

EXPEDITING PERMANENCY FOR ABANDONED INFANTS:

Guidelines for State Policies and Procedures



National Abandoned Infants Assistance Resource Center
University of California at Berkeley

updated
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ABOUT THE NATIONAL ABANDONED INFANTS ASSISTANCE RESOURCE CENTER

In 1988, Congress passed the Abandoned Infants Assistance (AIA) Act (P.L. 100-505, amended by P.L. 102-236 in 1991, and by P.L. 104-235 in 1996) to address the “boarder baby” phenomenon, wherein infants, particularly those perinatally exposed to drugs or HIV, reside in hospitals indefinitely due to difficulties in locating appropriate living arrangements. This legislation provides funding for comprehensive, coordinated intervention programs that serve infants and young children affected by drugs and HIV, and their families or caregivers. The Children’s Bureau, Administration for Children, Youth and Families, U.S. Department of Health and Human Services, provides funding for these AIA demonstration projects, as well as the National AIA Resource Center.

The AIA Resource Center was established in 1991 as part of the University of California at Berkeley. Its mission is to enhance the quality of social and health services delivered to infants and young children affected by drugs or HIV, and their parents or caregivers, by providing training, technical assistance, research, resources, and information to professionals who serve these families. The Resource Center is located at 1950 Addison St., Suite 104, Berkeley, CA 94704-1182, and can be contacted by phone at (510) 643-8390 or through its website at <http://aia.berkeley.edu>.

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The TEG consisted of representatives from all three Resource Centers, as well as a state and local child welfare agency, two AIA projects, and a couple private agencies. This group met several times over a two-year period between 1999 and 2001 to help develop and review the content of this manual, originally published in 2002. In addition to the TEG members, the following individuals contributed their expertise and experiences toward this effort: MaryLee Allen of the Children's Defense Fund, Elise Kaye of James Bell Associates, and Commissioner Kristine McCarthy of Santa Clara County Superior Court.

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Finally, it is important to note that information about state laws and policies contained in this document was collected primarily through the Internet and, therefore, may not be completely accurate or up-to-date.

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EXECUTIVE SUMMARY

This monograph examines, from a policy and practice perspective, the phenomenon of infants and young children who are abandoned or at risk of abandonment by their parents throughout the United States. Specifically, it:

- Reviews state policies and practices concerning abandonment, and makes recommendations in regards to intent to abandon, diligent searches, and time frames for making an abandonment determination;
- Suggests a definition for permanency, and reviews state policies vis-à-vis this definition;
- Recommends time frames and procedures for terminating parental rights in the case of an abandoned infant or young child; and
- Identifies promising practices in expediting permanency for infants and young children who are abandoned or considered at risk for abandonment.

Abandonment, for purposes of this document, is considered willful intent by words, actions or omissions not to return for a child, or failure to maintain a significant parental relationship with a child through visitation or communication in which incidental or token visits or communication are not considered significant.

As reflected in this definition, we recommend that state policies include both intent and omissions in determining abandonment. Other recommendations include the following:

- Searches should be conducted for both parents and their relatives immediately (e.g., at the time of first contact with a deserted child, or when parents stop communicating with a child in care).
- Diligent searches should include, at a minimum, a certain set of activities outlined on p. 11, and they should be concluded within 60 days if a parent's identity is unknown and 90 days if a parent's identity is known.
- Child protection agencies should coordinate with parent locator agencies to conduct diligent searches.
- Child welfare workers need smaller caseloads in order to conduct effective searches, or a separate unit needs to be created specifically for this purpose.
- Child protection agencies should provide training for child welfare workers on conducting diligent searches, and provide judges, attorneys and other stakeholders with information about these procedures.

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- Children, whose parents' identities are unknown, should be determined abandoned within 60 days; children, under three years of age whose parents' identities are known, should be determined abandoned within three months from the point when the parents' whereabouts became unknown or when the parent(s) stopped making significant contact with the child.

The monograph suggests that permanency for children include the following conditions, which should be reflected in state law, policy, and practice.

- the child is no longer under the care and custody of the state;
- the child is in the care and custody of a legally sanctioned permanent caregiver with whom there is demonstrated mutual attachment;
- the child is in a safe, stable, and nurturing home that provides the foundation for healthy relationships and a sense of home, family and security; and
- the caregiver perceives the relationship as a lifetime commitment.

It also recommends that long-term foster care should not be considered a permanent option for abandoned infants, and it identifies factors to take into account when considering a permanent home. It defines a permanent home as a nurturing family that: makes a legal commitment to care for the child into adulthood; provides love, affection, guidance, continued education, and socialization; meets the child's basic physical, mental, emotional, and medical needs; provides a safe, secure, and stable home; provides the child with a sense of belonging, security, and home; treats the child as a member of the family; provides a foundation for a healthy, positive,

life-time relationship with a committed adult; and is accessible and supportive for the child into adulthood.

Finally, the monograph suggests a process for expediting the termination of parental rights and permanency for infants and young children who are determined to be abandoned; and it identifies numerous promising practices to address systemic, practice, and court issues in expediting permanency for abandoned infants.

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INTRODUCTION

The Adoption and Safe Families Act of 1997 (ASFA) established national goals of safety and permanency for children in foster care. It also set forth timelines and time limits for developing permanent plans for children in the child welfare system. The law was passed in response to a more than 60% increase nationwide in the foster care population between 1986 and 1994 (George, 1996, as cited in Neff, 2000). During this same period (beginning in the early 80's), there was an increase in the number of babies being abandoned in hospitals, often due to cocaine or other drug use (Forsyth, 2001). An even larger number of children have parents who are unable to provide the stable care and nurturance necessary to ensure their safety and well-being and promote their optimal development. Many of these parents genuinely want to care for their children but are unable to because of drug problems, mental illness, or other economic or psycho-social reasons. Others may not want to be parents because of fear or social pressure (e.g., with teens), or because they became pregnant by accident, often while under the influence of, or in exchange for, illicit drugs, and have no interest in entering recovery or changing their lifestyles. While children from

those who do not want to parent constitute a relatively small portion of the children in the child welfare system, a significant number of children are essentially “abandoned” in foster care by parents who, for a variety of reasons, are not ready, willing, or able to care for them.

For purposes of this report, abandonment is defined as willful intent by words, actions or omissions not to return for a child, or failure to maintain a significant parental relationship with a child through visitation or communication in which incidental or token visits or communication are not considered significant. This definition includes situations in which a parent's identity is known, as well as the highly publicized though less frequent cases of “discarded” infants (i.e., infants left in dumpsters or public places other than hospitals) where the parents' identity or whereabouts is unknown. In the past several years, there has been an increased focus on this latter group despite the lack of knowledge about parents who “throw away” their babies and the infrequent occurrence—an estimated 150 cases nationwide in 1998 (U.S. Department of Health and Human Services, 2001). As of November 2006, 47 states have enacted legislation allowing a parent to

voluntarily relinquish a newborn to an authorized person or “safe haven” without criminal prosecution for child abuse.

Purpose of Report

Regardless of how and where young children are “abandoned,” the ultimate and primary goal is to expedite permanency for them with their biological parent(s), a relative, or another family. The National Abandoned Infants Assistance Resource Center convened a national group of experts to explore current laws and practice related to expediting permanency for “abandoned infants.” As a result, the following report:

- provides background information on abandoned infants;
- suggests legal and practice standards regarding “abandonment”;
- defines permanency and suggests ways to incorporate this definition into state law and practice; and
- identifies best practices in expediting permanency for infants who are abandoned or at risk of abandonment.

Although this document focuses on abandoned children aged 0-3, we recognize that many older children are also abandoned. Therefore, it is important that policies and procedures not exclude older children, and that these children also be given the best chance of achieving permanency as expeditiously as possible.

Finally, this report recognizes that ASFA clearly identifies reunification with biological parents as the preferred option for children in foster care. However, this is not always possible or in the best interest of children who are abandoned. While this report focuses primarily on expediting other permanent options for abandoned children, it also, by way of best practices, suggests strategies for preventing abandonment.

THE PROBLEM

Abandoned infants are defined, in the Abandoned Infants Assistance Act (P.L. 100-505), as infants less than twelve months of age who are unlikely to leave the hospital in the custody of their biological parent when they are discharged. The number of abandoned infants and boarder babies (those who remain in the hospital beyond medical discharge) increased dramatically in the late 1980's and early 1990's as a result of the crack cocaine epidemic. Although many hospitals, child welfare agencies and communities have become better prepared to address the needs of these infants, thus reducing the number of days they spend in the hospital, the problem of infant "abandonment" persists (U.S. Department of Health and Human Services, 2001). In some cases, these infants remain homeless and parentless because the state will not release them to their parents for fear of abuse or neglect but has no where else to place them. In other cases, parents leave their newborns in the hospital or fail to visit them regularly in foster care. In any case, parental substance abuse is often involved.

Recently, the media and legislators have given increased attention to the problem of "discarded infants." Unlike infants and young children whose parents, for a variety of reasons, abandon them in hospitals after giving birth or in foster homes, these infants are discarded by their young mothers in

garbage cans or various public places. Newly enacted legislation in many states provides "safe havens" where parents can "abandon" their newborns with anonymity and without risk of prosecution. Regardless of how or why a child is abandoned, however, s/he will likely end up in the child welfare system and often remain there without a permanent home or family for the first years of his or her life.

The enactment of the Adoption and Safe Families Act (ASFA) of 1997 (PL 105-89) began to address this issue by placing increased pressure on child welfare agencies and courts to find permanent homes for children in a shorter period of time (12 months). Due to the high volume of infants in the child welfare system and increased knowledge about early brain development and attachment, some states (e.g., Colorado) have created even shorter time frames (6 months) to establish permanency for infants. Although ASFA requires states to provide reasonable efforts to preserve or reunify a family before moving toward alternative permanency plans, it releases states from this obligation in cases of abandonment. Because "child abandonment" is defined by state law, however, the use of this provision may vary greatly among states.

In addition, the following factors often contribute to a delay in the timely achievement of permanency for abandoned (and other) children.

Systemic Issues

- Overwhelmed, inefficient systems (e.g., child welfare, substance abuse, courts);
- Rigid systems and agencies that are resistant to change;
- Categorical funding (e.g., rigid, narrowly defined funding streams that make it difficult to provide seamless, comprehensive services to families);
- Different philosophies and lack of communication, collaboration, and cross training among systems (e.g., attorneys and caseworkers);
- Confidentiality laws that prohibit sharing of information;
- Lack of coordination among agencies (e.g., child support and child welfare units); and
- Lack of community involvement and support.

Practice Issues

- Large child welfare caseloads, staff shortages, and high staff turnover;
- Values about parenting (e.g., assumption that parents want to parent and pressure on parents to parent instead of offering the option of relinquishing);
- Limited resources (including lack of residential treatment for women with children or creative alternatives; lack of case management services for substance using parents; limited preventative services for pregnant women; lack of post adopt services and adoption assistance; limited services for parents with newborns);
- Lack of good assessments of families' needs;
- Case workers' lack of honesty with families;
- Case workers' fear of, or discomfort with, "concurrent planning;"
- Limited outreach to fathers and other family members;

- A shift away from clinical social work practice and focus on relationship and individual treatment planning due to documentation requirements;
- Too strong a reliance on courts to make decisions about what is best for families, and laws that reinforce that practice;
- Attitudes about women who use drugs;
- Late starts in engaging services for families;
- Case workers' uncertainty about the "diligent efforts" requirement;
- Insufficient number of adoptive homes (especially for children with special needs);
- Time-consuming searches for missing parents;
- Focus on crisis management rather than long-term permanency; and
- Problematic drug testing policies and procedures.

Court Issues

- Backlogged courts and delays in court procedures;
- Multiple attorneys and judges for each family;
- Adversarial nature of the child welfare process;
- Lack of training for judges, court personnel, and attorneys; and
- Varied willingness of judges to collaborate with systems.

This report helps to clarify what is meant by abandonment and permanency, and it offers suggestions to help agencies and systems address some of these barriers and develop policies and procedures to expedite permanency for infants and young children who are abandoned.

LAWS & PRACTICE REGARDING ABANDONMENT

Although many states had laws regarding abandoned infants or children prior to 1997, passage of the Adoption and Safe Families Act of 1997 (ASFA) prompted states to develop or revise statutes that address this issue. ASFA includes child abandonment as one possible aggravated circumstance that precludes a state from having to make reasonable efforts to preserve or reunify a family. ASFA also requires states to initiate or join a proceeding to terminate parental rights within 60 days of a court determination that the child is an abandoned infant as defined by state law (although ASFA does provide some exceptions to this rule) (ASFA, Public Law 105-89, §103(a)). CAPTA (Child Abuse Prevention and Treatment Act) also requires states to have effective means for the “expedited termination of parental rights” of infants determined to be abandoned (CAPTA, §107, 42 U.S.C.). For these reasons, states are encouraged to define “abandoned infant” and address other issues related to abandonment.

To date, 45 states and the District of Columbia have adopted ASFA’s recommendation not to require reasonable efforts in the case of child abandonment. States that do not specifically indicate abandonment as a provision for not requiring reasonable efforts include Arizona, Maryland, Missouri, New Mexico, and New York. Several states (e.g., IN, MN, OK, WA) provide additional grounds for

waiving this requirement only in the case of abandoned infants (which, in WA, includes children up to three years of age). Indiana further qualifies that reasonable efforts are not required with abandoned infants if it is contrary to the best interest of the child.

Given this overwhelming sentiment that reasonable efforts to preserve or reunify a family are not necessary when a child is abandoned, it is important to clearly define what constitutes abandonment. States are not consistent in this area. Discrepancy, with legal and practical implications, exists primarily among the following issues:

- Intent to abandon
- Diligent search
- Time frames

Intent to Abandon

With few exceptions, states require intent to prove abandonment, although few really define what “intent” means. The presumption is that the determination of intent is left to judicial discretion; however, some states have objective guidelines (e.g., related to conduct or inaction) for establishing intent (Neff, 2000). Colorado law, for example, requires that the parent or parents have surrendered physical custody for six months or longer. In Washington,

abandonment is presumed if the parent has no contact for three months. In New Hampshire, intent is presumed if the parent left the child without provisions or support for six months. In New York law, failure to visit and communicate with the child although able to do so is construed as intent to forego parental rights and obligations. In Rhode Island, lack of communication or contact for six months constitutes prima facie evidence of abandonment or desertion. In Delaware and Tennessee, intent is specifically not required to prove abandonment.

Some states distinguish between “abandonment” and “desertion.” The Illinois Department of Children and Family Services, for instance, defines abandonment as parental or caregiver conduct which “demonstrates the purpose of relinquishing all parental rights and claims to the child...[or] which evinces a settled purpose to forego all parental duties and relinquish all parental claims to the child.” Desertion is defined as “any conduct... which indicates an intention to terminate custody of the child but not to relinquish all duties and claims on the child.” Oklahoma also has a two-pronged approach addressing both intent and omission. Specifically, abandonment is defined as “willful intent by words, actions or omissions not to return for the child or failure to maintain a significant relationship with the child...”

Related to the issue of intent is consideration of parents’ efforts to care for the child. Most states consider the parents’ support and maintenance of, and regular contact with, a child in determining whether they are guilty of abandonment. More than one-third of the states¹ specify in statute that “minimal,” “token,” or “incidental” contact, communication, or efforts to care for a child do not constitute a meaningful relationship, and that a child may be considered abandoned despite such contact.

Diligent Search

Good child welfare practice generally requires a diligent search for parents and relatives of a child presumed to be abandoned. Slightly more than half of the states have statutory language requiring a diligent search to identify and/or locate parents in the case of abandoned children or when the whereabouts of a parent is unknown. Alaska and Arizona require a search for at least three months, while the District of Columbia only requires a search for four weeks. Indiana, on the other hand, specifically states that a diligent search is not required if the judge determines that it is not in the best interest of the child. Although California statute requires diligent searches, it specifically states that posting or publication of notices is not required in searches where the whereabouts of the parent is unknown.

Other states have administrative policies requiring, and in some instances defining, a diligent search process. In Illinois, for example, a diligent search involves obtaining possible addresses using the telephone book in the geographical area where the parent is believed to reside, and the public aid screen. A total of 15 letters must be sent by both regular and certified mail. The search must also include a review of court files, interviews with relatives, reviews of various Department data bases, an in-person visit to the last known address of the missing parent within 48 hours of the time the child comes into care, contact with the child’s current caregiver, contact with the past known caregivers who have cared for the child for at least six months during the last two years, a check with the child’s current school and school records, and, if the parent is suspected to be incarcerated, contact with the county jail and Illinois Department of Corrections.

¹ AK, AZ, CA, FL, HI, IL, LA, ME, MA, MO, NE, NV, NH, NY, OK, OR, TN, WI, WY

Regardless of whether the process is required by statute or administrative policy, or whether or not the parent's identity is known, a diligent search should be conducted before a child is determined abandoned. Moreover, except when a parent voluntarily relinquishes her child (e.g., through a "safe haven"), the search should be for both biological parents, as well as any relatives who may be able to provide a permanent home for the child. Searching for all relatives immediately (i.e., when the child comes to the attention of the child welfare system) will also help to expedite the permanency process by eliminating the need to conduct a separate search for the father or other relatives later, and by possibly identifying alternative permanent options should reunification not be viable.

At the same time, diligent searches are time consuming and may place a significant burden on workers. Therefore, it is important to coordinate search efforts with other agencies or departments doing related work, and to ensure sufficient staffing to conduct thorough searches without compromising other worker duties. Some states (e.g., MO) have improved their coordination between child support/parent locator units and child welfare units in order to minimize duplicated efforts and make the search process more efficient. It also may be possible to create a separate administrative unit specifically designed to conduct diligent searches.

Safe Havens

"Safe haven" (a.k.a. newborn protection, safe arms, etc.) laws enacted in 47 states have separate provisions for parents who surrender their newborns (aged no more than three days to 90 days depending on the state) to certain authorized facilities or providers. Generally, a parent who surrenders a newborn under these laws is presumed to have waived his or her parental rights to the child unless the surrendering

parent files a custody action within the time allowed by state law (typically 28-60 days). Therefore the intent is presumed and the infant is considered abandoned at the point of surrender.

All safe haven laws provide anonymity for the relinquishing parent and, therefore, make no attempt to identify or locate that person after s/he has surrendered the newborn. However, most states require an inquiry to verify that the infant has not been reported as a missing child. Additionally, some states require either a public notification and/or a diligent search for the non-relinquishing parent. At the same time, New Jersey waives the requirement to search for relatives of the child as a placement or permanency option if the identities of the child's mother and father are not known.

Despite the widespread passage of safe haven laws, their effectiveness remains uncertain. Several states have promoted public-awareness campaigns for safe havens, but the results of these efforts, too, are mixed. The overall effect of safe haven legislation on infant abandonment is difficult to measure, particularly as states do not always officially track the number of infants relinquished. While the intent of safe havens is noteworthy, these laws have drawn a range of criticisms and concerns. A primary opposition to such laws stems from the fact that safe havens do not address the underlying issues leading to abandonment of newborns. Some critics further argue that greater efforts are needed to address a strategy for prevention of infant abandonment and that such a strategy should be developed within the framework of the child welfare system (Evan B. Donaldson Adoption Institute, 2003). Unintended negative consequences of safe haven laws have also been noted, such as the fear that women may be encouraged to conceal their pregnancies and later abandon their infants. Lastly, concerns have been raised about the rights of the non-relinquishing parent, typically the father.

Three states that remain without such laws are Alaska, Hawaii and Nebraska, along with the District of Columbia. In Alaska, legislation was introduced in 2001, but no such law has since passed. In Hawaii, a safe haven proposal passed the legislature, but was vetoed by the governor in 2003, on the basis of the bill's failure to address the long-term well-being of the infant. The bill was re-introduced in 2004 and again in 2005, but failed to pass in the Senate. In Nebraska, the Judiciary Committee "indefinitely postponed" a proposed safe haven bill in 2004 and again in April 2006.

Time Frames for Abandonment

Most state statutes require that the conditions constituting abandonment continue for a specific period of time (ranging from 10 days to one year) before a finding of abandonment can be justified. As illustrated in Table 1, some states have split policies depending upon the conditions. The two primary factors that seem to influence time frames are: (1) whether the parent's identity is known; and (2) the age of the child. Generally, states tend to allow more time if the parent's identity is known and/or if the child is older. Minnesota law, for instance, has no time limits for children younger than two years of age if the parents desert them, and Delaware and Vermont laws have no time limits for infants younger than six months of age.

Child Development Considerations

As illustrated in Table 1, among the states that use a child's age as a determining factor, there is not consensus about how young a child should be in order to expedite the process of determining abandonment. Literature suggests that attachment to a nurturing primary caregiver in an infant's first years is critical to that infant's healthy emotional, social, cognitive, and behavioral development, and that disruption in that

attachment, or absence of it, can cause lasting damage (Schore, 2001; Sameroff & Chandler, 1975; Ainsworth, 1979; Maccoby & Martin, 1983; Hofer, 1984; Katz, 1987; Seligman, 1989; Bussier & Shauffer, 1990; Infant Development Association of California, 1991; Hughes, 1997; Klee et al., 1997). Numerous studies have established that children undergo a critical attachment process prior to the time they reach six years of age, and that a child who has not bonded with a primary adult during this critical stage will suffer significant emotional damage which may lead to chronic problems in adolescence and adulthood (4th Annual Report to the Colorado Legislature, December 31, 1998, Implementation of HB-941178). Recent research also indicates that if, during the first 33 months of life, a child does not receive the affection and nurturing necessary for normal organization of the brain responsible for healthy emotional relationships, there may be negative, irreversible consequences (Children's Institute International, 1999). This research may support shorter time frames for determining abandonment for children as old as three to six years (see Mississippi and New Mexico policies).

Other researchers, however, contend that infants younger than six months of age have not yet formed attachments and lack the cognitive capacity to understand what is happening (Rutter, 1989), and that infants generally do not express strong preferences for any caregiver until their seventh month (Boris, Aoki, and Zeanah, 1999). These findings may support expediting determinations of abandonment for children 6 months or younger, before they form critical attachments (see Connecticut and Delaware laws).

Some attachment theorists also point out that attachment is a two way street, and that parents who do not demonstrate feelings of love for their infant

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TABLE 1: State Time-Frames for Abandonment²

STATE	Less than 3 months	3 months	4 months	6 months	9 months	12 months
ALABAMA			X			
ALASKA		If the parent leaves the child without provision for support or meaningful communication with the child		If parent does not visit regularly		
ARIZONA				X		
ARKANSAS					X	
CALIFORNIA				If both parents abandon		If only 1 parent abandons
COLORADO		If parents are unknown		If parent is known		
CONNECTICUT	2 months if child is < 6 months of age, the parent has had no contact, and the parent's whereabouts are unknown					With possible waiver
DC	If the child has resided in the hospital for at least 10 days following birth		If parent is known			
DELAWARE				If child is ≥ 6 months of age (no time limits for younger children)		
FLORIDA	60 days					
GEORGIA		X				
HAWAII	60 days					
IDAHO				If grandparent seeks to adopt		X
ILLINOIS		X				
INDIANA	45 days if < 12 months of age					
IOWA				X		
KANSAS		X				
KENTUCKY		X				
LOUISIANA			If parent is unknown	If parent is known		
MAINE				X		
MARYLAND	2 months if parents are unknown			If parent is known		
MASSACHUSETTS						If child is < 4 years of age
MICHIGAN	28 days if parents are unknown	91 days if parent is known				
MINNESOTA				If child is ≥ 2 years (no time limits for children < 2 years)		
MISSISSIPPI				If child is < 3 years of age		If child is ≥ 3 years of age

² The information in this table was gathered from various sites on the Internet during the year 2006. Therefore, it may not be completely accurate or up-to-date.

TABLE 1: State Time-Frames for Abandonment (continued)

STATE	Less than 3 months	3 months	4 months	6 months	9 months	12 months
MISSOURI				If child is ≥ 1 of age (no time frame if < 1 year)		
MONTANA		If parents are unknown		If parent is known		
NEBRASKA				If child is ≤18 months		
NEVADA		If parents are unknown		If parent is known		
NEW HAMPSHIRE				X		
NEW JERSEY				If parent is known (if unknown, TPR may be filed immediately)		
NEW MEXICO	14 days if child's ID is unknown	If child is left with others without provision for support and is < 6 years of age		If child is left with others without provision for support and is ≥ 6 years of age		
NEW YORK				X		
NORTH CAROLINA				X		
NORTH DAKOTA	60 days if child is < 1 year of age					
OHIO		X				
OKLAHOMA				If child is ≤ 24 months		
OREGON		X				
PENNSYLVANIA		If parents are unknown		If parents are known		
RHODE ISLAND				X		
SOUTH CAROLINA				X		
SOUTH DAKOTA				X		
TENNESSEE			X			
TEXAS		If there is intent to abandon		If parent leaves child in care without contact or support		
UTAH			X			
VERMONT				For children ≥ 6 months (no time limit for infants < 6 months)		
VIRGINIA		If parents are unknown		If parents are known (child is in foster care)		
WASHINGTON	2 months if parents are unknown	If parents are known				
WEST VIRGINIA				X		
WISCONSIN	60 days if parents unknown			If parent has failed to visit or communicate with the child		
WYOMING		If child's ID is unknown		If child is < 1 year of age		If child is left without provision for support and without communication from parent

continued from page 8

by the time the infant is one month of age are at increased risk for having a disturbed relationship with that infant (Boris, Aoki & Zeanah, 1999). Based on this theory, it may make sense to have expedited abandonment laws for newborns one month and younger. Finally, other literature suggests that “if normal patterns of caretaker-infant interactions are disrupted for a prolonged period of time, severe adverse consequences result,” such as growth arrest, failure of emotional connection with caretakers, and retarded neurobehavioral development (Kuhn and Schanberg, 1998). What is unclear is what constitutes a “prolonged period of time” and if and how this varies with the age of the child. In any case, Kuhn and Schanberg (1998) suggest that, although some negative consequences of abandonment may be permanent, many reverse quickly when adequate caretaking and a supportive environment are provided. Therefore, although there remains some disagreement about the ages and time limits when abandonment creates greater and more lasting damage, the literature on child attachment and development clearly supports the need for early permanency for all children, particularly those who are abandoned.

Recommendations for state laws and practice regarding abandonment:

The following recommendations are based on the aforementioned literature and the collective experience of the TEG members.

- 1. The definition of abandonment should include both intent to abandon (i.e., not to return for the child) and omission (e.g., failure to contact or communicate with the child). Similar to Oklahoma’s law, abandonment may be defined, in statute or administrative policy, as a parent’s willful intent by words, actions or omissions not to return for the child, or failure to maintain a significant parental relationship with the child through visitation or communication when the parent had the ability or opportunity to maintain greater contact or involvement, and in which incidental or token visits or communication are not construed or considered significant.*
- 2. A diligent search should be concluded within 60 days of first contact with a child if the parent is unknown, and within 90 days of last contact with the parent if the parent is known. In either case, this effort should include a search for the mother, the father, and the mother’s and father’s relatives.³*

³ In situations covered by a “safe haven” law that ensures parental anonymity, no search should be conducted for the surrendering parent. However, diligent searches for the other parent and relatives should be conducted and concluded within 60 days of the relinquishment as with any abandoned infant where the parent is unknown.

3. *If a parent's identity is known, a diligent search should include, at a minimum, the following activities:*
 - *Contact everyone in the local phone book with the same name or alias as the parent(s).*
 - *Contact relatives, neighbors, and friends.*
 - *Search county records, federal and state prison and probation records, voter and motor vehicle records, child welfare records, and public aid records.*
 - *Check birth and death certificates.*
 - *Check with state police and utility companies.*
 - *Notify centralized intake places (e.g., homeless and battered women's shelters, treatment facilities).*
4. *If a parent's identity is not known, a diligent search should include: contacting the police, canvassing the neighborhood, and notification on television and in the newspaper.*
5. *Child protection agencies/units should coordinate with parent locator agencies in order to ensure a more efficient and expeditious search process.*
Note: Statutory changes may be necessary to allow and/or encourage this coordination.
6. *Child welfare staff must have sufficient time to conduct thorough searches for parents and relatives. This may necessitate smaller caseloads or the establishment of separate units specifically designed to conduct diligent searches.*
7. *Child welfare agencies should provide child welfare workers (or search units if they exist) with training around investigations and how to talk with people to elicit truthful and useful information.*

8. *If the parent's identity is not known, a child should be determined abandoned within 60 days of entering the system, after a diligent search has been completed. If the parent is known, and the child is under three years of age, the child should be determined abandoned within three months from the point when the parents' whereabouts became unknown, or when the parent(s) stopped making significant contact with the child. (See Figure 1 on p. 19).*
9. *Judges should ask any parent who appears before them the name and whereabouts of any missing parent.*

PERMANENCY

Permanency planning, a well-used term in the child welfare arena, has become more prominent since the enactment of the Adoption and Safe Families Act (ASFA) of 1997. ASFA specifies clear priorities for permanency with reunification being the preferred option, followed by adoption, legal guardianship, placement with a fit and willing relative, and, when none of these is possible, other planned permanent living arrangements. Most state laws also enumerate potential permanent plans and have time limits for developing permanent plans for children. Ultimately, regardless of the type of placement, the goal is to achieve permanency in a timely manner. There is, however, very little discussion about helping children to achieve permanency and exactly what “permanency” means for a child. The Technical Expert Group suggests that permanency for children include the following conditions⁴:

- the child is no longer under the care and custody of the state;
- the child is in the care and custody of a legally sanctioned permanent caregiver with whom there is demonstrated mutual attachment;

⁴ There may be exceptions to these conditions when it is not in the best interest of the child, e.g., certain circumstances where long term placement with a relative is necessary.

- the child is in a safe, stable and nurturing home that provides the foundation for a healthy relationship and a sense of home, family and security; and
- the caregiver perceives the relationship as a life-time commitment.

The TEG further suggests that child welfare law, policy and practice reflect these conditions. As indicated below, some states already do.

Care and Custody of the State

The majority of states address the first condition by enumerating (and, in some cases, prioritizing) permanent custody options, which include: reunification, adoption, legal guardian, permanent custodian, relative placement, subsidized guardianship, and other planned permanent living arrangement. A few states specifically note that the state is not considered a permanent guardian (CA), and that a permanent arrangement is one without ongoing state oversight or intervention (KS). Vermont statute notes that long-term substitute care does not usually achieve permanency, and many states no longer consider long-term foster care as a permanent option. At least one state allows different permanent options depending on the age of the child. In Utah, for example,

adoption is the only permanent option, other than reunification, for a child under the age of three; whereas, reunification, guardianship, kinship placement and other planned permanent living arrangements are all acceptable for children older than three.

Mutual Attachment

Research suggests that children who do not “bond” or attach with a primary adult during their first years of life will suffer significant emotional damage which frequently leads to psychological and behavioral problems in adolescence and adulthood (Children’s Institute International, 1999; 4TH Annual Report to the Colorado Legislature, 1998; Hugues, 1997; Klee et al., 1997; Seligman, 1989; Katz, 1987; Hofer, 1984; Ainsworth, 1979). Despite these findings, fewer than half of the states address the issue of infant-caregiver attachment in their permanency planning statutes. California, for instance, considers whether a child more than four months of age has substantial emotional ties to his foster parents. Similarly, Connecticut considers a child’s feelings for and emotional ties to any person who has had physical care, custody or control of the child for more than one year. Other states consider the interaction and interrelationship of the child with parents, siblings, foster parents, and other significant persons (ND, OH, MT, VT); feelings for and emotional ties between child and parents, siblings and other relatives or significant persons (FL, MD, OR); depth of the relationship and emotional attachment between the child and his present custodian (FL, MD) or potential family (NE, NV); the length of time a child has been with his current caregiver (MD, NV, OH); and/or the child’s preferences where appropriate, e.g., based on child’s age, experience, maturity, judgment and ability to express an interest (FL, OK, ND, NV, OH, SC). Michigan considers the child’s age, and the “inclination” of the custodian and the

child as to the permanency of the relationship. New Mexico considers the “psychological parent-child relationship” between the substitute family and child. In considering relative placements, Oklahoma looks at whether a “loving and emotional tie” exists between the child and kinship foster parent, and Utah considers the child’s comfort level with the relative.

Safe, Stable and Nurturing Home

Most states emphasize the health, safety and well being of the child in making permanency decisions. However, few mention the quality of the permanent family or home, or the child’s sense of security. For instance, New Jersey’s expected parental functions are to maintain a relationship and communication with the child and provide financial support. New York expects the caregiver to provide a “normal family life.” Although Delaware’s law does not specifically mention nurturing or security, it comes a bit closer by defining a parent’s responsibilities as “care, support and control” and provision for “physical needs, mental and emotional health, and development.” Nevada and North Dakota go a step further by requiring consideration of a caregiver’s capacity to give love, affection, guidance, continued education, and moral fitness, as well as their ability to meet the child’s basic physical, mental, emotional and medical needs. These two states also consider the permanence, as a family unit, of the existing or proposed custodial home. Other states emphasize placement in safe and secure homes (HI), continuity and stability of care (MT, MN), placement with nurturing parents or caretakers (HI, MN, OR, TX), and an “enduring, positive adult relationship” (TX). Several states (GE, LA) note that alternative permanent living arrangements should be in the least restrictive and most family-like environment.

Overall, Vermont’s policy is the closest to meeting the TEG’s criteria in this area. It suggests that permanency is achieved when a child is living in a nurturing family setting that offers legal commitment and continuity of relationship, and that feels secure and provides healthy, positive relationships with committed adults (Vermont Family Services Division, 2004). Similarly, Best Practices established by the Illinois Department of Children and Family Services defines permanency as “providing a lifetime commitment to a child in a setting where he or she is safe, can have a sense of belonging and well being, and can live to adulthood.”

Lifetime commitment

Although several states emphasize the need for stability and security in permanent placements, very few mention anything about the caregiver’s perception of the relationship as a life-time commitment. A few states, however, come close to the TEG’s definition. For instance, Hawaii notes that the placement should be maintained on a continuous, unconditional and permanent basis with an adult who is or will be the child’s psychological parent; and Minnesota mentions the opportunity for establishing a lifetime relationship. Nevada states that the family should be willing and able to permanently treat the child as a member of the family. Oregon notes that the custodial parent must assume legal responsibility for the child during the remaining years of dependency and be accessible and supportive in adulthood. Texas and Vermont also suggest a commitment of a permanent guardianship into adulthood.

Recommendations for state laws and practice regarding permanency

1. *The following conditions for achieving permanency should be reflected in state law, policy, and practice:*
 - *the child is no longer under the care and custody of the state;*
 - *the child is in the care and custody of a legally sanctioned permanent caregiver with whom there is demonstrated mutual attachment;*
 - *the child is in a safe, stable and nurturing home that provides the foundation for a healthy relationship and a sense of home, family and security; and*
 - *the caregiver perceives the relationship as a life-time commitment.*
2. *Long-term foster care should not be considered a permanent option for abandoned infants (although we recognize that it may be appropriate for a small minority of older children), and other planned permanent living arrangements (e.g., permanent custodian) should be considered only when there are compelling reasons that reunification, relative placement, adoption, or legal guardianship are not in the child’s best interest.*
3. *When considering a permanent home for an infant or young child, the following factors should be taken into account:*
 - *the depth of the relationship, behavioral interaction, and emotional attachment between the child and his parents, siblings, and other significant persons;*

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- *the depth of the relationship, behavioral interaction, and emotional attachment between the child and his present caregiver or potential family if other than above;*
 - *the length of time a child has been with his current caregiver;*
 - *the identified or assessed special needs of the child;*
 - *the caregiver's capacity to meet the child's emotional, physical, psycho-social, and educational needs; and*
 - *the caregiver's long-term commitment to the child.*
4. *A permanent home is a nurturing family that: makes a legal commitment to care for the child into adulthood; provides love, affection, guidance, continued education, and socialization; meets the child's basic physical, mental, emotional and medical needs; provides a safe, secure and stable home; provides the child with a sense of belonging, security, and home; treats the child as a member of the family; provides a foundation for a healthy, positive, life-time relationship with a committed adult; and is accessible and supportive for the child into adulthood.*

TERMINATION OF PARENTAL RIGHTS

When a child is determined to be abandoned, adoption is the preferred option for permanency, particularly when the identities of the child's parents are unknown. In order to free a child for adoption, the parental rights of his/her biological parents must first be terminated. Policies regarding the termination of parental rights (TPR) demonstrate the tension between the need to achieve more timely permanence for the child, and the need to attempt to locate parents to avoid TPR when there are interested non-custodial parents. ASFA requires a filing for termination of parental rights (TPR) within 60 days of a judicial finding of abandonment. At the time of this writing, almost all of the states include abandonment as grounds for TPR, but only some states (AK, MA, MO, NE, NJ, NM, NY, ND, OR, RI, TN, WV) require the state to file or join a petition for TPR upon a judicial finding of abandonment. A few of those states (MO, NE, ND, TE) only require a TPR filing in cases of an abandoned infant (defined, for example, as one year of age or less in Missouri and 18 months or less in Nebraska), although abandonment of an older child is still grounds for TPR.

Oftentimes, adoption, or other permanent arrangements for a child, is delayed because one of the parents (usually the father) is unknown or

unavailable to relinquish his/her rights. To prevent this, several states have enacted legislation to expedite TPR with fathers (or other parents) who abandon their infants. Texas, for instance, authorizes TPR when a father abandons the mother of the child during the pregnancy, fails to provide adequate support or medical care for the mother during the pregnancy, and remains apart from the child or fails to support the child after the birth. Similarly, Pennsylvania law allows for TPR if the parent knows or has reason to know about the child's birth but does not reside with the child, has not married the child's other parent, has failed for four months immediately preceding the filing of the petition to make reasonable efforts to maintain substantial and continuing contact with the child, and has failed during the same period to provide substantial financial support for the child. Although most of the "safe haven" laws provide anonymity to the parent(s) who leaves her/his child with an authorized person, the non-surrendering parent still has parental rights and responsibilities, which he or she should have the opportunity to exercise or relinquish.

Recommendations for state laws and practice regarding termination of parental rights:

1. *Each state should adopt a single policy regarding TPR for both parents (rather than disparate policies for fathers and mothers or custodial and noncustodial parents).*
2. *In an effort to avoid last minute delays in the termination of parental rights, diligent searches (as defined on p.11) should be conducted for both parents (and their relatives) as soon as a child is presumed abandoned.⁵*
3. *State law should require a state to file (or join) a petition to terminate parental rights based on grounds of abandonment if, after concluding a diligent search, a child is presumed to be abandoned based on state law (see p. 1 for recommended definition).*
4. *Figure 1 illustrates the recommended process for expediting permanency for infants and toddlers who are presumed abandoned but whose parent(s) identity(ies) is(are) known. Figure 2 illustrates the recommended process for infants and toddlers whose parents' identities are not known. State policies should reflect these recommended procedures and timeframes.*

⁵ In situations covered by a “safe haven” law, the surrendering parent relinquishes her or his parental rights and responsibilities, in which case policies regarding termination of parental rights and diligent searches would only apply to the non-surrendering parent.

FIGURE 1

Parent's identity is known, but parent has made no significant contact with the child whether intentionally or by omission

Place child in a potentially permanent home and begin a diligent search for parents and relatives.

Conclude diligent search (as defined on p. 11) within 90 days

File for TPR based on grounds of abandonment, and move toward adoption.*

Parent(s) is found. Begin reasonable efforts toward reunification or other permanent option.

Within 45 days

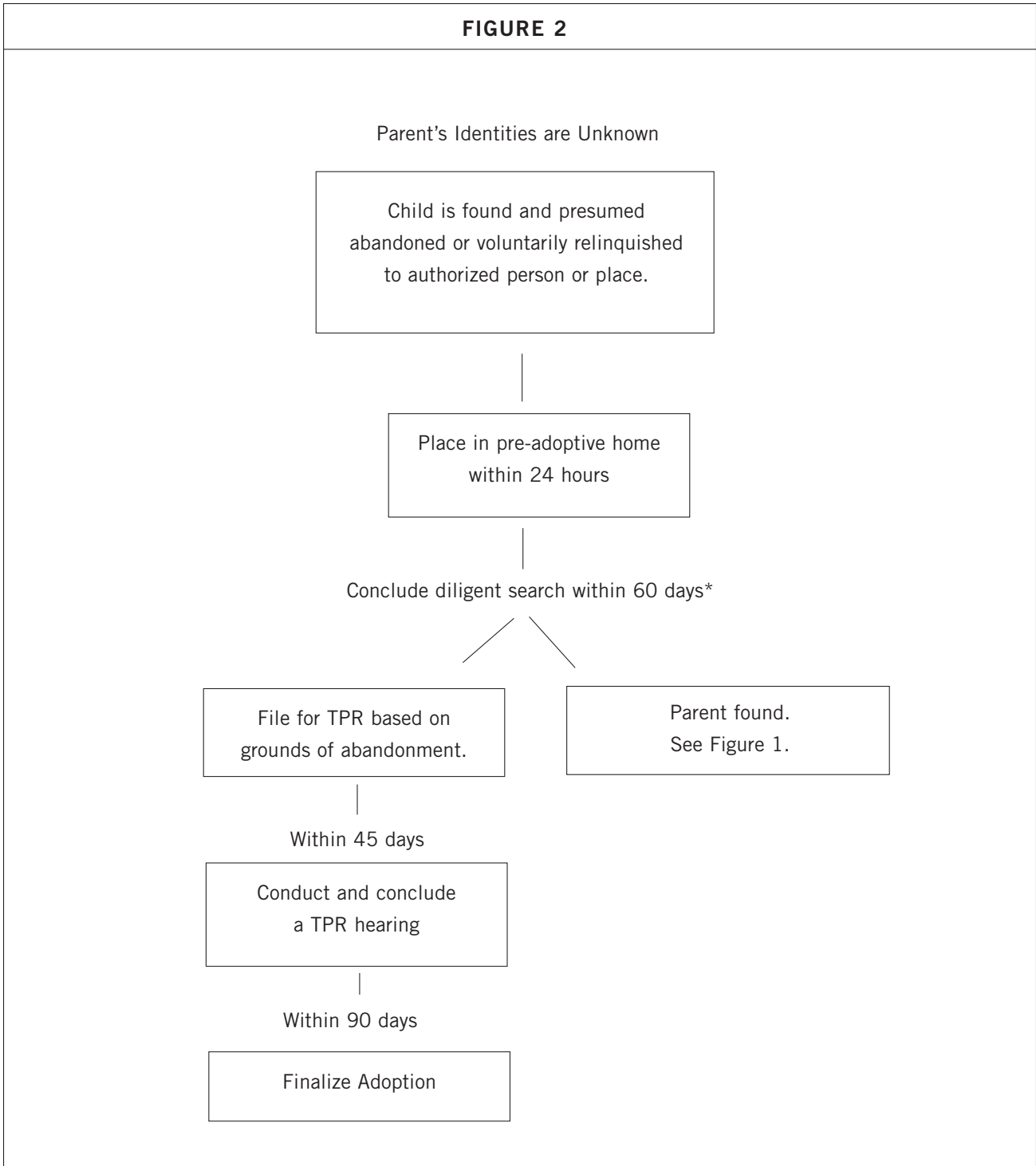
Conduct and conclude a TPR hearing

Within 90 days

Finalize Adoption

*Exception if TPR is not in the child's best interest or if there is a relative caregiver committed to caring for the child on a long-term, permanent basis.

FIGURE 2



*Only for non-surrendering parent if infant is surrendered under “safe haven” law.

PROMISING PRACTICES IN EXPEDITING PERMANENCY

In addition to some of the general recommendations and suggested legislative/administrative language identified in other sections of this report, the following practices show promise in helping to expedite permanency for infants who are abandoned or at risk of abandonment. The identified practices address three areas: (1) preventing abandonment; (2) expediting permanency for children who are allegedly abandoned (or at high risk for abandonment), but whose parents are known; and (3) expediting termination of parental rights (TPR) and permanency for children who are abandoned. The identified practices are listed in three different categories: system, practice, and court. However, many of the practices fit into more than one category or address more than one area. Ultimately, the goals are to prevent abandonment when possible, and to find safe, stable, permanent homes and families in a timely manner for children who are abandoned. Although this is by no means an inclusive list, in one way or another, all of the following recommendations and practices contribute toward one or both of these goals.

System Issues

- Collaboration between child welfare agencies and hospitals can help to prevent abandonment and expedite permanency when a child is abandoned

in a hospital. Establishing an MOU (memorandum of understanding) or written protocol between a child welfare agency and hospital to provide for the exchange of information and early reporting of children at high risk for abandonment, for instance, can help with diligent searches and identification of children and parents. It is important that the protocols include identifying information about the presumed father, which many hospitals do not routinely collect.

- Cross training and ongoing interdisciplinary meetings should exist among child welfare workers, drug treatment providers, welfare-to-work staff, judges, doctors, attorneys, and legislators. While often challenging, multi-disciplinary efforts may be necessary to adequately identify, comprehend and respond comprehensively to the full scope of issues confronting families who abandon or are at risk of abandoning their children (Bouchard & Hsi, 2001). Additionally, training on abandonment should be incorporated into ongoing training for social workers, labor and delivery hospital staff, attorneys and judges. Training may include issues such as identifying risk factors for abandonment, voluntary relinquishment, diligent searches, child welfare law, and termination of parental rights.

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- Clarify and improve the process for preparing a case for termination by, for example, developing caseworker-attorney protocols, a termination checklist, diligent search procedures and formats, and a missing parents checklist. A permanency specialist is also helpful in ensuring that all documents necessary for preparing and filing a petition are completed and submitted in a timely fashion. Additionally, special investigative units may be helpful in conducting diligent searches.

Practice Issues

- Child welfare workers need smaller caseloads and a focus on clinical-based services starting with the investigation (e.g., in Illinois, intake workers have a caseload of five).
- Be honest and clear with families. Permanency options need to be communicated to families in a neutral way. Families need to understand that parenting, like adoption, is an option not a requirement. Workers must also be clear with parents about timelines and consequences (Neff, 2000). Several states (e.g., IL, VT) use mentors (parents who have “graduated” from the system) to provide information to new parents going through the system and support them through the process. Many states (e.g., CA, CO, FL, GA, IL, NM, NJ) have also developed pamphlets, videos and other material to inform parents about their rights and the child protection process.

Contra Costa County, CA, established Early Intervention Outreach Specialist positions in each of their three (3) juvenile courts. These specialists, who are knowledgeable about substance abuse services, child welfare services, and juvenile court, meet with parents in a private office immediately following the detention hearing. Their purpose is to provide parents with information about the child welfare system and legal time frames, and provide information, referral and follow-up for substance abuse services.

- Carefully assess children’s physical, developmental, behavioral, educational, and psycho-social needs. This is particularly critical for determining whether a parent is capable of meeting a child’s needs, and for identifying an appropriate alternative home for the child if necessary. Early intervention, medical and mental health services for children should also be provided when indicated.

In Philadelphia’s model court, a team of evaluators assigned to the court conduct court-ordered drug, alcohol and mental health screenings for children and parents and make appropriate referrals on-site immediately following each hearing.

The “Infants in Foster and Kinship Care Program”, a collaboration of the Kempe Children’s Center, the Denver Department of Human Services, and many child-serving agencies in Denver, provides developmental evaluations and referrals for all infants entering out-of-home placement in the city and county of Denver. The program also reviews the infants’ medical care and supports the coordination of services across agencies.

- When a parent’s identity is not known, abandoned children (including those surrendered at a “safe haven”) should immediately be placed in a potentially permanent home.
 - When a parent is known, a full array of services, which are individually tailored to each family and community, should be provided to help prevent abandonment and expedite permanency for children at risk of being abandoned. This should include front-end, wrap-around, and drug treatment services for biological families, as well as services to facilitate smooth transitions to adoptive families, relative caregivers, or legal guardians when reunification is not possible. The following tools and strategies should also be available to help parents make decisions without prolonging the impermanence for the child:
1. Concurrent planning emphasizes working toward family reunification while at the same time establishing a “back-up” permanency plan to be implemented if children cannot return safely home to their biological parents. As of 2005, concurrent planning has been included in legislation in 38 states. Successful implementation requires: intensive casework with families; full disclosure with birth families about the importance of permanence, various permanency options, and consequences of their actions or inaction; diligent search efforts for parents and relatives; frequent and substantive case reviews; and permanency planning resource families (Lutz, 2000). At the same time, workers should strive toward early identification of children with poor prognosis for reunification (e.g., within 60-90 days of coming into care).

2. Voluntary relinquishment, which offers parents the option to engage in adoption planning for their children, empowers parents to make decisions for their children’s well-being without the adversarial trial for involuntary termination of parental rights. As a result, it can help to expedite permanency for children and save agency and court time and resources. However, child welfare workers do not routinely present this option to parents, often due to their lack of knowledge about it or their discomfort in discussing it with parents. Mediation and family group conferencing are two tools often used to present voluntary relinquishment with parents (see below). Many states accept voluntary relinquishments, and some states also statutorily provide for voluntary consent of parental rights.

Wisconsin law (Wis. Stat. Ann. §48.41, 1997) allows the court to accept a voluntary consent to termination of parental rights in certain conditions. For example, the parent must appear personally at the hearing and be informed of, and questioned about, the effects of TPR; or the parent can give written consent before certain identified officials.

3. Mediation has been increasingly used in child welfare cases to help expedite permanency and minimize court involvement.

Teamwork for Children (in Oregon) has been using permanency mediation since 1991 to expedite permanency for children and minimize court involvement in the process. From 1992-1994, Oregon successfully completed a pilot project, the “Cooperative Adoption Mediation Project”, which used an independent mediator to help birth parents plan for the future of their children and, if they choose adoption, work with both sets of parents to help establish a post adoption communication agreement (Simmons, 1999).

The Philadelphia Frontloaded Dependency Court Model conducts a 30-minute pre-hearing conference, similar to a mediation session, prior to every hearing from the initial hearing through permanency. Additionally, the Child in Need of Aid (CINA) Mediation Program in Alaska provides mediation services free of charge to assist in resolution of disagreements related to child placement. Other states that use mediation include DC, AZ, CA, GA, IA, ME, MA, MN, MT, NE, NJ, OH, RI, TX, UT, WA and WI.

The New York State Unified Court System recently completed a child permanency mediation pilot project in seven New York City areas and eight upstate counties. Among the various lessons learned, stakeholders identified the importance of building collaborative relationships and program integration (Dobbin et al., 2006).

Similarly, states such as Connecticut, Massachusetts, and Rhode Island are using case management conferences at the beginning of a case to see if an agreement can be reached outside of court. If an agreement is not reached, the case is referred to mediation, a status conference, or a pretrial conference.

In Colorado, Dependency and Neglect Mediation has been associated with earlier adoptions and a decrease in trials for termination of parental rights (Wahlgren & Gallagher, 2003). The Office of Dispute Resolution Services, created by the Colorado Dispute Resolution Act, delivers mediation services. Wisconsin uses child advocacy teams that conduct informal non-adversarial meetings with parents and other interested parties at the beginning of a case to jointly determine the child’s permanency plan.

4. Family Group Decision Making (FGDM), also known as family group conferencing, involves a process that fosters cooperation, collaboration and communication between professionals and families. Specifically child welfare staff engage and empower families (including extended family members), in a non-adversarial process, to make decisions and develop plans for their children’s protection and well-being. This model is being used in numerous sites throughout the country including the following states (or certain counties within these states): Arizona, California, Colorado, Georgia, Hawaii, Illinois, Iowa, Kansas, Kentucky, Michigan, Minnesota, Nebraska, North Carolina, Oregon, Pennsylvania, Vermont, Washington, Wisconsin, and Wyoming.
- Fathers and extended family should be included in diligent search efforts from the beginning. Family genograms developed early on can also help to identify other family members and Native American ancestry.

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- Ongoing recruitment and concurrent (or dual) licensing of foster-adopt parents can help to ensure more stability and sense of permanency for children until the permanency process is completed. Dual licensing also helps to streamline licensing procedures and avoid delays in achieving permanence for children.
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States that have implemented dual licensing include Oregon, Texas, Colorado, Arizona, and Maine.

- Ongoing recruitment and support of adoptive families is crucial.
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In Georgia, the Department of Human Resources created the Office of Adoptions to specifically focus on raising adoption visibility and promote quality adoptive homes for foster children. The agency also hosts adoption videoconferencing parties for children and prospective adoptive families. Further, they increased adoption assistance funding to equal that received by foster parents, which has increased the number of foster parents who have adopted.

The Child Severance Project in Arizona, contained within the Child Protective Services Program, focuses on revising state policy and departmental recruitment and placement procedures, establishing partnerships with nonprofit organizations to expand adoption exchange resources, and using contract providers to assist with recruitment, training, home study, advocacy, and peer support for adoptive families (Simmons, 1999).

- Provide on-going, post-adoption services for adoptive families. These may include, for instance, training conferences on health care, attachment and other related issues; an annual post-adoption family retreat or celebration; crisis intervention; peer support; clinical services; and advocacy.
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AFTER (Adoptive Family Therapeutic and Educational Resources), a collaboration among four agencies, provides a regional array of services designed to meet the needs of families who are adopting, or who have adopted, children in a four-county region of California (Santa Clara, San Mateo, Monterey, and Santa Cruz). AFTER offers several major service components that are critical to supporting adoptive families: crisis intervention and assessment, comprehensive adoptive family educational curricula, family peer support, clinical services and advocacy.

- Subsidized guardianship helps to encourage relatives to care for abandoned children who might otherwise linger in foster care. Approximately half the state states offer some form of subsidized guardianships, either through a Title IV-E waiver or through state funds. However, most of these programs require the child to be in state custody for at least 6 months, and many of them are for older children (at least 10-12 years of age) and/or for children with special needs. Two exceptions are Louisiana and Missouri, which do not require the child to be in state care or custody, and the relative can be either the child's legal custodian or guardian.

Court Issues

- Family Drug Courts can help to prevent parents from abandoning their children by holding them accountable and providing coordinated services. These courts exist in various forms throughout the country including, El Paso and Adams Counties in CO, San Diego, CA, Rhode Island and Utah.
 - Specialized courts or procedures can help to expedite termination of parental rights and/or adoptions once parental rights have been terminated.
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To promptly address the needs of children and families, Kentucky established a Family Court, a division of the Circuit Court, in 2002. Family Court employs full-time judges to address a broad range of family law issues that were previously handled in District Court, including termination of parental rights.

A model court in Philadelphia, PA established a specialized court to finalize adoptions that are not progressing promptly by reducing the “red tape” and accelerating the discharge of these cases. Similarly, a model court in Utah conducts monthly follow-ups with children who have been freed for adoption in an attempt to minimize their time in temporary care.

- Assignment of one attorney and/or one judge to each family can help to hold workers accountable, make families more comfortable with the legal process, and expedite the permanency process.
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California, Delaware, Kentucky, Minnesota, Missouri, Nebraska, Oregon, Pennsylvania, Rhode Island, West Virginia, and Wisconsin are some of the states that have

one judge per family policies in one or more jurisdictions. New Jersey goes a step further by assigning the same judge, public defender, attorney general and law guardian to the same child and family throughout the court process.

- Timely filing of motions and opinions, and use of continuances only when necessary, can help to expedite the permanency process.
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West Virginia only grants continuances if there is “good cause shown.” In 2005, Washington State completed the Dependency and Termination Parents’ Representation Program pilot project, which successfully reduced the number of continuances requested by attorneys, among other accomplishments (Northwest Institute for Children and Families, 2005). Toward this end, the project employed financial support to decrease caseloads of social work staff, expand expert and investigative resources, and provide attorney training.

These examples represent just a sample of the many innovative practices being developed throughout the country. Ultimately, to prevent infant abandonment, and ensure safe, nurturing and stable homes for those who are abandoned, requires multi-systemic and multi-disciplinary efforts toward the support of families and the recruitment and support of alternative caregivers. As suggested throughout this document, statutory, administrative and procedural changes may be necessary to support these efforts. Additionally, states and counties must commit the resources necessary to replicate and expand proven strategies, and continue attempts to determine other effective and efficient practices to ensure permanent, nurturing homes for all young children.

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