



What are the Possibilities After Out-of-Home Placement?

As described in Section 5, one of the three main goals for children in the child welfare system is “permanency.” This means a stable and permanent home for your child. The child welfare system will work with you to assure “permanency” for your child after foster care.

Where could my child go after foster care?

There are a number of possible choices for your child after foster care:

- reunification
- adoption
- guardianship/kinship care
- independent living

The first priority for children in foster care is to safely return home to their families. This is called “reunification.” Remember this is the most common result. Nearly 7 out of every 10 children in foster care return to their own families or to the homes of relatives.

Practical Tip for Families

- ✓ If you believe that none of the choices described above is right for your child and family, talk with your agency worker and lawyer about other possibilities.

Reunification

Darren's Mom

(continued from Section 5, page 36)

When I got out of detox, visitations began at the agency. I visited with Darren in a room with a mirror. Of course, I knew they were behind the mirror watching me. I often stood in front of the mirror to block their view. Eventually, Darren and I were able to have full-day visits outside of the agency. The agency worker was with us on these visits. Then, at last, he and I were able to visit alone.

I visited Darren a lot while he was in foster care and worked hard to get him back. Even though I had two relapses, I went to school full-time and worked part-time. I lived in a shelter some of the time, and I got TANF. Although I wasn't told where Darren's foster home was, I knew because some of the forms that I got from the doctor after Darren's appointments had the foster home address on them. I did not go to the foster home, but it was comforting for me to know where he lived.

No one from the agency ever suggested that I place Darren for adoption, but his lawyer told the court that the plan should be adoption. This made me so mad. I knew it would be a cold day in hell before I gave up my son, and I became even more determined to get him back.

After our visits, I always took Darren back to the agency where his foster mother would pick him up. For about a year, I never saw her. One day the agency worker had to leave before the foster mother arrived, so she asked if I would stay with Darren until his foster mother came. When we met, we were both very stiff, sizing each other up, and didn't think we would like each other. But we were cordial.

Shortly after this, Darren's foster mother, Sally, called to tell me that Darren was going to be in a pageant at her church, and she invited me to come. Sally began to invite me to go on other outings with her and Darren. Gradually, we got used to each other, liked each other, and started working together to help Darren return home.

Getting to know Sally is what "did it" for me. When the court finally gave custody back to me, I panicked. I wasn't sure that I was ready to take care of Darren by myself. I had just gotten an apartment and didn't have a bed for him. I also needed time to feel that this brand new place was my home. Sally said that she would keep Darren for 2 more weeks even though I now had custody. Darren knew that he was coming home very soon, and he spent a couple of nights with me in the apartment before he actually moved in. Sally helped Darren and me gradually become a family again.

(Darren's Mom's Voice continues in Section 10, page 91)

What does “reunification” mean?

Reunification means that a child returns home to his family after foster care. *In federal law reunification is the most preferred goal for children who are in foster care.*

How can I help make reunification happen?

You can help by fulfilling your responsibilities to do the following:

- Participate in the services described in the service plan
- Visit and communicate with your child
- Stay in contact with the agency worker
- Provide information about your progress and changes in your life

What responsibility does the child welfare agency have to help me so that my child can come back home?

Federal law requires states to make “reasonable efforts” to do the following:

- keep children in their own homes, or
- provide services so that children can return home safely, or
- help children achieve another permanent placement

A variety of services such as counseling, substance abuse treatment, mental health services, parent training, transportation, crisis intervention, and others can be provided. These services should meet your needs as well as the needs of your child. They should be described in your family’s service plan.

Does the agency have to provide these services for me and my family?

Yes, for most families. However, a judge can decide that the agency does not have to make reasonable efforts to help your child return home if there are “aggravated circumstances.” (See Section 4, page 36.) *A child’s safety is the most important factor* in making decisions about helping families get back together. Individual states have different definitions for “aggravated circumstances.” The decision about whether or not to make reasonable efforts to help your child return home is made by the judge.

Can my child return home even if the judge decides the agency does not have to make “reasonable efforts”?

Yes. Even if the judge does not require the agency to make reasonable efforts, it is still possible for your child to return home. Even if the child welfare agency does not *have* to provide services for you, it *can* provide them. You also have every right to try on your own to fix the problems that caused your child to come into care. Based on your progress, you can request the agency and court to return your child home.

How will the decision be made for my child to return home?

The decision about where your child’s permanent placement will be and when it will occur is made at the permanency hearing (See Section 5, page 50) or before. The court’s decision will be based on your family’s progress in reaching the goals listed in your service plan. You will be able to let the court know about your progress. If the court determines that your child can return safely to your home, reunification will be approved.

Will I get custody of my child once she returns home?

It depends. You might get back full custody when your child returns home, and you will no longer have to be involved with the child welfare agency. Or you might have only physical custody of your child. This means your child would be living with you, but the child welfare agency would still have legal custody. Often this is called a “trial discharge” from care.

If the agency keeps legal custody, your child’s return home could be based on certain conditions set by the court. Within the time frame that is set, you must meet those conditions and continue working on the service plan with the child welfare agency. The service plan should list the kind of support services that will be made available to you once your child returns home. When you, the agency, and the court agree that your child is safe with you and that you are able to care for him now and in the future, you should regain full custody of your child. Some child welfare agencies offer ongoing support services for families after they have full custody of their child. It is your choice whether to participate in such services.

When will the child welfare agency and the court no longer be involved with my family?

Once your child is at home with you, any monitoring activities by the agency have ended, full custody has been returned to you, and you are no longer receiving services, your “case” with the child welfare agency can be completely closed.

Practical Tips for Families

- ✓ Find out what services (or reasonable efforts) are going to be made to help your child come back to live with you.
- ✓ Make sure you are clear about what has to happen for your child to return home. You need to know what you are to do and when you must do it (the timeframes).
- ✓ If you think you will need support services *after* your child returns home, talk with the agency worker about how to get them.

Elena's Voice

My children stayed with both of my sisters lots of times. They liked it there, but I knew that they didn't get much attention 'cause there were just too many other kids. Sometimes they would have bruises on them or have a very sad look. When I thought about it I felt bad, but most of the time I used drugs so I wouldn't feel the pain. When I left them this last time, they were picked up by CPS. They went to stay with a foster family who really spent a lot of time with them and really fell in love with them. The foster parents decided to tell the agency workers that they would adopt them because they were afraid that someone else would be offered them.

I was told that I had used up all my chances and that my time was up. This family adopted my girls, but they also write me letters and send me pictures, so I don't have to worry. I have had a couple of visits with my children—at Christmas one year, so I know they are OK. The letters and pictures they send me help a lot, too. Sometimes, they even send me some examples of their school projects or videos of them as a family. The letters and videos can be sad, but it's great to know that my children have a good life with their new family.

What does "adoption" mean?

Adoption means that another person(s) is permanently given all parental rights and responsibilities for your child. When this happens, they have adopted your child. This person(s) becomes your child's parent(s). This usually means you no longer make any decisions for your child and are no longer responsible for her. This can only happen after a birth parent has voluntarily given up all parental rights or when a court has involuntarily terminated all parental rights.

Under what circumstances would my child be adopted?

Your child cannot be adopted unless your parental rights and responsibilities have been terminated permanently. There are two ways that this can happen.

Permanent Voluntary Surrender of All Parental Rights—You can agree to give up all of your parental rights permanently if you want someone else to adopt your child. When you voluntarily give up **all** of your parental rights, it is a *permanent decision*. It means that you willingly agree to have someone else be your child's adoptive parent. Voluntary surrender of *all* of your parental rights is very different from voluntarily giving up custody on a temporary basis. (See Section 5, page 40.)

Each state handles voluntary surrender of all parental rights differently:

- Some allow you to sign a voluntary surrender agreement without court involvement.
- Some may require that a judge approve the voluntary surrender agreement.
- Others require that the voluntary surrender be signed in front of a judge.

There are several reasons why you might choose voluntary surrender instead of involuntary termination by a court. Here are two examples

- If you believe that adoption is the best plan for your child, signing a voluntary surrender agreement usually allows you to have a part in planning for your child's adoptive placement.
- If your child is older, giving your permission for the adoption could show that you support it. This may help your child or youth adjust to her adoptive family more easily.

Involuntary Termination of Parental Rights—The second way is through involuntary termination of parental rights by the court. This can happen if the court believes that your child will not be able to return home safely within a reasonable amount of time. (See Section 5, page 50 for more information about *when* the state must pursue involuntary termination of parental rights.)

Practical Tips for Families

- ✓ If you are thinking about signing a voluntary surrender agreement so that your child can be adopted, be sure that you understand your rights and any alternatives to this. You might want to review the agreement with a lawyer.
- ✓ If English is not your first language, you can ask to have the agreement translated into your own language or for an interpreter to be present.
- ✓ Ask the agency worker and your lawyer whether your state allows you to put conditions in the agreement. For example, you might want to include your right about having a say about who adopts your child or about maintaining contact with your child after the adoption is final.

If my parental rights are terminated, will my child be adopted?

Not all children whose parental rights are terminated are adopted. Some children are adopted immediately, and others remain in foster care for quite a while. In 2001, children stayed in foster care for an average of 24 months after their parental rights had been terminated and before they were adopted.

Are many children who enter foster care eventually adopted?

Nearly 2 out of every 10 children who leave the foster care system are adopted. Federal law strongly promotes the adoption of children in foster care who cannot return safely to their own homes. The federal government gives special payments to states as a way to promote adoption of children in foster care.

Who might adopt my child?

Most children are adopted by their foster parents (59%). Many are adopted by relatives (24%), and some are adopted by families that they are not related to (17%).

If my child is going to be adopted, will she have a say in the decision about being adopted?

It is good practice for all of the adults involved in an adoption to include the child or youth in this decision and in the process. Some states require that a child or youth give consent to be adopted. Usually this is dependent upon the youth's age and whether or not someone does not want her to be adopted.

Will I be able to have a relationship with my child after she has been adopted?

It depends. If your child has an “open” adoption, you will be able to have contact. An open adoption allows contact between the birth parents, sometimes other members of the birth family, the adoptive parents, and the child after the adoption is final. Some states call this a “cooperative” adoption or a “fully disclosed” adoption.

How can I obtain an open adoption for my child?

There are several ways:

- You can sign a formal written agreement. Approximately 18 states have laws that allow written, enforceable agreements between birth families and adoptive families. These agreements usually describe the type and amount of contact that you can have with your child.
- You can also have an informal arrangement between the families. But such an agreement may not be enforceable by the court.

If my child is adopted, will there be any services and supports provided to the adoptive family?

Adoptive families can receive payments for children with special needs who were in foster care. Most states call this “adoption assistance” or “subsidies”. Federal law requires states to provide health insurance to families who adopt children with special needs. This happens when a child's special needs cannot be met without insurance.

Practical Tip for Families

- ✓ If you want to have contact with your child after the adoption is finalized, ask about arranging an “open adoption.”

Guardianship/Kinship Care

Estefania's Grandmother's Voice

I have cared for my granddaughter, Estefania, since birth. My daughter Mariana is Estefania's mother. She was a teen when Estefania was born. She was immature and was using alcohol and drugs. She tried to establish a home for Estefania, found an apartment and applied for welfare when Estefania was a few weeks old. However, by 3 months, CPS took custody of Estefania and placed her in foster care. This happened because Mariana had left her with a neighbor, became intoxicated, and did not return to pick her up.

I learned that Estefania was in foster care and tried to get custody, but before that could happen, Mariana got Estefania back. Several months later Mariana turned to me again, after being beaten by a boyfriend. She said to me, "I can't do this mother act. Estefania is better off with you." She promised to allow me to raise her, kissed her baby good-bye, and left.

When Estefania was 13 years old, Mariana came back into our lives. She visited Estefania here in my home, but didn't stay long. Estefania felt confused about her mother being in and out of her life. At this point, a lawyer helped me to get legal guardianship through the local courts, and Estefania received counseling.

Estefania is now 17 years old and has contact with her siblings and her mother. She is doing well in high school and works part-time in the local health department. Her mother continues to struggle with drug and alcohol use that has strained her ability to have a closer relationship with her adolescent daughter. Just recently Estefania asked me to adopt her. She thinks this would be "proof" that I love her. I am thinking about this seriously, but I'm not sure how her mother would feel about it. I've asked a local kinship and adoption program to help us through this.

As Estefania's grandmother and Mariana's mother, I have tried to be there as a consistent loving resource for them both. It is not an easy set of relationships because I love them both, and their needs are very different.

What does “guardianship” mean?

Federal law says that legal guardianship for children is a relationship between a child and a caretaker that is created by the court. It is intended to be permanent. The caretaker acts like a parent. The following parental rights are usually transferred to the caretaker:

- protection
- education
- care and control of the child
- custody of the child
- decision making (such as medical decisions).

When legal guardianship occurs, the caretaker is called the “legal guardian.”

Why would legal guardianship be selected as the permanent plan for my child?

States are beginning to use guardianship as a permanent plan for more and more children. The court would need to determine that the following were true before appointing a guardian for your child:

- You will not ever be able to provide for your child.
- Adoption is either not possible or is not appropriate for your child.
- The person proposed to be the guardian is suitable and able to provide a safe and permanent home.
- Permanent guardianship is in your child’s best interests.

Can I select my child’s guardian?

You can suggest someone who might be your child’s guardian. It is important to tell your lawyer and your child’s agency worker about a friend or relative that you believe is willing and able to become your child’s guardian. The agency will conduct a home study and a criminal background check. They do the same for all people who apply to be foster or adoptive parents. After hearing all of the information about the guardian, the court makes the final decision as to who will be your child’s guardian.

Can a relative become my child’s legal guardian?

Federal law encourages states to consider choosing an adult relative, over a nonrelated person. The relative caregiver must meet the state’s standards for child protection. Often when a relative becomes a child’s legal guardian, it is called “kinship care.” (See *Terms You May Want to Know* for more information about kinship care.)

How would my family benefit from a guardianship arrangement?

Guardians are often relatives or close family friends. This arrangement can provide children with a sense of permanency; a sense of having a place to call home; a feeling of belonging and connectedness; and an identity linked to family, tradition, culture, and community. It allows children to define themselves as belonging to a family. It can help them feel cared for by adults with whom they are bound by ties of family heritage and long-term relationships.

Unlike adoption, a guardianship arrangement allows your child's custody to be transferred to the guardian without permanently terminating all of your parental rights. This usually allows you, as the parent, to have ongoing contact with your child. Guardianship is sometimes selected as the plan for older youth in foster care who cannot return home, do not want to be adopted, and wish to maintain ties with their family.

Will my child still have an agency worker after a guardian is appointed?

When the court appoints a legal guardian for your child, it shifts your child's custody from the state to the guardian. Generally, children in permanent guardianship do not require ongoing court or agency supervision. However, a number of states have developed subsidized guardianship programs. These programs provide guardians with financial support and follow-up services. In this case, an agency worker would continue to have some involvement with your child and her guardian.

Practical Tip for Families

- ✓ If you know someone who would make a good long-term caregiver for your child, let your lawyer and agency worker know about her.

Independent Living

Sinora's Voice

I have a bachelor's of science degree in communications studies and will begin teaching in a middle school this year. I was raised in an urban housing development, in poverty, from the age of birth to 13. At that time, I lived with my six siblings and parents. My mother did the best that she was able to do with seven kids and an alcoholic husband, one who gave her more problems than any of her kids. As a result of his daily alcohol use, my father was physically, mentally, and verbally abusive. His abuse and the eventual death of my mother led to the events that landed most of my siblings and me in foster care.

I entered the foster care system at age 13. It was not an easy transition. For over 3 years, I was shuffled around between 13 foster homes, group homes, and even a mental health facility. Some of the placements were just as abusive as the home from whence I had come—mentally and verbally anyway. During that time span, I also changed high schools five times and had to repeat my freshman year. I was very depressed and thought on many occasions that it really didn't matter whether I lived or died.

At almost age 17, I became so tired of the instability and the lack of love and supporting relationships. I was fed up and willing to do whatever it took to find the love and nurture that I lacked, and wanted and needed so badly. Luckily for me, I was placed in a home before I had completely reached my near breaking point. This particular foster home provided me with the love, support, and stability that I had been seeking and so desperately needed.

I resided in that home until I aged out of care at age 21 and even rented a room during my college years. Had it not been for finally finding love, stability and a support system, I would not have been able to develop the skills to get involved in advocating for myself and to prosper into a fairly responsible and successful tax-paying adult. My new home provided me with a family, education, travel and training opportunities, and other supports that allowed me begin to make that transition into adulthood and that offered me some of the same experiences as those that "general" youth have access to growing up with their families.

I am telling my story on behalf of the other nearly 600 thousand young people in foster care each year and for the nearly 20 thousand who "age out" each year. In order for youth to transition successfully from the child welfare system, they need consistent love, support, and stability. That's the only way that I made it, and it's the only way that any child makes it into adulthood successfully.

What does independent living mean?

Independent living refers to a type of placement and also to a type of service for youth who become adolescents in the foster care system.

Independent Living Placement—Older youth who leave the foster care system to live on their own move into independent living situations, for example, an apartment. This includes youth who leave foster care who do not return to their own families, are not placed with relatives or guardians, and are not adopted. Some older youth, who are still in state custody, also live in independent living placements.

Independent Living Services—These services are provided by child welfare agencies for youth in foster care to help them prepare to live independently. They often focus on skill areas such as the following:

- money management
- locating housing
- transportation
- career development
- job hunting
- maintaining employment
- daily living skills
- communication skills.

Other support services such as financial aid, health and mental health services, substance abuse prevention, and education or training are intended to help youth live independently. Services to prepare for living independently are most helpful when they begin at an early age.

When is a youth considered an adult and ready to leave the foster care system?

Some youth in foster care move into independent living because they are too old to remain in foster care. This is called “aging out.” The age when this happens depends upon what state you live in. In some states, foster care ends when a child reaches age 18. In other states, youth can remain in foster care to age 21. To stay in foster care until age 21, a youth usually has to be involved in a training or an education program (such as technical school or college), have special needs, or live in a special treatment facility.

Will the child welfare agency help prepare my youth for independent living?

Yes. It is very likely that the agency will offer independent living services. A federal program, the Chafee Foster Care Independence Program, makes resources available to states to support youth who live independently.

What is the Chafee Foster Care Independence Program?

In 1999, the U.S. Congress passed the Chafee Foster Care Independence Program to provide federal funds to states for services and supports to help three groups of young people:

- youth who are likely to remain in foster care until 18 years of age
- youth who are aging out of foster care
- youth who have already left foster care, are between the ages 18 and 21, and who were in foster care on their 18th birthday.

These youth, who have already left foster care, can return to the agency before they reach age 21 to request assistance through the Chafee Foster Care Independence Program. These federal funds are used by states also to train foster and adoptive parents, group care workers and agency workers about how to prepare adolescents for independent living.

The Chafee Program also *allows*, but *does not require*, states to offer the following to young people who were in foster care on their 18th birthday, who have “aged out,” and who are not yet 21 years old:

- automatic Medicaid coverage
- payment toward room and board costs.

Anthony's Voice

I got involved with the Chafee Independent Living Program when I was 15 or 16. I didn't have a job. It helped me find a job and to save money so I could live on my own some day. There were classes in budgeting and things like that. They also had picnics and helped me with my social skills. But the best thing about it is the people there. They get involved with you and make it personal. They pay attention to you and make you feel special. They helped me go to a seminar in California and make a presentation for the top reps in social services.

When I became 18 and was emancipated, I could have stopped the program. But I chose to stick with it and to keep my counselor around. She's really resourceful and down to earth. Most of the people in the program are like that. They make it comfortable so that you can talk about your family and your problems. I'm living with my mom right now and hope to get my own place soon. The counselor tells me to help my mom and not make it too hard on her.

My advice to parents is to be patient. It takes some time for kids to get it all down. Parents need to get involved and keep a positive attitude about it. It's good when parents are willing to talk to the counselor and let them know what's going on. My advice to other kids is—don't be too quick to tell social services that you don't want anything to do with them. The independent living program is good and can help.

If the agency offers independent living services to my youth, does this mean it will not try to find a permanent home for him?

No. A decision to provide independent living services does not relieve the state from trying to make reasonable efforts to find a permanent home for any youth.

If my youth receives independent living services, can he still return home?

Yes. The law says that independent living services should be seen as services to help young people transition to adulthood regardless of where they live when they leave foster care.

How many youth leave foster care to live independently?

About 19,000 youth nationwide leave the foster care system each year because they have reached the age of 18 and are expected to support themselves.

Practical Tips for Families

- ✓ If your son or daughter is a teenager, talk with him and with the agency worker about the kinds of independent living skills he needs. Request that he receive appropriate training and preparation for adulthood.
- ✓ Encourage your youth to use the independent living skills that he is learning.
- ✓ Ask the agency worker or your lawyer at what age youth in foster care “age out” in your state.
- ✓ If your youth is not returning home, work with him and with the agency on finding an appropriate independent living placement.
- ✓ Work with your youth and the agency on finding appropriate services for him in the adult system. This includes basic services and special services that he might need. For example, young adults need to know how to get medical/dental care, mental health care, housing, employment, and training or more education.
- ✓ Because some states are just beginning to offer Medicaid coverage and room and board payments after a youth ages out of foster care, all agency workers may not know about this option. Ask if your state provides these services and if it does, assist your youth in applying for them.

