

Testing the Effect of Fast-Track Adoption Policy on Adoption Rates

The context

Typically, when a child enters foster care, the state must first make reasonable efforts to reunify the child with his or her family; only after making this effort may the state move to terminate parental rights (TPR), a key step in the adoption process. To expedite permanency for children who cannot return home safely, federal statute lays out eight specific criteria that permit TPR. The first seven, commonly known as “fast track” criteria, pertain to egregious behavior on the part parents that releases states from the obligation to work toward reunification. The eighth pertains to time; if a child has been in foster care for 15 out of 22 consecutive months, the state may initiate TPR. States have the discretion to build on this framework. In fact, states vary considerably in the number of codified fast-track criteria and the timeframe after which child welfare workers may begin the TPR process (Vesneski, 2011).

States craft their adoption policies based on the assumption that a certain combination of criteria and timelines will shorten the time to adoption when that is the appropriate permanency goal; however, this hypothesis has not been tested. The present study attempts to fill that gap by examining whether differences in state adoption policy explain state-to-state differences in the rate of adoption.

The questions

Specifically we asked: (1) Do states that have more “fast track” exceptions to the reasonable reunification efforts mandate have higher rates of adoption than states with fewer codified exceptions? (2) Do states that have shorter mandated TPR timeframes have higher rates of adoption than states that allow more time before initiating termination of parental rights?

The analysis

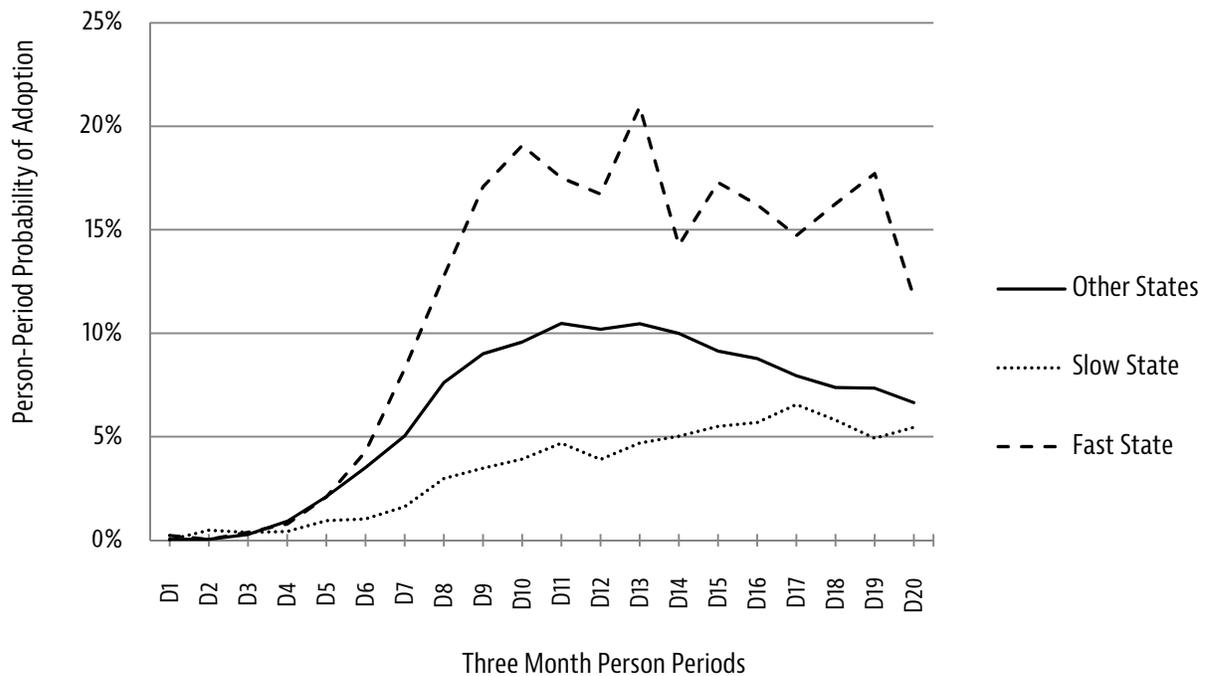
We used Vesneski’s (2011) techniques to classify state adoption policies along two dimensions. The first reflects the state’s codified “fast track” criteria; states with more “fast track” exceptions—particularly as they pertain to issues of parental fitness and harm to children—are classified as having a “strong” adoption policy; states with fewer criteria are classified as having weaker policies. The second attribute captures the state’s approach to TPR timeframes; states are classified as either holding to the federal 15/22 provision or permitting a timeline that is shorter (i.e., faster) than the federal guideline. (For more on these methods, see Vesneski (2011)).

Then, we used data from Chapin Hall’s Multistate Foster Care Data Archive (FCDA) to calculate each state’s person-period adoption rate. The population included 214,286 children from twenty states who entered foster care for the first time between 2006 and 2007 and we observed their outcomes through December 31, 2011. A discrete-time hazard model measured the likelihood of exiting to adoption at successive intervals over the course of a child’s foster care spell and controlled for child-, placement-, and county-level influences on the adoption rate. (For more detail on the statistical model, see Wulczyn et al. (forthcoming)).

The findings

Of the twenty states in the study, fifteen had eleven or more “fast track” exceptions listed in their state adoption policies; five of these listed as many as eighteen to twenty. With respect to length of stay, most states adopted the 15/22 timeline found in federal statute. Six states adopted a stricter (i.e., shorter) timeframe.

Of all the children studied, almost one in five were adopted (19%); however, the speed and likelihood of adoption varied from state to state. The graph below shows the adoption rate for the fastest state, the slowest state, and the remainder of the states in the study to illustrate just how different state adoption rates are. Each mark on the x-axis represents a three-month period of time in foster care. The solid line shows that typically, few adoptions occur within the first year of a child’s admission to foster care (D1 – D4), which is as expected because of states’ obligation to first pursue reunification. This general pattern is true regardless of whether the state has a fast or slow adoption rate.



After that first year, states begin to differentiate. For example, in the state with the fastest adoption rate, we can see that the pace of adoption picks up earlier (closer to month twelve); in the slowest state, the pace increases much later and is less pronounced. In the fast state, the majority of adoptions happen in the first three and a half years, after which the likelihood of adoption tapers off. In the slow state, the likelihood of adoption is still increasing after five years.

Given that adoption rates vary so widely from place to place, the central question is whether state policy variation explains those observed differences. Our statistical model revealed that states with more “fast track” exceptions did not have faster adoptions than those that had fewer. Similarly, states with more stringent length-of-stay standards (i.e., shorter timeframes than the federal policy) did not finalize adoptions any faster than states with longer timelines.

The implications

The desire to expedite adoptions is rooted in research indicating that quicker permanency is associated with better outcomes for children. When it becomes clear that a child cannot be reunified safely, adoption can provide a permanent solution, and it should happen quickly, provided the rights of parents are properly adjudicated. States have crafted “fast track” exceptions and TPR timelines with an eye toward moving that process along.

However, the results of our analysis suggest that, for the most part, those policy designs do not lead to their intended outcomes. There are several reasons why this might be, one of which has to do with the role of TPR in the broader adoption process. Terminating parental rights is but one step that a state must take to discharge a child to adoption; the agency must also find an adoptive home for that child and move through related legal processes before the adoption can be finalized. Speeding up the TPR process, alone, would not necessarily influence the efficiency of those activities. Adoption, like any investment in permanency, requires a variety of resources; targeting adoption policy through the use of “fast track” and timing provisions without providing the resources to support other necessary elements of the process can lead to the results described above.

References

Vesneski, W. (2011). State Law and the Termination of Parental Rights. *Family Court Review*, 49, 364–378.

Wulczyn, F.; Vesneski, W., Huhr, S., Monahan-Price, K., Martinez, Z.; Verhulst, C., & Weiss, A. (forthcoming). *The value added impact of fast-track adoption policy on adoption rates.*