The Revolving Doors of Family Court: Confronting Broken Adoptions
Background

Who is a “broken adoption” client?

A child who is adopted out of foster care and is no longer able to live with their adoptive parent.
How do these cases present in court?

• G Dockets
• N Dockets
• L Dockets
• V Dockets
• PINS petitions
• Juvenile Delinquency
Reason for Disruption

- **Death**: 53%
- **Abuse/Neglect**: 25%
- **Infirmity**: 22%
Reason for Disruption: Death or Infirmitiy

• Identified trend: With the death of the matriarch of the family the child(ren) frequently started experiencing repeated disruptions

• The high percentage of disruptions due to death/infirmitiy (75%) raises the question of the age of the adoptive parent and child at adoption and the decision making.
  • Kinship 66 yo and 4 yo
  • Non-kinship 67 yo and infant
  • Non-kinship 71 yo and 9 yo
Reason for Disruption: Abuse/Neglect

• Filed as Abuse/Neglect petition against adopted parent
• Allegations contained in Guardianship petition or made during interviews
• Physical abuse or punishment described most frequently
After the Adoption Breaks – What happens?

• 69% of CLC’s broken adoption client’s moved into kinship homes which can be an easier transition

• Acknowledgement that youth has suffered two significant losses:
  1. the loss of their birth parent, 2. the loss of their adoptive parent
After the Adoption Breaks – What happens?

• Youth become depressed and often shut down

• Kinship resources can feel powerless

• Sometimes the youth remain with the “guardian”, but the guardianship is never finalized
Commons Issues

• Lack of services/inappropriate placements

• Lack of arrangements for sibling/bio family contact

• No follow up with the subsidy
CLC’s Broken Adoptions Project (BAP)

• continue making contact with Broken Adoption youth and families
• data collection to effectively evaluate the issues
• raise awareness surrounding broken adoptions
• further engage stakeholders working with these youth to make on the ground changes
• Train parents, foster care agencies, and mental health professionals
CLC’s Broken Adoptions Project (BAP)

• Filing for sibling visitation – to maintain bio family contact

• Filing child support cases to address the adoption subsidy challenges

• Provoke legislative change – positive outcomes for children in foster care system

• Today’s symposium in collaboration with co-sponsors!!!
Our Systemic Impact Hopes

• We believe that every child should have a safe and permanent family
• Adoption is one outcome to achieve that goal
• Adoptive families who need support should have a resource to contact even years after the adoption
• We believe that data should be collected to ensure that issues surrounding adoptions are identified with an eye to solve them
• Decision to move forward with an adoption should always be with an eye that the bonding and commitment is there for the child and parent for the long term
BROKEN ADOPTIONS
A CHILD’S RETURN TO THE FOSTER CARE SYSTEM
CASE TYPES IN LFC’S ANALYSIS

- Voluntary Cases (L-Dockets): 93.0%
- Destitute Children: 2.1%
- Neglect Cases: 4.9%
Of the 140 to 150 broken adoptions cases LFC currently actively represents, 132 are voluntary foster care cases.

LFC currently actively represents children in around 725 voluntary placements, making the broken adoptions population represent between 15% and 20% of our voluntary cases.
TYPE OF ADOPTION

Foster Care – Non Kinship: 57.7%
Foster Care – Kinship: 23.2%
Private: 3.5%
Unknown: 15.5%
The average age of disruption closely mirrors the onset of adolescence.

- On average, LFC’s broken adoptions clients were adopted at 7 years old.
- For LFC’s broken adoption clients, the average age of disruption is 14.

**Infancy/childhood**
First enters foster care

**Age 7**
Adopted by foster parent

**Age 14**
Returns to care; often placed voluntarily
CAUSES OF DISRUPTION IN LFC’S ANALYSIS*

- 19% involved allegations of the Adoptive Parent’s behavioral problems
- 6% involved allegations of Adoptive Parent’s mental health issues
- 6% involved neglect or abuse proceedings
- 35% involved the death or infirmity of the Adoptive Parent
- 79% involved allegations of child’s behavioral problems
- 47% involved allegations of child’s mental health issues

*These proportions include cases where there are overlapping issues
CHILD’S PLACEMENT AROUND 1 YEAR AFTER DISRUPTION

- Foster home setting: 43.6%
- RTC or RTF: 37.3%
- Group home: 7%
- AWOL: 4.9%
- Other: 4.2%
- Trial discharge: 2.8%
Is adoptive parent planning for child’s return?

In 73.3% of the cases LFC examined, the adoptive parent either wasn’t actively planning for the child’s return, or was ambivalent about planning for the child’s return.
50% of broken adoptions children have no visitation with their adoptive parent after disruption

Only 21% have visitation with siblings who remain in adoptive parent’s home

16% have initiated visitation with birth parents after disruption

7% have contact with extended biological family
1) Lack of services/inappropriate placements
2) Lack of arrangements for sibling/bio family contact
3) No follow up with the subsidy
What is happening to the subsidy?

• Rates: Basic, special, exceptional
• Can only be transferred in death
Some of LFC’s clients view the continuation of adoption subsidy payments to their Adoptive Parent as an injustice.

Strategies to address the subsidy:
- Adoptive Parent is no longer providing “any support” to the child
- Child support case brought against adoptive parent
- Adoptive Parent pays the subsidy towards the care of the child
Key Elements of Successful Adoptions

- Adequate Preparation: children, youth and adoptive families
- Ongoing Support: adoption-competent supports & therapy
Adequate Preparation

- Trauma and its impact on children and youth
- Knowledge of each child’s life experiences
Understanding Traumatic Experiences

- Abuse & neglect prior to foster care
- Multiple moves & relationship disruptions in care
- Ambiguous losses and unresolved grief
- Misunderstood and often unmet mental health needs
- Internalized and externalized responses
- Re-traumatized with each move
What We Might See

- Confusion
- Denial
- Withdrawal
- Sadness
- Anxiety

- Fear
- Depression
- Anger
- Hostility
- Self-Blame
Understanding the Story

Identity formation
- Who am I?
- What happened to me?
- Where am I going?

Making sense of life stories
- Children and youth
- Adoptive families
Core Issues in Preparation Practice

- Clarifying Conversations
- Full Disclosure
- Dispelling Secrets
- Openness
- Concurrent Planning
- Linkages to adoption-competent supports & therapy
Preparation & Healing Strategies

- Mining the case record
- Talking with birth family and kin
- Talking with children and youth
- Life Books, Timelines – Movies, Stories
- Sharing information with adoptive families
- Promoting accepting and healing relationships
- Adoption-competent therapeutic practices
Ongoing Supports

- Adoption is a life-long process
- Reactions to loss and grief reappear throughout life
- Evidence-based practices need adoption competence
- Trust-based parenting with traumatized children
- Children need unconditional love and acceptance
- Parents need ongoing support to go the distance
Post-Adoption Services and Supports

Need for adoption-competent practitioners
- Adoption-competency training and education
- Adoption-competent services and groups

States and cities can tap into existing federal funds
- Title IV-E, IV-B, parts 1 & 2
- Medicaid
Post-Adoption Services & Supports

CRISIS AS OPPORTUNITY!
Symposium
Beyond Permanency: Challenges for Former Foster Youth
Panel Presentation
Revolving Door
October 23, 2015

Jacqueline O. McKnight, PhD, LMSW
Executive Deputy Commissioner
Child Welfare Programs
Overview

Feedback from advocates and service providers; thematic overview of needs of children & youth known to have had broken adoptions...
Overview...

- Limited or no finances
- Transient nature of youth and difficulty to serve
- Quality of care while in adoptive homes
- Expressed significance of reconnecting with their family of origin
As a panelist, I recognize that ACS (as the public agency providing oversight) and my role within the organization, suggests a different accountability.

I see this discourse as an opportunity to partner in this work in a way that is collaborative.
“Something that is broken can be fixed.”
Efforts to reduce the number of children in foster care/out of home care

- The current average census at 11,065...less children in care → less adoptions

- Enhanced preventive service continuum 25,000 children being served...

Examples: Attachment & Mental Health

(0-5) model Child and Parent Psychotherapy & Safe Care... Intensive and specialized teen model FFT
When Foster Care (Out of home care) becomes necessary...

NYS...NYC IV-E Waiver
- Demonstration includes:
- Reduced caseload 1:12; 1:4 improve quality
- Utilization of CANS *Child and Adolescent Needs and Strengths*
- Attachment Behaviors Catch-up ABC
- Partnering for Success (PFS)...CBT+

ATLAS initiative with NYU trauma assessment TST intervention for TFBH
No Time To Wait...

No Time to Wait initiative...focus on KinGAP

The creation of Child Welfare Programs (CWP) umbrella

- Child Protection identifying resources from day one of child welfare involvement...
  Child Safety Conferences and parent advocate attendance as tools to use to help identify family members at the front of our child welfare involvement
Enhanced Foster Parent Recruitment Efforts

- Home Away from Home...“Caregiving for well-being”
- Hired a consultant to supplement our current efforts in recruitment, retention and support to our foster/adoptive resources
- Focus on core competencies of safety permanency & wellbeing... 1 home 1 family...equity service provision
ACS’ Post Adoption Services

- Existing model 2 prong approach...
- Future vision
- **Post Permanency model**
- *We are seeking to create a model to strengthen families and neighborhoods by developing networks of family services and peer supports that would result in increased child and family stability.*
- *Consumer led...*hearing from youth & adoptive resources
- *...and of course we value the thoughts of this convene to inform our programming*