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REPORT OF THE

*Governor's
Committee
to Promote
Adoption*



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Texas. Governor's
Committee to Promote
Report of the Governor's
Committee to Promote
AEQ5765

We are guilty

of many errors and many faults

but our worst crime

is abandoning the children,

neglecting the fountain of life.

Many of the things we need

can wait. The child cannot.

Right now is the time

his bones are being formed, his

blood is being made, and

his senses are being developed.

To him we cannot answer

"Tomorrow."

His name is "Today."

— Gabriela Minstral

Nobel Prize winning poet from Chile

36366158



Governor's Committee to Promote Adoption

September 1, 1996

Government Publications
Texas State Documents

The Honorable George W. Bush
Governor of Texas
State Capitol
Austin, Texas 78711

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Dear Governor:

On behalf of the members of the Governor's Committee to Promote Adoption, I am pleased to present you with the Committee's report and recommendations.

The Committee has addressed the critical issues identified in your Executive Order GWB 96-7, which established the Committee on May 22, 1996. The ability of Texas to effectively address these critical issues will influence the State of Texas' future. The Committee established subcommittees to study each of the issue areas in depth and to develop appropriate recommendations. The Committee and its members have received valuable input from members of the public, private, academic, and government sectors of the state which is reflected in the report. This report contains our recommendations for a structure of policy formulation and supporting data to allow the critical issues of the adoption system in Texas to be addressed from a proactive stance.

We are grateful for the opportunity to participate as members of the Governor's Committee to Promote Adoption, and we sincerely hope that our report and recommendations will be of benefit to the State of Texas.

Sincerely,

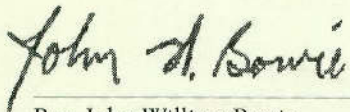
A handwritten signature in cursive script that reads "David C. Garza".

David C. Garza

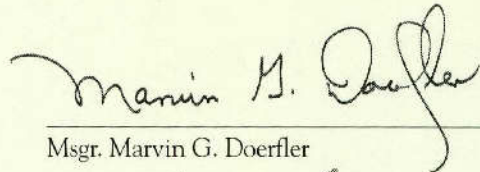
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Committee Members

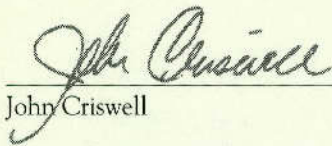
As the Committee Members we support the recommendations in the following report.



Rev. John William Bowie



Msgr. Marvin G. Doerfler



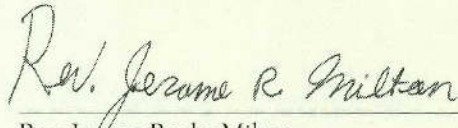
John Criswell



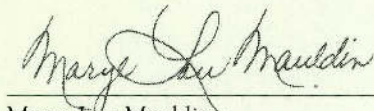
The Honorable Max Higgs



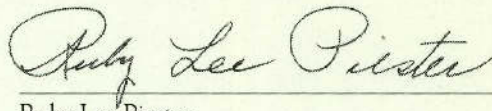
Holly Hall



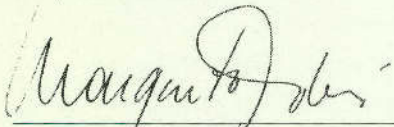
Rev. Jerome Rocky Milton



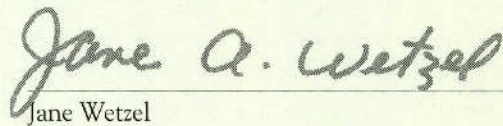
Marye Lou Mauldin



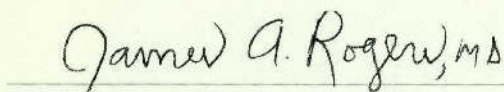
Ruby Lee Piester



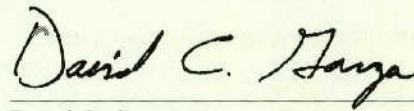
Margaret O'Brien-Molina



Jane Wetzel



James A. Rogers, M.D.



David C. Garza

Chairman



Irene J. Clements

Introduction



Children cannot

stop growing up while we figure

out how to do our jobs.

— Children Can't Wait

FOR A CHILD awaiting adoption, a delay of any length can seem like a lifetime. Long delays in the courts and in matching children with nurturing families are extremely detrimental to healthy emotional development. A child's need for permanence and stability must be met quickly.

In April 1996, the Texas Department of Protective and Regulatory Services, the state's child welfare agency, reported that nearly 12,000 children were in foster care. Of these, nearly 1,400 were legally free for adoption.

Although Texas has made improvements in its child welfare system in recent years, many of these children will spend far too long in foster care before being placed in a permanent home. Statistics for fiscal years 1991 through 1995 show that children who were adopted spent an average of 40.8 months in the system before the adoption was consummated.

Equally damaging to children's long-term development is the number of disruptions they experience while in care. Children adopted during this same period averaged four temporary placements before their adoptive placement.

The reasons for this situation are as complex as the system itself. They include the increase in the number of abused or neglected children entering the system, high caseloads, overburdened courts, and conflicting and inadequate policies. But whatever the causes, one fact must override all other considerations: *Children cannot wait.*

In May 1996, Governor George W. Bush created the Governor's Committee to Promote Adoption to study the problems in the current system and propose solutions that will move children more efficiently into permanent homes. The Committee, composed of members of the public and private sector experienced in

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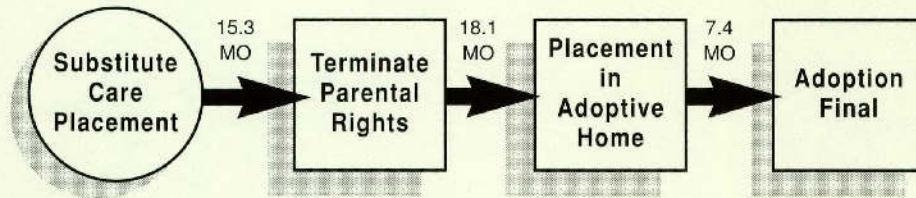
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Average Length of Time for Adoption *



Total 40.8 months

*Five year average—of children whose adoption was completed in FY 91–95, the length of time from placement in substitute care to final adoption.

the various aspects of adoption, reviewed relevant laws, policies, and judicial procedures; analyzed the issues involved; and heard testimony from professionals, citizens, and foster and adopted children.

The Committee's findings are presented in this report, along with specific recommendations and an outline for action. Though the Committee's efforts focused primarily on children who are in the state's conservatorship, implementation of these recommendations will make Texas more adoption-friendly for all children and their families.

Every child deserves a safe, nurturing, permanent home. Changing the current system will not be easy, but when the needs of children are truly our first priority, the system can and will change!

The Facts

OF THE CHILDREN for whom PRS had legal responsibility as of July 31, 1996:

Almost 1,400 were legally free for adoption. "Legally free" means that their parents' rights to them had been terminated. Nearly half of the 1,400 children waited over two years to be freed.

After parental rights had been terminated 400 were in therapeutic placement and not ready to be considered for adoption, nearly a third had been waiting for more than two years to be placed in an adoptive home, and 16% had been waiting over three years.

There were an additional 2,300 children for whom the permanency plan was adoption, who were still waiting for termination of parental rights.

The time required at each stage of the process varied by child and by region. Statewide, the average time required to place children in an adoptive home after parental rights have been terminated was 18.1 months for adoptions consummated in fiscal years 1991–1995 (see chart above). However, in the Beaumont region, for example, it took an average of only 10 months, while in the El Paso region the average was 43 months.

Source: Texas Department of Protective and Regulatory Services

Committee Responsibility

In Executive Order GWB 96-7, Governor Bush charged the Committee to “(1) review pertinent laws, regulations, and judicial procedures that impact the state’s adoption system; (2) determine which of these impede the goal of timely adoptions; and (3) issue specific recommendations as to how Texas can create an adoption-friendly system free of biases, laws, and policies that needlessly complicate or delay the adoption process.”

In fulfilling their charge, the committee focused its energy and time on issues of children needing permanent homes, the delays they experience, and the impediments to an efficient, effective adoption process. A more adoption-friendly system will be the result for all Texas children.

Findings

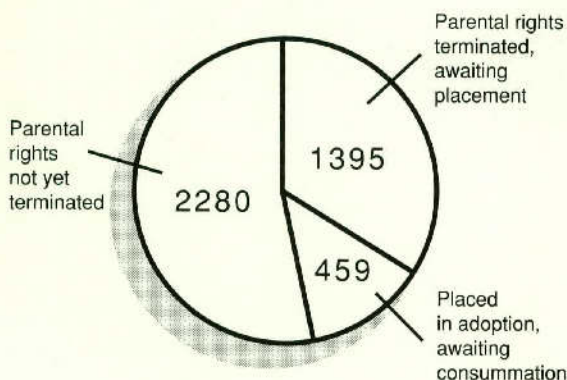
We believe that the goal set forth in the Executive Order requires that the legal and administrative processes involved in adoptions be *decisive, efficient, sensitive to the child, and results-oriented*. Laws affecting child welfare and parental rights must clearly demonstrate our state’s paramount commitment to child safety. Government, communities, and the private sector must work together to encourage swift, successful, and permanent adoptions. Judicial and administrative procedures must be streamlined to provide more stability and better meet the needs of children. And finally, the state’s child welfare agency and the courts must work together in partnership to remove barriers to permanency at every step in the process.

The Committee’s recommendations are based on three principles:

- All children should be able to expect their basic needs for safety, security, and stability to be provided.
- Successful families are the most efficient and effective means of meeting a child’s needs; children should be in a permanent family as soon as possible.
- Communities must ensure that society, in all its multiple functions, establishes and maintains encouragement and support for well-functioning families.

We call for significant changes in the statutes and policies that govern the handling of child protective services cases. Perhaps even more importantly, we call for a fundamental shift in emphasis urgently needed to create a child-centered system.

Texas Children Awaiting Adoption*



*Children in PRS legal responsibility for whom the plan is adoption as of 7/31/96

The Children of PRS

CHILDREN AWAITING adoption through the Texas Department of Protective and Regulatory Services often require a special commitment from the families who adopt them. They are rarely the newborn infants that most people picture when they think of adoption. More often, they are older children. They may need to be placed together with brothers and sisters. They may belong to a racial or ethnic minority, or be racially mixed. Many have disabling physical or psychological conditions or special medical needs.

The abuse and neglect these children have suffered frequently leaves them with serious emotional and behavioral problems. The effects of abuse are often manifested in low self-esteem, hyperactivity, poor performance in school, depression, disruptive or aggressive behavior, and other problems.

It takes a special kind of family to adopt a PRS child or sibling group. These children need extra patience and support to help them overcome the effects of their experience. Adoption subsidies help to pay the costs of therapy and medical treatment, but parents must also be prepared to make an investment in time and attention. The process is a labor of love, one which requires dedication and realistic expectations, but brings with it the potential of great joy and satisfaction.



Dom, 5, loves to laugh and be around people. He is legally blind and has a mild case of cerebral palsy.



Anna Marie, 7, is pretty and loves attention from adults. She needs a family who can help with her medical problems and hyperactivity.



LaKeitha, 13, is affectionate, outgoing, and loves sports. She needs consistency and structure.



Jaqcory, 1, is a sweet, contented baby who suffers from a rare genetic disorder affecting the joints.

For more information about these and other children waiting for a home, contact the Texas Department of Protective and Regulatory Services, or see the PRS web site on the internet at <http://www.dhs.state.tx.us/tdprs/homepage.html>.

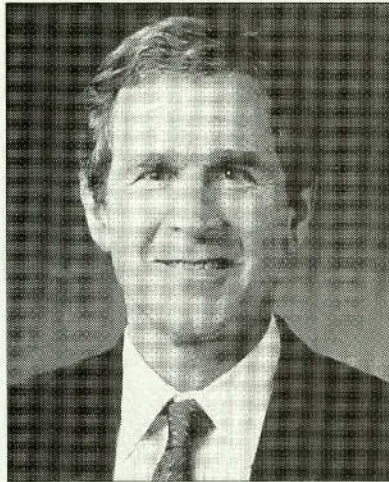
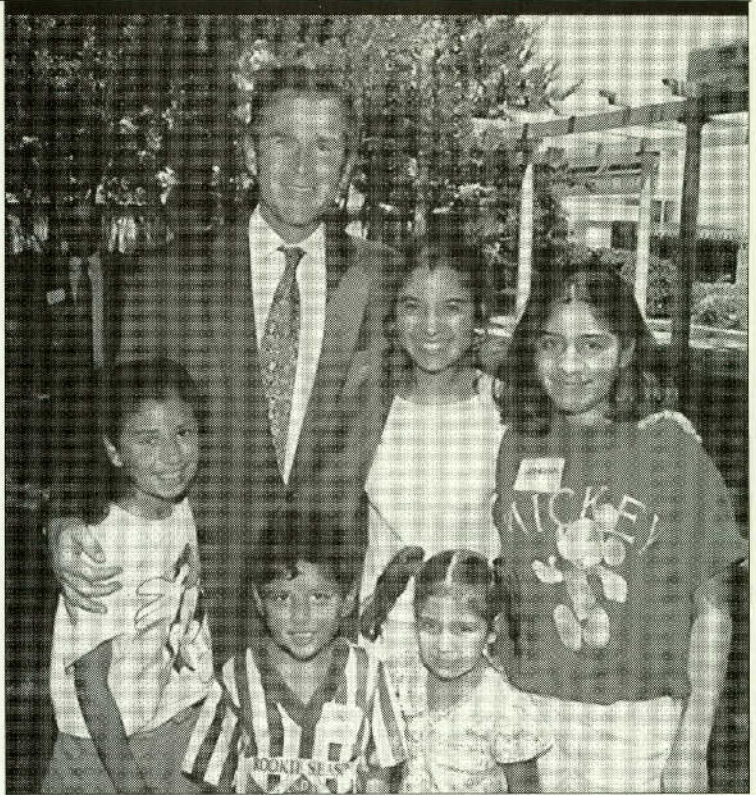
SUMMARY OF RECOMMENDATIONS

*An “adoption friendly” system
for Texas will be*

- *Decisive*
 - *Efficient*
 - *Sensitive*
 - *Results Oriented*
-

“Texas children wind up in foster homes to begin a wait for adoption that can take years. They wait for the courts to rule. They wait for their birth parents to do the right thing and either love and care for them or give them the freedom to be loved and cared for by someone else. They wait for loving people to come forward and give them a happy childhood.”

— George W. Bush, Governor



An adoption-friendly system must be Decisive



“Protection of the child is the first priority of any intervention when a child has been abused or neglected. Family preservation and/or reunification is only a goal of interventions in child abuse cases. We must attempt to preserve families when it can be done safely, but safety of the children must come first.”

— National Center on Child Abuse, NRCCSA News,
March/April 1996.

Recommendation

Because caring for children, Texas' most vulnerable citizens, is a sacred trust, our state's laws and policies must value their safety and security as our highest priority. We therefore recommend actions by the judiciary and the legislature which will encourage adult responsibility and create an environment which allows all parties to work in the best interests of the child.

Background:

Since 1980, states have been required to make “reasonable” efforts to keep children with their families under the federal Adoption Assistance and Child

Welfare Act. About 70% of the children who enter the child welfare system eventually return to their families or are placed with relatives. Family preservation efforts, when used appropriately, have benefitted thousands of children by making it possible for them to be safely reunited with their parents.

Family preservation is one of the most controversial issues in child protection. Certainly it is not appropriate for every child. In some cases, the pressure to reunite families has resulted in children being returned home only to be abused again. In Texas, about 30% of the children reunified with their families return to the child welfare system. Evaluations of several family preservation programs in other states have not shown conclusive evidence that they are successful in reducing placements and cost.

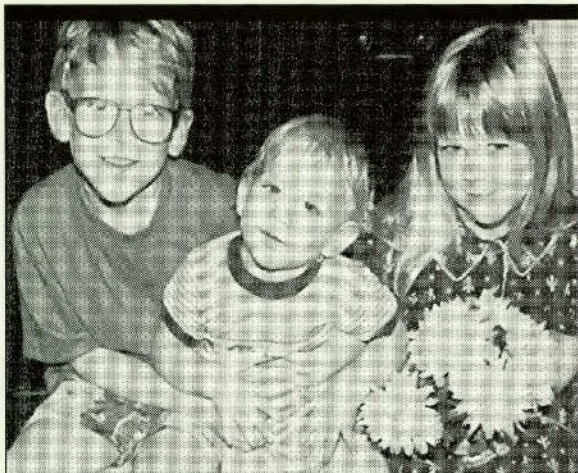
Although we believe that the family is the preferred place to raise children, our society has a fundamental interest in protecting children from abuse and neglect. We need more stringent guidelines and additional research to guide decisions about family preservation. The courts and the Texas Department of Protective and Regulatory Services also need to set realistic limits so that when reunification efforts are not succeeding children can be freed for adoption in a reasonable time.

Proposal for Action

This Committee believes it is the role of the state of Texas and its communities, and the people who make up those communities, to protect its people, especially those unable to protect themselves. We also believe that adults must be held responsible for their actions, and must actively prove their ability to parent before the state returns an abused or neglected child to them.

Judicial

The court plays a critical role in determining a child's future. The committee believes it is important that the judiciary listen to the children, train all court personnel in children's issues and the processes for termination of parental rights and adoption, and most importantly, we challenge the courts to use their “contempt of court” power to enforce parents' compliance with their court



approved service plan goals. This action in effect would force parents to decide if they are responsible enough to correct the conditions that make their home unsafe for the child, or if they prefer to relinquish parental rights so the child is free for placement in a permanent home which is safe and nurturing.

Legislative

We recommend the use of legislative power to:

a) Establish a "Putative Father's Registry" like other states, which requires positive action on the part of a father to establish his parental rights. If he is not wed to the mother, providing financial or emotional support, and does not register within 30 days after the child's birth, he loses all parental rights to the child. b) Clarify that child abuse is illegal by establishing a system to monitor local law enforcement's investigation and prosecution of PRS cases. Additionally, c) legislate criteria for expedited termination of parental rights for abandonment, for those parents at the high end of abuse or neglect and where prospects for safe reunification are remote, such as drug and alcohol problems and past history of incidents and failure to meet service plan goals.

*An adoption-friendly
system must be*

Efficient



“We plan in blocks of time which are too large for our children. Six months equals incredible gains in development for an infant; most of the life span for a toddler; for school age children it covers Halloween, Thanksgiving, Christmas, and Easter; or almost a whole school year.”

—Texas Department of Protective and Regulatory Services
Permanency Planning Staff Report, January 1995

Recommendation

Because successful adoptions result from the collaborative efforts of many different players, both public and private, Texas must ensure smooth cooperation and teamwork. Government, the community, courts, businesses, and individuals all have

a role to play in bolstering adoptive families and helping to provide the support needed to ensure swift, successful, and permanent placements.

Background:

Termination of parental rights is a difficult and important decision. For the children who cannot return home safely, there must be a system available that will expeditiously free them, provide a safe and nurturing environment with counseling and support to prepare them for adoption, and place them in a permanent home. Research has demonstrated that delays and numerous changes during this process are extremely detrimental to abused or neglected children, causing harm which may continue to affect them throughout their lives. Once the decision has been made to seek termination of parental rights, the system should ensure that children are freed for adoption as efficiently as possible.

Proposal for Action

The committee believes that in all cases where conservatorship is an issue, the state must act in the best interests of the child. Issues of family privacy and rights must take second place to the child's need for safety and security. Where it is not in the child's best interest to be reunited with the family, all parties have a responsibility to move as rapidly as possible to end the child's temporary status and find a loving permanent home appropriate to meet his or her needs. We further believe that any family that can meet the child's needs should be considered, as long as the family is willing to respect the child's cultural, ethnic, and social identity.

Require efficiency in the courts:

Streamline the court processes, and eliminate continuances (except where the court finds a continuance would be in the best interest of the child). Charge the Office of Court Administration with ongoing monitoring of docket management and court performance. Implement the Texas Court Improvement project recommendations and the Sunset Commission recommendations (see appendix).



Require efficiency in the Department of Protective and Regulatory Services

To achieve permanency within 12 months, require PRS to a) aggressively pursue finding and consummating appropriate adoptive placements to meet the needs of children in custody, and b) develop a plan with clear timelines by April 1, 1997. Deliver that plan to the Governor and report progress on implementation by July 1, 1997. The plan should include: concurrent planning for a child in PRS conservatorship, searching for prospective adoptive parents immediately when the decision is reached to petition the court for termination of parental rights, monitoring staff effectiveness, monitoring consistent application of PRS policy in all regions, and an annual review of all children in foster care to include a plan to achieve their permanency.

Challenge communities to assist and support adoptions

The private sector and communities can be invaluable in assisting the courts, adoptive families, and the state. The Governor can challenge local groups to help in recruiting adoptive families, in offering "extended family" emotional support, to work with the courts or state agency to continually monitor and improve efficiency, and to promote awareness of adoption.

With Their Own Voices:

Foster and Adopted Children's Testimony to the Committee

"When I was taken away from my mother, I didn't know who was coming to get me. I didn't know why. All I knew was they took me away from my mother, which was the only thing I knew...."

"My mom and dad have had so many chances. I would like the judge to listen to me."

"Every child needs a friend... someone just to talk to and not be afraid you'll get in trouble."

"It's really hard [for a child] dealing with being in between homes and not knowing where they stand and everything like that."

"Remember, a child is breakable."

*An adoption-friendly
system must be*

Sensitive



*“These children have already been
victimized once by the caretaker, usually a
parent, who abused or neglected them.*

*We want to work to be sure these children
are not victimized again by a legal system
and foster care system that moves them
from one temporary home to another.*

*More than anything, they need love and
stability and a home that will be theirs
forever.”*

— Maurine Dickey, Board Chairman, Texas Department of
Protective and Regulatory Services

Recommendation

Because many children are inadvertently harmed by the very judicial and administrative efforts intended to help them, Texas must ensure that a system designed to protect children does not cause them additional suffering. By January 1, 1997, Texas agencies and

courts should develop a plan to streamline judicial and administrative processes to provide stability and sensitivity to affected children.

Background:

The purpose of the child protective system is to protect children. Yet in the crush of legal and administrative details, it is very easy to lose sight of the needs of the child.

Adults forget that children, too, need to understand what happens to them and, especially for older children, to have a voice in the decisions that affect them. In a system which removes them from their families only to move them from one foster home to another, often with little explanation to the child, it is not surprising that children feel powerless, unwanted, and unimportant.

The foster and adopted youth who testified before the Committee spoke of their fear and uncertainty when suddenly separated from the only home they'd ever known, of loneliness and longing for someone to talk to. They described what it is like when you don't belong to anyone, to not know where you are going to live, to be different. They wished someone had taken the time to explain things to them, and to listen to their concerns.

Proposal for Action

It is imperative that we avoid causing additional suffering for children. In addition to reducing delays in the system, we must ensure that the people who come in contact with children in the system understand their special needs and can help to nurture and support them through this difficult time. Procedures must be designed to minimize trauma to the child.

Assuring Sensitivity to the Child

From the moment a child is removed from his or her home, everything possible must be done to ensure as much stability and continuity as possible. The number of placements for each child must be limited. Long term placement issues should be considered in the initial placement. And, since many foster children are

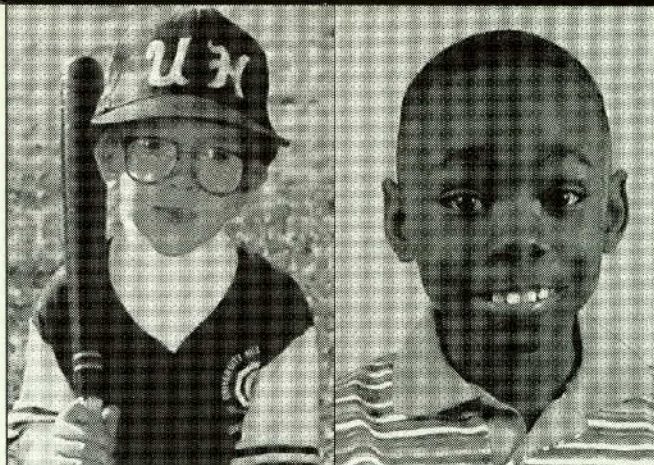
eventually adopted by their foster parents, foster parents should be encouraged to be dually licensed as adoptive parents. Potential adoptive parents should be encouraged to consider becoming foster parents to reduce the number of placements necessary. And, when foster parents are willing to adopt their foster child, they should be considered first, so long as this arrangement is in the best interests of the child.

Children must be given clear and understandable explanations about necessary transitions. They should be involved in decisions and transition planning to an extent appropriate for their age and level of understanding.

Caseworkers should be required to receive more specialized training about adoptions, and greater efforts need to be made to reduce the high turnover rates among caseworkers. Court personnel need to receive training on child-sensitive court practice, termination of parental rights, and adoptions. Courts need to keep children's needs in mind, and provide a mechanism for considering their concerns. Children's court advocacy organizations need to be expanded to all areas of the state.

Increasing Community Involvement

Communities need to play a greater role in providing support for children in the child welfare system. The Committee would like to see community partnerships developed to provide volunteers, advocates, and mentors for children. Businesses, civic and religious organizations, and concerned individuals are needed to help with the special needs of foster and adopted children. Encourage corporate and professional support of the children who wait for permanent homes.



Children Can't Wait

STATISTICS on adoptions of PRS children underline the importance of moving them through the system quickly. As children grow older, they become more difficult to place. In fact, almost 60% of all children adopted are age 5 or younger. The more time children spend in foster care, the less likely it is that they will find a permanent home.

More Recruitment Efforts are Needed

Information on the characteristics of the children who have been adopted also indicate clearly the urgent need for more families willing to adopt children with special needs. Although over 40% of the children available for adoption have a disabling condition, children with mental, emotional, or physical problems account for only 23% of those adopted. Older children, minority children, and children who need to be placed with siblings also have difficulty finding homes.

PRS sponsors a number of efforts designed to recruit families for special needs children, including the "Dare to Love" media campaign, the Texas Adoption Resource Exchange, which distributes photo listings and matches children and families through a database, and the One Church One Child program to encourage adoption by minority families. Although these have had some success, clearly much more must be done.

*An adoption-friendly
system must be*

Results Oriented



*Our children are the faces of our future. And
the childhood we give them today will
determine the society they give us tomorrow.*

—Governor George W. Bush

Recommendations

Because every precious day of childhood is irreplaceable, Texas must commit itself to moving children into stable, permanent, and loving homes as quickly as possible. PRS and the judiciary — the two most important players — must work in dynamic partnership to expedite each and every step of the permanency process for children in PRS care.

Background:

Most private adoption workers try to find a child for a couple to make them a family. PRS workers must instead look for the special family who can fill the huge gap in a particular child's life. The family must be carefully screened and trained to cope with the manifestations of the child's abuse or neglect. Ongoing counseling or medical support may be needed. Networks like churches, adoptive parents support groups, extended families, or social groups can encourage and assist the family through rough times.

Proposals for Action

We believe it is time for Texas to improve all aspects of the adoption process. We therefore propose changes to the policies, practices, and processes of the state with the involvement of local communities, businesses, and private citizens. We believe the best solutions are designed with maximum local control, systems of accountability, and clear expectations. Working together we can make a difference and be proud of our results.

Local control:

Communities are a key part of increasing adoptions in Texas and making them work. The Committee encourages and supports the development of local community-based groups utilizing private sector and advocate organizations to meet adoption challenges for that community by monitoring responsiveness of the state agencies, private entities and the judiciary. Local services, including health or mental health clinics, should be used to develop programs to support foster and adoptive families. In addition, comprehensive assessment centers should be available in each area to determine needs of the child and family and communities should expand the use of children's court advocacy organizations to ensure that the children's needs and best interests are met.

Clear Expectations:

Involvement and commitment of people in the judicial system and local service programs are crucial to ensure permanency for children. An adoption-friendly system will have limited court exposure, maintain clear communication with and sensitivity to the child, and support and nurture the child and his or her adoptive family.

It is important that the state agencies who are involved with families and children make abused or neglected children a priority. PRS should be required to emphasize and support adoption, including supporting adoptive families. It is also essential that PRS limit the child's trauma by limiting caseworkers, number of placements and length of time before permanency for each child. Legislation should be considered to require PRS' sister agencies such as

MHMR, TCADA, and TYC to support foster and adoptive families and work with abused and neglected children and their families as a priority population. At each stage of the legal process, assure timely hearings by requiring the presiding judge to set the date for the next hearing.

In order to encourage adoptions and support the needs of adopted children, insurance companies should be required to cover adoptive children including pre-existing conditions from the beginning of placement just as they cover birth children.

Accountability

In order to ensure that the needs of children are met, PRS should report regularly to its Board on the status of children in care and progress made toward permanency. There should be central state data on all formal foster care and adoption actions and central tracking of all children who wait for adoptive homes. The Office of Court Administration should be charged with ongoing judicial review of statewide court efficiency.

Will it Work in Texas?

YES, IT CAN! Innovative local projects in different areas of the state demonstrate that coordinated efforts to improve the system can really make a difference.

■ **The Bexar County Pernancy Planning Project** eliminated a court backlog of 305 cases and achieved permanency for 435 children in fiscal year 1995. The project, a joint effort of the Bexar County Commissioners, the District Attorney's Office, the Civil District Court Judges, and the District Clerk's Office, provided funding for an associate judge and an additional district attorney for CPS cases. The district judges in the county agreed to reserve time every week for CPS cases, and a court coordinator helped to ensure that CPS cases moved through the system efficiently. The project team met biweekly to track the progress made in reducing the backlog of cases and to maintain communication.

In addition to the benefits to children whose cases were more speedily

resolved, the project's success in placing 241 children out of substitute care resulted in a substantial savings in county, state, and federal funding.

■ Through a coordinated public/private effort known as the **Dallas Hustle Project**, a team of recruiters in Dallas County was able to expedite placement for 85 children in a five-month period. Modeled on two previous programs in the region, the project focused on children whose placements had been delayed by incomplete paperwork (waiting for birth records, home study updates from other states, de-identification of case records, and so on), and children for whom previous recruitment efforts had been unsuccessful.

Team members, who were drawn from the county's placement units, were freed from their regular duties to concentrate on 142 special needs children identified for the project. Each team member was assigned 30 children. They spent countless hours finalizing cases and recruiting

families. They organized community recruitment activities and made inquiries to adoption agencies across the country, seeking families for more difficult to place children. Thanks in part to their effort, the Arlington region, which includes Dallas County, placed more children in adoption than any other region in fiscal year 1995.

■ In the Austin region, federal Child Abuse Prevention and Treatment Act (CAPTA) funds were used to hire a coordinator to oversee permanency teams. In one county a review of foster care cases identified 193 children for targeted efforts toward permanency. The coordinator insured the review of the cases and the resolution of barriers blocking permanent placement. As a result of her work with the staff and courts during the last 18 months, almost half of the 193 children have achieved significant progress toward permanency with 67 of them permanently placed or returned home.

Outline for Action



General Principles

All children should be able to expect their basic needs for safety, security, and stability to be met.

Because successful families are the most efficient and effective means of meeting children's needs, children should be placed in a permanent family as quickly as possible.

Communities must ensure that society, in all its multiple functions, establishes and maintains encouragement and support for well functioning families.

Goal

Assure that timely, successful adoption is an option for children when necessary.

I. Objective: Minimize trauma to the child.

Strategies:

1. Limit the amount of change for each child.
2. Minimize stigma to the child.
3. Ensure sensitivity to the child throughout the process.
4. Develop a system that will increase timeliness and success of adoptions.

Recommendations:

1. For children in PRS conservatorship, require concurrent planning with clearly defined responsibilities and deadlines for the birth parents and

either termination of parental rights or reunification with the family within 12 months of removal.

2. Require PRS to begin the search for prospective adoptive parents when it has decided to petition the court for termination of parental rights.

3. Limit the number of placements for each child.

- When the foster parents are willing to adopt they should be considered first, as long as it is in the best interest of the child.
- Consider long term placement issues when initially placing a child into a foster home.
- Encourage foster parents to be dually licensed as adoptive parents, when appropriate, without putting pressure on those who want to be only one or the other.

4. Limit the number of caseworkers for each child.

- Create incentives to retain caseworkers and avoid turnover.
- Require more specialized staff training on adoption and monitor to ensure it is done.

5. Arrange for non-traditional support for the child.

- Volunteer friend/mentor/advocate programs to remain in contact with the child regardless of placement, as appropriate.
- Opportunities to interact with kids who have "made it."
- Ensure that transitional planning includes involvement of the child and to ensure that the child has an understanding of the transition to the extent of his/her abilities.
- Sponsor a "kids summit" focused on changes needed that will get input of foster and adoptive children.

6. Establish policy, accountability, and monitoring to assure consistency between regions. Design incentives and remove disincentives for family participation in the adoption program.

- Set time frames for: (1) initial screening of adoptive families and response; and (2) conduct home study within four months of application approval. Document the results in writing within 30 days of completion.
- Evaluate management level staff on their effectiveness in moving children to permanency in expeditious time frames.
- Develop a comprehensive assessment service center

to determine the needs of the child and family, where feasible.

- Ensure that PRS meets the same licensing standard requirements as those imposed on private adoption agencies.
 - Assure consistency in application of rules/laws in all PRS regions and by all staff (licensing, foster/adoptive recruitment, caseworkers).
7. Increase participation of private agencies.
 - Share information on children available for adoption and create incentives for placement of children.
 - PRS will ensure that private child-placing agencies are invited and involved in meetings to discuss children for whom termination of parental rights and subsequent adoptive placement is the plan for the purpose of assessing the child's needs and placement options.
 - PRS should monitor provider performance so that providers are held accountable to measures that indicate the effectiveness of services provided to children in foster care and ensure that performance is a factor in any future contract decisions.
 - Encourage adoptions by all cultures and ethnic groups as long as the family is willing to respect the child's cultural, ethnic, and social identity.
 8. Monitor responsiveness of the state agencies, private entities, and the judiciary.
 9. Require PRS to emphasize and centralize the monitoring and promoting of permanency statewide.

Objective II: *Create an ongoing positive awareness of adoptions.*

Through information and education, create an atmosphere that encourages adoption as an option and a sensitive process for children.

Strategies:

1. Inform people of the services that are available to make adoptions successful.
2. Raise the consciousness and participation level of the "Community."

Recommendations:

1. Centralize the location of state data on all formal adoptions and foster care actions. Utilize the Internet to spread information about adoptable children.
2. Funding requirements often dictate services and it should not be this way. Recommend or encourage funding and subsidy flexibility that will match to needs of the child/family.
 - Maintain special Medicaid coverage for all special needs adopted children.
 - Corporate sponsorship of adopting families.
3. Develop employment and social incentives to support adoption.
 - Use local services, including health and mental health clinics, to develop programs to support foster and adoptive families.
 - Encourage employers to provide assistance such as insurance and leave benefits.
 - Investigate an "adoption assistance program" for state employees who adopt PRS children.
 - Use visibility of leadership offices, such as the Governor to encourage and support adoption.
 - Advocate for adoptive families. Encourage local advocacy efforts.
 - Consider legislation that "sister agencies" (MHMR, TCADA, etc.) support adoptive/foster families as part of their priority population.
 - Require insurance companies to cover adoptive children, including pre-existing conditions like they cover for birth children with problems beginning at the time of placement.
4. Encourage private sector involvement in improving components of the substitute care system. Charities and businesses are resources that may want to help, and this help should be welcomed by the state and the system.
5. PRS should give adoptive parents the option to be notified each time they are considered for a child.
6. Encourage the development of local community based groups to find solutions for that community.
7. Assure adoptive parents are properly trained.
8. Require that a multidisciplinary group in each county or Council of Governments region be identified

to PRS and the Office of Court Administration as the designated local entity to monitor docket management and PRS data to improve the system.

III. Objective: *Create narrow time frames for children including the decision to terminate parental rights through the adoption process.*

Strategies:

1. Develop an effective strategy for the education of court personnel to increase responsiveness to children's issues.
2. Change the judicial process related to adoptions.
3. Streamline PRS administration processes.

Recommendations:

1. Enforce that failure to comply with the court approved treatment plan is a contempt of court and can result in penalties. Courts should require the family to demonstrate progress on the court approved service plan.
2. Where appropriate, Texas should move immediately to terminate parental rights in the cases of abandonment of infants or other young children.
3. Design and legislate expedited termination of parental rights for parents at the high end of abuse and where prospects for safe reunification are remote, such as drug and alcohol related problems, severe abuse and past history of failure to meet service plan goals.
4. Require a father to document paternity of the child no later than 30 days after birth or void any parental rights (a putative father's registry).
5. Improve the quality of legal representation with prosecuting attorneys and ad litem for children and

parents. Require specialized training for attorney ad litem about children and the termination of parental rights process and adoptions.

6. Develop a way to provide CPS with competent, well trained legal representation and not depend on the County Attorney or District Attorney.
7. Local law enforcement should make the criminal investigation of CPS cases a priority.
8. Charge the Office of Court Administration with ongoing judicial review of court efficiency to include:
 - Improve judicial commitment to managing cases for timely and effective resolution.
 - Identify all judges and associate judges that preside over CPS cases and maintain a current listing for public and agency information.
 - Have special CPS judges so that accountability is ensured and appeals are expedited.
 - Provide a mechanism for the court to listen to the children and assure consideration of their needs.
 - At each stage of legal process, require the presiding judge to set the date for the next hearing through consummation of the adoption.
 - Eliminate continuances unless it is specifically in the best interest of the child.
 - Develop standards for docket management and reporting requirements.
 - Assure prompt hearings and continuances.
 - Require that PRS submit reports for judicial review every three months after termination of parental rights, specifically to monitor adoption planning and placement progress.
9. Implement the Court Improvement Project and Sunset Committee recommendations.
10. Annually review the status of all children in foster care and report to the PRS Board the progress made on removing the barriers to achieving permanency.
11. Do cost benefit analysis of model court projects and other court reforms to study the feasibility for setting up Special Master court programs in the regions and report to the 76th Legislature.

12. Identify incentives to partner with counties who want a special court system.

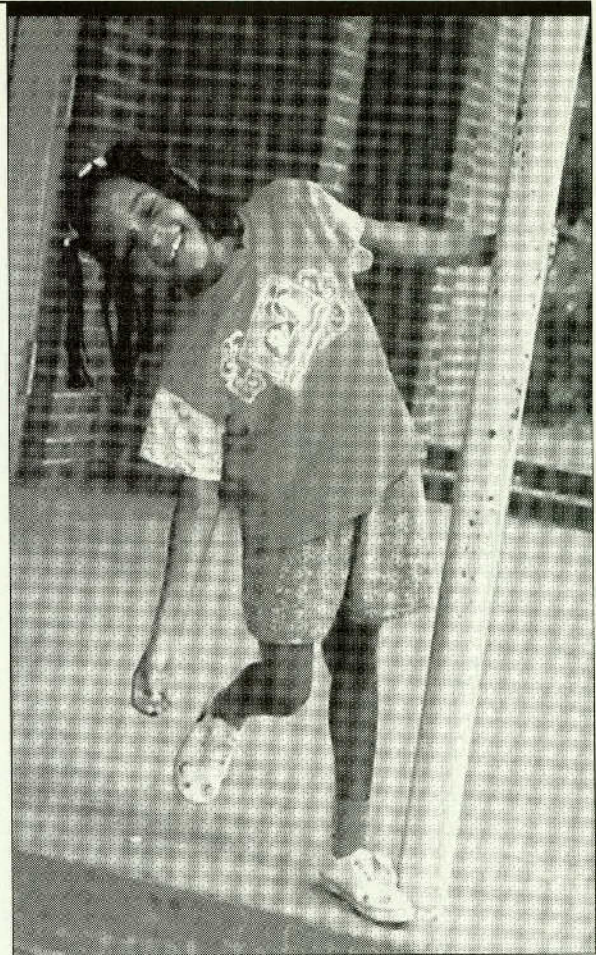
13. Expand the use of child court advocacy organizations to all areas of the state.

14. Encourage non-court options to expedite the process, such as: mutually agreed adoptions, voluntary relinquishment of parental rights and mediation.

15. Charge PRS to draft legislative changes for state or federal law which impede their ability to perform in the best interest of the child.

- Streamline paperwork by: a) eliminating the HSEGH report requirement since it duplicates information available in the de-identified record, and b) getting a complete family history early in the intervention when the family is more willing to cooperate.

- In order to keep children from remaining in permanent foster care when parents are not making significant progress toward reunification, Section 161.001 of the Texas Family Code should be amended to empower the court to consider termination of parental rights on the actions or lack of action taken by the parents.



APPENDIX

- *Statistics on Foster Care and Adoption*
- *Governor's Charge to the Committee*
- *Executive Order*
- *Glossary of Terms*
- *Bibliography*
- *Sunset Staff Recommendations*
- *Texas Court Improvement Project*

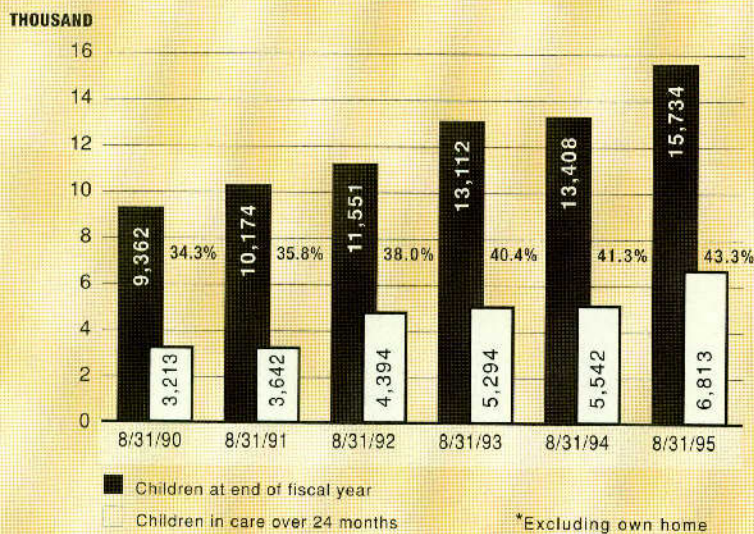
Number of Children Waiting for Adoption

(State Total as of March 31, 1996)

| Ethnicity/ Sex | 0-2 | 3-5 | 6-8 | 9-12 | 13-15 | 16+ | Total | Average time waiting (months) |
|--------------------|------------|------------|------------|------------|------------|-----------|--------------|-------------------------------------|
| Anglo | | | | | | | | |
| Male | 24 | 46 | 50 | 66 | 31 | 5 | 222 | 22.9 |
| Female | 24 | 48 | 37 | 52 | 26 | 8 | 195 | 17.9 |
| Black | | | | | | | | |
| Male | 29 | 50 | 49 | 78 | 25 | 4 | 235 | 25.3 |
| Female | 37 | 47 | 45 | 57 | 20 | 3 | 209 | 20.3 |
| Hispanic | | | | | | | | |
| Male | 9 | 28 | 38 | 47 | 20 | 3 | 145 | 21.5 |
| Female | 13 | 27 | 38 | 53 | 22 | 3 | 156 | 18.6 |
| Oriental | | | | | | | | |
| Male | 2 | 0 | 0 | 0 | 0 | 0 | 2 | 2.8 |
| Female | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 33.1 |
| Other | | | | | | | | |
| Male | 14 | 41 | 35 | 32 | 4 | 1 | 127 | 19.8 |
| Female | 12 | 25 | 26 | 26 | 6 | 1 | 96 | 18.7 |
| State Total | 164 | 312 | 318 | 411 | 154 | 29 | 1,388 | 21.0 |

Children in Care over 24 months*

(Substitute Care)



GOVERNOR'S CHARGE TO THE COMMITTEE

Introduction: Adoption works. It (i) improves the physical, emotional and learning capacities of adopted children, (ii) enriches the life prospects of birth mothers, (iii) saves significant tax dollars, (iv) promotes the value of stable families, and (v) brings joy to everyone involved. Of the almost 12,000 Texas children currently in foster care--which costs on average about \$17,000 annually per child--roughly 1,400 are free for adoption and awaiting permanent homes. Vulnerable Texas children are surrounded by well-intentioned programs and dedicated child welfare workers. What they need are parents.

Tasks: Because practical adoption reforms must be enacted at the state and local levels, the Governor's Committee to Promote Adoption is charged with identifying ways to reduce legal, judicial and administrative barriers to adoption. In its effort to help make Texas more "adoption-friendly," the Committee will:

- Review Texas laws concerning the State's foster care and adoption systems.
- Review agency regulations, policies and practices that impact foster care and adoption in Texas.
- Review federal laws and regulations that influence Texas' foster care and adoption services.
- Review how the State's judicial system treats and prioritizes adoption proceedings.
- Identify and review community-level initiatives that promote speedy and successful adoptions.
- Identify policies and practices in place in other states and at well-run private adoption institutions that can be duplicated in Texas.

Results: No later than September 1, 1996, the Committee will present to the Governor its final report, which will:

- Recommend state legislative changes necessary to cut "red tape" and promote timely adoptive placements.
- Recommend administrative changes necessary to eliminate obstacles and help simplify and accelerate the adoption process.
- Recommend judicial changes necessary to promote speedy and appropriate judgments and expedite adoption proceedings.
- Recommend successful community-level and private-sector ideas to promote and streamline adoption.
- Highlight federal laws and regulations that frustrate timely adoptions.

Texas' most valuable resource is its children. They are the faces of our future. The plight of abused and neglected children merits the generous response of dedicated Texans. Every child in Texas deserves a loving, nurturing and permanent home.

EXECUTIVE ORDER

THE STATE OF TEXAS
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
AUSTIN, TEXAS

EXECUTIVE ORDER
GWB 96-7

Relating to the Formation of the Governor's Committee to Promote Adoption

WHEREAS, every Texas child deserves a loving, nurturing, and permanent family;

WHEREAS, the State of Texas has legal responsibility for children of many diverse backgrounds who are currently awaiting adoptive homes;

WHEREAS, the population of needy, abused and neglected children is growing steadily, with more children entering the foster care system than exiting, and the need for adoptive families is urgent;

WHEREAS, adoption is an often-overlooked option that: (i) improves the physical, emotional and learning capacities of adopted children; (ii) enriches the life prospects of birth mothers; (iii) saves significant tax dollars; (iv) promotes the value of stable families; and (v) brings joy to everyone involved;

WHEREAS, the State of Texas honors and celebrates all families formed through the adoption of children of all ages, physical and mental abilities, and ethnic backgrounds; and

WHEREAS, adoptable Texas children awaiting homes merit a child-centered system that is free of delay and unnecessary legal, judicial, and administrative obstacles, and that ensures swift, secure, and successful adoptions.

NOW, THEREFORE, I, George W. Bush, Governor of Texas, under the authority vested in me, do hereby create and establish the Governor's Committee to Promote Adoption to serve in an advisory capacity to the Governor. This Committee shall: (i) review pertinent laws, regulations, and judicial procedures that impact the State's adoption system; (ii) determine which of these items impede the goal of timely adoptions; and (iii) issue specific recommendations as to how Texas can create an "adoption-friendly" system free of biases, laws, and policies that needlessly complicate or delay the adoption process. The Committee shall have no final action authority.

The Committee shall consist of 13 members. The Chair shall be appointed by and serve at the pleasure of the Governor.

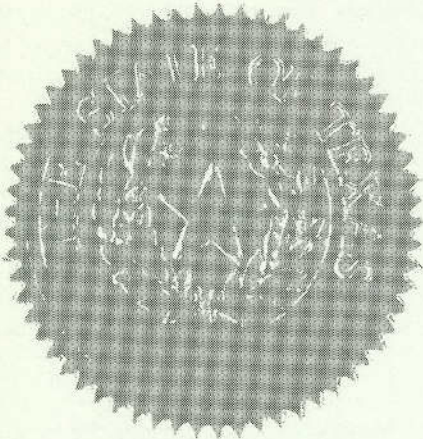
The Committee shall meet as frequently as necessary upon the call of the Chair. A majority of the membership shall constitute a quorum for the purpose of conducting the business of the Committee.

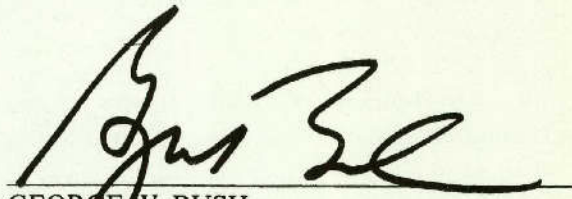
The Committee shall convene at the earliest practicable time after appointment and shall accomplish its charge by September 1, 1996. It shall submit to the Governor a written summary of its findings and recommendations.

The members of the Committee shall serve without compensation. Reasonable and necessary travel and per diem expenses may be reimbursed when such expenses are incurred in direct performance of official duties; but such reimbursement shall not exceed \$80.00 per day as permitted by Article IX, Section 33, of House Bill 1, of the Texas General Appropriations Act.

This Executive Order shall be effective immediately and shall remain in full force and effect until modified, amended, or rescinded by me.

Given under my hand this the 22nd day of
May, 1996.





GEORGE W. BUSH
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

MAY 22 1996

2077.

ANTONIO O. GARZA
Secretary of State

Committee Members

John William Bowie of Houston is the Pastor of the True Light Baptist Church and the President of Metropolitan One Church One Child of Texas, Inc. He serves on the Protective and Regulatory Services Advisory Committee on Minority Adoptions. Rev. Bowie received an undergraduate degree from Texas Southern University, a master's degree in education from the University of Colorado, and received his religious education from Baptist Bible College and Rockmount Bible College. Rev. Bowie is a former public school teacher and principal.

Irene J. Clements of Marion is the Director of Case Management Services for Foster Care and Adoption for Lutheran Social Services of the South, Inc. and past president of the Texas State Foster Parents, Inc. An adoptive parent and foster parent, she is the Legislative Chairperson for the National Foster Parents Association and a member of the National Association on Mental Retardation. Her employment experience includes working as a program specialist for the Texas Department of Mental Health and Mental Retardation and as a programs coordinator for Austin State School Community Services. Mrs. Clements is the President of St. John Lutheran Church Council,

Marion, Texas. She attended Texas A&I University.

John Criswell of Plano is the Senior News Anchor for KDFW Television in Dallas. He is a founder of the Foundation for Abused and Neglected Children, the nationally emulated Wednesday's Child news series, and Wednesday's Child Benefit Corporation. Mr. Criswell serves on the board of Criswell's Kids, which spotlights children in need of adoptive homes, and was a founding board member of Open Arms, Inc. (Bryan's House). He is a graduate of Drury College of Springfield, Missouri.

Monsignor Marvin Doerfler of San Antonio is the Executive Director of the St. Peter-St. Joseph Children's Home, the Director for the Archdiocese of San Antonio's Department of Social Services, and Pastor of St. Margaret Mary's Church. A Catholic priest and psychiatric social worker, Msgr. Doerfler is a member of the National Association of Social Workers and the Academy of Certified Social Workers. He attended Assumption Seminary and received a master's degree in social work from Our Lady of the Lake University.

David C. Garza of Brownsville is an attorney in Brownsville with the law firm of Garza & Garza. He is a 1973 honors graduate of the University of Texas Law School. He has served on numerous state and local civic and church organizations. He and his wife Diane have two young daughters.

Holly Hall, LMSW of Sherman is a licensed social worker and a contract adoption worker with Dillon International, Inc. and Adoptions Resource Consultants, Inc. Adopted as a child, Ms. Hall is active in the Grayson County Crisis Pregnancy Center, the North Texas Families for Adoption, and For the Love of Children, a family network support and planning group. She received an undergraduate degree from Baylor University and received a master's in social work from the University of Texas at Arlington.

The Honorable Max Higgs of El Paso is an El Paso County Statutory Probate Court Judge. His previous experience includes serving as Assistant Director of the Sherwood and Myrtic Foster's Home for Children, as an assistant district attorney in Taylor County, and as a regional attorney for the Texas Department of Human Services. Judge Higgs is a member of the Texas and El Paso Bar Association and the statewide Legal Task Force for Children's Protective Services. He has received awards from the El Paso Foster Parents Association, the El Paso County Child Welfare Board, the El Paso Christian Services for Children, and other organizations. Judge Higgs is a graduate of Lamar University and the University of Houston Law School.

Marye Lou Mauldin of Arlington is the charter President and current member of the board of Adopting Children Together (ACT), Texas' largest adoptive parent support group. Ms. Mauldin is

the Texas representative for the North American Council on Adoptable Children. She served on the 1990-1991 Adoption Task Force for Region 5 (now Region 3) of the Texas Department of Human Services. Ms. Mauldin is a certified MAPP (Model Approach to Partnerships in Parenting) instructor; the 10 week course required to adopt and foster through the state agency. Of her seven children, five are adopted. Mrs. Mauldin attended Oral Roberts University.

Jerome Rocky Milton of Tyler is the Pastor of Pleasant Hills Baptist Church. A former foster child and current foster parent, Rev. Milton serves on the board of the Tyler YMCA and the Tyler Ministerial Alliance, and serves as President of the East Texas Baptist Congress of Christian Education. His previous work experience includes serving as Dean of Students at T.K. Gorman Catholic High School. He received undergraduate degrees from the UCLA and Point Loma College in San Diego, California and earned a master's degree from Point Loma College.

Margaret O'Brien-Molina of Houston is the adoptive-mother of two children, each of whom spent three years in the state's foster care system. She is currently the Coordinating Producer for KHOU-TV Spirit of Texas this Morning, supervising morning news coverage for the Houston area. Ms. O'Brien-Molina was raised in an Army family

and began her own career as an information specialist with the U.S. Army in 1973. The 47-year-old producer is involved in her community as a mother and an advocate of children's and women's rights. She is a former board member of the Houston Area Women's Center and Juvenile Court Volunteers. She is an active member of St. Anne's Catholic Church and School and a volunteer for the Children's Assessment Center which services children who have suffered sexual abuse.

Ruby Lee Piester of Fort Worth was Executive Director of The Edna Gladney Center and a consultant for the Executive Service Corporation and the Adopt a Special Kid organization. She serves on numerous committees including the Child Welfare League of America, the Texas Social Welfare Association, and the Texas Association of Licensed Maternity and Adoption Services. She was given the National Council for Adoption Social Worker of the Year Award in 1984 and is the author of *For the Love of A Child*. Ms. Piester earned a bachelor's degree from Texas Wesleyan University and a master's degree from the University of Texas in Austin.

James A. Rogers, M.D. of San Antonio is Executive Director of Child Guidance Center, a private, non-profit outpatient mental health care facility affiliated with the University of Texas Health Science Center. He is also Clinical Associate Professor of Psychiatry at

the University of Texas Health Science Center. He is a member of the American Academy of Child & Adolescent Psychiatry and serves as a consultant for the Head Start Child Development Center of Bexar County. He received a bachelor's degree from the University of North Texas and M.D. from UTHSC, San Antonio.

Jane A. Wetzel of Dallas is Chair of the Governor's Juvenile Justice and Delinquency Prevention Advisory Board and the Chair of the Community Resource Coordination Group State Team. She is the former Chair of the Texas Juvenile Probation Commission, former Vice-Chair of the Health and Human Services Children and Youth State Coordinating Committee, the former Vice-Chair of the Dallas County MHMR, and the Vice-Chair of Youth Services Advisory Board, Dallas County. Ms. Wetzel has been interested in children's issues for 20 years. She is a graduate of Southern Methodist University.

Glossary of Terms

Abandonment - The leaving of a child in a situation where the child would be exposed to a substantial risk of physical or mental harm, without arranging for necessary care for the child, and the demonstration of an intent not to return by a parent, guardian, or managing or possessory conservator of the child.

Adoption Subsidy - A federal/state program for the provision of financial assistance to adoptive families to alleviate financial barriers related to the adoption of children with special needs.

Attorney Ad Litem - An attorney appointed by the court to represent the interests of the child in a particular court matter.

CASA Volunteer - Court Appointed Special Advocate is a national organization that trains volunteers to serve as advocates for children in foster care. Judges may appoint court certified volunteers to appear at court hearings as a volunteer advocate on behalf of the child.

Children With Special Needs - Those whose age, race, ethnicity, handicap, or sibling status precludes appropriate adoptive placement without financial assistance.

Concurrent Planning - Provides for reunification services while simultaneously developing an

alternative plan, in case it is needed. A family centered practice, the parents are involved in decision making. Throughout the process, the caseworker openly discusses with the family what they must do to regain their child and is clear with them that PRS is also beginning the process to TPR and adoption.

Conservatorship - see Temporary Managing Conservator.

Family Reunification - The stage of service in PRS when children in temporary substitute care have returned home and services are provided to stabilize the return, reduce the risk to the children and prevent future removals.

HSEGH - Health, Social, Educational, and Genetic History report. PRS is required by law to complete this report before placing a child for adoption with a non-relative.

ICPC - Interstate Compact on the Placement of Children. An interstate agreement enacted in all fifty states that establishes uniform procedures for placing children in substitute care in other states.

Medicaid - A federal/state program of medical assistance. Most children in foster care are covered and children receiving adoption subsidies also receive coverage.

Permanency - The concept of a safe and permanent living situation for a child.

Permanency Planning - The process of identification of a safe and permanent living situation as the goal towards which services to a child in substitute care (and their

family) are directed; includes the steps to be taken to achieve that goal and the time frames for taking those steps.

PMC - Permanent Managing Conservator. The court may appoint a parent, nonparent, a licensed child placing agency or other agency as the permanent "guardian" of a child.

Pilot - Using a project as an experimental or trial undertaking prior to full scale operation or use.

Pre-Adoption - The period of time before a child is actually placed with an adoptive family.

Primary Medical Needs - A term to describe children who are medically fragile and require specialized treatment in the home setting. Examples are children with feeding tubes, mechanical supports, or those who need specialized procedures.

PRS - Texas Department of Protective and Regulatory Services, the state agency charged with, among other things, investigating reports of abuse and neglect of children, placing children in foster care, placing children in permanent adoptive homes, providing services to children and families, etc.

Postadoption Services - Refers to counseling, educational, and supportive services provided to an adoptive family to help the adopted child and the family adjust to the adoption, cope with any history of abuse in the child's background and avoid permanent or long term removal of the child from the family.

Privatization - To promote increased adoptions of children by contracting services consistent with PRS guidelines. A method to develop effective public/private partnerships.

Putative Father Registry - An official registry for anyone claiming to be a child's father and who wants notice of potential court proceedings. Unless the putative father asserts a claim of paternity and indicates his willingness and intent to support the child, he generally surrenders his parental rights to challenge the adoption.

Residential Treatment

Facilities - Licensed treatment facilities that offer long term (usually 6 - 24 months) therapeutic care for children with severe emotional and behavioral problems.

TMC - Temporary Managing Conservator - The court may appoint a temporary "guardian" while considering the long term best interests of the child. The court often appoints PRS as conservator.

TPR - Termination of Parental Rights. The final severance of all legal rights and duties between a parent and a child.

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Sunset Staff Recommendations

IN A REPORT on the Department of Protective and Regulatory Services published earlier this year, staff from the Texas Sunset Advisory Commission stressed the need for changes in statute and agency policy to speed up the adoption process.

In order to remove obstacles to allow quicker permanent placement for children in PRS conservatorship, commission staff recommended that:

- The statutes be changed to require either termination of parental rights or reunification with the family within 12 months;
- The courts be allowed to terminate parental rights if a parent fails to complete the court-approved service plan;
- PRS be required to study the feasibility of setting up Special Master court programs;
- PRS develop a systematic approach to assessing a child's needs at the time of removal from the home; and
- PRS analyze the effectiveness of using children's assessment centers and placement teams to evaluate a child before placement.

To improve PRS' adoption process through better coordination of adoptions and increased use of private adoption agencies, commission staff recommended that:

- PRS be required to create a centralized tracking and monitoring system, set goals and performance measures, and penalize regions which fail to place children for adoption within a reasonable period of time;
- Increase use of private adoption agencies by requiring PRS to seek a private agency to place a child that has been

available for adoption for over 90 days, make information on these children available to private agencies, and create financial incentives for the agencies to place the children quickly;

- Require PRS to encourage foster parents to be dually licensed as foster and adoptive parents; and

- Require PRS to begin the search for prospective adoptive parents when it has decided to petition the court for termination of parental rights and to present to the court a report on the child's adoptability and any prospective parents.

Source: Texas Sunset Advisory Commission Staff Report on the Texas Department of Protective and Regulatory Services, April 1996.

The Texas Court Improvement Project

COURTS play a critical role in child protective services cases. Yet, according to a recent survey, nearly half of all judges and attorneys-ad-litem, and 89% of all prosecuting attorneys, receive little or no training about child abuse and neglect.

The survey, conducted by the Supreme Court Task Force on Foster Care, is part of the Court Improvement Project, a four year, federally-funded initiative to implement court reforms in the area of foster care and adoptions under the direction of the Texas Supreme Court. The project's goal is to shorten the time it takes to place children in a permanent home by improving the quality and efficiency of the court system.

Among their findings, the task force noted that:

- The three most frequently cited barriers to permanency in CPS cases, as reported by judges, were insufficient court time/excessive caseload; inefficient caseworkers; and poor representation by the prosecuting attorney.
- Other reasons include multiple continuances, the need to make reasonable efforts to reunify the family, multiple foster care placements, and inadequate legal representation of TDPRS.
- Although continuances were cited as one of the primary obstacles to speedy resolution of cases, over 75% of courts reported having no local rules for handling them in CPS cases.
- The practice of using associate and visiting judges for CPS cases, which has proven successful in metropolitan areas, is rare in rural parts of the state.
- There are no measures for evaluating court performance or compliance with statutory time frames in CPS cases.
- There are frequent communication breakdowns between caseworkers, prosecuting attorneys, and the court.
- The lack of a central listing of judges and associate judges who preside over CPS cases limits opportunities for communication and sharing of best practices.
- Very few courts use alternative dispute resolution or mandated pre-trial settlement conferences in CPS cases. Jury cases are increasing.
- Most courts reported having limited technology available and using computers mainly for word processing.
- Legal representation is inadequate. CPS caseworkers complained that they rarely meet with attorneys before hearings. Over 30% of youth surveyed had met with their attorney less than once a year or never. In addition to receiving inadequate training, attorneys-ad-litem had issues with their compensation.
- Court Appointed Special Advocate (CASA) programs, cited as instrumental in assisting judicial decisions, were available in only a third of the courts.

Based on the results of the survey, the task force has proposed a number of recommendations. These include improved training for judges and attorneys in CPS cases; promoting best practices such as docket and case-flow management, local rules, and limiting continuances; increased use of associate judges; maintaining a list of judges who preside over CPS cases; promoting better communications between TDPRS, attorneys, and the courts; implementing performance measures; promoting dispute resolution procedures and mandating pre-trial conferences; increasing the use of technology; and expanding the CASA program. The task force has also proposed a statutory limit of twelve months on temporary managing conservatorship.

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