

A Home of Their Own:
Past Policies for Foster Care

William Norris
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Dr. Gai Ferdon and Dr. Mary Prentice

Abstract

For the past fifty years, the states and the National Congress has been attempting to fix problems associated with the Foster Care system. Some of these measures have been successful, while some have not. This raises the question of what effective policy is and what is not. The hypothesis is that a focus on the effective child placement and adoption as well as family reunification will be beneficial policy for the system. This is the question that this study will attempt to answer in order to provide better policies for the problems ailing the system. Through the course of the study, a legislative history was done that looked through bills related to the Foster Care system passed in Virginia, Arizona, and California. These bills were then compared to the data provided by the Children's Bureau to determine points of correlation. It was found that emphasis on family, on private agencies, and streamlining the adoption process have been successful policies for the states. Conversely focusing on ideology and on small reactionary changes are unsuccessful policies. This study strove to give a roadmap to those looking to improve the system.

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List of Abbreviations

Adoption and Foster Care Analysis and Reporting System – AFCARS

Assembly Bill – AB

Board of Social Services – BSS

Child Abuse Prevention and Treatment Act – CAPTA

Child Protective Services – CPS

Department of Economic Success – DES

Department of Justice – DOJ

Department of Social Services – DSS

Emergency Medical Services – EMS

House Bill – HB

Lesbian, Gay, Bisexual, and Transgender – LGBT

Senate Bill – SB

Virginia Child Protection Accountability System – VCPAS

CHAPTER 1: INTRODUCTION

One issue that has consistently plagued the United States and the rest of the world is the problem of children who do not have a family or a home. Though the United States of America may have one of the highest standards of living in history, it is not exempt from the problem. Estimates have placed the number of children who are currently in the Foster Care system in America at nearly five hundred thousand.¹ Numerous families have fallen apart, and numerous children left needing care. The easy answer would be to resort to the federal government since it has the resources to get the job done, but both state and federal governments have worked on the problem since the founding of America.² For forty years, there has been a litany of legislation to improve the foster care system, but unfortunately, all of these policies have not solved the problem.³ Everyone from the federal government to the local governments needs to be smarter about how to approach the foster care system to improve the children's lives.

The purpose of this study is to recommend policy solutions to the problems of the foster care system. It is pointless to try to solve these problems by repeating past mistakes or passing legislation that has failed in Virginia in California. Such recommendations can be determined by compiling and analyzing successful and failed policies. This paper will study the legislation passed from 2006 – 2017 in Virginia, Arizona, and California. It will also compare this legislation to the publicly available data released by the Children's Bureau to attempt to determine what policies bring about positive change for the Foster Care system and what does not. The analysis of policies state lawmakers have already attempted will create a map to help improve the system. By putting the resources where they would be the most productive, by thinking out plans, and placing the focus on the children, the States can improve their foster care systems.

Biblical Principles

God calls all Christians who are serving in politics to be statesmen. The main

¹ Kay Nolan, "Foster Care: Can the System Handle the Soaring Demand?" *CQ Press* 28, no. 26., July 20, 2018, 609-32, Political Science Complete, accessed September 10, 2018, library.cqpress.com/cqresearcher/cqresrre2018072000, 612.

² "History of Foster Care in the United States," National Foster Parent Association, accessed August 10, 2019, <https://nfpaonline.org/page-1105741>.

³ Children's Bureau, "Major Federal Legislation Concerned With Child Protection, Child Welfare, and Adoption," Children's Bureau, 2015, accessed September 11, 2018, <https://www.childwelfare.gov/pubpdfs/majorfedlegis.pdf>.

application of this principle is that statesmen “must think systematically and holistically.”⁴ A Statesmen should keep in mind the whole picture when making decisions.⁵ “Having good ideas or pure convictions ... are not enough.”⁶ To do any less than this would not be loving God with all of one’s mind.⁷ Christians can love God with all their minds by using them to help solve problems that God has put in front of them. As Proverbs 14:15 states, “The simple believes everything, but the prudent gives thought to his steps.”⁸ Christians need to be thoughtful and analyze the policies they are trying to improve.

Christians should be concerned about the problems the system is facing. It is common knowledge that many Christians believe that the most significant issues with society today is abortion or religious liberty. While these are crucial issues, they are not the only ones that are vexing society. Much attention is paid to the cause of children before they are born, but what about after birth? Does their value to God end once they leave the womb? Jesus answered no, telling his followers, “As you did it to one of the least of these my brothers, you did it unto me.”⁹ Proverbs 31:8 commands Christians to speak up for those who cannot speak for themselves.¹⁰ Deuteronomy 10:18 states that God is a God who defends the cause of the fatherless.¹¹ James 1:27 calls on those who love God to “visit orphans and widows in their affliction.” There are a plethora of passages that support the point that the Church, and in the Christian statesmen, should be involved in the continued troubles of the Foster Care system. God commands His people over throughout the Old and New Testaments to care for the children in need. Christians should work to not only further understand the system but to improve it.

Background on the System

First, the Foster Care system has differing types of care that a child can receive, and which clarifies several misconceptions about the system. One such misconception is

⁴ Kahlil Fischer, “Leadership and Statesmanship: An Introduction,” Lecture, Liberty University, Lynchburg, 2012.

⁵ Fischer, “Leadership.”

⁶ Fischer, “Leadership.”

⁷ Matthew 22:37 ESV.

⁸ Proverbs 14:15 ESV.

⁹ Matthew 25:40 ESV.

¹⁰ Proverbs 31:8 ESV.

¹¹ Deuteronomy 10:18 ESV.

that every child is eligible for adoption and looking for a new home. In 1998, legislation began to focus on family reunification, which opened the door for a new type of policy.¹² Presently, for 56% of the children in the system, family reunification is the goal.¹³ Another misconception is when social services place a child in foster care; the options are an orphanage or a foster home. In 2017, social services placed 45% of children in foster homes with a non-relative.¹⁴ This type of care was best defined by Fred Wulczyn, a researcher for the University of Chicago, as “placement in the home of a state-licensed substitute caregiver who is often unknown to the child at the time of placement.”¹⁵

The second highest placement for children is Kinship Care, a favored choice for 32% of the children.¹⁶ Kinship guardians are grandparents, aunts, and uncles, other relatives, or anyone who has a family-like relationship with the child.¹⁷ The last possibility for placement is congregate care, which caters to 13% of the children.¹⁸ Dr. Wulczyn describes congregate care as “placement in a group facility managed by the state or a private entity contracted by the state.”¹⁹ Scholars have written on the damaging and adverse effects it has on the children, steeping it in controversy.²⁰ The Family First Act of 2017 has made this type of placement all the more complicated, restricting funding for children (except in extreme cases) to only two weeks in facilities.²¹ These various methods and policies are crucial to understanding the Foster system. In 2017, only 27% of the children in foster care were up for adoption.²² That makes seven out of every ten children who were not eligible for adoption, who still needed temporary care. States generally choose between these policies to properly place children.

The history of the Foster Care system also reveals several failed policies. The

¹² Nolan, “Foster Care,” 622.

¹³ Children’s Bureau, “The AFCARS Report,” Children’s Bureau, Oct. 20, 2017, accessed November 10, 2018, <https://www.acf.hhs.gov/sites/default/files/cb/afcarsreport25.pdf>, 1.

¹⁴ Children’s Bureau, “AFCARS Report 25,” 1.

¹⁵ Fred Wulczyn and John Halloran, “Modeling Complexity in Human Built Systems: New Approaches, New Findings in Foster Care,” *Policy and Complex Systems* 3 no. 2 Fall 2017: 105-119, accessed March 10, 2019, DOI: 10.18278/jpcs.3.2.7, 109.

¹⁶ Children’s Bureau, “AFCARS Report 25,” 1.

¹⁷ Nolan, “Foster Care,” 616.

¹⁸ Children’s Bureau, “AFCARS Report 25,” 1.

¹⁹ Wulczyn, “Modeling Complexity,” 109.

²⁰ Nolan, “Foster Care,” 615.

²¹ Nolan, “Foster Care,” 615.

²² Children’s Bureau, “AFCARS Report 25,” 1.

U.S. has been dealing with Foster Care issues since a child named Benjamin Eaton was orphaned thirty years after the foundation of Jamestown in 1636.²³ Early on, the Church primarily handled the system. “Records show that Christian Congregations took up collections to pay qualified widows to care for other orphaned children, while in colonial Virginia and other places, Anglican parishes levied taxes to care for orphans and the poor.”²⁴ The first orphanages in America were formed in Charleston, South Carolina, to deal with the orphans left in the wake of the British attack.²⁵ For the next two centuries, America mostly followed the British example of the “poor law,” where orphaned children were made indentured servants to a family until they came to the age of majority.²⁶ America did not pass the first adoption law until the middle of the 19th century.²⁷ Another policy of the 19th century was the “orphan trains” which brought orphans from big cities such as New York and delivered to the Midwest, where there was work they could do.²⁸ In the early 1900s, the Federal government formed the Children’s Bureau, which placed children with licensed foster parents for care.²⁹ In the 1960s, the foster care system and child abuse gained national attention, which provoked legislation.³⁰ It was not until the 1990s that significant reform measures were passed that benefited the system as the system nearly doubled over the preceding ten years.³¹ Whether it was indentured servitude, orphan trains, or the first foster homes, many of these policies failed to protect the children adequately. This work will bear in mind these policies while analyzing more recent ones.

Methodology

This paper will attempt to analyze legislation passed during the test period in three states to gain insights into what characterizes good policy for the Foster Care system. The Commonwealth of Virginia has a long history with Foster Care and had

²³ “History of Foster Care.”

²⁴ Nolan, “Foster Care,” 618.

²⁵ Stephen Doucher, “A view of American Orphanages Through a Study of History of the Ohio Pythian House,” Theses and Dissertation, Wright State University, 2011, 6.

²⁶ Nolan, “Foster Care,” 618.

²⁷ Nolan, “Foster Care,” 618.

²⁸ Nolan, “Foster Care,” 620.

²⁹ Nolan, “Foster Care,” 620.

³⁰ Nolan, “Foster Care,” 620.

³¹ Nolan, “Foster Care,” 620.

positive numbers over the period studied. Arizona has a history of policy innovation and success in areas such as education. As a state with a large population and size, California offers a unique perspective. These three states provide a diverse field to see different kinds of policies and approaches. A legislative history was conducted on each to identify bills that were relevant to the study.

The legislative history was conducted using the following criteria: those that directly relate to the welfare of the children in the Foster Care system that applies to more than just a minuscule part of the system and would apply to the data. Bills related to education, child daycare, child support, health care, and transportation, while impacting the lives of the foster children, were not considered for this study. The legislative history begins in 2006 to provide background on the States' Foster systems and to further show their approaches. The study lists the intentions of each of the bills during their years of impact, not passage. The bills were broken down by year and listed along with what each was attempting to change. The analysis of the legislation begins in each chapter as the data becomes available. This study cannot analyze changes before 2008 due to resource limitations; thus, the analysis will begin in 2009.

This analysis utilized the Adoption and Foster Care Analysis and Reporting System (referred to as AFCARS). The policies were analyzed using ten years of data available dating from 2008-2017. Changes in the date were noted after 2009 to analyze the policies. The study uses six data sets from the AFCARS data: the number of children in care, the number entering the system, the number exiting the system, the number of parental rights removed, the number of children eligible for adoption, and the number adopted with government assistance. These data sets show the impacts of the policies on a year by year basis, but with the help of statistical tools, it can also show long term, decade-wide benefits. There is not enough data currently available to adequately prove causation relative to which policies have improved the system, and which have not. Thus, the focus of this study is to demonstrate the correlations between the policies and the data. For example, if kinship care has a strong correlation to improvement multiple times in multiple systems, it strongly suggests that it is a good policy to pursue.

Four major chapters comprise the content of this study as it attempts its overall goal. The second chapter will focus on the Commonwealth of Virginia and discusses policies it has been pursuing in the twelve years studied, followed by Arizona, then California. Finally, the fifth chapter will include the breakdown of the points of correlation determined in the three states. This chapter will attempt to answer the questions raised and offer conclusions.

Conclusion

The focus of the Foster Care system should be on the children and families. The states' legislator should focus on improving the system by remembering its real purpose- not on ideology or any other criteria. This study will show the positive correlation that has been found in the states and provide a policy roadmap to improve the system further.

CHAPTER 2: VIRGINIA

Virginia has made improvements in the lives of foster children, which places them in the top five Foster Care Systems according to the data. This chapter will seek to answer how this occurred by looking at the data, and the legislation passed.

The Data

The first step in the study of Virginia's Foster Care system is to analyze the available data. For this study, Virginia's system will only be compared to the national average, and not to any of the other states in this study. The raw data for Virginia shows a system that improves the lives of foster children.

The data revealed that in Virginia, fewer children were in care in 2017, than there were in 2008. There were 7,099 children in the system in 2008 and in 2017: 4,795.³² That is a ten-year average of 5,125 children.³³ This demonstrates a rate of decrease of 32.45%, which is 2.97 times better than the 10% rate of the National system.³⁴ In 2017, Virginia accounted for 1.08% of the children in the National system, which is surprising considering the higher than the average population.³⁵ Overall, the number of children that were in care improved over ten years.

The number of children entering the system also decreased in the same period. In 2008, 3,221 children were entering the system, and in 2017, 2,741.³⁶ There was a ten-year average of 2,808 children entering, which is a decrease of 14.9% children, 496.66 better than the 0.03% decrease in the national system.³⁷ In the final analysis, Virginia made up 1.01% of the children entering the system.³⁸ This data set was more sporadic than the in care data, but overall showed a decline in the number of children entering the system.

Though the entrance rate was decreasing, the exit rate decreased as well. In 2008, 3,060 children were exiting the Virginia system while in 2017, 2,842.³⁹ That is a rate of decrease of 7.12%, which is 2x better than the 14.25% rate of the national system.⁴⁰ The

³² Children's Bureau, "State Data Tables," In Care on September 30.

³³ Children's Bureau, "State Data Tables," In Care on September 30.

³⁴ Children's Bureau, "State Data Tables," In Care on September 30.

³⁵ Children's Bureau, "State Data Tables," In Care on September 30.

³⁶ Children's Bureau, "State Data Tables," Entered.

³⁷ Children's Bureau, "State Data Tables," Entered.

³⁸ Children's Bureau, "State Data Tables," Entered.

³⁹ Children's Bureau, "State Data Tables," Exited.

⁴⁰ Children's Bureau, "State Data Tables," Exited.

numbers are flipped for this data set because the goal should be more children exiting the system, not more. There was an average of 2,962 children exiting the system throughout the ten-year.⁴¹ In 2017, the Commonwealth made up 1.14% of the children entering the system.⁴² It also saw a few years of increase, but a decrease in seven of the nine years studied, which explains the overall decrease in the system.⁴³ The exit rate is an area of the system that could use some improvement.

The next area of the system is the number of children Virginia removed from parents. In 2008, 1,336 children were removed from their parents and in 2017, 1,307.⁴⁴ This change could be due to numerous factors such as abuse, neglect, drug use, and others. There was a rate of decrease of 0.02%, which differed from the 55.47% increase experienced by the nation at large.⁴⁵ There was an average of 1,163 parental rights removed during the time studied, and in 2017, Virginia accounted for 1.05% of the children removed from their parents.⁴⁶ Much like the entrance rate, this data fluctuated drastically, altering directions eight times over the nine years studied.⁴⁷ Overall, Virginia has been removing fewer children from their parents, especially when compared to the rest of the nation.

It is in the best interest of Virginia to quickly find safe homes for the children awaiting adoption. There were 1,769 children eligible to be adopted in 2008 and in 2017, 1,826.⁴⁸ This change is a rate of increase of 3.22%, which is worse compared to the national system's 44.69% rate of decrease.⁴⁹ There was an average of 1,629 children waiting to be adopted.⁵⁰ In 2017, Virginia accounted for 2.62% of the children who were waiting to be adopted nationally.⁵¹ This data was another set of numbers that were sporadic and continually changing; the course flipped six times in the years studied. This set of data shows another area where the Virginia system could stand to improve.

⁴¹ Children's Bureau, "State Data Tables," Exited.

⁴² Children's Bureau, "State Data Tables," Exited.

⁴³ Children's Bureau, "State Data Tables," Exited.

⁴⁴ Children's Bureau, "State Data Tables," Parental Rights Terminated.

⁴⁵ Children's Bureau, "State Data Tables," Parental Rights Terminated.

⁴⁶ Children's Bureau, "State Data Tables," Parental Rights Terminated.

⁴⁷ Children's Bureau, "State Data Tables," Parental Rights Terminated.

⁴⁸ Children's Bureau, "State Data Tables," Waiting for Adoption.

⁴⁹ Children's Bureau, "State Data Tables," Waiting for Adoption.

⁵⁰ Children's Bureau, "State Data Tables," Waiting for Adoption.

⁵¹ Children's Bureau, "State Data Tables," Waiting for Adoption.

The final set of data is the number of children adopted with government assistance, rather than private. The Virginia government helped with 664 adoptions in 2008 and with 801 in 2017.⁵² This change was a 20.63% rate of increase, which was 2.71 better than the 7.59% rate of increase shown by the national system.⁵³ Virginia does not interfere with adoptions at the rate of the other states. Virginia accounted for 1.34% of the government adoptions in 2017.⁵⁴ Given the fact that there has been a decrease in the number of children in the system, it may not be practical to give more control over adoption to the government until further study.

The analysis of the data sets helps to showcase the various changes within the Virginia system. The data paints a story of a Foster system that has been steadily improving over the past ten years. Both the national system and the Virginia system evidenced years of increase ranging from 2012-2016 in most of the data sets, which may be indicative of national policy.⁵⁵ However, in most of the data sets, there was a massive difference between the state data and the national data,⁵⁶ with a 99.99% probability of difference between the two systems. Given the background of the Virginia system, it is easier to understand the long-term effects they may have as well as the short-term effect. The next part of the study is the legislative history of bills passed by the Virginia General Assembly.

The Background Years

The first year of the study, 2006, was a year of change. The first bill passed, HB 56 required any medical professionals and teachers to report any suspected abuse of a child.⁵⁷ A later bill, SB 253, added ministers and other trained adults in religious organizations to that list.⁵⁸ SB 584 made it an act of child abuse for a teenager under the

⁵² Children's Bureau, "State Data Tables," Adopted.

⁵³ Children's Bureau, "State Data Tables," Adopted.

⁵⁴ Children's Bureau, "State Data Tables," Adopted.

⁵⁵ Children's Bureau, "AFCARS Report 25."

⁵⁶ Children's Bureau, "State Data Tables."

⁵⁷ Virginia General Assembly, House of Delegates, HB 56 Child Abuse or neglect; mandatory reporting by eligibility workers; penalty, 154th Assembly, 1st Session, 2006, <http://lis.virginia.gov/cgi-bin/legp604.exe?061+sum+HB56>.

⁵⁸ Virginia General Assembly, State Senate, SB 253 Child abuse and neglect; reporting requirements by ministers of religion, 154th Assembly, 1st Session, 2006, <http://lis.virginia.gov/cgi-bin/legp604.exe?061+sum+SB253>.

age of 15 to become pregnant.⁵⁹ These bills intended to combat the issue of child abuse. HB 1145 gave jurisdiction to the Social Work Board to determine how much training they needed to do their job.⁶⁰ In respect to adoption, HB 729 simplified the adoption procedures and gave more freedom to the adoption agencies.⁶¹ That same bill also made it easier for parents to adopt out their children voluntarily.⁶² There were new requirements given to group homes in HB 577.⁶³ There were several bills on the issue of child placement. HB 1317 required a national background check before placement can be made.⁶⁴ A later bill stated that people with drug convictions could adopt a child ten years after their conviction date.⁶⁵ SB 48 made kinship care the priority placement option, which further helped keep the family together.⁶⁶ Another policy for kinship care was SB 585, which allowed kinship guardians to have the same resources as foster parents.⁶⁷ This bill further commits resources to help keep families together. These bills made child placements easier and safer and sought to protect the children and their interests further.

There were not as many changes in 2007, but some areas were improved. HB 2517 allowed for a person's criminal record to be released to support the removal of a child.⁶⁸ Another bill, HB 1897, made it a requirement for all the available information on

⁵⁹ Virginia General Assembly, State Senate, SB 584 Child abuse or neglect; requires physician to report teenage pregnancies if child is under age 15, 154th Assembly, 1st Session, 2006, <http://lis.virginia.gov/cgi-bin/legp604.exe?061+sum+SB584>.

⁶⁰ Virginia General Assembly, House of Delegates, HB 1146 - Social Workers; must have license issued by Board of Social Work, 154th Assembly, 1st Session, 2006, <http://lis.virginia.gov/cgi-bin/legp604.exe?061+sum+HB1146>.

⁶¹ Virginia General Assembly, House of Delegates, HB 729 Adoption; allows birth parent to recommend adoptive parents, 154th Assembly, 1st Session, 2006, <http://lis.virginia.gov/cgi-bin/legp604.exe?061+sum+HB729>.

⁶² Virginia General Assembly, "HB 729."

⁶³ Virginia General Assembly, House of Delegates, HB 577 Children's Group Homes and Residential Facilities; Regulatory Requirements for Licensure, 154th Assembly, 1st Session, 2006, <http://lis.virginia.gov/cgi-bin/legp604.exe?061+sum+HB577>.

⁶⁴ Virginia General Assembly, House of Delegates, HB 1317 Foster care; requires a national wide criminal background check before placement of child, 154th Assembly, 1st Session, 2006, <http://lis.virginia.gov/cgi-bin/legp604.exe?061+sum+HB1317>.

⁶⁵ Virginia General Assembly, House of Delegates, HB 1534 Adoption; one convicted of felony drug possession may adopt/foster provided 10 years have elapsed, 154th Assembly, 1st Session, 2006, <http://lis.virginia.gov/cgi-bin/legp604.exe?061+sum+HB1534>.

⁶⁶ Virginia General Assembly, State Senate, SB 48 Kinship foster care; social services to seek thereof, 154th Assembly, 1st Session, 2006, <http://lis.virginia.gov/cgi-bin/legp604.exe?061+sum+SB48>.

⁶⁷ Virginia General Assembly, State Senate, SB 585 Kinship care; allows caregivers access to all foster care services, 154th Assembly, 1st Session, 2006, <http://lis.virginia.gov/cgi-bin/legp604.exe?061+sum+SB585>.

⁶⁸ Virginia General Assembly, House of Delegates, HB 2517 Child abuse or neglect; criminal history records check on individuals being investigated, 154th Assembly, 2nd Session, 2007, <http://lis.virginia.gov/cgi-bin/legp604.exe?071+sum+HB2517>.

the child to be given to his or her new adoptive parents.⁶⁹ These bills addressed small problems, a common pattern.

The third-year analyzed, 2008, continued the attempts to improve the system. There were several bills passed to combat child abuse, adding both EMS personnel and animal control officers to the list of those required to report abuse.⁷⁰ HB 1143 required the court and the social workers to arrange visitation rights to siblings, parents, and grandparents, mainly to encourage sibling relationships.⁷¹ Congregate care was made compact with the regulations combined into one department.⁷² The adoption policies saw a change as well. HB 285 allowed parents seven days to revoke a voluntary adoption, to keep cases out of court.⁷³ The law was changed to allow previous home studies to last up to 36 months, making adoptions easier.⁷⁴ Finally, stepparents adopting their stepchildren were made more accessible.⁷⁵ The intentions of these bills kept children out of care and with families.

There were also administrative reforms to the system in 2008, mainly regarding foster homes and social workers. Lawmakers removed the need for birth parents to receive a copy of the Foster Care plan.⁷⁶ HB 1530 required that siblings, if at all possible,

⁶⁹ Virginia General Assembly, House of Delegates, HB 1897 Adoption; exchange of medical and psychological information, 154th Assembly, 2nd Session, 2007, <http://lis.virginia.gov/cgi-bin/legp604.exe?071+sum+HB1897>.

⁷⁰ Virginia General Assembly. State Senate, SB 228 Child abuse and neglect; emergency medical services personnel added to list of mandatory reporters, 155th Assembly, 1st Session, 2008, <http://lis.virginia.gov/cgi-bin/legp604.exe?081+sum+SB228>.; Virginia General Assembly, State Senate. SB 637 Child abuse; animal control officers required to report, 155th Assembly, 1st Session, 2008, <http://lis.virginia.gov/cgi-bin/legp604.exe?081+sum+SB637>.

⁷¹ Virginia General Assembly. House of Delegates, HB 1143 Foster care; visitation rights for siblings, 155th Assembly, 1st Session, 2008, <http://lis.virginia.gov/cgi-bin/legp604.exe?081+sum+HB1143>.

⁷² Virginia General Assembly, State Senate, SB 472 Group homes & residential facilities for children; regulations for licensure of programs offered, 155th Assembly, 1st Session, 2008, <http://lis.virginia.gov/cgi-bin/legp604.exe?081+sum+SB472>.

⁷³ Virginia General Assembly, House of Delegates, HB 285 Adoptions; consent revocation period for parental placement, 155th Assembly, 1st Session, 2008, <http://lis.virginia.gov/cgi-bin/legp604.exe?081+sum+HB285>.

⁷⁴ Virginia General Assembly, House of Delegates, HB 946 Adoption; period of validity of home study, 155th Assembly, 1st Session, 2008, <http://lis.virginia.gov/cgi-bin/legp604.exe?081+sum+HB946>.

⁷⁵ Virginia General Assembly, State Senate, SB 171 Adoption; former adoptive parent who stood in loco parentis may petition to adopt child, 155th Assembly, 1st Session, 2008, <http://lis.virginia.gov/cgi-bin/legp604.exe?081+sum+SB171>.

⁷⁶ Virginia General Assembly. House of Delegates, HB 1489 Foster care plan; eliminates requirement for child placed out of his home be filed by public agency, 155th Assembly, 1st Session, 2008, <http://lis.virginia.gov/cgi-bin/legp604.exe?081+sum+HB1489>.

be kept together; or a plan to ensure their relationship.⁷⁷ The last reform required minimum training requirements for social workers.⁷⁸ There was a litany of changes to the Foster Care system. The bills of the past three years provide background on the Virginia system.

The Improvements Continue

Reforms continued to come in 2009. In recent years there were changes to make adoption easier, protect the children, better identify child abuse, and to promote congregate and Kinship care. HB 2340 required the DSS to report on the effectiveness of the Foster Care system.⁷⁹ The State attempted to expedite the amount of time in care with HB 1914, which required a plan to be made for each child for them to stay in Foster Care.⁸⁰ HB 2159 made it easier to adopt a child, removing hindering provisions and waiving parental consent in cases of death or absence.⁸¹ Another policy enacted in regards to Foster Care was the creation of the “A Place of my Own” program, a fund set up by the DSS, to work with faith-based organizations to raise money for foster children.⁸² This bill brought in private money to improve the system. Efforts to combat child abuse were made public with the creation of “VCPAS”.⁸³

Across all six data sets, there were good rates of improvement. The number of children in care decreased by 15.93%.⁸⁴ Meanwhile, there was a decrease of 426 children

⁷⁷ Virginia General Assembly, House of Delegates, HB 1530 Foster Children; placement of siblings together, 155th Assembly, 1st Session, 2008, <http://lis.virginia.gov/cgi-bin/legp604.exe?081+sum+HB1530>.

⁷⁸ Virginia General Assembly, House of Delegates, HB 825 Foster & Adoption Workers; Department of Social Services to establish minimum training requirements, 155th Assembly, 1st Session, 2008, <http://lis.virginia.gov/cgi-bin/legp604.exe?081+sum+HB825>.

⁷⁹ Virginia General Assembly, House of Delegates, HB 2340 Child protective serves differential response system report; repealed, 155th Assembly, 2nd Session, 2009, <http://lis.virginia.gov/cgi-bin/legp604.exe?091+sum+HB2340>.

⁸⁰ Virginia General Assembly, House of Delegates, HB 1914 Foster care; deletes certain code references, guidelines for continuation thereof, 155th Assembly, 2nd Session, 2009, <http://lis.virginia.gov/cgi-bin/legp604.exe?091+sum+HB1914>.

⁸¹ Virginia General Assembly, House of Delegates, HB 2159 Adoption of a child; amends statutes governing, 155th Assembly, 2nd Session, 2009, <http://lis.virginia.gov/cgi-bin/legp604.exe?091+sum+HB2159>.

⁸² Virginia General Assembly, House of Delegates, HB 2500 'A place of my own' program; Department of Social Services to develop, 155th Assembly, 2nd Session, 2009, <http://lis.virginia.gov/cgi-bin/legp604.exe?091+sum+HB2500>.

⁸³ Virginia General Assembly, House of Delegates, HB 1904 Virginia Child Protection Accountability System; established, 155th Assembly, 2nd Session, 2009, <http://lis.virginia.gov/cgi-bin/legp604.exe?091+sum+HB1904>.

⁸⁴ Children’s Bureau, “State Data Tables.”

entering the system.⁸⁵ Three hundred nine more children were leaving the system, which is a good increase.⁸⁶ These suggest that the adoption policies of simplifying the procedures, and the increase of kinship care as a placement have been successful. The number of parental rights removed decreased by 10.03%, indicating that the new child abuse measures had not led to increased removal.⁸⁷ The number of children waiting to be adopted dropped by 8.75%, further showing the potential success of new adoption policies.⁸⁸

The bills passed in 2010 impacted several areas of the system. It was during this year that the national congress reauthorized CAPTA with a massive increase in federal government control over the system.⁸⁹ Despite this, Virginia continued to try to improve its system with administrative, adoption, and other changes. HB 1188 loosened the required size of the local BSS.⁹⁰ HB 443 further removed unneeded provisions and diversified the adoption payments.⁹¹ The state attempted to prevent children from entering the system by releasing adoption information to new parents.⁹² HB 747 brought the last change of 2010, removing the need for a guardian ad litem if the child's destination was a kinship care placement.⁹³ This bill helped the difficulties of placing children in kinship care.

These measures lead to an improved system, but there was a decline in the numbers. The number of children in the system decreased by 9.28%.⁹⁴ Children entering

⁸⁵ Children's Bureau, "State Data Tables."

⁸⁶ Children's Bureau, "State Data Tables."

⁸⁷ Children's Bureau, "State Data Tables."

⁸⁸ Children's Bureau, "State Data Tables."

⁸⁹ Children's Bureau, "Major Federal Legislation Concerned with Child Protection, Child Welfare, and Adoption," Children's Bureau, 2015, accessed September 11, 2018, <https://www.childwelfare.gov/pubpdfs/majorfedlegis.pdf>.

⁹⁰ Virginia General Assembly, House of Delegates, HB 1188 Social Services, local board of; counties that have county board form of government to appoint, 156th Assembly, 1st Session, 2010, <http://lis.virginia.gov/cgi-bin/legp604.exe?101+sum+HB1188>.

⁹¹ Virginia General Assembly, House of Delegates, HB 443 Adoption; amends eligibility and application process requirements for assistance, 156th Assembly, 1st Session, 2010, <http://lis.virginia.gov/cgi-bin/legp604.exe?101+sum+HB443>.

⁹² Virginia General Assembly, House of Delegates, HB 1133 Adoptions; prior to placement, agency must provide explanation of adoption process, 156th Assembly, 1st Session, 2010, <http://lis.virginia.gov/cgi-bin/legp604.exe?101+sum+HB1133>.

⁹³ Virginia General Assembly, House of Delegates, HB 747 Stepparent and close relative adoption; appointment of guardian ad litem not required, 156th Assembly, 1st Session, 2010, <http://lis.virginia.gov/cgi-bin/legp604.exe?101+sum+HB747>.

⁹⁴ Children's Bureau, "State Data Tables."

the system increased by 5.5% this year.⁹⁵ A possible scenario is the new laws coming into effect, leading to the emergence of more cases of child abuse. The number of children exiting the system decreased by 6.71%.⁹⁶ The rates of parental termination of rights increased by 18.86%.⁹⁷ Those waiting to be adopted decreased by 3.4%, suggesting success in the adoption policies.⁹⁸ Meanwhile, the number adopted with government assistance rose by 12.67%.⁹⁹ These numbers suggest that the new adoption policies, such as HB 1133, to be successful.

The first year of the new decade, 2011, brought further changes. The general assembly removed the mandates that regulated office space size and the line items of the budgets for local Departments of Social Services.¹⁰⁰ This change brought more operational freedom across the State. The laws surrounding adults living with caregivers were changed, requiring them to have a background check as well.¹⁰¹ SB 1037 limited the placement of children in independent living, wanting a family if possible.¹⁰² The DSS was permitted to consider other options if Kinship care is not in the best interest of the child.¹⁰³ The final bill was a requirement for social workers to have a degree and certification by the Board of Social Work.¹⁰⁴ These brought changes to the system, with the most significant change, was to the social workers.

The data continued to improve between 2010 and 2011. The number of children in care decreased by 10.49%.¹⁰⁵ This data change shows that placement policies were

⁹⁵ Children's Bureau, "State Data Tables."

⁹⁶ Children's Bureau, "State Data Tables."

⁹⁷ Children's Bureau, "State Data Tables."

⁹⁸ Children's Bureau, "State Data Tables."

⁹⁹ Children's Bureau, "State Data Tables."

¹⁰⁰ Virginia General Assembly, House of Delegates, HB 2376 Agency mandates; DSS to eliminate those related to office space, etc., of local social services, 156th Assembly, 2nd Session, 2011, <http://lis.virginia.gov/cgi-bin/legp604.exe?111+sum+HB2376>.

¹⁰¹ Virginia General Assembly, House of Delegates, HB 1767 Foster care; placement of child through an agreement between parents and local board, 156th Assembly, 2nd Session, 2011, <http://lis.virginia.gov/cgi-bin/legp604.exe?111+sum+HB1767>.

¹⁰² Virginia General Assembly, State Senate, SB 1037 Foster care plan; eliminates independent living as a permanency goal option, 156th Assembly, 2nd Session, 2011, <http://lis.virginia.gov/cgi-bin/legp604.exe?111+sum+SB1037>.

¹⁰³ Virginia General Assembly, House of Delegates, HB 1984 Child welfare; placement of children, 156th Assembly, 2nd Session, 2011, <http://lis.virginia.gov/cgi-bin/legp604.exe?111+sum+HB1984>.

¹⁰⁴ Virginia General Assembly, House of Delegates, HB 2037 Social work; unlawful for person not licensed by Board of Social Work to use title social worker, 156th Assembly, 2nd Session, 2011, <http://lis.virginia.gov/cgi-bin/legp604.exe?111+sum+HB2037>.

¹⁰⁵ Children's Bureau, "State Data Tables."

continuing to work as more children were finding permanent homes and leaving the system. The General Assembly had simplified the process for both adoption and foster care in recent years. As the policies to this point had a positive effect on the number of children in care. The entrance rate fell by 5.94%. Concurrently the number of children leaving the system decreased by 4.84%.¹⁰⁶ The number of rights removed fell by 24.7%.¹⁰⁷ The other data sets did not see any significant changes from previous years. 2011 further showed that simplifying the process and more freedom was a good policy.

Years of Decline

In 2012, Federal policies and state legislation impacted the system. These policies were unfunded mandates placed on the States.¹⁰⁸ Meanwhile, Virginia continued to pass bills. HB 445 eliminated the need for parental consent for adoption if there had been no contact for six months.¹⁰⁹ Federal regulations mandated that a required credit check for potential families.¹¹⁰ SB 299 made Kinship Care more accessible, revoking Foster Care requirements (such as room size and the number of children) from kin guardians if it would impose a hardship.¹¹¹ The list of required reporters of child abuse grew to include athletic coaches and any employees of a sports organization.¹¹² HB 507 decreased the allotted time to report child abuse from three days to one day.¹¹³ One of the more critical bills was HB 189, which prohibited any child welfare agency from being denied a license

¹⁰⁶ Children's Bureau, "State Data Tables."

¹⁰⁷ Children's Bureau, "State Data Tables."

¹⁰⁸ Children's Bureau, "Major Legislation," 6-8.

¹⁰⁹ Virginia General Assembly, House of Delegates, HB 445 Adoption; various changes to procedures, 157th Assembly, 1st Session, 2012, <http://lis.virginia.gov/cgi-bin/legp604.exe?121+sum+HB445>.

¹¹⁰ Virginia General Assembly, House of Delegates, HB 500 Foster care; DSS policies and procedures to protect personal identifying information of children, 157th Assembly, 1st Session, 2012, <http://lis.virginia.gov/cgi-bin/legp604.exe?121+sum+HB500>.

¹¹¹ Virginia General Assembly, State Senate, SB 299 Kinship foster care placements; Commissioner of Social Services may grant variance from requirement, 157th Assembly, 1st Session, 2012, <http://lis.virginia.gov/cgi-bin/legp604.exe?121+sum+SB299>.

¹¹² Virginia General Assembly, House of Delegates, HB 3 Child abuse or neglect; athletic coaches, etc. of private sports teams required to report to DSS, 157th Assembly, 1st Session, 2012, <http://lis.virginia.gov/cgi-bin/legp604.exe?121+sum+HB3>.; Virginia General Assembly, House of Delegates, HB 1237 Child abuse and neglect; mandatory reporting, penalties, 157th Assembly, 1st Session, 2012, <http://lis.virginia.gov/cgi-bin/legp604.exe?121+sum+HB1237>.

¹¹³ Virginia General Assembly, House of Delegates, HB 507 - Child abuse; increases reporting period by health care providers on substance exposed infants, 157th Assembly, 1st Session, 2012, <http://lis.virginia.gov/cgi-bin/legp604.exe?121+sum+HB507>.

or funds because of its religious beliefs.¹¹⁴ The bill also prohibited religious organizations from having to place children outside of their beliefs as well.¹¹⁵ This bill was an important measure that had sweeping implications on the impact of the religious institutions in the Foster Care system.

The data declined from previous years but continued to remain positive. The number of children in care decreased by 5.51%.¹¹⁶ Children entering the system increased by 1.49%.¹¹⁷ More cases of child abuse or drugs were likely to be caught. The exit rate decreased by 2.11%.¹¹⁸ The number of parental rights removed increased by 14.99%, which points further to more cases.¹¹⁹ However, the number of children waiting to be adopted increased by 10.71%, a failure of the adoption policy.¹²⁰ The number of children adopted with the government's help dropped by 15.36%.¹²¹ 2012 brought significant changes via the federal regulations causing the State to struggle under new mandates.

The eighth year, 2013, brought a period of change. The numbers in Virginia continued to decrease slightly but remained ahead of the national system. Localities were now allowed to withdraw their support from their board of social services.¹²² HB 2271 required the DSS to use the federal adoption payments that it received for post-adoption services.¹²³ There was a policy that adjusted the time frame for hearings and filing plans to bring them into compliance with federal law.¹²⁴ Another measure diverted money from

¹¹⁴ Virginia General Assembly, House of Delegates, HB 189 Child-placing agency; shall not be required to participate in placement of child for foster care, 157th Assembly, 1st Session, 2012, <http://lis.virginia.gov/cgi-bin/legp604.exe?121+sum+HB189>.

¹¹⁵ Virginia General Assembly, "HB 189."

¹¹⁶ Children's Bureau, "State Data Tables."

¹¹⁷ Children's Bureau, "State Data Tables."

¹¹⁸ Children's Bureau, "State Data Tables."

¹¹⁹ Children's Bureau, "State Data Tables."

¹²⁰ Children's Bureau, "State Data Tables."

¹²¹ Children's Bureau, "State Data Tables."

¹²² Virginia General Assembly, House of Delegates, HB 2270 Social services, district board of; process for withdrawal by local governing body of county, etc., 157th Assembly, 2nd Session, 2013, <http://lis.virginia.gov/cgi-bin/legp604.exe?131+sum+HB2270>.

¹²³ Virginia General Assembly, House of Delegates, HB 2271 Post-adoption services; DSS shall utilize all federal bonus payments to support, 157th Assembly, 2nd Session, 2013, <http://lis.virginia.gov/cgi-bin/legp604.exe?131+sum+HB2271>.

¹²⁴ Virginia General Assembly, House of Delegates, HB 2117 Foster care; time to conduct hearings, etc., 157th Assembly, 2nd Session, 2013, <http://lis.virginia.gov/cgi-bin/legp604.exe?131+sum+HB2117>.

areas of the system to help fund the remaining independent living services.¹²⁵ This bill showed a difference in policy from previous years. HB 1721 mandated that the time waiting for required information in a child abuse case does not count as part of the time limit legal instituted.¹²⁶ The last change reduced the number of credit references a new child welfare agency must provide, and required them to have an operating budget at the time of application.¹²⁷ Lessening the bureaucracy around the licensing of a new adoption or foster agency could potentially produce more. The bills of 201 contained both new policies and old policies.

The data continued to decline, showing a system headed for trouble. The number of children in care decreased by 5.5%, which was lower than in years past.¹²⁸ The significant change to the system was the new federal policies and unfunded mandates, which took money away from the system. Most of the bills in the past two years did not focus on the children. The number of children entering the system decreased by 2.64%.¹²⁹ This rate was close to the rate of children exiting the system, which was 2.46%.¹³⁰ The number of parental rights removed continued to mirror the entrance rate, decreasing.¹³¹ The lack of adoption policy did not bring significant change, only facilitating sixteen more adoptions than the year before.¹³² Finally, the number of children adopted via the government increased by 10.95%.¹³³ The diverse nature of this year's data constitutes a change from the steady numbers of years past.

2014 brought changes to administrative items, child abuse, and kinship care. HB

¹²⁵ Virginia General Assembly, House of Delegates, HB 1743 Independent living services; foster children committed to Department of Juvenile Justice, etc., 157th Assembly, 2nd Session, 2013, <http://lis.virginia.gov/cgi-bin/legp604.exe?131+sum+HB1743>.

¹²⁶ Virginia General Assembly, House of Delegates, HB 1721 Child abuse and neglect investigations; time limit for reports, 157th Assembly, 2nd Session, 2013, <http://lis.virginia.gov/cgi-bin/legp604.exe?131+sum+HB1721>.

¹²⁷ Virginia General Assembly, House of Delegates, HB 1443 Social Services, Commissioner of; submission of financial information by applicant, licensure, 157th Assembly, 2nd Session, 2013, <http://lis.virginia.gov/cgi-bin/legp604.exe?131+sum+HB1443>.

¹²⁸ Children's Bureau, "State Data Tables."

¹²⁹ Children's Bureau, "State Data Tables."

¹³⁰ Children's Bureau, "State Data Tables."

¹³¹ Children's Bureau, "State Data Tables."

¹³² Children's Bureau, "State Data Tables."

¹³³ Children's Bureau, "State Data Tables."

214 further established how a locality could withdraw from its board of social services.¹³⁴ The General Assembly lessened the workload of social workers, allowing family-service specialists to perform some of their duties.¹³⁵ Any move to lessen the workload of the social workers allows them to support the children better. HB 890 added family-services specialists to the list of required reporters of child abuse.¹³⁶ The General Assembly also formed a process for alerting the appropriate Law Enforcement Offices and Commonwealth's Attorneys of child abuse complaints.¹³⁷ Another change is that at the time of passage of SB 331, anyone investigating child abuse must have prior experience or have training.¹³⁸ The final policy was to prohibit the removal of a child from kinship care after six months without approval from the kinship caregiver, a court order, or a family partnership meeting.¹³⁹ The bills of 2014 made some needed changes while changing the direction of the policies.

The data continued to decline in 2014. The number of children in care increased by 6.24%.¹⁴⁰ This rate is a change from the past five years, which all saw a decrease. There were no changes to the adoption policies since 2012, and the federal policies which diverted caseworker's attention. The entrance rate increased by 17.69%.¹⁴¹ The answer to this is likely an increase in child abuse cases, especially considering the national system increased as well.¹⁴² The exit rate continued to decrease, this time by 2.1%,¹⁴³ which points to a lack of focus on getting children out of the system, the number of children

¹³⁴ Virginia General Assembly, House of Delegates, HB 215 Social Services, district board of; process for withdrawal by local governments, 158th Assembly, 1st Session, 2014, <http://lis.virginia.gov/cgi-bin/legp604.exe?141+sum+HB215>.

¹³⁵ Virginia General Assembly, House of Delegates, HB 890 Social worker; family-services specialists & qualified equivalent workers allowed to perform tasks, 158th Assembly, 1st Session, 2014, <http://lis.virginia.gov/cgi-bin/legp604.exe?141+sum+HB890>.

¹³⁶ Virginia General Assembly, "HB 890."

¹³⁷ Virginia General Assembly, House of Delegates, HB 405 Abuse or neglect of a child suspected; reports to law enforcement, 158th Assembly, 1st Session, 2014, <http://lis.virginia.gov/cgi-bin/legp604.exe?141+sum+HB405>.

¹³⁸ Virginia General Assembly, State Senate, SB 331 Investigation of cases involving alleged sexual abuse of a child; qualifications of investigator, 158th Assembly, 1st Session, 2014, <http://lis.virginia.gov/cgi-bin/legp604.exe?141+sum+SB331>.

¹³⁹ Virginia General Assembly, State Senate, SB 400 Kinship foster care; removal of child from physical custody of kinship foster parent, 158th Assembly, 1st Session, 2014, <http://lis.virginia.gov/cgi-bin/legp604.exe?141+sum+SB400>.

¹⁴⁰ Children's Bureau, "State Data Tables."

¹⁴¹ Children's Bureau, "State Data Tables."

¹⁴² Children's Bureau, "AFCARS Report 25."

¹⁴³ Children's Bureau, "State Data Tables."

entering the system surpassed that of those leaving. The number of children taken from their parents increased by 4.66%.¹⁴⁴ The number of children waiting to be adopted went up by 1.93%.¹⁴⁵ Further, the number of children adopted via the government decreased by 10.86%. These figures point to a problem with the adoption policy. From 2014 it can be shown that attention to the system is needed, it had been several years since there was a significant adoption policy, and the system had been declining since. The system required correction going into 2015.

Bouncing Back

The system improved going into 2015, as the Virginia Senate stepped in. The Commonwealth sought to improve adoption by requiring all the post-adoption services to be offered to new adoptive parents.¹⁴⁶ Another reform allowed parents to adopt a child who has been in their custody for five years, and if they have the birth parents' consent, without a home study or counseling.¹⁴⁷ These provisions seek to make adoption easier. SB 947 ensured that family reunification was no longer required as part of a child's plan if it was deemed impossible.¹⁴⁸ This bill removed a redundant task from the social workers. These policies seek to improve the system, a change from the last few years with a focus on adoption.

The data improved in the fiscal year 2015. The number of children increased but by a lesser margin of 3%.¹⁴⁹ The 5.3% rate of decrease in the entrance rate likely contributes to this decrease.¹⁵⁰ More children were entering with a 1.82% decrease in the number of children exiting.¹⁵¹ The number of rights removed increased by 2.18%, which shows fewer children removed due to drugs or abuse. The number of children waiting to

¹⁴⁴ Children's Bureau, "State Data Tables."

¹⁴⁵ Children's Bureau, "State Data Tables."

¹⁴⁶ Virginia General Assembly, State Senate, SB 834 Post-adoption services; listing of services available to families, 158th Assembly, 2nd Session, 2015, <http://lis.virginia.gov/cgi-bin/legp604.exe?151+sum+SB834>.

¹⁴⁷ Virginia General Assembly, State Senate, SB 1268 Adoption; child in custody of prospective adoptive parent(s) for five years or more, 158th Assembly, 2nd Session, 2015, <http://lis.virginia.gov/cgi-bin/legp604.exe?151+sum+SB1268>.

¹⁴⁸ Virginia General Assembly, State Senate, SB 947 Foster care; removes certain requirements of Department of Social Services, 158th Assembly, 2nd Session, 2015, <http://lis.virginia.gov/cgi-bin/legp604.exe?151+sum+SB947>.

¹⁴⁹ Children's Bureau, "State Data Tables."

¹⁵⁰ Children's Bureau, "State Data Tables."

¹⁵¹ Children's Bureau, "State Data Tables."

be adopted increased by 11.49%.¹⁵² This rate shows the additional work needed to place the children properly. The number of children adopted via the government decreased as well by 11.08%.¹⁵³ The real crux of this year is that fewer children were taken and put in the system.

2016 brought changes to administrative rules, child abuse, and kinship care. HB 600 added sex trafficking to the actions that are considered child abuse.¹⁵⁴ It was also made an act of child abuse to operate a child welfare agency without a license.¹⁵⁵ Those convicted of violent crimes or crimes against children were prohibited from being employed by a child welfare agency.¹⁵⁶ The trust fund the DSS created with the help of private organizations was amended, making any donations tax-deductible.¹⁵⁷ This bill gives further incentives for individuals which would help improve the system. The last policy was HB 647, which gave local boards of Social Services the right to grant a waiver from regulations (except for safety) for a kinship home.¹⁵⁸ This bill made it easier for relatives to take in children. These are the policies of the first session.

The data was mixed, with some improvement. Children in care increased by 3.27%.¹⁵⁹ This rate is due to the entrance rate, which increased the identical 3.27%.¹⁶⁰ The damage was not worse due to the exit rate, which increased by 5.36%.¹⁶¹ The entrance rate likely increased due to the 17.51% in the rate of parental termination.¹⁶² The number of children eligible for adoption increased, this time by 10.42%, while the

¹⁵² Children's Bureau, "State Data Tables."

¹⁵³ Children's Bureau, "State Data Tables."

¹⁵⁴ Virginia General Assembly, House of Delegates, HB 600 Child welfare; imposes certain mandates related to protection and encouragement of children, 159th Assembly, 1st Session, 2016, <http://lis.virginia.gov/cgi-bin/legp604.exe?161+sum+HB600>.

¹⁵⁵ Virginia General Assembly, House of Delegates, HB 1189 Child welfare agency; operating without a license, abuse and neglect of child, penalty, 159th Assembly, 1st Session, 2016, <http://lis.virginia.gov/cgi-bin/legp604.exe?161+sum+HB1189>.

¹⁵⁶ Virginia General Assembly, State Senate, SB 278 - Child welfare agencies; background checks for volunteers and employees, 159th Assembly, 1st Session, 2016, <http://lis.virginia.gov/cgi-bin/legp604.exe?161+sum+SB278>.

¹⁵⁷ Virginia General Assembly, State Senate, SB 346 - Family and Children's Trust Fund; exempt from taxation, 159th Assembly, 1st Session, 2016, <http://lis.virginia.gov/cgi-bin/legp604.exe?161+sum+SB346>.

¹⁵⁸ Virginia General Assembly, House of Delegates, HB 674 Kinship foster care; waiver of foster home approval standards, 159th Assembly, 1st Session, 2016, <http://lis.virginia.gov/cgi-bin/legp604.exe?161+sum+HB674>.

¹⁵⁹ Children's Bureau, "State Data Tables."

¹⁶⁰ Children's Bureau, "State Data Tables."

¹⁶¹ Children's Bureau, "State Data Tables."

¹⁶² Children's Bureau, "State Data Tables."

number adopted via the government increased by 11.57%.¹⁶³ Virginia had done better than the last half a dozen years to get children out of the system. Kinship care had not seen improvement for several years and is a possible reason for this. Placement with relatives is a good way for children to stay out of the system. The final year of the study brought a change to the system both in bills and data.

The last year, 2017, brought administrative changes as well as some new policies. HB 2215 allowed for Virginia adoption assistance to go towards foreign adoptions and gave resources for arbitrators to negotiate these agreements. New changes allowing local boards to remove the children if they believed that harm was imminent.¹⁶⁴ HB 1786 mandated an investigation for any discovered “in utero exposure” of a child, and the mother is required to seek help for addiction.¹⁶⁵ The General Assembly reauthorized the process for licensure, further allowing for the work of child welfare agencies.¹⁶⁶ A significant change was HB 1604, which sought to bring the system in line with the Family First act (discussed in chapter 1).¹⁶⁷ This bill immediately impacted the State by removing some of the more damaging clauses of previous federal policies. HB 1795 brought new statewide standards to expedite the home studies.¹⁶⁸ These policies were significant changes from what was seen in recent years, and returned the data to a level of improvement.

The data looked healthier at the end of 2017. The number of children in care decreased by 1.94%.¹⁶⁹ Meanwhile, the entrance rate decreased by 6.77%.¹⁷⁰ The rate of

¹⁶³ Children’s Bureau, “State Data Tables.”

¹⁶⁴ Virginia General Assembly, House of Delegates, HB 1604 Foster Care; definitions, reasonable efforts to prevent removal of child, 159th Assembly, 2nd Session, 2017, <http://lis.virginia.gov/cgi-bin/legp604.exe?171+sum+HB1604>.

¹⁶⁵ Virginia General Assembly, House of Delegates, HB 1786 In utero exposure to a controlled substance; departments of social services to collect information, 159th Assembly, 2nd Session, 2017, <http://lis.virginia.gov/cgi-bin/legp604.exe?171+sum+HB1786>.

¹⁶⁶ Virginia General Assembly, House of Delegates, HB 2156 Child welfare agencies; licensure for agencies operated by the Commonwealth, 159th Assembly, 2nd Session, 2017, <http://lis.virginia.gov/cgi-bin/legp604.exe?171+sum+HB2156>.

¹⁶⁷ Virginia General Assembly, House of Delegates, HB 1604 Foster Care; definitions, reasonable efforts to prevent removal of child, 159th Assembly, 2nd Session, 2017, <http://lis.virginia.gov/cgi-bin/legp604.exe?171+sum+HB1604>.

¹⁶⁸ Virginia General Assembly, House of Delegates, HB 1795 Adoptive and foster care placements; Mutual Family Assessment home study, 159th Assembly, 2nd Session, 2017, <http://lis.virginia.gov/cgi-bin/legp604.exe?171+sum+HB1795>.

¹⁶⁹ Children’s Bureau, “State Data Tables.”

¹⁷⁰ Children’s Bureau, “State Data Tables.”

decreases continued with a 1.73% decrease in children exiting the system.¹⁷¹ These changes showed initially that the system was recovering and moving in the right directing. The number of rights removed decreased by 1.13%.¹⁷² The most drastic changes of the year involved adoption, with those waiting to be adopted decreased by 3.18%.¹⁷³ Meanwhile, the number of children adopted via the government increased by 27.75%.¹⁷⁴ There were changes made to the adoption process. That alongside the increase in kinship care accounts for the decrease of children in the system. Time will tell what will happen next for the Virginia Foster children.

Conclusion

The Virginia Foster Care system is not perfect, but there have been positive reforms that have made a difference. The analysis shows that there are multiple points of correlation between child-centered adoption policy and the number of children leaving the system. Whenever there was a solid adoption policy, the numbers decreased. When there was not, the numbers increased. It should be essential to remember that the focus of the system should be placing the children in permanent homes, not replacing the family. The workload of the social workers has shown to correlate with the status of the system. The status of the system improved when the load was lessened. Finally, there were points of correlation pointing to Kinship care as a robust policy for the Foster Care system. Further analysis of Virginia will be included in Chapter 6 when all the States are analyzed. From just Virginia, it appears Child-centered policies for adoption and Kinship care are winning policies for States to try.

¹⁷¹ Children's Bureau, "State Data Tables."

¹⁷² Children's Bureau, "State Data Tables."

¹⁷³ Children's Bureau, "State Data Tables."

¹⁷⁴ Children's Bureau, "State Data Tables."

CHAPTER 3: Arizona

The Arizona system has gone through trials and tribulations and has come out with improved numbers. This State is one that has a history of policy innovation in several different fields, a reputation that applies to the area of Foster Care. The Arizona Legislator passed policies that lead a system from the brink of collapse to improvement. Through the use of new policies and adaptation, Arizona was able to correct six years of a decline.¹⁷⁵ This improvement is more than most states can claim, thus makes it of value to examine.

The Data

Understanding the data will help to understand the changes to Arizona's system. The Arizona system will only be compared to the national average, not to any of the other States in the study. Arizona has seen a decline for most of the time studied, but in recent years, it has shown improvement.

Due to several years of decline, the system had more children in care in 2017 than in 2008. In 2008, there were 9,590 children, and in 2017, 15,031.¹⁷⁶ That was an increase of 5,441 children, which equates to a 56.74% rate of increase over the ten years.¹⁷⁷ In 2017, Arizona accounted for 3.39% of the children in the nation who were in care.¹⁷⁸ In six of the nine years studied, there was an increase in the system, explaining the statistics.¹⁷⁹ This system is one that initially does not look healthy and good for the children.

The entrance rate for the State had increased in the past ten years, but like the in care data, it has shown recent improvement. In 2008 8,099 children were entering the system, and in 2017, there were 10,057.¹⁸⁰ That is an increase of 1,958 children or 24.18%.¹⁸¹ In the last two years studied there was a 20% combined decrease, a

¹⁷⁵ Children's Bureau, "AFCARS State Data Tables 2008 through 2018," Children's Bureau, October 20, 2017, accessed November 26, 2018, <https://www.acf.hhs.gov/cb/resource/trends-in-foster-care-and-adoption>.

¹⁷⁶ Children's Bureau, "State Data Tables."

¹⁷⁷ Children's Bureau, "State Data Tables."

¹⁷⁸ Children's Bureau, "State Data Tables."

¹⁷⁹ Children's Bureau, "State Data Tables."

¹⁸⁰ Children's Bureau, "State Data Tables."

¹⁸¹ Children's Bureau, "State Data Tables."

deviation.¹⁸² In 2017, Arizona accounted for 3.91% of the children entering the system.¹⁸³ Further analysis will hopefully uncover more about this data.

The number of children exiting the system increased further than the entrance rate. This change is a good improvement for the system. In 2008, 7,413 children were leaving each year, and in 2017, there were 11,866.¹⁸⁴ That is an increase of 4,453 children or 60.07%.¹⁸⁵ In 2017, Arizona accounted for 4.79 children leaving the system.¹⁸⁶ The system saw increases for seven out of the nine years were the changes were analyzed.¹⁸⁷ It showed that Arizona is headed in the right direction here, because of the higher rate of increase.

One area of the Arizona system is lower than the national average is the number of children removed from their parents. In 2008 they removed 1,935 children, and in 2017, there were 3,295.¹⁸⁸ That is a rate of increase of 17.05%, which is 30.7 less than the national rate.¹⁸⁹ There were seven out of the nine years where this number increased.¹⁹⁰ In 2017 Arizona made up 2.66% of the number of rights removed.¹⁹¹ These numbers showed the changes in the system and how it differed from the national average.

It is in the best interest of Arizona to quickly place the children who are eligible for adoption. In 2008, 2,323 children were eligible, and in 2017, there were 4,749.¹⁹² This change is a rate of increase of 104.43% which is very high.¹⁹³ In 2017, Arizona accounted for 6.83% of the children eligible for adoption.¹⁹⁴ This data set is one area where Arizona can show bad policy as there are too many children waiting to be adopted.

The number of government facilitated adoptions is the final set of data. In 2008, Arizona facilitated 1,695 adoptions, and in 2017, there were 4,298.¹⁹⁵ This change is a

¹⁸² Children's Bureau, "State Data Tables."

¹⁸³ Children's Bureau, "State Data Tables."

¹⁸⁴ Children's Bureau, "State Data Tables."

¹⁸⁵ Children's Bureau, "State Data Tables."

¹⁸⁶ Children's Bureau, "State Data Tables."

¹⁸⁷ Children's Bureau, "State Data Tables."

¹⁸⁸ Children's Bureau, "State Data Tables."

¹⁸⁹ Children's Bureau, "State Data Tables."

¹⁹⁰ Children's Bureau, "State Data Tables."

¹⁹¹ Children's Bureau, "State Data Tables."

¹⁹² Children's Bureau, "State Data Tables."

¹⁹³ Children's Bureau, "State Data Tables."

¹⁹⁴ Children's Bureau, "State Data Tables."

¹⁹⁵ Children's Bureau, "State Data Tables."

rate of increase of 153.57%, which is 20x the national rate.¹⁹⁶ More children are being adopted, which is good for the system. As evidenced by the number of children waiting to be adopted, though, it is not enough. In 2017, Arizona accounted for 7.23% of facilitated adoptions.¹⁹⁷

These data sets begin to tell the story of the Arizona system and the troubles it has had over the past ten years. It had years of decline, but recently, in 2014, the system began to improve. Time is the best indicator if this improvement will continue, but the short-term improvements look very good. The data also shows how different the Arizona system is from the national system. Most States suffered from a time of decline from 2012-2016.¹⁹⁸ Only seventeen of them (Arizona being one) improved their system in those years.¹⁹⁹ The background of the Arizona system is crucial to understanding their policies. Now, the legislation will be analyzed to discover which policies have led to the changes that Arizona has seen.

The Background Years

The first year, 2006, brought a few changes to the system. The first bill, HB 2048, required a semi-annual report on the system that includes: the number of children who died in care, child abuse investigations, the number of children returned to care within a year, and the number of parental rights terminated.²⁰⁰ HB 2125 renewed for ten years the foster care review board so they could study and recommend further foster care policy.²⁰¹ The final bill of the year was SB 1119, which gave priority to Kinship care placements.²⁰² Social workers were required to explain the placement if the child were placed outside of kinship care.²⁰³ These bills brought small changes to the system, some upkeep, and gathering information. The Kinship care bill could have an impact further down the line. The foster care review board is also a good start as any system needs to be studied and

¹⁹⁶ Children’s Bureau, “State Data Tables.”

¹⁹⁷ Children’s Bureau, “State Data Tables.”

¹⁹⁸ Children’s Bureau, “State Data Tables.”

¹⁹⁹ Children’s Bureau, “State Data Tables.”

²⁰⁰ Arizona State Legislature, House of Delegates, HB 2048 Relating to Child Welfare and Placement, 47th Legislature, 2nd Session, 2006, <https://apps.azleg.gov/BillStatus/BillOverview>.

²⁰¹ Arizona State Legislature, House of Delegates, HB 2125 Foster Care Review Board; Continuation, 47th Legislature, 2nd Session, 2006, <https://apps.azleg.gov/BillStatus/BillOverview>.

²⁰² Arizona State Legislature. State Senate. SB 1119 Parental Rights; Termination; grandparents; custody. 47th Legislature, 2nd Session, 2006. <https://apps.azleg.gov/BillStatus/BillOverview>.

²⁰³ Arizona State Legislature. “SB 1119.”

analyzed.

The next year, 2007, continued the trend of small changes. The first bill SB 1306, gave mandates to law enforcement officers on how to handle the CPS reports they receive, seeking to protect CPS investigations.²⁰⁴ There were also new provisions to combat child abuse. HB 2263 required CPS to provide information on the rights of those who are under investigation and the rights of the investigators in child abuse cases.²⁰⁵ The final change was the requirement that social workers and the courts consider allegations of child abuse in other states when considering placement.²⁰⁶ These brought minute changes to the system to fix problems.

2008, the last one before the data can be analyzed, showed significant changes. The first set changed administrative regulations. First, CPS was required to give the Department a protected report on each case of child abuse.²⁰⁷ Children were no longer allowed to be removed from school for parental visitation or for appointments unless necessary.²⁰⁸ The courts were now required to provide additional information and notifications during the preliminary hearings.²⁰⁹ The Arizona Legislature gave procedures for appointing a successor permanent guardian when the original guardian becomes unable or unwilling to continue.²¹⁰ CPS workers were required to promptly obtain and abide by any court orders relating to their cases.²¹¹ These measures added requirements to CPS to further adhere to the regulations passed down by the federal government. There were further measures on child abuse and foster care. HB 2453 allowed, unless it would hurt the child, all dependent child or guardianship hearings would be open to the

²⁰⁴ Arizona State Legislature, State Senate, SB 1306 CPS; confidential information, 48th Legislature, 1st Session, 2007, <https://apps.azleg.gov/BillStatus/BillOverview>.

²⁰⁵ Arizona State Legislature, House of Delegates, HB 2263 CPS; interviews; right to refuse, 48th Legislature, 1st Session, 2007, <https://apps.azleg.gov/BillStatus/BillOverview>.

²⁰⁶ Arizona State Legislature, State Senate, SB 1158 CPS; investigations; other jurisdictions, 48th Legislature, 1st Session, 2007, <https://apps.azleg.gov/BillStatus/BillOverview>.

²⁰⁷ Arizona State Legislature, House of Delegates, HB 2454 CPS Information; Public Records, 48th Legislature, 2nd Session, 2008, <https://apps.azleg.gov/BillStatus/BillOverview>.

²⁰⁸ Arizona State Legislature, House of Delegates, HB 2633 Child Protective Services Workers, 48th Legislature, 2nd Session, 2008, <https://apps.azleg.gov/BillStatus/BillOverview>.

²⁰⁹ Arizona State Legislature, State Senate, SB 1442 Dependent Children; Placement Hearing, 48th Legislature, 2nd Session, 2008, <https://apps.azleg.gov/BillStatus/BillOverview>.

²¹⁰ Arizona State Legislature. House of Delegates. HB 2764 Dependent Children; Successor permanent guardianships. 48th Legislature, 2nd Session, 2008. <https://apps.azleg.gov/BillStatus/BillOverview>.

²¹¹ Arizona State Legislature. House of Delegates. HB 2594 CPS; Court Orders. 48th Legislature, 2nd Session, 2008. <https://apps.azleg.gov/BillStatus/BillOverview>.

public.²¹² The Arizona Legislature passed a requirement for all investigators to be given training on rights and ordered a public report regarding child abuse.²¹³ HB 2601 gave requirements for when a foster parent was going to leave a foster child in the care of another, even a babysitter.²¹⁴ The final bill, SB 1441, streamlined the process for removing parental rights if the child has been in care for six months and is under three years old.²¹⁵ It also expedited the adoption process.²¹⁶ These bills protected the rights of the children and the adults in these cases. Their impact can be measured when the data can be analyzed.

Small Changes

The fourth year of the study, 2009, brought changes to a litany of areas. The first change of the year allowed legislatures access to CPS information.²¹⁷ This bill allowed for better-informed votes on relevant policies. The Arizona Legislature changed how child abuse was defined and how the government edits the abuse registry.²¹⁸ HB 2375 decreased the amount of time before a foster parent was included in the review hearings.²¹⁹ Another bill made it so only the court could remove children from a prospective placement.²²⁰ The court was required to monitor the search for a relative of new children in the system.²²¹ HB 2622 added more requirements before moving a child.²²² The other measures made the system easier for those involved and provided necessary oversight over the system.

The first year of data painted a mixed picture. The number of children in care

²¹² Arizona State Legislature, House of Delegates, HB 2453 Children; Open Court Proceedings, 48th Legislature, 2nd Session, 2008, <https://apps.azleg.gov/BillStatus/BillOverview>.

²¹³ Arizona State Legislature, House of Delegates, HB 2455 CPS; Criminal Investigations, 48th Legislature, 2nd Session, 2008, <https://apps.azleg.gov/BillStatus/BillOverview>.

²¹⁴ Arizona State Legislature, House of Delegates, HB 2601 Foster Care Parents; Respite Care, 48th Legislature, 2nd Session, 2008, <https://apps.azleg.gov/BillStatus/BillOverview>.

²¹⁵ Arizona State Legislature, State Senate, SB 1441 Foster Care; Expedited Permanency, 48th Legislature, 2nd Session, 2008, <https://apps.azleg.gov/BillStatus/BillOverview>.

²¹⁶ Arizona State Legislature, "SB 1441."

²¹⁷ Arizona State Legislature, State Senate, SB 1285 CPS Information; Redactions; Challenges, 49th Legislature, 1st Session, 2009, <https://apps.azleg.gov/BillStatus/BillOverview>.

²¹⁸ Arizona State Legislature, State Senate, SB 1047 Child Safety, 49th Legislature, 1st Session, 2009, <https://apps.azleg.gov/BillStatus/BillOverview>.

²¹⁹ Arizona State Legislature. House of Delegates. HB 2375 Foster Parents; Participation. 49th Legislature, 1st Session, 2009. <https://apps.azleg.gov/BillStatus/BillOverview>.

²²⁰ Arizona State Legislature. House of Delegates. HB 2622 Dependent Children; Relatives; Disclosure. 49th Legislature, 1st Session, 2009. <https://apps.azleg.gov/BillStatus/BillOverview>.

²²¹ Arizona State Legislature, "HB 2622."

²²² Arizona State Legislature, "HB 2622."

decreased by 1.74% this year.²²³ This decrease was lower than the national average.²²⁴ Children entering the system decreased to the tune of 7.07%.²²⁵ The number of children exiting the system increased by 1.25%.²²⁶ The later data sets show more significant changes as the number of rights terminated increased by 17.05%. The data suggests that a plethora of children have entered the system. Even so, they are well above the national average. The 20.18% growth in children eligible for adoption shows the weak and limited scope of adoption policy.²²⁷ The final data set, the number of adoptions with government assistance, increased by 0.65. This data does not give a good prognosis of the adoption bill that was passed and showed that the State needs further adoption measures. The first year was a mixed bag that showed problems in the system.

The bills of 2010 were mainly administrative, continuing the trend of fixing small problems in the system. The most significant change was the reauthorization of CAPTA by the National Congress, adding more federal control over the system as well as unfunded mandates.²²⁸ Stateside, SB 1091 added behavioral health agencies to the list of organizations that the CPS was required to accept reports of abuse or neglect.²²⁹ The second and last bill allowed child care group homes to pay their annual licensing and certification fees in installments and asked for a study on the cost of group homes.²³⁰ These were the only two bills passed in 2010. That would not be bad if the data were not headed south. Children in care increased by 5.38%, which was 7% higher than the national average.²³¹ The number of children entering the system increased by 4.85%.²³² The number of children exiting decreased by 4.34%.²³³ These were not good numbers for the system. The policies of the year may have fixed problems, but they were band-aids.

²²³ Children's Bureau, "State Data Tables."

²²⁴ Children's Bureau, "State Data Tables."

²²⁵ Children's Bureau, "State Data Tables."

²²⁶ Children's Bureau, "State Data Tables."

²²⁷ Children's Bureau, "State Data Tables."

²²⁸ Children's Bureau, "Major Federal Legislation Concerned with Child Protection, Child Welfare, and Adoption," Children's Bureau, 2015, Accessed September 11, 2018, <https://www.childwelfare.gov/pubpdfs/majorfedlegis.pdf>.

²²⁹ Arizona State Legislature, State Senate, SB 1091 CPS Workers; Investigations; Group Homes, 49th Legislature, 2nd Session, 2010, <https://apps.azleg.gov/BillStatus/BillOverview>.

²³⁰ Arizona State Legislature, State Senate, SB 1315 Child Care Programs; Fees, 49th Legislature, 2nd Session, 2010, <https://apps.azleg.gov/BillStatus/BillOverview>.

²³¹ Children's Bureau, "State Data Tables."

²³² Children's Bureau, "State Data Tables."

²³³ Children's Bureau, "State Data Tables."

The number of parental rights removed declined by 4.02%, which shows fewer confirmed cases of child abuse.²³⁴ Children waiting to be adopted decreased by 4.26% while the number of children adopted increased by 19.87%.²³⁵ These are positive numbers that show that not everything in the system was in decline. It suggests that the adoption policy had a slow period of adjustment before some growth.

2011 continued the trend of making small corrections to the system. Once again, the system was plagued by federal legislation, which added more regulations and more unfunded mandates to the state systems.²³⁶ SB 1244 allowed law enforcement officials to make a “video or audio recording of a minor” during an investigation without the consent of the parents.²³⁷ The second made it an act of abandonment if an alleged parent refuses a paternity or maternity test requested by the DES or by court order.²³⁸ There also must be 15 days before the motion of removal from a prospective permanent placement before a hearing on the motion.²³⁹ These bills continued to make small adjustments to the system. The system continued to decline despite these changes. The number of children in care continued to increase by 9.6%.²⁴⁰ Children entering the system increased by 7.57%.²⁴¹ A healthier number, and possibly a benefit of the placement protections, was the exit rate increase of 1.1%.²⁴² The number of parental rights better matched up with the entrance rate, increasing by 46 rights removed.²⁴³ The number of children eligible for adoption increased by 5.57%, and the number of government-assisted adoptions increased by 11.25%.²⁴⁴ These numbers show a lukewarm system. It is neither truly good nor terrible, just is. Since the start of this study, there have been no radical changes to the system. Without a course correction, there is only so long something like this can last.

²³⁴ Children’s Bureau, “State Data Tables.”

²³⁵ Children’s Bureau, “State Data Tables.”

²³⁶ Children’s Bureau, “Major Federal Laws” 7.

²³⁷ Arizona State Legislature, State Senate, SB 1244 Parents Rights; Law Enforcement Investigation, 50th Legislature, 1st Session, 2011, <https://apps.azleg.gov/BillStatus/BillOverview>.

²³⁸ Arizona State Legislature, State Senate, SB 1560 Dependent Children; Hearings; Notice, 50th Legislature, 1st Session, 2011, <https://apps.azleg.gov/BillStatus/BillOverview>.

²³⁹ Arizona State Legislature, “SB 1560.”

²⁴⁰ Children’s Bureau, “State Data Tables.”

²⁴¹ Children’s Bureau, “State Data Tables.”

²⁴² Children’s Bureau, “State Data Tables.”

²⁴³ Children’s Bureau, “State Data Tables.”

²⁴⁴ Children’s Bureau, “State Data Tables.”

The next year, 2012, showed the State continuing the trend of the past few years. An oversight committee was developed for CPS to ensure the agency was doing its job efficiently.²⁴⁵ The team which reviewed parental right terminations was removed by recommendation due to inefficiency.²⁴⁶ SB 1100 modified the adoption law, allowing the prospective parents to limit the visitation of the birth parents who had their parental rights terminated, as well as notification if that termination was appealed.²⁴⁷ The final policy of the year was the requirement for a background check for any prospective kinship placement.²⁴⁸ Once again, these fixed problems that had appeared in the system. Many of them were on policy recommendations from the Foster Care Review Board, as referenced above. They failed, however, to solve the more troubling problems that were facing the system. This change is seen by the increase of the children in care, an increase of 23.69%.²⁴⁹ The entrance rate simultaneously went up by 25.62%.²⁵⁰ The exit rate gave good news, increasing by 3.56%.²⁵¹ The number of parental rights removed increased by 3.56%, which showed more cases of either drugs or abuse.²⁵² Those waiting for adoption increased by 3.26% while the number of government-assisted adoptions stayed the same.²⁵³ Not even the adoption numbers improved over the past year. The numbers slowly indicated that the current strategy and approach to foster care was not working. Though 2013 does not show a drastic change, there are some changes.

The policies that were passed in 2013 mostly stayed the same, but some changes showed a different direction. The Arizona Legislature required CPS information to be distributed to medical examiners as needed.²⁵⁴ SB 1108 no longer required either the

²⁴⁵ Arizona State Legislature, House of Delegates, HB 2249 Child Protective Services Oversight Committee, 50th Legislature, 2nd Session, 2012, <https://apps.azleg.gov/BillStatus/BillOverview>.

²⁴⁶ Arizona State Legislature, House of Delegates, HB 2794 CPS; Review Teams, 50th Legislature, 2nd Session, 2012, <https://apps.azleg.gov/BillStatus/BillOverview>.

²⁴⁷ Arizona State Legislature, State Senate, SB 1100 Adoption; visitation pending final decree, 50th Legislature, 2nd Session, 2012, <https://apps.azleg.gov/BillStatus/BillOverview>.

²⁴⁸ Arizona State Legislature, State Senate, SB 1128 Family Adoptions; Social Studies; Requirements, 50th Legislature, 2nd Session, 2012, <https://apps.azleg.gov/BillStatus/BillOverview>.

²⁴⁹ Children's Bureau, "State Data Tables."

²⁵⁰ Children's Bureau, "State Data Tables."

²⁵¹ Children's Bureau, "State Data Tables."

²⁵² Children's Bureau, "State Data Tables."

²⁵³ Children's Bureau, "State Data Tables."

²⁵⁴ Arizona State Legislature, House of Delegates, HB 2067 CPS Information; Medical Examiner; Disclosure. 51st Legislature, 1st Session, 2013, <https://apps.azleg.gov/BillStatus/BillOverview>.

foster children or birth children to be immunized by the foster parent.²⁵⁵ These two policies were similar to previous years, fixing small problems in the system. HB 2502 switched up the game plan, given the CPS 4.5 million dollars and authorizing 50 more employees.²⁵⁶ An increase in money is a boon to any system, getting more funding and personnel makes doing the tasks assigned easier. HB 2074 increased the duration of foster home licenses and relaxed the regulations regarding the number of children in the home if it would aid kinship care or keeping siblings together.²⁵⁷ These bills made it easier for foster homes and kinship care, and even to children in exceptional circumstances.

This year did not have stellar numbers. Children in care increased by 6.97%.²⁵⁸ The number of children entering the system increased by 1.19%.²⁵⁹ The exit rate also improved by 21.12%. The data suggest child placements were made accessible during this year. The most obvious answer would be the increase in the funding, but there are limits to how much more spending can solve, but it can provide a boost. The number of parental rights removed continued to rise, this time by 17.09%.²⁶⁰ The number of children waiting to be adopted spiked up by 22.82% this year, but the number of government-assisted adoptions increased by 10.86%.²⁶¹ The numbers continued to be a mixed bag, though it is slanted towards the unhealthy side. 2014 would bring about the changes desperately needed for the system.

The Department of Child Safety

There were not many bills passed during the regular session of 2014. The biggest was the additional 6.8 million dollars given to the system to hire 192 more full-time positions.²⁶² HB 2638 attempted to further combat child abuse by requiring any employee

²⁵⁵ Arizona State Legislature, State Senate, SB 1108 Foster Home Licensure; Immunizations, 51st Legislature, 1st Session, 2013, <https://apps.azleg.gov/BillStatus/BillOverview>.

²⁵⁶ Arizona State Legislature, House of Delegates, HB 2502 Supplemental Appropriation; CPS Funding, 51st Legislature, 1st Session, 2013, <https://apps.azleg.gov/BillStatus/BillOverview>.

²⁵⁷ Arizona State Legislature, House of Delegates, HB 2074 Expedited Foster Home Approval, 51st Legislature, 1st Session, 2013, <https://apps.azleg.gov/BillStatus/BillOverview>.

²⁵⁸ Children's Bureau, "State Data Tables."

²⁵⁹ Children's Bureau, "State Data Tables."

²⁶⁰ Children's Bureau, "State Data Tables."

²⁶¹ Children's Bureau, "State Data Tables."

²⁶² Arizona State Legislature, State Senate, SB 1224 Supplemental Appropriations; Child Safety Positions, 51st Legislature, 2nd Session, 2014, <https://apps.azleg.gov/BillStatus/BillOverview>.

of the DES to provide information on abuse to the appropriate agency.²⁶³ The final bill of the regular session was the requirement of the courts to provide supplemental services to children if it would not cost them extra money.²⁶⁴ This policy was to help the DES in its duties to help the children further. The regular session did not give any radical change to the system besides more resources.

The situation became interesting when Governor Brewer got involved and forced a special legislative session to modify the foster care system. On January 13, the Governor signed Executive Order 2014-01 in response to the falling standards in the foster care system.²⁶⁵ This executive order abolished the Division of Children, Youth, and Families, under the DES and created the Department of Child Safety to govern child abuse, foster care, and adoption.²⁶⁶ The Arizona Legislature went into special session to legalize the new Department with the necessary duties and regulations by passing SB 1001.²⁶⁷ The new Department had the responsibility for children and family services with functions ranging from investigating child abuse, foster care, kinship care, adoption, and federal aid to families.²⁶⁸ Most of the policies that had applied to the old division were brought over to the new Department.²⁶⁹ The Centralized Intake Hotline addressed the issue of child abuse, centralizing the information about child abuse, and ensuring proper investigations.²⁷⁰ Another change was further policies to align the state policy with the required federal policies.²⁷¹ SB 1001 was the most significant bill passed during the time studied. It radically changed nearly every aspect of the Arizona system to be more organized and resourced. It was a needed course correction from a system that had not seen good numbers since 2009.

²⁶³ Arizona State Legislature, House of Delegates, HB 2638 CPS Information; Law Enforcement; Prosecutors, 51st Legislature, 2nd Session, 2014, <https://apps.azleg.gov/BillStatus/BillOverview>.

²⁶⁴ Arizona State Legislature, State Senate, SB 1309 Court-Ordered Services; Dependent Children, 51st Legislature, 2nd Session, 2014, <https://apps.azleg.gov/BillStatus/BillOverview>.

²⁶⁵ Arizona State Legislature, State Senate, SB1001 Department of Child Safety, 51st Legislature, Special Session, 2014, <https://apps.azleg.gov/BillStatus/BillOverview>.

²⁶⁶ Arizona State Legislature, "SB1001."

²⁶⁷ Arizona State Legislature, "SB1001."

²⁶⁸ Arizona State Legislature, "SB1001."

²⁶⁹ Arizona State Legislature, "SB1001."

²⁷⁰ Arizona State Legislature, "SB1001."

²⁷¹ Arizona State Legislature, "SB1001."

The numbers continued the previous trends going into the end of the fiscal year 2014, with the new Department still formalizing its new policies and roles. The number of children in care took a downturn increasing by 12.83%.²⁷² Children entering the system increased by 13.15%.²⁷³ These initial numbers showed the continued problems of the system. The number of children exiting the system continued to increase by 5.84%.²⁷⁴ The number of parental rights removed lowered to 5.53%, because of the dissolution of CPS and the development of the new Department.²⁷⁵ The number of those waiting for adoption improved with only a 1.73% increase. The number of government-assisted adoptions increased by 22.52%.²⁷⁶ These numbers were even more of a mixed bag. The next year saw the further implementation of SB1001 and the new Department.

2015 did not contain the revolutionary measures of the previous year. It corrected and formed the newly created Department. HB 2100, for example, made the identities of the new Department's employees confidential.²⁷⁷ HB 2166 relocated to the sharing of child fatality data to the new Department.²⁷⁸ HB 2098 polished several new provisions for the new Department.²⁷⁹ An auditing team was established for the new Department to ensure that it would adequately manage its resources.²⁸⁰ There were further updates to the legal process that was required for child abuse cases to make them clear and constitutional.²⁸¹ HB 2047 required social workers to submit reasons for removal of a child and get clearance.²⁸² The bills continued the course correction started in 2014 while continuing the strategy seen through much of the study.

²⁷² Children's Bureau, "State Data Tables."

²⁷³ Children's Bureau, "State Data Tables."

²⁷⁴ Children's Bureau, "State Data Tables."

²⁷⁵ Children's Bureau, "State Data Tables."

²⁷⁶ Children's Bureau, "State Data Tables."

²⁷⁷ Arizona State Legislature, House of Delegates, HB 2100 DCS employee personal information; confidentiality, 52nd Legislature, 1st Session, 2015, <https://apps.azleg.gov/BillStatus/BillOverview>.

²⁷⁸ Arizona State Legislature, House of Delegates, HB 2166 DCS Information; egregious abuse; neglect, 52nd Legislature, 1st Session, 2015, <https://apps.azleg.gov/BillStatus/BillOverview>.

²⁷⁹ Arizona State Legislature, House of Delegates, HB 2098 Department of Child Safety, 52nd Legislature, 1st Session, 2015, <https://apps.azleg.gov/BillStatus/BillOverview>.

²⁸⁰ Arizona State Legislature, "HB 2098."

²⁸¹ Arizona State Legislature, "HB 2098."

²⁸² Arizona State Legislature, House of Delegates, HB 2047 - Child Removal; Supervisor Review; Approval, 52nd Legislature, 1st Session, 2015, <https://apps.azleg.gov/BillStatus/BillOverview>.

The numbers continued to be mixed but showed improvement. The number of children in care increased by 9.18% (down from 12.83%).²⁸³ The entrance rate increased by 4.20% (down from 13.15%).²⁸⁴ Concurrently, the exit rate improved as well, with an 8.11% increase.²⁸⁵ This data shows a system that is improving. The number of parental rights removed stayed nearly the same, with less than 20 more cases.²⁸⁶ The adoption statistics continued to prove to be an odd pairing. The number of children waiting to be adopted increased by 11.51% (1.73% previously), and the number of government-assisted adoptions dropped to a 4.72% increase (22.52% previously).²⁸⁷ Considering the near-constant mixed data or decreasing status, this is an improvement. 2016 reveals more of the long-term consequences of this new policy direction.

The 11th year of the study, 2016, continued the trend of fixing problems while adding a few new policies. SB 1330 allowed for a county attorney to assist with adoptions by providing required legal services free of charge.²⁸⁸ There were continued administrative changes with HB 2427 requiring all child removal rules to apply uniformly across the state.²⁸⁹ Guardians who were caring for a child were required to help continue contact between their wards and people with significant relations (unless that contact would be detrimental).²⁹⁰ HB 2260 reauthorized the Foster Care Review Board for eight more years.²⁹¹ The bill also enacted some of the board's recommendations: modifying the time frames for foster parent training and requiring public meetings on foster home licensing rules.²⁹² HB 2442 gives the ability to foster parents (and adoptive parents) to obtain urgent behavioral health services for a child who needed them.²⁹³ These helped to

²⁸³ Children's Bureau, "State Data Tables."

²⁸⁴ Children's Bureau, "State Data Tables."

²⁸⁵ Children's Bureau, "State Data Tables."

²⁸⁶ Children's Bureau, "State Data Tables."

²⁸⁷ Children's Bureau, "State Data Tables."

²⁸⁸ Arizona State Legislature, State Senate, SB 1330 Parent-Child Relationships; Termination; Petition, 52nd Legislature, 2nd Session, 2016, <https://apps.azleg.gov/BillStatus/BillOverview>.

²⁸⁹ Arizona State Legislature, House of Delegates, HB 2427 Child Removal; Uniform Criteria, 52nd Legislature, 2nd Session, 2016, <https://apps.azleg.gov/BillStatus/BillOverview>.

²⁹⁰ Arizona State Legislature, State Senate, SB 1296 Guardianship; Proceedings; Ward's Relationships, 52nd Legislature, 2nd Session, 2016, <https://apps.azleg.gov/BillStatus/BillOverview>.

²⁹¹ Arizona State Legislature, House of Delegates, HB 2260 Foster Care Review Board; Continuation, 52nd Legislature, 2nd Session, 2016, <https://apps.azleg.gov/BillStatus/BillOverview>.

²⁹² Arizona State Legislature, "HB 2260."

²⁹³ Arizona State Legislature, House of Delegates, HB 2442 Behavioral Health; Urgent Need; Children, 52nd Legislature, 2nd Session, 2016, <https://apps.azleg.gov/BillStatus/BillOverview>.

lessen the strain on foster parents, which allows them to further care for children in need. The last bill of 2016 was another change in direction. HB 2270 required the DCS to enter into a contract with a private organization(s) to work to administer backlogged cases.²⁹⁴ Adding in provisions for private organizations, even for such a matter as foster care training, removed the need for the government to do it. 2016 continued the weird dichotomy of the past few years of small fixes and new directions.

The data in 2016 continued the improvement started in 2015. For the first time since 2009, the number of children in care decreased by 3.5%.²⁹⁵ The entrance rate also decreased by 7.81%.²⁹⁶ The number of children leaving the system continued to increase to 10.66%.²⁹⁷ For the first half of the data, these numbers are good, showing improvement to the system. The most significant change to the system was the overhauled Department, which brought new procedures. There is also the case of a smaller workload and better training standards. The number of rights terminated increased by 12.41%, which showed that there are still problems.²⁹⁸ It is also an interesting dichotomy that the entrance rate decreased but the rights terminated increased. The adoption data also showed problems. The number of children eligible to be adopted increased by 16.08% while the number of government-assisted adoptions also increased by 12.92%.²⁹⁹ The system had generally shown improvement in 2016.

The year 2017 did not bring any revolutionary policy proposals, mostly updating and fixing policies of the past. SB 1360 allowed the court to establish a permanent guardian for a child.³⁰⁰ The bill also limited the time reunification efforts with the birth parents.³⁰¹ This change prevents a child from languishing needlessly in the system. SB 1380 updated the required background checks and how the government notifies the

²⁹⁴ Arizona State Legislature, House of Delegates, HB 2270 Foster Parent Training, 52nd Legislature, 2nd Session, 2016, <https://apps.azleg.gov/BillStatus/BillOverview>.

²⁹⁵ Children's Bureau, "State Data Tables."

²⁹⁶ Children's Bureau, "State Data Tables."

²⁹⁷ Children's Bureau, "State Data Tables."

²⁹⁸ Children's Bureau, "State Data Tables."

²⁹⁹ Children's Bureau, "State Data Tables."

³⁰⁰ Arizona State Legislature, State Senate, SB 1360 Dependency Proceedings Permanent Guardianships; Reunification, 53rd Legislature, 1st Session, 2017, <https://apps.azleg.gov/BillStatus/BillOverview>.

³⁰¹ Arizona State Legislature, "SB 1360."

recipients.³⁰² The Arizona Legislature gave new guidelines for abuse investigations as well as specifications for child removal.³⁰³ The final bill was SB 1195, which gave authorization for the DCS to make medical decisions for the children in their care.³⁰⁴ The bills were more along the line of fixing problems in the system than changing the system.

The numbers continued to show improvement. The number of children in the care of the system decreased by 12.19%, which was over 2000 children.³⁰⁵ The entrance rate also decreased by 14.26%, which is over 1,500 children.³⁰⁶ The numbers for the exit rate were not as good; children leaving the system decreased by 0.89% in 2017.³⁰⁷ The first half of the data showed a system continues to improve. For the first time since 2010, the number of parental rights terminated decreased by 2.49%.³⁰⁸ The adoption numbers started to align with the number of children waiting for adoption increasing by only 0.76%, and the number of government-assisted adoptions increasing by 17.62%.³⁰⁹

Conclusion

Arizona showed a system that had problems from the beginning but was able to enact needed change. Arizona tried to treat a gunshot wound with a band-aid. The system continued to decline despite the attempts to fix some problems. In 2014 the system was not doing the job it was given; it was not protecting the children. Another problem plaguing Arizona was the realm of adoption. In the 12 years of laws that were studied, there were not any significant bills that address adoption as a whole, mostly making corrections and streamlining the process. Government adoptions were not enough to take care of the problem. Increasing the scope of government adoptions after the near-constant increase of government-assisted adoptions not improving the problem is not a good strategy. Time will tell if Arizona will continue the improvements. It is likely that it will continue.

³⁰² Arizona State Legislature, State Senate, SB 1380 DCS; Background Checks; Central Registry, 53rd Legislature, 1st Session, 2017, <https://apps.azleg.gov/BillStatus/BillOverview>.

³⁰³ Arizona State Legislature, State Senate, SB 1003 DCS; Investigations; Custody; Oversight Committee, 53rd Legislature, 1st Session, 2017, <https://apps.azleg.gov/BillStatus/BillOverview>.

³⁰⁴ Arizona State Legislature, State Senate, SB 1194 DCS; Foster Parent; Medical Consent, 53rd Legislature, 1st Session, 2017, <https://apps.azleg.gov/BillStatus/BillOverview>.

³⁰⁵ Children's Bureau, "State Data Tables."

³⁰⁶ Children's Bureau, "State Data Tables."

³⁰⁷ Children's Bureau, "State Data Tables."

³⁰⁸ Children's Bureau, "State Data Tables."

³⁰⁹ Children's Bureau, "State Data Tables."

CHAPTER 4: California

The California system is complex, simultaneously embracing and defying the stereotypes of the State. The State has a reputation for trending towards liberal ideology, and several of the bills passed back up this reputation. The State is known across the U.S. for trending towards liberal ideology with a litany of bills passed in that manner. Though California had more bills that fit the criteria than the other States, it took several policy directions that its counterparts did not. These bills led to a system with both good and bad numbers across the data.³¹⁰ It ultimately finished with fewer children in care.³¹¹ This chapter seeks to analyze these policies and learn how these numbers came to be.

The Data

Understanding the data surrounding the California system facilitates understanding the policies and their impacts. The California system will only be compared to the national average, not to any of the other States. California improved over the period studied.

The system saw a healthy rate of decrease in the number of children in care. At the beginning of the time studied, 67,703 children were in care, and there were 51,869 in 2017.³¹² This change was a decrease of 15,834 children or 23.39%.³¹³ That is 2.14 better than the rate of the national system. There were only two years where the number of children increased, which as at the same time as the national system.³¹⁴ The data has shown that California improved at a higher rate than the national average.³¹⁵ In 2017, California accounted for 11.7% of the children in the system.³¹⁶ The large population of the state of California does skew this number as a measuring tool. The first set of numbers showed an extensive system that is improving. There are fewer children in the system, which is the ultimate goal of Foster Care. Further study will reveal how this came to be.

³¹⁰ Children's Bureau, "AFCARS State Data Tables 2008 through 2018," Children's Bureau, October 20, 2017, accessed November 26, 2018, <https://www.acf.hhs.gov/cb/resource/trends-in-foster-care-and-adoption>.

³¹¹ Children's Bureau, "State Data Tables."

³¹² Children's Bureau, "State Data Tables."

³¹³ Children's Bureau, "State Data Tables."

³¹⁴ Children's Bureau, "State Data Tables."

³¹⁵ Children's Bureau, "State Data Tables."

³¹⁶ Children's Bureau, "State Data Tables."

The entrance rate saw a decade of decrease. In 2008, 36,590 children entered the system, while in 2017, there were 28,016.³¹⁷ This change was a decrease of 8,574 children or 23.43%.³¹⁸ The rate had been in decline since 2013.³¹⁹ There was only one year where the entrance rate increased in the time studied.³²⁰ In 2017, California only accounted for 1.03% of the number of children entering the system.³²¹ The healthy entrance rate of California is something that would be good for other states to replicate.

The exit rate matched the entrance rate, also seeing a decrease. In 2008, 41,468 children were leaving the system, and in 2017, there were 28,539.³²² This change is a decrease of 12,929 children or 31.18%.³²³ In 2017, California accounted for 11.52% of the children exiting the system.³²⁴ Only in two years studied were there increases in the exit rate.³²⁵ This is part of the system where change is needed. Further study is required.

One area where California outperforms the national system is the number of parental rights removed. In 2008, California removed 9,841 children from their parents, and in 2017, they removed 7,107.³²⁶ That is a decrease of 2,734 children or 27.78%.³²⁷ This decrease was better than the 55% rate of increase seen in the national average.³²⁸ This data set was the only data that has rose recently as well.³²⁹ There were four of the years studied where there was an increase.³³⁰ This number does not line up perfectly with the entrance rate, further adding complexity to the system.

It is in the best interest of California to place children who are eligible for adoption as quickly as possible. In 2008, 17,847 children were eligible for adoption and, in 2017, there were 15,097.³³¹ This change was a rate of decrease of 15.41%, nearly a

³¹⁷ Children's Bureau, "State Data Tables."

³¹⁸ Children's Bureau, "State Data Tables."

³¹⁹ Children's Bureau, "State Data Tables."

³²⁰ Children's Bureau, "State Data Tables."

³²¹ Children's Bureau, "State Data Tables."

³²² Children's Bureau, "State Data Tables."

³²³ Children's Bureau, "State Data Tables."

³²⁴ Children's Bureau, "State Data Tables."

³²⁵ Children's Bureau, "State Data Tables."

³²⁶ Children's Bureau, "State Data Tables."

³²⁷ Children's Bureau, "State Data Tables."

³²⁸ Children's Bureau, "State Data Tables."

³²⁹ Children's Bureau, "State Data Tables."

³³⁰ Children's Bureau, "State Data Tables."

³³¹ Children's Bureau, "State Data Tables."

third of the national system.³³² In 2017, California accounted for 21.71% of the children waiting to be adopted.³³³ Since one out of five children waiting for adoption is in California, it needs improvement.

The final set of data is the number of government-assisted adoptions. In 2008, the State of California assisted with 7,777 adoptions, and in 2017, there were 6,524.³³⁴ That is a rate of decrease of 16.11%.³³⁵ This change matches up with the number of children waiting to be adopted, needing improvement. In 2017, California accounted for 10.97% of the assisted adoptions.³³⁶ This is a system where improvement is needed to serve the children better.

The data begins to tell the story of the system. The stereotype of California is of massive government control. However, a plain-text reading of the numbers does not point to government interference, instead of the opposite. California numbers differ from the national system, which does not have as many good years as most of the California data sets. Many States suffered from times of decline from 2012-2016.³³⁷ There have only been seventeen states that have improved in the time studied, California is one of them.³³⁸ The data reveals several points of focus that help the study of the legislation.

The Background Years

2006 brought about a litany of changes to the foster care system. AB 2216 required a State-wide audit of the system to ensure that it is operating efficiently.³³⁹ Accountability is a smart idea for any system, as it ensures the proper use of the resources given to the system. SB 1325 allowed attorneys to represent the adoptive parents in cases involving “assisted reproduction”.³⁴⁰ The regulations concerning adoption facilitators

³³² Children’s Bureau, “State Data Tables.”

³³³ Children’s Bureau, “State Data Tables.”

³³⁴ Children’s Bureau, “State Data Tables.”

³³⁵ Children’s Bureau, “State Data Tables.”

³³⁶ Children’s Bureau, “State Data Tables.”

³³⁷ Children’s Bureau, “State Data Tables.”

³³⁸ Children’s Bureau, “State Data Tables.”

³³⁹ California State Legislature, General Assembly, AB 2216 Child Welfare Leadership and Performance Accountability Act of 2006, 2005-2006 Session, 2nd Session, 2006, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200520060AB2216.

³⁴⁰ California State Legislature, State Senate, SB 1325 Adoption, 2005-2006 Session, 2nd Session, 2006, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200520060SB1325.

were strengthened, limiting their rights and abilities.³⁴¹ AB 525 added emotional abuse to the actions considered child abuse.³⁴² The California Legislature modified law now requiring a background check for a kin guardian before a placement can be made.³⁴³ The Legislature also established emergency foster care and allowed both kin and non-kin caregivers.³⁴⁴ The final bill allowed private organizations to utilize all forms of foster care, including group homes and kinship care.³⁴⁵ The policies made it easier for foster care providers while harder for adoption agencies.

The second year, 2007, brought a similar amount of changes. The only adoption policies were to fix several problems that had arisen.³⁴⁶ Congregate care was modified with a mandate to transform the current system into “residentially based services”; private companies were brought in help with this transition.³⁴⁷ A change to foster care was the requirement to keep teenage parents with their children if possible.³⁴⁸ Another change was to allow county agencies to exchange criminal record information when a child moves between counties.³⁴⁹ AB 298 made kinship care a priority placement option and dedicated support to it.³⁵⁰ This method of care was further allowed in emergencies.³⁵¹

³⁴¹ California State Legislature, State Senate, SB 1758 Adoption facilitators, 2005-2006 Session, 2nd Session, 2006, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200520060SB1758.

³⁴² California State Legislature, General Assembly, AB 525 Child Abuse Reporting, 2005-2006 Session, 2nd Session, 2006, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200520060AB525.

³⁴³ California State Legislature, General Assembly, AB 1907 Office of Child Abuse Prevention: multidisciplinary personnel, 2005-2006 Session, 2nd Session, 2006, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200520060AB1907.

³⁴⁴ California State Legislature, General Assembly, AB 2195 Foster caregivers: placement options, 2005-2006 Session, 2nd Session, 2006, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200520060AB2195.

³⁴⁵ California State Legislature, State Senate, SB 1641 Foster care providers, 2005-2006 Session, 2nd Session, 2006, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200520060SB1641.

³⁴⁶ California State Legislature, State Senate, SB 313 Adoption, 2007-2008 Session, 1st Session, 2007, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200720080SB313.

³⁴⁷ California State Legislature, General Assembly, AB 1453 Foster care: residentially based services, 2007-2008 Session, 1st Session, 2007, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200720080AB1453.

³⁴⁸ California State Legislature, State Senate, SB 720 Foster children, 2007-2008 Session, 1st Session, 2007, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200720080SB720.

³⁴⁹ California State Legislature, State Senate, SB 776 Community care facilities: criminal history clearance, 2007-2008 Session, 1st Session, 2007, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200720080SB776.

³⁵⁰ California State Legislature, General Assembly, AB 298 Relative caregivers, 2007-2008 Session, 1st Session, 2007, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200720080AB298.

³⁵¹ California State Legislature, General Assembly, AB 340 Child welfare services: resource family pilot program, 2007-2008 Session, 1st Session, 2007, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200720080AB340.

These were significant changes with a probable impact. The data is not available until 2009 to measure this.

2008 brought changes in policy, with political ideology influencing the system. SB 1726 shows this giving the State more discretion on who could facilitate adoptions.³⁵² This bill allowed the State to deny agencies based on ideology. AB 2337 added drug and alcohol counselors to a list of mandated child abuse reporters.³⁵³ AB 2960 allowed for the immediate seizure of a child if he or she was sexually abused and was about to be removed from the State.³⁵⁴ The last bill concerned foster care directly. AB 2070 limited to two years the amount of time for reconciliation with incarcerated parents to prevent children from languishing in the system.³⁵⁵ AB 2096 gave a standard for foster parents to use when deciding on extracurricular activities.³⁵⁶ Granted, this did not require the activities; it was still a mandate on the foster parents. The final bill, AB 3015, required all types of caregivers to be trained on foster youth safety at school.³⁵⁷ This bill was a further mandate on caregivers. This year brought a different type of policy change.

Changes to a Complicated System

The first year of data, 2009, brought mainly administrative changes. AB 247 updated how the State shared child abuse information with Health Care practitioners. Along with state policy, the California Legislature updated the system to meet with new federal standards required for adoption subsidies.³⁵⁸ AB 941 gave further clarification to

³⁵² California State Legislature, State Senate, SB 1726 Adoption, 2007-2008 Session, 2nd Session, 2008, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200720080SB1726.

³⁵³ California State Legislature, General Assembly, AB 2337 Child abuse reporting: mandated reporters, 2007-2008 Session, 2nd Session, 2008, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200720080AB2337.

³⁵⁴ California State Legislature, General Assembly, AB 2960 Custody orders: evidence of sexual abuse, 2007-2008 Session, 2nd Session, 2008, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200720080AB2960.

³⁵⁵ California State Legislature, General Assembly, AB 2070 Foster care: incarcerated parents, 2007-2008 Session, 2nd Session, 2008, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200720080AB2070.

³⁵⁶ California State Legislature, General Assembly, AB 2096 Foster children: extracurricular activities, 2007-2008 Session, 2nd Session, 2008, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200720080AB2096.

³⁵⁷ California State Legislature, General Assembly, AB 3015 Foster care, 2007-2008 Session, 2nd Session, 2008, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200720080AB3015.

³⁵⁸ California State Legislature, General Assembly, AB 154 Adoption assistance: federal law, 2009-2010 Session, 1st Session, 2009, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200920100AB154.

adoption laws, providing for contact with birth parents.³⁵⁹ The Legislature made a more extensive change by extending the funding for pre and post-adoption services based on the analysis of the problem.³⁶⁰ This bill was a fiscally responsible move extending a program that the data showed was successful. SB 597 brought the foster home payments and agency staffing ratios to the new federal standards.³⁶¹ The final policy was to extend the agreements with private organizations and allow them to waive foster care payments as long as the children were taken care of properly.³⁶² The government is finite and cannot handle the full problem. Allowing the private sector to help was a smart move. These changes continued to try to fix the system.

The data showed a system that was improving but still had some problems. The number of children in care decreased by 10.52%, which is more than the national average.³⁶³ The most significant change was the furtherance of private organizations and the adoption laws to promote adoptions. Child abuse measures had not led to an increase; children entering the system decreased by 3.68%.³⁶⁴ The exit rate decreased by 5.43%.³⁶⁵ The new abuse policies have not led to an increase; the number of rights terminated decreased by 13.35%.³⁶⁶ New adoption policies seemed to affect the number of children waiting to be adopted, dropping by 12.23%.³⁶⁷ However, it has not increased government adoptions, with the number of government facilitated adoptions decreasing by 4.36%.³⁶⁸ The system presents a mixed bag of policies that provides a mixed system.

2010 brought changes and corrections to problems. One problem that was corrected was Kinship care funding, AB 1905 assured that funding would continue if the

³⁵⁹ California State Legislature, General Assembly, AB 941 Adoption, 2009-2010 Session, 1st Session, 2009, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200920100AB154.

³⁶⁰ California State Legislature, General Assembly, AB 295 Children: adoption services, 2009-2010 Session, 1st Session, 2009, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200920100AB295.

³⁶¹ California State Legislature, State Senate, SB 597 Child welfare services, foster care services, and adoption assistance, 2009-2010 Session, 1st Session, 2009, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200920100SB597.

³⁶² California State Legislature, General Assembly, AB 488 Children's services programs: performance agreement contracts, 2009-2010 Session, 1st Session, 2009, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200920100AB488.

³⁶³ Children's Bureau, "State Data Tables."

³⁶⁴ Children's Bureau, "State Data Tables."

³⁶⁵ Children's Bureau, "State Data Tables."

³⁶⁶ Children's Bureau, "State Data Tables."

³⁶⁷ Children's Bureau, "State Data Tables."

³⁶⁸ Children's Bureau, "State Data Tables."

social worker visit did not occur on time.³⁶⁹ AB 2020 gave clearance for the court to immediately terminate parental rights under certain circumstances and gave adoption agencies more rights in the adoption process.³⁷⁰ The California Legislature raised the age from 18 to 21 years old the age where children were released from the system due to age.³⁷¹ The requirements to apply for federal funds for kinship care were modified.³⁷² AB 939 established that the existence of a child custody battle does not constitute child abuse.³⁷³ The Legislature changed the standard for child abuse from “certainty” to “reasonable suspicion”.³⁷⁴ AB 2229 strengthened the multidisciplinary personnel teams allowing them to investigate child abuse.³⁷⁵ The measures of this year mostly tried to solve problems.

The data for the year showed the first year of decline in the numbers. The number of children in care decreased by 7.23% (down from 10.52%).³⁷⁶ Meanwhile, the children entering the system continued to decrease by 4.84%.³⁷⁷ Children exiting the system likewise decreased by 8.06%.³⁷⁸ This data suggests that the new adoption and kinship policies were effective for the system. The number of rights removed was not increased by AB 2020; instead, it decreased by 15.21%.³⁷⁹ The number of children waiting to be adopted decreased by 4.93% (down from 12.23%).³⁸⁰ Meanwhile, the number of government facilitated adoptions continued to decrease this year by 13.16%.³⁸¹ This data

³⁶⁹ California State Legislature, General Assembly, AB 1905 Foster care: funding: placement approvals, 2009-2010 Session, 2nd Session, 2010,

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200920100AB1905.

³⁷⁰ California State Legislature, General Assembly, AB 2020 Family law, 2009-2010 Session, 2nd Session, 2010, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200920100AB2020.

³⁷¹ California State Legislature, General Assembly, AB 12 California Fostering Connections to Success Act, 2009-2010 Session, 2nd Session, 2010,

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200920100AB12.

³⁷² California State Legislature, “AB 12.”

³⁷³ California State Legislature, General Assembly, AB 939 Family law proceedings, 2009-2010 Session, 2nd Session, 2010, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200920100AB939.

³⁷⁴ California State Legislature, General Assembly, AB 2339 Child abuse reporting, 2009-2010 Session, 2nd Session, 2010, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200920100AB2339.

³⁷⁵ California State Legislature, General Assembly, AB 2229 Mandated child abuse reporting, 2009-2010 Session, 2nd Session, 2010,

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200920100AB2229.

³⁷⁶ Children’s Bureau, “State Data Tables.”

³⁷⁷ Children’s Bureau, “State Data Tables.”

³⁷⁸ Children’s Bureau, “State Data Tables.”

³⁷⁹ Children’s Bureau, “State Data Tables.”

³⁸⁰ Children’s Bureau, “State Data Tables.”

³⁸¹ Children’s Bureau, “State Data Tables.”

further reiterates that the government was not enough to help all the children.

This year defied the stereotype by focusing on private organizations. SB 164 created the State Children's Trust Fund, which allowed private individuals and organizations to donate money to foster care, tax-deductible money.³⁸² Licensed private adoption agencies were allowed to place children across Stateliness, set aside orders of adoption, and place children early with their prospective adoptive parents.³⁸³ The final bill of the year allowed the foster parents to receive the birth certificate after the termination of right for the birth parents.³⁸⁴ The bills were a change in the system, though the bills affecting the private organizations did not go into effect in time to be analyzed in this year's data.

The data for this year continued the trends seen in the previous year, a downturn in the system. The number of children in care decreased by 2.58% (down from 7.23%).³⁸⁵ Children entering the system decreased by 4.07%.³⁸⁶ The exit rate decreased by 11.77% (down from 8.96%).³⁸⁷ These numbers showed a continued decrease in the number of children leaving, which is evidence of problems with either reunification, guardianship, or adoption. The number of parental rights removed continued to decrease by 4.18% (down from 15.21%).³⁸⁸ Children waiting to be adopted decreased by 1.76% (down from 4.93%).³⁸⁹ The number of children adopted with government-assistance decreased by 11.60%.³⁹⁰ The analysis of the bills was complicated by the late passage of many of the bills this year.

If 2011 had a lack of bills, 2012 made up for it. There were eleven relevant bills passed. However, only one of these passed in time to impact the data: AB 1928, which

³⁸² California State Legislature, State Senate, SB 164 Personal income tax: voluntary contributions: State Children's Trust Fund: Rare and Endangered Species Preservation Program: extension, 2011-2012 Session, 1st Session, 2011, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120SB164.

³⁸³ California State Legislature, General Assembly, AB 687 Adoption, 2011-2012, Session, 1st Session, 2011, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB687.

³⁸⁴ California State Legislature, General Assembly, AB 791 Dependent children: birth certificates, 2011-2012 Session, 1st Session, 2011, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB791.

³⁸⁵ California State Legislature, "AB 791."

³⁸⁶ California State Legislature, "AB 791."

³⁸⁷ Children's Bureau, "State Data Tables."

³⁸⁸ Children's Bureau, "State Data Tables."

³⁸⁹ Children's Bureau, "State Data Tables."

³⁹⁰ Children's Bureau, "State Data Tables."

allowed three foster children in a single home, compared to two.³⁹¹ The rest of the bills impacted the next year of data. AB 1757 deleted irrelevant sections of the law and gave 45 days to respond to terminated parental rights.³⁹² The court was required to assess all possible guardians for a child and could refer to any case of abuse or neglect to the appropriate agency while protecting the child.³⁹³ The California Legislature made further changes to combat child abuse. Employees of public or private postsecondary institutions, athletic coaches and directors, image processors, commercial computer technicians, and college coaches were all added to the list of mandated reporters of child abuse.³⁹⁴ Ideology once again entered into the policy arena. AB 1856 required foster care providers to receive “culture competency and sensitivity” training concerning LGBT rights of foster children.³⁹⁵ This policy causes problems with religious groups who disagree on the issue of these rights. AB 2019 established the Foster Family Home ... Insurance Fund to further help the needs foster parents.³⁹⁶ Finally, California updated the foster care system to meet federal regulations.³⁹⁷ While these policies take effect next year, they brought changes to the system.

The data for this year showed signs of improvement. The private organization

³⁹¹ California State Legislature, General Assembly, AB 1928 Foster homes: residential capacity, 2011-2012, Session, 2nd Session, 2012,

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB1928.

³⁹² California State Legislature, General Assembly, AB 1757 Family law: adoption, 2011-2012, Session, 2nd Session, 2012 http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB1757.

³⁹³ California State Legislature, “AB 1757.”

³⁹⁴ California State Legislature, General Assembly, AB 1435 Child abuse reporting: athletic personnel, 2011-2012, Session, 2nd Session, 2012,

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB1435. California State Legislature, General Assembly, AB 1434 Child abuse reporting: mandated reporter, 2011-2012, Session, 2nd Session, 2012, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB1434.

California State Legislature, General Assembly, AB 1713 Child abuse reporting, 2011-2012, Session, 2nd Session, 2012, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB1713.

California State Legislature, General Assembly, AB 1817 Child abuse reporting, 2011-2012, Session, 2nd Session, 2012, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB1817.

California State Legislature, State Senate, SB 1264 Child abuse reporting: mandated reporters, 2011-2012 Session, 2nd Session, 2012,

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120SB1264.

³⁹⁵ California State Legislature, General Assembly, AB 1856 Foster care services: cultural competency, 2011-2012, Session, 2nd Session, 2012,

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB1856.

³⁹⁶ California State Legislature, General Assembly, AB 2019 Foster care, 2011-2012, Session, 2nd Session, 2012, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB2019.

³⁹⁷ California State Legislature, State Senate, SB 1521 Child welfare services, 2011-2012 Session, 2nd Session, 2012, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120SB1521.

policies passed in 2011 had a full year to take effect. The number of children in care decreased this year by 0.37% (down from 1.93%).³⁹⁸ Children entering the system decreased by 0.53% (up from 4.07%).³⁹⁹ Meanwhile, children leaving the system decreased by 4.85% (up from 11.77%).⁴⁰⁰ The numbers show a mixed system. The parental rights removed decreased by 13.09%.⁴⁰¹ For the first time, the number of government facilitated adoptions increased by 3.99%.⁴⁰² This change suggests that the new adoption policy, which simplified the process, is effective. The number of children awaiting adoption increased by 10.21%.⁴⁰³ There was more work shown to be needed. The data showed parts of the system improving while others were not.

Years of Decline

In 2013, the system continued to fix problems in the system, impacting several areas of the system. The first bill, AB 848, expedited the adoption of a child to parents who had already fostered them, were kin, a court-appointed guardian, or had previously adopted.⁴⁰⁴ The California Legislature permanently established the multidisciplinary personnel teams.⁴⁰⁵ AB 545 expanded the definition of kin in concern to kinship care to include friends of the family.⁴⁰⁶ The last bill passed in time to influence the data was to delete obsolete requirements related to child abuse prevention projections.⁴⁰⁷ The Children's Bureau has already gathered the data for 2013 before the rest of the bills passed. AB 652 removed homelessness from the list of child abuse offenses.⁴⁰⁸ There

³⁹⁸ Children's Bureau, "State Data Tables."

³⁹⁹ Children's Bureau, "State Data Tables."

⁴⁰⁰ Children's Bureau, "State Data Tables."

⁴⁰¹ Children's Bureau, "State Data Tables."

⁴⁰² Children's Bureau, "State Data Tables."

⁴⁰³ Children's Bureau, "State Data Tables."

⁴⁰⁴ California State Legislature, General Assembly, AB 848 Adoption, 2013-2014, Session, 1st Session, 2013, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB848.

⁴⁰⁵ California State Legislature, General Assembly, AB 406 Child abuse reporting, 2013, 1st Session, 2013, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB406

⁴⁰⁶ California State Legislature, General Assembly, AB 545 Dependent children: placement: nonrelative extended family member, 2013-2014, Session, 1st Session, 2013. http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB545.

⁴⁰⁷ California State Legislature, State Senate, SB 602 Child abuse prevention, intervention, and treatment projects, 2013-2014 Session, 1st Session, 2013, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB602.

⁴⁰⁸ California State Legislature, General Assembly, AB 652 Child Abuse and Neglect Reporting Act: homeless children, 2013-2014, Session, 1st Session, 2013, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB652.

were also clarifying changes made to the law passed in 2010.⁴⁰⁹ The final policy change was to make it a misdemeanor for a person required to register as a sex offender to live in a home with foster children.⁴¹⁰ There was nothing revolutionary passed this year, but there were several problems addressed.

The data for this year is also impacted for the first time by bills passed after October 2012. These included the LGBT sensitivity training, the child abuse lists, and the simplification of the adoption policy. The number of children in care increase for the first time to 1.52%.⁴¹¹ Children entering the system increased by 5.49%.⁴¹² Continuing the trend, the number of children leaving the system also increased by 2%.⁴¹³ This change is a good decrease and shows that the new policies have had an impact. The most recent gave more authority to private organizations and simplified the adoption laws. The number of parental rights removed increased by 8.99%.⁴¹⁴ The California Legislature passed new child abuse measure, increasing reporting standards and improving investigations; this is a likely cause. There could honestly be children that just needed help, not the sign on an unhealthy system but one performing its duty. The number of children waiting to be adopted increased by 19.27%.⁴¹⁵ The number of government facilitated adoptions decreased by 6.69%.⁴¹⁶ Bills like the one requiring sensitivity training put a mandate to the system. Further bills that allowed stricter criteria on adoption agencies complicated it further. The numbers continue to fluctuate as new policies took effect.

2014 brought changes and attempted solutions to the system. SB 1136, the only bill to pass in time to impact the data, allowed each local child welfare agency to have access to a list of foster parents with criminal records and their waivers to have foster

⁴⁰⁹ California State Legislature, General Assembly, AB 787 Foster care, 2013-2014, Session, 1st Session, 2013, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB787.

⁴¹⁰ California State Legislature, General Assembly, AB 1108 Sex offenders: foster care homes: prohibition, 2013-2014, Session, 1st Session, 2013, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB352.

⁴¹¹ Children's Bureau, "State Data Tables."

⁴¹² Children's Bureau, "State Data Tables."

⁴¹³ Children's Bureau, "State Data Tables."

⁴¹⁴ Children's Bureau, "State Data Tables."

⁴¹⁵ Children's Bureau, "State Data Tables."

⁴¹⁶ Children's Bureau, "State Data Tables."

children.⁴¹⁷ The rest of the policies came into full effect in the fiscal year 2015. SB 1460 made administrative changes to adhere to federal policy.⁴¹⁸ Both parents were now required to adopt the child; otherwise, only the one adopting the child would have custody.⁴¹⁹ The termination of rights was allowed for sets of siblings together; previously, it was done one at a time.⁴²⁰ The California Legislature streamlined the adoption process, and private adoption agencies were allowed to file for temporary custody of abandoned children in their care.⁴²¹ There were no sweeping changes, but these policies simplified and streamlined the adoption process. AB 1089 established procedures for transferring children from one county to the next.⁴²² The California Legislature expedited kinship care to allow for quicker placement of children with the option.⁴²³ The last policy of the year was one that differed from the ones that had come before. AB 1978 created the Child Welfare Social Worker Empowerment and Foster Child Protection Program.⁴²⁴ The most significant part of this new program was to give a voice to social workers about policies they believe need to be changed or improved.⁴²⁵ This policy gave an avenue to the people more acquainted with the system. The bills continued to give solutions to the problems that had faced the California system.

The data continued to decline in most areas. The number of children in care continued to increase, this year by 2.51%, or over 1,000 more children.⁴²⁶ The entrance rate decreased by 0.18% or less than 100 children.⁴²⁷ The exit rate decreased by 1.80%.⁴²⁸

⁴¹⁷ California State Legislature, State Senate, SB 1136 Foster care providers: criminal records, 2013-2014 Session, 2nd Session, 2014,

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB1136.

⁴¹⁸ California State Legislature, State Senate, SB 1460 Child welfare. 2013-2014 Session, 2nd Session, 2014, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB1460.

⁴¹⁹ California State Legislature, General Assembly, AB 1701 Family law: adoption, 2013-2014, Session, 2nd Session, 2014, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1701.

⁴²⁰ California State Legislature, "AB 1701."

⁴²¹ California State Legislature, "AB 1701."

⁴²² California State Legislature, General Assembly, AB 1089 Foster care, 2013-2014, Session, 2nd Session, 2014, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1089.

⁴²³ California State Legislature, General Assembly, AB 1761 Dependent children: placement, 2013-2014, Session, 2nd Session, 2014, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1761.

⁴²⁴ California State Legislature, General Assembly, AB 1978 Child welfare services, 2013-2014, Session, 2nd Session, 2014, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1978.

⁴²⁵ California State Legislature, "AB 1978."

⁴²⁶ Children's Bureau, "State Data Tables."

⁴²⁷ Children's Bureau, "State Data Tables."

⁴²⁸ Children's Bureau, "State Data Tables."

This change further highlighted the need for reform in the system. The bills of 2013 mostly added more regulation to the social workers. That, in addition to the lack of adoption reform, is a possible reason for the decline. The number of parental rights removed this year decreased by 2.79%.⁴²⁹ The number of children waiting to be adopted decreased by 10.03%.⁴³⁰ AB 848 expedited the process for many of the parents who are interested in the child. The number of government facilitated adoptions also decreased by 1.26%.⁴³¹ The data for this year highlighted a few policies and a system that is continuing as it has.

New Years of Growth

2015 continued fixing problems and continued upkeep for the system. There were only two bills passed in time for them to affect the data for this fiscal year. The first was SB 68, which required teenage parenthood to be taken into account when considering family reunification.⁴³² The California Legislature required that Social Services keep a teenager and their offspring together several years earlier. The other, SB 79, reauthorized the payments for kinship care and adjusted the payments to better accommodate for inflation and income.⁴³³ The rest of the bills passed followed impacted the data in the fiscal year 2016. AB 1058 “encouraged” school districts to participate in child abuse prevention training and required training for all employees every three years.⁴³⁴ To further combat abuse AB 1207 added child daycare personnel to the list of required reporters of child abuse and required them to have child abuse training to have a required license.⁴³⁵ AB 403 terminated the current payment regulations, made temporary regulations, and then ordered the study of and then the creation of a new payment

⁴²⁹ Children’s Bureau, “State Data Tables.”

⁴³⁰ Children’s Bureau, “State Data Tables.”

⁴³¹ Children’s Bureau, “State Data Tables.”

⁴³² California State Legislature, State Senate, SB 68 Minor or nonminor dependent parents: reunification services, 2015-2016 Session, 1st Session, 2015, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB68.

⁴³³ California State Legislature, State Senate, SB 79 Human services, 2015-2016 Session, 1st Session, 2015, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB79.

⁴³⁴ California State Legislature, General Assembly, AB 1058 Pupil safety: child abuse prevention: training, 2015-2016, Session, 1st Session, 2015, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1058.

⁴³⁵ California State Legislature, General Assembly, AB 1207 Mandated child abuse reporting: child daycare personnel: training, 2015-2016, Session, 1st Session, 2015, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1207.

structure for foster parents.⁴³⁶ The California Legislature enacted further training requirements for foster parents, social workers, and group home administrators, this time on training about psychotropic medication.⁴³⁷ SB 794 brought the State into compliance with federal laws, which required the re-investment of savings of the system into post-adoption and guardianship services.⁴³⁸ SB 731 required that Social workers place children in foster homes based on their gender identity, not on their biological sex.⁴³⁹ This bill could put the children in danger by forcing girls to share rooms with boys and vice versa and would complicate religious couples who wanted to foster children. It would also violate the religious beliefs of several provides. These are the bills that passed through California this year.

The data for this year showed improvement compared to previous years. Bills passed improved kinship care and further streamlined the adoption process. The number of children in care decreased by 1.39% after two years of increase.⁴⁴⁰ Children entering the system decreased by 4.42%.⁴⁴¹ Meanwhile, the number of children exiting the system increased by 3.91%.⁴⁴² These are numbers that show that the system is improving. The changes in kinship and adoption policies likely led to more child placements. The number of parental rights removed increased by 3.73%.⁴⁴³ Evidentially while the new investigatory measures have not led to an increased entrance rate, it has led to a higher number of rights removed. The number of children waiting to be adopted increasing by 0.60%, while the number of children adopted with government-assistance increased by 11.11%.⁴⁴⁴ These data sets continue to be a contradiction in the numbers. The 2015

⁴³⁶ California State Legislature, General Assembly, AB 403 Public social services: foster care placement: funding, 2015-2016, Session, 1st Session, 2015,

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB403.

⁴³⁷ California State Legislature, State Senate, SB 238 Foster care: psychotropic medication, 2015-2016 Session, 1st Session, 2015,

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB238.

⁴³⁸ California State Legislature, State Senate, SB 794 Child welfare services, 2015-2016 Session, 1st Session, 2015, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB794.

⁴³⁹ California State Legislature, State Senate, SB 731 Foster children: housing: gender identity, 2015-2016 Session, 1st Session, 2015,

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB731.

⁴⁴⁰ Children's Bureau, "State Data Tables."

⁴⁴¹ Children's Bureau, "State Data Tables."

⁴⁴² Children's Bureau, "State Data Tables."

⁴⁴³ Children's Bureau, "State Data Tables."

⁴⁴⁴ Children's Bureau, "State Data Tables."

system still had problems but showed improvement in most areas.

The California Legislature passed several bills, but none were passed in time to affect the data for the fiscal year. AB 2872 gave guidelines for a stepparent attempting to adopt his or her stepchild.⁴⁴⁵ Board members of companies were now required to report on child abuse and the government placed regulations on businesses to control internal reporting of child abuse.⁴⁴⁶ The Legislature prohibited the Department of Justice from charging a fee to anyone who attempted to find a record of a child abuse investigation.⁴⁴⁷ AB 1067 required the DSS to standardize information on foster child rights, and to distribute that information to the public.⁴⁴⁸ The last measure allowed a child over the age of ten to object to being placed in an out-of-county placement.⁴⁴⁹ The bill failed to discuss the process for if there is no other options and the child objects.⁴⁵⁰ These bills mainly sought to fix problems but did not revolutionize the system.

The bills passed after October 2015 affected this data, but none of the 2016 bills. The number of children in care decreased by 2.32%.⁴⁵¹ The entrance decreased by 2.95%, while the exit rate decreased by 0.92%.⁴⁵² This data is not as good as the 2015 numbers. The most significant change was the requirement to accommodate a gender identity, which affected the number in care and affected the number leaving as it complicates even initial placements. The number of rights removed contradicted the entrance rate, increasing by 1.44%.⁴⁵³ Children waiting to be adopted increased by 3.59%, while the number of government facilitated adoptions increased by 7.62%.⁴⁵⁴ The data has shown the inadequately of California to handle adoption; as seen by their facilitated adoptions

⁴⁴⁵ California State Legislature, General Assembly, AB 2872 Children, 2015-2016, Session, 2nd Session, 2016, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB2872.

⁴⁴⁶ California State Legislature, General Assembly, AB 1001 Child abuse: reporting: foster family agencies, 2015-2016, Session, 2nd Session, 2016, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1001.

⁴⁴⁷ California State Legislature, General Assembly, AB 2417 Child abuse reporting, 2015-2016, Session, 2nd Session, 2016, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB2417.

⁴⁴⁸ California State Legislature, General Assembly, AB 1067 Foster children: rights, 2015-2016, Session, 2nd Session, 2016, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1067.

⁴⁴⁹ California State Legislature, General Assembly, AB 1688 Dependent children: out-of-county placement: notice, 2015-2016, Session, 2nd Session, 2016, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1688.

⁴⁵⁰ California State Legislature, "AB 1688."

⁴⁵¹ Children's Bureau, "State Data Tables."

⁴⁵² Children's Bureau, "State Data Tables."

⁴⁵³ Children's Bureau, "State Data Tables."

⁴⁵⁴ Children's Bureau, "State Data Tables."

rarely being different from the children eligible for adoption. This data shows that some change is needed to benefit the children further. Protecting gender identity should come second to giving a child a home and a bed.

The last year, 2017, brought about two more changes. SB 332 allowed social workers to provide voter registration forms to children age 16 or older.⁴⁵⁵ Though this gave more for the social workers to do, it was not a significant change to the system. SB 89 brought the more significant change of the year, establishing the Emergency Child Care Bridge Program for Foster Children.⁴⁵⁶ This program increased access to childcare and enabled a larger pool of families to become foster parents.⁴⁵⁷ These changes were small but had an impact on the system.

The final year studied continued the complicated trend the system had settled on over the past few years. The number of children in care decreased by 5.15%.⁴⁵⁸ The policies on kinship care, as well as more foster parents, presumably affected these numbers. Children entering the system decreased by 10.36%.⁴⁵⁹ The number of children leaving the system decreased by 8.56%.⁴⁶⁰ Family reunification and adoption policies were not enough to fix this problem. The number of children in care would be lower if more children were leaving. The number of parental rights removed increased by 5.88%.⁴⁶¹ The number of children waiting to be adopted increased by 2.78% while the number of government-assisted adoptions decreased by 0.28%.⁴⁶² The data showcases the necessity of reforming the adoption process. Just fixing small problems, while noble, is not enough. The final year brought about some changes but continued the trend of complex data.

⁴⁵⁵ California State Legislature, State Senate, SB 332 Voter registration: foster youth, 2017-2018 Session, 1st Session, 2017, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB332.

⁴⁵⁶ California State Legislature, State Senate, SB 89 Human services, 2017-2018 Session, 1st Session, 2017, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB89.

⁴⁵⁷ California State Legislature, "SB 89."

⁴⁵⁸ Children's Bureau, "State Data Tables."

⁴⁵⁹ Children's Bureau, "State Data Tables."

⁴⁶⁰ Children's Bureau, "State Data Tables."

⁴⁶¹ Children's Bureau, "State Data Tables."

⁴⁶² Children's Bureau, "State Data Tables."

Conclusion

This system was one that defied the stereotypes of California, while at the same time, it embraced them. It spent most of its time fixing problems that appeared in the system and did not have a revolutionary bill that drastically changed the system. That is not to say it did not have some good bills that improved the system. It made considerable strides to streamline the adoption process, increased kinship care, and improve the system for foster parents. However, it lost focus on its primary goal by focusing on ideology such as its gender identity measures, and its lack of cooperation with religious organizations. The first half of the data remained mostly positive, while numbers moved in the right direction. The background numbers showed a system that needed improvement. The area of adoption was pinpointed as an area of need. The system studied showed innovation and problem solving, which lead to a healthy system overall.

CHAPTER 5: Comparisons and Analysis

There were several points of correlation between policies and data discovered throughout the study. As was noted, it would be impossible with the data currently available to prove causation. However, some of these points of correlation suggest causation given the number of times they occurred. Others just suggest potential policy. The rest of the paper will focus on extrapolating lessons learned from studying the States and highlight the points of correlation. The emphasis on family, private agencies, and streamlining have been successful policies for the States.

The Commonwealth of Virginia has a system that improved its system through sound policy. It saw the largest decrease in the number of children in care, to the tune of 32.45%.⁴⁶³ It was not the strongest in other areas of the data, but the ultimate goal of foster care is to have fewer children kept in the system. These changes highlight the importance of Virginia's policies. The Virginia General Assembly did not pass any transformative bills during the time studied. Instead, it kept improving the areas of adoption, kinship care, and foster care regularly. This strategy differed from other States. Another measure that set it apart was the focus on religious organizations. HB 189 of 2012, prohibited any faith-based agency from being forced to place a child in a home that would violate its religion and prohibited the government from using religion as grounds to prevent the licensure of a private agency.⁴⁶⁴ Virginia is currently one of eight States that offer such protections for faith-based agencies.⁴⁶⁵ The data has shown that allowing private organizations to flourish is beneficial for the system. The other States presented different stories.

The State of Arizona showcased a system that started off declining, but after effective reforms, drastically improved. Arizona had terrible in care numbers with a 56.74% increase over the ten years studied.⁴⁶⁶ However, in the last two years, those

⁴⁶³ Children's Bureau, "AFCARS State Data Tables 2008 through 2018," Children's Bureau, October 20, 2017, accessed November 26, 2018, <https://www.acf.hhs.gov/cb/resource/trends-in-foster-care-and-adoption>.

⁴⁶⁴ Virginia General Assembly, House of Delegates, HB 189 Child-placing agency; shall not be required to participate in placement of child for foster care, 157th Assembly, 1st Session, 2012, <http://lis.virginia.gov/cgi-bin/legp604.exe?121+sum+HB189>.

⁴⁶⁵ Natalie Goodnow, "The Role of Faith-Based Agencies in Child Welfare" Heritage Foundation, May 22, 2018, accessed November 1st, 2018, <https://www.heritage.org/civil-society/report/the-role-faith-based-agencies-child-welfare>, 2.

⁴⁶⁶ Children's Bureau, "State Data Tables."

drastic improved. Considering the majority of the bills studied were attempts to fix problems that had come about in the system, finding the cause was not difficult. One could claim that the State had an unusual fascination with the data protocols, and this fascination distracted lawmakers from the children. The data and even privacy were not the purposes of the system. This habit changed in 2014 when the Governor took action and forced the legislature to reconfigure the State's system.⁴⁶⁷ The result, SB 1001, completely changed the way the State approached Foster Care.⁴⁶⁸ It streamlined the adoption process, gave the system more resources, and better-combated child abuse.⁴⁶⁹ Government overhaul is not always the answer to a problem that is facing the country. However, well thought out plans can do a litany of good for any system, as it did for the Foster Care system.

The California system is one where the main data points were in a state of improvement, while the background data points were in a state of decline. This dichotomy paints a picture of the most extensive Foster Care system, which held one in ten foster children in the nation.⁴⁷⁰ California kept a constant stream of new policies to improve its system though not to the extent of Virginia. This change was enough to help California quickly overcome the decline that much of the nation saw during the Obama era. California differentiated itself in the study with the inclusion of ideology. While Virginia sought to protect the rights of religious organizations, California did the opposite. With SB 731, the California Legislature required child placement based on gender identity, not on birth gender.⁴⁷¹ The adoption system in California shows a need for change as the numbers have declined in recent years as compared to Virginia.⁴⁷² California gives its twist to the system but still managed to show sound numbers.

These three states, when analyzed, gave several points of correlation. These bills and subsequent policies showed ideas that steadily improved issues in their home states,

⁴⁶⁷ Arizona State Legislature, State Senate, SB1001 Department of Child Safety, 51st Legislature, Special Session, 2014, <https://apps.azleg.gov/BillStatus/BillOverview>.

⁴⁶⁸ Arizona State Legislature, SB 1001.

⁴⁶⁹ Arizona State Legislature, SB 1001.

⁴⁷⁰ Children's Bureau, "State Data Tables."

⁴⁷¹ California State Legislature, State Senate, S SB 731 Foster children: housing: gender identity, 2015-2016 Session, 1st Session, 2015, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB731.

⁴⁷² Children's Bureau, "State Data Tables."

as well as providing ideas that improved multiple states. Each of the states have their own story; they have lessons to be passed on that can improve the other systems. The goal of the system is the children, and the impacts of the legislation should be analyzed accordingly. The next part of the study will showcase the lessons learned from each of the states.

Lessons from Virginia

The Commonwealth of Virginia gives several lessons about Foster Care policy. The bills passed by the Federal Government in 2010 and 2011 furthermore their effects show that a one-for-all policy is not sufficient.⁴⁷³ Each system is different, and while some policies work across the board, they still need to be tailored to the area of impact. The first lesson is the limited effect of child abuse policies on the data. HB 56, passed in 2006, showed that further methods to fight child abuse had a moderate impact on the system.⁴⁷⁴ Throughout the time studied, the General Assembly compiled an extensive list of people who were required to report on child abuse. These measures are not measurable with the public AFCARS data. These measures had no noticeable impacts on the entrance rate, or the number of parental rights removed.

Another lesson is the need for accountability, as seen from HB 2340, which required the Department of Social Services to monitor the foster care system to determine its effectiveness.⁴⁷⁵ It is a good policy for any organization to monitor its programs to test their effectiveness. Since the government is using taxpayer dollars, it is even more crucial. Few businesses that would not face repercussions if there were no accountability; why would the government be any different? Regardless of its impact, monitoring the effectiveness of the system is merely wise. Another benefit was that it laid the groundwork for the system to improve in later years because it enabled the General Assembly to see what was wrong with the system and what needed to be changed.

⁴⁷³ Children's Bureau, "Major Federal Legislation Concerned With Child Protection, Child Welfare, and Adoption," Children's Bureau, 2015, accessed September 11, 2018. <https://www.childwelfare.gov/pubpdfs/majorfedlegis.pdf>.

⁴⁷⁴ Virginia General Assembly, House of Delegates, HB 56 Child Abuse or neglect; mandatory reporting by eligibility workers; penalty, 154th Assembly, 1st Session, 2006, <http://lis.virginia.gov/cgi-bin/legp604.exe?061+sum+HB56>.

⁴⁷⁵ Virginia General Assembly, House of Delegates, HB 2340 Child protective serves differential response system report; repealed, 155th Assembly, 2nd Session, 2009. <http://lis.virginia.gov/cgi-bin/legp604.exe?091+sum+HB2340>.

One bill that made Virginia stand out was HB 189 of 2012. This further protected the rights of faith-based agencies, which only helps to improve the system. Several studies have documented the effects of these “FBAs.” Natalie Goodnow, a policy expert at the Heritage Foundation, wrote that “Faith-based organizations have been a cornerstone of the child welfare system for decades.”⁴⁷⁶ Actions against these agencies, at times shutting them down, have displaced thousands of children in other states.⁴⁷⁷ HB 2500 of 2009 further made private entities relevant to the system by allowing them to donate to the foster care system to help the children.⁴⁷⁸ Even when the number of government facilitated adoptions were in decline, the other data remained healthy.⁴⁷⁹ The logical conclusion to draw from all this is that the private sector can better care for the children than the government can. A similar lesson is a need for an emphasis on the family. Experts agree that the focus needs to be on the family and that the government’s role in the children’s lives should be temporary at best.⁴⁸⁰ These ideas are the most important lesson from the Virginia system: that the private sector is vastly more effective at caring for children than the government.

Kinship Care was another policy that was emphasized by the Commonwealth. Positive upturns in the data always followed bills that expanded this type of care, simplified it, or promoted it. SB 48 made it the priority placement in the Commonwealth of Virginia.⁴⁸¹ With 32% of foster children placed in kinship care, it is the fastest-growing type of care.⁴⁸² If an emphasis on the family is essential, then it makes sense to attempt to keep families as intact as possible while ensuring the care of children’s needs. SB 585 of 2006 was another measure that drastically improved kinship care. One of the leading problems with grandparents and other relatives taking the children is the lack of

⁴⁷⁶ Goodnow, “The Role of Faith-Based Agencies,” 1.

⁴⁷⁷ Goodnow, “Faith-Based”, 2.

⁴⁷⁸ Virginia General Assembly, House of Delegates, HB 2500 'A place of my own' program; Department of Social Services to develop, 155th Assembly, 2nd Session, 2009, <http://lis.virginia.gov/cgi-bin/legp604.exe?091+sum+HB2500>.

⁴⁷⁹ Children’s Bureau, “State Data Tables.”

⁴⁸⁰ John Pardeck, *The Forgotten Children, A Study of the Stability and Continuity of Foster Care*, Lanham: University Press of America, 1982, 1.

⁴⁸¹ Virginia General Assembly, State Senate, SB 48 Kinship foster care; social services to seek thereof, 154th Assembly, 1st Session, 2006, <http://lis.virginia.gov/cgi-bin/legp604.exe?061+sum+SB48>.

⁴⁸² Children’s Bureau, “The AFCARS Report,” Children’s Bureau, Oct. 20, 2017, accessed November 10, 2018, <https://www.acf.hhs.gov/sites/default/files/cb/afcarsreport25.pdf>, 1.

resources.⁴⁸³ SB 585 allowed kinship guardians to use the same resources that foster parents are allowed to use.⁴⁸⁴ Otherwise, these kinship families could be overwhelmed. These would have left them unable to care for their kin, putting the children back in the system. SB 585 shows a policy that is unique to Virginia.

Finally, in 2015, a bill was passed that allowed responsibilities previously held solely by the Social workers to be taken up by others. With only one bill of its kind, it is hard to give definitive correlation to the theory, but it is reasonable that the less the social workers have to do, the more efficient the rest of the work will be.

One final lesson is that the foster care system needs constant care. The General Assembly implemented several policies in the early years studied, and the numbers improved. From 2010-2014, the transformative policy bills were far and few in-between. It is nigh impossible for anyone to predict the new challenges the system is going to face. If the government is going to be involved in the foster care system, it needs to give it the attention it needs.

Lesson from Arizona

Arizona gave its lessons about the Foster Care system with how it managed to improve its system. While fixing small problems is essential, that should not be the only thing done. It helps the children who are affected by that problem, but it does not solve problems that are affecting the whole system. States need to find the right balance for their system to both improve the system and fix the problems. Arizona focus on the problems, while the number of children in care continued to grow, fewer children left, and adoption was in decline.⁴⁸⁵ It was not until the Governor forced the hand of the legislatures that it addressed the more significant problems. The data showed that in the years that proceeded the reforms, the numbers began to improve.⁴⁸⁶ Considering the lack of change policy direction in the years before or after, it is illogical to assume different

⁴⁸³ Elaine Farmer, "Making Kinship Care Work," *Adopting and Fostering*, 33 no. 3. (2009): 15-27, Sage Journals, accessed September 12, 2019, <https://journals.sagepub.com/doi/abs/10.1177/030857590903300303>, 15.

⁴⁸⁴ Virginia General Assembly, State Senate, SB 585 Kinship care; allows caregivers access to all foster care services, 154th Assembly, 1st Session, 2006, <http://lis.virginia.gov/cgi-bin/legp604.exe?061+sum+SB585>.

⁴⁸⁵ Children's Bureau, "State Data Tables."

⁴⁸⁶ Children's Bureau, "State Data Tables."

causation for this particular case. A sweeping change should not be the ordinary course of business, but if done well, it can have an impact.

The study of Arizona reveals several other lessons for this study. HB 2125 in 2006 reauthorized the state's Foster Care Review Board, whose job was to review the system and recommend policy proposals to improve it.⁴⁸⁷ Evaluating previous policies is beneficial and determines its efficiency. Wasteful spending and misuse of the workforce will only hurt the children and the system. SB 1119 of 2006 gave priority to Kinship care.⁴⁸⁸ This bill provides a policy that benefited the system on several occasions, as was documented. The policy is likely to be the reason that the system got as good of numbers as well as why it was not worse. The Arizona legislature passed several measures meant to combat the epidemic of child abuse, but none of them had a noticeable effect on the data. It reinforces the idea that just because there is an effort does not automatically mean there will be results.

The actions of the Arizona Legislature reveal more lessons about good policies. HB 2502 (2013) and SB 1224 (2014) both increased the number of staff working on the foster care system.⁴⁸⁹ SB 1001 of 2012 increased the staff in the system both by differing amounts.⁴⁹⁰ This bill highlights the idea that the less each employee has to do, the more efficiently the remaining task can be done. While the government spending more money is not a magic wand to be waved at the problems, there are times when spending money is necessary to achieve the needed goals. It would be beneficial to the system to remove the strain from the social workers. Studies estimate that 20%-40% of the social workers quit each year, which is faster than the level of replacement.⁴⁹¹ There is a tremendous strain put on social workers that makes it difficult for them to do their job for an extended period.⁴⁹² One last lesson to be derived is the effectiveness of streamlining the adoption

⁴⁸⁷ Arizona State Legislature, House of Delegates, HB 2125 Foster Care Review Board; Continuation, 47th Legislature, 2nd Session, 2006, <https://apps.azleg.gov/BillStatus/BillOverview>.

⁴⁸⁸ Arizona State Legislature, State Senate, SB 1119 Parental Rights; Termination; grandparents; custody, 47th Legislature, 2nd Session, 2006, <https://apps.azleg.gov/BillStatus/BillOverview>.

⁴⁸⁹ Arizona State Legislature, House of Delegates, HB 2502 Supplemental Appropriation; CPS Funding, 51st Legislature, 1st Session, 2013, <https://apps.azleg.gov/BillStatus/BillOverview>. Arizona State Legislature, State Senate, SB 1224 Supplemental Appropriations; Child Safety Positions, 51st Legislature, 2nd Session, 2014, <https://apps.azleg.gov/BillStatus/BillOverview>.

⁴⁹⁰ Arizona State Legislature, "SB 1001."

⁴⁹¹ Nolan, "Foster Care," 613.

⁴⁹² Nolan, "Foster Care," 613.

process. As noted, the state got early returns from streamlining the process, but that did not last. The adoption policy continued to decline for the latter half of the data. The only adoption policy passed by the Arizona Legislature was to expedite the process. While beneficial, is not enough to fix the system. Arizona continues to be a compelling case that gave both good and bad policies.

Lessons from California

California showed a system that had both good and bad policies for Foster Care. The first less is the focus on kinship care placements. AB 298 of 2009 made kinship a priority for the California system and gave more funding for it.⁴⁹³ This policy shows a pattern discernable in the other states, which emphasizes the family. California differed from the other states by only have two measures dedicated to kinship care, compared to half a dozen or more in Virginia and Arizona, respectively. The state also had an interesting dichotomy when it came to the role of private organizations. AB 687 gave more freedom and rights to the private organizations that were facilitating adoptions.⁴⁹⁴ SB 164 of 2011 created a trust fund that allowed private entities to donate to Foster Care.⁴⁹⁵ However, many bills were not beneficial to private organizations. California took the opposite approach from Virginia with Faith-Based Agencies. Experts have noted that California has been harmful to religious-based systems, not only refusing to support them but also to force them to place children in violation of the organization's respective faith.⁴⁹⁶ The bills passed by the California Legislature shows this perspective. AB 1856 of 2012 required any foster parent, kinship guardian, and congregate care facilitator to attend LGBT sensitivity training to be aware of the children's LGBT rights in foster care.⁴⁹⁷ SB 731 of 2015 took the ideology further by requiring any entities who placed

⁴⁹³ California State Legislature, General Assembly, AB 298 Relative caregivers, 2007-2008 Session, 1st Session, 2007, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200720080AB298.

⁴⁹⁴ California State Legislature, General Assembly, AB 687 Adoption, 2011-2012, Session, 1st Session, 2011, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB687.

⁴⁹⁵ California State Legislature, State Senate, SB 164 Personal income tax: voluntary contributions: State Children's Trust Fund: Rare and Endangered Species Preservation Program: extension, 2011-2012 Session, 1st Session, 2011, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120SB164.

⁴⁹⁶ Emilie Kao, "The Left's Assault on Adoption" Heritage Foundation, 2018, accessed September 10, 2018, <https://www.heritage.org/marriage-and-family/commentary/the-lefts-assault-adoption>.

⁴⁹⁷ California State Legislature, General Assembly, AB 1856 Foster care services: cultural competency, 2011-2012, Session, 2nd Session, 2012, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB1856.

children to place the child according to their gender identity, not their birth gender. These policies cause friction with faith-based organizations whose religions have problems with this idea. Christian doctrine holds that there are two genders, and they do not change. This dichotomy will inevitably evolve into a more significant problem. Already in several other systems, that ending has led to tens of thousands of children being displaced as faith-based organizations close down.⁴⁹⁸ It is once again important to note that the primary goal of the foster care system is to serve the children that are in the system, not the adults and their ideas. Until the time comes when the children no longer desperately need homes and families, and the system is not overwhelmed, it would be beneficial to hold off on ideological moves.

There are smaller lessons that are discernable from California. One constant policy pursued was attempting to simplify the adoption process. These results have generally been the same regarding the data with early gains from 2009-2010, but then a drop-off.⁴⁹⁹ Another lesson that was especially prevalent in the study of the California system was the idea that private adoptions are a better avenue than the government facilitating adoptions. In the latter half of the data available, the number of children waiting to be adopted increased while the number of government facilitated adoptions also increased. Logically, while the number of government facilitated adoptions go up, the number of children waiting should go down. Since that has not been the case, an alternative hypothesis is that government-assisted adoptions are not enough to handle the load. This decline requires private agencies to improve the system.

One final danger is overloading social workers. California, on several occasions, added tasks to the workload of the social workers. With such an extensive system, this is a danger, as more social workers are needed to handle the new workload. Earlier it was noted that, on average, 20% - 40% of social workers quit each year due to stress and workload.⁵⁰⁰ Increasing the regulations and workload would most likely lead to the number of California social workers trending towards the higher end of that spectrum.

⁴⁹⁸ Kao, "The Left's Assault."

⁴⁹⁹ Children's Bureau, "State Data Tables."

⁵⁰⁰ Nolan, "Foster Care," 613.

Both times such bills were passed, the numbers declined in the next year. The lessons from California are different from the other states, but useful for this study.

Universal Lessons

Anyone who studied the various foster care systems in the United States would understand that each of the state systems is unique. It is common sense that the closer one is to the problem, the better-equipped one would be to understand and to fix the problem. Notwithstanding, the analysis of the various systems has uncovered some policies and principles from the states that could be effective in other states. It has been demonstrated that streamlining the adoption process is an effective policy. As has been explained, each of the states saw early gains from this process but not long-term gains. It shows that while it is a good policy, it is not enough to fix the adoption crisis. Another lesson is the limitations of government facilitated adoptions. Despite the policies to increase adoptions at the government level, it rarely had a positive impact on the number of children that were waiting to be adopted. Another policy that emphasized private involvement is to set up trust funds or programs that allowed private entities to donate to the foster care system, sometimes with those donations being tax deductible. Both California and Virginia used this policy to their benefit. All three of the states had bills to audit their systems within the first two years studied. These are commonsense policies that open up options for any system that employs it.

More negative policies show what states should not do are in the areas of child abuse and ideology. California focused heavily on ideology to the detriment of its system. Meanwhile, Virginia encouraged private and faith-based organizations and protection for these agencies. The result is more private intervention for the Virginia system, while the California government is overwhelmed. Other negative lessons came from a lack of evidence of change regarding child abuse and the data surrounding that abuse. While it is vital to combat child abuse properly and to be able to identify cases, these policies have limited effect and do not show in the data. Arizona focused too much on the data, both finding it and protecting it, which is not where the focus needs to be. The focus of the Foster Care system should not be on the data or the ideology of those who are in power; it should be focused heavily on the children. The data showed on several occasions that policies that had a focus on placing children, adoption, and the family had a more

significant impact than those that did not. A balance between the two needs to be found to both protect the children as well as help them.

Two more lessons have derived from the states. The first of these is Kinship care, which, according to the data, is one of the fastest-growing placement options.⁵⁰¹ In 2006, both Virginia and Arizona made kinship care the priority placement. California followed soon after in 2009. Both Arizona and Virginia used kinship care policy to produce a significant effect; there were three times for Virginia and two times for Arizona where the use of kinship care policy led to improved numbers for their respective systems. There was only one case for California, which rarely had kinship care policy passed. The need for a balance when it comes to making changes and fixing the problems is the final lesson. Both Virginia and California made several changes to the system and passed some bills aimed at fixing the problems. The numbers were mainly improved under this approach. Arizona focused almost all of its attention on fixing problems within the system and with few policy changes. Rather than making sweeping changes, like Arizona, when the need arises, it is better to make small corrections early. These lessons can be transmitted to other states to help them improve their foster care systems.

Conclusion

There were several lessons learned for both the individual states and for other states to follow. Several policies have shown improvements to the system, such as accountability, focusing on the family, and focusing on the children. The harmful policies stem from the government losing focus on the children and focusing on something else. The lessons learned provide a roadmap for States to better improve their systems. It provides good policy and the right direction.

⁵⁰¹ Children's Bureau, "AFCARS Report 25," 1.

CHAPTER 6: CONCLUSION

Anyone who claims to follow Christ and strives to serve in the realm of politics has the mandate to be a Statesman. That is why an analysis of this nature is so crucial. With the information available to scholars today, it is simpler to study the outcomes of measures that have passed. The legislative histories and the AFCARS data are available to everyone who has an interest in improving the system. Christians in the public arena need to show that they strive to have mechanisms in place to determine how the policies are working, determining if they are effective. The resources of the Federal Government and the State Governments are finite, and lawmakers cannot implement every policy. Any politician needs to be prudent in the use of resources.

The study has achieved its goal of discovering policies that effectively use the resources to aid the children in need. Every state studied enacted Kinship Care, and it had a positive impact. An estimated 2 million children are in the care of a kin guardian unofficially along with the nearly 150,000 children country-wide that are official in kinship care.⁵⁰² Simplifying the adoption process and streamlining the policy had a short-term impact on the systems, improving the data. Constant attention to the adoption process also gave positive results for the states. Embracing private organizations and individuals to help with the system reduced the strain on the system and better served the children.

Each of the states had their ideas and approaches. Virginia approached it with an emphasis on the private sector. It backed private organizations and kinship care to significant effect. Thus, the state achieved the best rate of decrease for the children in care. Arizona showed the benefits of a massive overhaul when needed. California shows that constant improvements and striving to better the system generally gets results. Altogether, they have several policies as discussed that improve the system.

There will always be more room for analysis and more policies created. The amount of data that was available limited the scope of this study. However, the policies highlighted have, on several occasions, improved or harmed the foster care system. It is

⁵⁰² Mark Testa, "Introduction: Kinship Care Policy and Practice," *Child Welfare*, 95 no. 3 (2017): 13-39, accessed September 13, 2019, <http://ezproxy.liberty.edu/login?url=https://search-proquest-com.ezproxy.liberty.edu/docview/2006752673?accountid=12085>.

unlikely that it is pure coincidence. The bills that are passed by the legislation will impact the system regardless of any private organizations or interference. Thus, the policies that the Legislatures passed need to be understood. The study achieves this goal and has given a roadmap for a better policy for the foster care system.

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