

2001-2002 GRAND JURY REPORT

The Adoption and Safe Families Act of 1997

Background

The objective of The Federal Adoption and Safe Families Act of 1997 (ASFA) is to encourage more adoptions from the foster care system, when such adoptions promote the best interests of the child. ASFA states that “foster child adoption” is the adoption of a child who at the time of adoptive placement, was in foster care under the supervision of the state. “Special needs adoption” is the final adoption of a child who is a member of a sibling group that should remain intact, or because of ethnicity, age, parental background, or mental or physical disability, will have difficulty being placed without a subsidy to the adoptive parents.

Specific goals of ASFA include, but are not limited to, the development of the following:

- specialized units and expertise in moving children toward adoption as a permanency goal
- risk assessment tools to facilitate early identification of the children who will be at risk if returned home
- models to encourage the fast tracking of children who have not attained one year of age into pre-adoptive placements
- programs that place children into pre-adoptive families without waiting for termination of parental rights
- best practices guidelines for expediting termination of parental rights.

Findings

1. The “adoption incentives” portion of ASFA is not aimed at taking children from their biological parents, but is specifically directed at facilitating the removal of children from the foster care system and placing them into adoptive homes.
2. California Assembly Bill 2773 states that “any incentive payment received through implementation of the federal act (ASFA) must be reinvested into the child welfare system in order to provide increased post-adoptive services, as needed, to families who have adopted children from the foster care system.”

3. The 2001-02 Grand Jury has found through interviews and newspaper and internet articles that there is a public misconception that Child Protection Departments, nationwide, receive bonuses for removing children from their biological parents and rushing them into adoption.
4. A June 11, 2002 letter to the Grand Jury from a Department of Child Protective Services program manager states in part, "Social workers do not now and have never in the past received case-related bonuses. Social Workers receive no monetary incentive for placing children in adoptive homes."
5. Based on numerous interviews of Riverside County Child Protective Services Social Workers, the Grand Jury also found that very few of the workers interviewed had sufficient knowledge of the federal, state, and local funding laws and ordinances to help dispel this "bonus" misconception.
6. A Federal General Accounting Office study reports that, "Many States have begun to train staff on the legal and policy changes necessitated by ASFA" (February 2000).

Recommendations

Riverside County Department of Child Protective Services Riverside County Board of Supervisors

1. Immediately begin educating and training County Social Workers on a regular basis regarding federal, state, and county laws, rules, and regulations of The Federal Adoption and Safe Families Act.
2. Set policy standards throughout the regions of the county to prevent misunderstandings when dealing with parents and relatives while moving children within the foster care and adoption system.