



Permanency and Adoption in Time of Crisis:

Ensuring Children Find Forever Families

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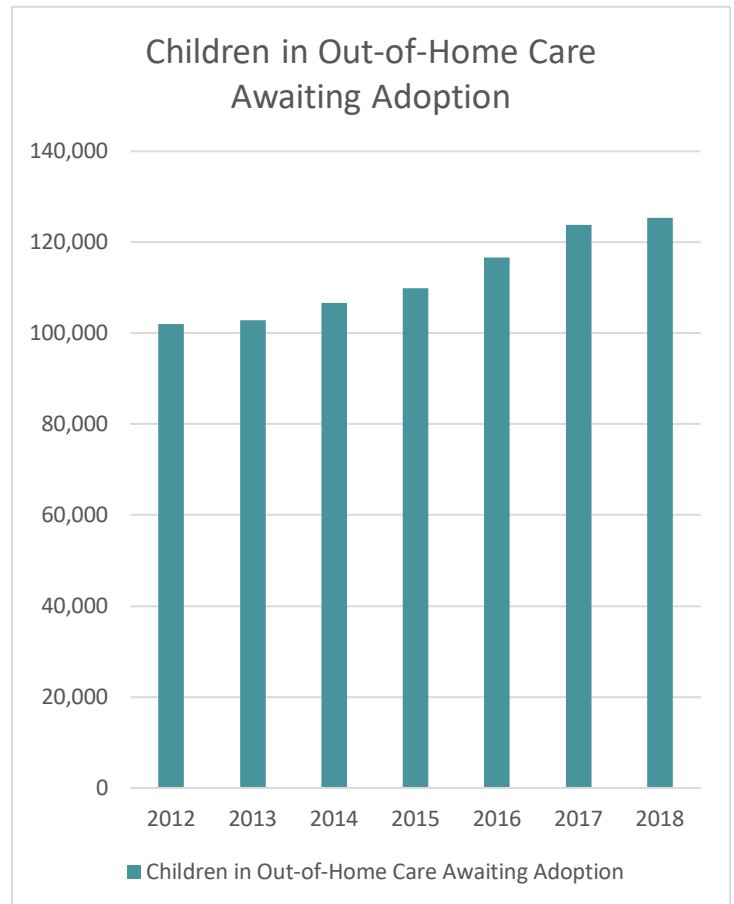
The purpose of this brief is to help courts manage permanency and adoption during and after the pandemic.

Issues Occasioned by the Pandemic

While courts continue to adjust in the time of COVID, there are children in foster care who continue to wait for their "forever families." Delay in adoptions has recently been called "[an ignored issue in child welfare](#)." Some were waiting even before the pandemic but the pandemic has exacerbated adoption delays. Without achieving permanency through a decree of adoption, these children are at risk of aging out of the system. and losing access to benefits that can help them transition to adulthood. This is why courts around the country are prioritizing adoptions during the pandemic. Through creativity, virtual processes and collaborations, courts are finding permanent families for children in care and guiding their cases towards permanency.

Worrisome Data Trends

Of the 437,300 children in out of home care at the end of FY 2018, almost 30% were waiting to be adopted.¹ The number of children awaiting adoption out of foster care nationwide has risen every year since 2012.²



¹ [Annie E. Casey Foundation Kids Count Data Center](#)

² Ibid

What Courts Can Do

A child in foster care achieves permanency only when the permanent plan is implemented, and the court enters an order through reunification, adoption, or guardianship. State and local courts should examine their data on children awaiting adoption to ensure that permanency is not delayed a day longer than necessary. Court solutions include the following:

Develop Virtual Processes to Finalize Adoptions

Friends and family who might not have been able to attend in person can observe the hearing and join in celebrating. Los Angeles established a [procedure to finalize uncontested adoptions](#) without court appearance.

Identify Sources of Delay

New York's Court Improvement and the New York State Office of Children and Family Services (OCFS) hypothesized that systems were unwittingly adding time to permanency for children and youth through processes, policies and everyday activities. Through the "Lean" process, NYCIP and OCFS engage in local efforts to explore where there may be greater efficiencies in expediting permanency. "Lean" originated in Japanese manufacturing as a means of eliminating waste, making obvious what adds value by reducing everything else. Through this joint effort, New York State works to improve timeliness to permanency and has shown demonstrable increases in the numbers of children reaching permanency through adoption in the pilot jurisdictions.

Where are the "bottlenecks" in your system?
*Background checks? Drafting adoption reports?
Getting new legal counsel involved?*

Ensure that Judicial Oversight Over Timely Permanency for the Child Continues Through to Completion of the Adoption

Inquire into the specific reasons for any delay in specific cases and craft orders to address the problems. Consider setting an interim progress report by virtual hearing or paper review to advance the case. Consider whether a "no reasonable efforts" to achieve timely permanency finding (or the threat of one) is warranted.

Collaborate to Develop Systemic Solutions

If your jurisdiction has an adoptions backlog, make tackling it a priority for your local multidisciplinary child welfare collaboration.³ The Administration for Children and Families (ACF) initiative [ALL-IN Foster Adoption Challenge](#) is an effort to build partnerships to further the goal of finding permanent homes for the children awaiting adoption. The ALL-IN website includes a page on [court initiatives around the country](#) that are making finding "forever families" and completing adoptions a high priority during the pandemic.

³ Much has been written about the importance of judicial leadership in creating and sustaining local and state child welfare collaborations with child welfare agencies and other stakeholders. See, e.g., the [Enhanced Resource Guidelines](#) to improve court practice in child abuse and neglect cases of the National Council of Juvenile and Family Court Judges, p.p. 30-33 and references cited therein.