

## SUMMARY OF TESTIMONY

**TO:** Senate Committee on Families and Human Services  
Senator Mark Jansen, Chair  
**RE:** Barriers to Permanence for Permanent Court Wards  
**FROM:** Ron Apol, Adoption Department Manager  
D.A. Blodgett for Children, Grand Rapids  
**DATE:** Tuesday, February 10, 2009

### GENERAL COMMENTS:

Statute, policy and best practice standards agree that the adoptive placement of child protective court wards should be completed within 6 months from the Order Terminating Parental rights (TPR) and the finalization of the adoption should be completed within 6 months from the order Placing The Child After Consent.

Achieving this goal of permanence for child protective court wards requires a committed and cooperative effort by all the inter-dependent parts that comprise Michigan's child welfare system – family courts, State and local Departments of Human Services and private purchase of service agencies. As the case moves through the adoption process, swift permanence for each child depends on these inter-dependent parts to fulfill their role and responsibility in a timely manner.

In general, achieving the goal of permanence requires the following steps and timeframes:

1. Transitioning a case from foster care to adoption within 30 days of TPR.
2. Completing a child assessment within 45 days and a family assessment within 120 days.
3. Approving a subsidy request by DHS within 30 days.
4. Approving a consent for an adoption by DHS-MCI within 30 days.
5. Filing an adoption petition packet with family court and receiving a timely order placing the child after consent.
6. Scheduling a court hearing within 30 days of a request for finalization of the adoptive placement.

## STEPS/BARRIERS TO PERMANENCE

Increased delays in achieving permanence are the result of barriers that have developed in each of these steps. What follows is a summary description of the steps, current barriers and proposed solutions.

- 1) Transitioning a case from foster care to adoption within 30 days of OTR.

- a) Assigning an adoption specialist and holding an adoption planning conference (APC).

The APC should be held 14 days before the date of the termination hearing.

**Barrier/Solution: Holding the APC prior to the TPR hearing is more likely to occur when the case is being transferred between the foster care and adoption programs within an agency. A timely APC seldom occurs when a case is being transferred between agencies. This delay is more pronounced with the increase in cases being transferred from the public to the private sectors. There have been efforts to develop a timely referral process but implementation varies from county to county.**

- b) Receiving a court order Terminating Parents Rights (TPR) within 2 weeks of the hearing.

**Barrier/Solution: There is a general expectation, supported by the Bureau of Licensing (BCAL), that active efforts toward the adoption of a child can not commence until a signed and dated TPR order is received from the court. The issuance of orders varies from court to court and judge to judge. Some courts generate and distribute orders at the conclusion of each hearing while other courts may take 2-4 weeks to issue an order. This barrier could be referred to the State Court Administrative Office (SCAO) or Supreme Court Justice Moura Corrigan and the Michigan Adoption Forum initiative for discussion and proposed resolution.**

- c) Completing the identification and selection of the adoptive resource.

**Barrier/Solution:** Currently, 10-15% of the special needs adoption cases are competing petitions/multi-party cases. This is occurring due to a lack of concurrent planning early on in the child protective case and a current DHS expectation that, even though relatives have been found inappropriate or decided against being involved with the case as a temporary ward, relatives are given another opportunity for consideration once the child is made a permanent ward. As a result of the Children's Lawsuit settlement, work has commenced on the implementation of two initiatives that could significantly reduce this barrier. The first is a requirement that relatives must be willing and eligible to be licensed as a foster home in order to be considered as an adoptive resource. The second is that concurrent planning will require an adoption plan in concert with a reunification plan while the child is still a temporary court ward.

- 2) Completing a Child Assessment within 45 days and a Family Assessment within 120 days from TPR.

**Barriers/Solutions:** Since the completion of a Child Assessment within 45 days is seldom a barrier to permanence, the following comments focus on the barriers to the completion of Family Assessments.

- a) **Competing/multiple party petitions** – Over the past 5 years there has been a significant increase in parties competing to adopt the same child. Each additional adoption application (current expectation is that once a child is freed for adoption, anyone can apply to adopt that child) multiplies the amount of time it takes to complete the Family Assessment process. Once the assessments are completed and a recommendation is offered, most of the aggrieved parties exercise their right, under DHS policy, to an internal

agency appeal. This process consumes an inordinate amount of staffing resources.

- b) **Interstate Cases – If a prospective adoptive family resides outside the State of Michigan, the Interstate Compact requires that the Family Assessment be completed by a qualified person in the state where the family resides. These requested assessments tend to be a low priority and often, depending on the state, take 2-5 months to be completed. Over the years there have been numerous efforts to reform the Interstate study process. The Adoption Family Forum initiative has identified as an issue that needs to be addressed.**
  
  - c) **Other delays in completing required paperwork, documentation, record checks, FBI finger printing, divorces, etc. – This is a barrier associated primarily with relative placements because there is a different set of standards for relatives. Foster parents desiring to adopt have, through the licensing process, completed most of the paperwork requirements. Recruited adoptive families are expected to meet timeframes for the completion of paperwork or adoptive placement will not be pursued. Plans to require relatives to be licensed and to implement concurrent planning could alleviate much of this problem. However, in a situation where the prospective adoptive applicant is separated but not legally divorces, fostering is permissible while adoption is not. It is recommended that policy be developed that would require efforts by the relative to complete a legal divorce early on in the case if they want to be considered as an adoptive resource.**
- 3) **Approving a subsidy request by DHS within 30 days. Barriers/Solutions: Currently, subsidy approval is taking 3-4 months. If there is more than one identified family for a child, the agency must submit applications for all the identified families or take a chance by submitting an application on**

behalf of the family that is being recommended and hope that consent is granted to that family. If the recommended family is not given consent then the application process must be repeated. This process is based on a change in DHS policy (approximately 10 years ago) that made the subsidy family specific. It is recommended that, since the subsidy payment is for the child, the past policy and practice of making subsidy child specific be reinstated. This change in policy would eliminate the extra time and resources associated with multiple parties and would allow subsidy approvals to be accomplished within 30-60 days from TPR.

- 4) Approving a consent for an adoption by DHS-MCI within 30 days of request.

**Barriers/Solutions:** If there is only one family applying to adopt a child, the child has been residing in the recommended adoptive home for an extended period of time and the child is not being separated from siblings, it is reasonable to expect that a consent could be signed in an expeditious manner. However, multi-party and other difficult cases are taking 2-3 months to receive a signed consent. There have been discussions with the MCI Superintendent regarding this barrier. Some of the ideas discussed to resolve this barrier include:

- Through the process of concurrent planning determine the most appropriate adoptive resource for the child prior to TPR.
- Consult with the MCI office on more difficult, multi-party cases and determine the best adoptive resource for the child(ren). If this adoptive resource is determined appropriate, all other interested parties would automatically be denied.

- 5) Filing the adoption petition/documentation with the family court where the adoptive family resides or the child is found and receiving a timely order placing the child after consent.

**Barriers/Solutions;** Each family court has different requirements for filing an adoption petition.

**While some courts accept an adoption petition packet by mail, other courts want it delivered in person. The lack of standardized court adoption filing procedures creates a disincentive for completing adoptions in select counties due to increased costs of travel, staff time, etc. This issue could be referred to the SCAO and the Adoption Forum initiative for discussion and resolution.**

- 6) Scheduling a court hearing within 30 days of a request for finalization.

**Barriers/Resolutions: Historically, finalization hearings have been encouraged for the purpose of celebrating adoption and assisting the child in understanding and emphasizing the value of permanence in their life. Due to family court dockets, the timely scheduling of finalization hearings is becoming increasingly difficult. It is currently taking 2-3 months to schedule a finalization hearing. This trend is promoting the idea of doing more finalizations by mail and requesting more immediate finalizations. This issue could be referred to SCAO and the Adoption Forum initiative for discussion and resolution. As a result of Adoption Forum initiative some courts are “designating” and “protecting” parts of their dockets to achieve permanence for children.**