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The Charles R. Williams Institute
On Sexual Orientation Law and Public Policy

TO: Representative Mary Brandenburg
District 89, Florida House of Representatives

FROM: Naomi G. Goldberg and M.V. Lee Badgett, Ph.D.
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RE: Cost of Florida's Ban on Adoption by GLB Individuals and Same-Sex Couples

This memo estimates the impact on children and the cost to the State of Florida of the current prohibition on adoption by gay, lesbian, and bisexual (GLB) individuals and same-sex couples. We use data about the number of children adopted each year as a way to estimate the number of GLB individuals and same-sex couples who would be likely to serve as adoptive parents if the ban were not in place.

Prohibiting GLB individuals and same-sex couples from adopting means that 165 children must remain in foster care or must have alternative adoptive homes recruited for them.

As a result, we estimate that the ban costs the State of Florida over \$2.5 million in per year. As explained below, this estimate is conservative since some likely additional costs are difficult to quantify. In addition, because of the current prohibition on GLB individuals and same-sex couples adopting children in Florida, it is possible that more GLB individuals and same-sex couples would be interested in adopting if the ban were lifted. We estimate that if the ban were lifted, both adoption and foster care by GLB individuals and same-sex couples would increase to the average United States level, leading to 219 children being adopted, and saving the State of Florida \$3.4 million dollars in the first year.

Estimated Costs for Year 1

	<i>Estimated Cost</i>
Children Not Adopted	
Recruitment and Training of Additional Adoptive Homes	\$1.3 million
Continued Foster Care Costs	\$1.2 million
TOTAL	\$2.5 million

I. Estimated Number of Children who would be adopted by GLB Individuals and Same-Sex Couples and Costs to the State of not allowing such adoptions

To estimate the number of children impacted by prohibiting GLB individuals and same-sex couples from adopting, we rely upon data from the Florida Department of Children and Families (DCF) and the American Community Survey (2005-2007), conducted by the U.S. Census Bureau.

The state incurs costs as a result of prohibiting GLB individuals and same-sex couples from adopting because some children are not adopted as quickly from foster care, if they are adopted at all. This report focuses solely on children who are adopted from the Department of Children and Families (DCF), and it does not take into consideration children adopted in Florida through private adoption agencies.

According to figures from DCF, in fiscal year 2008 (July 2007 through June 2008), 3,765 children were adopted from DCF care.¹ On average, these adopted children were in DCF care for 26.6 months (more than 2 years) from the time of their removal to the date of adoption.² Of the children adopted in 2008, 31% were adopted by foster parents, 43% by relatives, and the remaining 26% were adopted by families who were recruited specifically to be adoptive parents. As of October 1, 2008, there were 3,452 children awaiting adoption from DCF care in Florida.³

Number of Children Impacted: To estimate the number of children in DCF care who would be adopted by GLB individuals or same-sex couples, we use data from the ACS. The ACS provides estimates of the proportion of foster care children residing with different family types: married different-sex couples, same-sex couples, unmarried different-sex couples, and single individuals.

ACS data show that 0.7% of foster children in Florida reside with same-sex couples (Table 1). Some of the single individuals who are currently foster parents are likely to be gay, lesbian or bisexual. A previous report estimated that for every foster child raised by a same-sex couple, five more are being raised by single GLB individuals.⁴ Applying this ratio to data from the ACS for foster children in Florida living with same-sex couples, we estimate that 3.5% of foster children are being raised by GLB single individuals. In total, 4.2% of foster children in Florida reside with a GLB individual or same-sex couple.

Table 1: Florida Foster Care Rates

<i>Couple Type</i>	<i>% of Foster Children Residing (Florida Estimates)</i>
Married, Different-Sex Couples	56.9%
Unmarried, Different-Sex Couples	20.3%
Same-Sex Couples	0.7%
Single Individuals	18.6%
GLB Single Individuals	3.5%

Because the ACS does not provide data about adoption rates, we assume that the same percentage of children will be adopted by GLB individuals and same-sex couples as are currently being fostered by these individuals and couples. These foster care placement figures are used to estimate the number of GLB individuals and same-sex couples who would adopt children from DCF care if the ban were not in place. Thus, allowing GLB individuals and same-sex couples to adopt children would result in an increase in the number of children adopted from DCF in Florida. In 2008, an additional 165 children would have been adopted from DCF care by GLB individuals and same-sex couples.⁵

Added Recruitment and Care Costs: Using the assumption from above, we estimate the state is caring for 165 children who would be adopted by GLB individuals or same-sex couples. The state is also incurring costs to actively recruit adopt parents for these children.

According to the Fiscal Year 2007 Florida “CFS-101, Part II: Annual Summary of Children and Family Services” report, Florida spent \$28.2 million on adoptive parent recruitment and training and adoption promotion services.⁶ In the same time period, 3,539 were adoptions finalized.⁷ Using these figures, we estimate that Florida spent approximately \$7,968 for each adoption finalized in 2007.¹ To recruit and train adoptive homes for the 165 children who cannot be adopted by same-sex couples and GLB individuals, the state spends \$1.3 million in one year.

The State of Florida must provide care for children who would have been adopted, but are not, because of the ban. Given the shortage of eligible foster parents,⁸ we assume that these children remain in their current placements for an additional year while adoptive homes are recruited and trained. Current placement rates suggest that 32.45% of children are placed in “out-of-home” foster care.⁹ We assume that 32.45% of children who are not adopted will remain in “out-of-home” care and that the remaining children are placed in congregate care facilities.

For those children who remain in “out-of-home” foster care, there are no additional costs to the State for their care. These children would receive an adoption subsidy, if adopted, that would equal the amount that the State currently pays to their foster parents for their care.

For those children who remain in congregate care facilities instead of being adopted, the State incurs additional costs. Data from the Adoption and Foster Care Analysis and Reporting System found that congregate care for one child costs the State of Florida approximately \$11,126 more per year than care in a foster home.¹⁰ Again, using current placement rates, we assume that those children not placed in foster homes will be placed in congregate care facilities; we estimate that approximately 111 children will remain in congregate care facilities. Multiplying the additional cost to the state for congregate care per child per year by this number of children, we estimate that the State would spend \$1.2 million for one year of care. We assume that these children will likely remain in congregate care for at least one year, given that the

¹ This figure was calculated by dividing the total amount spent by the State in 2007 by the total number of new foster homes in 2007.

average stay for children in foster care is 26 months for children who are adopted and 10 months for children who are reunified with their parents.¹¹

Additional Costs Associated with a Reduction in Adoptions from Foster Care: Direct care and recruitment costs are only a portion of what the State may spend on child welfare when a child remains in foster care instead of being adopted. While additional costs are more difficult to estimate, they could be substantial, suggesting that the estimates here are conservative. A recent North Carolina study has attempted to estimate these costs per child:¹²

- Court and Legal Costs: Ongoing court and related legal costs for foster children have been estimated to be \$1,000 per year.
- Multiple Placements: Foster children are often moved from one placement to another. There are costs to the state associated with such moves, although estimates are difficult to obtain.
- Administrative and Personnel Costs: \$2,000 per year per foster youth has been suggested as a conservative estimate for the salary of a caseworker, as well as the additional administrative costs borne by the department.
- Independent Living Costs: Older foster children are entitled to access special programming to assist with the transition to independent living. Using national data, a recent study suggested that these services cost approximately \$6,000 per foster child who participates from ages 14 through 21.
- Healthcare Costs: Children in foster care are very likely to utilize Medicaid services, while those who are adopted are much more likely to be covered by private health insurance. Average medical costs for a foster child are estimated to be \$1,850 per year.

Changes in Foster Care and Adoption Rates by GLB Individuals and Couples If Current Ban is Lifted

Currently, in Florida, 4.2% of foster children are living with a GLB individual or same-sex couple. We used this figure to estimate the number of children who would be adopted if the ban on adoption by homosexuals were lifted. However, if the ban is lifted, it is possible that more GLB individuals and same-sex couples would be interested in adopting. That is, the current ban deters people from serving as foster parents. National figures for foster care show that approximately 5.5% of foster children are placed with GLB individuals or same-sex couples.¹³ If we assume that these individuals and couples would serve as foster and adoptive parents at the same rate in Florida, we then estimate that 219 children would be adopted by these couples if the ban were lifted. Using the same assumptions as above to calculate the cost of recruiting new adoptive homes and providing care, the state would save \$3.4 million.

Conclusion

The current law that prohibits gay, lesbian, or bisexual individuals and same-sex couples from adopting children reduces the number of children who are adopted each year in Florida. In 2008, we estimate that 165 children would have been adopted from Florida DCF care, but were not because of the ban. Because these children remain in foster care, the State incurs a cost of \$2.5 million in one year in costs associated with continued stays in foster care and recruitment

of adoptive parents. This is a conservative figure, which assumes that fostering rates in Florida would not change as a result of the ban being lifted. However, if fostering rates in Florida rise to the national level as a result of the ban being lifted, we estimate that 219 children would be adopted, saving the state approximately \$3.4million in the one year.

¹ Office of Adoption and Child Protection, Annual Report 2008, pg 21, <http://www.flgov.com/pdfs/ChildAdvocacy/oacpannualreport2008.pdf>

² Office of Adoption and Child Protection, Annual Report 2008, pg 22, <http://www.flgov.com/pdfs/ChildAdvocacy/oacpannualreport2008.pdf>.

³ Office of Adoption and Child Protection, Annual Report 2008, pg 23, <http://www.flgov.com/pdfs/ChildAdvocacy/oacpannualreport2008.pdf>.

⁴ Gary J. Gates, M.V. Lee Badgett, Jennifer Ehrle Macomber, and Kate Chambers. "Adoption and Foster Care by Gay and Lesbian Parents in the United States," *The Williams Institute* and *The Williams Institute*, March 2007, <http://www.law.ucla.edu/williamsinstitute/publications/FinalAdoptionReport.pdf>.

⁵ This figure assumes that the children adopted in 2008 (3,765) are 95.8% of the total number of children who would be adopted if all individuals and families were eligible. We then take 4.2% of that figure to calculate the number of children who would be adopted by GLB people or couples.

⁶ Florida "2006-2007 Annual Progress and Services Report," http://basis.caliber.com/cwig/ws/cwmd/docs/cb_web/SearchForm.

⁷ http://www.dcf.state.fl.us/news/GovCristPraisesHistoricYearforAdoptions_070108.shtml

⁸ Florida Department of Children and Families, Office of Child Welfare and Community-Based Care, "Trends in Licensed Out-of-Home Care," February 2005, pg 3, <http://www.dcf.state.fl.us/publications/fsp/overunder/overunder205.pdf>.

⁹ Florida Department of Children and Families (DCF), "DCF Quick Facts," October 20, 2008, pg 21, <http://www.dcf.state.fl.us/publications/docs/quickfacts.pdf>.

¹⁰ Gates, Gary J., M.V. Lee Badgett, Jennifer Ehrle Macomber, and Kate Chambers. "Adoption and Foster Care by Gay and Lesbian Parents in the United States," *The Williams Institute*, March 2007, <http://www.law.ucla.edu/williamsinstitute/publications/FinalAdoptionReport.pdf>.

¹¹ Florida Department of Children and Families, CBC Performance on Federal Performance Measures, "Median Length of Stay for Children Adopted (C2.2)" and "Median Length of Stay for Children Reunified (C1.2)," 2nd Quarter FY 2009, <http://centerforchildwelfare.fmhi.usf.edu/kb/default.aspx>.

¹² For an in depth description and analysis of these additional costs, see Richard P. Barth, Chung Kwon Lee, Judith Wildfire, and Shenyang Guo. "A comparison of the governmental costs of long-term foster care and adoption." *Social Service Review* March 2006, 143.

¹³ Goldberg, Naomi G. and M.V. Lee Badgett. "Kentucky Foster Care/Adoption Ban Cost Estimate." *The Williams Institute*, February 2009, http://www.law.ucla.edu/williamsinstitute/pdf/Kentucky_SB68CostEstimate.pdf