

**Testimony before the District of Columbia Council
Committee on Human Services
March 4, 2010**

**Public Hearing:
Bill 18-0547, The Adoption Reform Amendment Act of 2009**

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Good afternoon, Chairman Wells and members of the Committee on Human Services. My name is Margie Chalofsky and I am the Director of the Foster & Adoptive Parent Advocacy Center, commonly known as FAPAC. I am also a former DC foster parent and current adoptive parent of a 16 year old son~ still terrific, as I testified last year when he was 15.

As you know, Chairman Wells, FAPAC is an independent and grass-roots organization that is focused on serving foster, kinship and adoptive families and on training and organizing our families to be active stakeholders in the systemic reform of the District child welfare system. We take our role very seriously and, when we speak out on an issue, we take great care that we represent the voices of families as we hear them. Over these past nine years, we have talked in depth with hundreds of foster, kinship and adoptive families about the issues that create barriers for them in providing the best care for the District's children in their homes. These barriers form the heart of our advocacy agenda. Although any community is made up of many individuals, in our community there are consistent themes expressed, and it is those we hope to represent through this testimony and in our daily work.

I am pleased to testify in whole-hearted support for the extension of adoption and guardianship subsidy until 21. Children in adoptive or guardianship homes often have special needs because of their histories of abuse or neglect, multiple placements, school instability, etc. This does not make them any less wonderful, but by the nature of having been in foster care, they have more to deal with, and for a longer period of time. These needs don't disappear at 18, and adoptive families have to accept that some milestones, such as becoming self-sufficient, might just take longer. The ability to receive a subsidy until 21 would significantly help our families to better help their children. We give many thanks to you, Chairman Wells, for leading the District forward in this historic effort. We also give thanks to Councilmember Michael Brown for his support.

For example, many of our children fall behind in school. This may be as a result of trauma, a result of changing schools and sometimes a result from missing school. Therefore, they may take longer to complete high school. For these children, successful academic performance demands that they focus all of their time and energy on their schoolwork. Requiring them to get a job to help support themselves, as we might do with our birth children, can be inappropriately burdensome, and they remain financially dependent upon their adoptive families. At the same time, many adoptive parents find themselves aging towards retirement at just about the time their children are reaching 18 and losing their subsidies, causing many financial difficulties. And finally, often our children's mental health needs escalate greatly throughout adolescence. Subsidy until 21 could help to offset significant expenses for intensive mental health services and/or residential treatment that can cause deep financial hardship on the family unit as a whole.

Despite our joy at the above provision, FAPAC must go on record as strongly opposing post-adoption enforceable contact agreements as currently written into this legislation. We understand that such contracts may be useful in certain circumstances, such as stepparent adoptions. However, this provision could have serious negative impact for families created by the District child welfare system.

To ensure that our own reactions to this provision were representative, we sought opinions from other District foster & adoptive parents. Please note that every foster & adoptive parent we questioned had deep concerns or serious questions, and that many of the parents with whom we spoke have great relationships with birth parents and have arranged open adoptions on their own. So this is coming from the perspective of *legislating* that relationship, not the perspective of *refusing* that relationship.

If you would, please picture the following scenario and put yourself in the shoes of the adoptive parent.

Birth parent and adoptive parent have a good relationship. Everyone is pleased to sign the agreement. Five years later, things change and the adoptive parent feels it is no longer in the child's best interest to continue having contact with their birth parent: the parent may have relapsed; the child's therapist may say it is causing trauma; the birth parent may disagree with choices the adoptive parent makes and attempt to inappropriately intervene – all sorts of very valid reasons. The birth parent understandably wants to fight this decision, so the adoptive parent has to hire an attorney and a judge gets to decide what is in the child's best interest, just as though the child were still in foster care. The adoptive family then has to live with the consequences, which could include damage to the child's already fragile emotional status – the child might even be forced to testify~ and a negative impact on the bonding of the adoptive family which is now supposed to be the primary family unit. *This creates adoptive families as a second-class category of families.* And when a crisis occurs in the middle of the night due to trauma caused by a decision made outside of the family unit, I guarantee it will not be the judge or others who will be providing crisis intervention, paying for therapeutic services, or dealing with any of the ramifications. It will be the adoptive family alone, left to deal with a critical decision made by someone else.

We have heard differing opinions from other jurisdictions about their open adoption statutes. Some state that their statutes are a success and others state that they are dealing with serious unintended consequences. Although we have seen some information from legal professionals who state that these statutes make it easier to move forward in the beginning of an adoption, we have not had the opportunity to talk with families in those jurisdictions about the impact on long-term best interest of their children. If the District moves forward without necessary input or preparation, we believe that there will be the potential for an unintended but devastating impact on our children and that from *fear of that impact* many potential adoptive parents will simply refuse to sign an agreement or even may refuse to adopt.

Again, we are not unalterably opposed to the concept of some form of enforceable agreement under some conditions. Post-adoption contracts in private adoptions and step-parent adoptions could be a great success. We strongly request that this committee deal with this issue in separate legislation after there is an opportunity to develop a plan that allows for buy-in by the adoptive and birth parent communities. FAPAC will commit to working with you to bring people with different perspectives together to achieve that goal. We ask that District

foster and adoptive families be given the respect they deserve by ensuring that any legislation that mandates their actions has been developed after putting in the necessary time and energy to include their input. We must ensure that this is not legislation implemented primarily to make life easier for adults and simpler for the legal system by decreasing the number of required TPR's and speeding up trials, but one that is truly in the best interest of our children in the long run~ children who need deeply to belong as full-fledged members of their adoptive families, and should no longer need to depend upon the legal system to determine their future.

The next issue we would like to support is non-kinship guardianship. We acknowledge the District of Columbia for being a national leader in supporting subsidized guardianship. However, currently only "kin" or godparents can apply to become subsidized guardians of children in the DC foster care system, and godparents are defined as those who had a familial tie with a child before they entered the foster care system. Thus foster parents, no matter how closely connected to child and birth parent, are considered "non-kin" and cannot apply for subsidized guardianship according to DC statute. Most of us who have fostered can tell you that it does not matter one bit whether children were related to us before they were placed in our homes.in a very short time, a child becomes related to usand we to her or him. The great majority of children who are adopted from the child welfare system are adopted by their foster parents. However, there are some situations where adoption is not the right answer for a particular child and guardianship by their foster family might be the better option. For some older children, severing their legal ties with their family of origin is too painful to consider. In order to not have to face the loss that this decision brings to them, some youth will choose to stay in their foster home in long-term foster care instead of being adopted. Allowing youth and their families to make the difficult decisions for themselves does best to honor those relationships, support children who want to keep legal ties to their birth parents, and facilitate permanency for some children who have been deprived of it due to restricted choices that feel untenable to them. This bill will make an immediate and significant difference for those children and we are pleased to give it our support.

Thank you for the chance to testify today. I will be glad to answer any questions.