody and care of a relative for a year or more, and we estimated about 77 percent or 38,850 children have been in care for at least a year; about 27 percent for four or more years. These are families that are stable; these are families that deserve permanence. And then finally, we do come down to a smaller figure of 19,250, which are children for whom the courts have ruled out adoption or reunification as options.

So this is our estimate of the prime group of children in families who are candidates for this option of subsidized guardianship. So rather than continue talking about the report, I think it's maybe better to take some questions and if people have comments I'm also willing to listen to those as well. Now, because this is being

transcribed, I think we may have to repeat your question and be careful to answer into the mike. So we're ready for questions. I know you must have a few. Yes.

KIA JOHNSON: I'm Kia Johnson from Capitol News Service. Just wondering when states do receive waivers for subsidized guardianship, in particular, Maryland, what are the steps that happen, and then what else needs to be done when the state of Maryland gets a waiver? Is it just accomplished, or do more steps need to happen to ensure that children will be placed .

MARK TESTA: So, what happens with wavers when states apply for them? This was a program that the federal government began in 1995, and it originally allowed only 10 states to apply for permission to waive federal finance rules to test new ideas in child welfare service delivery. States like Illinois and Maryland applied for permission to use federal foster care dollars to subsidize legal guardianships because, right now, under the federal law you can't spend money that way.

So what it involves is a lengthy application process. It took us two years for our application to be approved in Illinois. It is time-limited in the sense that it only runs for five years -- now there is an option of getting a renewal of that, which came in afterwards -- and the ceiling on the number of states that can be awarded waivers has increased -- now to 10 a year. But in order to get a waiver, you have to agree to test the demonstration in a very rigorous way. And we used an experimental design, which randomly assigned children to a control group who were not offered the option of guardianship and an experimental group who were. We tracked those children for the full five years of the demonstration and some 6,800 kids moved into permanent legal guardianship.

The idea behind the waivers is to test new ideas to see if it makes sense to make it national policy. I think the evidence is clear from Illinois, it's clear from Maryland, it's clear from Delaware, and many other states, including states like California -- which offer its own form of kinship guardianship, which they call KinGAP -- that maybe the time has come to make this part of national policy.

So for those states that right now have an approved waiver -- including Illinois, which is being renewed, but also the new states like Wisconsin -- they have to adhere to these same guidelines around evaluation and control group design, and the question is, should we continue doing this with an idea that's already been pretty well established and proven?

Other questions? Yes.

RICHARD WEXLER: Richard Wexler from National Coalition for Child Protection Reform. When you have subsidized guardianship, you have to a kinship placement. And states vary enormously in their willingness to do that. In the states that are very hostile to kinship care, there are often some very pernicious stereotypes. They -- although they rarely say it out loud -- what they're thinking is, if mom neglected the

child, there must be something wrong with grandma, and grandpa, and aunts, and uncles, and the rest, or that these grandparents will let that dangerous parent come near the grandchildren and so on. Based upon the data and the experience you had, how do you reply to those stereotypes?

MARK TESTA: This is the apple-does-not-fall-far-from-the-tree argument. We say, thank goodness that a tree has more than one branch because essentially what we discovered in our research – particularly with relative foster care in Illinois – is that many families may have a daughter or son who may not be able to take care of a child, but they have other children who are judges, who are teachers, and who are capable members of the community.

Also, it's important to recognize that the system of safety screening that goes on in most states that work with kinship foster parents has them go through a fairly rigorous review process. One-third of the children who are placed with relatives are not placed with the parent of the abusing parent. That is, the grandmother comes either on the paternal side, or the aunt and uncle on the paternal side as well, so that in many cases, they draw on the larger kin network for support and safety determinations. For the children that I'm talking about – that we're talking about in this report – remember, they have been in state custody for at least 17 out of 22 months, they have been safely with that relative for at least a year – if there are any safety concerns, they would have come to the surface, I think, before this time.

So, in many respects, I think we need to emphasize the importance of responsible safety screening, and that those are essential protections for children. But once a child has been safely in the care of a relative for this length of time, the argument about the apple does not fall far from the tree ought not to interfere with their finding permanence.

Mrs. Sutton or Judge Salyers, do you want to say anything about this?

KATIE SUTTON: Yes, I would like to say that –

MARK TESTA: If you could please come to the podium.

KATIE SUTTON: I would like to say that I don't think assumptions should be made that all kids that come from living with their families – that they've been physically abused, and that it's going to be unsafe for them to be around their parents in the grandparent's home if they happen to be living with the grandparent. My son comes to visit his kids practically every day. I said every day before, but it's practically every day. And he's never been known to abuse his kids. They can speak for themselves.

So I think that's a misconception to say that these kids are going to be in harm's way, because the parents coming to the grandparents – or whoever their relative may be – to visit their kids. That's a misconception and an unfair judgment, I think. I think in any case, if that's the case, by all means, the parents should be supervised when they see their children, but not making an unfair assumption that that's the case, and not think that

this is going to be a good thing – it's not going to be a good thing because they may be in harm's way if the parent come around.

MARK TESTA: Thank you. And just to share with you one fact that we found in Illinois when we did our study of children in kinship care versus children in non-related foster care – we found that, actually, children were safer in kinship care and they had fewer rates of abuse/neglect in those homes, lesser movement from home to home – so all in all, I think the stereotype is not in line with what the facts tell us.

Yes.

PAT OWENS: Yes, I am Pat Owens of the National Committee of Grandparents for Children's Rights, and I just want to thank Richard for asking his question and for giving me the courage to stand up and to say this. I would just like to say that it's hard not to be emotional when see another person – another grandparent – who is going through the same issues as myself. But I also would ask for support and diligence from everybody who's working on one of these issues to please help us make – put things in place on the national level. Where regional efforts are – (inaudible) – when the child does come into custody, that it is first parental ramification where possible then (feeling?) the indication and only then to take the steps to – (inaudible) – in their family here – (inaudible.) And that's not me – (inaudible) – for many of the (success?) We ask for your support there.

MARK TESTA: Thank you very much.

Yes.

EMILIE STOLTZFUS: I'm Emilie Stoltzfus with the Congressional Research Service. I'm just wondering – of the states – and I haven't had a chance to read the report, so maybe it's in there – but of the states that don't have subsidized guardianship have you any other communication with them about – I'm assuming they would say it's financing – but what would be the barriers for them establishing subsidized guardianship programming? I understand the federal financing structure doesn't allow for full funding, but there are other federal options that some states use?

MARK TESTA: Sure. And we've included in our press packet two reports by the Children's Defense Fund, which really do a great job in going over the programmatic details in the rest of the states. So right now there are seven states – if you add Minnesota and Wisconsin – nine states, with federal waivers under 4-E.

The other major option is the use of TANF dollars. In California, through the KinGAP program, the state has made good use of TANF dollars and pretty much was able to replicate the success that we saw in Illinois. The problem though, is when we look at other states using TANF funds, that not all states have TANF surpluses. This is Temporary Aid to Needy Families. So some states have actually had to cancel their guardianship program because of lack of federal TANF dollars.

Other states try and do it from entirely state funds. And in the report, we go over the difficult challenges that states that try to fund it entirely from general funds have in getting guardianships to happen. Illinois had a state program in 1995 – just before we went for the application for the waiver – we had a total of 12 children in state-supported guardianship programs. Now we have close to 7,000. That’s the difference that federal money made, because the incentive to states who are looking at a choice between sending the child to guardianship home supported entirely from state dollars, versus keeping the child in foster care and getting half or more of that money back from the feds is just too great, sometimes, to really give them the impetus to do what’s best for the family.

So I think overall in our report, we show that those states with federally subsidized guardianship program – both under waivers and TANF – did a much better job in moving kids to permanent legal guardianship. The rates of kids in long-term kinship care fell, and comparing those to states that did not have a program or states that did have a state funded program, the number of kids in long-term foster care rose during those periods. So we think the argument is pretty clear that having a federal role in this – the same way we have a role for federal support in foster care as well as in adoption assistance – ought to be something we consider for guardianship.

Any more questions? Tom.

TOM ATWOOD: Tom Atwood with the National Council for Adoption. Very much appreciate the recommendation of having the courts rule out adoption before consider subsidized guardianship for the child. I’m wondering what you can tell us about the impact in the states that have tried subsidizing guardianship – the impact on adoption rates and adoption numbers?

MARK TESTA: Of course, we can speak mostly about Illinois because we’ve looked at this question, I think, quite closely and I think I was surprised when I began this in our discussions with foster parents. I thought – with relative foster parents in particular – I was expecting that many of them would prefer to take guardianship. But we’ve discovered that over 60 percent of the relatives who have agreed to a permanent placement for the child have chosen instead adoption. So it is by far the first choice of the families as well as of policy.

So in terms of what we see, we saw in Illinois that the options to talk about both adoption and guardianship created the atmosphere of trust that people could then talk about what’s in the best interests of the child, and six times out of ten, they chose adoption. And it often depended on the age of the child. So for the very young children under the age of three, we saw relatives selecting adoption eight times out of 10. So I think we should recognize that the families themselves are wanting to adopt some children.

But this is not an option for all families, particularly families in which there are older children – families who don’t want to change their extended family identity.

Families who prefer to remain grandma, aunt, and uncle, rather than becoming mom and dad. So I think we've learned overall that guardianship has been a spur to permanence overall and a spur to getting relatives to consider adoption when they might not have a few years ago.

Nancy?

NANCY SALYERS: Over the last several years, there's been a lot of talk about court oversight. That may sound very complicated, but in my mind – and I don't think I'm a really complicated person – it came down to this: when a family came in front of me, I would ask questions. If I didn't have enough information presented to me, I would ask questions. I couldn't make a ruling on a family's case without all the information. So when a family was brought in and a social worker would testify before me that reunification should be ruled out, I'd ask why. That is the role of the judge: to get the complete information.

If I was satisfied that reunification should be ruled out for this particular child or this group of children – sibling group – then the next question would be whether that grandmother or aunt had been asked: would you like to adopt? Is adoption the right plan for this child? If I didn't learn that there had been a full discussion about adoption, then I wouldn't rule on that case. I would continue that case and order that a family meeting take place.

In time, the Department of Children and Family Services in Illinois established a protocol that family meetings were to take place before recommending a plan of guardianship. Social workers were trained with the expertise to approach a family about the topic of permanency. No longer would anyone make the assumption that family would not adopt. These social workers would have to testify under oath about the reasons that adoption was not an option for a particular family. Only after hearing and accepting their testimony, could I find that adoption was ruled out and that Guardianship should be considered.

The court's oversight role is critical, and having the judges trained, having them have enough time on their docket to be able to ask the right questions if enough information didn't come out – is critical for all of these children in foster care – both for the entry position to make sure we're not removing the wrong children, and for every critical hearing along the way – to make sure we get the right information and enough information.

MARK TESTA: I know this is where the Senators usually have lunch, but since they're out of session, we won't get kicked out of this room. (Laughter.) But is Hope – I'm looking for my – Hope, you give us the signal when we're to cut this off.

There are a few more questions I saw? Guess I was seeing double. (Laughter.)

Q: TERRY SOLOMON: Terry Solomon of the African American Family Commission. There is a common worry that if you offer relatives subsidized guardianship more relatives will flood into the system seeking support. What would you say to those who are concerned about this happening ?

MARK TESTA: I would say that, you know, that is a common concern, and we have heard it expressed a number of times. All I can say is, the facts are not in agreement with that. In Illinois, again, we saw the number of children in foster care during the period that we were offering guardianship decline from 52,000 children in 1997 to below 17,000 today. Most of that decline was due to children leaving the system for permanent homes through adoption, but a sizeable part of that decline was also due to fewer children coming into foster care and kinship foster care in the first place. That is because the state also put into place prevention services to work with relatives who were taking care of kids but who did not need the protective involvement of the state. Extended family support, diversion services were very critical in helping those families to maintain their children in their home without bringing them into the formal custody of the state. Having those services in place is important to preventing kids from coming in unnecessarily.

Remember, states draw a fairly bright line between where there is protective involvement and when there shouldn't be, and our experience in Illinois – and I think it's true in places like California and Maryland – is that subsidized guardianships did not set off a run on the bank. In fact, what we saw was a decline. So while that is a concern, families do not try to manipulate the system by abusing or neglecting their kids, that's for sure.

Yes, ma'am.

JOYCE THOMAS: Hi, my name is Joyce Thomas and I'm with the Center for Child Protection and Family Support here in Washington. My question has to do with the study itself. Sorry, I didn't get a copy of the report. Can you speak a little bit on the measures that you actually used to determine whether or not children in guardianship had a greater well-being than children who were not?

MARK TESTA: Yes. Let me say, there are actually two parts to the answer to this question. For this particular study today – Fostering Results “Family Ties” Report – we relied entirely on federal data for 2001, 1999 and 2002, and that gives us very limited information about the conditions why children are in care, so that is where we came up with those numbers.

There is another, more involved study that is on our website. It actually goes into great detail into the well-being of children who are in these situations. This was a study that the University of Illinois did with Westat, a research organization here in the D.C. area, and they looked in particular detail at the safety, well-being and stability of those arrangements. And they did this in two ways – one, they went out and actually talked to the caregivers. So, over 4,000 caregivers were actually interviewed by the research organization at two points in time – in 1998 and 2000. Also, they talked to the children,

and they talked to the children to hear about how they were experiencing this change in living arrangement, this change in status. And what we learned was that those children who were in guardianship arrangements felt just as safe, felt just as much part of the family, felt just as secure as children who were living with adoptive parents. And as long as they were living with a relative, those well-being measures didn't look that different as well.

So I think the evidence – at least that we are able to muster – and Maryland replicated our design as well – pretty much shows that at least children in permanent homes are in safe, secure homes, and they feel that this is their family and they feel that this is – their well-being is well served as well.

Other questions? All right. I think that's a wrap, is that right? (Laughter.) Thank you all for coming and please check our website for more information on this, and if you have any questions, we will be glad to answer them as well. Thank you very much. (Applause.)

(END)