

**Implementation of the
Adoption and Safe Families Act of 1997:
The Indiana Experience**

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ABSTRACT: *The Adoption and Safe Families Act of 1997 (ASFA) is expected to have a profound impact on children and families the child welfare system serves. This article provides information about Indiana's experience in implementing ASFA, including policy decisions made by the legislative and executive branches of government and the involvement of the judiciary. A multi-disciplinary task force addressed training and program needs for positive implementation. Initial outcomes for Indiana children and remaining challenges are discussed.*

President Bill Clinton signed the federal Adoption and Safe Families Act (ASFA) on November 19, 1997. This article highlights the changes required by ASFA and the experience of one State, Indiana, in implementing the resultant child welfare system reforms. ASFA was an attempt by the United States Congress to address growing concerns about the number of children dying as a result of child abuse and neglect, and the length of time that abused or neglected children who had been removed from their homes remained in the child welfare system without a permanent home.

A number of states had experienced deaths of foster children who had been returned to parents who further abused and killed their children. The resultant media attention led to public outrage over the failure of the child welfare system to adequately protect and make decisions for the children entrusted to it. Congress had also heard from persons who wanted to adopt foster children and faced barriers to such adoptions, including the ongoing need to make "reasonable efforts" to reunite children with their parents and the difficulty of terminating a parent's rights to his or her child. The number of foster children in the nation had grown to 486,000, an increase of 74% from 1986 to 1995 (Petit & Curtis, 1997: 72). The Adoption Assistance and Child Welfare Act of 1980,

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also known as P.L. 96-272, was to have ended "foster care drift" through a system of case planning and case reviews designed to give children permanency with a family, either their birth family or an adoptive one. P.L. 96-272 provided for "reasonable efforts" to be made to prevent placement of children out of their own homes and to reunify children with their families. Many child advocates have noted that Congress never fully funded the services necessary under Title IV-B to provide these services to families in a timely manner. Instead, after an initial decline in the number of foster children, the child welfare system again was faced with increasing numbers of children, many of whom stayed in the foster care system until they reached age 18.

The U.S. General Accounting Office, in its report on the foster care system, found that more than 30 states were operating with some sort of judicial oversight through consent decrees and class action lawsuits (U.S. General Accounting Office, 1995). It appeared that States needed some impetus to move children more quickly to a permanent family from the foster care system. President Clinton had issued his Adoption 2002 goals to double the number of children adopted or permanently placed by the year 2002, to move children more rapidly from foster care to permanent homes, to increase public awareness about children waiting for adoption and to encourage Americans to consider adoption (*C. W. Williams, personal communication, December 27, 1996*). Members of a House of Representatives subcommittee had heard testimony regarding the length of time that children who are free for adoption wait for families. Almost half were waiting two or more years for an adoptive home (Congressional Research Service, 1997).

These concerns led to the enactment of the Adoption and Safe Families Act, a compromise between the House and Senate versions of child welfare reform legislation. The legislation contained significant steps to improve decisions and the timeliness of action in order to keep children safe and in permanent families. The legislation was to balance the multiple priorities of child safety, parental rights to time-limited reunification services, expedited permanency for children and system accountability on the part of the states.

THE LEGISLATIVE EXPERIENCE

The Indiana Family and Social Services Administration (FSSA), which administers public child welfare services in Indiana through its Division of Family and Children (DFC), reviewed the changes contained in ASFA and the potential impact on Indiana's child welfare system. There were over twenty changes to the federal law. Each provision required an assessment of the need for subsequent changes to 1) Indiana law, or 2) the State Plan for Title IV-E or IV-B or 3) other administrative changes, for example, to the state's automated child welfare information system. Indiana's sister states were simultaneously going through this same analysis to determine what steps needed to be taken to retain federal compliance and federal funding under Titles IV-E (Foster Care

and Adoption Assistance) and IV-B (Child Welfare Services) of the Social Security Act. In addition, ASFA required that states that needed to enact legislation would have to comply within three months of the adjournment of their next regular legislative session in order to retain their federal funding.

Indiana and other states found that ASFA compliance would require legislative action by the state's legislature. The major provisions requiring such action were:

1. Reasonable effort determinations by courts were to keep the health and safety of the child as the paramount concern.
2. Foster parents, prospective adoptive parents and significant others were to be given the right to notice of court hearings and an opportunity to be heard in court.
3. Children who were found to be abandoned infants, or whose parents had committed certain crimes or whose parents had had their parental rights involuntarily terminated by a court, were to be granted expedited permanency under certain conditions.
4. Permanency hearings were to be held at 12 months following the child's removal from his or her home, with a permanency plan to be presented to the court for approval at that time.
5. Children who had been removed from their homes for at least 15 of the most recent 22 months under the State's supervision were to have a petition filed to terminate their parents' rights, unless there was a compelling reason to believe that such termination would not be in the child's best interests or if the child was placed with a relative, or if the parents had not received services necessary to have their child returned safely to their home.
6. Reasonable efforts were required to be made to place the child according to the child's permanency plan.

Indiana Governor Frank O'Bannon, a Democrat, was very interested in expediting the adoption process for Indiana children. In 1996, he had campaigned with a slogan of "Putting Hoosier Families First" with an emphasis on the needs of children and families (*C. V. Williams, personal communication, September 30, 1999*). Governor O'Bannon became more interested in expediting the adoption process after he learned that an abandoned infant could not be quickly adopted under Indiana law. "Clay Moses" was a newborn infant abandoned in a pit toilet in a community park in August 1997. Local DFC staff estimated that it would take 12 months to finalize an adoption of the child due to the need to search for the child's parents and to wait the statutory six months to file a petition to terminate the parent-child relationship. Governor O'Bannon was also aware of the length of time that it was taking Indiana courts to hear petitions that had been filed to terminate parent-child relationships. A survey of courts through the Court Improvement Project of the Indiana Judicial Center showed that in 43% to 69% of contested cases, it took 91 days or more from the

filing of the petition to the termination (Indiana Supreme Court, 1997, p. 13). In September 1997, 337 of the 9,665 Indiana children in foster care were awaiting either a court hearing or a court decision on the termination of their parents' rights.

Governor O'Bannon was concerned that children have safe and permanent families. In instances where it was not possible to reunify a child with the child's family, he wanted to shorten the child's time in foster care by minimizing barriers to adoption (*Office of the Governor, personal communication, September 24, 1999*). Given these priorities, the Governor made passage of the Adoption and Safe Families Act in Indiana a part of his legislative agenda for the 1998 session of the General Assembly.

Working with the Governor's Office, the DFC prioritized five areas in the legislation: 1) the health and safety of the child as a paramount concern; 2) expedited permanency for abandoned infants and children whose parents had committed certain crimes; 3) timeliness of services to children and families preparing for reunification; 4) expedited hearings to terminate the parent-child relationship in cases where reunification is not possible after 15 months of foster care; and 5) input from the child's foster parents/caretakers through a notice and opportunity to be heard in court.

These priorities were determined with input from the county offices of the DFC and from judges. As the legislation was being drafted, the DFC Deputy Director with responsibility for child welfare programs met with a group of judges with juvenile jurisdiction to advise them of the upcoming legislation and listen to their concerns and priorities for the legislation. The judges were very concerned about the time that it was taking to process children's cases, the heavy workload of most courts, the failure on the part of some DFC case managers to file petitions to terminate parental rights and the likelihood of conflicts in the courtroom if the child's caretakers and prospective adoptive parents were present and in disagreement over what was best for the child. These discussions led to further refinements in the bill draft.

From these discussions and a review of the federal requirements, the proposed mechanism to terminate the parent-child relationship after the child had been in care for at least 15 of the most recent 22 months was the required filing of a petition to terminate the parent-child relationship. The legislation was drafted so that all parties would have the right to file a motion to dismiss such a petition on one of four grounds: 1) the child was placed with a relative; 2) to terminate the parent-child relationship was not in the best interests of the child; 3) the parents were receiving services to reunite the family under a case plan, and the case plan had not yet expired; or 4) the family needed substantial services to reunite the family that the DFC had failed to provide. This provision was a more drastic measure than what the federal legislation required; ASFA

required *only documentation in the case plan* that the parental rights should not be terminated due to one of the above reasons.

However, the DFC and its partners who drafted the legislation were particularly mindful of the concern of the juvenile court judges that some case managers were reluctant to file petitions to terminate parental rights, even in cases in which that appeared to be in the child's best interests. As a result, some children were denied an opportunity to be freed for adoption. Therefore, this mechanism was designed to put the decision-making process in the hands of the court and to let the court determine whether to proceed with the termination of parental rights based on the evidence presented. In addition, to address the findings of the Court Improvement Project survey, the proposed legislation would require courts to hear petitions to terminate the parent-child relationship within 90 days of the petition's filing, in order to speed the process further toward permanency. The major concern was for those children awaiting a decision regarding termination of their parents' rights. These children were truly in limbo, since the court had determined that the children could not be safely returned to their parents; yet, the children were not free to be adopted by others.

A review of data for December 1996 from the state's child welfare information system showed that 7,254 children had been in foster care longer than 15 months. Further analysis of Indiana's data showed that 3,038 children who had been in care for at least 15 months were 14 years of age or older.

TABLE 1. Number of Children in Indiana's Child Welfare System (1996 and 1999)

| | As of 12-31-96 | As of 10-1-99 |
|--|----------------|---------------|
| Number of Children in Need of Services (CHINS) | 12,580 | 12,897 |
| Number of CHINS in substitute care | 9,665 | 8,267 |
| Number of children in care longer than 15 months | 7,254 | 4,309 |
| Number of children in care longer than 15 months who are 14 or more years of age | 3,038 | 1,511 |
| Number of children in care longer than 15 months who are younger than age 14 | 4,216 | 2,798 |

Source: The Indiana Family and Social Services Administration, Division of Family and Children, October 1999.

(According to Indiana Code 31-19-9-1, a child over the age of 14 years has the right to consent to his or her own adoption.) The remaining 4,216 children were under the age of 14 years and had been in care for longer than 15 months. (See Table 1.) These children were the focus of the State's attention for this legislation. About 25% of the State's children were placed with relatives, a circumstance that might lead to an exception to the filing of a petition to terminate parental rights, particularly if the child's relative caretaker was unable or unwilling to adopt the child. Given this information, the full implementation of ASFA was estimated to affect 3,150 to 4,216 children already in foster care and their families. Each year, an additional 5,000 children were placed in emergency foster care and were expected to be affected by the provisions effective November 19, 1997, for time-limited reunification and expedited permanency under ASFA.

Implementation of the legislation was estimated to cost the Indiana and the federal governments \$4.6 million in the first two years of implementation. The costs of implementation were administrative (case management and attorney staff time) and programmatic (adoption subsidies and other benefits). The costs were to be offset by an estimated savings of \$8.7 million in foster care costs in the second year of implementation, due largely to the anticipated exodus of children from the system.

At the same time that the DFC was drafting legislation, Senator J. Murray Clark, R-Indianapolis, was working on his own child welfare reform legislation. The O'Bannon administration saw some benefit in combining efforts to promote one strategic piece of legislation. Senator Clark's major concerns about child welfare were the length of time that children stayed in the system, a lack of accountability on the part of DFC staff for the timeliness of services and respect for parental rights and the length of time that prospective adoptive families had to wait for children to be freed for adoption. "At times we lose sight of what I think should be the priority--what's in the best interest of the child. Allowing children to float through the foster care system for years is terrible for kids," he said (McBride, 1998: B1, B6).

In agreeing to author the legislation, Senator Clark added to the proposed legislation a "rebuttable presumption" that the state's jurisdiction would end after a child had been in foster care for 12 months. At the 12-month permanency hearing, the court would have to determine whether the state had successfully rebutted the presumption and could continue jurisdiction with a permanency plan for the child. If the state failed to rebut the presumption, the child would be returned to the parent(s) or a petition filed to terminate the parents' rights, at the discretion of the court.

In reviewing the chances for the proposed legislation to succeed, it is important to note that the Indiana Senate was dominated by the Republican Party, and the House was split evenly among Democrats and Republicans.

In such an atmosphere, the need to collaborate became critical to the successful passage of the legislation. A series of meetings with child advocacy organizations, public and private agency administrators, mental health service providers, and foster parent representatives led to further discussion of the proposed state legislation and specific concerns. Those in favor of the legislation spoke for the expedited permanency process, the expected increase in the number of adoptions of foster children and the emphasis on the health and safety of children in decision-making for children. Opponents of the legislation said that the rights of parents were not being given proper weight, while others said that the requirement for all children who had been in foster care for 15 of the most recent 22 months to have a petition filed to terminate their parents' rights was too extreme and would be detrimental to some foster children who would be left with no legal family under these conditions.

By the time the bill got to the floor of the second chamber, it was being branded a "bad bill" by some members of both parties. Right-wing groups were circulating literature that the bill invoked "sanctions and penalties against parents but none against the welfare system," that there was a "bounty" being placed on children whose parents would have their rights terminated, and that parents who were unable to afford an attorney would be at risk (D. Kruse, personal communication, February 18, 1998). The term "bounty" referred to the adoption incentive funds that states would receive under ASFA if they exceeded their baseline number of adoptions of foster children. Each foster child's adoption was worth up to \$4,000 in additional federal funds, with special needs children's adoption being worth up to \$6,000. Meant to be a performance-based incentive, the bonus was being used by these right-wing groups to imply that the state would be rewarded for taking more children from their parents.

Meanwhile, on the left, there were concerns by parents' advocates about the limited access to legal representation by parents in poverty and about the lack of notice to parents of the consequences of their failure to improve their parenting skills to the court's satisfaction within the first 15 months of the child's time in foster care. In addition, the organization representing court-appointed special advocates for children continued to be concerned that some children would be harmed by the provisions for automatic filing of petitions to terminate parental rights at 15 of 22 months in foster care.

The bill passed the second chamber but was referred to a conference committee to resolve these differences. The conference committee took testimony from judges, child advocates and parents' rights advocates. Their committee report reflected the following major changes:

Parents would be advised of their rights and the possibility of termination of their parental rights either at the time of the child being taken into custody (for new cases) or at the time of the next court review (for children already in foster care).

- The detention period for a child prior to the first court hearing was reduced from 72 hours to 48 hours, to be more consistent with the child's sense of time and to be fairer to parents who may be able to safely care for their child.
- It was clarified that reasonable efforts to return a child safely to the parent should be made as soon as possible.
- It was clarified that **the court** must approve the out-of-home placement of a child consistent with the permanency plan for the child.
- The parent may continue to seek to enhance their ability to fulfill their parental obligations and to receive family services even when the permanency plan for a child may be adoption or other plan that is not reunification. The local DFC office would not have to continue to make reasonable efforts to return the child to the parent or to place the child in close proximity to the parents' home.
- The procedure for the filing of a motion to dismiss a petition to terminate the parent-child relationship when the child had been in care for 15 of the most recent 22 months was clarified and amended.

In recommending passage of the legislation to her colleagues, Representative Sheila Klinker, D-Lafayette, said, "We have had a lot of input; we got all the players together and listened to their concerns...The focus is still to reunify the child with the parents, but free the child for adoption if the child cannot be safely returned home...We should not be keeping children in permanent foster care." (*S. Klinker, personal communication, February 28, 1998*). The Conference Committee report was accepted in the Senate by a vote of 48-0 and in the House by a vote of 97-2. Governor O'Bannon signed the legislation into law on March 11, 1998. With such apparent agreement, it was hoped that implementation of the new law would progress smoothly.

IMPLEMENTATION

Following the passage of any significant piece of legislation, there is always the challenge of "getting the word out" in a timely manner. Some of the provisions of Indiana's ASFA legislation became effective July 1, 1998, while others became effective July 1, 1999. Because this legislation had such far-reaching consequences for children, families, and the child welfare system itself, a work group was formed to assist the DFC in implementing ASFA. The work group included attorneys, judicial representatives, foster and adoptive parent representatives, a school of social work representative, public and private child welfare agency representatives from throughout the state, and a court appointed special advocate. The impetus for the formation of the work group was a regional conference regarding the ASFA provisions hosted by the Administration for Children and Families, Department of Health and Human Services (DHHS), in Chicago.

Themes presented at the conference were the increased focus on the needs of the child, timeliness in service and decision-making on behalf of children and their families, the importance of considering cultural issues in determining permanency options and how "permanency" is defined for children, the readiness of the system itself to change, the need for courts to have critical information in order to make the best decisions for children and the importance of attending to the progress in each child's case. The definition of "permanency" in particular was proving a challenge for participants in that, for many children, the child welfare system had become their "permanent" caretaker. Brissett-Chapman (1998) defined permanency for children as "an affectionate bond that endures through space and time emotionally and psychologically." For the children who had been in foster care for years, permanency with a family and an exit from the child welfare system would prove a challenge, no matter whether the children lived with a relative, a long-term foster parent, an institution or other caretaker.

The most immediate concerns identified by the Indiana work group were the challenges of meeting the time lines for termination of parental rights associated with the 15 of 22 months that children were in care, the question of medical coverage for adopted children who were not eligible for Title IV-E benefits and Medicaid, the ability to provide financial assistance to relatives as a permanency option for children, the need to include case conferencing as a strategy to come to consensus on recommendations to the court, and the need for comprehensive, coordinated training across the various parts of the delivery system. The group spent considerable time discussing various interpretations of the new law and trying to reach consensus on how ASFA should be implemented.

The O'Bannon administration had continued an effort begun in 1996 by then-Governor Evan Bayh to increase the number of adoptions of special needs children by increasing recruitment of prospective adoptive families, improving family preparation for special needs adoption and providing more post-adoption services through contracts with private agencies. Because of this public-private partnership, Indiana had seen an increase in placements of special needs children for adoption, from 327 for 1995 to 700 for 1997 (*Indiana Family and Social Services Administration, 1997*). However, in spite of this effort to move children to permanency, a number of barriers remained.

Among those barriers that the work group identified was the difficulty of achieving adoption for some children placed with relatives or in "long-term" foster care. These were children who had more emotional and physical disabilities or who were older and did not particularly want to be adopted. For some families, there was a cultural bias against the termination of parental rights of one family member in order to allow another family member to adopt the child. At the same time, these children were often in fairly stable homes, with either a kinship family or a committed foster family.

In some cases, there were safety issues associated with continued contact by the child's parent or parents while the child was placed with a relative.

The group began to focus its energies and expertise in developing options that would include medical coverage and some sort of subsidy for these kinship and foster families to achieve permanency for the children. Indiana had implemented a Child Welfare Demonstration Project under a Title IV-E waiver in January 1998. Indiana's waiver was to include flexible use of the federal IV-E foster care funds and the ability to provide services in the child's home. Two of the State's 92 counties, Marion (Indianapolis) and Allen (Fort Wayne), were developing guidelines to use these flexible funds for permanency for older children in the foster care system through use of assisted guardianships. Allen County was looking at the same benefits for children age 14 and older. Through the efforts of the work group and those who were developing these two pilot projects, a statewide assisted guardianship program is targeted to begin in July 2000 (*C. V. Williams, personal communication, October 19, 1999*). It is important to note that all those involved in developing this program believed that adoption should continue to be the first and most legally secure option for children who cannot return safely to their parents. The rules for assisted guardianships will therefore require that adoption be ruled out as an option for the child prior to the child being eligible for an assisted guardianship.

In addition to this effort, the work group was instrumental in the extension of Medicaid under the state's plan for special needs children who are receiving an adoption subsidy under the state's program, but who are not eligible for the federal IV-E Adoption Assistance program. This new health care entitlement was effective July 7, 1999.

One of the issues that kept coming to the forefront was the possibility of ASFA implementation creating "legal orphans" who would not be able to be adopted due to age and other special needs. The work group continued to be somewhat divided in their opinions about the automatic filing of a petition to terminate parental rights when a child had been in care for 15 of 22 months. Some felt that the case manager should have been able to make the decision regarding a "compelling reason" to avoid the filing of a petition to terminate parental rights and to document that in the case plan. There was much discussion about what degree of discretion judges had to dismiss such petitions, particularly if the child was placed with a relative. In addition, some group members felt that foster family care was being painted in an unfavorable light as undesirable for children due to ASFA's emphasis on other options for permanency. However, work group member Clara Anderson of the Children's Bureau of Indianapolis, called the group to task by saying "A child is already an orphan if the parent cannot be depended on or is absent. Don't deny the child an opportunity to be adopted" (*C. Anderson, personal communication, October 1, 1999*).

The work group was also instrumental in the coordination of training efforts that began as early as May 1998. The first groups to receive training were the attorneys who participate in court hearings on behalf of the local DFC offices and court-appointed special advocates who represent children in court. In June 1998, the judges with juvenile court jurisdiction received training regarding the ASFA provisions; and the DFC trained over 700 case managers and supervisors. More questions emerged as the various groups began to realize the implications of ASFA not only for the children and families, but also for themselves and how they would complete their work.

One of the counties with the greatest challenges was Lake (Gary). There were over 3,000 children in foster care in Lake County, many of whom had been in care for 30 months or longer. There were also hundreds of petitions to terminate parental rights pending on the court's docket. Through the commitment of the Juvenile Court Judge, the Honorable Mary Beth Bonaventura, and with some Title IV-E funding from the State Court Improvement Project, additional court magistrates were added to hear these petitions. The DFC also began to contract for additional attorney time and to allow additional overtime pay for case managers to expedite the court hearings and decision-making process for these children. As of December 1998, there were over 500 petitions to terminate parental rights being processed by the court in Lake County. Case managers who had been so committed to family reunification that they could not understand the need to terminate parental rights began to see benefits for the children in permanency through adoption. Many of these case managers had to experience the failure of attempted reunifications of children with parents before they realized that reunification is not always the answer for some children and some parents.

Efforts to provide training for foster parents and for private child welfare agencies have been sporadic. Foster parents have received some training through local foster parent support groups and conferences sponsored by the Indiana Foster Care and Adoption Association. Many of the State's private foster care agencies have taken particular interest in the provisions of ASFA and have been active in promoting training through their membership organization, IARCCA—an Association of Children & Family Services. IARCCA has developed resource materials that explain ASFA provisions and the court process as well as a parental rights booklet that can be used with parents by agency social workers (Graham & Hill, 2000). Training efforts have focused on the permanency provisions of ASFA, the emphasis on the health and safety of the child as the paramount concern, the need to work collaboratively across disciplines to make recommendations to the court in the child's best interest, the accountability measures through the required time lines for permanency and termination of parental rights, and the rights of foster parents and others to notice of court hearings and the opportunity to be heard in court. Even with these efforts, cross-disciplinary training remains a need for those who are working in the child welfare system.

Subsequent ASFA legislation in the 1999 Indiana General Assembly included mandatory criminal record checks for all prospective adoptive parents (State law already required such checks for foster parents), establishment of statutory requirements for therapeutic and special needs foster parents, and clarification that the court has discretion to terminate the parent-child relationship in a case in which the child is placed with a relative if to do so is in the best interests of the child.

The implementation process for ASFA continues. For the year 2000, DFC has identified several goals related to the ASFA themes of permanency, safety, and timeliness of services:

- Prevent and reduce child fatalities by 15%.
- Increase adoptions by 10%.
- Increase number of children receiving independent living services by 10%.
- Reduce average length of out-of-home placements by 20%.
- Increase “community-based” services expenditures by 10%.
- Decrease the number of child abuse and neglect investigations open for more than 90 days by 33%.
- Decrease the number of children in out-of-home placements by 10%.

DFC Director James M. Hmurovich stated his commitment to the achievement of these goals: “All the laws and policies do not matter if operations are not accountable to make the changes happen. We improve that which we measure.” (*J. M. Hmurovich, personal communication, October 14, 1999*). DFC’s strategy to meet implementation goals includes not only the measurement and tracking of accomplishments, but also strengthening the process of recruiting adoptive families for children through more aggressive contracts with private agencies. In addition, the role of foster parents and the engagement of foster parents as members of the case management team and as permanency resources for children have been re-emphasized.

OUTCOMES

The most important outcomes are for the children involved in the child welfare system. It can be said with certainty that more children are exiting the system since the number of children in foster care, especially those in care for more than 15 months, has decreased. (See Table 1.) This can be directly attributed to the efforts of the DFC offices, the courts, and child advocates to achieve permanency for children in the system. As further evidence of Indiana’s success in moving children to permanency, on September 24, 1999, Indiana received the sixth highest award in the nation as an adoption incentive bonus for its 54% increase in the number of foster children adopted in federal fiscal year 1998 (954 children) over the baseline years of FY 1995-97.

Outcomes for families are more difficult to ascertain than the numbers would indicate. Carlis Williams of Governor O'Bannon's Office, who served on the DHHS Task Force on Outcome Measures required under ASFA, wants to be sure that parents receive the services that they need and that the DFC has enough people to provide the services for reunification and follow-up so that children are safe. In serving on the Outcomes Measures Task Force, Ms. Williams reported that she was most moved by the perspective of juvenile and family court judges who felt the need for greater communication and information prior to making their decisions regarding children. Ms. Williams, an adoptive parent of foster children, is also concerned that adoptive parents are adequately prepared for the rigorous emotional and physical demands that adoption of special needs children brings and that they have adequate post-adoption support services (*C. V. Williams, personal communication, September 30, 1999*).

For the child welfare system, the changes have been slow but profound. The increased number of children who are moving more quickly to permanency is evidenced in Table 1. For those with experience working in the child welfare system, the question remains, "Are these children going to experience a better life or are they going to return to the system through failed reunifications, adoptions, or guardianships?" Service provider Clara Anderson noted that the child welfare system has to move to provide more supports for adoptive families. "The infant model of adoption is that you 'say goodbye' after the adoption is finalized. With special needs adoption, you keep the door open." (*C. Anderson, personal communication, October 1, 1999*). The family is more likely to experience crises and need intervention strategies that support and preserve the family.

CONCLUSION

In order to more adequately assure that ASFA is being implemented in a manner that promotes the safety and well-being of children, states must continue to provide interdisciplinary training that is focused on best practices, which at the same time educates those working in the child welfare system about the requirements of the law. The recently published federal regulations for Titles IV-E and IV-B include the ASFA provisions and outline penalties for noncompliance with the federal requirements.

The "best interests" of each child should continue to be the driving principle behind the work of public agency case managers, private agencies, the court, child advocates and attorneys. In all the efforts to meet timelines and assure accountability, one must not forget that decisions are being made that affect each child's life. Outcomes should not only be assessed in the aggregate, but also for each child touched by the child welfare system. Children who come into foster care have already experienced the failure of their families. The system cannot afford to fail them, too. Well-trained staff and judges and well-coordinated services, offered in a timely manner, to families (whether birth,

kinship or adoptive) provide the best hope for these children to realize the promises of safety and permanency offered by the Adoption and Safe Families Act.

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