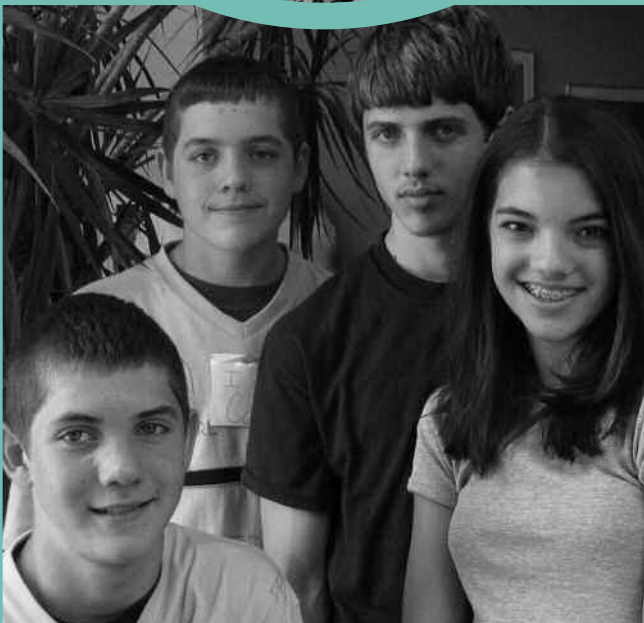


IT'S TIME TO MAKE
OLDER CHILD
ADOPTION A REALITY

*Because Every
Child and Youth
Deserves a Family*



North American Council
on Adoptable Children

It's Time to Make Older Child Adoption a Reality: *Because Every Child and Youth Deserves a Family*

November 2009



Since its founding in 1974 by adoptive parents, the North American Council on Adoptable Children (NACAC) has been dedicated to the mission that every child deserves a permanent family. Through education, support, parent leadership capacity building, and advocacy, NACAC promotes and supports permanence for children and youth in foster care in the United States and Canada. Some of NACAC's core activities include empowering parents to support one another as they raise children adopted from foster care; working with policymakers, administrators, and grassroots advocates to reform the foster care system and improve outcomes for children and youth; and disseminating information that will help child welfare professionals and adoptive families better support vulnerable children.

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Executive Summary

Every youth in foster care needs and deserves a permanent family. Despite the nation's stated goal to achieve permanency for children, in 2007 more than 28,000 youth aged out of foster care, meaning they left the child welfare system without a permanent family.

The number of youth who age out of foster care has risen steadily over the past decade, even in the wake of increased efforts to achieve permanence for all children in foster care. For far too many youth, aging out of care results in homelessness, work instability, and a lack of stable, loving relationships with adults. These grim facts are even more heartbreaking because we know these youth could have found a permanent family, if only they had been given the chance.

Younger foster children have a much better chance of finding a permanent family. Once waiting children in foster care are nine or older, they are much less likely to be adopted.¹ About 43 percent of waiting children are nine or older, but 72 percent of those who are adopted are under age nine.² The average age of children when they are adopted from foster care is 6.6 years, while the average age of waiting children is 8.2 years. The average waiting child has been in foster care for more than three years.³ Every day that a waiting child remains in foster care, his chances of being adopted decrease.

Key Barriers to Adoption for Older Youth

Policy Barriers: Legal and Structural Components of the Child Welfare System Block Permanency

- Permanency goals that deny permanence, such as independent living, emancipation, and another planned permanent living arrangement
- Permanency planning approaches that deny youth access to important services, such as college assistance and independent living supports
- Youth consent-to-adoption laws that allow children as young as 10 to completely opt out of adoption
- Restrictions that block child welfare professionals from adopting youth with whom they work
- Policies and rules that prevent other prospective parents (gay and lesbian parents, single parents, etc.) from adopting

Practice Barriers: Attitudes, Case Planning Options, and Lack of Adequate Services Keep Youth from Permanent Families

- Myth among some child welfare professionals that older youth are unadoptable
- Failure to address youth's fears that being adopted means losing connections with siblings, birth parents, and other family members
- Failure to address prospective parents' reluctance about parenting teens and misinformation they may have about why older youth need a family
- Placement in congregate care and institutions, which often prevents children from building connections with potential adoptive parents
- Lack of sufficient post-adoption services to meet youth's sometimes complex needs after the neglect, abuse, and instability they have experienced

Putting Successful Strategies to Work—Policy and Practice Recommendations

Recommendation 1: Engage in Recruitment from a Youth-Centered Perspective

- Prioritize child-specific recruiting as the primary recruitment strategy, a strategy that relies on individuals who have existing connections to the child or youth
- Think inclusively and creatively about expanding the pool of prospective adoptive parents and the definition of adoption; include professionals who may know the child and birth family members as prospective parents
- Engage and support staff who believe that youth permanency is possible and necessary

Recommendation 2: Empower Youth in Their Own Permanency Planning

- Work with youth to identify key adults who might be prospective adoptive parents, and fully engage youth in their own permanency planning efforts
- Help youth examine their feelings about adoption, and make sure they understand the lifelong value of adoption and having a permanent family
- Modify youth consent-to-adoption laws to prevent youth from opting out of permanency planning altogether while allowing them to have a say about specific adoptive families

Recommendation 3: Allow Only True Permanency Options as Permanency Goals

- Eliminate the use of emancipation, independent living, and another planned permanent living arrangement as permanency goals

Recommendation 4: Integrate Independent Living Services into Permanency Planning Efforts

- Provide life skills support and independent living services to all older youth in foster care and integrate those services into permanency planning so that youth do not have to choose between permanency and support

Recommendation 5: Provide Sufficient Post-Adoption Services to Support Adoptive Placements

- Provide specialized post-adoption services for families who adopt older youth
- Provide equitable support and benefits across foster care and adoption

With 129,000 children and youth in foster care waiting to be adopted and another 74,000 on the path toward aging out of foster care, there is no time to waste in breaking down barriers to older youth adoption and implementing strategies to find a forever family for every youth who needs one. Thousands of older youth in foster care are relying on the child welfare system to do whatever it takes to ensure that they do not age out of foster care all alone.

We see examples of efforts across the country that successfully find adoptive families for older youth; we know it is absolutely possible to find a family for every waiting child if only we make the effort.

Effective youth permanency work requires passion, dedication, creativity, and a commitment to the belief that every youth deserves a stable, legally permanent connection to a family. We owe the youth in foster care nothing less.

Introduction

While she was in foster care, Jessica was never asked what she wanted. “No one ever talked about adoption,” she remembers. “I wanted a family and I would have considered adoption, but no one ever asked. The scary part was when I turned 18. I had nowhere to go. They told me, ‘When you turn 18, basically, you’re done.’ When I left, I was unprepared to be on my own. I didn’t know anything about finances. I had gone to independent living classes, but I couldn’t remember anything.” Once she aged out of care, Jessica spent several years working and partying, and then became pregnant.

Every youth in foster care needs and deserves a permanent family. Despite the nation’s stated goal to achieve permanency for children, in 2007 more than 28,000 youth aged out of foster care, meaning they left the child welfare system without a permanent family.

“They’re always talking about this Permanency stuff. You know social workers . . . lawyers . . . always using these big social work terms to talk about simple things. One day one of them finally described what she meant by permanency. After I listened to her description, which was the first time anyone ever told me what the term meant, I said, ‘Oh, that’s what you mean? Yeah, I want permanency in my life. I don’t think I ever had that! When can I get it?’”

—Youth in foster care

The number of youth who age out of foster care has risen steadily over the past decade, even in the wake of increased efforts to achieve permanence for all children in foster care. For far too many youth, aging out of care results in homelessness, work instability, and a lack of stable, loving relationships with adults. These grim facts are even more heartbreaking because we know these youth could have found a permanent family, if only they had been given the chance.

We must and can achieve true permanence for older youth in foster care; it will require intentional, specialized strategies to

make it happen. We have seen that, with focused effort, it is entirely possible to connect older youth—even those who have been waiting the longest in foster care—with permanent adoptive families. This publication highlights successful strategies for achieving adoption for older youth and breaking down barriers that block a youth’s path to permanency.

Older Youth Are Losing Their Chance for Permanent Families

Anna spent many years in foster care before aging out when she turned 18. She recently told a group of young people never to take their parents for granted. “When you have a family, you have everything. You are lucky to have parents and you should always remember that,” she implored. Anna recalls her feelings: “When I won the Youth Spirit Award it was exciting. And I have won many awards and things at school, too. But every time I walked up to receive my award, there was no family there to see me get it. Other kids had a mom or a dad to watch them get their award. It should have been a happy occasion. But for me . . . I wish I had a family there for me.”

According to the most recent federal data, 129,000 of the 510,000 children in foster care in the United States are waiting to be adopted. This number, already too high, does not even account for those children for whom no one is looking for a family. These are youth whose parental rights have been terminated who are older than age 16 and who have a case goal of emancipation; they are excluded from the official count of waiting children.

Younger foster children have a much better chance of finding a permanent family. Once waiting children in foster care are nine or older, they are much less likely to be adopted.¹ About 43 percent of waiting children are nine or older, but 72 percent of those who are adopted are under age nine.² The average age of children when they are adopted from foster care is 6.6 years, while the average age of waiting children is 8.2 years. The average waiting child has been in foster care for more than three years (39.4 months).³ Every day that a waiting child remains in foster care, his chances of being adopted decrease.

While most children leave foster care to a permanent family, either through reunification with birth parents, placement with other relatives, or adoption, an alarming number of youth exit care without any family at all. In fiscal year (FY) 2006, 26,517 youth (9 percent of all youth exiting care) aged out of care without a permanent family (also known as emancipation).⁴ The number of youth aging out each year has

grown dramatically, increasing by 53 percent since 1998 (when 17,310 youth aged out).⁵

“Permanence is about a relationship—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 birth and extended family, siblings, other significant adults, family history and traditions, race and ethnic heritage, culture, religion and language.”

—Lauren Frey, adoptive mother and adoption professional⁶

Studies repeatedly reveal grim outcomes for youth who age out of foster care. These youth are more likely to be involved with the criminal justice system, to become teenage parents, experience homelessness, and use drugs and alcohol. They are less likely to graduate from high school⁷ and much less likely to complete college.⁸ Once youth age out of foster care, they face extraordinary obstacles to achieving stability and well-being. As these youth live on their own, without the

support from family that most youth have well beyond age 18, they are less likely than their peers to be employed, more likely to have poor health outcomes, and are at greater risk for experiencing violence.⁹

Federal policy supports the need to achieve permanence for foster youth, especially older youth. Since 1997, for instance, the federal Adoption Incentives Program has rewarded states with financial bonuses for increasing the number of children adopted from foster care. In 2003, Congress created an additional bonus specifically to promote adoptions of youth age nine and older. Just last year, Congress doubled the incentive payment for each older youth adoption in recognition of the need to do more to find families for older youth.

Sadly, older youth are still being left behind by permanency efforts. Penelope Maza, former senior policy research analyst with the Children’s Bureau at the U.S. Department of Health and Human Services, describes the growing gap in older youth adoption compared to adoption of younger children:

If the programmatic emphasis on the adoption of older children is successful, the percentage of adopted children who are age 9 and older should gradually get closer to the percentage of waiting children who are 9 and older, closing the gap between these two percentages... instead of declining in recent years, this gap has been increasing. This signifies that the emphasis on the adoption of older children has yet to show hoped for effects. The percentage of waiting children 9 and older has increased from 39 percent in FY 1998

Myths about Permanency for Older Youth

Myth: Older youth cannot be adopted and all adoptive parents want infants

Reality: States have successfully found adoptive families for thousands of older waiting youth. In 2006, 14,060 youth age 9 and older were adopted from foster care (27.5 percent of all youth adopted from foster care that year). Throughout this paper are examples of programs and initiatives that repeatedly dispel the myth that older youth are unadoptable.

Myth: Youth would rather pursue independence than live with family

Reality: Older youth need both the support and benefits of being part of a family and the ability to develop independence and life skills for adulthood. Older youth may have many reasons to resist being adopted (see page 8 for a discussion of some of youth’s concerns), but older youth will

confirm that having to choose between a family and independence is a choice no one should have to make.

Myth: All youth in foster care are juvenile delinquents

Reality: Contrary to this common misconception, the vast majority of children and youth in foster care were placed in foster care because they experienced abuse or neglect, not because of their own behavior.

Myth: Relatives do not want to adopt

Reality: Relatives already make up a significant percentage of the adults adopting youth from foster care. In 2006, 26 percent (13,321) of the children adopted from foster care were adopted by relatives. Thousands of others have provided youth with permanency through subsidized guardianship.

to more than 4 in 10 waiting children (44%) in FY 2006. In contrast, the percentage of children 9 and older in the adoption population has remained at less than 1 in 3 from FY 1998 through FY 2006. These data suggest that despite the programmatic emphasis on adoption of older youth, insufficient progress has been made.¹⁰

Key Barriers to Adoption for Older Youth

For many youth who age out, the path away from a permanent family is forged years before they turn 18, due to a combination of barriers—biases against the idea that older youth can be adopted, financial disincentives to adopting older youth, policies that allow use of a permanency goal that provides no legal permanence, and policies and practices that allow teens to opt out of permanency planning efforts even when a permanent family is in their best interests.

After Mary entered foster care at age 12, it was more than four years before anyone asked her about her goals. When she was 16 a judge asked Mary what she wanted in life. She replied, “I want what everyone wants—I want a family of my own.”

The judge turned to the caseworker and said, “Let’s find Mary a family.”

In spite of the judge’s words, the road wasn’t easy. Mary recalls that many people discouraged her from adoption. “They were like, ‘You’re 16. You’re going to go off to college in a couple of years. Why do you want a family?’” Mary explained, “It’s about my entire life, it’s not just about my childhood. I want to know that I’m going to have a place to come home to during Christmas breaks. I want to know that I’m going to have a dad to walk me down the aisle. That I’m going to have grandparents for my children.”

Policy Barriers: Legal and Structural Components of the Child Welfare System Block Permanency

Despite being responsible for achieving permanent families for youth in its care, the child welfare system’s structure imposes multiple barriers to connecting older waiting youth with adoptive families, frequently as an unplanned consequence of well-intentioned policies and laws. These system barriers can have far-reaching effects as they reinforce the misconception among child welfare professionals that it is okay to give up on finding families for older youth.

Permanency Goals That Deny Permanence

Each child in foster care is required to have a permanency plan as part of their case plan, specifying whether the goal is reunification, adoption, legal guardianship or other placement with a relative, or, if the other options have been ruled out, another planned permanent living arrangement (APPLA).

The use of independent living and APPLA as permanency goals for youth denies them a forever family. In reality, APPLA is commonly used as simply another term for long-term foster care or emancipation. In most cases, a plan of APPLA fails to provide permanence, since the placement—whether in a foster family, group home, or other form of congregate care—ceases to be the youth’s home as soon as he ages out of foster care.

“Reunification, adoption, and legal guardianship are the only goals that purposefully aim to resolve a youth’s family status and achieve family permanence. APPLA (Another Planned Permanent Living Arrangement and IL (Independent Living) address a youth’s placement or living situation. APPLA and IL are not permanency goals; they perpetuate the state as the youth’s parent. Even older youth who want to be on their own deserve both a place to live and permanent, legal family status.”

—Lauren Frey¹¹

Similarly, allowing workers to stop efforts to find a permanent family for a youth and simply transition the youth to an independent living path sustains the misconception within the child welfare field that there are some children who simply cannot be matched with an adoptive family.

A goal of independent living, APPLA, or emancipation is essentially a plan to leave the youth disconnected and extraordinarily vulnerable. According to federal data, more than 74,000 youth in foster care have case plan goals of emancipation or long-term foster care.¹² Without dramatic changes, these youth will almost certainly age out of foster care without a secure connection to a permanent family.

Permanency Planning Denies Youth Access to Important Services

In recognition of the challenges facing youth who age out of foster care, a variety of programs have been developed to help these youth transition into adulthood. The most significant of these is the federal John H. Chafee Foster Care Independence Program, which allocates funding to states to provide independent living services to youth who are likely to remain in foster care until they turn 18. These services include budgeting, job preparation, help finishing high school, and daily living skills—supports that would be beneficial for all older youth in foster care, even those moving to adoption. The program also provides Chafee Education and Training Vouchers (ETV) to support post-secondary education for former foster youth who aged out of foster care or were adopted after their 16th birthday.

Unfortunately, most child welfare agencies have separate tracks for youth with the goal of independent living and youth with permanency plans for adoption or guardianship. As a result, youth who receive life skills preparation support may receive no services to find them a family. Youth with plans for adoption or guardianship are likely to lose out on useful life skills preparation and services.

“The Homecoming Project consistently found efforts to achieve permanency absent among workers and programs whose role was to provide independent living skills and supports. Conversely, adoption workers often had little to no understanding of the resources available to help youth develop life skills. As a result, youth in each track are provided incomplete information and services to which they are entitled.”¹³

—Homecoming Project

One of the largest unintended consequences of the expansion of independent living services has been the creation of additional disincentives to older youth adoption. Many youth, particularly those who are already ambivalent about adoption, fear that being adopted means they will lose out on important educational, social, and financial opportunities. For example, a variety of federal and state programs provide college tuition waivers and scholarships to former foster youth. Although some programs are available to youth

New Federal Law Eliminates Key Barrier to Older Youth Adoption

In 2007, Congress eliminated a barrier to older youth adoption by changing federal college financial aid eligibility guidelines. The Fostering Connections to Further Student Achievement Act provisions of The College Cost Reduction and Access Act (Public Law 110-84) allows youth who are adopted from foster care to exclude their adoptive parents' income from calculations of their need for college financial aid if the youth was in foster care at any time after his 13th birthday, qualifying as an “independent student” for financial aid purposes. Before passage of this law, only youth who aged out of foster care qualified as independent students, so some older teens in foster care were reluctant to be adopted, since it would jeopardize their ability to pay for college.

adopted from care, others are limited to youth who are still in foster care when they turn 18 or graduate from high school.¹⁴ Youth who want to go to college face an especially complicated and potentially heartbreaking analysis, weighing the benefits of having a permanent family against expanded access to financial aid and tuition vouchers that would make college affordable.

The federal Fostering Connections to Success and Increasing Adoptions Act of 2008 ensured that youth who are adopted after 16 are eligible for independent living services, but teens adopted before their 16th birthday can still lose out on these valuable services. For other benefits, such as some states' college tuition waivers, youth must have still been in foster care as of their 14th birthday to be eligible. Under another new federal law (see box above), youth have a financial incentive to not be adopted before they turn 13. With so much variation in eligibility requirements across programs and varying ages at which being adopted might jeopardize a youth's benefits from various programs, youth in foster care, their workers, and prospective adoptive parents face a confusing set of variables to weigh when considering adoption.

Youth Consent-to-Adoption Laws

As part of a growing recognition of the importance of involving older youth in their own case planning and permanency decisions, almost every state has a requirement that youth of a certain age provide consent to be adopted. The age varies across states; the most common consent age is 14, but many states require youth as young as 10 to consent to adoption.¹⁵ Although some states include safeguards, such as requiring a youth to receive counseling before withholding consent to an adoption or allowing a judge to waive the consent require-

ment if she determines that it is in the best interest of the youth, these exceptions are not in place in every state.¹⁶ Youth consent laws have the right idea—giving older youth a voice in their own permanency planning—but they fail to ensure that states will continue to prioritize permanent families for all youth.

“It is not clear when or how these laws evolved, but the thought that an adolescent whose hormones are raging and who only wants to break free from family life can make such a significant decision is counterintuitive. A 10-year-old is much more concerned about a new bike or a video game or the prospect of having a dog than the advantages of a future with a permanent family.”¹⁷

—Maryjane Link, child welfare expert
and former executive director of
Children Awaiting Parents

Strictly applying youth consent-to-adoption laws fails to balance the importance of empowering youth in their own permanency planning with a developmentally appropriate understanding of adolescents. Establishing independence from adults is a natural process for adolescents, and can be particularly significant for adolescents who are grappling with the long-term effects of abuse, neglect, grief, and loss. Youth in foster care may have many legitimate reasons for saying “no” when asked if they want to be adopted, including continued fear of rejection, a concern about losing connections with or being disloyal to birth family, or a belief that no one would want to adopt them. Foster youth have already experienced trauma and loss; it is only natural that they would be reluctant to make themselves vulnerable to being rejected yet again.

Simply allowing youth to put an end to permanency planning efforts ignores the complexity involved in such an important decision. As a society, we have many protections in place to prevent young adolescents from making life-changing decisions—for example, youth as young as 14 are not allowed to drop out of school—yet the rigid application of youth consent laws allow children as young as 10 to opt out of having a permanent family.

Restrictions Blocking Child Welfare Professionals from Adopting Youth

The National Association of Social Workers’ code of ethics provides important guidelines about how social workers can avoid conflicts of interest and prevent dual or multiple relationships with clients. This conflict of interest provision is frequently relied on by child welfare organizations to restrict workers and other staff from adopting youth in their care. Although these guidelines exist to protect both the social worker and children, they can also prevent adults who know a youth best from being able to consider adopting the youth.

For youth in congregate care facilities, these restrictions can be particularly damaging, since facility staff may be the primary adults in the youth’s lives. The vast majority of youth adopted from foster care are adopted by their foster parents or relatives, but youth who are placed in congregate care facilities do not have foster parents who might adopt them. The adults that they do build relationships with are house parents, counselors, cooks, and other staff. These adults may be great resources for permanency for youth, but official and unofficial policies discourage them from adopting the youth.

Restrictions Blocking Other Prospective Parents from Adopting

One of the keys to being able to achieve permanent families for older foster youth is developing a sufficient pool of appropriate prospective adoptive parents. Laws and policies that prohibit entire categories of adults—such as those excluding prospective parents based on age, marital status, sexual orientation, or family size—from adopting create an unnecessary barrier to achieving youth permanence.

Research and experience have demonstrated that diverse kinds of families can be successful parents to foster youth; ruling out categories of adults from adopting harms youth who are waiting for a permanent family. Studies have found that gay and lesbian prospective parents in particular are very willing to adopt youth with special needs—including older youth—potentially more so than heterosexual prospective adoptive parents, so laws prohibiting them from becoming adoptive parents are excluding a pool of potential parents for the very youth who are most in need of a permanent family.¹⁸

Practice Barriers: Attitudes, Case Planning Options, and Lack of Adequate Services Keep Youth from Permanent Families

Far too frequently, the child welfare system operates in a way that makes it harder for older youth to achieve permanence. Sometimes professionals—social workers, judges, attorneys, administrators, and others—give up on trying to achieve a permanent family for older youth. In some cases, this attitude is based on a desire to shield youth from the emotional trauma of another move or rejection. In other cases, social workers and other professionals believe that youth are doing well enough in their current placement and don't want to disrupt the youth's life. Older youth may also lose out on being adopted because some child welfare professionals neglect to understand and address both youth's and prospective adoptive parents' concerns and misconceptions about older youth adoption.

“[T]he youth in the focus groups discussed reasons teenagers may have concerns about being adopted. For instance, some youth indicated that teenagers were concerned about being adopted because most had been in the foster care system for a long time, which led them to feel that no one wanted them or that something must be wrong with them. One youth added that ‘most teenagers don’t understand it’s not their fault [that they are in the system for a long time].’ Another youth likened it to the problems many foster youth face in finding stable foster care placements, reasoning that if foster parents are unwilling to take foster youth into their homes, then ‘why would they even want to adopt them?’”¹⁹

Myth That Older Youth Are Unadoptable

The misconception that older youth are unadoptable still remains, despite years of organizations' successfully placing teens in permanent adoptive families. A 1999 study of foster youth in New York state who had been waiting the longest to be adopted revealed a widespread, discouraging attitude among workers and agencies that the youth were unadoptable: “Approximately 67 percent of caseworkers and 69 per-

cent of agencies in this study were not convinced about the adoptability of the child in their care.”²⁰ When social workers—the very people whose job it is to find families for waiting children—and other child welfare professionals give up on the idea of achieving a permanent family for older youth, how can we expect youth to hold onto hope of finding a forever family?

Failure to Address Youth's Fears about Losing Connections with Relatives

Time and time again, we hear from youth that they are concerned that being adopted will mean that they won't be able to hold onto their relationships with people who are important to them, especially their birth parents and siblings. The fear of losing those connections can discourage youth from wanting to be adopted. When workers discount or fail to address youth's fears about losing connections with relatives, they risk keeping in place a major barrier to achieving permanence for youth.

Margaret Burke, director of the Family Connections Project in Illinois, which received a federal grant to help youth retain contact with family members during permanency efforts, explained:

Many youth aren't interested in adoption if they can't maintain their relationships with their birth families. They don't want to be put in a position of having to choose one family over the other. Older youth especially may have strong attachments to parents, siblings, extended family, and even to foster siblings or former foster parents. Agencies need to safeguard these attachments and ensure that adoptive families can help their teens maintain these ties through an open adoption. If youth know that they aren't going to lose their relationships with their birth families and other important people, they are more willing to consider adoption or guardianship.²¹

Failure to Address Prospective Parents' Reluctance about Parenting Teens

Child welfare professionals have to help prospective adoptive parents decide if they can parent an older youth. Many prospective adoptive parents begin the adoption process interested in adopting a younger child. A recent study reaffirmed the widespread preference among prospective adopters for younger children, with most wanting to adopt a child under age 11.²² This preference can reinforce older youth's beliefs that adults don't want to adopt them:

The general consensus among the youth... was that no one wants to adopt teenagers. ... Some youth sug-

gested that people think teenagers in the foster care system are ‘bad’ or that there must be ‘something wrong with them’ if they have been in multiple placements. Another youth suggested that the media portrayed youth in a negative light, such as ‘doing drugs and stealing cars,’ which may deter prospective families from wanting to adopt teenagers. The youth felt that people would rather adopt younger children for multiple reasons, including this perception that all teenagers in the foster care system are ‘bad.’²³

These perceptions by older youth echo a far-too-common misconception among the public about the youth in foster care—a 2007 national survey revealed that 45 percent of Americans incorrectly believe that children in foster care are there because they are juvenile delinquents.²⁴ With such negative views of foster youth and widespread negative attitudes in society about teenagers in general, workers face challenges in recruiting and retaining prospective adoptive parents who will be open to adopting older youth and helping prospective parents address both their misconceptions and very valid concerns about the needs of waiting youth in foster care.

Placement in Congregate Care and Institutions*

Many older foster youth are deprived of the chance to live in a family even in their temporary foster care placements. Data from 2000 revealed that 27 percent of children in foster care between ages 8 and 17 were in a congregate care placement; 38 percent of foster youth between the ages of 13 and 17 were living in congregate care.²⁵ The use of group care prevents youth from developing connections with their best possible permanency resources. The majority (59 percent in 2006) of children who are adopted from foster care are adopted by their foster parents, an option youth in institutions and congregate care facilities don’t have.²⁶ An additional 26 percent of foster youth are adopted by relatives; although relatives may still adopt even if youth are in a group care placement, they may be more likely to adopt when the youth are already living with them.

Lack of Sufficient Post-Adoption Services

Many youth in foster care have complex special needs (including physical, emotional, and mental health needs), requiring support even after they are adopted. Some services that youth receive while in foster care stop once they have

been adopted, creating a significant disincentive to adopting youth with complex needs.

Families adopting children from foster care report that they need access to a wide range of services for their children, including child and family counseling, respite care, and detailed guidance on managing a child’s special needs. Many families also report the need for significant mental health services, including crisis intervention services, specialized psychiatric services and substance abuse treatment.²⁷

“Older adoption mimics dating and marriage more than a typical adoption. The adoptive parent(s) and the youth should share what each is willing to give and to get to find out if there is a match. Creating room for an ongoing respectful relationship with the biological family (whether stated or silent) is usually a nonnegotiable requirement in the mind of the foster youth. If the adoptive parent(s) cannot offer that option with a generous heart, the teenager may walk away from the incredibly valuable benefits of adoption.”

— Chauncey Strong, chair,
Foster Care Alumni of America
Board of Directors

Research shows that compared to children adopted as infants, youth who were adopted at age 10 or older are much more likely to have adjustment difficulties, abuse drugs and alcohol, and exhibit antisocial behavior.²⁸ The lack of comprehensive, consistently available post-adoption services across the country makes it difficult for prospective parents to trust that the support they need will be provided and potentially puts youth at risk of the trauma of adoption disruption. Researchers consistently find that the likelihood of an adoption disruption or dissolution increases as the age of the child being adopted increases.²⁹

* We recognize that some youth need access to short-term, therapeutic congregate care facilities, but youth in such placements should not be denied ongoing permanency planning efforts; in fact these youth may need extra permanency planning on their behalf.

Putting Successful Strategies* to Work—Policy and Practice Recommendations

Understanding the policy and practice barriers that prevent older youth from being adopted is only the first step; we must break down these barriers and ensure that the child welfare system's laws, policies, and practices facilitate true permanency for every child and youth that it serves. Some of the recommendations that follow fall clearly into either the policy or practice category; others may require changes in both policy and practice, given the close connection between the policy structure of the child welfare field and the way children and families are served by the child welfare system. Leadership in policy reform can lead to changes in practice, and vice versa.

Recommendation 1: Engage in Recruitment from a Youth-Centered Perspective

Prioritize child-specific recruiting as the primary recruitment strategy

Although public awareness campaigns and broad recruitment efforts can encourage people to consider adopting from foster care, successful initiatives that have found families for youth point consistently to the necessity of working directly with youth to conduct intensive, child-specific recruitment efforts to both identify prospective adopters and help youth embrace the idea of adoption. Investing recruitment funding, time, and effort into intensive child-focused recruitment can make it possible to provide older youth—even those with multiple special needs, who have been waiting the longest, and who had given up on being adopted—with the permanent families that they need and deserve.

Through its Permanent Parents for Teens Project, You Gotta Believe! in New York focused recruitment efforts on identifying potential permanent families who were already a part of the teen's life. Using a Permanency Action Recruitment Team (PART) conference, the project brought together adults who have a constructive role in a teen's life to explore

permanency options and brainstorm other adults who might be good permanency resources.

Of the 199 teens who were referred to the Permanent Parents for Teens Project—most of whom were older than 16 and living in residential treatment facilities—You Gotta Believe! achieved permanent placements for 98.³⁰ The key to these permanency matches was outreach to adults who were already connected to the youth. There was a dramatic difference in the percentages of people who went all the way through training and licensing and had a teen placed with them:

- People who knew the teen: 53.2 percent (83 out of 156 people) had a teen placed with them.
- People from the general public who responded to broad recruitment efforts: 3.7 percent (37 out of 987 people) had a teen placed with them.³¹

“Overwhelmingly, the people who adopt teens are the ones who already had a connection to the youth.”

—Pat O'Brien, You Gotta Believe!

Wendy's Wonderful Kids (WWK) is also demonstrating the effectiveness of an intensive child-focused recruitment model in 150 sites across the United States and Canada, even with youth whose backgrounds might lead some workers to believe that they are unadoptable. Of the youth served by WWK:

- 72% are age 9 or older
- 49% are age 12 or older
- 42% have at least one disability
- 50% have had 4 or more placements
- 13% have had 10 or more placements
- 54% have been in the system 4 years or more
- 36% have been in the system 6 years or more
- 17% have been in the system more than 10 years
- 19% had failed adoptions before being served by Wendy's Wonderful Kids

WWK recruiters engage in intensive recruitment strategies on behalf of the youth on their caseload (12 to 15 youth), with an emphasis on developing a trusting relationship with the youth and conducting an exhaustive case history review to understand the youth's relationships and experiences. This

*Agencies and child welfare systems around the country are continuing to develop innovative, creative strategies to connect older youth in foster care with permanent families. The California Permanency for Youth Project developed an excellent resource for learning about model programs and strategies (“Model Programs for Youth Permanency” 2004). That publication provides detailed summaries about many of the programs referenced in this paper.

process helps workers identify adults who have shown special concern for or interest in the youth, and enables them to follow up to see if that person could be a permanent family for the youth. Going far beyond simple review of a youth's case file, WWK recruiters are expected to "be agents of change in the lives of the children for whom they are recruiting."³²

Wendy's Wonderful Kids' Results	
4,435	Children served
3,223	Matches
507	Pre-adoptive placements
888	Adoptions
58	Legal guardianships
946	Permanent placements

In Tennessee, for many years at least 25 percent of youth adopted from foster care each year have been 11 or older. A common theme across many of the strategies that the state's Department of Children's Services (DCS) has pursued to achieve permanency for older youth is of the idea of accountability. One way the state promotes accountability and prioritizes permanency is through the extensive involvement of private agencies and use of performance-based contracting, especially for older youth in foster care. With financial incentives in place for private agencies to shorten timelines to permanency and increase the number of youth for whom they achieve permanence, agencies are motivated to engage their best strategies and efforts. Tennessee DCS also promotes accountability for achieving permanence through the use of child-specific case file reviews, including having the DCS commissioner and a deputy commissioner review the files of the state's longest-waiting youth.³³

As workers review a youth's case file and talk with youth about key adults in his life, they should also look for relatives (including paternal kin) who may be able to be a permanency resource, even if relatives weren't capable of providing a home earlier in the youth's life. Many agencies have had remarkable success helping older youth achieve permanency by searching intensively for family members. Initiatives such as Family Finding (www.senecacenter.org/familyfinding) employ a combination of strategies, including conversations with youth about who is important in their lives, database searches to find extended family members with whom they have lost touch, and in-depth readings of case files to reconnect youth with family members.

In some cases, searches have led to youth being reunited with birth parents who are in recovery or have otherwise overcome the barriers to safely caring for their children. Given

the success of family finding efforts, many agencies are exploring how to search more intensively at the front end of the child welfare process—when children first come into foster care—to connect children with relatives, friends, neighbors, and other close relations who can support them and their parents in the permanency planning process.

Relative searches should be conducted throughout a youth's permanency planning, not just once. If a kinship search was conducted early in the process, searching again may reveal kin who were not located earlier, who are now old enough to care for the youth, or who have resolved issues in their life that previously prevented them from being considered as a permanent family.

To ensure that child-specific recruitment programs have a chance to grow and spread to other areas, federal and state governments should fund demonstration projects focused on recruiting adoptive parents for older foster youth. Funds should also be available to support technical assistance to states and tribes to enable successful practitioners to share strategies for recruitment efforts for older youth. For example, Adoption Opportunities grants could be directed toward recruitment projects to find adoptive families for older waiting youth.

Think inclusively and creatively about the pool of prospective adoptive parents and the definition of adoption

Maximizing older youth's chances of being adopted requires maximizing the pool of potential adoptive parents, and recognizing that successful matches between adoptive parents and waiting youth can come in a variety of forms. States and agencies must eliminate policies and practices that preclude entire groups from becoming adoptive parents—including prohibitions against adoption based on a person's sexual orientation, age, marital status, family size, and employment status within the child welfare system. Such categorical restrictions unnecessarily eliminate potential permanent families for youth. Just as we must not allow youth to rule out adoption across the board, we must not categorically rule out prospective adoptive parents who are interested in adopting waiting youth. We owe youth our most creative, inclusive thinking as we look for prospective permanency options.

Child welfare agencies have the power to open up important new permanency resources for foster youth by allowing staff to adopt youth with whom they work. Recognizing that professionals working in the child welfare field may be especially likely to want to provide permanency for vulnerable youth, Tennessee DCS established a policy (Administrative Policies and Procedures 16.21) designed to encourage

employees to become resource parents for foster youth while guarding against conflicts of interest. The policy declares the following purpose:

DCS has an obligation to build a pool of approved resource homes. The department recognizes it may have viable placement resources within the ranks of its staff and does not wish to reduce its pool of potential candidates by excluding staff members who wish to extend their service to children/youth and at the same time must provide safeguards to prevent conflicts of interest. The department believes that individuals working in the child welfare system tend to have a particular interest in serving children and families and encourages employees to apply.³⁴

We must pursue permanent families even for youth who are not legally free for adoption. Customary adoption, used by many tribal governments to formally recognize adoptions without severing a youth's birth family ties, is a valuable model for achieving permanency when terminating parental rights is not in the youth's best interests. In its work with older youth, *You Gotta Believe!* employs a similar concept that they call moral adoption—moving ahead with plans for a family to at least emotionally adopt a youth if the youth's parental rights have not been terminated and legal adoption is not possible.

For some older youth, re-establishing legal ties with their birth family may be the best permanency option, even after termination of parental rights (TPR). Some emerging strategies—including having birth parents go through the home study process to adopt or working with courts to reverse or vacate TPR orders—demonstrate the power of creative thinking and a belief in the ability of people to resolve the problems that led to their parental rights being terminated. They also recognize that prospective adoptive parents may truly come from any part of a youth's life.

In 2005, California implemented a law (Assembly Bill 519) that recognizes that adults who may not have been able to be a good parent in the past might now be able to make a safe, lifelong commitment to the youth. The law allows youth to request to have a court reinstate birth parents' parental rights in cases in which:

- At least three years have passed since the TPR.
- The youth is not likely to be adopted or does not have a permanency goal of adoption.
- The best interests of the youth may be served by reinstating parental rights.

Engage and support staff who believe that youth permanency is possible and necessary

One of the common themes across effective youth permanency efforts is the importance of passionate, dedicated staff who truly respect and understand adolescents. These workers demonstrate both patience and persistence, grounded in a deep commitment to the belief that it is both possible and necessary to ensure that all youth in foster care have a life-long connection to a loving, caring adult. Project UPLIFT, a youth permanency initiative in Colorado, built much of its success on the involvement of key staff:

Contracted project social workers had tenacity, a belief that people change, the ability to be forthright about issues and to communicate clearly. They could accept people's ambivalence and help them move through it. They saw youth for their positives.³⁵

The Homecoming Project, a teen permanency initiative in Minnesota, captured key themes across youth permanency efforts in its "Basic Beliefs for Success" (see box below). These values do not simply spontaneously become part of an agency's organizational culture or an individual worker's perspective; they need to be established and reinforced through training, modeling from leaders, and ongoing support.

Homecoming Project Basic Beliefs for Success

In order for permanency efforts to be successful, all adults who are involved in the youth's case must share the following core beliefs:

- All youth and families have dignity and the right to participate in decisions made regarding their lives.
- Teens should be involved in their own permanency planning.
- Teens have a basic right to a safe, committed family.
- Teens are adoptable, and there are families who have the skills and desire to adopt teens.
- Teens are capable of navigating complex relationships. They can have positive relationships with both their birth family and adoptive family, if the adults support them.
- Change, including new approaches and new people, can be a good thing.
- Permanency is not a placement or an event. Permanency efforts require workers to take a long-term perspective on the youth's life.³⁶

Recommendation 2: Empower Youth in Their Own Permanency Planning

Older youth should play a leadership role in their own permanency planning. Youth know which adults have played a supportive, nurturing role in their lives and can guide workers to potential adoptive parents. Youth also know that they have the power to either accept or sabotage an adoptive placement, so having them play a central role in identifying adults they trust is a key to a successful adoption. A 2004 study of successful adolescent adoptions reaffirmed the importance of youth involvement, finding: “[I]t is clear that acceptance by teens of the adoption decisions made on their behalf is critical to the success of adolescent adoptions. Adults can foster this acceptance by providing information to teens about what is happening and what options are available to them. Having input into the process and being able to express concerns and share opinions appear to make the adoption go more smoothly.”³⁷

Work with youth to identify key adults who might be prospective adoptive parents

A key component of child-specific recruitment is the process of identifying important adults in the youth’s life. This work requires examining the youth’s case file as well as developing a relationship with the youth and asking them about the key adults from various parts of their life. Workers must ask youth whom they trust, whom they rely on for support and advice, and who has shown up for key events in their life.

Fully engaging youth in their own permanency planning means incorporating their perspectives, questions, and concerns into the process. Input from youth can even inform the home study process for prospective adoptive parents (see box at right). By allowing youth to raise questions for prospective parents, social workers can both empower youth and learn more about what issues are important to them. Giving youth a more active role in the recruitment process can also help prospective adoptive parents gain a more thorough and realistic view of what would be involved in adopting an older child.

Help youth examine their feelings about adoption

The ultimate goal of youth permanency work should not be simply finalizing an adoption, it should be ensuring that every youth is securely connected to a lifelong family. By shifting our conversations with youth about permanency away from simply asking the vague question: “Do you want to be adopted?” and toward “How do we work together to get you to the point of wanting to have a lifelong connection to loving, caring adults?” we can help youth reflect upon their reasons for feeling ambivalent about adoption and make it possible for youth to embrace the idea of being adopted.

“The people who are successful at getting older youth adopted are the ones who are including youth in the process from beginning to end.”

—Kim Stevens, national consultant on youth and adolescent permanency issues and NACAC staff member

Given the variety of reasons why youth may resist being adopted, we should not expect to find one single intervention that can make youth agree to adoption. One approach that helps youth open up to adoption is mentoring by adult adoptees. Changing the World One Child At a Time, based in New York, makes adoption mentoring a core component of its youth permanency work. Mentors, especially those adopted as teens, can talk with youth about the importance of having a family, answer the normal questions youth have about joining a new family, discuss feelings of vulnerability, and explore ways to maintain relationships with birth family while joining an adoptive family.

Questions Generated by Youth and Young Adult Panel

At an adoption exchange event, adopted youth and waiting youth discussed the fears and hopes that “adoption” triggered for them. The young people asked, “Why can’t we add some questions to the homestudy process for people thinking about adopting teens?”

- Can you afford to / will you send me to college? If I don’t want to go is that ok? Will you help me figure out what I want to do?
- Can you show and have respect for a teenager? How will you show it?
- What kind of child do you want? One that wants just a mother? Just a father? What kind of personality? Does it matter if the child is gay or lesbian?
- How do you show affection to a child or teenager? How do you accept and expect them to show affection?
- Will you let me keep my friends? See my siblings and have them visit? Stay connected to my birth family?
- Do I need to be perfect or can I make mistakes? What happens if I make big ones? ³⁸

Modify youth consent-to-adopt laws to prevent youth from opting out of permanency planning

To give youth the best chance of becoming part of a permanent family, we must reject the idea that youth should be allowed to opt out of the possibility of having a family. Youth consent-to-adoption laws should be modified and implemented in a developmentally appropriate manner, recognizing that youth may have many legitimate reasons for being ambivalent about adoption but that they should not lose out on having a lifelong family because of a decision they make when they are 10 or 14 years old.

There need not be any contradiction between empowering youth to play a central role in their permanency planning, including requiring their consent to be adopted by a specific family, and recognizing that it is in the best interests of youth to not allow them to waive their right to have a family found for them. New York City's Administration for Children's Services' (ACS) policy guidance provides a model for honoring a youth's preferences while remaining committed to finding permanent family connections for every youth. ACS policy (see box below) prohibits allowing youth in foster care to sign an across-the-board adoption waiver, while still requiring the consent from youth over age 14 to adoption by specific prospective adoptive parents.

Adoption Waivers

No youth in foster care may be asked to sign an across-the-board adoption waiver or to sign a general statement that they do not wish to be considered for adoption.

Although Section 111 of the New York Domestic Relations Law provides that an adoptive child over 14 years old must consent to his or her own proposed adoption by a specific set of adoptive parents (unless the judge presiding over the adoption "dispenses with such consent"), the law does not mandate or envision an across-the-board written waiver of adoption as a permanency goal.

ACS hereby prohibits the use of adoption waivers. Youth over the age of 14 may certainly object, as permitted by DRL section 111, to a specific adoption by a specific set of adoptive parents, but *agencies and ACS staff may no longer invite youth in care to waive their right to adoption by any and all prospective adoptive parents. Furthermore, even if a youth objects to a specific set of adoptive parents, agencies and ACS must continue to seek to identify other prospective adoptive parents for youth.*³⁹ [emphasis added]

Recommendation 3: Allow Only True Permanency Options as Permanency Goals

Eliminate the use of emancipation, independent living, and another planned permanent living arrangement as permanency goals

We must reject the notion that any permanency goal that leaves a child without a permanent, legal connection to a caring adult when they exit foster care is an acceptable permanency goal. All children and youth in foster care deserve to have the professionals involved in their permanency planning—including social workers, judges, and advocates—actively working to achieve a true permanency outcome with at least one loving, committed adult through reunification, adoption, or guardianship.

We echo the call from Casey Family Programs for clear federal guidance requiring that states ensure that a child's permanency plan is truly focused on achieving a life-long connection to a family:

Definition is needed to clarify that any placement other than reunification, adoption, guardianship, or permanent placement with a relative is not a permanency placement and should be limited in use, if it is used at all, for youth in foster care. In addition, policy should make clear that, in addition to documenting the compelling reason for the alternative placement, the state must demonstrate how it will ensure that each youth receives a permanent connection to a caring adult.⁴⁰

Even without federal guidance on the use of appropriate permanency goals, states should eliminate the use of case plan goals that put youth on a path to age out of care. States should only use family-based permanency goals that will ensure that the youth in their care will achieve a permanent connection to a family.

Recommendation 4: Integrate Independent Living Services into Permanency Planning Efforts

Provide life skills support and independent living services to all older youth in foster care and integrate those services into permanency planning

If permanency planning can be reshaped to focus on truly permanent case plan goals, then independent living can be put in a more appropriate role: providing life skills support to all older youth in foster care while workers pursue a permanent family for them. Given the instability that older youth in the child welfare system have experienced, they

could all benefit from support as they strive to achieve their educational goals, learn daily life skills, and move toward adulthood. These are the kinds of learning opportunities that most children receive from their family; they are not substitutes for having a family. Regardless of how comprehensive and thoughtful the services are, no amount of independent living preparation and life skills training can teach someone to not need a family.

As part of its Adoption Option youth permanency initiative, Harlem Dowling West Side Center for Children and Family Services in New York demonstrated the feasibility of providing integrated life skills preparation and permanency planning services. An Adoption Option permanency specialist participates in all six-month case reviews for youth, even youth who are moving toward emancipation, strategizing about what can be done to achieve a permanent family for the youth and working with youth to help them understand the range of permanency options available to them.

If done well, activities that are traditionally considered independent living services can also help workers achieve permanent families for youth by connecting youth with caring adults through mentoring arrangements, job training, and work experience. Enabling adults to get to know youth in an organic way—for example, through a work setting—means they will be able to develop a relationship with the youth without the pressure of being considered a prospective adoptive parent. These experiences can simultaneously allow youth to gain valuable work experience while connecting to more adults that might become permanency resources.

Recommendation 5: Provide Sufficient Post-Adoption Services to Support Adoptive Placements

Post-adoption services play a crucial role in promoting and supporting adoptions from foster care. These services make it possible for parents to address their children's special needs, continue treatment and services that their child received while in foster care, and support the child and family as they bond. Families who are considering adopting older youth need to feel confident that they will be able to meet their child's needs, in both the short term and long term. Federal and state governments must provide dedicated funding for

post-adoption support and services, investing in adoption-competent services that have the power to stabilize adoptive families.

Provide specialized post-adoption services for families who adopt older youth

Families adopting older youth may face additional challenges and require specialized support that facilitates the process of integrating a new family member. For example, services could provide youth with targeted support built on a recognition of the interaction of normal adolescent development with the effects of grief, loss, abuse, and neglect that youth in foster care have experienced. And for older youth who want to maintain contact with their birth family after they are adopted, post-adoption services can help facilitate such contact while supporting the adoptive family.

A youth-run program in Iowa called *elevate* hosts B-S.A.F.E. (Birth, Sibling, Adoptive, Foster, and Evolving Relationships) trainings focused on understanding and finding ways to support foster and adopted youth's relationships with relatives, helping youth work through emotional issues about their birth family,

and helping adoptive parents bond with their children. As Ruthann Jarrett, *elevate*'s training coordinator and a licensed foster parent, says, "[F]oster and adoptive families should honor teens' connection to and, when safe, contact with birth family members. A parent who tries to keep a teen from connecting with birth family members may drive him away. What youth need is guidance and support while they explore possibilities for contact."⁴²

All prospective parents should receive support during the adoption process, but we should provide additional support to those who are pursuing an adoption of an older youth to help them maintain their commitment to the youth even as the youth works through possible ambivalence to being adopted. Helping prospective adopters understand why an older youth may need more time to adjust to the idea of being adopted can help ensure that the family remains committed. Targeted services can facilitate a thorough, well-supported transition to adoption for both the youth and the parents, and thus build a strong foundation for an eventual adoption. As Family Focus Adoption Services, an adoption agency in New York that is experiencing success in finding permanent families for older youth, sees: "Speed is the enemy of successful adoption. ... In the belief that an ounce

"A youth-development focused permanency effort includes many of the basic life skills that are currently taught in isolation in independent living skills classes. Integrating the two service delivery silos [permanency planning and independent living services] may lead to better outcomes in life skills development and higher rates of permanency."

—Homecoming Project ⁴¹

of prevention is worth a pound of cure, Family Focus will not sanction an adoption until we trust that the family and child have recognized and accepted each other for who they are. That requires time.”⁴³ It also requires support.

Provide equitable support and benefits across foster care and adoption

We must eliminate the financial and service disincentives to moving children from foster care into adoptive families. Prospective adoptive parents who are considering adopting older youth want to feel confident that they will be able to meet their child’s needs once the adoption is finalized. Far too frequently, discrepancies between financial and other support provided in foster care and adoption create a financial disincentive to the adoption of waiting youth. In addition to the loss of financial support, prospective adoptive parents often face losing access to crucial services that meet their child’s physical, emotional, and mental health needs if they adopt the child. By providing equitable support for youth in foster care and those who are adopted from care, states could remove a significant barrier to achieving permanent families for waiting youth.

States should equalize foster care and adoption subsidy rates and support services so that adoption does not mean that a youth loses access to the support she received while in foster care. Equalizing rates increases permanency rates, as demonstrated recently in Minnesota. In a federal waiver demonstra-

tion project testing the effects of providing adoption subsidy at the same level as foster care payments, 61.9 percent of youth in the group for whom equalized subsidies were available found a permanent family, compared to only 43.9 percent of youth in the control group.⁴⁴

Conclusion

With 129,000 children and youth in foster care waiting to be adopted and another 74,000 on the path toward aging out of foster care, there is no time to waste in breaking down barriers to older youth adoption and implementing strategies to find a forever family for every youth who needs one. Thousands of older youth in foster care are relying on the child welfare system to do whatever it takes to ensure that they do not age out of foster care all alone.

We see examples of efforts across the country that successfully find adoptive families for older youth; we know it is absolutely possible to find a family for every waiting child if only we make the effort. Effective youth permanency work requires passion, dedication, creativity, and a commitment to the belief that every youth deserves a stable, legally permanent connection to a family. We owe the youth in foster care nothing less.

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