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Interim Select Committee on Child Welfare and Foster Care

78th Legislature

Adoption of Minority Children

I am Scott McCown and I am testifying on behalf of the Center for Public Policy Priorities. The center has long been concerned about child well-being, and is the home of the Texas KIDS COUNT Project. In addition to my work at the center, I have significant field experience. For fourteen years I heard child abuse cases as a district judge. I heard some 2,000 cases concerning some 4,000 children. Though I have retired as a judge, I remain a member of the National Council of Juvenile and Family Court Judges and a member of the Texas Supreme Court Task Force on Foster Care.

In 1994, Congress enacted the Multi-Ethnic Placement Act (MEPA), which prohibits states from delaying or denying adoption placements on the basis of race or ethnicity, but which allowed consideration of race and ethnicity in making placement decisions. In 1996, Congress amended the MEPA through the Inter-Ethnic Placement Provisions to repeal the MEPA provision that permitted routine consideration of race and ethnicity.

Texas Family Code § 162.015 and § 162.308 also prohibit discrimination. Under these provisions, the state may not deny, delay, or otherwise discriminate on the basis of race or ethnicity in adoptions.

Under federal and state law, the state may make special efforts to recruit minority families, and Texas does work to recruit minority families as prospective adoptive parents.

Both federal and state law do allow taking race or ethnicity into account in the limited circumstances where an independent psychological evaluation of a specific child indicates that placement with a family of a particular race or ethnicity would be detrimental to the child. This is a very seldom invoked exception. Where it might apply is in the case of an older teenager who was adamant about wanting to be adopted by parents of the same race or ethnicity of the child.

Texas works hard to ensure the timely adoption of all children, including minority children. Since the passage by Congress of the Adoption and Safe Families Act of 1997 (ASFA), Texas has significantly increased the number of adoptions. According to a national study conducted by *Fostering Results* of the Children and Family Research Center at the School of Social Work at the University of Illinois at Urbana-Champaign, Texas doubled its adoption performance by 1999 with a 163% increase over its baseline average. Texas ranks 15th best in the country and 2nd best among the large states. We attach a copy of this report, which discusses the problem from a national perspective.

While Texas has done well, continuing to improve will be difficult for the following reasons:

Before the big push to implement ASFA, Texas had a backlog of children from which to draw for placements. After the big push, many hard-to-place children remained, and this pool of hard-to-place children will continue to grow. We must address the problem of hard-to-place children. Increasing the amount of the adoption subsidy is part of the solution. Keeping the subsidy low to save dollars is not cost effective because the state must continue to pay for foster care. As long as the amount of the subsidy is no more than the amount of the foster care subsidy, the state at least breaks even.

Before the big push, Texas had an inventory of foster homes ready and willing to adopt. After the big push, many of those foster homes had adopted and were therefore closed to more children. About two-thirds of all adoptions are by a foster family. We must therefore constantly recruit new foster parents to replace those lost to adoption. Additional funds need to be spent on community outreach for adoptive parents.

To continue consummating adoptions, the state must annually increase the amount budgeted for subsidies. As adoptions are consummated, subsidy dollars are then committed until the child turns eighteen. To consummate additional adoptions, we need additional subsidy dollars. Of course, as children turn eighteen, the dollars supporting their adoption become available to support a new adoption, but the number of children turning eighteen in any year will always be much smaller than the growing number of children awaiting placement.

As the chart below shows, the state's performance with regard to adoptions is improving in terms of raw numbers, but the number of adoptions as a percent of the children awaiting placement is beginning to decline. (For example: the number of consummated adoptions in 2000 divided by number of children awaiting placement at end of 1999 yields 86%.)

In other words, the state is doing better and better, but the backlog of children awaiting adoption is getting worse and worse because children are coming in the front door faster than they are going out the back door. The state must continually improve its performance to ensure the timely adoption of children.

	Consummated adoptions	Children awaiting placement at end of fiscal year	Consummated adoptions as a percent of children awaiting placement at the end of the previous fiscal year
1992	541		
1993	657		
1994	747		
1995	804		
1996	746		
1997	1,091		
1998	1,548		
1999	2,054	2,402	
2000	2,063	2,933	86%
2001	2,261	3,183	77%
2002	2,248	3,473	71%
2003	2,444	3,766	70%

Only with significant legislative commitment to funding can Texas maintain its impressive adoption performance. We appreciate your attention to this important issue.

Respectfully submitted,

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