

The Abell Report

What we think about, and what we'd like you to think about

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ABELL SALUTES: The Baltimore City College Speech and Debate Program: Adding successful years to the successful record of 138 years.

The students of Baltimore City College high school have been actively debating in the school's programs since in 1878. Though the profile of the City College student body has changed through these 138 years, the students' passion for debate—for public discourse, reasoning, thinking on one's feet, research, synthesizing—has not. Last year the City College Speech and Debate teams took the championship in all of the three leagues where they compete—a record without precedent. That accomplishment, and their performance in recent competitions, have placed the City College teams in the forefront of America's best and most prestigious debating organizations. When the team program was revived after being shut down in the mid-1960s amidst the social and demographic changes in the Baltimore City School system, few would have predicted its survival, let alone its flourishing.

- The program remains the only one of its kind in the region that offers students the full range of debating and oratorical disciplines—including Lincoln-Douglas, Policy, Extemporaneous, Student Congress, Declamation, Mock Trial.

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Foster Children are Our Children: Are They Finding Homes with Families They Can Call Their Own?

by Martha Holleman,
Strategic Thinking for Social Change

What happens to Baltimore City children in foster care when they are not able to return to their own homes and families? This is the question at the heart of this report.

Other than the Baltimore City public schools, there is no public system more directly involved in the lives of more Baltimore City children than the Baltimore City Department of Social Services (BCDSS). Alongside ensuring the safety of these children, there is no goal more important to their successful development—as evidenced by research and as stated in law—than that they grow up in permanent, stable, and supportive families. Children served by BCDSS are our children; they have been removed from their families in our name. If we care about the future of our city—about its ability to grow and prosper—we must also care deeply about these children, about their own opportunities to prosper and to grow.

This analysis, we hope, is also a timely one given:

- The expressed policy goal of the administration of the Department of Human Resources in Maryland

(DHR) and of BCDSS, under its *Place Matters* initiative, launched in 2007, “to increase the number of permanent places for children to live and the number of reunifications, guardianships, and adoptions;”

- The passage, in October of 2008, of the federal *Fostering Connections to Success and Increasing Adoptions Act*, which seeks to promote permanent families through guardianship and adoption, improve education and health care for children in foster care, and expand federal support to guardians and adoptive families;
- The recent renegotiation of terms under the long-standing consent decree *LJ v. Massinga* concerning the well-being of children in foster care in Baltimore City and the enumeration of a set of performance standards for exiting the decree, a number of which have to do with securing permanent homes for children in care; and
- The efforts of new leadership in the BCDSS and at the Baltimore City Juvenile Court, which have resulted

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in increases in adoptions in the last two years over the previous three, and a substantial reduction of backlogged child welfare cases at the courthouse—demonstrating that further progress is indeed possible.

Methods and Sources

This study has relied on administrative data from federal, state, and local sources; key informant interviews with more than 20 policy makers, court officials, child welfare researchers, and local advocates concerned about the well-being of children in Baltimore and Maryland; a scan of the research literature; and a review of policies and regulations governing the out-of-home placement of children.

Acknowledgements

Interviewees for this report have been extraordinarily generous with their time, and remarkable for both their candor and commitment. Baltimore is lucky to have a cadre of dedicated professionals. In addition to those whom we interviewed, we are especially grateful to the Director of Research, Evaluation & Systems Development at the Maryland Department of Human Resources, David Ayer, and his colleagues at the University of Maryland Baltimore School of Social Work, especially Terry V. Shaw, who went to extraordinary effort to provide current administrative data for use in this review. We are also grateful to the Director of the Baltimore City Department of Social Services, Molly McGrath, and to the Secretary of the Maryland Department of Human

Resources, Brenda Donald, for their commitment to transparency as a means of accelerating improvements in safety, permanency, and well-being for the children in foster care.

We note that this is by no means an exhaustive review though we have tried diligently to surface the most salient issues and concerns; highlight bright spots where they exist; and derive reasonable, actionable recommendations. In so doing, we hope to contribute in a small way to the critically important work of helping more Baltimore City children in foster care find permanent homes with families they can call their own.

Why a Focus on Permanency?

A wide body of literature from the 1960s and later establishes that children are most secure when they are able to develop strong attachments, or bonds, to a single caregiver. If these bonds are disrupted and not re-established, as they can be in foster care, young people enter a sort of permanent grieving process. Without a stable surrogate caregiver, they may lose the ability to empathize with others or form intimate relationships—to develop and thrive. This lack of attachment further interferes with their normal growth, development, learning, and functioning.¹

When children are unable to return to their families of origin, the question is: Who becomes the stable surrogate caregiver? Foster care, always designed to be temporary in nature, does not provide the ‘forever family’ that children and youth require for their healthy growth and development.

Confirming the early work on attachment, a more recent meta-analysis comparing outcomes for children

who were adopted with children who grew up in foster care found that:

*The main defining difference found between these two forms of substitute parenting appears to be the higher levels of emotional security, sense of belonging, and general well-being expressed by those growing up as adopted compared with those fostered long term.*²

Federal law and policy reflect the consensus that absent a return home, adoption and permanent legal guardianship are highly preferable to long-term foster care.³ The Adoption Assistance and Child Welfare Act (AACWA) of 1980 provided federal funding for child welfare under the IV-E entitlement program allowing states to be partially reimbursed for services they provide to children in foster care, provided the child was eligible for income support under the old Aid to Families with Dependent Children (AFDC) program. It also created federal adoption subsidies for children with special needs.

The Adoption and Safe Families Act (ASFA) of 1997 emphasized adoption as the primary desired solution for children who cannot return home; offered bonuses to states that increased the number of children adopted from child welfare agencies; and made possible discretionary Adoption Opportunities Grants to states and local jurisdictions to experiment with new approaches to safely move children out of foster care and into permanent homes. The ASFA also established the standard that, absent certain conditions, petitions to Terminate Parental Rights (TPR) be automatically filed for children who have been in foster care for 15 of the last 22 months, and encouraged dual permanency planning (commonly referred to

as ‘concurrent permanency planning’) for children in foster care—that is, planning for reunification with the family of origin AND at the same time pursuing efforts to place a child with an adoptive family or legal guardian.

In the mid-1990s, states began to ask for and receive waivers that allowed them to use federal IV-E payments in more flexible ways, including as subsidies for permanent guardians—removing, at least in part, a financial disincentive to permanency for families that were receiving foster care or kinship care payments but would lose this support once permanent guardianship was conferred.

To better track states’ progress, Congress mandated the Adoption and Foster Care Analysis and Reporting System (known as AFCARS) in the mid-1990s and required that the federal Department of Health and Human Services (HHS) conduct regular Child and Family Service Reviews (CFSRs) of child welfare agencies to assess the degree to which states were meeting permanency benchmarks and other child welfare goals.

In the fall of 2008, Congress passed the Fostering Connections to Success and Increasing Adoptions Act (Fostering Connections). Among other important provisions to shore up educational attainment and health care for children in foster care and extend public support for foster children up to age 21, this act allows states to use federal IV-E matching funds, without a waiver, as subsidies for permanent legal guardians, and de-links federal adoption assistance for children with special needs from the income of their birth families—effectively expanding the reach of this funding mechanism.⁴

Consistent with federal policy and congruent with what we know about the

needs of our children, Maryland law makes permanency an explicit goal.

Immediately upon removal, local departments of social services (LDSS) are to begin identifying suitable relatives, search out missing or absent parents, develop a service plan for the child and his or her family to explore reunification, and establish permanency goals for children. At 10 months post-removal, the court is to hold a per-



The number of adoptions has increased in the last two years... (yet)... as both an absolute number and as a rate, fewer children are adopted from BCDSS than were adopted seven years ago...fewer children are finding homes with permanent legal guardians than they were in 2002.



manency planning hearing where all parties—the LDSS attorney, the parent’s attorney, the child’s attorney, the LDSS case worker, the parent, and the child—are to agree on a permanency plan for the child. This plan may pursue one of four options:

- Reunification (return to the family of origin once family is stabilized);
- Custody and guardianship (legal

custody to be granted to a suitable relative or other caregiver);

- Adoption by relatives or other suitable candidates (for which TPR is required); or
- Another Planned Permanent Living Arrangement (often referred to as APPLA or long-term foster care—the least desirable option)

If a child is over the age of 14, a fifth option, Independent Living (where the child would maintain his or her own household upon reaching the age of 18), may be pursued.

As stated in the ASFA, local departments of social services are to conduct concurrent planning for permanency—that is, to begin planning simultaneously for reunification and another suitable permanency placement should reunification not succeed. Agencies may also seek a waiver from the court to move straight to TPR if they have reason to believe that reunification with the child’s birth family is not in the child’s best interest. (Maryland regulations give definition to the circumstances under which such an approach may be considered; conditions that include a prior TPR for a sibling.⁵) Additional hearings are to be held at 18 months after removal and then every six months thereafter to follow up on the implementation of the permanency plan.

Federal and state standards and reporting mechanisms exist to encourage and gauge progress in meeting permanency timelines. Among other outcomes, federal standards for permanency, as monitored under the CFSRs and reported through AFCARS, track:

- Time to Reunification;
- Time to Adoption;
- Permanent Exits of Children who are Legally Free for Adoption; and
- Permanent Exits for Children in Care for 24 Months or Longer.

Court standards also exist and, in addition to establishing a 10-month permanency planning hearing, include the requirement that hearings concerning TPR be held in less than six months (180 days) after a petition has been filed.

The research literature, federal law, and state policy all necessitate a focus on identifying permanent, stable, and supportive homes for children in foster care—as quickly as possible.

Key Findings

What Do We Know About Adoptions and Legal Guardianships for Baltimore City Children Under the Care of the Department of Social Services?

Available data give a mixed picture of the status of Baltimore City children

under the care of the BCDSS with respect to adoptions and permanent legal guardianships.

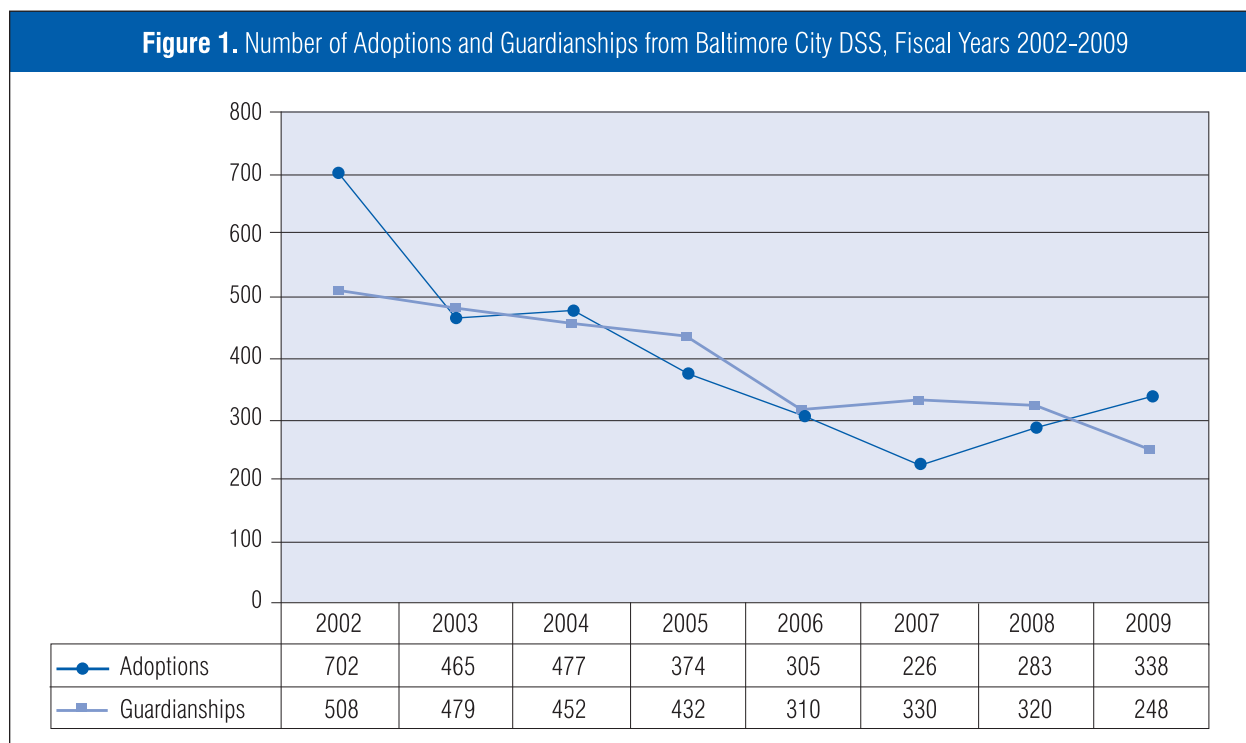
On the one hand, strong leadership at the city and state levels—as well as the implementation of the **Place Matters** initiative—is beginning to have some effect on the number and rate of Baltimore City children who find permanent homes through adoption. The number of adoptions has increased over the last two years. Interviewees anecdotally report that more families are receiving guardianship subsidies for the children in their care.

On the other hand, as both an absolute number and as a rate, fewer children are adopted from the BCDSS than were adopted seven years ago. The median time to adoption in Baltimore City is considerably longer than in jurisdictions that share its demo-

graphic and social characteristics. Fewer children—again as both a number and as a rate—are finding permanent homes with legal guardians than they were in 2002.

Beginning in 2000, administrative data reported through the AFCARS have been used to assess states' performance on seven outcome measures. Each of these outcome measures has a number of constituent indicators, data on which are combined to create a scaled composite score for each state on each outcome. States underwent an initial review during the period 2000 - 2004. They are currently in the process of a second review. Maryland recently received the results of this second review.

With the recognition that Baltimore City numbers tend to drive state trends, as reported in the current review and noted in the table below, Maryland falls



Maryland Department of Human Resources, *Select Federal Adoption and Foster Care Analysis and Reporting System Measures for Baltimore City and Maryland, Fiscal Years 2002 -2009* prepared for The Abell Foundation, October 15, 2009.

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below the national median and fails to meet national standards on the composite permanency measures: Timeliness of Adoptions and Achieving Permanency for Children in Foster Care for Long Periods of Time. While few states meet national standards on all the outcome measures contained in the federal review, Maryland's performance on these composite measures is considerably below not just national standards, but national medians as well.

What Barriers Exist to Timely Adoptions and Guardianships?

Barriers to achieving timely adoptions and guardianships fall into two broad categories: those resulting from the policies and practices of the BCDSS and barriers emerging from the

press of cases under the jurisdiction of the Baltimore City Juvenile Court.

Agency Practices

To a person, interviewees noted that the Baltimore City Department of Social Services is undergoing serious and substantial reforms that hold promise for future improvements in permanency outcomes for children. There is support, encouragement, and some optimism generated by and for the new leadership in the City Department of Social Services. Progress, it seems to be agreed, is palpable.

There is also clear, compelling, and immediate need for additional reforms—for greater focus, greater transparency, and greater accountability in ensuring that every child who is removed from his/her home by the state and is unable to return to that

home quickly finds another, permanent family. Interviewees for this report cited the following aspects of agency practice as ripe for increased attention and continued reform: conducting effective case practice to standards and on time; and recruiting and working with resource parents.

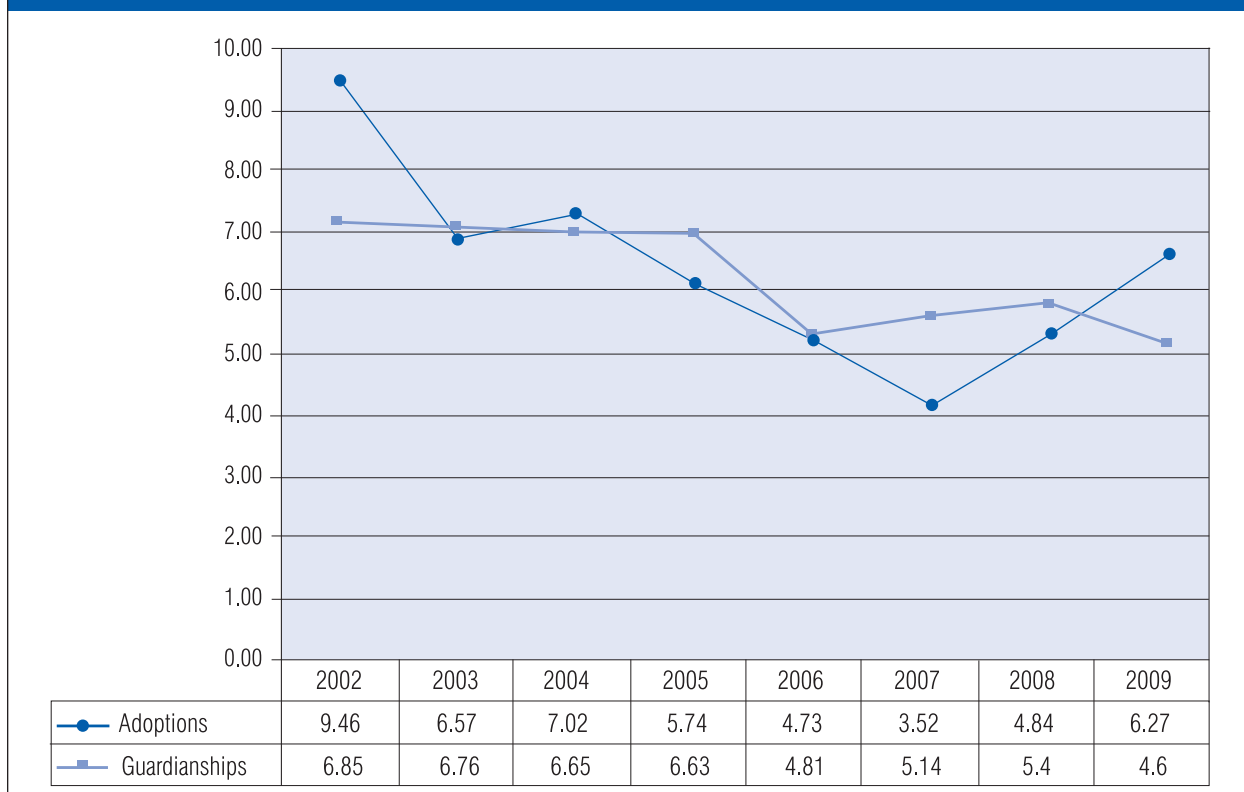
Conducting effective case practice to standards and on time

The big problem in the city is [conducting and documenting] reasonable efforts towards reunification. The problem is documenting and providing services that amount to reasonable efforts to reunify the child.

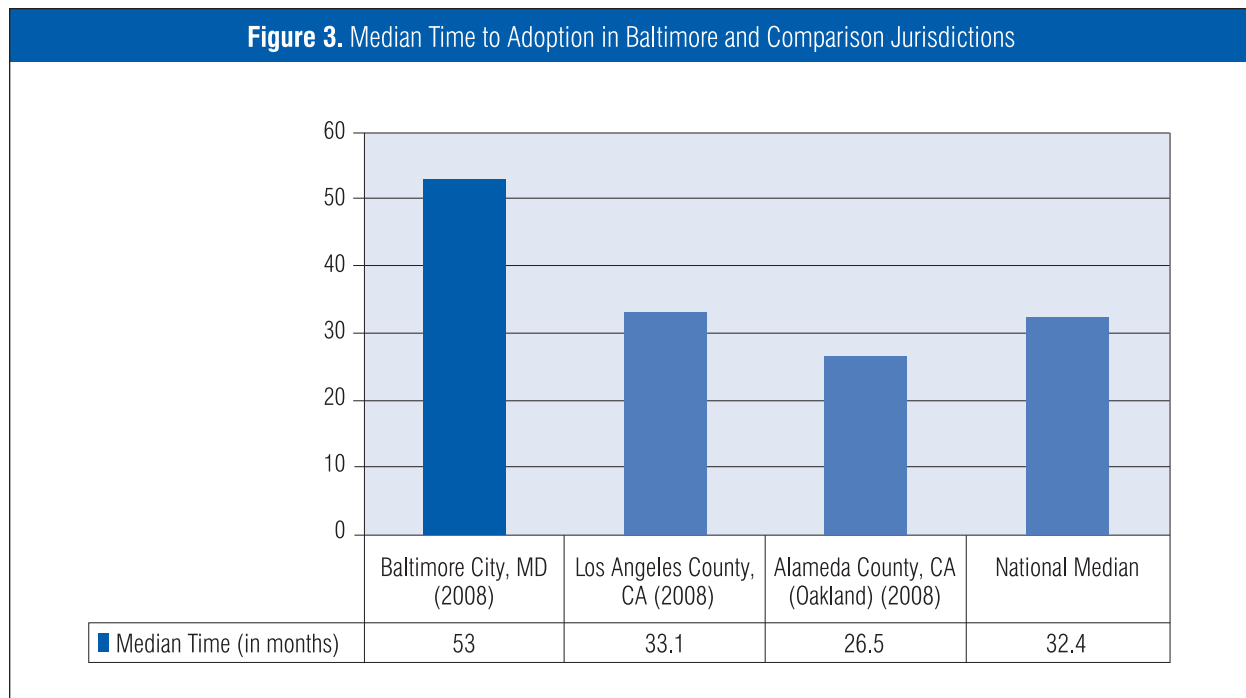
Parent's Counsel, Public Defender's Office

According to the annual case-flow assessment conducted by the Associate

Figure 2. Rate of Adoptions and Guardianships from Baltimore City DSS (as a percentage of children in care), Fiscal Years 2002-2009



Maryland Department of Human Resources for The Abell Foundation, October 2009.



Sources: National median found at U.S. Department of Health and Human Services, Administration for Children and Families, Data Indicators for the Child and Family Service Review, accessed at http://www.acf.hhs.gov/programs/cb/cwmonitoring/data_indicators.htm. California data are from the Center for Social Services Research, University of California at Berkeley, accessed at http://cssr.berkeley.edu/ucb_childwelfare/Ccfsr.aspx. Maryland data are from Maryland Department of Human Resources, Select Child Welfare Performance Indicators, prepared for The Abell Foundation, October 2009.

**Figure 4. Maryland's Performance on Child and Family Service Review (CFSR)
Permanency Composite Measures in Comparison to National Ranges,
Medians, and Standards**

Measure	National Range	National Median	National Standard	Maryland Performance
Permanency Composite: Timeliness of Adoptions	50 – 150	95.3	106.4	78.9
Permanency Composite: Achieving Permanency for Children in Foster Care for Long Periods of Time	50 – 150	112.7	121.7 or higher	96.9

National ranges, medians, and standards are from U.S. Department of Health and Human Services, Administration for Children and Families, Data Indicators for the Child and Family Service Review; Maryland's current status on these composite measures is as reported in Maryland Department of Human Resources, Child and Family Services Review, Program Improvement Plan Kick-off, PowerPoint presentation, October 8, 2009.

Administrator of the Baltimore City Circuit Court, in fiscal year 2008, only 19 percent of cases where termination of parental rights (TPR) was sought met the standard of having been heard within 180 days of filing. When assessing the cause of delays that led to this poor result, the report notes that 84 percent of delays were related to inaction on the part of one or more of the players in the process prior to the scheduled court date. Fifty-one percent of TPR-related postponements were “a result of the need for further investigations, evaluation, or other action” on the part of the agency and its workers.⁶

Concurrent Planning

Interviewees suggested that case workers are slow to pursue permanency options other than reunification and have a tendency to work in a linear, rather than simultaneous, process (that is, hold on to reunification as a sole permanency option and only begin to pursue other options when reunification has been ruled out—often after a number of years have elapsed).

As a key feature of the **Place Matters** initiative, Maryland has made a concerted effort to reduce the number of children in group homes and instead place these children in family settings. In the step down from group homes, the BCDSS has begun to work directly with young people in making placement decisions. Interviewees were very enthusiastic about this process and hoped it might be extended to permanency planning discussions.

BCDSS Action on TPR

When it comes to agency action on TPRs, three concerns were expressed.

First, interviewees referred to a committee internal to the BCDSS that requires case workers to meet with

department attorneys and ‘show cause’ for pursuit of a TPR petition before filing. This, they report, is duplicative of the process at court, causes delays based on scheduling within the agency, and—if intended to make sure cases were sound before they proceed—appears to have little effect (given the degree to which incomplete information leads to further delays at the courthouse).



Interviewees cite several concerns with existing outreach to potential resource parents . . . (including) a general lack of consumer orientation and focus on potential permanent families.



Second, there is no evidence to suggest that TPR filings are happening as a matter of course for children who have been in care 15 of the last 22 months as per federal law.

Third, Maryland law allows for “reasonable efforts” toward reunification to be waived if certain conditions exist. These conditions include a prior TPR for a sibling.⁷ While some parents who have experienced a TPR may indeed be able to care for subsequent children, interviewees report that Maryland has not developed a systematic approach to applying this provision. If applied in more cases where

there was a prior TPR, the BCDSS could potentially expedite alternative routes to permanency for a substantial number of children in care.

Recruiting and working with resource parents

Recruitment

In Maryland, resource parents apply to be and are accepted as both foster and adoptive parents, allowing them to serve in a foster-to-adopt role and saving time in additional screening and approvals later on. This time- and resource-saving approach was the result of previous recommendations about how best to expedite the placement of children in family homes. Over the last two years, the BCDSS has moved to streamline the recruitment process; set consistent guidelines for workers to use in reviewing the applications of potential resource families; and supported a public outreach and recruitment effort, Put a Little Love in Your Life.⁸

Even with these improvements, however, interviewees cite several concerns with existing outreach to potential resource parents—many of which the department itself has acknowledged. Interviewees note a general lack of consumer orientation and focus on potential permanent families. Kinship caregivers and potential foster and adoptive parents all receive the same initial orientation, though their needs and interests may differ significantly. While the department has put increased emphasis on specialized recruiting to identify families for particular children, its recruitment is not targeted to the needs and interests of potential resource parents.

Placement

There also appear to be glitches in matching children with potential adoptive parents. In the process of collecting

information for this study, we interviewed an approved adoptive resource parent who had this story to tell:

I applied to be a resource parent over two years ago—got the beds, the switch plates, everything. Was approved, but no child was placed. I wasn't even presented with one. My home study expired. Re-applied and have been re-approved. But I still don't have a child. I was presented with one child who didn't want to be adopted.

[I] attended a meeting of resource parents with the director (about need to place kids in step down from group homes); many others had similar complaints—we're ready, we've been ready, we still don't have kids. The director had to get a special meeting room to meet with us all individually, which she did. Since then, I have had follow up from a BCDSS placement specialist (at the director's request). She's working on it for me. She seems responsive (hope to have a child soon); but why did I have to go through all this?

In a happy ending, when contacted for follow-up, this Baltimore City resident noted that he was currently serving as a resource parent for two 13-year-old boys and was planning to adopt one.

Though certainly anecdotal, this story is illustrative of other comments collected during key informant interviews:

- The dissolution of the BCDSS Adoption Unit (in place through the 2002 peak in Baltimore City adoptions) led to a loss of staff expertise as well as working relationships with private adoption agencies;
- Cumbersome/inefficient contracts with private adoption agencies have resulted in dramatically fewer out-

placements through this channel over the last four years than in years previous;

- Case managers seem unprepared to approach young people about possible adoptions. Interviewees cite a lack of training, poor timing, and poor communications with children about potential adoptive families—which, in turn, has led young people to turn down what might have been successful placements;



Persistent court resource and time constraints hinder the processing of child welfare cases – and the goal of permanency. “Just do the math” said one key informant, referring to the average of roughly 120 cases a day scheduled for 6.5 judges and masters.



- BCDSS staff turnover and the lack of consistent follow-through impedes the efforts of private adoption agencies to work effectively with BCDSS case managers on adoption; and
- The presentation of material on potential adoptive children to poten-

tial adoptive parents is not standardized or complete, which can dissuade potential parents and lead them to go elsewhere.

In our own interview with the director of the Baltimore City Department of Social Services, she acknowledged that efforts in 2008 to improve the way the agency recruits and trains adoptive and foster parents “haven’t worked the way we intended; we are going back again [to seek real improvements].”

She also asked us to be careful of presenting a picture of an agency that no longer exists given the rapid reforms under-way—and in this we hope the anecdote of the resource parent captured above is also illustrative. Once he was able to bring his concerns to the attention of the department, they were resolved through the dedicated attention of a capable and committed BCDSS staffer.

Court Practices

Interviewees for this study, again almost to a person, told us of the strong leadership of the current chief administrative judge and the difference this leadership is making at the courthouse. As one put it, “The current (juvenile court) administration is as strong as it ever has been.”

As evidence of this leadership, over the last two years, the court took innovative measures to secure additional judicial resources for a concentrated period of time to process a previously accumulated backlog of TPR cases (where a TPR petition had been filed, but no hearing had been held, in violation of the 180-day standard). Using retired judges and converting a conference room into a court room, the court reduced its backlog of cases exceeding the 180-day time limit from 70 percent of cases in which a TPR petition had been filed to around 25 percent—a lev-

el that it has since been able to maintain, although the two temporary judges are no longer in place.⁹

Time and Resource Constraints

Interviewees were also almost unanimous in citing the degree to which persistent court resource and time constraints hinder the processing of child welfare cases—and the goal of permanency. “Just do the math,” said one key informant, referring to the average of roughly 120 cases a day scheduled for 6.5 judges and masters.

Others pointed to a Maryland Workload Assessment conducted by the Foster Care Court Improvement Project in 2004 in conjunction with the American Bar Association Center on Children and the Law, the National Center for State Courts, and the National Council of Juvenile and Family Court Judges. That report found that the 8th Circuit, Baltimore City, was in need of **an estimated 11 to 16 judges and masters** in addition to those currently working on the bench, and that additional attorneys were needed to serve as agency, child’s, and parent’s counsel. “One of the biggest areas of concern expressed by attorneys was that they do not have sufficient time to prepare for contested hearings.”¹⁰

Though two temporary judges were assigned on a short-term basis in 2008 to address the TPR backlog, no further action has been taken to address these recommendations. Staffing levels remain at the 2004 levels.

Judicial Authority to Expedite Permanency

This lack of capacity and judicial resources leads, said our interviewees, to a tendency to accept quickly arranged agreements among attorneys

for postponements and delays without sufficient attention to the particular needs and circumstances of children and the ticking of the permanency clock. As a local court official noted:



This lack of capacity and judicial resources leads . . . to a tendency to accept quickly arranged agreements among attorneys for postponements and delays without sufficient attention to the particular needs and circumstances of children and the ticking of the permanency clock.



We can order [the agency] to file [for TPR if cases drag out], but we don’t do it a lot. The court is in a ticklish position. Attorneys meet in the CINA suite prior to a hearing and work to agreement. Attorneys come to us with a pre-arranged agreement. Our tendency is to go with this agreement. The pressure is really on us to get our docket completed.

Child Characteristics

The characteristics of children in care including their age, the number of

transitions they have experienced, their emotional and behavioral health, and their membership in a minority and/or sibling group may also be a barrier to adoption and guardianship, and are frequently cited as such in the national literature. It is difficult, however, to tease out the degree to which this is the case for Baltimore children, given that some of the very characteristics that the literature cites as impediments are exacerbated by the time children spend in care and the quality of that care.

Recommendations

Because of the consistency in the barriers that surfaced over the course of this study, the urgent need to find children permanent homes, and the clear room for improvement, immediate opportunities to further the reforms already under way by the Baltimore City Department of Social Services and the Baltimore City Circuit Court have emerged. They include:

- Addressing chronic staffing and resource shortages at the Baltimore City Juvenile Court—the court that hears all cases related to children under the care of the Department of Social Services. One judge, one master, and two additional court rooms should be added in the next fiscal year, and space for courtrooms in the Baltimore City Juvenile Justice Center should be found. The need for further judicial resources should then be assessed against the volume of cases and re-addressed in two to three years, once the initial infusion of resources has had time to take effect. Back-of-the-envelope estimates place the cost for staffing and outfitting an additional courtroom at \$500,000.¹¹ This is, no doubt, a difficult climate in which to ask for an infusion of resources, yet should

Maryland move to increase federal matching funds for child welfare (more on this below), sufficient state resources may be freed up for this important, and necessary, investment.

- As some of the pressures on the docket ease through additional resources—and even as these additional resources are advocated for and put in place—the Baltimore City Juvenile Court, and its colleague child, parent, and BCDSS attorneys, can and should join together to *put in place additional supports and incentives to expedite permanency for Baltimore City children in foster care*. This work should begin with the question: *How can we make each appearance at the court an opportunity to move more quickly toward permanency?* As suggested by interviewees for this study, items under discussion may include:

- Trigger mechanisms in the court data and tracking system that note when a case has reached critical benchmarks so that it can be flagged for action;

- Training and tools for judges and masters that include a summary of the research findings on permanency; a review of the court’s role in moving cases along; and suggested questions and action steps at each stage of the judicial process; and

- Scorecards that track the performance of individual judges and masters in getting cases to closure.

- The Baltimore City Department of Social Services and the Maryland Department of Human Resources

can and should make clear plans for the Place Matters initiative as it moves beyond an initial emphasis on moving children out of group homes to placing more children in permanent families. These plans should include:



Progress is being made... further progress will depend not just on clear-eyed leadership from within the agency and the courts; but also on greater attention from the governor, the legislature and the broader public.



- The use of administrative data to identify and group cases for expedited action toward permanency (i.e., cases where kinship caregivers might be converted to permanent guardians, where adoption is the permanency plan but parental rights have not been terminated, where two or more placements have been made and the child is with a non-relative caregiver, or where a child has been in care for more than 24 months with no action toward permanency to date);

- Support, training, and tools for caseworkers and their supervisors that detail responsibilities for establishing a service agreement

for parents from whom children have been removed, locating absent parents, notifying relatives, documenting ‘reasonable efforts’ toward reunification, pursuing concurrent permanency planning, and outlining specific action steps when adoption or guardianship becomes the permanency plan;

- Performance assessments and incentives for caseworkers and supervisors tied to permanency;

- Improved preparation and filing of petitions for the termination of parental rights on the schedule mandated by federal law and including procedures for the use of a provision in Maryland law waiving attempts at reunification should certain conditions exist;

- Continued improvements to efforts to recruit and support foster and adoptive parents;

- An enhanced approach to adoption that clearly outlines a role for private adoption agencies, and uses more sophisticated methods to identify, recruit, and retain potential adoptive parents; prepare children for adoption; and match families. The BCDSS should also consider establishing a public/private partnership to handle parent recruitment and relationships between private providers and the state, and to set adoption goals and monitor progress. These efforts could be sustained through a reinvestment strategy such as the Maryland Opportunity Compact¹² or other means to capture a return on investment and use avoided costs to support the effort moving forward;

- An enhanced approach to guardianship that identifies and offers flexible financial support for kinship caregivers so that they can

shore up minor home-safety concerns and make other improvements that would allow them to become permanent legal guardians for the children for whom they already provide a stable and safe home. In addition, data and reporting issues with respect to tracking guardianships need to be cleaned up so that progress can clearly be measured.

- As a potential means for paying for the above reforms, and others required across the child welfare system, the Maryland Department of Human Resources, the Maryland Department of Budget and Management, and the Department of Legislative Services should *track and independently report Maryland's history of IV-E claiming, eligibility, and penetration rates for both adoption and foster care maintenance payments*. The federal IV-E Foster Care Program provides matching payments to states for outlays on foster care room and board expenses, adoption subsidies, and allowable administrative costs. Based on an analysis of Maryland's IV-E claims history over the past 10 years conducted for this report, it appears that the *DHR may not be receiving all of the IV-E funds for which it is eligible.*¹³ *If an underclaim exists, the DHR should produce an action plan and timeline for recouping federal funds.*
- This plan should be produced in conjunction with a *plan for utilizing key provisions of the federal Fostering Connections Act* and further reducing any remaining financial disincentives to permanency. This should include a plan for the expansion of eligibility for federal adoption sub-

dies as well as a determination of how best to coordinate the state's current guardianship subsidy program with the expanded subsidies under Fostering Connections to ensure that all families who might be able to take advantage of this funding mechanism are made aware of the opportunity. In addition, the plan should address any amendments to the state's IV-E Plan that are required for claiming these subsidies.

- The DHR should produce a clear investment strategy that lays out how recouped state funds, freed up by increased federal claiming, and any further federal funds received through these and other incentive awards, will be re-invested in improvements in child welfare to meet federal Maintenance of Effort requirements and, most important, to expedite permanency for children under the state's care.

Call for Increased Attention and Concern

Building on the promising reforms and the strong leadership already in place, these steps should lead to measurable improvements in the number of Baltimore City children who find permanent families.

Neither the courts nor the BCDSS can accomplish this work on their own, however. Additional action is also required on the part of the broader community in whose name children have been removed from their homes. Here, as well, immediate opportunities exist. Maryland residents can step up in ever greater numbers to serve as foster and adoptive parents. We can ask our elected officials to provide necessary resources and direction to public agencies and their leaders to enact suggested reforms. Private funders and volunteers

can join with these agencies to seed and support further innovation. And the community at large can continue to demand accountability for progress, measured and reported in publicly available, clear, and consistent ways.

Finally, we must couple our call for immediate and urgent action with a recognition of just how far the Maryland Department of Human Resources and the Baltimore City Department of Social Services have come—have had to come—in the past two years, and how much further there is to go. The current leadership inherited a system that, from all available evidence, was in complete disarray. Progress is being made. However, further progress will depend not just on clear-eyed leadership from within the agency and the courts, but also on greater attention from the governor, the legislature and the broader public; an evolution of the Place Matters initiative beyond the step down from group homes to a laser-like focus on the identification of a permanent family for every child in care; the inclusion of a broader set of partners in this work; and clear, transparent accounting in the public domain for expenditures and outcomes.

ABOUT THE AUTHOR

Martha Holleman is the principal of Strategic Thinking for Social Change, a Baltimore-based policy and research practice. From 2006-2008 she served as a Distinguished Fellow of the William T. Grant Foundation at New York University's Wagner School of Public Service; from 1996-2008 she was Policy Advisor to Baltimore's Safe and Sound Campaign.

ENDNOTES

- ¹ See, for example, R.P.L. Bowl, *Separation and Loss and A Secure Base*, Rutledge, 1988; Colin Murray-Parks and Joan Stevenson-Hinder, *The Place of Attachment in Human Behavior*, Basic Books, 1982; and Joseph Goldstein et al, *The Best Interests of the Child*, 1966.
- ² John Triseliotis, “Long-term foster care or adoption? The evidence examined,” *Child and Family Social Work*, 2002, 7:22-33.
- ³ See, for example, Mark Testa, “When Children Cannot Return Home: Adoption and Guardianship,” *Children, Families and Foster Care. The Future of Children* 14(1), The David and Lucille Packard Foundation, Winter 2004; and “A Summary of Major Child Welfare Laws prepared for Court Appointed Special Advocates,” accessed at: <http://www.casenet.org/reference/major-child-welfare-laws.htm>.
- ⁴ For an overview of this legislation, see The Children’s Defense Fund (CDF) and The Center for Law and Social Policy (CLASP), *Fostering Connections to Success and Increasing Adoptions Act (HR 6893) Summary*, November 2008.
- ⁵ See Code of Maryland Regulations (COMAR) 3 – 812, Courts and Judicial Proceedings.
- ⁶ “2008 Annual Case Flow Review, Termination of Parental Rights,” Associate Administrator - Juvenile Division, Circuit Court for Baltimore City.
- ⁷ See Code of Maryland Regulations (COMAR) 3 – 812, Courts and Judicial Proceedings.
- ⁸ BCDSS efforts to improve the ways in which resource parents are identified and recruited are detailed in the *LJ v. Massinga Consent Decree Report, 42nd Edition, January 1, 2009 through June 30, 2009*.
- ⁹ “2008 Annual Case Flow Review, Termination of Parental Rights,” Associate Administrator - Juvenile Division Circuit Court for Baltimore City.
- ¹⁰ Bruce DeFarge, “Foster Care Court Improvement Project: Court Performance and Workload Assessment,” University of Maryland School of Social Work, 2004, as cited in Department of Family Administration, Maryland Administrative Office of the Courts, *Family Matters Newsletter*, Fall 2005.
- ¹¹ This is a very rough estimate derived from projected costs for an additional judge; court and agency personnel; and courtroom space, materials, and supplies.

- ¹² Maryland Opportunity Compacts leverage investments of private sector resources to seed effective strategies that improve lives—strategies such as drug treatment, case management, and jobs. These investments reduce the need for public expenditures and save government money as a result. As savings are documented, they are shared between the effort that created them and the state—sustaining efforts beyond a start-up phase and then further expanding opportunity and improving the lives of more Marylanders.
- ¹³ Martha Holleman, “The Road to Home: Adoption and Permanent Custody and Guardianship for Baltimore City Children in Foster Care,” 45 – 48, available at: <http://www.abell.org/publications/detail.asp?ID=163>.

EDITOR’S NOTE

A full copy of the report, *The Road to Home: Adoption and Permanent Custody and Guardianship for Baltimore City Children in Foster Care*, is available in “Publications” on the Abell website, <http://www.abell.org>

[CLICK HERE](#)

Finally, trend data for this report are generally reported through State Fiscal Year 2009. The 2010 Fiscal Year closes June 30. We’ll be watching closely to see if the promising trends of the last two years are continued.

ABELL SALUTES

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- Recently the City College Speech and Debate program has formed a mentoring partnership with the Woodrow Wilson debating Program at Johns Hopkins University. The relationship, which includes one-on-one mentoring and the opportunity for our students to enjoy exposure to college-level debate and research, promises to further enrich the program.
- The students get to experience three - and four - day fully-paid-for visits, debating on the campuses of Harvard and Penn, Princeton, Yale and Wake Forest.
- The program has now expanded to where it serves more than 50 students, and 100 percent of them go on to four-year colleges.
- City debate team students’ SAT scores continue to be among the highest in the Baltimore City Public School system. The students have established a record for gaining

admission into America’s top-tier colleges and universities, including, over the years, Stanford, Harvard, Cornell, Hopkins and Columbia.

- Beginning in the fall of 2010, the Speech and Debate program is offering its students their own college advisory counselor, expressly for service to students enrolled in the Speech and Debate program.
- Although funds to support the program day to day are provided by tax-exempt contributions, in the spring of 2008, friends of the program started a fund designed to create a permanent endowment of \$500,000 and help ensure the program into perpetuity.

The Abell Foundation salutes the City College Debate Team and its coaches, Patrick Daniels, Rosemary Steck, and Alan Rosenberg—who inherited the City College record of 138 successful years, and keep adding to it!