



Report to the Legislature

Fees as a Barrier to Adoption from Foster Care

Section 2, Chapter 248, Laws of 2006

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I. INTRODUCTION

In 2006, the Legislature passed Engrossed Substitute Senate Bill 6635 (ESSB 6635) requiring a review and recommendation on adoption fees and other barriers to adoption from the foster care system, as well as accreditation standards for adoption.

This report is prepared in compliance with the amendment of Section 2, Chapter 248, Laws of 2006, which requires the Department of Social and Health Services, to report to the legislature on the following issues for children adopted out of the foster care system that are dependents of Washington State:

- (a) Review fees associated with children adopted
- (b) Determine if fees or any other factors are barriers to adoption
- (c) Study accreditation standards developed for adoption agencies, including the Council on Accreditation
- (d) Make recommendations regarding accreditation standards and reducing any barriers that may exist to adoption.

As directed in the bill, Children's Administration (CA) consulted with members of the Legislature and representatives from adoption agencies, adoption advocates, faith based adoption agencies, adoption attorneys, the Attorney General's Office, federally recognized Tribes, and the judicial system through surveys and workgroup activities.

This report addresses the requirements of the ESSB 6635, workgroup and survey findings and workgroup recommendations regarding items (a) through (d) above.

II. EXECUTIVE SUMMARY

The 2006 Legislature passed Engrossed Substitute Senate Bill 6635 (ESSB 6635) requiring a review and recommendation on adoption fees and other barriers to adoption from the foster care system, as well as accreditation standards for adoption.

Workgroup

A workgroup consisting of members of the Legislature, and individuals representing the following groups: adoption advocates, adoption agencies, faith based adoption agencies, adoption attorneys, the Attorney General's Office, and the judicial system convened to review adoption fees and accreditation standards for adoption agencies. (The members of the workgroup are included in Appendix A.)

To inform the workgroup, surveys were conducted addressing fees, barriers to adoption, and accreditation. The survey groups included private child placing agencies, birth parents, adoptive parents and professionals: including attorneys, the courts, social workers, tribes, and Court Appointed Special Advocates (CASA)/Guardian Ad Litem (GAL). Survey findings were utilized by the workgroup in making recommendations.

Survey Findings

Families adopting foster children directly through CA do not pay adoption fees for pre-service training, the adoption home study, or child placement.

Families who have their adoptive home study completed through a private child placing agency may incur adoptive home study fees and expenses related to adoption finalization (e.g. court filing fees, attorney fees). These expenses can be reimbursed from the Adoption Support Program up to \$1500 total per child's adoption. This may be a financial hardship on the family until reimbursement is received.

Other barriers identified included:

- Criminal background check delays
- Delays in the legal process/legal system including backlogged judicial calendars and attorney appointments for parents
- Delays in completing adoption home studies and adoption support agreements
- A lack of understanding by professionals regarding the adoption process, open communication agreements, placing out of the state or region, tribal issues, preparing children for adoption, etc.
- A lack of understanding by adopting families on adoption process, open communication agreements, adoption support, making decisions on adoption and what question to ask, etc.
- A lack of post adoption services beyond the adoption support program.

Only 4 of the 34 private agencies responding to the survey indicated they were accredited. Other agencies indicated they complied with state licensing standards which are limited in relation to adoption.

Workgroup Recommendations

The workgroup made the following recommendations. **Recommendations with a fiscal impact will require further review and analysis to establish resource and budget impacts. These impacts and costs will be considered in future budget building cycles.**

- Require adoption agencies to meet accreditation standards

- Require private child placing agencies that do adoptions to disclose fees charged for adopting a child from the foster care system, to adopting families
- Provide consistent and increased funding for private agencies with incentives to complete the adoption services and provide supports for their adopting families
- Assign judges/commissioners for the duration of the child's case from dependency, through Termination of Parental Rights (TPR), to finalization, increasing the court's knowledge of the individual child's case and consistency in decisions
- Develop a standard approach for the Office of the Attorney General, public defenders and other adoption professionals to establish open communication agreements
- Improve education for adoptive families and professionals
- Increase funding to the department to support additional services for adoption, including increased funding limits (up to \$2000 per child) for reimbursement of adoption and finalization expenses through the adoption support program
- Increase funding for Post Adoption Services beyond the Adoption Support Program.

III. WORKGROUP MEMBERSHIP

The workgroup participants included members of the Legislature and representatives from adoption agencies, adoption advocates, faith based adoption agencies, adoption attorneys, Attorney General's Office, federally recognized Tribes, and the judicial system. (The members of the workgroup are listed in Appendix A.)

IV. WORKGROUP ACTIVITIES

The workgroup convened three times to review current adoption accreditation standards and fees for children adopted from foster care that are dependents of the state of Washington.

Surveys of child placing agencies, adoptive families, adoption attorneys, Tribes, CASA/GAL's, public defenders and the judicial system were conducted. The surveys provided information used to inform the review and recommendations of the workgroup.

A. REVIEW OF COUNCIL ON ACCREDITATION (COA) ADOPTION STANDARDS

As directed by the legislature, the workgroup reviewed the Council on Accreditation standards for Adoption Services.¹ There are thirteen standards for adoption services including a new standard for “Home Study Practice”.

Standards include:

- Adoptive Parent Recruitment
- Assessments
- Home Study Practice
- Service Planning
- Child and Youth Permanency
- Service Philosophy
- Pre-Adoption Services
- Placement
- Community Partnerships
- Case Closing
- Post-Adoption Services
- Administrative Practices
- Personnel

B. DATA COLLECTION

1. Survey of Licensed Child Placing Agencies² regarding fee charges and standardized questions

- Who was surveyed – Licensed contracted Child Placing Agencies
- Survey focus – Adoption fee and adoption practice standards/accreditation
- How many were surveyed – 121 Child Placing Agencies
- Return rate – Of the 121 Child Placing Agencies surveyed, there were 34 responses. Only seven of the responding Child Placing Agencies indicated that they provided adoption services to children from foster care.

2. Survey of adoptive families

- Who was surveyed – The adoptive family population included:
 - Families registered with the Washington Adoption Resource Exchange (WARE)
 - Families who attended Pre-Service training for foster parents and adoptive parents on the east side and west side of the state

¹ Council on Accreditation, 8th Edition Standards Beta Version 1.0 September, 2005.

² Not all Licensed Child Placing Agencies provide adoption services. Of the Child Placing Agencies that provide adoption services, not all are for the adoption of children from foster care. Some agencies only provide private infant adoption services and some agencies provide international adoption services.

- Families who adopted through private agencies
- Families who adopted through an attorney
- Families who adopted through Children's Administration
- Relatives who adopted.
- Survey focus –
 - Family's perspective of the adoption process
 - Where they are in the adoption process
 - What influenced them to adopt via foster care
 - If they are working with an agency
 - Understanding of the rate and fee structure
 - Services they received or did not receive and needed
 - Obstacles they encountered
- How many were surveyed – 152 surveys were sent to adoptive families
- Return rate – There were 55 responses.

3. Telephone survey of birth parents

The workgroup members identified and sought input from 11 birth families that either had an open communication agreement or are currently involved in the adoption process.

- Who were surveyed – A telephone survey was developed for birth parents. The Private Agency Adoption Council (PAAC) workgroup member telephoned birth parents but they did not respond to the survey request.

4. Survey of professionals

- Who were surveyed
 - Attorneys
 - Children's Administration social workers
 - Administrators of agencies
 - Private agency social workers
 - CASA's/GAL's
 - Tribes
- Survey focus
 - Information provided to birth parents about adoption
 - Information provided to adoptive parents about adoption
 - Obstacles in the adoption process

- Any barriers for relatives adopting vs. non-relatives
- Costs and fees for services
- Post placement services
- Post adoption services
- Barriers for families adopting out of the foster care system
- How many were surveyed – 60 surveys were sent.
- Return rate – 48 surveys were returned.

5. Survey of Judiciary

- Who was surveyed
 - Superior Court Judges
 - Court Commissioners
- Survey focus
 - Information provided to birth parents about adoption
 - Information provided to adoptive parents about adoption
 - Obstacles that delay the adoption process
 - Barriers for relatives adopting versus non relatives adopting
 - Barriers for families adopting out of the foster care system
 - Suggestions for improvement
- How many were surveyed – 181 judges and 96 commissioners
- Return rate
 - 11 members of the judiciary responded to the survey.

V. SURVEY RESULTS/ACCREDITATION STANDARDS FOR ADOPTION AGENCIES

A. RESULTS FOR SURVEY OF CHILD PLACING AGENCIES

Of the 34 four agencies who responded, four private adoption agencies indicated they are accredited through COA. A few agencies indicated they comply with state licensing standards; however the licensing standards regarding adoption are limited in nature.

B. RECOMMENDATIONS

The workgroup overall supported accreditation standards for adoption agencies. Washington currently does not have rules that adequately

address adoption standards. Holding adoption agencies to accreditation standards provides a consistent standard for adoption practice, as well as independent oversight. Accredited agencies are reviewed by the Council of Accreditation every four years to ensure that the standards are continually met. Three options were identified for adoption agencies regarding licensure and/or accreditation based upon the review of the COA adoption services standards. The costs for accreditation would be dependent upon the agency's size, accreditation standard chosen, and the agency's plan to meet accreditation standards.

Option 1 – Adoption agencies be accredited by COA in lieu of licensing;

- COA standards should be adopted for use by all adoption agencies, including the state and private agencies
- Accreditation should be phased in by all agencies completing adoptions
- The Department should provide technical assistance and/or a peer consultant team as part of the licensing review and to assist agencies with meeting the COA standards.

Option 2 – Adoption agencies be accredited by another approved accreditation body;

- Another work group established by DSHS review other adoption standards and possible accreditation bodies to determine their appropriateness for Washington State.

Option 3 – Adoption agencies be licensed through DSHS, Children's Administration;

- Minimum licensing standards should be equal to COA standards for adoption. The standards should be integrated in the licensing rules
- Prior to licensure review, the Department should provide technical assistance and/or a peer consultant team as part of the licensing review and to assist agencies with meeting the required licensing standards.

VI. SURVEY RESULTS-ADOPTION FEES³

Families adopting foster children directly through **Children's Administration** do not pay adoption fees for pre-service training, the adoption home study, or child placement. However, families may incur expenses related to adoption finalization (e.g. court filing fees, attorney fees) which can be reimbursed from the Adoption Support Program up to \$1500 per child's adoption.

Families who have their adoptive home study completed through a private child placing agency may incur adoptive home study fees and expenses related to adoption finalization (e.g. court filing fees, attorney fees). The Washington Administrative Code (WAC) on Child Placing Agencies requires that all fees be disclosed prior to signing a contract (WAC 388-148-1120). These expenses can be reimbursed from the Adoption Support Program up to \$1500 total per child's adoption.

A. CURRENT PRIVATE ADOPTION AGENCY PRACTICE

The results of the survey of licensed child placing agencies indicated the following fees charged by adoption agencies for adoption work related to adopting children from foster care:

- Application fee
Two agencies indicated they charge fees for this service.
Fee range: \$250 and \$500 (fees waived if a foster family is adopting their foster child)
- Adoption Home Study
Six agencies indicated they charge fees for this service.
Fee range: \$450 – \$1100 (average of \$950)
- Placement fee per child
Two agencies indicated they charge placement fees.
Fee range: \$1000 to \$3000 (average of \$1700)
- Post Placement Services
Only two agencies indicated they charged fees for this service.
Fee range: \$400 and \$750
- Legal Fees:
All but one agency responded that legal fees were paid by the adopting family directly to the attorney not through the agency.

³ Only seven of the Child Placing Agencies that responded to the survey provide adoption services for children coming out of foster care.

The one agency that did charge directly for legal fees reported the following fees:

- o Finalization costs (birth certificate, copying, etc.) - \$650
- o Attorney and Court Filing Fees - \$1430-1700
- Post – Adoption Services:
No agency reported charging fees for this service.

B. FEES AS BARRIER TO ADOPTION

The following issues related to fees and adoption of children from foster care were identified:

- Families must pay attorney fees and court filing fees in advance of reimbursement from the Adoption Support Program. This may cause financial hardship and delay adoption finalization
- Reimbursement from the Adoption Support Program for adoption related expenses is limited to \$1500 per child. Adoption home study fees, attorney and court filing fees may exceed this amount, which would result in out of pocket expenses to the family
- CA provides funding to private agencies for specific children at the time of placement and again at finalization as an incentive for placing a child from foster care and to provide increased supports to the placement. Children that have been registered with the Washington Adoption Resource Exchange (WARE), are legally free for adoption, and have been registered for 90 days without a family identified are eligible for this program. These funds are used by the agency to provide training and home study services, pre-placement visits between the child and adopting family, referrals for services to support placement, post placement services such as the post-placement report to the court, and 90 day health and safety visits for the child in their placement. Funds vary from \$1000 to \$7000 dollars per child. Because the funds vary it is difficult for the private agencies to predict their budget and how many children they can serve through this funding source.

C. RECOMMENDATIONS REGARDING FEES AS A BARRIER

- Require private child placing agencies that do adoptions to disclose fees charged for adopting a child from the foster care system to potential adopting families
- Increase funding to the department to support increased reimbursement amounts for adoption and finalization expenses
- Provide consistent and increased funding for private agencies with incentives to complete the adoption services and provide supports for families adopting children from foster care. A standardized fee

structure would permit adoption agencies to budget and determine how many children from foster care they could serve each year.

VII. OTHER BARRIERS TO ADOPTION-SURVEY RESULTS

A. CRIMINAL HISTORY BACKGROUND CHECKS (required to be completed on all persons prior to the completion of an adoption home study)

- **Time delays in completing background checks.** This can take anywhere from a few weeks to several months. The RCW requires an additional check of local law enforcement jurisdictions for adoptions, which is not always included in the primary check
- **Inconsistency in county's processing of background checks.** DSHS provides criminal history background checks to private agencies however, the process varies in local law enforcement jurisdictions. Forms get lost, then have to be completed again
- **Inconsistencies in how fingerprinting is done and by whom.**

B. TIME DELAYS

- Legal system delays include:
 - Attorney appointments for parents – in some instances birth parents do not have attorneys appointed in a timely manner thus delaying court hearings
 - Backlogged judicial calendars
 - Completing the appeal process (up to one year) – many Termination of Parental Rights (TPR) hearings result in an appeal which further delays permanency for children as this process takes place.
- DSHS delays include:
 - Identifying and taking action to initiate concurrent plans for permanency
 - Searching and identifying an appropriate adoptive family
 - Completing adoption home studies
 - Disclosing the child's file to the prospective adoptive parent(s) in accordance with RCW 26.33.350 and 380. This requires preparation of multiple volumes of files, redacting, and preservation of confidential information that cannot be disclosed per law
 - Negotiating the adoption support agreement, which involves consideration of the child's special needs at the present, and in the

future, the family's financial supports and available community supports.

C. LACK OF UNDERSTANDING BY PROFESSIONALS AND ADOPTING FAMILIES OF:

- The differences in adopting from foster care versus adopting an infant or internationally. The discussion of fees needs to clearly identify the difference between a foster care adoption; where DSHS has no fees associated with the adoption services and those of a private adoption. Fees for private infant and international adoptions are higher than adopting a child from foster care
- Open Communication Agreements, the adoption process, adoption support, legal risk and court processes.

D. LACK OF POST ADOPTION SERVICES BEYOND THE ADOPTION SUPPORT PROGRAM, SUCH AS:

- Concrete and tangible services, including information and referral, support groups, and lending libraries
- Additional emphasis on supports for relatives providing permanency, including information and referral and kinship support groups.

E. RECOMMENDATIONS RELATED TO OTHER BARRIERS

- Judges/commissioners assigned for the duration of the child's case from dependency, through Termination of Parental Rights (TPR) to finalization, increasing the court's knowledge of the individual child's case and consistency in decisions
- Develop a standard approach for the Office of the Attorney General, public defenders and other adoption professionals to establish open communication agreements
- Education for professionals, including:
 - Engaging and communicating with adoptive families;
 - Open Communication Agreements;
 - The differences between private adoptions and adoptions from foster care;
 - Disclosure requirements on the child and birth family background prior to the adoptive placement occurring.
- Education for Adoptive Families
In addition to the pre-service training that most adoptive families receive, additional education specific to adoption issues should be offered in the following topics:
 - Open Communication Agreements

- The benefits
 - How agreements are developed
 - How to enforce an agreement
- Adoption support program and process
- Legal risk
- Court processes
- Post Adoption Services

In addition to the existing Adoption Support Program, additional funding would need to be available to implement additional post-adoption supports in this state. These supports include:

 - Providing similar levels of services and supports to children following adoption finalization that were received prior to finalization. For example:
 - Child care costs covered in full
 - Advocacy and support for services
 - An Adoption Resource & Referral Line (toll free) and access to:
 - Therapists with knowledge of adoption issues
 - On-going education and training
 - Tutoring
 - Support groups (family, adoptee, birth children)
 - Lending library
 - Funding resources to support specialized medical issues.

Appendix A

Workgroup members:

Partners	Representative
Senator Franklin	Senator Franklin or designee
Rep Kagi office	Sydney Forrester
AAG	Sheila Huber
Children's Home Society	Laurie Lippold
Private Adoption Agency Coalition	Deb Weiner (Lutheran Social Services) (Darby Baldwin)
Northwest Adoption Exchange	Barbara Pearson or designee
Adoption Attorney	Mark Demaray
Tribal Representative	Liz Mueller
Superior Court Judge	Justice Bobbe Bridge or designee (Marie Jamieson)
Adoption Agency	Youth for Christ Tacoma
Antioch Adoptions	Tammi Snyder

CA Regions	Representative
East	Megan McGuire
West	Melanie Meyer

CA Headquarters	Representative
PPI	Pam Kramer
PPI	Deborah Reed