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EVAN B. DONALDSON

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## **NEVER TOO OLD:**



## **ACHIEVING PERMANENCY AND SUSTAINING CONNECTIONS FOR OLDER YOUTH IN FOSTER CARE**

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### Policy Perspective

July 2011

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## **NEVER TOO OLD: ACHIEVING PERMANENCY AND SUSTAINING CONNECTIONS FOR OLDER YOUTH IN FOSTER CARE**

*“There is a kind of desperation one starts to feel when you’ve been in the foster care system for a long time. A child starts to think that they are not good enough to have people who will love them and they hunger for that love in a voracious way. I believe the older you get, the hungrier for that love you get, but also the more angry and defensive you feel because you feel so let down.*”

*“Although you could sit at school and dream about a teacher taking you home and taking care of you, or of a foster parent or social worker who would be wonderful, sweep you up and love you always, you’d eventually acknowledge to yourself that your dreams of stability and love were not ever going to be fulfilled.*”

*“But dreams can come true. As for me, I only lived with my adoptive family for five years, but that five years made as much an impact on my future as the 13 years of abuse and neglect before it.”*

-- Rose M. Garland, adopted at age 14 (*The Roundtable*, 2002, p.3)

## **EXECUTIVE SUMMARY**

Just a few weeks ago, on July 4, America again celebrated its independence. The very word “independence” evokes almost exclusively positive images and sentiments worthy of celebration: the freedom to be who one chooses, the ability to carve one’s own path, the right to determine one’s own destiny. For one group of people in our country, however, independence seldom affords any of those opportunities. Indeed, the youth who “age out” of foster care – legally emancipated to make it on their own, but usually without enduring families to sustain or support them – frequently find the road they’re traveling leads to nowhere. In disproportionate numbers, they wind up pregnant, on the street, out of school, or in jail.

State governments typically take custody of these boys and girls as children because they were being abused or neglected, with the implicit promise that they will be given safer and better lives. But too many wind up being moved from home to home, from school to school. Too many are never returned to their original families or adopted into new ones, are never connected with adults who stick with them and guide them, and are never provided with the developmental, emotional and social benefits that are best achieved through permanency. And then, when they reach the age of 18 or 21, they are granted their independence.

A growing number of innovative efforts have been made to assist these youth over recent years through programs launched in various states, including by Casey Family Programs, Casey Family Services, the Annie E. Casey Foundation, the Jim Casey Youth Opportunities Initiative, Dave Thomas Foundation for Adoption, Freddie Mac Foundation and others, and through grants funded by the U.S. Children’s Bureau. Indeed, thanks to the leadership and commitment of many child welfare organizations and researchers, inroads have been made in some locales and broad policy reforms have been instituted, notably including the landmark Fostering Connections to Success and Increasing Adoptions Act of 2008.

While many individuals and families have been helped by such efforts, however, they have not generated sufficient public, private or media attention to elevate “aging out” into a national priority. The bottom line is that the child welfare system is still not adequately, systemically meeting the needs of older youth, as evidenced by the increasing proportion of them who emancipate each year without permanency.

The Evan B. Donaldson Adoption Institute, starting with the publication of “Never Too Old” and with next steps with partner organizations, seeks to help reshape that reality. This report is the result of over a year of research and analysis, and it constitutes the most up-to-date compilation of knowledge on the numerous facets of this important issue. It builds on the body of work of other researchers, policy-makers and organizations; it synthesizes the current state of knowledge on achieving permanency for older youth in care; it highlights best practices that exist around the country; and it identifies future directions for better serving these young people.

In keeping with the Institute’s focus on permanency for all children, this report looks not just at adoption, but at all the effective approaches being considered today for achieving lasting connections. Our near-term objective is to broaden understanding of this critical issue by the public, professionals and policymakers and to provide an up-to-date, evidence-based perspective on how we, as a society, can do a better job of serving older youth in foster care who need enduring families to sustain and support them. Our ultimate goal, of course, is more

ambitious: It is to raise the profile of and knowledge about this issue to a new level and, in so doing, improve the lives of tens of thousands of young people every year. Not acting on their behalf will mean huge, ongoing, negative financial and social consequences for our country, and an incalculable toll on the youth themselves.

## **Major Observations and Conclusions**

- On average, just under 28,000 youth were emancipated from foster care in each of the last six years, peaking at 29,730 in FY2007. The percentage of youth who leave care through emancipation has grown steadily, from 7% in FY1998 to 11% in FY 2010.
- Multiple studies show that a high percentage of these youth will face difficulties in early adulthood as they struggle with poor educational attainment, insufficient employment and low income, inadequate housing, early parenthood, involvement with the criminal justice system, substance abuse, and physical and mental health problems.
- Research and experience teach us that permanent, emotionally sustaining and committed relationships are imperative for youth to reach self-sufficiency and to thrive in early adulthood, yet many young people leave care without any such relationships.
- Current federal and state programs to assist older youth to independence are well-intended, but have not proven as beneficial as anticipated. Providing services without achieving ongoing, supportive relationships is insufficient to meet the long-term needs of youth emancipating from care.
- A range of creative methods exists to provide stable, dependable family support – and they must be used to help older youth achieve permanency and long-term connections.
- The vast majority of adoptive placements of older youth are successful; although the disruption rate for youth placed as teens is somewhat higher than for younger children, a recent study of close to 16,000 adoptive placements in one state found that disruption rates varied from 8-14% across all age groups (Smith, Howard, Garnier & Ryan, 2006).

## **Policy and Practice Recommendations**

The conclusions of this review point to the necessity for a renewed, dynamic effort to establish permanency for older youth in the foster care system. Toward this goal, the Adoption Institute makes the following recommendations:

**Recommendation 1. Increase rates of youth permanency** by implementing policy and practice that reflect the knowledge we already have and by testing recent innovations for achieving permanency, including:

- **Increase adoptions using techniques shown to be effective in existing programs.** In particular, the field must determine how best to find permanent homes for those youth at greatest risk for aging out – those with significant behavioral or emotional problems, in residential or group care, or who come into care relatively late in their lives.
- **Increase the use of subsidized guardianship for youth**, particularly those whose biological parents' rights have not been terminated. Pilot projects should be undertaken, too, to assess this option with a broader group of youth who currently lack permanency.

- **Assess the impact of state statutes that permit parents who have lost their parental rights to have them reinstated.** Parents who are unfit at one stage of their lives may become appropriate parents at another. If such practices prove promising, the field should work to expand parental reinstatement when appropriate.
- **Better train, supervise and support child welfare workers to achieve permanency.** Studies suggest that some attitudes – based on skepticism about achieving permanency for older youth – continue to undermine progress. Workers should be educated about the importance of permanency, successful strategies to achieve it, and the impact of youths’ trauma experiences and developmental needs on these efforts.

**Recommendation 2.** Relatives are a proven source of permanency for many youth, so efforts should be increased to recruit, support and utilize them in the following ways:

- **Promote kinship adoption and subsidized guardianship.** Kin adopters and guardians are important resources for older youth in care, and permanent homes with kin demonstrate benefits for these youth; yet states vary widely in their use of relatives for permanency. While relatives are often familiar with the needs of the youth they are parenting, we must continue to prepare and support these adoptive parents/guardians and provide tailored versions of the supports we give to non-kin adoptive parents.
- **Explore long-term foster care with relatives as a possible permanency option.** Kin foster care, like subsidized guardianship and adoption, has been shown to reduce the risk of negative outcomes for many youth. For economic and other reasons, however, some kin prefer not to adopt or become guardians but are firmly committed to providing a permanent home. In these situations, long-term foster care may be in the best interest of some older youth and can offer them stability and permanent family connections.
- **Investigate the need for enhanced supports for relatives who foster or adopt.** Many studies find kin caregivers have far lower incomes than other adoptive or foster parents. Further, kin receive less in financial supports, preparation and services in some states than is offered to unrelated foster or adoptive parents or subsidized guardians. The protective aspects of kin care should not be offset by economic disadvantages, so we should examine how to better meet the needs of low-income kin caregivers.

**Recommendation 3: Further develop and assess practices that reduce the time children remain in care without permanence.** Federal policy (through the Adoption and Safe Families Act) encourages concurrent planning and other practices that aim to reduce the time children linger in care without permanency. Such practices need to be carefully assessed and, if demonstrated to be effective, should become standard practice for youth and their families. Efforts to secure permanency, should reunification not occur, must begin early in placement. They should include, at minimum, diligent search for kin, including fathers and paternal kin.

**Recommendation 4: Establish a true permanency goal for every youth,** whether that is reunification, adoption, subsidized guardianship or formal long-term placement with relatives.

- **Emancipation, independent living or “another planned living arrangement,” unless it is a vetted and supported one with committed kin, should not be permanency goals** for youth. Independent living training should be recognized as services, not permanency outcomes. Life skills training, housing support, and the full range of services in preparation for young adulthood should be provided to all youth in care, as

well as offered to the families of older youth who achieve adoption, guardianship or long-term foster care with kin (should families need such support).

- **When all other options have been exhausted or ruled out, at the very least every youth should be connected with a committed, supportive adult.**

**Recommendation 5: Research must be significantly expanded to better understand policies and practices that promote youth permanence and well-being.** There has been little recent research on what works best for youth, either in finding families or supporting permanency after placement. Further study also is needed to enhance our understanding of this population's experiences and their readiness for adulthood.

## **Conclusion**

The explicit purpose of moving children into foster care is to provide them with safety and nurture on a temporary basis. As a field, we then work with their families to rectify their problems and, usually, they are reunified. When that goal cannot be reached in a timely fashion, society's responsibility is to find enduring, successful families for these children. It is a disturbing trend that more and more young people are aging out of care without any permanent connections. Every youth who emancipates without reunification or permanency is a youth society has failed.

We have made important strides in achieving permanency for younger children in care; now we must develop and disseminate greater knowledge about effective strategies that lead to the same progress for older youth – and we must implement a range of innovative strategies to promote their well-being. The personal consequences for these young people, who are at high risk for poor outcomes after emancipation – and the economic and social consequences for our country – are simply too great to accept the status quo.

## INTRODUCTION

**O**f all the species born on Earth, humans have always had the longest period of dependency on their elders – and our social understanding of the ongoing need to nurture, guide and support our young has extended dramatically over time. Today, Americans are getting married/partnering later than ever, and young adults are far more likely than their parents to reach out to their families for housing, financial assistance and emotional support. In times of economic hardship, young people’s reliance on their parents and other relatives is even more pronounced. Yet every year thousands of youth “aging out” of foster care are expected to become independent members of society without the benefits – or even the existence – of a permanent family to whom they can turn for advice, affection, a hand up or a place to celebrate holidays. And they are expected to manage their transitions into adulthood at much younger ages than do their peers in the population at large.

The term “emerging adulthood” (Arnett, 2000) was coined to describe the increasing age at which youth reach major developmental benchmarks that indicate their transition into mature adult roles. With a growing understanding of the importance of the developmental period of young adulthood and mounting evidence of the difficulties faced by youth who “emancipate” from foster care, the child welfare community is increasing its attention to this population. Transitional and independent living skills programs, expansion of the time youth can remain in state care and other new initiatives aim to promote positive transition outcomes.

The United States has made tremendous strides in promoting the adoptions of children from foster care; indeed, the number has more than tripled since the late 1980s. There is one area in which real progress has not been made, however: reducing the number of youth who leave foster care each year without a permanent family. The 2008 Fostering Connections to Success and Increasing Adoptions Act (FCA), implemented in 2010, made several reforms in an effort to address this reality, including providing federal funding for a broader range of permanency options and for maintaining youth under state guardianship until age 21, as well as requiring transition plans for all youth who are exiting foster care.

There is a growing body of evidence that these young people fare poorly when they leave the child welfare system without permanency. Multiple studies of former foster youth, presented later in this report, have found that those who age out face high rates of poverty, unemployment and underemployment, young parenthood, inadequate housing and homelessness, physical and mental health challenges, and a host of other poor outcomes. It is clear that we are “emancipating” many youth into a future of struggle and failure.

Recent federal policy and state practice recognizes the difficulty of this transition. Programs to prepare youth for life after foster care have been expanded, and the age at which they are cut

*I used to think it was all about being free of the system – free to be on my own. Had my own place, was partying with my friends, having a great old time, didn’t need nobody. Before I knew it I was jobless, homeless and all those “friends” just disappeared. I was independent but I was alone. Independence is over-rated!*

-Victor, graduate of foster care

off from supportive services has risen. The efficacy of these programs is largely unknown, but the effort to help them is vital given what we know about the obstacles they face. Such programs aim to provide better training and resources for living independently, but they do not provide the long-term and committed emotional relationships or the physical and financial supports that can sustain youth into young adulthood and beyond.

This report by the Evan B. Donaldson Adoption Institute explores strategies to improve the well-being of older youth in foster care. Its major focus is in on how best to increase rates of permanency for them through adoption, guardianship or care with relatives. It also explores creative, alternative permanency options, including restoring connections and even restoring parental rights to allow some youth to be re-placed with original family members. Finally, it examines what is known about strengthening young people's knowledge, skills and sense of competence as they are launched into young adulthood. While programs that aim to empower foster youth are important for all those with complex histories, we argue that they should be an addendum to – rather than a replacement for – dedicated and intensive efforts to find families for these young people, no matter their age.

## SECTION I

### AGING OUT: EMANCIPATION OF FOSTER YOUTH

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Our nation's child welfare system is designed to protect children and assure their well-being. For too many, maltreatment or lack of safety in their original families results in their placement in foster care, group homes or other settings. For the great majority of these boys and girls, such placement is temporary. The goal is to provide care for children while their families become stronger and safer, and then to reunify them. When parents are unable to sufficiently improve in a timely manner, then the objective is to move children into permanent families through adoption or guardianship. But tens of thousands of youth leave state custody each year not because they return home or receive an alternative form of permanency, but because they reach an age where the child welfare system ends its oversight (DHHS, 2010).

Emancipation, also called “aging out,” refers to the formal end of the legal relationship of the state with a youth previously under the guardianship of the state when the youth is at or near the age of majority. For tens of thousands of older youth in the system, emancipation is the “permanency” goal (U.S. Children’s Bureau, 2011); that is, the explicit plan is not to reunite them with their families or to find adoptive homes or legal guardians, but to keep them in state care until they are old enough to leave it.

While a growing body of scholarship is examining the problems faced by youth aging out, as well as the supports they need, much less attention has been paid to the child welfare system’s lack of focus on securing permanence for these young people. In order to better serve them, we must understand the context in which they make their transition into adulthood and support their opportunities to make permanent connections before leaving the system.

This report examines research, policy and practice in order to increase understanding of the risks facing youth emancipating from care and the importance of permanent relationships for them, and to highlight strategies that increase permanency for this vulnerable population.

#### Emancipation as an Outcome

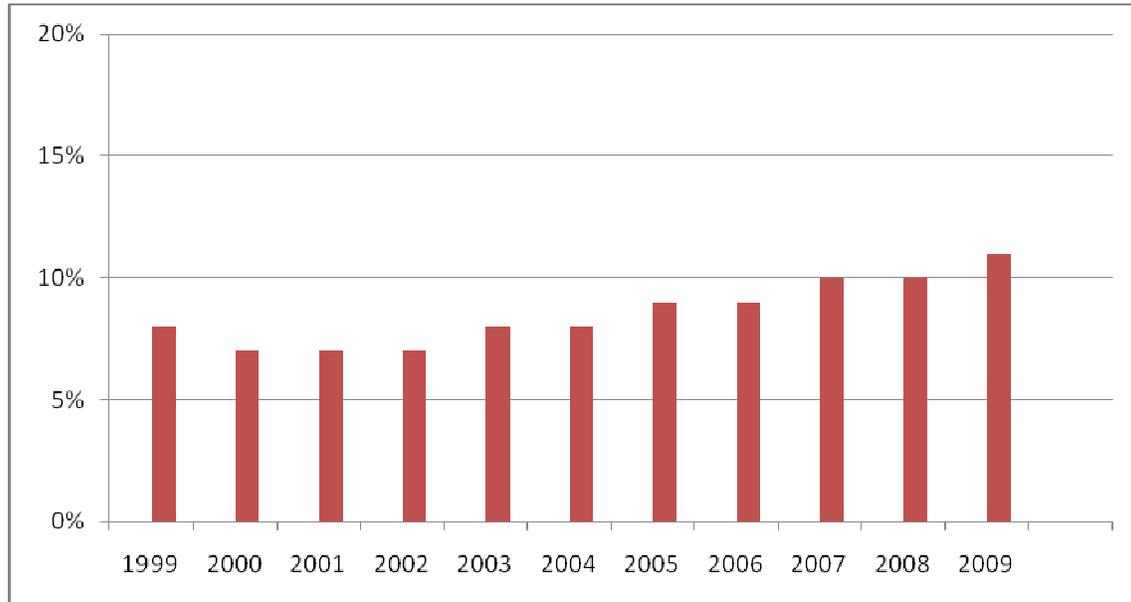
A large and growing number of youth leave the child welfare system each year without permanent families. Over 27,000 of them were emancipated from foster care each year since FY 2007, peaking that year at 29,730, and approximately 1,500 to 5,000 more youth are discharged each year because they ran away. From 2005 to 2010, more than 167,000 youth left through emancipation (DHHS, 2010).

The percent of youth who exit care via emancipation rather than permanency has grown over the last decade. In FY 1998, 7% of those leaving care did so; by 2009, this was the case for 11% of those leaving foster care (DHHS, 2010).

*How is it that they can take you away from your family, cut off your right to see them and then let you grow up and go out with no one? In what world does that make sense?*

-“June,” foster care alumna

### **Percent of Youth Leaving Foster Care via Emancipation**



Derived from Adoption and Foster Care Analysis and Reporting System (AFCARS) Reports FY 1999-2005 (U.S. Children’s Bureau, 2010)

This trend persists despite a large, growing number of adoptions since passage of the Adoption and Safe Families Act of 1997 – because those adoptions have been primarily of young children. In 2010, for example, only 13.5% of the 52,891 children adopted from foster care were 12 or older. Over half (56%) were 5 or under at adoption (U.S. Children’s Bureau, 2011).

One explanation for the large number of youth aging out without permanency is that many of them enter care when they are already teens and typically have longstanding relationships with their families. The parents in these cases are unlikely to have had their rights terminated, and the young people themselves are unlikely to desire placement with new families. For example, an analysis in 2001 found that most youth in state custody on their 16<sup>th</sup> birthdays had entered care in the previous year. Only 10% of those aging out that year were identified as having entered care as preteens (Wulczyn & Hislop, 2001).

More-recent statistics challenge this finding, suggesting that youth are in care for extended periods without permanency before emancipation. The Report to Congress on Child Welfare Outcomes 2003-2006 found: “The percentage of children discharged from foster care who were emancipated was not found to have any substantial relationship with the percentage of children entering foster care in the State who were age 13 or older” (U.S. Children’s Bureau, 2006, p.15).

The Report to Congress on Child Welfare Outcomes 2004-2007 found that in many states, a large percentage of the children emancipated in 2007 had been in foster care for long periods. Across the states, the median percentage of emancipating youth who were 12 or younger at entry into foster care was 27%. Of children emancipated from foster care, or who turned age 18 while in care, the median for those who had been in care for three years or longer was 45.7%. It is therefore clear that emancipation is a risk for youth beyond those who enter care at older ages (U.S. Children’s Bureau, 2007).

The latter report also found significant variation across states in emancipation rates. In 2007, 36 states had emancipation rates of less than 10%, meaning that relatively few foster care youth were leaving care via emancipation. The rate was particularly low (less than 5%) in four states (Alabama, Indiana, Michigan and Wyoming). Yet in that same year, other states had high rates of emancipation. Virginia had a rate of over 32% and Maine of over 22%. The report found that the variation was not related to differences in the ages at which children came into care.

We know surprisingly little about those who emancipate each year<sup>1</sup>, including their ages. While most who leave care are at least 18, some studies have found as many as 15% of youth emancipate at age 17 or even younger (Needell, Cuccaro-Alamin, Brookhart, Jackman, & Shlonsky, 2002). African American, Asian and Native Hawaiian youth are at greater risk to age out of care than are their White, Hispanic or Native American counterparts. For every racial/ethnic group, the percentages leaving through emancipation have increased since 2001, as indicated in the following table.

### **Percent of Youth Leaving Care through Emancipation by Race/Ethnicity**

<b>Group</b>	<b>2001</b>	<b>2004</b>	<b>2007</b>
African American	8.2%	10%	12.4%
American Indian/ Alaska Native	3.9%	6.0%	8.1%
Asian	6.6%	8.7%	9.6%
Hispanic*	5.8%	6.2%	7.4%
Native Hawaiian/ Other Pacific Islander	6.9%	8.7%	9.5%
White	6.8%	8.0%	9.2%
Two or More Races	4.4%	5.7%	6.6%
<b>Total</b>	<b>6.8%</b>	<b>8.1%</b>	<b>9.5%**</b>

\*Hispanics may be of any race, but in this table are included only under "Hispanic"

\*\* Data by race not yet available for 2009, where total was 11.0%

Source: Derived from Table 11 – 55 – Exit Outcomes for children leaving foster care by race/ethnicity, selected fiscal years. Table prepared by Congressional Research Service based on AFCARS data reported by States as of mid-January 2009.

### **Differential Risk for Emancipation**

As noted above, while many youth who emancipate have been in care for long periods, those who enter at older ages are more likely to do so. Children who enter foster care after age 12 are

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<sup>1</sup> Studies of older youth in the Midwest, Northwest, Alaska and California have increased knowledge about the risks and resiliency of emancipated youth. However, there has not been a national database of such youth that enables us to track them generally. This will soon change as a result of a federal requirement, described below.

*A goal of independent living, APPLA (Another Planned Living Arrangement) or emancipation is essentially a plan to leave the youth disconnected and extraordinarily vulnerable.*

-North American Council on Adoptable Children, 2009

significantly less likely to exit to a permanent home than all others, including children with diagnosed disabilities (U.S. Children's Bureau, 2000).

Race and ethnicity are also risk factors. The significant majority of youth emancipating from care are non-Hispanic Whites and African Americans. African American youth are the most likely to be emancipated, the case for 12.4% in 2007 (U.S. House Ways and Means Committee Green Book, 2008; Kemp & Bodonyi, 2002; Leathers, Falconnier & Spielfogel, 2010).

Another subset of youth at risk are those in residential or group home settings. Courtney (2005) notes that youth aged 16-18 are likely to be in the settings that are least family-like. Such living arrangements typically have multiple caregivers in a day, young personnel and significant staff

turnover. Youth in such settings therefore are less likely to form the kind of enduring relationships with responsible adults that can sustain them in young adulthood.

Some studies have found that behavior problem levels are associated with achieving permanency; that is, youth with higher levels are at greater risk of leaving care without permanency (Cushing & Greenblatt, 2009; Connell, Katz, Saunders & Tebes, 2006; Munson & McMullen, 2008). However, a longitudinal study of 203 adolescents in care found those with high levels of behavior problems were no more and no less likely to be adopted than those with lower levels. This was particularly the case when the adolescents had strong relationships with their current caregivers (Leathers, et al., 2010).

## Emancipation as a Goal

Emancipation is an unsettling reality for thousands of youth in the system every year. Even more troubling is that emancipation is a *goal* for thousands more. In 2010, for example, workers set emancipation as a goal for 27,854 children (U.S. Children's Bureau, 2011). Emancipation is inevitable for youth who do not achieve permanency – but should it be the objective?

Several respected advocacy organizations, including the North American Council on Adoptable Children (2009), hold that emancipation should **never** be a goal for youth in care. As one group put it, "Independent living" is not permanence, but is, instead, a service (Casey Family Services & Children's Defense Fund, 2006).

Cushing and Greenblatt (2009) posit that the stated goal for a youth matters. The decision to change a goal from adoption to independence or "another planned living arrangement" has a negative impact on the likelihood of adoption, and increases the likelihood of multiple and institutional placements (where high worker turnover limits the opportunity for youth to develop continuous relationships). The researchers examined case records of 640 randomly selected children whose parents' rights had been terminated and who had a permanency goal of adoption, but who had not been adopted on a given date. Researchers also conducted in-depth reviews of 124 randomly sampled cases. They examined children's permanency status at a given time and then about a year later. The good news was that over half of the children had adoption petitions filed or were in process. Fifty percent of those still not adopted had been

placed in pre-adoptive homes. The study found several statistically significant factors associated with remaining in care (described later in this paper in a discussion of adoption of older youth).

Cushing and Greenblatt found that 28% of those not adopted had a goal change from adoption to a “non-permanency” goal such as independent living, long-term foster care or “other.” Those who experienced such change were more likely to be older (ages 11.6 vs. 7.89 for youth with a goal remaining adoption) and were more likely to have a history of residential placement (50% vs. 34%). Factors such as ethnicity, gender or sibling group membership did not predict goal change. The most common explanation for this change was the child’s behavior or special needs, followed by the decision that it was unlikely an adoption resource could be found for the child, followed by the child’s age.

### **Increasing Knowledge about Emancipating Youth**

Despite the fact that almost 30,000 youth aged out of care nationally in 2009, we know surprisingly little about them. Fortunately, this soon will change. The Chafee Foster Care Independence Act of 1999 mandates the establishment of a National Youth in Transition Database. Beginning in mid-2011, states are required to supply data on services and supports they provide to all youth in 11 categories: independent living needs assessment; academic support; post-secondary educational support; career preparation; employment programs or vocational training; budget and financial management; housing education and home management training; health education and risk prevention; family support and healthy marriage education; mentoring; and supervised independent living. States will also have to report the financial aid they provide, including assistance for education, room and board, and other help.

In addition, states must track youth on a number of outcomes related to financial self-sufficiency, experience with homelessness, educational attainment, positive connections with adults, high-risk behavior and access to health insurance. States also must survey youth around the time of their 17<sup>th</sup>, 19<sup>th</sup> and 21<sup>st</sup> birthdays. As a result, in the next three years, we will begin to gain a much better understanding of youth who age out of foster care. Though this new data will expand our knowledge, it will not reveal the factors that influence why some youth never achieve permanency – so there is still much to learn about the path that leads so many of them to emancipation instead.

## **SECTION II**

### **EMANCIPATION AND PERMANENCY: THE SOCIAL AND POLICY CONTEXT**

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**Y**outh aging out today experience the transition to independence in a historical period in which their contemporaries not in care are increasingly dependent on their families for a longer time. As foster youth face their pending emancipation dates (often their 18<sup>th</sup> birthdays), other young people are preparing for employment, continuing their education or training, and often receiving continued financial and emotional support. This lengthened transition period of delayed independence for many of today's young people from ages 18-25, termed "emerging adulthood," is distinct in its focus on identity exploration, instability, self-focus, feeling neither adolescent nor adult, and high optimism (Arnett, 2000, 2004). As foster youth attempt to navigate this transition, they are simultaneously dealing with challenges related to institutional, developmental and cultural/identity shifts.

This increased time for exploration, at least for many middle-class youth, is in part supported by a culture in which young people remain dependent on family for longer than at any previous time in history. Demographic patterns that include lengthier periods for completing education, becoming financially independent, getting married, and becoming parents lends itself to time for experimentation, gradual entry into adult roles, and acquisition of skills (Aquilino, 2006; Arnett 2004). As foster youth may be unable to rely on parents or the state during this stage of development, they are left without the support to make smooth transitions. Further, missing out on opportunities to secure higher levels of education can set them up for diminished earning capacity, unemployment and poverty.

As youth in foster care struggle to be on equal ground with their contemporaries, they simultaneously face transitions from foster care to life on their own and the significant developmental tasks of establishing their own homes and supporting themselves emotionally and financially. The ability to navigate this time of life is in part determined by earlier life experiences and the social and human capital to support development (Shanahan, 2000). Mallory (1995) differentiates between institutional and developmental transitions, with the former taking place as a result of legal standards rather than individual readiness. Emancipation is perhaps the largest of these transitions, with a move from the complete set of supports and services provided in the child welfare system to a complete absence of them. Changes that include losing foster parents, caseworkers, monetary assistance and housing, as well as disconnection from support services, can create formidable obstacles to foster youths' success. Simultaneously, they experience developmental tasks that are difficult for anyone of their age.

As foster youth navigate this stage of life, they confront challenges beyond those faced by other youth in their cohort. This reality is compounded by the fact that many foster youth are already at a disadvantage due to their socioeconomic status. By and large, most come from poor households and resource-deprived neighborhoods. These limited resources set the stage for disadvantages that will follow these young people for years. Research is clear that youth with the fewest economic and social resources have the greatest difficulty accomplishing the tasks of this transition (Besharov, 1999; Brooks-Gunn, Duncan, Klebanov & Sealand, 1993; DeMarco & Berzin, 2008; Grubb, 2002). Additionally, the overrepresentation of minorities in the child welfare system creates multiple barriers when youth transition out.

Youth of color, who make up over 50% of the foster care population (U.S. Children's Bureau, 2011), face challenges of emancipation compounded by issues of race/ethnicity. They simultaneously must cope with the institutional transition of emancipation, the developmental challenges of this period, and the personal challenges associated with cultural identity formation. Minority youth also encounter racism, barriers to employment and housing opportunities, and often the disadvantages connected to living in poor neighborhoods that compound these challenges (Iglehart & Becerra, 2002).

Depending on their living experiences in foster care, they may not have learned the "skill set" for coping with such discrimination and, finally, they may lack the ongoing support of family to negotiate the tasks of coming of age as young adults of color. Because minority youth simultaneously deal with emancipation and the development of racial identity, it is critical for the field to promote culturally sensitive, culturally competent practice (Helms & Cook, 1999).

A particular challenge for youth leaving care is the lack of strong, emotionally supportive relationships with trustworthy adults. Separation from families of origin, maltreatment and changes in caregivers and other losses weaken children's access to and comfort with emotional ties. Older youth are more likely to live in congregate care settings and less likely to live with relatives. These non-family-based placements do not promote the development of strong family and community connections (Courtney & Heuring, 2005).

### **Legal Obligations for Serving Emancipating Youth**

The Chafee Foster Care Independence Act of 1999 was an important recognition of the risks faced by youth leaving care. This legislation supports states in providing youth with the knowledge and skills they need to live independently once they exit the system. Under the Chafee Foster Care Independence Program (section 477 of the Social Security Act), states receive funds to design and implement independent living services for youth who are expected to remain in foster care until 18 years of age, for youth ages 18 through 20 who have left foster care because they reached 18 years of age and, as of October 2008, for youth who leave foster care for either kinship guardianship or adoption after reaching their 16th birthdays. States may also receive Education and Training Voucher funds to support post-secondary education for any of these youth.

Our understanding of the needs of emancipating youth has expanded considerably since the Chafee Act was enacted. In 2008, the Fostering Connections to Success and Increasing Adoptions Act (FCA) linked policy related to permanency with policy related to independence. The FCA joined the Adoption Assistance and Child Welfare Act (AACWA) of 1980 and the Adoption and Safe Families Act (ASFA) of 1997 as the most significant child welfare legislation passed in our country during the past three decades.

FCA requires involvement of extended family in making decisions about youth placement and providing permanence, and increases adoption incentives and assistance while requiring more accountability for emancipating youth. FCA allows states to use federal funds to support subsidized guardianship, to provide adoption and guardianship benefits beyond the child's 18<sup>th</sup> birthday, and to enhance incentives for adoption. Beginning in 2011, FCA permits states to seek additional federal support to help older youth transition to independent living by allowing states to claim reimbursement for foster care maintenance payments made on behalf of eligible children who remain in care after age 18.

Other aspects of the law may indirectly support youth permanency. For example, states must notify relatives when children are removed from their parents and are placed in foster care. In addition, the FCA requires states to keep siblings together or make sure they have ongoing interaction, and requires that individualized transition plans be in place at least 90 days prior to a youth's emancipation. It also supports coordination of educational and health services to better meet children's needs.

Under the FCA, state child welfare agencies also are required to meet certain case plan and case review stipulations that are intended to help youth transition to adulthood outside of state custody. Specifically, as part of the written case plan for youth in foster care at age 16 or older, states must describe the programs and services that will help in the preparations for the transition from foster care to independent living. Further, any permanency hearing held on behalf of a child age 16 or older must determine the services needed to assist the youth in making that transition. The transition plan must be developed no later than 90 days before the youth's 18th birthday or whatever later age – up to 21 – that the state chooses to end foster care assistance. The transition plan, to be created by the caseworker along with the youth and any other appropriate representatives of the youth, must address specific options for that specific young person with regard to housing, health insurance, education, local opportunities for mentors and continuing support services, as well as workforce supports and employment.

The Fostering Connections Act is an important step, but it is just a step (Casey Family Programs, 2009; Courtney, Hook & Lee, 2010). Some provisions are optional, and some require additional state funds to implement, posing great challenge in this time of economic downturn. The law's passage was historic; now it is vital that it be fully implemented.

## **SECTION III**

### **OUTCOMES FOR EMANCIPATED YOUTH: DIFFICULTIES IN MULTIPLE DOMAINS**

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**T**he period from adolescence into adulthood represents a critical transition in all young people's lives as they navigate the primary developmental tasks involved. Scholars consider normative development to include the school-to-work transition, family formation, the move to independent housing, the acquisition of the skills and capacity to function independently, and the development of social and community networks (Mech, 2003; Shanahan, 2000). Casey Family Programs has outlined the major life domains specifically for former foster youth, including: 1) career planning, 2) communication, 3) daily living, 4) home life, 5) housing and money management, 6) self care, 7) social relationships, 8) work life, and 9) work and study skills.

While these encompass functional aspects of independence, additional life domains (family connections and relationships and intimate relationships; emotional and mental health, spirituality, physical health, racial/cultural identity) are also critical in helping youth manage life after emancipation (Samuels, personal communication, April, 2011). As we consider the breadth of tasks that are required of this age group and their consequences for future development (Schulenberg, O'Malley, Bachman & Johnston, 2000), the difficulties faced by youth aging out of care become particularly stark.

It is well-documented that these young people struggle tremendously with the transition to adulthood in the areas of education, employment, housing, mental and physical health, criminal involvement, and early parenting (e.g., Berzin, 2008; Cook, 1994; Courtney, Dworsky, Lee & Rapp, 2010), Courtney & Dworsky, 2006; Festinger, 1983; Pecora, Williams, Kessler, Downs, O'Brien, Hiripi, & Morello, 2003). They are at disproportionately high risk for poverty and homelessness, as well as mental and physical health problems. When considering multiple transition tasks simultaneously, youth with a history of foster care placement are overrepresented among all young people who struggle. They face multiple challenges as they navigate developmental and institutional transitions that accompany emancipation (Mallory, 1995). Simultaneously, foster youth are asked to accomplish the developmental tasks of this period, while being asked to transition out of state custody. In addition, pre-existing risk factors that relate to placement in care, such as poor early nurture and maltreatment, make foster youth vulnerable for continued negative developmental trajectories as they transition to adulthood (Berzin, 2008). These risk factors, along with multiple transitions and potentially unrealistic expectations of independence, have relegated this population to poor outcomes in many areas.

An extensive body of research indicates that foster youth struggle across multiple domains during the transition to adulthood. This research primarily stems from four types of studies: 1) cross-sectional and short-time longitudinal studies of youth who have left care; 2) secondary data analysis of national representative data sets; 3) administrative data linked to youth in the child welfare system; and 4) qualitative examination of youth experience and perspective. Some of the studies have attempted to draw comparisons to other youth by matching on characteristics including gender, race or poverty status (e.g., Blome, 1997; Buehler, Orme, Post & Patterson, 2000; Goerge, Bilaver, Lee, Needell, Brookhart & Jackman, 2002), while others have used statistical methods to control for selection bias (Berzin, 2008) or done comparisons of youth with high levels of disadvantage, with and without child maltreatment and out-of-home

placement history (Mersky & Topitzes, 2010). While matched comparisons provide a clearer picture as to how former foster youth fare compared to like peers rather than the general population, matching strategy has an impact on results (Berzin, 2010).

A debate about comparison groups and matching strategies is beyond the scope of this paper (for a discussion, see Berzin, 2010), but it is useful to consider how foster youth compare to their peers with similar characteristics, at least in part, to examine how services impact outcomes. Studies that compare former foster youth to other disadvantaged youth find fewer differences in outcomes, but continue to show poorer outcomes for foster youth. Even where results are comparable, it is important to remember that the foster youth have received an extensive and expensive set of services that were intended to yield pronounced positive results. Findings from these studies and from the broader foster youth outcomes literature are outlined below; they relate to family and social support, vocational and educational outcomes, self-sufficiency, housing, parenting, physical health, emotional and behavioral health, involvement in the legal system, and life skills preparation.

### **Family and Social Support**

Given the pivotal role of family formation during the transition to adulthood, nurturing supportive connections and creating healthy adult relationships are key tasks for foster youth during this period. Maintaining and growing social support networks becomes critical as these young people lose their connection to the institutional supports they had known as children (Geenen & Powers, 2007). Because they have suffered losses through their moves in and out of familial and foster homes (Samuels & Pryce, 2008), their ability to create and sustain supportive relationships may be impaired. While studies have not examined this question explicitly in comparison to other youth, the benefits of mentoring and supportive relationships for foster youth are evident as they navigate this transition (Ahrens, Dubois, Richardson, Fan & Lozana, 2008; Geenen & Powers, 2007).

In this context of changing relationships and discontinuity of institutional support, foster youth often maintain relationships with their biological families or seek continued support from foster families (Courtney & Dworsky, 2006; Courtney, et al., 2010). Many foster youth do maintain supportive relationships during this transition period through a constellation of biological relatives, foster families and significant others (Samuels, 2008). Familial and social connections help to support foster youth as they face all the challenges of this developmental stage. Former foster youth often remain well-connected to friends, family, and significant others as part of their informal support networks as their institutional support systems change (Courtney, Piliavin, Grogan-Kaylor & Nesmith, 2001; Westat, 1991; Courtney, Terao & Bost, 2004).

While many youth report having multiple relationships, there is limited knowledge about the context or strength of these support systems; that is, it is unclear whether these relationships – through biological, foster, kin and peer networks – provide sufficient emotional connection or financial, physical or mental support. Courtney and colleagues (2010) found that half to two-thirds of their sample of young adults at ages 23 or 24 reported having people in their social support networks who could help them with particular needs. Foster youth perceive that these relationships and support networks exist, yet outcomes in other domains raise questions about the nature and quality of these supports. Youth report they have connections, but often don't feel connected or have trust that these connections will endure.

In a qualitative study by Samuels (2008), older youth who were or had been in care across the nation identified two missing needs in their lives: emotional support and relational permanency. This was the case despite the fact that most participants identified an existing support network composed primarily of biological and foster family members and friends. They also included child welfare professionals as part of their support systems, while recognizing (and, for some, regretting) that such relationships were not permanent. The participants gave evidence of experiencing “ambiguous loss” – the complex psychological state of having lost attachment figures but not grieving the loss because those from whom the youth is separated, while physically absent, are psychologically present. These losses were compounded by moves in care and accompanying loss of relationships, places and objects. Samuels calls this loss “psychological homelessness.”

Samuels argues that the need for emotional support should guide services to older youth in care. They can be created through formal means – such as mental health services and counseling, support groups, and emotional support from foster parents and caseworkers – or through the development or strengthening of informal networks such as peer support or associations with guiding adults. To offer services without helping to develop and maintain emotional connections leaves youth adrift, without the support to help them understand, integrate or best utilize the help they are receiving.

In this changing context of social networks, foster youth begin establishing new families through their own dating and marital or partnering relationships. Although few researchers have examined the formation of these relationships, some data – primarily centered on marriage rates and relationship quality – inform our understanding of these topics. For instance, former foster youth marry at the same rates as comparison youth (Buehler, et al., 2000; Berzin, 2010), although their relationships appear to be more turbulent; specifically, former foster youth report more frequent marital conflict than comparison groups and are more likely to have conflicts that involve shouting disputes (Buehler, et al., 2000). Some evidence exists that even when controlling for parents’ educational level, as a proxy of socioeconomic status, more marital conflict is evident for former foster youth than for others. Dating violence also occurs in high rates among this population, with over 48% reporting physical abuse, sexual abuse, threats, name-calling or other such issues during dating (Jonson-Reid & Bivens, 1999). Additionally, those who are partnered are more likely to be cohabitating than married in the early post-foster care years, whereas youth in the general population are more likely to be married than cohabitating (Courtney, Dworsky, Cusick, Havlicek, Perez & Keller, 2007; Courtney et al., 2010).

### **Vocational and Educational Outcomes**

Obtaining higher educational levels is important for any youth in our country, especially as income disparities grow between those with more or less schooling (American Council on Education, 1999; U.S. Bureau of Labor Statistics, 2002). That makes foster youths’ prospects of even greater concern, given their well-documented difficulties with school performance (Barth, 1986; Blome, 1997; Courtney, Piliavin, Grogan-Kalyor, & Nesmith, 2001; Courtney, Terao, & Bost, 2004; Stone, 2007). Children with histories of out-of-home placement suffer from academic vulnerability related to lack of continuity in school progress, placement in special education classes, high levels of discipline problems in school, and grade retention (Blome, 1997; Courtney, et al., 2004; Iglehart, 1995; Kortnenkamp & Ehrle, 2001; Pecora, Kessler, O'Brien, White, Williams, Hiripi, English, White, & Herrick, 2006; Smithgall, Gladden, Howard, Goerge, & Courtney, 2004; Stone, 2007).

Although these outcomes are well-documented, the extant research is not definitive on whether foster care placement exacerbates pre-existing characteristics or acts independently to create educational vulnerability (Smithgall, et al., 2004; Stone, 2007). These studies have not been explicit in controlling for socioeconomic variables known to impact educational results. Comparing foster youth outcomes using matching techniques yields fewer differences, although foster youth still fare worse than other youth living in poverty (Berzin, 2010). Evidence consistently suggests that foster youths' difficulties with school performance and continuity lead to high percentages of them dropping out of high school. These rates vary from 23% to as high as 55% in some studies (Barth, 1990; Blome, 1997; Courtney, Dworsky, Cusick, et al., 2007; Festinger, 1983; Westat, 1991). Of additional concern are higher rates of obtaining GEDs rather than high school diplomas compared to youth in the general population (Courtney, et al., 2007; Mech, 2003; Pecora, et al., 2006).

As foster youth struggle with school achievement and graduation, it is not surprising that they report low levels of post-secondary enrollment and college completion. The Midwest Evaluation of Former Foster Youth found 28% of former foster youth enrolled in college by age 21 (Courtney, et al., 2007), as compared to almost 70% of the general population enrolling after high school (National Center for Education Statistics, 2008). Among those who did enroll in college, the majority (56%) were enrolled in two-year rather than four-year schools, a much higher percentage than for other youth. Earlier research suggested lower rates of participation in post-secondary academic or vocational programs for foster youth than for their counterparts in the general population (Berzin, 2008; Blome, 1997). Their rates of college completion also are lower than for other segments of the population (Buehler, Orme, Post, & Patterson, 2000; Needell, et al., 2002; Pecora, et al., 2006; Pecora, et al., 2003; Courtney, et al., 2010). Additionally, a mismatch between goals and achievement has been noted among former foster youth (Blome, 1997; Courtney, et al., 2001; Needell, et al., 2002).

### **Self-sufficiency: Employment, Poverty and Public Assistance**

Weak labor force participation and high poverty rates, both of which are closely linked to educational outcomes, are evident among emancipated foster youth. Jobless rates rise above the national average for their age group and, even when working, they report tentative employment (Blome, 1997; Brandford & English, 2004; Cook, 1994; Courtney, et al., 2001; Courtney, et al., 2010; Festinger, 1983; Goerge, et al., 2002; Westat, 1991). They have difficulty working consistently and moving upward in the labor force (Courtney, et al., 2001; Goerge, et al., 2002; Westat, 1991). Programs exist to enhance foster youths' employment preparation and provide vocational support, and although they are touted as effective (Fagnoni, 1999), few former foster youth utilize them to get jobs (Courtney, et al., 2004).

With unsteady labor force participation, even among former foster youth who do work, economic hardship is evident. These youth report lower earnings and greater welfare usage than their peers and, even when they have jobs, they receive low wages and on average, have incomes below the poverty guidelines (Buehler, et al., 2000; Courtney, et al., 2007; Goerge, et al., 2002; Mech, 2003; Pecora, et al., 2006). In one study of emancipated youth, 60% had annual household incomes of less than \$10,000 (Reilly, 2003). Courtney and colleagues (2010) found an even lower earning level: former foster youth who had been employed had median incomes of just \$8,000. Not surprisingly, economic hardships lead many former foster youth to collect public assistance in the first few years following care, at rates as high as 50% (Courtney, et al., 2001; Mech, 2003; Needell, et al., 2002; Westat, 1991). Even several years after emancipation, the trend continued; at age 23 or 24, one-third of males and three-fourths of females reported

having received government assistance (Courtney, et al., 2010). Research comparing former foster youth employment to other youth living in poverty suggested that the former group fared worse on both employment and income levels (Goerge, et al., 2002).

## **Housing and Homelessness**

Faced with losing their current living arrangements as a result of emancipation, former foster youth must find independent housing at a time when many of their peers are still living at home (DeMarco & Berzin, 2008; Fields, 2003). Securing affordable, consistent housing is therefore paramount to being able to function successfully during this transitional stage (Mech, 2003).

Rates of homelessness (often defined as youth without a residence for at least one night or moving on a weekly basis) vary considerably from study to study, but estimates range from 12%-49% (Berzin, Rhodes, & Curtis, 2011; Brandford & English, 2004; Courtney, et al., 2007; Fowler & Toro, 2006; Pecora, et al., 2003; Westat, 1991). Studies of the homeless population and public shelter use also suggest overrepresentation of former foster youth (Park, Metraux, Brodbar, & Culhane, 2004; Roman & Wolfe, 1997).

It is not child welfare system involvement itself that predicts homelessness. One study found that youth who were removed from their parents care were more likely to be homeless than youth whose families received services from the child welfare system but where the child remained at home (Park, et al., 2004). In research that compares foster youth to other youth from disadvantaged families, housing issues remain particularly salient (Berzin, et al., 2011). Faced with institutional moves involved with emancipation – and inconsistent or nonexistent familial support – foster youth face a particularly difficult struggle in this domain.

Housing stability is considered key for former foster youth as they negotiate the transition to adulthood – and emancipated youth who do not have stable housing struggle more with mental health difficulties than those who do have it (Fowler, 2009). Yet, even former foster youth who are not homeless experience frequent moves (Berzin, et al., 2011; Courtney, et al., 2007; Courtney et al., 2010), and these young people report feeling that they lack information about how to secure housing (Courtney, et al., 2001; Iglehart, 1995). Furthermore, while housing stability is critically important, its quality and affordability also are concerns (Berzin, et al., 2011).

## **Parenting**

While becoming a parent is a new role for many young adults, teen parenting carries well-established risks of negative outcomes for their children (e.g., Borkowski, Farris, Whitman, Carothers & Weed, 2007; Corcoran & Chaudry, 1997; Kirby, 2001; Mauldon, 2003). As former foster youth struggle with the multiple challenges of this transition, parenting may exacerbate other difficulties. Foster youth begin sexual behavior earlier than their peers in the general population (Carpenter, Clyman, Davidson & Steiner, 2001) and feel they do not get information when they need it about sex and pregnancy (Love, McIntosh, Rosst & Tertzakian, 2005).

Research indicates rates of teen parenting among foster youth far exceed the national average (Courtney, et al., 2004; Pecora, et al., 2003). In one study, one-third of females aging out of care became pregnant by age 17 or 18, compared with fewer than 15% of comparison youth (Dworsky & Courtney, 2010). In the Midwest Study, three-fourths of females aged 23 or 24 who had been in care reported having been pregnant, compared to 40% of their peers (Courtney, et

al., 2010). Repeated pregnancies were also more commonly reported among the foster youth. Other research also suggests these young people have more children in their 20s than do youth in the general population (Schmitz, 2005). When comparing foster youth to youth similar in education or other socioeconomic criteria rather than to the general population, rates of early childbearing and overall birth rates are comparable (Berzin, 2008; Buehler, et al., 2000; Needell, et al., 2002).

Early parenting poses challenges for most young people, but even more so for young mothers and fathers who experienced foster care. For those who have emancipated from care, and who often face more obstacles than other youth in obtaining employment, securing housing and gaining additional education, parenting interferes with other independent living activities (Leathers & Testa, 2006). Furthermore, although some foster youth view parenthood as a way to create meaningful family relationships, the tasks and responsibilities can be overwhelming for them (Leathers & Testa, 2006; Love, et al., 2005). Relationships with biological family networks may be strained or non-existent, leaving parenting foster youth with less familial support than other young parents.

Although there is scant research examining the risk of former foster youth maltreating their children, there is significant evidence relating to the intergenerational transmission of violence. Many studies suggest that experiencing violence or neglect as a child contributes to the perpetration of subsequent abuse (e.g., Seltzer & Kalmuss, 1988; Strauss, Gelles, & Steinmetz, 1980; Widom & Maxfield, 1996). These links are in no way absolute but, yet again, it is clear that emancipated foster youth face yet another set of challenges if they become parents as they attempt to deal with the tasks of transitioning to adulthood.

### **Physical and Mental Health**

Children with physical health issues, disabilities, poor birth assessments, and emotional and behavioral problems are overrepresented in the child welfare system (Bugental & Happaney, 2004; Horan, Kang, Levine, & Duax, 1993; Pecora, White, Jackson, & Wiggins, 2009; Rosenfeld, Pilowsky, Fine, Thorpe, Fein, Simms, Halfon, Irwin, Alfaro, Salestsky & Nickman, 1997; Sullivan & Knutson, 2000). So it is not surprising that emancipated youth continue to manifest considerable physical and mental health difficulties. What is not clear is the extent to which these issues are exacerbated or ameliorated by the foster care experience. Problems related to access to care, emotional and behavioral issues and substance abuse add to the vulnerability of this population.

Even though foster youth report generally good health (Buehler, et al., 2000; Courtney & Dworsky, 2006), they struggle with more problems in this realm than do their peers in the general population. Those aging out of foster care report greater health conditions limiting their activity, and more hospitalizations and emergency room visits than their peers (Courtney & Dworsky, 2006). Further, many of these youth report difficulty accessing care and drops in service utilization following emancipation, as well as difficulty obtaining needed medical care (Courtney, et al., 2001). Foster care alumni often lack health insurance, with studies showing 30%-50% without coverage, compared to 18% of peers in the general population (Courtney, et al., 2001; Pecora, et al., 2003).

Utilization rates of mental health services also drop dramatically as youth leave care, as does their access to these services (Courtney, et al., 2007; Courtney, et al., 2001; Raghavan & McMillen, 2009). Yet youth who emancipate from care have a higher prevalence of current and

lifetime psychiatric disorders than do their peers in the general population (Pecora, et al., 2009). One study showed 61% of older youth in the system had a psychiatric disorder in their lifetime (McMillen, et al., 2005). Research from several large studies of emancipating foster youth and foster youth alumni reveal particularly high rates of post-traumatic stress disorder (Pecora, et al., 2009). Additionally, youth in out-of-home care have higher rates of depression than other youth (Brandford & English, 2004; McMillen, et al., 2005; Perry, 2006; White, et al., 2009).

Substance abuse rates are also higher for former foster youth, with some studies estimating over 50% have problems with drugs (Barth, 1990; Westat, 1991; White, O'Brien, White, Pecora, & Phillips, 2008). They also have reported a greater likelihood of someone in their home having a substance abuse problem, compared to a random group of youth (12% vs. 3%) (Buehler, et al., 2000). Alcohol dependence rates vary greatly across studies, in some cases being comparable to youth in same-age cohorts in the general population and in other cases being vastly higher. Comparing foster youth to maltreated youth who were not placed in out-of-home placement, however, indicated there was some protective support for foster youth, who had lower substance abuse rates than the comparison group (Mersky & Topitzes, 2010).

### **Involvement in the Legal System**

Criminal behavior and criminal justice involvement have been noted at high rates among former foster youth. Studies report that they are arrested, spend time in jail, and are convicted of crimes at higher-than-average rates (Barth 1990; Reilly 2003; Courtney, et al. 2004; Courtney, et al., 2010; Berzin, 2010). Considerable concerns have also been raised about the high levels of incarceration for males who age out of care (Needell et al., 2002; Courtney et al., 2007). Some research finds over 40% of former foster youth have been in trouble with the law and have spent time in jail following emancipation (Courtney. et al., 2010; Reilly, 2003). In another study, one-fourth of youth emancipated from care did something illegal to obtain money, and almost 30% had moderate to high risk of being involved in the legal system (Vaughn, Shook, & McMillen, 2008). While these statistics show exceedingly high rates of involvement, arrest rates appear similar for foster alumni and other disadvantaged youth (Mersky & Topitzes, 2010).

### **Independent Living Preparation**

Life skills preparation takes place mainly through Independent Living Programs (ILP) for youth emancipating from foster care, but research indicates these programs need improvement to effectively serve their target population (Naccarato & DeLorenzo, 2008). For instance, challenges have been noted in the collaboration between ILP staff and other community agencies (Berzin & Taylor, 2009). When we prepare youth for emancipation by relying solely on the services of child welfare agencies and not creating connections for youth to existing community agencies, we deprive youth of the opportunity to develop skills and use resources that may help them throughout their lifetimes.

Additionally, while preparation is supposed to take place across a broad spectrum of activities – including education, employment, health, housing and youth development – services are often limited to just a few domains (Courtney & Dworsky, 2006). Preparation has also been criticized as lacking sustainable connections, concrete assistance, and practice experiences (Courtney, et al., 2001; Fagnoni, 1999). While youth are being prepared for independent living through ILP, their sense of readiness for living on their own varies. When asked about their preparation for

independent living, many youth say they feel somewhat ready to leave care but lack resources, such as a driver's license, money or furniture, to live on their own (Pecora, et al., 2006).

## **Racial Differences in Outcomes**

Since youth of color are significantly overrepresented in the child welfare system and are at increased risk of aging out, it is important to examine racial differences in transition outcomes. Additionally, youth of color who age out tend to have spent more time in placement than their White counterparts, which might pose further challenges in this transition (Fajardo, 2010). While research has focused less on minority youth than on the overall population, some studies allow us to examine these differences.

Iglehart and Becerra (2002) conducted one of the few studies that explicitly examined the experiences of Hispanic and African American foster youth after emancipation. They used qualitative analysis to understand youth experience, and their findings suggest youth of color struggle with similar issues to those identified in the general aging-out population. The youth reflected on housing instability and family conflict as major themes. Their discussions of the future implied a mix of optimism and fear – that is, the youth described hopes and dreams, but tempered their discussions with insecurity about what the future would bring.

While qualitative data gives some insight into how youth of color experience this transition, quantitative research shows the association between race and outcomes. A comprehensive look at racial and ethnic differences across two of the primary studies of youth leaving care – the Midwest and the Northwest studies – found fewer differences in outcomes related to race than expected, given the disadvantages faced by youth of color in general (Dworsky, White, O'Brien, Pecora, Courtney, Kessler, Sampson & Hwang, 2010).

In the Midwest study, which followed over 700 foster youth from three states, African American youth fared better than their White counterparts on several measures— high school completion, health status, and the rate of substance abuse disorders. They fared far worse, however, in other areas -- public assistance, income, and teen parenthood (Courtney, et al., 2010).

The Northwest study, which examined 489 former foster youth in Washington and Oregon, found comparable differences. African Americans, for example, were more likely to have a GED than were other racial/ethnic groups (although less likely than non-Hispanic Whites to have a high school diploma); however, they were at greater risk for homelessness than non-Hispanic Whites. Overall, multivariate analysis controlling for demographics, family background and placement history found differences between those who were non-Hispanic White and those who were African American. The odds of experiencing positive outcomes were lower for African American foster alumni than for non-Hispanic Whites (Dworsky, et al., 2010).

When the Northwest study compared outcomes to those of African American youth in the general population, however, they found those who emancipated from foster care had similar outcomes. This finding implies that race generally, rather than race combined with experience in foster care, is the significant issue. In sum, the authors concluded: “that racial or ethnic differences in outcomes are more the exception than the rule, and that some of those differences can be explained by other factors. Others mirror racial or ethnic differences in the general population” (Dworsky, et al., 2010, p. 902).

Other recent research using data on youth in the Casey National Alumni Study looked at income and mental health outcomes for 134 African American and 574 White youth who aged out of care (Harris, Jackson, O'Brien & Pecora, 2009; Harris, Jackson, O'Brien, & Pecora, 2010). The authors controlled for a number of demographic and risk factors and foster care experiences. They found race was associated with income and home ownership, with White alumni significantly more likely to have higher incomes and to own homes. No differences were found in mental health outcomes. Additional research, using caseworkers' reports on youth outcomes after emancipation, suggests particular difficulties for African American youth in urban areas (Leathers & Testa, 2006). While differences depend on the outcome being examined, these young people are clearly disadvantaged in the education and employment domains.

Findings on racial differences in transition outcomes are somewhat inconsistent, but particular concerns exist for African American youth as they navigate emancipation. Most research on the impact of these factors on outcomes has focused on differences between African American and White non-Hispanic youth. Additional research is needed on the emancipation experiences of the full range of youth emancipating from care, including those who are Hispanic, Asian American and Native American.

### **Broadening Outcomes**

The evidence clearly suggests that foster youth struggle across transition domains. What research has not fully explored is how pre-existing disadvantage, maltreatment, and the child welfare service system itself affect their difficulties. Creating an appropriate, effective service delivery system for these young men and women should necessarily start with an understanding of the mechanisms that support and promote healthy development. Furthermore, understanding consequences that go beyond life-course outcomes deepens our knowledge of foster youth experience in this transition and their needs. Documentation of foster youth difficulties is a starting point, but is insufficient. The field must better understand the impact of other factors that impede or promote foster youths' transition to adulthood, such as the effects of trauma, the impact of loss of family and community ties, and the role of siblings as sources of support.

Many youth struggle after leaving the child welfare system, but many also report that they have some supportive relationships. Such relationships can mediate against the limited opportunities and the legacies of trauma and loss that they face. Professionals and policy-makers must increase their understanding of the constellation of supports, both informal and formal, that could create connections to employers, provide shelter, lend financial support, and abet strong health outcomes. There is a need to understand how these supportive relationships are functioning and when they leave foster youth without real connections. To begin to shed light on this experience, researchers have documented foster youth difficulties. Work that broadens these findings and deepens our understanding of the foster youth experience is needed to adequately serve this population.

## SECTION IV

### FINDING PERMANENT FAMILIES: ADOPTION AND GUARDIANSHIP

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Federal and state policies are clear about the importance of family, as well as about the need to achieve permanency for all children and youth in foster care. Reunification with birth parents or with other family members is the desired outcome in the significant

*Permanency is like a mark with a permanent marker. "If you [draw] on the paper, the mark ain't goin' nowhere. The paper may go somewhere or it could be picked up, but the mark ain't goin' nowhere."*

-Chambers, Zielewski & Malm,  
2008, p.1

majority of foster care cases (U.S. Children's Bureau, 1997; Fostering Connections to Success and Increasing Adoptions Act, 2008; Shaw, 2006). AFCARS data for 2010 indicate that reunification is the most common case goal for children in care (51%). The goal for another 4% is to live with other relatives. In fact, most children do exit care to go home or to live with relatives (a category not including adoption or guardianship by relatives). In 2010 this was the case for 59% of them (U.S. Children's Bureau, 2011).

What about those for whom neither of those options is possible? For most, permanency through adoption is seen as the next best alternative, but it is much less likely to occur for older youth than for younger children.

#### What is Permanency?

The impetus for creating and maintaining connections for youth aging out of foster care is clear. Outcomes for those who leave without permanency are generally poor, as delineated in many studies. The youth themselves argue for sustained support and connections. Finally some programs have demonstrated that permanency can become a reality for older youth when creativity, diligence and good casework are applied. Thus, it is clear that permanency, ongoing support and connections are vitally needed – and can be achieved.

Casey Family Services has been a leader in promoting better outcomes for foster youth. *A Call to Action: An integrated Approach to Youth Permanency and Preparation for Adulthood* (produced with the California Permanency for Youth Project, Casey Family Programs and the Jim Casey Youth Opportunities Initiative), puts forward a comprehensive definition of permanence. It means "having an enduring family relationship that:

- is safe and meant to last a lifetime;
- offers the legal rights and social status of full family membership;
- provides for physical, emotional, social, cognitive, and spiritual well being; and
- assures lifelong connections to extended family, siblings, other significant adults, family history and traditions, race and ethnic heritage, culture, religion, and language" (2005, p. 4).

They continue to report: “In achieving permanency outcomes, the objective is the optimal balance of physical, emotional/relational, legal, and cultural dimensions of permanence within every child’s and youth’s array of relationships” (p. 5). Using this definition, permanency is *not* planned long-term foster or group care, or emancipation. Permanency means a family for life.

Most sustaining relationships come from families, and older youth need them. Adoption of older youth, as well as subsidized guardianship (discussed later in this paper), are important ways to create such relationships for youth at risk of aging out of care. Each legally formalizes a relationship with an important adult or adults, removes the youth from direct involvement in the child welfare system, and typically continues state financial support, access to medical care through Medicaid, and ongoing services through the subsidy.

Permanency often includes physical and psychological components. For example, in a study of 30 foster youth, researchers found that most “described permanency in broader psychological terms,” including stability and long-term acceptance, expressed by one respondent as “no one can kick you out” (Freundlich, Avery, Munson & Gerstenzang, 2006, p.749).

### **Adoption of Older Youth**

As of September, 2010, a little over 107,000 children in the foster care system were awaiting adoption, and 37% of them were 10 or older. These numbers underestimate the proportion of older youth needing permanent families, however. AFCARS, the national system designed to track children in foster care, defines “waiting” children as those whose parents’ rights have been terminated or who have a goal of adoption. Youth 16 or older whose parents’ rights have been terminated and have a goal of emancipation are not included in the count of “waiting children.” As noted earlier, the goal for over 24,000 youth is emancipation (U.S. Children’s Bureau, 2011).

In recent years, the field has made significant progress in moving waiting children to adoption. In 1998, just over 38,000 of them were adopted, representing 15% of those leaving care. In 2009, the adoption number jumped to over 57,000, representing 20% of those exiting care (U.S. Children’s Bureau, 2010a). Most of this increase is generally attributed to the Adoption and Safe Families Act (ASFA) of 1997.

But that is not the whole story. Immediately following ASFA, there were increases in adoptions of children in foster care, and the proportion of adopted children ages 9 and older also increased – from 28% in FY1998 to 32% in FY 2002. During the same time period, however, the proportion of children waiting for adoption who were ages 9 or older increased from 39% to 49% (U.S. Children’s Bureau, 2005; Maza, 2009). The median age of children adopted from foster care has declined by over one full year between 1998 and 2010. This figure was either 6.3 or 6.4 in fiscal years 1998 through 2002, but then it started to decline, falling to 5.6 by FY2005, then to 5.2 in FY2007, where it has remained (U.S. Children’s Bureau, AFCARS Reports 10-18, 2006-2011). So, as longtime adoption statistical analyst Penny Maza, formerly of the U.S. Children’s Bureau notes, “These data suggest ASFA has not affected the adoption of older children (2009, p.1).

The percentage of older youth who leave care through adoption also has actually declined. In FY 2002, nearly a third (32%) of those who were adopted were age 9 or older falling to 26% in FY 2010. (U.S. Children’s Bureau, 2011). These changes show the need to strengthen efforts to secure adoptive families for tens of thousands of older children still waiting to be adopted (U.S. Children’s Bureau, 2005).

Age is the strongest predictor of whether a child who is legally free for adoption will achieve it. We know adoption is much less likely for youth over the age of 12 than it is for younger children (U.S. General Accounting Office, 2002; Kemp & Bodonyi, 2000; Maza, 2006; Testa, 2004/2005). In fact, the probability that a waiting child between ages 8 and 9 will continue to wait *exceeds* the probability that she/he will be adopted (Maza, 2006). Wertheimer (2002) estimated that children 11-15 composed 22% of waiting children but only 14% of adoptions.

In 2003, Congress established additional incentives to encourage states to move older children to adoption. AdoptUSKids was funded in 2002 as a member of the Children's Bureau's Training & Technical Assistance Network designed to assist states, tribes and territories in the recruitment and retention of foster and adoptive families for children in care. Other efforts by the Children's Bureau to promote adoption include the National Resource Center for Adoption, and diligent recruitment and other Adoption Opportunities grants. An analysis of waiting children after these initiatives were put in place found that instead of declining, the gap between younger and older waiting children actually increased through 2006 (Maza, 2009). There is clearly much more to learn about how to achieve older child adoptions.

A few recent studies offer some insights. A longitudinal study of waiting youth in Connecticut examined factors predicting adoption. Characteristics of children, foster parents and agency practice each contributed independently to making adoption less likely. For every year spent in foster care following termination of parental rights (TPR), for example, the likelihood of adoption declined by 80%. Foster family ambivalence about adopting decreased adoption by 52%, and agency rejection of the foster family as a permanency resource cut adoption odds by 66%.

Foster parent concerns focused on "availability of services, supports and resources to address the multiple, complex needs of waiting children" (Cushing & Greenblatt, 2009, p. 701). Caseworker turnover resulted in 44% less likelihood of adoption in the period of study. Boys were 66% less likely to be adopted than girls, and youth with identified emotional or behavioral problems were 60% less likely to be adopted than children without such problems.

Most of what we know about older youth adoption relates to the numbers of youth who are adopted or who age out, rather than the reasons why older youth are or are not adopted (Avery, personal communication, 2010; Wright & Flynn, 2005). The limited extant research we do have is compromised by differing definitions of "older youth" across studies (Haugaard, Wojslawowicz & Palmer, 1999). Further, studies often lack comparison groups or compare groups that differ on important dimensions (Wilson, 2004). Most of what guides the field is the practice-informed but not necessarily empirically derived efforts of advocates of permanency for older youth. Changes in policy and practice have been championed by such leaders in child welfare as the Annie E. Casey Foundation, Casey Family Services, Dave Thomas Foundation for Adoption, the North American Council on Adoptable Children and the Pew Commission.

Policies and strategies advanced to increase adoptions of older youth include:

- **Staff members who believe older youth can be adopted and are committed to that end** (NACAC, 2009; Avery, 2010); positive traits include tenacity, forthrightness, creativity, acceptance of ambivalence and ability to help youth and prospective adoptive parents move through the process (NACAC, 2009; Flynn, Welch & Paget, 2004).
- **Approaches that empower youth in their own planning.** These include sensitive and careful examinations of the young people's understanding of adoption and concerns about it. For instance, it is more effective to move away from the formulaic question "Do you want to be adopted?" (to which youth often answer "no") to a conversation about

“How do we work together to get you a lifelong connection with loving adults? (Scheetz, personal communication, 2010; National Resource Center for Foster Care and Permanency Planning & Casey Family Services, 2004).

- **Youth-centered recruitment focusing on the network of kin, fictive kin and other significant adults in the youth’s life now or in the past** (NACAC, 2009; Casey Family Programs, 2003; Scheetz, 2010; Soronen, 2011). This approach has some empirical support (Avery, 2010) demonstrating the value of looking hard for prospective parents among adults already known to the youth. Utilizing search techniques such as those used by the Red Cross or private investigators increases the odds of finding missing relatives or other parental candidates (NACAC, 2009; Scheetz, 2010). Other techniques include record mining, interviewing former foster parents, and interviewing former and current caseworkers, teachers, coaches, church members, Boy and Girl Scout leaders – the wide range of adults with whom every youth in care will have had some contact at some time. Wendy’s Wonderful Kids, funded by Dave Thomas Foundation for Adoption, has delineated a model of child-focused recruitment described more fully below; a rigorous evaluation of this model will be released in October, 2011 (Soronon, 2011).
- **Building relationships.** Flynn and colleagues (2004) found that emotional connection between a youth and prospective parent was an important prerequisite to adoption. Even if a youth was not previously known to an adult, families planning to adopt were willing to consider an older child after they made a connection to a particular one. In addition, sometimes families who had not considered adoption did so after learning about a specific child.
- **Beginning with an emphasis on permanent relationships, which then may emerge into legal relationships** (Casey Family Programs, 2003, Flynn, et al., 2004).
- **General recruitment for those youth without resources** (Casey Family Programs, 2003; AdoptUSKids, 2010)<sup>2</sup>. While most adoptions of older youth come through foster parents or kin, homes can be found through outreach methods as well, including telling the youth’s story and photo listing through initiatives such as AdoptUSKids, the Heart Gallery of America, and Wednesday’s Child. For example, AdoptUSKids notes that 16,114 children previously featured on its website now live with permanent families.
- **Supporting families after adoptive placement** (NACAC, 2009; National Resource Center for Foster Care and Permanency Planning & Casey Family Services, 2004; Avery, 2010). Agency support after placement, including access to experienced adoptive parents, support groups and “on-call” supports sustain families through difficult times. Further, knowing that support does not end with adoption can enable prospective parents to take the risk of adopting a youth with significant current or anticipated needs.

## **Addressing Ambivalence**

Older youth in care often accept the idea, in principle, that a permanent family is a good thing to have; yet they are often skeptical about their own ability to achieve permanency through adoption (U.S. GAO, 2002). Doubt about their “adoptability,” as well as concerns about losing

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<sup>2</sup> AdoptUSKids, as well as many of the organizations referred to throughout this paper such as the Annie E. Casey Foundation, Casey Family Services, Dave Thomas Foundation, the Children’s Defense Fund, the North American Council on Adoptable Children (NACAC) and many others have many resources available online.

access or being disloyal to original family members often enter into their decision to say “no” when asked if they wish to be adopted.

Nearly all states and the District of Columbia require that older youth give consent to their adoptions. Approximately 25 states and the District of Columbia set the age of consent at 14; 18 states at age 12; and six states at age 10. In 16 states, the court can decide to dispense with a youth’s consent if it is deemed in the child’s best interest (Child Welfare Information Gateway, 2010). Sometimes workers have taken a child’s “no” to adoption as a permanent barrier; however, as discussed below, this ambivalence needs to be explored and revisited.

Studies have examined foster youths’ perspectives on the meaning of permanency, finding that many had experienced emotional pain as a result of repeatedly losing relationships that mattered to them (Samuels, 2008; Samuels, 2009). Indeed, the emotional trauma that children experience at separation from their parents is often compounded by separation from siblings, grandparents and other important figures. The trauma can be compounded by the subsequent loss of relationships with foster parents, foster siblings, friends and even teachers, caseworkers or mentors. Further, these traumatic losses of emotional connection are typically in addition to the trauma children often experience due to the maltreatment that led them to be removed from their homes in the first place. Is it any wonder that they are less than eager to give another “permanent” relationship a try?

The story of a youth reported in an evaluation of a program to achieve permanency for older youth illustrates the impact of traumatic loss on a youth’s ability to trust in permanence (Family Connections Project Final Report, 2010). “Terrence”, an 18-year old African American youth, has three younger sisters, two older sisters and an older brother. He and his younger sisters were placed with an aunt and uncle at young ages. Then they were suddenly returned to the child welfare system. Terrence believes this is because his aunt and uncle no longer wanted to care for them.

*I remember exactly the age I was, I was 13. I remember because I left my aunt and uncle’s house on my 13<sup>th</sup> birthday.... Yeah, on the day of my birthday... I went from living with my aunt and uncle, which was pretty much my family... and I went from that to not caring. [These were the people] who were like my parents and I went from that to not caring.*

Terrence not only lost his original parents and his aunt and uncle, but also his siblings. He has not seen his older siblings since he was about 10, and he lost contact with his younger siblings once he was moved into non-kin care.

*My sisters, I really don’t know where any of them are. Me and the three youngest, we were always together – up until we left my aunt and uncle’s house. After we left their house, we separated. I was with my littlest sister for a little while in one home, but then when we left that home we were split up, pretty much permanently... One is supposed to be in Ohio.*

Terrence feels he might have been open to adoption in the period just after he left his aunt and uncle. But by his second foster placement after leaving their care he had built up an emotional barrier to protect himself from further disappointment by adults. Most pointedly, he came to the conclusion that permanency was not for him. In the interviewer’s words, “The resistance to close

emotional attachment has shaped Terrence's views about adoption and permanency to this day." Terrence poignantly described his self-protective adaptation to repeated loss:

*For me, what I learned early is that the system and other people weren't too dependable, so I tried not to depend on them...I figure that if I desensitized myself from that early, I wouldn't be too dependent on it later... And apparently that worked for me.*

*After I left [that foster home], I was determined not to have my name signed over to anybody. And that's the way I looked at it. After that, I was strongly against any kind of subsidized guardianship or adoption.*

In addition to the trauma caused by loss, the ambiguity of it can also interfere with a youth's willingness to risk emotional connection to a new family. As noted earlier, ambiguous loss refers to losses that are complex to grieve – for most foster youth because the attachment figure is still living, though inaccessible, and is psychologically present in their lives. The impact of ambiguous loss endures because it lacks the formal recognition of a death or other final separation, and therefore lacks mechanisms for grief and recovery (Boss, 2006). Such losses are often unaddressed in children's interactions with the foster care system and consequently, they are unresolved (Samuels & Pryce, 2008).

Youth conceptualize permanency differently than how the child welfare system, courts or laws define it. Sanchez (2004) found that youth recognized three types of permanency – *relational* (stable and unconditional emotional connection), *legal* (determined by the court or child welfare system) and *physical* (safe and stable living environments). Youth were clear that the type that meant most to them was relational permanency – families or adults willing to make a permanent commitment to them, regardless of the legal outcome (Samuels, 2009).

Chambers, Zielewski & Malm (2008) conducted five focus groups with 34 older youth in kin and non-kin foster care and group homes in New York City and Washington, D.C. Almost all had a permanency goal of independent living. Most felt that they were "too old for adoption," and there was consensus that "no one wants to adopt teenagers." The reasons for this conclusion varied, including that teens in the foster system are stigmatized as bad, or that there's something wrong with them if they have had multiple placements. Youth perceived young children as more popular among adopters.

The youth in this research also identified reasons they thought teens may not wish to be adopted. Echoing the concerns they believe are held by others, these young people indicated the long times they had spent in foster care meant there must be something wrong with them. Time in care without permanence also led them to think that no one wanted them.

When asked how life might change if they were adopted, most felt they would lose contact with friends and siblings. They reported this had happened when their friends or siblings were adopted, "like they disappeared" (Chambers, et al., 2008, p. 2). Some youth believed that adoptive parents prohibited contact because they feared the non-adopted sibling would have a bad influence on the child they had adopted. Some believed they would lose connections because adoption led to moving to new schools or communities. Youth who were in long-term foster homes, however, believed life wouldn't change much if they were adopted. Few of these young people expressed anything positive about adoption. Among their concerns were that they would be "stuck" with a family if adopted, losing the power they have in foster placements to leave them if they turn out to be undesirable. Some worried that the benefits they received from being in care, such as clothing allowances, would be taken away.

Half of the youth had a goal of adoption at some point in their foster care lives, but few had direct experience with adoption recruitment methods. They knew about activities such as “Wednesday’s Child” and matching parties, however, and the few who had participated in them – or knew others who had – reported negative experiences. One youth, for example, was sent to a matching party without being told its purpose. These teens were generally negative about participating in recruitment that involved the media, saying it would be embarrassing “because all your friends would know you had no place to go” (Chambers, et al., 2008, p. 4). Many saw such recruitment as positive in the abstract, i.e. for others, but not for themselves. They preferred the comfort of the familiar in their foster homes or independent living programs.

Yet studies of youth who have aged out or who will soon age out of care reveal that they do indeed want connections, and some want to be adopted. For example, Courtney and colleagues (2004) found that over 26% of youth in the Midwest study indicated a desire to be adopted.

It is important that adoption be explored carefully and often with youth (ABA, 2006); their discomfort or ambivalence at one point should not be regarded as a “no” forever. Further, the concept of permanent relationships for life, rather than adoption per se (Mallon, 2011), should be emphasized. The PowerPoint presentation “Unpacking the ‘No’ of Permanency for Adolescents: Planning for Youth Transitioning from Foster Care to Adulthood” explores ways to genuinely assess obstacles to older youth adoption and move them to permanency (Mallon, 2011). Such authentic exploration can replace formulaic investigations stemming from the question, “Do you want to be adopted,” which too readily accept youths’ negative statements. We need to examine what they understand permanency to be, and what they fear. Exploring their feelings about permanency is a *process*, not a one-time question.

Youth need information to address their fears and questions, and they need focused, attuned support as they consider permanency. For example, sometimes youth fear losing contact with birth family members and do not know about the possibility of openness or that subsidized guardianship does not require termination of parental rights. There is much we can do to allay such concerns about losing families of origin. Youth need to know and believe in the system’s commitment to post-adoption openness and ongoing connections with siblings, parents and other relatives. Often, youth adopted at older ages can be the best ambassadors. That said, if they have been provided with information and examples that can help them truly consider adoption, and they then continue to be resistant, their decisions need to be honored, but occasionally gently challenged.

Workers may also be ambivalent or doubtful that an older youth can be adopted. In a study of children waiting the longest for permanency in New York (an average of nearly 12 years), Avery (2000) reported that “caseworkers were not convinced of the eventual adoptability of the child ... and this skepticism appears to be translated into reduced recruitment efforts on behalf of the child” (p.414). When asked “Do you believe this child is ultimately adoptable,” 41% replied “no.”

*Much of it is in how we ask youth about becoming adopted and how we make it a process of consideration rather than a one-time event. You often get a very different answer to the questions “do you want to be adopted?” and “do you want to have a permanent connection to somebody who can be there for you for the rest of your life?”*

-Margaret Burke, project director, Family Connections

Avery found that for about 70% of waiting children, “none of the eight identified recruitment techniques had been used” (p.411). She concluded that “caseworker and agency dedication to the belief in the adoptability of every child will be central to successful placement efforts” (p. 415). Similarly, Coyne (1990) found one of the most pervasive barriers was a belief that no one would want to adopt “that kind of child.” Avery (2000, p. 402) reported that this attitude “colors decisions within agencies when scarce resources are allocated, and impacts decisions of caseworkers and their supervisors about recruitment strategies, timing of information provisions about specific children, and contact between children and potential adoptive parents.”

Ambivalence, fear and misinformation may also prevent interested adults from considering adopting older youth. First and foremost, current and prospective adoptive parents must believe that adopting older children can be satisfying to them and beneficial to the youth. Having youth adopted at older ages participate in training prospective foster and adoptive parents can help plant the idea. Current foster parents need full information about what adoption means for their families, including the supports that remain in place after adoption.

### **Disruption in Older Youth Adoption**

It is commonly accepted that older children are less likely to be adopted. It is also conventional wisdom that older age is a risk factor for adoption instability. Several studies have examined rates of disruption since the field shifted to the philosophy that every child can be adopted. Such expansion has meant that older children, children with physical and emotional challenges, and children who are African American and have historically been over-represented in foster care, are no longer viewed or described as “unadoptable” (Kemp & Bodonyi, 2000). Some of these factors may still increase the risk that more planned adoptions will fail, but the risk is worth taking in light of what we know about the outcomes for emancipated youth.

The primary child characteristic consistently documented as being associated with a higher risk of disruption is older age at adoptive placement (Festinger, 1986; Partridge, Hornby, & McDonald, 1986; Schmidt, 1986; Barth & Berry, 1988). For example, in Barth and Berry’s 1988 study of 900 children placed in California in the early 1980s, the disruption rate went up as age increased, from 5% for children of ages 3 to 5 at placement to 26% for youth 15 to 18 years old at placement. Although a few studies report that males are somewhat overrepresented in disrupted placements (Barth & Berry, 1988; Rosenthal, Schmidt & Conner, 1988), most research has not shown an association between the child’s gender or race and disruption (Smith & Howard, 1991; Partridge, et al., 1986; Festinger, 1986.)

Early studies found a wide range in overall adoption disruption rates, from 7% to 47% depending on the sample (Barth & Berry, 1987). In part this is because, in early studies, some samples focused exclusively on older or otherwise “hard to place” populations. Most research since 1990 shows overall ranges from about 6% to 11% (Coakley & Berrick, 2008). As researchers have examined a host of factors associated with adoption instability (age, gender, race, emotional and behavioral problems, sibling group membership, length of time in care, and number of moves), older age and emotional/ behavioral problems have been most commonly identified as risks (Coakley & Berrick, 2008).

The research underlying the common conclusion that older age equals significantly greater risk for adoption instability has many limitations, however. One is that adoption disruption is inconsistently defined by different studies. One set of definitions describes adoption *disruption* as removal of a child from an adoptive home prior to finalization, *dissolution* as the severing of

legal ties between a parent and child after adoption, and *displacement* as a child's absence from his or her adoptive home after finalization for reasons related to the child's difficulties. To complicate matters further, displacement can mean either temporary absence while a child receives psychiatric care or residential treatment; or permanent absence, wherein the adoption remains legally in place, but there is no plan for the child to return home (Smith, et al., 2006). Studies define terms differently, and sometimes combine terms (Coakley & Berrick, 2008; Festinger, 2006).

Another problem is that studies differ in their definitions of what constitutes an "older" child. In any case, it is important to remember that most adoptions of older youth are successful. While older youth are at somewhat greater risk for unsuccessful adoptive placements than young children, the variation in disruption rates between age groups is not large. For example, an Illinois study of almost 16,000 adoptive placements found that the percentage that disrupted varied from 8.3% for 2-3 year olds to 14% for the 616 youth age 13 or older at placement; 3-5% in each age group remained in their placements without finalization (Smith, et al., 2006). As is so often the case with child welfare issues, it is important to carefully examine generally held beliefs that many older children experience difficulty in achieving finalized adoptions.

### **Outcome Studies of Adoption Programs**

While there is general agreement about the principles and practices important to achieving older youth permanency, there is little data on outcomes. The limited numbers of peer-reviewed studies offer support for strategies outlined by advocates for older youth adoption but with these caveats: None published to date use experimental designs; most do not have comparison groups; and when comparison groups are present, they are not always similar on significant characteristics such as age, number of placements experienced and the like. (As mentioned previously, the evaluation of the Wendy's Wonderful Kids project coming out this fall will be the first such study using an experimental design.)

Despite those limitations, the research provides evidence that concerted efforts to find permanent homes for teens can be successful. In effect, studies use their own subjects as comparison groups; i.e., youth are generally selected who are available for adoption but who have lingered in care for an extended period without finding a permanent home and who have no active permanency resource.

***You Gotta Believe.*** Avery (2010) examined a social capital model of home-finding, based on the understanding that foster youth often lack the visible array of family, adult friends and fictive kin that sustain youth who are not in care. Her evaluation of the Permanent Parents for Teens project of the well-respected "You Gotta Believe!" (YGB) program in New York offers hope that even older youth with many risk factors can achieve permanency. This pilot project was funded by the U.S. Children's Bureau from 2004-2008, and it focused on teens who either were legally free for adoption or those whose parental rights had not been terminated but they were at risk of discharge from the system to homelessness. The participants (199 of them) were referred to the project by residential treatment centers and the NY City Division of Social Services. Their average age was 15.7 years and they had spent an average of more than 7 years in foster care and 2.7 years in congregate care. Almost all lived in residential treatment (75.9%) or group

homes (18.6%). Most of the youth had significant emotional, behavioral, learning, psychiatric, and medical or physical problems.

The project emphasized child-specific recruiting from the teen's existing or past relationships. Dedicated staff (both in the sense of commitment and in that their primary task was to find homes for youth) held regular team meetings specific to finding a home for referred youth. (Teams were called Permanency Action Recruitment Teams or PART.) Identified permanency resources were encouraged to attend a 30-hour training called A-OKAY – Adopting Older Kids and Youth. Families were supported through post-placement services as well.

Project staff members were “true believers” who had either been adopted as teens themselves or were adoptive parents of older youth, and who had “an unwavering belief” that every youth in care deserves a permanent home (Avery, 2010, p.406). Another important element of the project was that staff members were stationed in the group homes and residential settings where participants lived, so there was ongoing contact and interaction. Programs on the critical importance of teen permanence also were presented to personnel at the residential settings.

Recruitment involved diligent work with each teen to list significant people – kin, fictive kin, friends, teachers, acquaintances – with whom that specific youth had a current or past relationship. These included relatives who had not previously been considered as a possible adoptive family. Interviews with the child and careful review of the case record led to a list of possible permanency resources. Staffers then contacted each person on behalf of the child, and encouraged him/her to attend a meeting.

The PART meeting brought together all those potentially involved in finding a permanent home: the teen, relatives and other adults in his/her life, the social worker, and residential and project staff. The youth themselves, along with the two project staff members, ran the meetings. The focus was on setting goals and working out strategies for achieving permanency prior to the youth's emancipation.

In some cases, no possible permanency resources could be identified. These youth were quickly engaged in activities that would expose them to prospective adoptive parents, including serving on training panels, working in offices where prospective parents came to learn about available children, participating in holiday events and other gatherings of current and prospective adoptive families, and the like.

“You Gotta Believe” held training courses in eight areas around New York at times convenient to families, including weekends. These were heavily advertised in the community, and those who were prospective permanency resources were specifically encouraged to attend. Ten separate classes equaling 30 hours of training were provided on a rotating basis, meaning a parent could start at any point. The goal was to train new families to provide “unconditional commitment” to teens and to increase their receptivity to considering older youth as members of their families. Several classes focused specifically on the transition from group home to family life, the experiences of adoptive parents of teens and teens themselves. Training also addressed the importance of unconditional commitment to a youth, given the profound effect another loss can have for those who have histories of trauma and loss. Because YGB is a licensed foster care agency, it could train families through A-OKAY, license them and transfer the family to the agency serving the specific youth until the adoption was finalized.

Support after adoptive placement was another fundamental component. An experienced adoptive parent (called a shadow worker) was assigned to make regular contact with the family after the youth was placed with them for as long as that family wished. Ongoing parent support

groups were held monthly for any interested parents. Finally, shadow workers and project staffers were available by phone whenever new parents needed them.

The participating teens all had issues that are often identified as barriers to achieving permanency: their age, time in care, living situations, and behavioral and emotional challenges. Despite these many risk factors, 98 of the 199 identified youth – nearly 50% -- were placed in adoptive homes by the end of the project.

One of the most interesting findings of the project related to the A-OKAY training. Most of the adults who entered the training were not known to a specific teen, but were open to the possibility of adopting an older child. These participants were the *least* likely to adopt (or to achieve each step toward adoption, from completing training, to completing a home study, to having a teen placed with them). Only 4% in this category had a teen placed in their homes by the study's conclusion. The adults *most* likely to finish the process were those already known to the teen; 53% in this category ultimately had a teen placed with them. Furthermore, of those in this group who completed all steps through the home study, 99% had a teen placed with them. Avery (2010) underscores the power of the combination of teen-specific recruitment with a skilled, experienced and dedicated staff, and focused and flexible parent training.

Initiatives that are successful in finding homes for older youth do not always find their way into professional journals. One such project, which also used the “You Gotta Believe” strategies, was reported on in *Child Welfare Watch*, a publication of the Center for New York City Affairs and the Center for an Urban Future. It is included here because so few outcome studies on older youth adoption exist in the child welfare literature. Farmer (2008) reported on this project, which focused on youth in residential care – a population that is at great risk of aging out of care. Unfortunately, the very needs that lead these young people to be placed into residential or other group treatment suggest they are the least prepared to manage without support after emancipation. Furthermore, permanency planning for such youth is often limited (Bussiere, 2006). Most adoptions of older youth are by current foster parents or fostering kin so that young people in group care have fewer potential adopters in their natural networks and fewer adults to serve as informal supports to them after aging out.

The project identified 69 teens who had been in residential care for at least five years at one treatment facility. Two permanency specialists worked to identify potential resources among the adults the youth already knew and felt connected to – often extended family members or former foster parents. In addition to working with the youth, staffers carefully reviewed records. While they attempted other strategies (such as having youth as panelists at educational sessions for prospective parents), what worked best was acting on leads provided by the teens themselves of people with whom they might want to live. The agency also provided the A-OKAY training and licensing course to prospective parents. Follow-up support from shadow workers and individual “on-call” workers, as well as monthly support groups, were identified as important to the effort's success. Over a three-year period, 35 of the youth (almost 50%) found stable homes outside the facility. An additional six teens were placed but had to return to the facility from their family settings, typically due to their serious behavior problems (Farmer, 2008).

***Permanency Roundtable Project, Casey Family Programs.*** Another promising initiative is the Permanency Roundtable Project, initiated through the Georgia Division of Family and Children Services (DFCS) and Casey Family Programs. The project utilizes a collaborative approach to achieve permanency for youth who are at risk of being “stuck” in foster care – those who have

been in the system for at least two years, most of whom do not have a clear permanency resource.

Roundtables are meetings where intensive exploration of children's situations take place, with the goal of removing barriers to permanency and moving them out of foster care. Each team is made up of DCFS employees (a case manager, a supervisor, a master practitioner, an administrator or practice specialist) and a Casey permanency expert. Professionals on these teams attend an orientation and a series of trainings. At the roundtable for identified youth, which follow the training, the facts of a youth's case are presented and, using a structured format, the team then identifies barriers and brainstorms strategies. Additional experts are available by phone to address a range of legal, policy and adoption issues immediately (Georgia Department of Human Services, 2009).

Case progress is tracked through special project evaluation forms. After the roundtables, all case summary and consultation data are entered in a tracking system, coupled with individual action plans and follow-up activities. To assure follow-through, monthly meetings follow the roundtables. Master practitioners, case managers and supervisors meet to assess individual cases. A statewide permanency coordinator monitors and tracks progress overall.

In the first year of the project, 493 youth were the focus of roundtables. The perceived success of the process led to another 1,628 roundtables in the second year (Rogg, Davis & O'Brien, 2009). The state reported descriptive data on the first 493 youth served:

- More male youth were referred than females (57% vs. 43%).
- The vast majority (92%) were African American.
- Most (69%) were age 10 or older.
- The median length of time in care was four years.
- Most children (56.8%) had three or more placements, and 28% had six or more.
- Many (40%) of these youth lived in restrictive settings: 17.2% in specialized foster care, 12.6% in group homes and 10.3% in residential care.
- In a significant minority of the cases, parental rights had been terminated or surrendered (32% of mothers and 33% of fathers).

The project identified many barriers to achieving permanency:

- About two-thirds of cases had child-related risks such as behavior problems, age, or mental health issues.
- About one-third had barriers tied to ongoing birth family problems and poor cooperation.
- For about one-third, a key barrier was lack of a potential permanency resource.
- In two-thirds of the cases, systems barriers were identified, such as appeals to TPR findings or delayed court hearings.
- Most of the youth had had multiple caseworkers, with 47% having four or more during their time in care (Rogg, Davis & O'Brien, 2009).

Despite the many barriers identified, preliminary data on the initial 493 youth served in the project indicated that progress occurred for many; specifically, in the first 12 months following the roundtables, 152 (30%) of these youth achieved legal permanency. The most common permanency type was guardianship, the case for 13%. Another 9% were adopted and 8% were reunified. Fifty-seven youth (12%) were emancipated while others remained in care (Kirk O'Brien, personal communication, June, 2011). The upcoming report (Rogg, Davis & O'Brien, in press) will provide details about the types of children most likely to achieve permanency and the barriers to permanency achievement.

Georgia has released some data on youth served in the first two years of the project. As of June 30, 2010, the state had completed 3,520 permanency roundtables, including 824 cases in which children had a goal of “another planned permanent living arrangement.” Overall, 1,029 cases (29%) had a positive permanency outcome – 341 adoptions, 320 reunifications, 220 custody transfers to relatives and 148 guardianships (Georgia Department of Human Services, 2010).

Empirical support for strategies that increase youth permanency is important to guide the field. These studies, although limited in size, suggest that homes for older youth can indeed be found. More guidance may come from the reports of the Fostering Connections grants funded by the U.S. Children’s Bureau. Final reports on a series of projects focused on securing permanency and promoting/sustaining connections for older youth were completed in late 2010 and early 2011. The results of those studies, each of which included evaluation of outcomes, should offer additional bases for structuring programs to increase older youth adoption, as well as other types of permanency.

***Wendy’s Wonderful Kids, Dave Thomas Foundation for Adoption.*** A rigorous outcome study using an experimental design is forthcoming from the Wendy’s Wonderful Kids Program in October 2011. In response to increases in older youth in care and aging out of care and a growing default to APPLA placements, Dave Thomas Foundation for Adoption dedicated significant resources to develop, implement and grow a national, evidence-based model of child-focused recruitment focusing on older and at-risk youth. The program, Wendy’s Wonderful Kids, developed a model that was implemented in program sites, with a long-term rigorous evaluation. It has grown from seven pilot sites in 2004 to 121 currently fully-funded sites in all 50 states, the District of Columbia and four Canadian provinces.

Grants from Dave Thomas Foundation support agencies in hiring full-time, experienced adoption professionals who dedicate 100% of their work to finding families for some of America’s longest-waiting (and most at-risk of aging out) youth. Last year, the Foundation committed more than \$8.3 million to these programs and to support and research integral to the program. Wendy’s Wonderful Kids grantees commit to rigorous accountability, goal-setting, data collection and reporting, and they follow a prescribed set of tactics for child-focused recruitment. These tactics include intensive case file review, monthly contact with the children on their caseload, monthly contact with the child’s adoption caseworker and all relevant stakeholders (guardians *ad litem*, counselors, foster parents, etc.), adoption assessment and preparation for the child, due diligence on potential family members or other associations of the child that may lead to an adoption, and the development of a detailed recruitment plan.

The national evaluation of Wendy’s Wonderful Kids is the first randomized control trial of an adoption recruitment effort. Data have been collected on the more than 7,000 children served to date. Of the 121 individual Wendy’s Wonderful Kids sites, 20 underwent a randomized control trial; though the full evaluation will not be released until October 2011, preliminary results show that the children in the experimental group were significantly more likely to be adopted, with the greatest positive impact on older children (Rita Soronen, personal communication, July, 2011).

As of June, 2011, 7,049 children have been served by Wendy’s Wonderful Kids adoption professionals: 4,550 of these children have had a match identified; 2,120 have had a finalized adoption; another 129 have had a legal guardianship; and 705 are in their pre-adoptive placements awaiting finalization. Most important, of the children successfully served, 45 percent are age 12 or older at the time of referral (69% are age 9 or older); 48% have at least one identified disability; 27% have experienced six or more placements; 50% have been in the

system more than four years (10% for more than 10 years); and 21 percent had a failed or disrupted adoption prior to this program (Rita Soronen, personal communication, July, 2011).

## **Kinship Adoption**

Not very long ago, relatives were generally unexplored resources for foster care and adoption (Fuller, Bruhn, Lis, Rolock & Cohen, 2006; Maza, 2006). For example, in a commonly used child welfare text in 1988, the lengthy review of permanency for children and youth did not even mention adoption or fostering by kin (Kadushin & Martin, 1988). The field's failure to use family members as placement or permanency resources may have reflected commonplace attitudes of the day, such as that of a judge in a training session on permanency (sponsored by the Family Connections Project in Chicago) who remarked, "Why would we trust relatives to care for these kids? The apple doesn't fall far from the tree". Another explanation for the limited attention to kin as permanency resources in the past was the prevailing belief that they were reluctant to adopt, a view supported by some studies (Burnette, 1997; Mason & Gleeson, 1999). Others, however, have found that most kin will consider adoption when they are properly informed and supported (Testa, 2001; Testa, Shook, Cohen & Woods, 1996; Geen, 2003).

A shift in attitudes and practice began to take hold as a result, in part, of the overwhelming number of children who entered care in the late 1980s and early 1990s, for whom adequate foster homes and adoptive homes were in short supply. In contemporary child welfare, adoption by kin has become routine, and often preferred. Indeed, post-ASFA, the major source of new adoptive homes accounting for dramatic increases in adoptions of children in care has been relatives who often had been ignored as resources or not asked to adopt (Testa, 2004).

In several states with large child welfare populations, kin adoption has surpassed non-related foster parent adoption (Illinois Department of Children and Family Services, 2000). The trend line is up elsewhere as well; in 2010, kin adoptions represented 32% of all adoptions from foster care, a doubling of the rate in 1998 (U.S. Children's Bureau, 2011). Relatives are particularly important resources for older African American youth. For example, in 2004, 40% of these children aged 9-17 were adopted by kin, compared to 32% of Caucasian children and 29% of Hispanic children (Maza, 2006). The significant majority of kin adoptions of older African American children are by single women. Maza (2006) found 64% of African American children aged 9-17 were adopted by unmarried female relatives.

Kin adoption appears to benefit children. When kin adopt from foster care, they report a higher level of satisfaction and better child outcomes than do other adopters (Fuller, et al., 2006; Howard & Smith, 2003; Ryan, Hinterlong, Hegar & Johnson, 2010). Relatives vary in important respects from their non-kin counterparts. For example, an Illinois study of over 1,300 adoptive parents with children age 6 and older who were receiving adoption subsidy (Howard & Smith, 2003) found that kin adopters were more likely to be African American, single and have lower incomes (see table below).

**Characteristics of Kin and Unrelated Foster Adopters**

<b>Adoption Type</b>	<b>%</b>	<b>Racial Minority*</b>	<b>Single</b>	<b>Income &lt;\$35,000</b>
Kin	39%	82%	60%	79%
Foster parent	44%	62%	29%	47%

\*The significant majority of these were African Americans

The Illinois study also found that kin consistently reported better functioning of their children in the home, school and community, and in terms of physical and mental health. Children adopted by relatives had lower (better) scores on the Behavior Problem Index (BPI) overall and were much less likely to have the very high BPI scores that predict serious psychological problems. Those kin adopters whose children did have high behavior problems were less likely than other adopters with similar children to rate their children as “difficult to raise.” Although most parents reported that they would adopt their children again “knowing what they now know,” kin parents were half as likely as foster and matched parents to report they would not choose to adopt their children again.

The study’s data were further analyzed in an attempt to determine if kin adoption predicts better child functioning. Results suggest that this form of adoption is associated with better outcomes for African American children (based on BPI scores), but the benefit diminishes for children experiencing multiple types of maltreatment prior to adoption (Howard, 2006).

A more recent study of nearly 1,700 adoptive families also found positive outcomes in kin adoption. While relatives were less positive about the adoption’s effect on the family overall, they were more likely to report they would adopt the child again given what they now know, to be generally satisfied with the overall adoption, and to report a positive relationship with the child (Ryan, Hinterlong, Hegar & Johnson, 2010).

As investigations of all types of adoptions from foster care become more sophisticated, some of the perceived benefits of kin adoption may diminish. Some of our assumptions about kin adoption stem from studies of kin foster care. Several studies have found that kin placements overall are more stable (Barth, Courtney, Berrick & Alpert, 1994; Testa, 1997). However, such differences may be a result of differences in the children, including their pre-placement histories, or the characteristics of the caregivers. Studies in which kin and non-kin samples are matched find less difference than unmatched comparisons (Koh & Testa, 2008; Koh, 2010). While stability continues to be better for placements with relatives, matched comparisons find that the primary benefit is in the stability of the first placement. After a year in care, differences in stability were not significant (Koh, 2010).

A concern about kin placement has been that it less often results in permanency through adoption or reunification. Further, when such permanency occurs, it takes longer to achieve. When samples were matched, however, and when subsidized guardianship was included as a permanency outcome, kin placements were just as likely to result in permanency as non-kin placements (Koh & Testa, 2008). Definitions of permanence come into play here. For example, a child may remain in a stable home with grandparents throughout childhood and have ongoing support into adulthood, but legal permanence through adoption or guardianship does not occur. Does it make sense to count this youth as emancipating from care without permanence?

Another benefit of kin adoption is that the children adopted are less likely to experience permanency rupture – either removal before permanency is finalized (disruption) or after finalization (dissolution). Further, children can re-enter care or otherwise exit the home without formal dissolution of the adoption (displacement). Research suggests that adoption ruptures are less likely in kin than unrelated adoption. Illinois provides a good example. For years, adoptions by kin in that state have surpassed those by non-related foster parents (Illinois DCFS, 2000). An examination of placement ruptures (disruption, dissolution and displacement) in Illinois found kin adoptions were 35% less likely to break apart than other types (Fuller, et al., 2006).

Another advantage is that children adopted by relatives are more likely to have ongoing relationships with siblings and original parents. Howard and Smith (2003) found that the majority of children adopted by kin (64%) had regular contact with birthparents. This was rare in non-kin and matched adoptions. Kin-adopted children also were more likely to see their siblings who were placed elsewhere, the case for 70%. These adoptees were more than twice as likely as those in other types of adoption to have contact with their siblings.

While some benefits of kin adoption have been identified, the field has not sufficiently examined whether such benefits hold for those adopted at older ages. What is clear is that relatives are important permanency resources for older waiting children, especially African Americans. Adoption practice may benefit from examining possible kin placements more often for children from other racial and ethnic groups as well.

Kinship adoption is not without challenges. These adults tend to be older and single (Howard & Smith, 2003; Koh, 2010; Ryan, et al., 2010) and thus the likelihood that children may return to foster care due to parent death or disability may be increased. Further, kin caregivers often have very limited incomes (Fuller, et al., 2006; Howard, 2006; Radel, Bramlett & Waters, 2010; Ryan, et al., 2010). In the Illinois study reported earlier, not only were kin adopters more likely than other adopters to have incomes below \$35,000 (excluding subsidy), but also, they were more likely to have very low incomes: 39% earned less than \$15,000 per year, compared to 13% of foster and 5% of matched adoptive families (Howard & Smith, 2003). In addition, kin were more likely to have adopted more children, so their limited incomes had to support more people. The economic disadvantage of many kin adopters is exacerbated by some states' policies of providing lower subsidies to relatives than to other adoptive parents.

One conclusion from the evidence relating to income is that, while children adopted by kin appear to fare better than those in other types of adoptive families, adoption by relatives may reduce the children's life opportunities because they are more likely to be raised with very limited resources. The logical question that follows is how best to assure that children adopted by kin are not disadvantaged due to very low family income.

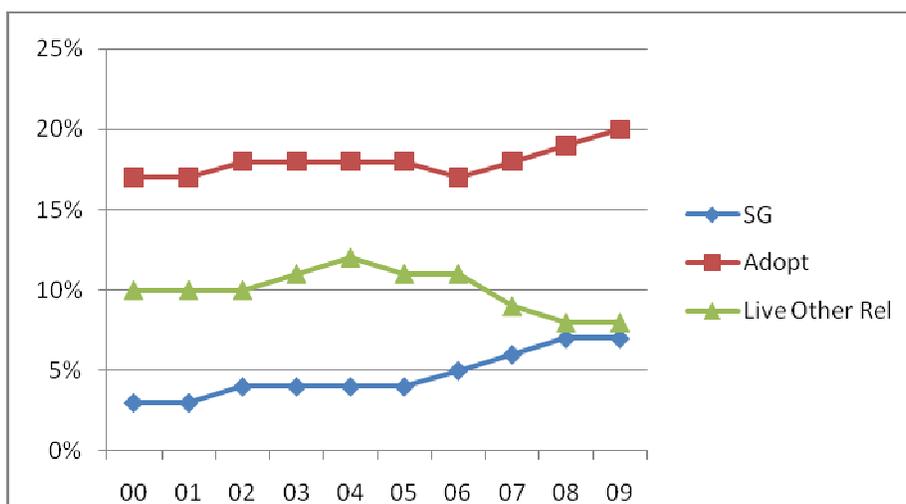
### **Subsidized Guardianship as a Permanency Option for Older Youth**

Adoption, with the legal assurances it provides, is a critically important option for older youth in foster care. Equally important, and in many cases more achievable, is the alternative of subsidized guardianship. Subsidized guardianship creates a legal relationship between a child in foster care and a designated adult (usually a relative). This judicially created relationship between child and caregiver "is intended to be permanent and self-sustaining" (ASFA 42 U.S.C. 675). Subsidized guardianship offers supports similar to adoption assistance for children in the child welfare system. Typically, families receive a financial subsidy to aid in the child's upbringing. The amount is often at a level similar to that provided when the child was in foster care. The child generally continues to receive state medical coverage and also may receive other services, such as counseling. Subsidized guardianship, like adoption, removes the family from the administrative responsibility of the child welfare system. The child gains permanency and security, and the state reduces its caseload and oversight obligations.

As of May 2010, 38 states and the District of Columbia offered Subsidized Guardianship<sup>3</sup> (Generations United, 2010). Prior to passage of the Fostering Connections Act, states were not reimbursed for payments to guardians (unless they were part of the federal demonstration waivers described below). The FCA allows such reimbursements, although it has stricter eligibility standards than several of the state SG programs do. To be eligible under FCA, children must be in foster care and have been residing with the relative who will become the guardian for at least six months. Reunification and adoption must have been ruled out. States are in the process of having their SG plans approved by the federal government.

As is the case with adoption, the number of youth leaving foster care through guardianship has risen significantly over the past 10 years. In FY 2000, 9,043 children, (3%) who left care did so through guardianship. By 2009, guardianship was achieved for over 19,000 children, or 7% of those who left care that year (U.S. Children’s Bureau, 2010a). At the same time, rates of exiting care through non-adoptive placement with relatives have declined.

### **FOSTER CARE EXITS VIA PERMANENCY**



Derived from AFCARS data, USDHHS, 2000-2009

### **Benefits of Subsidized Guardianship**

Subsidized Guardianship, at least in the versions in place before implementation of the Fostering Connections Act, generally serves “hard to place” children and youth – those who are older, are part of sibling groups and/or have significant emotional problems (Bissell, Allen, & Miller, 2004). One of the chief benefits of SG is that termination of parental rights, a complex and often lengthy legal process, is not required. Understandably, parents often resist termination of their rights; the result of their procedural and legal appeals is to further lengthen the time before a child is legally free for adoption. Because SG can proceed without termination of parental rights, it can reduce the time to legal permanency.

<sup>3</sup> States not offering SG were Alabama, Maryland, Michigan, Mississippi, New Hampshire, New York, North Carolina, Ohio, South Carolina, Texas, Vermont, and Washington.

SG is also an option when parents are not good candidates for reunification, but where there is insufficient basis to meet the evidentiary standard to terminate rights (Testa, 2004). SG can create legal certainty and stability, and remove the state as parent.

There is potential psychological benefit in SG as well. Through guardianship, a child can achieve permanency without irrevocable legal separation from parents. Older youth often have relationships with their families of origin, especially if they entered care at older ages. Youth may resist adoption because they fear this relationship must end, at least in the legal sense (Mason & Gleeson, 1999; Schwartz, 1993; Charles & Nelson, 2000; Testa, 2008.) For example, in a focus group of older youth in care, Maurice, 18, discussed his hesitancy over the years to be adopted, stating:

*I kinda thought that adoption means that you had to change who you were in order to fit into the family... I thought that I would lose contact with my family at the same time, so I didn't think that adoption was for me* (Family Connections Final Evaluation Report, 2010).

Youth like Maurice can achieve permanency through SG, while protecting important family relationships. Another advantage of SG is that it does not require families to change their familial relationships into the nuclear model of parent and child. Cultural groups differ in their methods of caring for children. Many, including Native Americans, African Americans and many immigrant groups, have traditions of extended family involvement in child-rearing. Requiring termination of parental rights runs counter to these cultural traditions (Children's Defense Fund & Cornerstone Consulting, 1999; Pew Charitable Trusts, 2008). Guardians retain their identities as extended family members.

Permanency through guardianship also reduces the family pain of having one member declared unfit in order for the child to attain permanence. Further, parent involvement in the child's life may continue. Parents retain certain rights, such as the right to visit and the right to consent to or prevent an adoption; they also may be required to contribute to the child's support (Testa, 2008). Thus, in many ways, subsidized guardianship mirrors the natural condition by which children outside of the child welfare system are provided for by kin when parents cannot meet their obligations.

SG also has more flexibility than adoption. If parental circumstances improve, parents may petition the court to vacate the SG order. The Adoption and Safe Families Act, with some exceptions, requires action toward terminating parental rights if a child has been in foster care for 15 of the last 22 months. Some parents who are unable to demonstrate sufficient progress by that time may later recover from or manage their mental illness, achieve sobriety, end a violent relationship with a partner, or otherwise become able to perform their role as a parent. Under SG, the parent may be reinstated as the legal parent in the future.

While SG has many benefits in theory, it is less privileged than adoption as a permanency outcome in child welfare policy. Three central questions need to be answered to determine the net effect of offering SG:

1. Does having SG as an option increase permanency for youth in care?
2. Does having SG as an option reduce the number of adoptions?
3. Is SG as stable as adoption?

These questions were addressed at least in part by the SG projects initiated through federal demonstration waivers in several states, explained below.

## **Subsidized Guardianship Waivers**

Subsidized Guardianship is one of the more fully examined permanency options, due to federal demonstration waivers in 11 states<sup>4</sup>. Prior to the waivers, the federal government did not reimburse states for subsidies to guardians, nor count guardianship as a permanency outcome by federal definition. To receive the waiver, states had to include rigorous evaluation (most randomly assigned children to SG and control groups) and their projects had to remain cost neutral to the federal government. All waivers offered financial support for legal guardians of children previously in care, but there were significant differences across states in program requirements. The purpose of the waivers was to determine if SG increased permanency for children and youth for whom reunification or adoption were not viable.

The multiple evaluations conducted to date<sup>5</sup> support SG as a useful permanency option for certain children and youth. The states tested variations of SG. They differed in eligibility requirements (youth age, time in care with the caregiver, IV-E eligibility<sup>6</sup>, and whether the caregiver was a licensed foster parent) and in the amount of subsidy provided. Most states (9 of the 11) provided subsidies at the level of the child's monthly foster care payment or adoption assistance payment. Most states allowed children of any age to be considered for SG, although three had different age limits for children, with relatives allowed to take any age child, and requiring that the child be 12 or older for non-related guardians. One state required all children to be 12 or older. States also differed in whether the child had to be related to the caregiver to be part of the SG waiver, with two only allowing relatives to become guardians. All but one state required the child to have been with the caretaker a given amount of time, ranging from six months to one year.<sup>7</sup> Other differences related to being licensed as a foster parent or eligibility based on Title IV-E reimbursement.<sup>8</sup>

Despite the identified benefits of SG, casework practice and worker attitudes may affect its availability. Several waiver states examined the casework decision-making process – i.e. was SG offered to all eligible families? Data from five states demonstrate negative views about the stability of SG. In Wisconsin, for example, 59% of caseworkers indicated that adoption was preferable to SG because it is more permanent. Workers also expressed concerns about the loss of supports to youth who exit care to SG, including college tuition waivers, Medicaid enrollment and clothing allowances (U.S. Children's Bureau, 2010b). Those concerns are addressed, at least in part, by provisions of FCA, discussed below.

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<sup>4</sup> Delaware, Illinois, Iowa, Maryland, Minnesota, Montana, New Mexico, North Carolina, Oregon, Tennessee and Wisconsin

<sup>5</sup> The final results of the Iowa, Minnesota, Oregon and Wisconsin were not available at this writing. A fifth, Tennessee, chose to end its waiver early to implement the new Guardianship Assistance Program established under the 2008 Family Connections Act.

<sup>6</sup> IV-E eligibility means that because of the financial situation of the child's family, the child would be eligible for financial assistance through AFDC (originally) or TANF.

<sup>7</sup> Wisconsin required children to have been in care 12 continuous months overall. Time with the particular caregiver was discretionary.

<sup>8</sup> Six states required the guardian to be a licensed foster parent, 4 waived licensure for relatives only and one did not require licensure. Six states offered guardianship as an option to all children, while 5 limited eligibility to those eligible for Title-IV-E reimbursement.

Such concerns led to sizable percentages of eligible caregivers not being offered SG, from 18% (Oregon) to 37% (Wisconsin). Of those given the SG option, acceptance rates among those asked varied from 41% (Wisconsin) to 85% (Minnesota). Caregiver reasons for not accepting SG included concern about long-term financial burdens, children’s unwillingness to enter into SG, and fears about losing ongoing financial and medical benefits and casework support (U.S. Children’s Bureau, 2010b).

### **Permanency Outcomes with Subsidized Guardianship**

Several of the states with SG demonstration waivers had significantly higher overall permanency rates for children and youth assigned to the experimental group (i.e. considered for SG) over the control group<sup>9</sup> (those who fit the criteria for SG but where SG was not made available.) Differences ranged from 6% in Illinois to 20% in Wisconsin. The state permanency achievement rates are presented below.

#### **Permanency Achievement in SG Waiver States**

<b>State</b>	<b>Treatment Group</b>	<b>Control Group</b>	<b>Percentage Difference</b>	<b>Source</b>
Illinois	80%	74%	6%	Phase I comparison
Minnesota	64%	49%	15%	Interim report
Tennessee	75%	66%	9%	Final report
Wisconsin	59%	39%	20%	Interim report

Derived from data in *Summary of Guardianship Waiver Demonstrations* (U.S. Children’s Bureau, 2010b)

Based on these results, the answer to the question: *Does SG increase permanency?* appears to be “yes.” The permanency rates presented above reflect *net* permanency; that is, treatment groups achieved permanency at higher rates than controls through a combination of permanency types: SG, adoption and reunification. For example, sometimes discussions about SG led caregivers to think about permanency in a new light, and some chose adoption. Given that adoption is perceived as better for youth than SG, it is important to ask: *Does SG reduce the number of adoptions?*

Data on this question are more difficult to obtain. Testa’s (2008) review of three waiver states found evidence that SG may have diverted children from adoption in two of the states. Testa estimated that as many as two-thirds of the completed guardianships in the intervention group might otherwise have eventually become adoptions in the largest SG waiver state, and about one-third in another, with no significant difference in the third. Based on this data, it appears that offering SG may reduce the number of adoptions. Another conclusion may be evident, however, from an examination of AFCARS data – the proportion of youth exiting to guardianship rose

<sup>9</sup> Of the states that have reported their final results, only Iowa found no difference between groups.

from 2% in 1998 to 7% in 2009, while the proportion of adoptions by relatives soared over the same period, from 16% to 32% (U.S. Children's Bureau, AFCARS Reports, 2006-2010).

*Is SG less stable than adoption?* A concern expressed about SG is that it is “less permanent” than adoption (American Bar Association, 2006). In most states, terminating an adoption is very difficult. In SG, however, the guardian can petition the court to vacate the agreement and the child will likely return to the child welfare system. There are few studies that examine the stability of guardianships for abused and neglected children. Henry (1999) examined two studies in California that report rates of 3% to 6% of return of children from guardianship to foster care – rates that did not exceed adoption breakdown through disruption and dissolution.

Overall, the availability of SG does not appear to raise the risk of placement disruption or dissolution. While data are pending in two states, in four others there were no significant differences between control and experimental groups in placement stability (U.S. Children's Bureau, 2010b). In an earlier study of children achieving permanency through guardianship from 1997 to 2002, the rupture rate was 3.5%, with only 2% ending in formal dissolution of the guardianship. Of note, one-third of these ruptures were due to caregiver death or incapacity. The 3.5% rupture rate was similar to that for adoptions from the same period after controlling for age at entry into care (Testa, 2008).

These findings are buttressed by another study that compared adoptive to SG families in a project for families in which the children's permanence was at risk. Children in both groups had been in their parents'/guardians' care for many years. Anecdotal reports from Illinois' Adoption and Subsidized Guardianship Preservation therapists indicated they believed that SG families were less committed to maintaining children in their homes and that guardian ability to petition the court to end a placement made them less likely to stick with youth through difficult times.

To examine these concerns, the authors compared 113 SG to 733 adoptive families who had completed the program<sup>10</sup>. Analysis revealed no differences in the percentage of children who were out of the home at the end of services or in the reported level of commitment of parent to child. The primary difference was that SG parents were more likely to articulate their desire to end the relationship early in the course of receiving services, but they were not more likely to actually do so (Howard, Smith, Zosky, & Woodman, 2006). Thus it does appear that while having the SG option may reduce the number of adoptions, the concern that SG is riskier than adoption is not supported to date.

***Other benefits of SG.*** Some of the state waivers examined the effect of SG on the length of time to permanency. In three of the states that did so, there were significant differences in the length of time children assigned to the SG group spent in care compared to children in the control group. The differences in time in care ranged from a mean of 76 to a mean of 209 fewer days of foster care across these three states (Testa, 2008). No significant difference was found in a fourth (U.S. Children's Bureau, 2010b).

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<sup>10</sup> Youth in the SG group were older at time of placement with their guardians, more likely to be African American, and older at the time of first removal from their homes.

## **Subsidized Guardianship under the Fostering Connections Act**

In part because studies have demonstrated its benefits, SG is now a recognized and supported permanency outcome for youth in care. The Fostering Connections to Success and Increasing Adoptions Act was a huge stride forward for guardianship. Through the Guardianship Assistance Program (GAP), states that opt in may receive reimbursement under Title IV-E for subsidies to relatives who assume legal guardianship of children in foster care.

To be eligible, the children must:

- have been eligible for Title IV-E foster care maintenance payments
- have been in the care of the prospective guardian for at least six consecutive months
- have had reunification and adoption ruled out as appropriate permanency options

Further, a state must demonstrate that the child has a strong attachment to the caregiver and that the caregiver is strongly committed to parenting the child permanently. Children 14 or older must be consulted about their wishes related to guardianship. The child's case plan must describe why guardianship is in the child's best interests, why reunification and adoption are not appropriate (including that adoption has been explored with the relative who will be the guardian) and if/why siblings have been separated in placement.

Federal support for SG is an important step forward, and is more expansive than some of the waiver programs in that there is no age limit for children's eligibility; however, FCA is more restrictive in its definition of guardianship than some of the programs states already had in place. FCA limits guardianship to relatives of the child, while states in the waiver programs often allowed fictive kin and foster parents to be guardians – the case in 9 of the 11 waiver states. Thus, federal reimbursement will not cover some prospective guardians who could be resources for youth but do not wish to adopt.

Unlike some of the state waiver programs, the FCA requires guardians to be licensed. Further, eligibility is tied to whether children have been supported by federal foster care payments. Children who are in unlicensed kin care and are supported by state funds or Temporary Assistance to Needy Families (TANF) funds are not eligible to receive federally provided guardianship payments (Geen, 2009). While the law and related policies allow waiver of some licensure requirements unless they relate to child safety, the licensure requirement may restrict some relatives from becoming guardians who receive federal subsidies.

Another issue is the likelihood that children and youth who achieve permanency through guardianship may be economically disadvantaged. Based on current knowledge about the incomes of relatives who adopt, it is likely that kin who become guardians will also have limited incomes. By instituting SG as national policy without assuring that guardians have sufficient resources to meet their children's needs, some children may be assigned to "permanency in poverty." Finally, unlike subsidized adoption, SG is optional. States may choose not to provide SG to children and youth in their care.

## **Finding Stable Homes: Long-Term Kin Care & Restoration of Parental Rights**

Despite best efforts, some older youth may not achieve permanency through adoption or guardianship. While legal permanency has clear benefits for older children in care, other strategies may give youth a sufficient sense of permanency to offset some of the dire outcomes

experienced by those aging out without connections. A first option to consider is promoting older youth remaining in foster care with kin.

### **Kinship Foster Care**

The Family Connections Act requires states to make good faith efforts to locate and inform relatives as soon as possible after a child enters care, and to consider relatives as resources for placement. This is important, as kin are more likely to adopt or become guardians of older youth. Federal policy historically overlooked the role of kinship caregivers; if states provided assistance to kin, they did so through income assistance programs, effectively keeping them out of the child welfare system. As states began to rely increasingly on relatives to serve as foster parents, they often applied existing federal licensing, supervision and permanency planning requirements, all of which were designed for non-kin foster parents. More recent federal policies have acknowledged the unique circumstances of kinship care and have encouraged states to consider giving preference to relatives when placing children in care.

As noted earlier, many studies find that kin placements are much more stable than those with non-kin (Barth, Courtney, Berrick & Alpert, 1994; Berrick, 1998; Testa, 1997). Children initially put into foster care with relatives had significantly fewer placements than their peers; indeed, 85% of those initially placed with kin remained there. Furthermore, far fewer of those who were reunified returned to care (Courtney & Needell, 1997).

Beyond providing stability, placement with relatives has also been promoted as benefiting children's developmental progress. An analysis using data from the National Survey of Child and Adolescent Well-being, however, suggests that this benefit does not hold when characteristics of children and caregivers are matched across samples -- no significant differences on a number of developmental indicators were found. However, youth in kin care did experience greater reductions in the total problem and externalizing scales on the Child Behavior Checklist (Barth, Guo, Geen & McCrae, 2007). Research on the stability of kin care without SG suggests that rates of disruption are tied to the level of financial support and the availability of post-placement services. Few ruptures occur when states formally appoint kin as legal guardians and provide financial subsidies and post-permanency supports; the placements without such assistance are less stable (Testa, 2004).

Instead of examining long-term kin care as an allowable permanency option, why not just continue to encourage kin adoption and guardianship? It is important to examine whether the child welfare system adequately informs and promotes kin permanency and to better inform relatives of their options and the supports that may come with them. Some kin, however, will resist formal permanency even if encouraged and supported.

The previous section of this report on Subsidized Guardianship, discussed the objections kin may have to adoption, in particular their reluctance to terminate parental rights. While SG addresses this concern, relatives may receive less financial support if they move from fostering to guardianship. For example, in 18 states, kin are not eligible to receive ongoing payments if they become guardians. In another 10 states, they receive less than they would if they provided foster care -- usually in TANF funds (Geen, 2009). In other words, legal permanency may mean the family has less to live on -- a particular concern given the lower incomes of many of the families involved and, most pointedly, given the often-significant needs of the children.

There are other systemic incentives for keeping children in foster care rather than moving them into permanent adoptive or SG families. For example, while a range of federal and state

programs offer college tuition waivers and scholarships to youth who have been in foster care, some are limited to teens who are still in care when they reach the age of majority. In addition, the FCA allows limits on the independent living services that youth can receive if they are adopted before the age of 16 (NACAC, 2009). In some states, it is also difficult for adoptive parents to get support for residential treatment for their children if they need it, while such access would be provided if the youth remained in care (Howard, Smith & Oppenheim, 2002). Further, kin caregivers, who are often older than other caregivers (Geen, 2003; Howard, 2006; U.S. Children's Bureau, 2000) may need ongoing assistance in managing the behavioral, emotional and social needs of the children they are raising (Hurley & Michener, 2004).<sup>11</sup>

As is the case with relatives who adopt or provide subsidized guardianship, kin foster parents are older, poorer and less educated than their non-kin peers, and they are disproportionately single and African American (Needell & Gilbert, 1997; USDHHS, 2000). The benefits of placement with relatives must be viewed with all those factors in mind. While youth may gain in stability, as well as the benefits of remaining in culture, family and community, they may receive more limited opportunities.

Despite the growing emphasis on permanency for older youth, the child welfare field remains far from achieving it. So, at least for the foreseeable future, long-term care with kin may be an appropriate path for some young people who cannot be reunified, whose parents' rights have not been terminated, or for whom adoption and SG, for various reasons, are not viable options.

### **Reinstating Parental Rights after Termination**

Some older youth will not achieve permanency and do not have kin with whom it is appropriate for them to live for the long-term. When parents do not correct the problems that led their children to be moved into foster care, they are at risk of having their parental rights terminated forever. Federal policy encourages termination after a designated period, based on the recognition that remaining in temporary care has detrimental effects on children. Research consistently indicates that amount of time in care, number of moves and age are associated with emancipating from the system without permanency. ASFA dictates that hearings to terminate parental rights begin if a child has been in care 15 of the last 22 months, and allows states to bypass reasonable efforts and shorten the time period in circumstances where maltreatment was particularly grave, such as abandoning an infant or having previously had rights terminated on a sibling of the child.

Termination of parental rights (TPR) is an extreme action, with profound consequences. It has been called the civil equivalent of the death penalty (O'Donnell, 2010), because the action permanently and irrevocably strips away all parental rights and responsibilities. When rights are involuntarily terminated, the process involves court determination of parental unfitness, supported by clear and convincing evidence. Statutes require that courts determine that severing the parent-child relationship is in the child's best interests. Statutory grounds differ by state but typically include:

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<sup>11</sup> Some of these disincentives to adoption or guardianship exist for non-kin foster parents as well. We emphasize them here given that kin caregivers are more likely to have risk factors such as low income, limited education, poorer health and single parent status that may increase their reluctance to end the support of the child welfare system and are more likely to be ineligible for ongoing foster care rates.

- Maltreatment – that is, severe or chronic abuse or neglect
- Maltreatment of other children in the household
- Abandonment or failure to support or maintain contact with the child
- Longstanding mental illness that renders the parent incapable of providing adequate safety or nurture
- Long-term substance abuse or dependence that renders the parent incapable of providing adequate safety or nurture
- Involuntary termination of rights for another child of the parent (Child Welfare Information Gateway, 2010).

To protect family integrity, states must demonstrate they have made “reasonable efforts” to assist parents in remedying whatever issues they are confronting. However, “reasonable efforts” are not spelled out in federal or state statutes. The failure to provide sufficient services has been the basis of challenges to TPR in several cases.

Further, the state cannot guarantee that children will be adopted once TPR occurs, and the more time that passes after TPR, the less likely a child is to be adopted. The term “legal orphans” has been used to describe children whose ties to their parents are permanently severed, but who never achieve permanence. Some courts have balked at creating legal orphans, opting in some cases to maintain parental rights if no permanency resource has been identified. In Illinois’ largest Juvenile Court, for example, a range of court personnel report that rights are generally not terminated if an adoption or guardianship resource has not been clearly identified (Family Connections Final Grantees Report, 2010).

The child welfare field once viewed parents who lost their rights as having little to offer their children. The expectation was that it would be in the child’s best interests to make the separation complete and permanent. If the child was adopted, it was thought the new family’s guidance and love would obviate the need for contact with original parents, grandparents, aunts and uncles, and even siblings. Even if a child was not adopted, relationships with family members were often not maintained, especially if the child’s time in care was lengthy.

The field is beginning to explore reconnecting youth with their families of origin or even restoring relationships with their parents or other family members when youth have not achieved permanency. It is likely that many parents continue to struggle in ways that make them imperfect sources of permanency (though some also resolve their problems over time); however, to routinely ignore this possible resource is to assure that youth who may benefit from such a relationship will never have the opportunity. Clearly, youth must be partners in any decision to restore parental rights.

There is evidence that many youth whose parents’

*I am an attorney, so perhaps I have had a basis to think through some of the legal issues and to understand why both the state agency and the court could be reluctant to re-examine reinstatement, since presumably there were good and sufficient grounds for the termination. But people can sometimes get their lives in order, and if even just a few of those situations arise, a foster child could have a much better future.*

-Washington State Senator Philip Rockefeller, sponsor of Washington’s Parental Rights Reinstatement Act

rights have been terminated will informally reunify at emancipation or even by running away (Charles & Nelson, 2000; Leathers, et al., 2010). Young people's desire for connection often trumps the decisions made by courts and agencies. In short, how youth view the importance of family connections often differs markedly from judicial and professional assessments. As one New York Family Court judge noted, "This is an irony that is brought home to me daily. After all the elaborate mechanisms of removal, adjudication, placement, I think a lot of the kids end up going back home, even the kids whose goal is independent living" (Freundlich, 2003, cited in O'Donnell, 2010, p. 364). Unsanctioned and unsupported reconnection can pose risks. The state does not assess or ensure that the parent is now fit, and the youth and parents may lack the skills needed to be a family again.

One method of achieving connection and possible permanency has received less attention: reinstatement of parental rights for the mothers and/or fathers of youth who are at risk of aging out of care without permanency. As illustrated by a recent round of Adoption Opportunities grants, there is a growing trend toward recognizing the importance of family connections for older youth in care. The FCA (2008) funded family-connection grants to states to develop more personalized long-term plans for youth in care, including placement and planning with parents and extended families. A further step would be to reinstate parental rights for some youth in foster care. Some states have enabled this through statute in the past few years.

Even prior to these changes in law, child welfare systems and courts recognized that parents who had lost their rights might be resources for some children languishing in foster care. As early as 2003, the New York City Administration for Children's Services (NYCACS) enacted a family-based policy to ensure that "no youth ages out of foster care without a life-long legal connection that is as legally secure as possible to a caring adult functioning in a parental capacity." The memorandum explaining the policy also noted that "the best permanency resource for a young person who has been freed for adoption may be a member of the child's birth family, including a parent from whom the child has been freed" (NYACACS, 2003).

Courts also recognize that parents can fundamentally change. As noted in the dissent in a 1996 Florida case, "A seemingly impossible economic or family situation can make an upturn; a physical or mental illness may go into remission or respond unexpectedly well to treatment, or a longstanding drug or alcohol problem can be overcome. In short, a scenario that once looked hopeless to a parent or court can change dramatically" (*Stefanos v. Rivera-Berrios*, 673 So.2d Fla. 1996).

Even when the courts have determined that parents who have lost parental rights can later be valuable resources for children languishing in care, they typically have found no legal basis for re-establishing permanent relationships, either through adoption or by reinstating parental rights. For example, in a 2006 Ohio case, *In re McBride* (110 Ohio St.3d 19, 2006-Ohio-3454), a mother's rights were terminated due to addiction, and she spent time in prison as a result of theft to support the addiction. Seven years later, the rehabilitated mother found out her child had not been adopted and had experienced multiple placements in foster homes and residential institutions. She petitioned the court for custody of her daughter, expressing the wish to adopt her. While lower courts allowed the petition, the Ohio Supreme Court reversed them, finding that a parent whose rights have been terminated has no legal standing to petition for custody. The Court acknowledged its discomfort with its lack of legal ability to reunite this parent and child, but added: "we are following the statutes as they are written" (p. 6).

Most state statutes specifically indicate that parents whose rights have been terminated have no legal standing to adopt their children or intervene in another party's adoption proceeding

(O'Donnell, 2010; Child Welfare Information Gateway, 2010). In a few cases, courts have found ways around termination and adoption law to reconnect children with their original parents following termination of rights. For example, in *Matter of Rasheed A.*, a New York court found that in “unusual and compelling circumstances” a mother whose rights have been terminated may be granted standing to petition for custody and guardianship of her biological child.

The mother in this case had a history of substance abuse, prostitution and incarceration. Rights

*...after that [placement] I moved to a place out west. Then after that I run away for five months. Then after that I turned myself in. I was with my mother the whole time.*

-Henry, 18, participant in the Family Connections Project

were terminated due to her continuing substance abuse, and her children were adopted by their foster mother. After successful treatment, she began visits with her children. One child, Rasheed, had significant emotional and behavioral problems. His adoptive mother found his behavior too challenging to manage and allowed him to live with his birth mother. After a year, the birth mother petitioned for reinstatement of her rights. Following an evaluation of the entire family and several collateral sources (*Matter of Rasheed A.*, 238 N.Y.L.J. 24 2007), the court determined that the mother had legal standing to seek custody and the child was formally returned to her care.

While such instances of judicial discretion allow reinstatement under exceptional circumstances, they are a poor substitute for statutory guidance. In recent years, eight states have passed statutes allowing for parental rights to be reinstated: California, Hawaii, Illinois, Louisiana, Nevada, New York, Oklahoma and Washington. The statutes differ, but generally they require that children be of a minimum age.<sup>12</sup> Most states (except Louisiana) also require that a prescribed period of time – from one to three years – must have passed since rights were terminated.

California allows its three-year time limit to be waived if it is shown that the child is unlikely to be adopted (O'Donnell, 2010). States vary in who may petition the court for reinstatement of parental rights. In three, only the child or his or her representative may do so. Hawaii is the only state that allows parents to seek reinstatement for themselves (see Appendix I for a comparison of statutes on several aspects). Hawaii has the first and most liberal statute. Passed in 2004, its law allows the child to be of any age, requires just one year to have passed since termination of parental rights, and allows a range of parties, including parents, to petition for reinstatement. Washington State has perhaps the most comprehensive legislation. The bill's major advocate was Senator Philip Rockefeller, an attorney with a strong interest in children's issues. He noted:

*Termination of parental rights, followed by state inability in many cases to make an appropriate long-term alternative arrangement, left long-term prospects for these children very dim indeed. At the heart of it, these youth are emotionally stranded and isolated with no particular adult “in their corner” on a permanent basis...[W]hy not look back to the family of origin to determine if circumstances had changed? If so, and the*

<sup>12</sup> The minimum age specified is 12, but 4 states stipulate the child must be 14 or older. Only Hawaii allows the child to be of any age. California stipulates the child must be 12 unless the court has determined adoption is no longer the permanent plan.

*changes were for the better, a court, (taking the changed circumstances into account, and hearing from the child or child's representative that she or he wished to pursue reunification), could decide to allow this to happen, with safeguards as decided by the court (personal communication, 12/9/2010).*

Washington's law was enacted in 2007. To be eligible for consideration, children must be 12 or older, though younger children may be considered if the court finds good cause. Termination must have occurred at least three years earlier and only the child may petition. Washington's is a two-stage process. First, the court holds an initial or "threshold" hearing on the merits of the case. If the court determines by a preponderance of the evidence that the best interests of the child may be served by reinstatement of parental rights, then a second hearing is held and notice is given to the relevant parties.

The court must consider "the age and maturity of the child, the child's preference, evidence that the parents have rectified the deficits that led to termination of rights and whether reinstatement poses a risk to the child health, welfare or safety" (WASH. REV.CODE § 13.34.215). The court retains oversight for 12 months before reinstatement can be final. During this period, "the child shall be placed in the custody of the parent. The department or supervising agency shall develop a permanency plan for the child reflecting the plan to be reunification and shall provide transition services to the family as appropriate" (WASH. REV.CODE § 13.34.215). The Court reviews the case at six months and again at 12, making reinstatement final if it determines this to be best for the child.

### **Why a Statute?**

The insight of wise and compassionate judges has allowed some families to be restored following reinstatement of parental rights when this approach was in the youth's best interests. It is clear that the best protection for youth who return home is through statute because, without legal authority to consider placement back with birth family, judges are not compelled to consider such petitions. State laws have the effect of guiding the court, and also of setting parameters for the circumstances under which such petitions should be granted. These changes are relatively recent, enacted from 2004 – 2008. Such laws do not appear to have been part of any groundswell of reform in the child welfare community. Rather, they were a response to Juvenile or Family Court findings – cases in which a compelling argument was made to reinstate parental rights, but where there was no legal mechanism to do so.

Reinstatement of rights is preferable to some other remedies, such as unsupervised placement. Youth under 18 will typically not be allowed to remain with parents whose rights have been terminated. It is important that there be some level of supervision of the process of reunifying a child and parent, along with support in re-forming the family. We must assure that such placements are safe for youth. When there is no legal relationship, there is no basis for agencies to provide oversight or support.

It also is important that parents have legally recognized relationships. This is necessary to enroll the child in school, make medical decisions, cover the child through parental insurance, or add the youth to public assistance or social insurance benefits that the parent receives. Further, youth with no legal relationship to their parents have no right to inheritance or survivor benefits. Guardianship is one possible option, but it fails to protect the youth beyond the age of 18, "leaving the child and parent once more as legal strangers" (Riggs, 2006, p.1).

Reinstatement of parental rights must be done carefully. Barry Chafkin of the New York organization Changing the World One Child at a Time describes the process of moving toward reinstatement in an article in the NACAC publication *Adoptalk*:

1. *At each service plan review, workers discuss permanency options with waiting youth. If a youth's parent is doing well or has expressed a desire to parent again, **and the youth is interested**, workers consider the option.*
2. *The birth parent comes into the agency and workers assess his or her commitment to parenting and progress with identified problems.*
3. *If the parent has overcome issues that would interfere with parenting and is genuinely interested in caring for the teen, **workers promise nothing**, but discuss with the youth and parent the challenges of a possible placement.*
4. *Once the public agency buys into the plan, workers seek support from others- the youth's attorney, CASA [Court appointed special advocate] guardian ad litem, foster parents, etc.*
5. *Lawyer drafts and files a motion to vacate the TPR.*
6. *The agency gathers all the evidence it can to prove that the birth parents are capable of caring for the teen.*
7. *The case goes to court. If, based on the evidence presented, the law guardian and the public agency agree it is best to restore the birth parent's rights, the judge is more likely to vacate the order of termination.*
8. *The youth, who remains in state custody, begins day visits and workers plan appropriate support services. If all goes well, visitation expands to overnight and weekends.*
9. *The youth leaves state custody and goes home for good, but is monitored by the agency for three to six months (NACAC, 2006, p.2, emphasis added).*

While each case is assessed separately, common support services include family counseling, periodic visits from the supervising caseworker, housing assistance, respite care planning and linkage to other services tied to the parent's or youth's individual needs (Riggs, 2006).

In short, the ideal is for parents to be carefully screened to assure that they have sufficiently addressed the problems that led to the termination of their rights. Both parent and youth must demonstrate commitment to reunification. Further, youth are not abruptly returned to their parents' care but, rather, families are supported and monitored to assure that the reunification is in the youth's best interests.

Given such constraints, it is likely that reinstatement of rights occurs relatively rarely, but it is one more option in the arsenal of strategies to keep youth from leaving care disconnected and unsupported. As Riggs (2006, p. 1) notes, "When it comes to helping older youth find some degree of permanency, we cannot leave any stone unturned."

O'Donnell (2010) has proposed a model statute, drawing from Washington's law, as a guide to states considering this legal change. Her suggestions include:

- Multiple parties should have legal standing to institute a petition, including the parent or child and state child welfare departments or private agencies serving children in foster care. Parents often face stigma, particularly from the public child welfare agency, when

their rights have been terminated. Allowing multiple parties to petition overcomes the potential obstacle of the state agency or any one party blocking a petition.

- Children should be eligible if they have not been adopted or been in the adoption process within two years of termination. This two-year minimum provides parents with time to establish that they have significantly changed their life circumstances.
- There should not be an age requirement. The risk of remaining in foster care increases as the child gets older. Children as young as 9 have a reduced likelihood of adoption. Statutes that include only youth in their teens are unduly restrictive. O'Donnell notes, "...an eight year old who has not been adopted from foster care in two years [after termination] should not have to spend the next several years in foster care waiting to petition the court when he has a parent who is able and willing to be reunited with him on a permanent basis" (p. 374).
- The standard of evidence required for reinstatement should match that of ASFA for termination: clear and convincing evidence. The court should consider, at minimum:
  - whether the parent meets standards of fitness and has remedied problems that led to termination
  - the nature and severity of the circumstances that led to termination
  - whether reinstatement will present a risk to the child's health, welfare or safety
  - the willingness of parent and child to have rights restored
  - any other material changes that warrant the granting of the petition
- At its discretion, the court may grant the petition conditionally for six months, and enter a temporary order of reinstatement.
- Reunification will be supported through a child welfare agency. The agency will develop a reunification plan for the child and provide transitional services that support the family.
- If the child has been successfully reintegrated in the family, the court will enter a final order of reinstatement, restoring all the rights, powers, privileges, immunities, duties, and obligations of the parent as to the child. The granting of this petition will automatically vacate the validity of the original order terminating parental rights.

Restoring rights to adults whose actions were so risky that their parental rights were terminated seems peculiar to many. Senator Rockefeller, sponsor of Oregon's act, reports that he encountered fierce institutional resistance at first to the idea that parents who have been deemed unfit should have their rights restored. He said that informing legislators and policymakers about the realities of older youth in care is an important component for changing laws – and that once they learn about the numbers of emancipated youth and their dim prospects, they begin to see the value of allowing reinstatement of parental rights for certain youth. Senator Rockefeller said at least one judge expressed satisfaction at being able to use this authority to proceed down this path in a particular case (personal communication, 2010).

Increasing permanency for older youth requires innovation and new thinking. Reinstatement of parental rights is a remedy that offers potential benefit for at least some youth, but we know little about its effects. It is important that states with reinstatement statutes assess their success in securing permanency for older youth in care. Further, such statutes and the policies that implement them should include careful assessment of youths' needs and families' ability to meet those needs. The range of supports available to reunified families should be provided to parents

whose rights are reinstated. Any reinstatement should be overseen by the court and supported and monitored through a professional child welfare agency.

### **Maintaining Connections & Reconnection with Family**

It is important to maintain, strengthen or develop healthy relationships for older youth with their families of origin. As noted previously, many youth “go home” regardless of whatever plans the child welfare system has made for them. But many others lose track of parents, siblings and extended family members.

Sometimes through concerted action (i.e. terminating parental rights) and sometimes through bureaucratic oversight or inaction, youth are left at risk of losing meaningful connections with their families. Indeed, some of the earliest studies on foster care drift and youth impermanence identified this concern (Maas & Engler, 1959; Fanshel & Shinn, 1978; Shyne & Schroeder, 1978). Emotional connections, however, endure despite legal or social separation. Courtney and colleagues (2010) found that 79% of former foster youth reported feeling close to at least one family member when interviewed five to six years after achieving majority, and 81% had contact with a family member at least once a week.

*Even former foster youth with all the outward appearance of a successful transition express a longing for someone to be there when they get ready for a job interview, play in a concert or plan a wedding.*

-Bussiere, 2006, p. 231

Those with ongoing connections with family fare better after care (Courtney, Piliavin, Grogan-Kaylor & Nesmith, 2001), yet services that prepare youth for life after emancipation rarely work on developing, maintaining or managing such relationships. As Landsman, Tyler, Black and Groza (1999) note, “The process of reconnecting with a family or significant other represents an important step toward emancipation and healthy functioning in the community, solidifying the adolescents’ identity, affirming family connections, clarifying personal history, and reintegrating past trauma” (p.2).

Youth in care may maintain contact with their families, though relationships may involve less frequent contact, fewer family ties, and weaker relationships than those with foster care families or peers (Perry, 2006). In one study, for example, although older foster youth had contact with their biological family network an average of six times per month, fewer than one-third reported that these relatives cared about them, compared to 94% in the general population (Perry, 2006).

A series of grants through the U.S. Children’s Bureau sought to strengthen the connections of older youth in care with kin and other important persons in their lives. Beginning in 2005 and running through 2010, the programs emphasized both permanency and connection. Results from the projects, which are forthcoming, will provide insights into the challenges and benefits of relationships between older youth in care and their families.

### **A Permanent, Caring Adult**

Research increasingly supports the notion that having a permanent connection to an adult is important for the well-being of young people (Beam, Chen & Greenberger, 2002) and can serve

a supportive role for youth at risk (Fraser, Kirby & Smokowski, 2004; Werner & Smith, 2001). Adult guidance, support, tangible resources and an emotional safety net has long been understood as important for promoting positive youth development. Such relationships not only provide youth with resources and support, but also a connection to a network with innumerable potential benefits. Informal networks are often responsible for connecting youth to employment opportunities, adult relationships, and even housing opportunities (Becker, 1991; Gilderbloom, 1985; Schneider, 1997; Wilson, 1999).

Mentoring also has been shown to support positive youth development (Dubois, Holloway, Valentine & Cooper, 2002; Spencer, 2006). Foster youth with programmatic or natural mentors (adults already known to the child) show positive emotional and social outcomes (Munson & McMillen, 2007; Ahrens, et al., 2008, Rhodes, Haight & Briggs, 1998; Osterling & Hines 2006).

States have also tried various initiatives aimed at securing relationships for these young people before they leave care (Oldmixon, 2007). California law requires the child welfare agency to insure that no child leaves foster care without a lifelong connection to a committed adult, (whether a family member or mentor, or other adult committed to the youth) while a program in Massachusetts is dedicated to helping youth identify and develop lifelong family connections.

Earlier in this paper we described the many social risks to youth aging out of care. The antidote to these outcomes, at least in part, is a nurturing relationship with a reliable adult. Without a strong attachment to at least one responsible and caring adult, youth are at risk for lifelong difficulties in establishing and maintaining relationships with others and for becoming independent, successfully handling emotions and managing stress (Lee & Robbins, 1998; Masten & Coatsworth, 1998; Crockenberg & Leerkes, 1999; Plunkett & Osmond, 2004; Beam, Chen & Greenberger, 2002; Samuels, 2008).

Mentorship is one type of sustaining relationship. Such relationships are characterized by guidance from an older, more experienced adult for a youth who has developed an emotionally important connection. Natural mentorships are those that are not arranged, but develop from the network of the youth's relationships with adults who already know them (Munson & McMillen, 2008). Like much else related to older youth in foster care, there is relatively little research on the impact of natural mentors. In one study of 339 youth at ages 17, 18 and 19, 25% of them could not identify any non-kin supportive adult. Regression analyses of those with and without mentors at age 18 found that an ongoing relationship with one predicted better psychological outcomes: less stress, fewer symptoms of depression and overall higher life satisfaction. At 19, those in long-term mentoring relationships reportedly were less likely to have been arrested (Munson & McMillen, 2008).

Daining and DePanfilis (2007) examined resilience factors for foster youth during the transition to adulthood and independent living. Resilience was defined by education participation, employment history, avoidance of early parenthood, avoidance of homelessness, and avoidance of drug use and criminal activity. The researchers found that being female, older at exit from care, having less perceived stress, higher levels of social support, and greater spiritual support were associated with greater resilience. They recommended that caseworkers try to help transitioning youth identify supportive relationships and maintain them during the transition to independent living.

Greeson & Bowen (2008) conducted a qualitative study of a small sample of foster youth to better understand the benefits of natural mentor relationships. They suggested that mentors be included in the service provision process. For example, mentors can be made aware of

available services and resources and support foster youth in obtaining them.

In an evaluation of the “Advocates to Successful Transition to Independence”, a foster youth mentoring training program, youth reported their independent living skills had improved, and that they experienced better social and emotional outcomes (Osterling & Hines, 2006). Some youth noted that independent living training with their advocates was more meaningful than classroom equivalents because the former provided practical, hands-on experiences in the context of supportive relationships. Approximately 65% of mentors were very satisfied with being a youth advocate; however, they reported a need for a “Resource Coordinator” (who could also be available for youth) to provide a central location for all the resources available for youth, and an information-sharing network for the youth advocates.

Mentors are one part of the continuum of efforts to support youth leaving care. Strategies for finding mentors can mimic those of finding family members or potential adopters, such as interviewing youth, examining the network of adults in the youth’s life, mining the case record, and interviewing previous caseworkers and caregivers. While research on what works best remains to be conducted, it is likely that those who already know and care about a youth are the best sources for mentoring.

### **The First Duty and the Last Resort**

One way to conceptualize services to emancipating youth is to think of them as the first duty and the last resort. It is our duty to prepare children who have spent time in care – particularly those who age out – with skills, experiences, supports and competence to manage the day-to-day requirements of adult living. But if that is all youth receive, i.e. if they emancipate without family and without emotional connection to others, particularly guiding adults, then we have failed them. Transitional or independent living programs are then a last resort.

No youth should leave care without strong relationships to adults who will guide and support. That said, it is essential that youth who have undergone the vicissitudes of life in foster care be prepared for life beyond foster care. This is true not only for those who have not achieved permanency, but also for those who achieved it late.

To date, we continue to struggle to ensure that youth have permanency, or at least a dependable adult they can turn to after they age out of foster care. While such outcomes are emphasized under the recently implemented Family Connections Act, there is a longer history of providing programs for youth to increase their life skills and thus their life prospects.

*Despite over a decade of federally supported independent living programs for emancipating youth we have little evidence that such programs are effective.*

The Foster Care Independence Act of 1999, through its Chafee Program, supports initiatives in every state to strengthen youths’ education and to prepare them for employment, continued schooling and emotional support. States differ in how they provide such services. Common elements include:

- Life skills training, including how to find employment, appropriate on-the-job behavior, budgeting, household tasks such as cleaning, nutrition and grocery shopping, finding housing, and using community resources.

- Personal development, including effective communication, decision-making, managing anger, and managing interpersonal relationships.

Some programs also provide support applying for college or vocational training, and educational and vocational assistance once the young people are in college or employed (Montgomery, Donkoh, & Underhill, 2006).

While life skills/ independent living programs (ILPs) make sense in principle, we know little about their actual impact (U.S. GAO, 1999; Montgomery, Donkoh, & Underhill, 2006). An overview of published results of evaluations from 1991 to 2006 revealed only eight studies that included comparison group data (none with randomized, controlled trials) and another six that had no comparison groups (Montgomery, et al., 2006). Reviewers concluded that this body of research overall was seriously limited. Studies generally used small sample sizes (from 30-81 for ILP participants), or they were not representative of emancipated youth generally. Further, studies often relied on self-reports or did not specify how the programs were implemented.

Montgomery and colleagues (2006) compared study differences in ILP participants and non-participants in housing, education and employment. Every study reported better housing outcomes for ILP participants, with three finding statistically significant differences in living on their own or moving fewer times. Five studies reported more positive employment outcomes among youth who participated in ILPs, including statistically significant differences in two studies for higher rates of employment at case closing and full-time rather than part-time employment. All but one study found better educational outcomes for ILP participants than for those in comparison groups, with three reporting statistically significant differences in completion of high school, GED attainment or vocational training. Given the limitations of these studies, however, the modest differences in findings need to be viewed with caution.

Two rigorous evaluations of programs with clearly specified interventions have been conducted, both in Los Angeles (US DHHS, 2008). The Los Angeles Life Skills Training (LST) program provided classroom- and practicum-based training in seven competency areas: education, employment, daily living skills, survival skills, choices and consequences, interpersonal/social skills, and computer/Internet skills. The project also used extensive outreach to youth, such as serving them at community colleges. Youth attended 10 three-hour classes in a five-week curriculum and completed pre- and post-test measures of skills. Outreach workers provided short-term case management and document services, and administered a standardized life skills assessment.

The youth were age 17 at the time of assignment to the LST group (234 youth) or the control group (248 youth). Almost all participants were interviewed at the start, and 88% were interviewed at the second follow-up. Overall, 76.5% of the 234 youths in the LST group enrolled in an LST classroom module, 70.1% attended a session, and 65% graduated from a module. (Of interest, 25% of the control group youth attended at least one intervention session and over 20% actually graduated from the program.)

The study examined educational and employment outcomes, as well as the youths' self-reports on their comfort with 18 areas of adult living. It also examined housing stability and homelessness, delinquency and pregnancy. Evaluators found no significant differences between the two groups on any outcome assessed. The evaluators concluded:

*The evaluation findings give no reason to believe that LST had a significant positive impact on any of the concrete indicators of successful transition to adulthood (e.g., educational attainment, employment, earnings, and avoidance of economic hardship). ...the evaluation calls into question the notion that classroom-based life skills training, in and of itself, is likely to have much impact on the well-being of foster youth in transition to adulthood. Child welfare authorities should not expect classroom-based life skills training to suffice as a strategy to prepare foster youth for adulthood” (p. vi)*

A second rigorous analysis (DHHS, 2008) examined the Early Start to Emancipation Preparation – Tutoring Program Los Angeles County (ESTEP). The program used an individual learning model in which trained tutors assessed individual youths’ math, reading and spelling abilities and then used curriculum materials geared to their skill levels. Youth received 65 hours of tutoring, 15 of which were direct mentoring. College students provided the tutoring at local community colleges.

As in the previous study, there were complications in implementation. Youth were to have no more than a three-year delay in their abilities, yet several had greater delays. Further, just over 12% of the control group received tutoring. Evaluators found the program had no measurable impact on any outcome. Youth in both the intervention and the control groups actually lost ground on measures of reading and math ability. Further, few tutoring relationships evolved into longer-term mentoring connections. Evaluators noted: “This calls into question the notion that tutoring, at least tutoring of limited duration such as that offered by ESTEP during this evaluation, is very likely to leave foster youths with long-term adult relationships” (DHHS, 2008).

Other studies of the impact of independent living programs are limited by small sample sizes, lack of comparison groups, non-standard definitions of services and outcomes, retrospective or non-standardized measures and the lack of random assignment. A review of 19 studies of older youth in transitional services found little clear evidence of positive impact (Naccarato & DeLorenzo, 2008).

This overview of research on programs meant to prepare youth for life after foster care indicates that, despite their wide availability, we know far too little about “what works.” As noted earlier in this paper, federal requirements that states track outcomes of emancipating youth may eventually provide better understanding of how best to help these young people.

### **Maintaining Youth in Care**

Another strategy to improve outcomes for youth who emancipate is to maintain them in care until they are older and better able to manage the developmental and social tasks of young adulthood. A major study conducted by the Chapin Hall Center for Children is often cited as evidence of the importance of such an extension. The study compared youth in two states (Iowa and Wisconsin) where they routinely exited care at 18 to their counterparts in Illinois, where the majority remained under the protection of the child welfare system through age 21. The study examined just over 600 youth at ages 17, 19 and 21. Researchers determined that those who remained in care were more likely to pursue higher education, had higher earnings and were more likely to delay pregnancy (Peters, Dworsky, Courtney, & Pollack, 2009). Employing a cost-benefit analysis, the researchers estimated that every dollar spent on extending foster care services to age 21 would result in two dollars of social benefit. Savings would result from

decreased public assistance usage and higher earnings. Daining and DePanfilis (2007) also identified older age at exit as associated with better outcomes after care.

The Fostering Connections Act speaks to this issue as well. The Act allows states to extend foster care for certain youth until age 21, and provides federal reimbursement for at least half the dollars expended to make the change. Eligibility is limited to youth who:

- are in high school or its equivalent or
- are in postsecondary school or vocational training or
- are participating in programs that promote or remove barriers to employment or
- are employed at least 80 hours a month or
- are incapable of doing any of the above due to a medical condition

Eligible youth can reside in foster homes, group homes, or supervised independent living settings. The court and the public child welfare entity retain oversight of the youth.

The Fostering Connections Act also requires that all youth exiting care have a written transition plan, developed at least 90 days prior to the youth's emancipation, and allows but does not require the extension of supports to age 21. The Chapin Hall Center for Children conducted a survey on state policies on maintaining youth in care. Forty-five states provided data. The project found that state policy is supporting extending care beyond age 18, with 60% of states allowing youth to stay in care until age 21 under certain circumstances (Dworsky & Havlicek, 2009). Certain states, including Alabama, Arizona, Idaho, Illinois, Mississippi and New York allow youth to stay beyond their 18<sup>th</sup> birthday with few or no conditions (Dworsky & Havlicek, 2009; Oldmixon, 2007). The circumstance most commonly cited for allowing youth to stay in care was pursuing high school graduation or GED attainment. Other commonly cited reasons included having a disability or special need, being enrolled in a college or vocational program, or being determined eligible by the court. In order to stay in care, states required that youth live in an approved placement, are in compliance with a case plan, and/or are enrolled in school.

Not all youth will be eager to remain associated with the child welfare system when they reach the age of majority (Oldmixon, 2007). In Illinois, a leader in supporting foster youth after age 18, the statute related to serving older youth explicitly states that failure to cooperate shall not in and of itself be evidence to terminate wardship (705 ILCS 405/2-31(2)).

Allowing youth to return to care after age 18 also may serve a protective function, as it provides them with an alternative if they experience difficulties after emancipation. One-third of states allow re-entry to care after age 18 and 16% allow it in certain situations (Dworsky & Havlicek, 2009). Re-entry may involve a voluntary decision by the youth or may require court involvement. Kentucky has been lauded for its acceptance of youth returning to care when they are struggling (Oldmixon, 2007).

State policies differ in the independent living services they provide and to whom. The federal government allows broad latitude in determining age eligibility for such services. Most states begin Chafee-funded independent living services for foster youth at age 14, while some states do not begin services until the youth are 15 or older (Dworsky & Havlicek, 2009). The permanency plan has little impact on the provision of these services, although placement with a legal guardian limits service eligibility in some states.

As emancipating youth often have difficulty accessing and maintaining adequate health care, many states have instituted policies to provide health insurance to former foster youth beyond age 18. In the 2009 survey cited above, almost 65% of states extended Medicaid coverage to

former foster youth until their 21<sup>st</sup> birthdays, an option permitted by the Chafee legislation (Dworsky & Havlicek, 2009). States without this extension have other methods for youth to receive health insurance, including the state children's health insurance program.

States may use up to 30% of their Chafee funds to cover housing costs for eligible youth ages 18-21, and almost 90% are pursuing this option (Dworsky & Havlicek, 2009). Fewer states (under 30%) are providing foster youth with housing assistance by making them eligible for time-limited housing vouchers under the Family Unification Program or priority access to the Section 8 voucher program. Over 50% of states use their own funds to provide housing supports and/or transitional housing for this population. A strong example of housing support, provided in Illinois, is the Youth Housing Assistance Program, which uses Chafee funds to support foster youth with the help of housing advocates, cash assistance and housing subsidies (Oldmixon, 2007). In New Jersey, a partnership with the Housing and Mortgage Finance Agency uses tax bonds to fund and develop transitional housing projects for youth exiting care.

States have created additional policies to support educational and employment opportunities and help youth build assets for self-sufficiency. More than 40% of states, for example, offer programs for foster youth to participate in matched savings plans, or provide college scholarships or tuition waivers (Dworsky & Havlicek, 2009). The Jim Casey Youth Opportunities Initiative works in 12 states to support older youth through the Opportunity Passport program (Annie E. Casey Foundation, 2009). Among program provisions are a personal debit account, a matched savings or individual development account, and "door openers," which are local opportunities to connect youth to community resources. The Annie E. Casey School to Career Partnership program works in seven states to help connect foster youth with employers. Other collaborations, such as the California partnership with the Community College Foundation, provide independent living programs through community colleges across the state (Oldmixon, 2007). Several other states have partnership programs to encourage foster youth to attend post-secondary schools through mentorships, scholarships or tuition waivers at state institutions.

*Ninety-five percent of youth exiting care near their 17<sup>th</sup> birthdays returned to their original families, even though reunification was not the plan.*

Young people leave care in a variety of ways. A study of over 2,500 older youth found 17% were reunified or adopted, 60% were emancipated and 23% were discharged as a result of adverse circumstances – running away, incarceration, psychiatric hospitalization or refusing services (Courtney & Barth, 1996). Another examination, of over 6,000 older youth, found a majority were reunified or placed with relatives (53%), 28% were emancipated, 6% ran away and fewer than 1% were adopted (Dworsky & Courtney, 2000).

Official reasons (gleaned from administrative data) seem to vary from those in reports from young adults. Youth are rarely asked about their departure from care. In Missouri (where youth may stay in care until 21), a study of 250 of them older than 17 whose cases had closed, found that administrative data cited much more positive reasons than were revealed in case record reviews. While administrative data found 60% of youth had left care due to achieving independent living goals, record reviews indicated this was true for just 20%. Reviews also found another 17% left for positive reasons: 10% had planned reunification or placement with relatives, 6% reached the age of 21 and 1% were adopted (McMillen & Tucker, 1999). Twenty-six percent were discharged for refusing additional services (including running away). Overall,

case record review showed that 63% of youth exited in an unplanned manner, not because they were ready to be independent.

Forty-six percent of youth who left reported it had been their idea. Another 45% said it was at the caseworker's (35%) or the judge's (10%) impetus. Many of these youth did not know why they were discharged and others indicated they did not know they had been discharged and did not understand the discharge process. However, most youth (90%) who exited care reported they wanted to do so. Typically their reasons were tied to frustration with the system, failure to receive needed services and a desire for independence (McMillen & Tucker, 1999).

In more recent study (McCoy, McMillen & Spitznagel 2008), researchers followed 404 Missouri youth from age 17 to 19 through in-person interviews. At study initiation, participants were asked when they thought they would leave state custody. Those who left care were asked about the circumstances, whose idea it was and if they had wanted to leave. By their 19<sup>th</sup> birthdays, 57.9% of the youth had emancipated. The study found differences among those who left and those who remained in care. Youth with externalizing behavior problems (aggression, disruptive conduct, substance abuse, history of juvenile detention) left care earlier than those without the listed indicators. Those who left the system earliest (soon after 17) were likely to be living with family, although the number diminished over time. Those waiting to exit the system until after age 18 were more likely to be living independently.

McMillen and Tucker (1999) hold that it is important that youth remain in care to receive supports such as subsidized housing and Medicaid. Further, they raise concern that youth with the greatest need for ongoing supervision, that is, those with behavior problems were more likely to leave care early. They concluded:

*...this study found that some young people were being discharged from foster care without notice and for what appear to be arbitrary reasons, such as reaching age 17 or 18. Oversight is needed from supervisors to ensure that youth are not prematurely discharged when the system does not require it. The system should respond as if it expects youths who cannot return home or who are not adopted to remain in care until they turn 21. All workers, judges, and youths should be informed that there is not an automatic age for discharge, and when age is recommended as the reason for discharge, the suggestion should be challenged. The data also suggest that efforts to increase the mandatory exit age from foster care in some states from 18 to 21 should be accompanied by substantial, ongoing efforts to implement efforts to encourage decision makers to keep youth in care" (McMillen & Tucker, 1999 p. 743).*

A striking finding of the study above is that 95% of youth exiting care near their 17<sup>th</sup> birthdays returned to their original families, even though reunification was not the plan. Current life skills and transitional support and preparation programs do not focus on helping youth maintain or establish relationships with their families. Most emancipating youth are likely to have contact with their parents or other relatives, and such relationships may be difficult for the youth to negotiate. For example, a teen in a project aimed at reconnecting older youth to family talked about how important it was to have another responsible adult help her manage her mother's ongoing substance abuse and requests for money. Clearly, transition services need to be developed to help youth manage such relationships.

Another study based on in-depth interviews with youth aging out of care supports those previously cited (Goodkind, Schelbe & Shook, 2011). Researchers found youth often leave care because they are misinformed about the requirements or possibilities of staying in care.

However, there was another important component to their decisions: a desire for autonomy and independence. Many equated independence with being an adult and therefore felt that, to become an adult, they needed to separate from the system. Yet youth also want – but often do not have – supportive, guiding relationships. The authors call for new ways to be developed of supporting youth while acknowledging their need for independence. Such connected autonomy should be a goal for all youth in care.

Law professor Emily Buss (2008) and a group of law students at the University of Chicago have developed a protocol for reform to meet the needs of youth who are aging out. They argue that despite the state's responsibility to protect and nurture children in its custody, "clearly we are failing these young people" (p.1). They found that programs aiming to prepare youth for independence fail in two fundamental ways: They focus too much on the development of concrete skills, and they are too short and start too late. The field's focus on life skills may stem from the fact that tasks can be identified, presented in a curriculum and measured. Such measures do not provide the emotional preparation and experiences that truly prepare youth for independence. Buss and colleagues recognize that foster youth need a higher level support and preparation given the impact of early maltreatment, ongoing instability, and lack of relationships that other youth likely have as part of their social capital. They argue that establishing or maintaining connections is as important as developing life skills. Clearly, all youth need both.

The authors call for a range of reforms. These include a discharge protocol in which the court, with the youth present, reviews whether basic preparation for emancipation has occurred. Using a discharge checklist, the court can determine that the youth has arrangements for stable housing (not including transient care), plans for arranging ongoing education and employment, and assistance in developing relationships with people and organizations that will be ongoing sources of support. They argue that discharge should not be permitted unless these basic conditions are satisfied (Buss, et al., 2008).

The Juvenile Court is the "single best entity" for effective oversight and enforcement, coordination across service systems and assuring youth involvement in planning (Buss, et al., 2008). Strategies such as benchmark hearings emphasize youth involvement, facilitate direct communication between judge and youth, and provide a mechanism to assure that support systems are linked with the youth's goals in preparing for emancipation (Buss, et al., 2008). Benchmark hearings are in place in Cook County (Chicago), Illinois' largest county. These hearings are not automatic but, rather, occur when workers request them. Such hearings use the checklist approach to ensure that young people are receiving necessary services and information. The court often calls youth back on a monthly basis to ensure that casework tasks, as well as tasks agreed to by the youth, are progressing. The impact of such hearings has not been systematically evaluated to date.

Re-entry into the child welfare system is another protection for many youth. Most young adults, regardless of their backgrounds, make several fits and starts on the road to independence. Allowing youth to come back for services mirrors what occurs for many of their peers outside of care. Re-opening a case where youth are not in care but still have access to court review is one remedy for youth who find they cannot go it alone.

The University of Chicago law group also urges a broader use of volunteers to assist youth in transition. In particular, Court Appointed Special Advocates (CASAs) can play a monitoring and support role to ensure that the child welfare system is meeting youths' needs. Since CASAs generally serve only one youth or sibling group at a time, they may be better able to track a given youth's progress.

Some, but not all, of these recommendations were incorporated into the Fostering Connections Act. Starting in October, 2010, the Act permitted (but did not require) states to extend assistance to youth remaining in care after 18 as long as they are in school, employed, or “engaged in another activity designed to remove barriers to employment, or are incapable due to a documented medical condition.” In addition, several states have much more comprehensive systems in place. The steps already being taken at the federal and state levels are an important start, but they are not yet sufficient to address the needs of emancipating youth.

## SECTION V

### WALKING THE TALK: FINDING FAMILIES AND CONNECTIONS

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This examination of the needs of older youth in foster care has considered permanency through adoption or subsidized guardianship, connections with relatives, development of mentoring relationships, and support for youth transitioning to adulthood as if these were all discrete categories. In reality, they intersect and interweave, and efforts to address any one approach have implications for all of them. In this section we examine a particular program which finds connections for youth in care. While focusing primarily on the Extreme Recruitment project in Missouri, we also note examples of other programs that operate to reconnect youth to family.

One of the most basic tenets of finding permanence for older youth is simple (but not easy): Look hard and persevere. A number of projects have found that when it is someone's job to find connections for youth, and when that responsible person looks beyond the obvious, many resources can be found. Alameda County's StepUp Project served 70 youth residing in congregate care – that is, those young people whose outcomes after emancipation were among the worst in the child welfare system, including higher rates of incarceration and homelessness and poor educational achievement. Most had lost contact with family and friends. Six months into the effort, over 50% of the youth had been linked to family; of those, 19 had been transferred to placements with relatives and another 17 were anticipated to do so within 3 months. Another 12 youth remained in care by design because of ongoing emotional or behavioral problems, but most of them also had been reconnected in some way to family members (Alameda County Children and Family Services, 2005).

An important lesson from the Alameda Project was that relatives were more readily located than records indicated might be possible. For example, many fathers had the designation "whereabouts unknown," yet were found by workers. Further, family members that were unknown to the youth or with whom the youth had been out of contact for many years wound up as resources for support and placement.

#### Family Search and Engagement

*The right to a family should be viewed as a child's basic human right, not just a trend toward best practices among child welfare circles.*

- Deborah Cromer, 2007

One of the longest-running programs for youth without permanency resources is the Foster and Adoptive Care Coalition of metro St. Louis. The coalition began as an unfunded, volunteer effort among workers in the late 1980s, when the need for homes was outstripped by the number of children and youth streaming into care. By 1991, it had hired an executive director and had 2.5 staff members. Today, 23 staffers work on recruitment and support. The purpose of the coalition is to find families through both standard and intensive child-specific efforts.

Youth are featured on a TV segment, “A Place to Call Home”, that appears four times per week on a local NBC affiliate. The agency also features children in seven local newspapers. Over half those featured have been adopted.

Such intensive, child-specific efforts are called “Extreme Recruitment” (ER)<sup>13</sup>. ER began slowly, building a model based on the work of family-finding expert Kevin Campbell. Campbell’s approach embodies both principles and strategies. First and foremost, the philosophy is that every youth must have lifelong connections to succeed; kinship bonds matter, and a permanent set of sustaining connections enables youth to develop trust, self-respect, and the capacity for healthy adult relationships and roles. Campbell argues that society’s narrow understanding of kin must be expanded beyond the definitions used in traditional child welfare practice. Most youth have between 100 and 300 living relatives, many of them genetically and geographically distant. Youth can be helped best through outreach to a wide range of kin from the beginning of a child’s involvement in the foster care system.

Relatives have a right to know – as soon as possible – when children in their extended families are in or headed for foster care, and they should be given the opportunity to respond. When kin are mobilized to help the children, they also may assist the parents, perhaps even aiding them to recover sufficiently to regain custody of their sons and daughters.

Campbell believes the best way to respond to the challenges of impermanence for youth is to utilize strategies developed by groups that are successful at times of emergency – such as those used by the Red Cross to reunite people separated by civil conflict or natural disaster. Beyond reviewing cases and interviewing youth and their caretakers, family-finding involves making use of technology, particularly Internet-based search tools. Recognizing that some family members may “fly below the radar,” searching multiple databases is important. A particular emphasis is on finding fathers and paternal kin, a category of relatives who have often been overlooked or discounted in the child welfare world.

Campbell urges that a discovery process begin as early as possible. The goal should be to quickly find 40 relatives, who can then serve as a pool from which to draw connection and permanency resources. Beyond informing relatives that youth are in need, family finding involves acquainting youth and kin with each other, vetting kin who may have direct involvement in the teen’s life, and helping structure a relationship that best meets the youth’s needs. Campbell has begun using youth-generated reports, which he calls chronicles, to introduce youth to their relatives and others from whom they have been separated (Campbell, 2009).

Extreme Recruitment is both based on Campbell’s ideas and is an outgrowth of the Foster and Adoptive Care Coalition’s commitment to intensive, child-specific recruitment. It has received funding from Wendy’s Wonderful Kids and a federal Adoptions Opportunities grant, and focuses on older youth in care without permanency resources.

ER initially accepted referrals from local public and private agencies in its service area. Under the federal four-year project, youth from four metropolitan areas (two urban and two rural) were randomly assigned to either ER or to receive regular services. Eligible youth had to be 10 to 18 years of age and had to have been in care a minimum of 15 months.

ER is not a child-placement service; it is a family-finding service. The project works with child welfare agencies to move from identification of relatives to placement with them. Part of the

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<sup>13</sup> Information on Extreme Recruitment collected via interviews with Director Melanie Scheetz, November, 2010.

process is a permanency roadmap for families that includes a checklist of natural support providers among those the youth already knows; a list of professional supports, such as subsidy workers and therapists; and specific information about court dates and legal representation.

When a youth is identified as a possible ER candidate, the case goes before a family support team. A range of people may be involved in addition to ER personnel, including case managers and supervisors, adoption workers, deputy juvenile officers, guardians ad litem, court-appointed special advocates (CASAs), therapists and residential staff members.

The team examines youth on six domains: mental health, physical health, educational needs, peer relationships, adult relationships and placement needs. Once a youth is identified as appropriate, every team meeting thereafter is a recruitment meeting, with the entire focus on finding permanency resources and connections. The youth's behavior, emotional problems and the like are not the point; he or she needs connection and permanency regardless of whether issues are present. All efforts of the ER team center on finding safe, appropriate family members who can support the youth into adulthood.

The young people themselves are not directly involved until "at least a few wonderful relatives" have been identified. The effort then shifts to connecting/ reconnecting the youth, and finally to arranging permanency. One of the project's goals is to identify at least 40 family members, from both the mother's and father's sides, and interview a dozen of them within six weeks. Another key goal is to reconnect youth with their siblings.

Connection with any family members was difficult early in the life of this project, so the agency decided to bring in experts – private investigators with the skills to locate even hard-to-find kin. Before hiring detectives, the face-to-face contact rate with identified kin was 23%. It is now 80%. PIs knock on doors, knock on neighbor's doors, find where people work and seek people out at various times of day. They are described by agency officials as an invaluable part of the project's success. In the words of the Executive Director, "PIs know how to get the door open, and then the social workers walk through."

PIs are also helpful in evaluating criminal records and determining when a relative should be barred as a candidate for adoption, guardianship or fostering. The project has learned that a criminal record, depending on its content and type of crime involved, is not necessarily a reason to exclude a specific relative.

In 2009, ER's goals were to match 70% of referred youth with adoptive homes and 90% with a network of safe, appropriate adults. According its most-recent reports, the project has served 56 youth, connecting 89% of them with relatives (often several relatives) and matching 70% with kin whose objective is adoption.

ER also has had success in pushing practice forward by virtue of its work, outcomes and reputation among agency and court personnel; that is, a widening array of child welfare "players" are learning how to get kids "unstuck." For example, three girls in foster care had been with the same family for many years, but the foster parents had not committed to permanency. Given the longevity and stability of the placement, the worker was reluctant to "rock the boat" by pursuing ER. When the project did become involved, and the needs of the girls were re-examined, it became clear that the children were not thriving and that there were relatives willing to step in to provide true permanency. ER appears to be a strong catalyst for all involved to re-examine what is best for youth.

The Extreme Recruitment project has learned lessons over its history. One is the importance of concurrent rather than linear recruitment. The project casts a wide net. Using a concurrent recruitment tool and meeting regularly for 12 -20 weeks lends the process a sense of urgency. Another lesson is that some youth are put off by the word “adoption.” The ER project instead introduces youth to the idea of “reconnection,” helping them realize they are entitled to ongoing relationships with a network of kin. The project simultaneously helps dispel misconceptions about adoption, including concern about the loss of supports and benefits. For example, recently a youth wanted to be adopted but also wanted to go to college, and feared adoption would lead to loss of state support for his schooling. Since the youth would be over 16 at the time of the adoption, and thus still eligible for financial assistance, his concern was unfounded.

Finally, ER has found that strong relationships among team members are essential, as is sharing the load. If an individual caseworker had to engage in family finding alone, the task would likely be overwhelming. For every child, some eight to 10 tasks are identified and then spread among team members, with no one responsible for more than two to three tasks per week. Weekly action planning meetings keep each member accountable, but also assure the responsibilities are shared.

Despite years of successful work to find homes and connections for youth, challenges remain. A particularly vexing one is the placement of youth across state lines. Interstate Compact placements take more time, and time is at a premium for older youth. The project has moved to conducting its work *as if* placements will be out of state, including case record reviews and support document checklists, so that they don't have to later go back to achieve these tasks.

Costs are another concern. When a wide search is conducted, it often finds family members who live far away. So the ER project helps families to visit from out of state, including with expenses that interfere with licensing or approval as permanency resources, such as finding better housing or dealing with unpaid fines.

Campbell's philosophy has guided programs across the United States and beyond. His emphasis is on treating a child's removal from parental care as an emergency and working from the beginning of placement into care to identify a large number of potentially supportive kin. The success of programs like ER raise the question of whether family-finding should become part of the process for all youth at risk of emancipating from care without permanence and, at a minimum, they reinforce the need to think creatively about new solutions to a very old problem.

## SECTION VI

### CONCLUSIONS AND RECOMMENDATIONS

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The field of child welfare has developed a strong body of evidence on both the challenges of aging out and the importance of permanency for youth. We know that securing enduring connections for this population is crucial to their positive development. While legislation that allows more time in care and delays emancipation is important, we know that youth of any age still benefit from permanent relationships – and that they fare poorly when they exit care without those supports.

Propp, Ortega and NewHeart (2003) urge the field of child welfare to recast its focus from independence to interdependence. Inherent in this view is the critical importance of sustaining interpersonal relationships. To put it simply, all youth need support and nurture into adulthood, and youth with difficult histories need that support most of all.

This paper has focused on the needs of youth for permanency and connection, and the numerous challenges they face when they exit care through emancipation. It is important to emphasize that many young men and women, demonstrating resilience and even courage, surmount these challenges and fare well as productive members of society. Indeed, former foster youth are not homogenous. A report from Chapin Hall Center for Children, a leader in examining what becomes of youth after emancipation, describes four subgroups of young adults after foster care. Six hundred and two participants in the Midwest Study were assessed at age 23 or 24 and placed in these categories:

**Accelerated adults.** This group (36%) was the largest. Its members were likely to be living on their own in stable situations. Three fourths were currently employed and almost all had high school diplomas. Most had attended some college, and 12% had at least an associate's degree. About half (46%) had children, almost all of whom lived with them. They had low rates of criminal conviction. Generally, they were functioning fairly well on measures of social support, physical and mental health and substance use. A majority in this group (63%) was female (Courtney, Hook & Lee, 2010).

**Struggling parents.** Members of this group (25.2%) were the most likely of the four to be African American and less likely to be white than the sample as a whole. Most (75%) were female. This was the group most likely to be married or cohabitating. Struggling parents were the least likely to have finished high school (44% did not have a degree) and only one-fourth were currently employed, the lowest percentage of any group. Most received at least one type of government assistance (e.g. 70.1% got food stamps). About half lived in their own residences and another half lived with relatives, friends or others. Like the accelerated adults, they had low rates of criminal conviction.

**Emerging adults.** None of the members of this group (which made up 21.1% of the total) lived independently. Just over half were male. Most (60%) had finished high school and 11% had some college education. Almost two-thirds (63%) were currently employed. They had the lowest rates of criminal conviction and were the least likely to have been homeless. They were also the least likely to be parents, but when they were, few of them lived with their children.

**Troubled and troubling.** This final group (17.5%) was almost entirely male. While the other three groups differed in their levels of education and employment, most could be classified as doing

fairly well, especially given their complicated early lives and time in the child welfare system. This final category cannot be so described. Just over half were not currently employed, 82.4% had been convicted of a crime since leaving care, and they were the most likely of the groups to be currently incarcerated, homeless and to have high rates of residential mobility. Almost half had children, but none lived with them. Members of this group reported the highest rates of victimization and the lowest levels of social support. They were also the most likely to report mental health and substance abuse problems (Courtney, Hook & Lee, 2010).

What is the meaning of such data? On the one hand, they support the conclusion that many youth are faring well, especially the 36% in the accelerated adults group. But Courtney and his colleagues point out that even in this group, the picture is far from rosy. Nearly one-third reported they had been homeless or had “couch surfed.” Over one-third had relied on food stamps in the year of the study, and 17% reported symptoms of post traumatic stress disorder (Courtney, Hook & Lee, 2010). If the goal of the foster care system, when permanency is not secured, is to produce independent young adults who are emotionally healthy and self-sufficient, it is hard to claim success.

The U.S. Children’s Bureau has provided grants for innovative approaches that seek to address some of the underlying issues that lead to youth leaving care without permanence. Grants focus on areas such as the reluctance of older youth to cut off contacts with birth family members, which they fear will happen if they consider adoption or other permanency. Grants also focus on examining the impact of trauma on youth’s functioning and willingness to invest themselves in achieving a permanent family, given their trauma histories. In 2005, for example, nine five-year grants were awarded for innovative programs to achieve youth permanency. The RFP emphasized developing strategies that enable youth to maintain significant connections to birth family members while promoting permanency, and the resources developed by these grants are available on the website of the National Resource Center for Adoption.

The current administration is offering six grants for Permanency Innovations Initiatives that seek to address the needs of youth who have been in long-term foster care, as well as another funding opportunity focused on trauma-Informed and trauma-focused practice.

With an increased understanding of the need for permanence, connectedness and financial and social support, what should the child welfare field commit to doing for these vulnerable youth?

### **Recommendation 1: INCREASE RATES OF YOUTH PERMANENCY**

Despite increases in adoptions of waiting children overall, older youth remain at risk of leaving care without permanency. The field needs to implement policies and practices that have been demonstrated to be effective, and to further test recent innovations to achieve permanency. Older youth need and deserve families for life, so we must:

- **Increase adoptions, using techniques shown to be effective in existing programs.** In particular, the field needs to determine how best to serve those youth at particular risk for aging out of care: those with significant behavioral or emotional problems, those in residential or group care, and those who come into care relatively late in their lives.
- **Increase the use of subsidized guardianship for youth,** particularly those whose parents’ rights have not been terminated. The field also should examine the requirement that adoption be ruled out before youth can be eligible for subsidized guardianship. We urge that pilot projects be undertaken to examine the use of guardianship for a broader group of youth who do not enjoy permanency.

- **Assess the impact of state statutes that permit the reinstatement of parental rights for those who have lost them**, recognizing that parents who are unfit at one stage of their lives may be appropriate parents at another. If such practices prove promising, the field should work to expand the reinstatement of parental rights when appropriate.
- **Better train, supervise and support child welfare personnel to achieve permanency for older youth.** Studies suggest that ongoing attitudes (i.e., skepticism) about the ability to find permanent homes for older youth continue to undermine efforts to achieve that goal. Workers should be educated about the importance of permanency, successful strategies to achieve it, and the impact of youths' trauma experiences and developmental needs on these efforts.

### **Recommendation 2: INCREASE EFFORTS TO USE RELATIVES AS PERMANENCY RESOURCES**

Relatives are a proven resource of permanency for many youth, so efforts should be increased to recruit, support and utilize them in the following ways:

- **Promote kinship adoption and subsidized guardianship.** Kin adopters and guardians are important resources for older youth in care, and permanent homes with kin demonstrate benefits for these youth; yet states vary widely in their use of relatives for permanency. While relatives are often familiar with the needs of the youth they are parenting, we must continue to prepare and support these adoptive parents/guardians and provide tailored versions of the supports we give to non-kin adoptive parents.
- **Explore long-term foster care with relatives as a possible permanency option.** Kin foster care, like subsidized guardianship and adoption, has been shown to reduce the risk of negative outcomes for many youth. For economic and other reasons, however, some kin prefer not to adopt or become guardians but are firmly committed to providing a permanent home. In these situations, long-term foster care may be in the best interest of some older youth and can offer them stability and permanent family connections.
- **Investigate the need for enhanced supports for relatives who foster or adopt.** Many studies find kin caregivers have far lower incomes than other adoptive or foster parents. Further, kin receive less in financial supports, preparation and services in some states than is offered to unrelated foster or adoptive parents or subsidized guardians. The protective aspects of kin care should not be offset by economic disadvantages, so we should examine how to better meet the needs of low-income kin caregivers.

### **Recommendation 3: REDUCE THE WAITING TIME BEFORE PERMANENCY**

- Federal policy through ASFA encourages concurrent planning and other practices, such as Family Team meetings, that aim to reduce the time that children linger in care without permanency. Such approaches need to be carefully assessed and, if demonstrated to be effective, should be further developed and implemented as standard practice for youth and their families.
- These efforts to secure permanency, should reunification not occur, **must begin as early as possible after children's placement** into foster care. At a minimum, they should include diligent search for kin, including for fathers and paternal kin, who in the past have often been ignored or dismissed as resources.

#### **Recommendation 4: ESTABLISH TRUE PERMANENCY GOALS FOR YOUTH**

- All children in care should have a true permanency goal: reunification, adoption, subsidized guardianship or formal long-term placement with kin. **Emancipation and independent living should be eliminated as case “goals”** for youth.
- When all other options have been exhausted or ruled out, at the very least **every youth should be connected with a committed, supportive adult**. For youth who cannot be reunited or placed with kin – and after other permanency options are ruled out by careful examination -- then at the very least a committed, sustaining connection with a supportive adult should be secured.
- **A full range of services should be provided to all older youth in care** as well as to those who achieve adoption, guardianship or long-term foster arrangements with kin. Such assistance, including life skills training and housing support, should be recognized as services, not permanency outcomes.

#### **Recommendation 5: INCREASE KNOWLEDGE OF “WHAT WORKS” AND DISSEMINATE IT WIDELY**

- Significantly **expand research to understand policies and practices that promote youth permanence** and well-being. There has been relatively little recent research on what works best, either in finding homes or supporting permanency after placement.
- Further research also is needed to **enhance understanding of this population’s life experiences and readiness for adulthood**. Specific projects should examine:
  - 1) A wider range of youth perspectives. The small number of extant, thought-provoking qualitative studies have provided some insights. But it is important to gain a broader understanding of the needs of youth in urban and rural settings, in tribal communities, and across race/ethnicity and gender. Further, we need more guidance from youth on the nature of programs and services that best prepare them for adulthood.
  - 2) The impact of remaining in care past the age of majority, how best to engage young people who stay in state custody, and how post-majority services can be structured to best serve older youth.
- Develop mechanisms to embed professional and academic training with knowledge we already have and with what we learn from additional research on achieving permanency for older youth.

Finally, although not the focus of this paper, we must continuously re-examine and re-dedicate our efforts to keep children with their families of origin when possible, or to reunite them once those families become strong and safe, enough. As such child welfare leaders as NACAC and the Annie E. Casey Foundation have noted, the best way to keep children from aging out of care is to avoid putting them there in the first place. Many states have worked to safely reduce the number of children placed away from their homes. This is the fundamental responsibility of our child protection system.

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## **APPENDIX**

### **Statutes Allowing Reinstatement of Parental Rights after Involuntary Termination**

<b>State</b>	<b>Citation/ Year Effective</b>	<b>Require Threshold Hearing *</b>	<b>Basis for finding</b>	<b>Who May Petition?</b>	<b>Time limit post- termination</b>	<b>Child age requirements</b>
California	CAL.WE LF. & INST. CODE § 366.26(i) (2) (2006)	Yes	Clear and convincing evidence of parental rehabilitation and that the best interests of child may be promoted	Child only	Three years post- termination (may be waived if child can show unlikely to be adopted)	Child must be 12 or older but child can be of any age if court determines adoption is no longer the permanent plan
Hawaii	HAW. REV. STAT. § 571-63 (2004)	No	Clear and convincing evidence that in child's best interests and parental circumstances allow	Parents, Dept. of Human Services, or any child- placing agency approved by DHS or any other proper person; child 14 or older	One year post TPR if not adopted or placed in prospective adoptive home.	Child can be of any age
Illinois	ILL COMP STAT ILCS § 405/2-28 (2010)		Clear and convincing evidence in minor's best interest, minor is in placement unlikely to become permanent, & parent wishes rights restored and is appropriate	State Child Welfare Agency (DCFS)	Three years since TPR	Child must be 13 or older (or younger sibling of child 13 or older)
Louisiana	LA. CHILD. CODE ANN art. 1051 (2008)	No	In child's best interests	Child or Department of Social Services		Child must be 15 or older

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Nevada	NEV. REV. STAT. ANN §§ 128. 170-180 (2007)	Yes	Preponderance of the evidence in child's best interests	Child, legal guardian or custodian	Two years post TPR	Child must be 14 or older  (Younger "if in child's best interests")
New York	Family Court Act Chapter 343 (2010)	No	Clear and convincing proof in child's best interests, child under jurisdiction of Family Court, have permanency goal other than adoption and original TPR not based on severe or repeated abuse	Child, legal guardian, social service agency to which child committed	Two years post termination	Child must be 14 or older  Twelve month oversight by court/ child welfare agency
Oklahoma	OKLA. STAT. ANN. Tit. 10A, §1-4-909 (2009)	Yes – preponderance of the evidence that reinstatement in child's best interest	Clear and convincing evidence in child's best interest and child has not and is not likely to achieve permanency.	Child	Three years post termination	Child must be 15 or older
Washington	WASH. REV. CODE § 13.34.215 (2007)	Yes	Preponderance of evidence reinstatement in child's best interests. Age and maturity of child, ability of child to express preference, demonstrating that parents have rectified deficits leading to TPR, whether reinstatement poses risk to child's health, welfare, safety; whether parent is fit.	Child only	Three years post termination	Child must be 12 or older or show good cause  Twelve month oversight by court and state child welfare agency before reinstatement final.

Sources: *Grounds for Termination of Parental Rights*, February 2010, Child Welfare Information Gateway retrieved from [http://www.childwelfare.gov/systemwide/laws\\_policies/statutes/groundterminall.pdf](http://www.childwelfare.gov/systemwide/laws_policies/statutes/groundterminall.pdf).; O'Donnell, R. (2010) A second chance for children and families: A model statute to reinstate parental rights after termination. *Family Court Review*, 48 (2), 362-379.